
ORDINARY COUNCIL MEETING

**MINUTES OF PROCEEDINGS OF THE ORDINARY MEETING OF THE
TOWNSVILLE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, 103 WALKER
STREET ON TUESDAY 27 MARCH 2012 COMMENCING AT 9.00AM**

PRESENT: The Mayor, Councillor L Tyrell, Chair
Councillor B Hewett
Councillor A Parsons
Councillor J Lane
Councillor T Roberts
Councillor V Veitch
Councillor N Marr
Councillor D Bell
Councillor D Last
Councillor J Hill
Councillor S Blom
Councillor R Gartrell

The meeting was opened with prayer delivered by Reverend Giles Setter of the Catholic Church - Jensen.

CONFIRMATION of MINUTES:

It was moved by Councillor V Veitch, seconded by Councillor B Hewett:

“that the Minutes of the Ordinary Meeting held on 28 February 2012 be confirmed; and that the Minutes of the Special Meeting held on 8 March 2012 be confirmed.”

CARRIED

DECLARATIONS of MATERIAL PERSONAL INTEREST and CONFLICTS OF INTEREST

1. Councillor D Bell declared a conflict of interest in regards to item 1 of the Commercial Businesses Committee Report as she is a Company Director of Coast to Country Housing Company.
2. The Mayor, Councillor L Tyrell declared a potential conflict of interest on behalf of himself and Councillors A Parsons, V Veitch, B Hewett, J Lane, R Gartrell, D Bell, N Marr, D Last and S Blom in regards to item 6 of the Planning and Economic Development Committee Report as Brazier Motti donated to the Team Tyrell election campaign.
3. The Mayor, Councillor L Tyrell declared a conflict of Interest in regards to item 9 of the Officers' Reports as he has had previous business dealings with one of the applicants.

PETITIONS

1. Councillor J Hill – Petition – Tippet Street access to Currajong School

Councillor J Hill tabled a petition from residents requesting council install a crossing in Tippet Street, near the Currajong School entry/exit, as soon as possible together with requisite safety refuges at both sides of the street. The petitioners also request that council contact the Department of Transport to provide a crossing supervisor at this location at the pertinent times of the day.

The petition was referred to the Infrastructure Services Division for consideration.

2. Councillor D Last – Two Petitions – Motorsport activities in Lou Litster Park

Councillor D Last tabled two petitions (which supplement submissions that have already been made to council) in respect of motorsport activities in Lou Litster Park on behalf of:

- a. residents of Hermit Park and Railway Estate who live close to the park; and
- b. citizens of Townsville generally.

The Petitioners request council to resolve to revoke any permits or approvals given for any motorsport activities in Lou Litster Park.

The petitions were referred to the relevant Division for consideration.

ORDINARY COUNCIL

1 Report - Infrastructure Committee - 13 March 2012

Tuesday 13 March 2012 at 9.00am

ITEMS 1 TO 9

PRESENT: Councillor B Hewett, Chair
Councillor D Bell
Councillor D Last
Councillor J Hill
The Mayor, Councillor L Tyrell
Councillor S Blom
Councillor T Roberts

OBSERVERS: Councillor R Gartrell
Councillor A Parsons
Councillor V Veitch

A OPENING of MEETING

The Chair, Councillor B Hewett declared the meeting open at 9.00 am.

B APOLOGIES and LEAVE OF ABSENCE

There were no apologies or leave of absence.

C DECLARATIONS of MATERIAL PERSONAL INTEREST and CONFLICTS OF INTEREST

There were no declarations of material personal interest or conflicts of interest.

D DEPUTATIONS

There were no deputations.

CONSTRUCTION AND MAINTENANCE

1 Construction and Maintenance - Port of Townsville Limited Pile Moorings in Ross River Associated with Townsville Recreational Boating Park

Authorised by >> Director Infrastructure Services
Date >> 23 February 2012

Executive Summary >>

This report is in regards to the pile moorings located in Ross River adjacent to the proposed Townsville Recreational Boating Park. The report discusses the future tenure of the pile moorings as the Port of Townsville Limited's wish to divest their interest in the pile moorings.

Officer's Recommendation >>

That council advise Port of Townsville Limited's (PoTL) that council declines PoTL's offer to take on the management of pile moorings in Ross River.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

2 Construction and Maintenance - Inner City Rock Slopes

Authorised by >> Director Infrastructure Services
Date >> 1 March 2012

Executive Summary >>

Council engaged the services of Coffey Geotechnical in March 2010 to assess in detail and provide solutions (including construction costings), at four separate locations identified for further analysis in the 2004 T490/3-AA Coffey Steep Slopes Hazard Report section 3.8 Inner City Rock Cuttings.

In addition, and at the request of the resident at Property No. 24250, council has engaged the services of Coffey Geotechnics to investigate and make recommendations of remedial measures for the retaining wall / slope fronting 10 to 18 Yarrowonga Drive, including cost estimates.

This report outlines the five individual reports and recommended solutions provided by Coffey Geotechnics for council's consideration and approval.

Officer's Recommendation >>

That council:

1. adopt the Inner City Rock Slopes design reports by Coffey Geotechnics;
2. adopt the 10 – 18 Yarrowonga Drive Rock Wall Investigations Design report by Coffey Geotechnics;
3. include the recommended solutions as detailed in the Report Information into the 10 Year Capital Works program with the priority of delivery for each solution based on the relative risk compared to the other locations listed in this agenda item; and
4. consider what remedial measures it can put in place until capital budget funds are available to complete the works.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

TECHNICAL SERVICES

3 Technical Services - Standardisation of School Zone Times

Authorised by >> Director Infrastructure Services
Date >> 29 February 2012

Executive Summary >>

The State Government issued a media release dated 10 November 2011 from the Deputy Premier, Treasurer and Minister for State Development and Trade, The Honourable Andrew Fraser in relation to standardising school zone times throughout the state.

The State Government's announcement on school zones represents a significant change in the way these facilities are provided and the hours the school zone times are to operate. Strict timelines have been set for local governments across the state to implement these changes. This report outlines the implication for motorists in relation to required changes and the likely financial costs to council.

Officer's Recommendation >>

That council:

1. endorse the actions of council officers to adopt, as a standard, the uniform school zone times of 8:00am - 9:00am, and 2:30pm - 3:30pm on school days; and
2. approve \$5000 expenditure to date in the current financial year (2011/12).

Committee Recommendation >>

That the Officer's Recommendation be adopted.

4 Technical Services - Hyde Park Local Traffic Management Review

Authorised by >> Director Infrastructure Services
Date >> 27 February 2012

Executive Summary >>

At its meeting on 24 May 2011 council requested a review on traffic management for the area bounded by Park Lane, Bayswater Road, Charters Towers Road and Woolcock Street.

This report considers a variety of traffic management measures aimed at reducing perceived adverse impacts on residents caused by vehicles using the local streets through the area.

Officer's Recommendation >>

That council:

1. not undertake any traffic management measures within the defined area of Hyde Park at this stage,
2. obtain and review new traffic counts on traffic volumes and vehicle speeds in Park Lane, Oxford Street, Regent Street, and Clarendon Street after the proposed two developments have been operating for six months, and
3. advise residents of the findings of the traffic review and council's decision.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

Councillor R Gartrell congratulated the staff on the above item; it is much appreciated.

5 Technical Services - Outcome of Consultation Survey about the Pathway at the End of Martinez Avenue

Authorised by >> Director Infrastructure Services
Date >> 24 February 2012

Executive Summary >>

In considering a report on a petition to close a laneway off Martinez Avenue, at its 27 September 2011 meeting, council resolved to seek further specific information from the residents of Martinez Avenue.

This report discusses the outcome of the questionnaire sent to residents of Martinez Avenue on their views to the request by some residents to close the walkway towards the eastern end of the street that links to Woolcock Street.

Officer's Recommendation >>

That council advise the residents of Martinez Avenue that closing the walkway at the eastern end of Martinez Avenue with fencing and gates (with key access for residents), is not supported by council because of the community benefit walkways provide for public access as well as providing corridors for utility services and/or forming part of overland flow paths.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

6 Technical Services - Petition - Line Marking on Gulliver Street at Healy Street, Harding Avenue and Buna Avenue

Authorised by >> Director Infrastructure Services
Date >> 24 February 2012

Executive Summary >>

Council has received a petition consisting of 60 signatures by residents and property owners of Mundingburra with the claim that drivers are confused about the new line marking on Gulliver Street, at the Healy Street, Harding Avenue and Buna Avenue T intersections, and requesting for the line marking to be removed.

Officer's Recommendation >>

That council advise the petition organiser the painted median marking along Gulliver Street, across the T intersections of Buna Avenue, Harding Avenue and Healey Street, will be modified to the layout that existed before the upgrading of Gulliver Street.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

Councillor R Gartrell congratulated the staff on the review and appropriate recommendation with regards to the above item.

7 Technical Services - Glendale Drive Floodway Signals Extension

Authorised by >> Director Infrastructure Services
Date >> 24 February 2012

Executive Summary >>

Glendale Drive is a residential street servicing a significant proportion of the northern part of the suburb of Annandale, with a floodway near its northern end. Glendale Drive floodway is impassable to vehicle traffic after small storms, in the vicinity of a one year Average Return Interval (ARI) storm. The existing floodway warning system is static signage mounted with flashing lights (*Figure 1* attached to the agenda item), located less than 100m from the floodway itself. Council has received several requests to install additional signage at locations to give advance warning that the floodway is closed, minimising inconvenience and congestion near the floodway.

Consultant engineers GHD were commissioned to prepare a scoping report to look at the current system and make recommendations on upgrading the warning system to include additional advance warning signage.

The agenda item outlines the findings and recommendations of the GHD report.

Officer's Recommendation >>

1. That council upgrade the existing signalling system at Glendale Drive floodway to a wireless STREAMS network and install Variable Message Signage at three sites.
2. That council consider a future budget allocation of \$180,000 to upgrade the safety of the current system and install advance warning signage at three locations.
3. That the design for the new signal upgrade be funded from the 2011/12 consultancy budget in the Investigations Section, for an estimated cost of \$20,000.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

8 Technical Services - Unauthorised Works in Road Reserve Policy and Procedure

Authorised by >> Director Infrastructure Services
Date >> 27 February 2012

Executive Summary >>

Under the *Local Government Act 2009*, council is responsible for the management of road reserves. This policy and procedure outlines council's process for dealing with unauthorised works that have been carried out within the road reserve.

Officer's Recommendation >>

That council adopt the Unauthorised Works in Road Reserve Policy and Procedure attached below.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

POLICY
INFRASTRUCTURE SERVICES
TECHNICAL SERVICES



UNAUTHORISED WORKS IN ROAD RESERVES POLICY >>

1. POLICY STATEMENT >>

Townsville City Council recognises that there are a number of unauthorised works carried out in road reserves across the local government area. Only a limited number of these unauthorised works cause concerns. Council will act in response to enquiries that demonstrate the unauthorised works have the capacity to contribute to the loss or damage of property (including council property) or which causes a road safety hazard.

2. PRINCIPLES >>

Council is committed to ensuring that unauthorised works in road reserves that have been identified as either possessing the capacity to contribute to the loss or damage of property (including council property) or which causes a road safety hazard, are removed or rectified by the land owner(s) and/or person who carried out the unauthorised works that are contributing to the loss, damage or hazard.

3. SCOPE >>

This policy applies to land owner(s) and/or the person who carried out unauthorised works on any road reserve under council's control within the Townsville local government area.

4. RESPONSIBILITY >>

The Director Infrastructure Services, Executive Manager Technical Services and Manager Engineering Services are responsible for ensuring that this policy is understood and adhered to.

5. DEFINITIONS >>

Council standards - any drawing or conditions stated in the Road Works Permit issued by council.

Road reserve - an area of land under the council's control, dedicated, notified or declared to be a road for public use. An area may be a road reserve even though it does not need to contain a formed road. The road reserve extends from the property boundary on one side to the property boundary on the other side.

Significant and immediate risk - an imminent event that is likely to cause loss of, damage to property or create a safety hazard. For example, water is lapping at the door of a habitable building, which has been caused by the unauthorised works and there is still significant rainfall expected over the area in the next 24 hours.

Unauthorised works - works that are carried out without a permit or approval from council. This may include but not limited to driveways, retaining walls, post boxes, garden beds, trees, irrigation systems and private stormwater drainage.

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Unauthorised Works in Road Reserves Policy – Page 2 of 2

POLICY

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES



6. POLICY >>

Council will assess the risk(s) of unauthorised works which contribute to the loss or damage of property (including council property) or which cause a road safety hazard.

When Infrastructure Services staff responsible for assessing unauthorised works in road reserves believe that an item of unauthorised work in a road reserve is likely to cause loss or damage to any person or property (including council property), or cause a road safety hazard, council will direct the land owner(s) who benefit from the unauthorised works and/or the person who carried out the works to either remove or rectify the unauthorised works to council standards.

If the land owner(s) and/or the person who carried out the works without reasonable excuse do not remove or rectify the unauthorised works to council standards, council will prosecute the land owner(s) and/or the person who carried out the works under section 75(2) of the *Local Government Act 2009* and failing to comply with a compliance notice under *Local Law No.1. (Administration) 2011*.

If the risk arising from the unauthorised work is both significant and immediate, council will remove or rectify the unauthorised works and as part of the prosecution will seek to recover the cost of the removal or rectification works.

If the likelihood of loss or damage is not deemed a significant and immediate risk, council will not carry out removal or rectification works until the benefited land owner(s) and/or the person who carried out the works has been prosecuted and again failed to rectify.

7. LEGAL PARAMETERS >>

Local Government Act 2009

Local Law No. 1. (Administration) 2011

Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011

8. ASSOCIATED DOCUMENTS >>

Dealing with Unauthorised Works in the Road Reserve Procedure

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PROCEDURE
INFRASTRUCTURE SERVICES
TECHNICAL SERVICES



DEALING WITH UNAUTHORISED WORKS IN ROAD RESERVES PROCEDURE

1. PURPOSE >>

The purpose of this procedure is to provide the process for the general assessment and administration of dealing with unauthorised works in road reserves.

2. SCOPE >>

This procedure applies to all Infrastructure Services staff involved in the management of road reserves.

3. RESPONSIBILITY >>

The Director Infrastructure Services, Executive Manager Technical Services and Manager Engineering Services are responsible for ensuring that this procedure is understood and adhered to by all relevant staff across council.

4. DEFINITIONS >>

Council standards - any drawing or conditions stated in the Road Works Permit issued by council.

Enquiry - a complaint about or a request for an investigation that is lodged either by letter or email.

Habitable floors - are rooms in which people live e.g. bedrooms, kitchens and living rooms. Garages, carports, sheds, laundries and storage rooms are not considered habitable floors.

Road reserve - an area of land under the council's control, dedicated, notified or declared to be a road for public use. An area may be a road reserve even though it does not need to contain a formed road. The road reserve extends from the property boundary on one side to the property boundary on the other side.

Significant and immediate risk - an imminent event that is likely to cause loss of, damage to property or create a safety hazard. For example, water is lapping at the door of a habitable building, which has been caused by unauthorised works and there is still significant rainfall expected over the area in the next 24 hours.

Unauthorised works - any works that are carried out without permit or approval from council. This may include but not limited to driveways, retaining walls, post boxes, garden beds, trees, irrigation systems and private stormwater drainage.

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PROCEDURE
INFRASTRUCTURE SERVICES
TECHNICAL SERVICES



5. PROCEDURE >>

Council will commence an investigation into unauthorised works in a road reserve once an enquiry has been received from a member of public or council staff.

The enquiry must contain:

- photographic evidence upstream and downstream of the unauthorised works, if practicable; and
- details regarding the extent the unauthorised works contributes to the loss or damage of property (including council property) or the road safety hazard that has been created.

Once an investigation has been initiated, an assessment will be made to determine whether the unauthorised works contribute to the following:

- inundation of habitable floors;
- flooding across roadways that is likely to damage the road, cause a road safety hazard or impacts on traffic flow or traffic safety; or
- tripping hazard, obstruction or impacts on pedestrian safety in urban areas.

Council will not act in respect to the flooding of sheds or outbuildings unless there is clear evidence that the unauthorised works are the only cause of the flooding.

If the unauthorised works are found to be contributing to the loss or damage to property (including council property) as well as pose a significant and immediate risk, council will remove or rectify the unauthorised works to council standards.

If the works were carried out specifically to benefit a property or properties within the immediate vicinity of the works (for example, the installation of a driveway), Council will then prosecute the land owner(s) who benefit from the unauthorised works and/or the person who carried out the works, under section 75(2) of *Local Government Act 2009* and recover the costs of the works and associated legal costs.

If the works were not carried out specifically to benefit a property or properties within the immediate vicinity of the works (for example, the installation of telecommunication infrastructure for an area), Council will then prosecute the person who carried out the works, under section 75(2) of *Local Government Act 2009* and recover the costs of the works and associated legal costs.

If the unauthorised works are found to be contributing to the loss or damage to property (including council property) but are not a significant and immediate risk, a compliance notice will be sent to the land owner(s) who benefit from the unauthorised works and/or the person who carried out the works, to either remove the unauthorised works or rectify to council standards.

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Dealing with Unauthorised Works in Road Reserves Procedure - Page 3 of 4

PROCEDURE
INFRASTRUCTURE SERVICES
TECHNICAL SERVICES



If the direction on the compliance notice is carried out, no further action is necessary. If the direction on the compliance notice is not carried out, council will prosecute the land owner(s) who benefit from the unauthorised works and/or the person who carried out the works, under section 75(2) of *Local Government Act 2009* and seek court order to direct the land owner(s) and/or the person who carried out the works to comply with the direction on the compliance notice.

If the landowner(s) and/or the person who carried out the works still does not comply with the court order, council will send another notification that the unauthorised works will be rectified by council and that the landowner(s) and/or the person who carried out the works will be prosecuted to recover all the costs of the works and associated legal costs.

If the unauthorised works are not found to be contributing to the above loss or damage to property (including council property) but found to cause water to pond in the table drain or front of a property, a letter will be sent to the landowner(s) who benefit from the unauthorised works and/or the person who carried out the works, requesting to either remove the unauthorised works or rectify to council standards but will not be prosecuted.

If the unauthorised works are not found to be contributing to the above loss or damage to property (including council property) nor found to be causing water to pond in the table drain or front of a property, council will not further intervene in the matter and advise the person who lodged the enquiry accordingly.

6. LEGAL PARAMETERS >>

Local Government Act 2009
Local Law No. 1. (Administration) 2011
Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011

7. ASSOCIATED DOCUMENTS >>

Unauthorised Works in Road Reserves Policy
Appendix 1: Flowchart of Process for Dealing with Non-Authorised Works in the Road Reserve

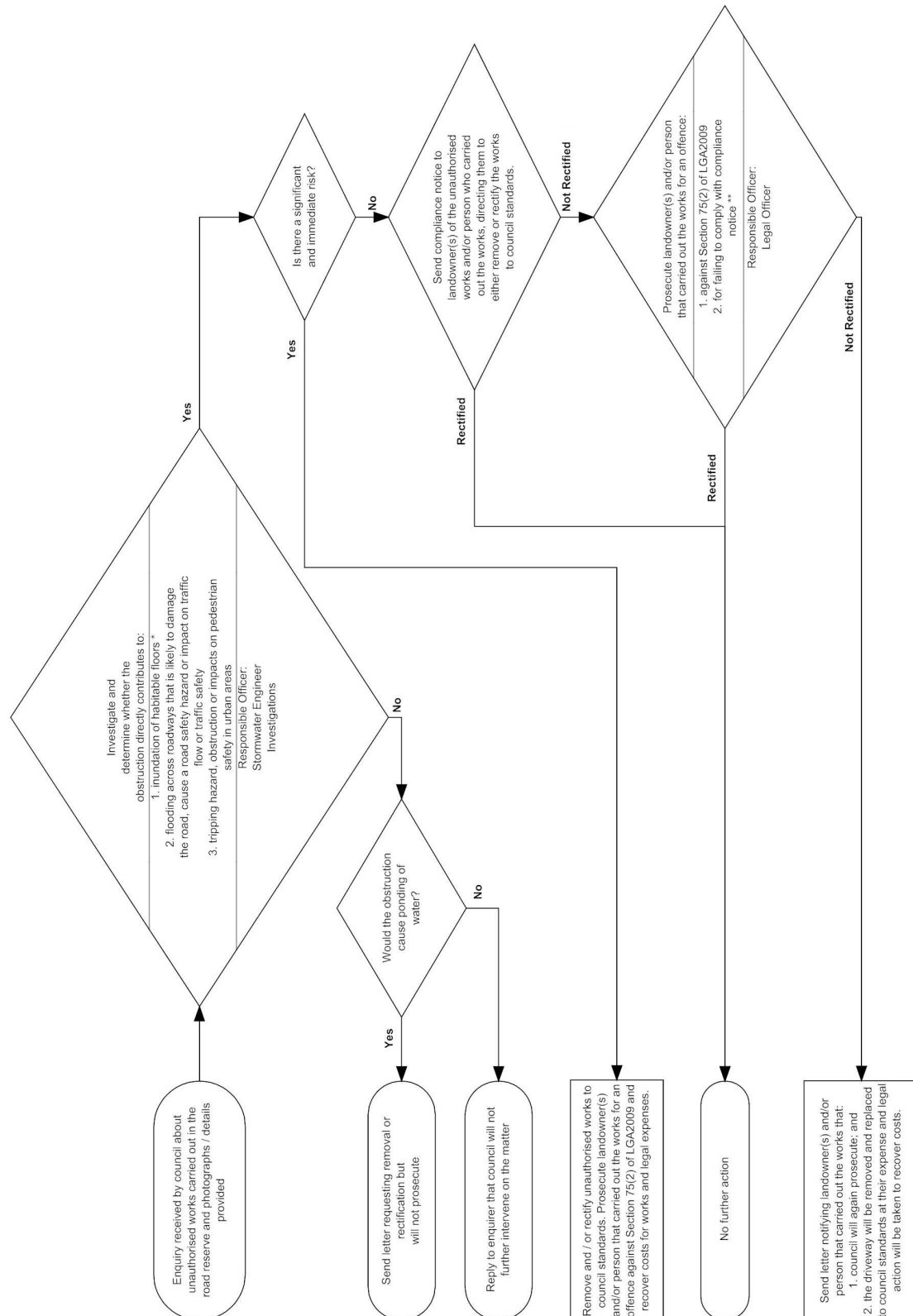
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Dealing with Unauthorised Works in Road Reserves Procedure - Page 4 of 4

Appendix 1: Flowchart of Process for Dealing with Unauthorised Works in Road Reserves



* that council will not act in respect to the flooding of sheds or outbuildings unless there is clear evidence that the unauthorised works is the only cause of the flooding.
** (under Local Law 1). As part of the prosecution seek court order directing landowner(s) to perform removal or rectification works.

9 Technical Services - Public Graffiti Management Policy

Authorised by >> Director Infrastructure Services
Date >> 01 March 2012

Executive Summary >>

Council is responsible for the removal and reporting of graffiti on council assets and other places where graffiti can be readily seen from a public place.

This policy outlines council's policy for dealing with graffiti management.

Officer's Recommendation >>

That council adopt the Public Graffiti Management Policy, attached below, and that council rescind the former City of Thuringowa Graffiti Policy and former NQ Water Graffiti Vandalism Policy.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

**INFRASTRUCTURE SERVICES
PROPERTY MANAGEMENT**



PUBLIC GRAFFITI MANAGEMENT POLICY >>

1. POLICY STATEMENT >>

Council will ensure a managed response for the removal and reporting of graffiti on council assets and other places where graffiti can be readily seen from a public place and will promote preventative strategies to minimise graffiti throughout Townsville City.

2. PRINCIPLES >>

- Council is committed to the removal of public graffiti within defined timelines;
- Council is committed to the development of preventative strategies to minimise graffiti;
- public graffiti reporting and removal will be undertaken in accordance with legislative requirements;
- Council will promote and encourage the community to assist in the removal of graffiti on private property; and
- the reporting and removal of public graffiti in Townsville will be managed in accordance with a Graffiti Management Plan.

3. SCOPE >>

This policy applies to reporting and removal of public graffiti within the City of Townsville. It applies to graffiti on council assets, assets owned by other governmental agencies and privately owned assets.

4. RESPONSIBILITY >>

The Chief Executive Officer, Executive Manager, Technical Services and Manager, Property Management are responsible for ensuring this policy is understood by relevant staff members.

Council's Technical Services Department (Property Management section) will coordinate graffiti management across all relevant council departments to ensure efficient and effective removal and reporting of graffiti.

Departmental managers and supervisors are responsible for ensuring their staff adhere to this policy.

All council staff and the public are encouraged to promptly report public graffiti.

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Public Graffiti Management Policy – Page 2 of 3

**INFRASTRUCTURE SERVICES
PROPERTY MANAGEMENT**



5. DEFINITIONS >>

Graffiti is the marking of property caused by spraying, writing, drawing, marking or otherwise applying paint or another marking substance, or scratching or etching, which has been done without the consent of the owner of the property.

Local graffiti removal officer - a person appointed as a graffiti removal officer by the Chief Executive Officer of a local government;

Public graffiti for the purposes of this policy means graffiti in a public place, or graffiti in another place but only to the extent the graffiti can readily be seen from a public place.

Staff - includes employees, contractors, volunteers and all others who perform work on behalf of council. It also includes councilors.

6. POLICY >>

This policy applies to reporting and removal of public graffiti within the City of Townsville. It applies to graffiti on council assets, assets owned by other governmental agencies and privately owned assets.

Council will:

- remove public graffiti within defined timelines in accordance with its Graffiti Management Plan and will appoint local graffiti removal officers to effect the removals;
- record and report incidences of graffiti including formal reports to the Queensland Police Service and other agencies in accordance with agreements with those bodies; and
- encourage and assist the public in the removal of graffiti on private assets that is viewable from a public space. Council may enter into agreements with individuals, businesses or organisations to facilitate the removals.

When it is appropriate to do so under the *Summary Offences (Graffiti Removal Powers Amendments Act 2008)* council may remove graffiti from property owned by someone other than a state or local government where an agreement cannot be reached and where it is appropriate to do so under the *Summary Offences (Graffiti Removal Powers) Amendment Act 2008*.

Council will promote graffiti preventative strategies including:

- providing a range of constructive alternative activities for young people based on engagement with the target group;
- providing opportunities for urban art projects;

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**INFRASTRUCTURE SERVICES
PROPERTY MANAGEMENT**



- supporting community policing strategies;
- working closely with Police on local graffiti matters; and
- use Crime Prevention Through Environmental Design (CPTED) principles when assessing planning applications to assist in the reduction of public graffiti.

7. LEGAL PARAMETERS >>

*Local Government Act 2009
Summary Offences Act 2005
Work Health and Safety Act 2011
Environmental Protection Act 1994*

8. ASSOCIATED DOCUMENTS >>

Townsville City Council Graffiti Management Plan
Queensland Police Services Report Form
Application for Authorised Persons Card Form
Instrument of Appointment Form

Councillor V Veitch complemented the staff on their response to graffiti.

E CONSIDERATION OF BUSINESS NOTIFIED BY A COUNCILLOR

There was no business notified by a Councillor.

F CONSIDERATION OF NOTIFIED MOTIONS

There were no notified motions.

G QUESTIONS/GENERAL BUSINESS

(i) Safety at roundabout located corner of Anne Street and Casey Street

Councillor D Bell referred to the issue of safety, particularly at night, at the roundabout at the intersection of Anne Street and Casey Street.

The Manager Engineering Services advised of works that have been undertaken at the abovementioned roundabout to improve safety.

(ii) Request to mow grass/remove weeds on Mt Low Parkway near North Shore Boulevard

Councillor S Blom requested that the mowing of grass/removal of weeds on Mt Low Parkway, near North Shore Boulevard, be arranged.

(iii) Request to mow grass on Harvey Range Road over Bohle Bridge

Councillor D Bell requested that the area between the road and the bikeway along Harvey Range Road, over the Bohle Bridge, be mowed.

The Chair, Councillor B Hewett declared the meeting closed at 9.36am

**COUNCILLOR B HEWETT
CHAIR**

Councillor J Hill requested that item 5 - Technical Services - Outcome of consultation survey about the pathway at the end of Martinez Avenue, be dealt with separately.

It was moved by Councillor B Hewett, seconded by Councillor D Bell:

“that items 1 to 4 and 6 to 9 of the report of the Infrastructure Committee meeting held on 13 March 2012 be received and the recommendations contained therein be adopted.”

CARRIED

Councillor J Hill moved the following motion:

“that the Martinez Avenue walkway be closed and that fencing and gates be installed with key access for residents.”

The motion lapsed for want of a seconder.

It was moved by Councillor B Hewett, seconded by Councillor S Blom:

“that item 5 of the report of the Infrastructure Committee meeting held on 13 March 2012 be received and the recommendation contained therein be adopted.”

CARRIED

Councillor J Hill requested that it be recorded in the minutes that she dissented from the above decision (with regards to item 5).

2 Report - Commercial Businesses Committee - 13 March 2012

Tuesday 13 March 2012 at 11.00am

ITEMS 1 TO 4

PRESENT: The Mayor, Councillor L Tyrell, Chair
Councillor B Hewett
Councillor A Parsons
Councillor V Veitch
Councillor D Last
Councillor R Gartrell
Councillor N Marr (as indicated)

OBSERVERS: Councillor S Blom
Councillor J Hill

A OPENING of MEETING

The Chair, the Mayor, Councillor L Tyrell declared the meeting open at 11.00am.

B APOLOGIES and LEAVE OF ABSENCE

There were no apologies or leave of absence declared.

C DECLARATIONS of MATERIAL PERSONAL INTEREST and CONFLICTS OF INTEREST

There were no declarations of Material Personal Interest and Conflicts of Interest.

D DEPUTATIONS

There were no Deputations.

COMMERCIAL PERFORMANCE

1 Commercial Businesses - Disposal of Surplus Property - Property Numbers 524856 and 521369 - 1671 and 1673 Riverway Drive

Authorised by >> Director Commercial Businesses
Date >> 2 March 2012

Executive Summary >>

The council owns two freehold houses situated at 1671 and 1673 Riverway Drive, Kelso. Until recently these houses were occupied by rangers employed at Ross River Dam and it was a job requirement that they live in these houses to respond to emergency events at the dam.

It has been determined that these properties no longer add any strategic or operational value to Townsville Water or the council and should be disposed of.

Officer's Recommendation >>

That council:

1. resolve that properties numbered 524856 and 521369 situated at 1671 and 1673 Riverway Drive have no strategic or operation value; and
2. resolve that the Chief Executive Officer be directed to sell properties numbered 524856 and 521369, situated at 1671 and 1673 Riverway Drive, on the open market.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

CONFIDENTIAL ITEMS

It was moved by Councillor B Hewett, seconded by Councillor R Gartrell:

"that the committee RESOLVE to close the meeting in accordance with sections 72(1)(c) and (e) of the *Local Government (Operations) Regulation 2010* which permits the meeting to be closed to the public for business relating to the following:

- (c) the local government's budget (item 3); and
- (e) contracts proposed to be made by it (item 2)."

CARRIED

The committee discussed the items.

It was moved by Councillor B Hewett, seconded by Councillor D Last:

"that the committee RESOLVE to open the meeting."

CARRIED

2 Wastewater Operations - T6594 - Certificate of Exemption for Magnetic Island Wastewater Treatment Plants Membrane Purchase

Authorised by >> Director Commercial Businesses
Date >> 2 March 2012

Executive Summary >>

Townsville Water's 2011/2012 wastewater capital works program includes the purchase of additional membrane capacity for our Horseshoe Bay Wastewater Recycling Facility (HBWRF) and replacement membranes for our Magnetic Island Wastewater Recycling Facility (MIWR).

The membranes used at the MIWR and the HBWRF are supplied by only one manufacturer world wide and imported by sole Australian distributor, Aquatec-Maxcon.

Wastewater Operations are seeking approval of a Certificate of Exemption in order to facilitate this purchase in accordance with the *Local Government (Finance, Plans, & Reporting) Regulation 2010 section 184(a) Sole Supplier*.

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 (9) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council resolve that it is satisfied that there is only one supplier who is reasonably available (for the purchase of membrane modules and membrane sheets) in accordance with the *Local Government (Finance, Plans & Reporting) Regulation 2010, section 184(a)*.
3. That council approve the purchase of six complete Kubota membrane modules from Aquatec-Maxcon for Horseshoe Bay Wastewater Recycling Facility at a total cost of \$131,714 (including GST) and six hundred replacement membrane sheets for Magnetic Island Wastewater Recycling Facility at a total cost of \$69,300 (including GST).
4. That council approve future purchases of Kubota membranes and membrane modules for Horseshoe Bay Wastewater Recycling Facility and Magnetic Island Wastewater Recycling Facility based on the resolution made regarding recommendation two of this report.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

Councillor N Marr entered the chamber during the following item.

3 Commercial Businesses - Monthly Report Card - February 2012

Authorised by >> Director Commercial Businesses
Date >> 24 February 2012

Executive Summary >>

Commercial Businesses monthly report card containing year to date operating results for 2011/12 is submitted for the month of February 2012.

Officer's Recommendation >>

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (9) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council note the report card from Commercial Businesses for the month of February 2012.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

4 Presentation - Townsville Waste Services Defence Tender Briefing

Authorised by >> Director Commercial Businesses
Date >> 13 March 2012

Executive Summary >>

The Executive Manager Utility Services, briefed the committee on the Townsville Waste Services Defence Tender. Mr G Ewart acknowledged the quality of the tender that the Manager Commercial Performance and his team had prepared for submission.

Committee Recommendation >>

That the presentation on the Townsville Waste Services Defence Tender be received.

E CONSIDERATION OF BUSINESS NOTIFIED BY A COUNCILLOR

There was no business notified by a Councillor.

F CONSIDERATION OF NOTIFIED MOTIONS

There were no notified motions.

G QUESTIONS/GENERAL BUSINESS

There were no questions or general business items.

The Chair, the Mayor, Councillor L Tyrell declared the meeting closed at 11.28am.

**THE MAYOR, COUNCILLOR L TYRELL
CHAIR**

In accordance with section 173 of the *Local Government Act 2009*, Councillor D Bell declared a real conflict of interest in regards to item 1 of the Commercial Businesses Committee report.

- (a) *the nature of the conflict of interest as described by the Councillor:*
Councillor D Bell is a Company Director of Coast to Country Housing Company.
- (b) *how the Councillor dealt with the real conflict of interest:*
Councillor D Bell determined that she had a real conflict of interest and left the meeting and did not participate in debate or voting on the matter.
- (c) *if the Councillor voted on the matter - how the Councillor voted:*
Councillor D Bell vacated the meeting during discussion and voting on item 1 of the Commercial Businesses Committee report.
- (d) *how the majority of Councillors who were entitled to vote at the meeting voted on the matter:*
The majority of Councillors voted as per the decision outlined below.

Councillor J Hill requested that item 1 - Commercial Businesses - Disposal of Surplus Property - Property Numbers 524856 and 521369 - 1671 and 1673 Riverway Drive, be dealt with separately.

It was moved by the Mayor, Councillor L Tyrell, seconded by Councillor V Veitch:

“that items 2 to 4 of the report of the Commercial Businesses Committee meeting held on 13 March 2012 be received and the recommendations contained therein be adopted.”

CARRIED

It was moved by Councillor J Hill, seconded by Councillor N Marr:

“that item 1 of the report of the Commercial Businesses Committee meeting held on 13 March 2012 be received and that council enter into discussions with the Department of Communities to investigate opportunities for property number 521369, located at 1673 Riverway Drive, to be made available (to a family left homeless as a result of the recent Tornado).”

CARRIED

3 Report - Planning and Economic Development Committee - 14 March 2012

Wednesday 14 March 2012 at 9.00am

ITEMS 1 TO 9

PRESENT: The Mayor, Councillor L Tyrell, Chair
Councillor A Parsons
Councillor V Veitch
Councillor B Hewett
Councillor J Lane
Councillor R Gartrell
Councillor D Bell

OBSERVERS: Councillor N Marr
Councillor S Blom

A OPENING of MEETING

The Chair, Councillor L Tyrell, declared the meeting open at 9.00 am.

B APOLOGIES and LEAVE OF ABSENCE

There were no apologies or leave of absences.

C DECLARATIONS of MATERIAL PERSONAL INTEREST or CONFLICTS OF INTEREST

1. The Mayor, Councillor L Tyrell declared a potential conflict of interest on behalf of himself, Councillors A Parsons, V Veitch, B Hewett, J Lane, R Gartrell and D Bell in regards to item 6 on the Planning and Economic Development Committee Report as Brazier Motti donated to the Team Tyrell election campaign.

D DEPUTATIONS

There were no Deputations.

ADMINISTRATIVE GOVERNANCE UNIT

1 Administrative Governance Unit: Outcome of Planning and Environment Court Appeal No. 1011/10 Insight Commercial Park Pty Ltd -v- TCC and DTMR, AP10/0007, 547, 563 and 587 Woolcock Street, Mount Louisa

Authorised by >> Director Planning and Development
Date >> 6 February 2012

Executive Summary >>

1 April 2010, an Appeal was lodged with the Planning and Environment Court against a deemed refusal of a Development Permit (MI09/0033) for Offices (Tenancies 9,10,25,27,28,29 & 30) at 547 – 587 Woolcock Street, Mount Louisa. Land more particularly described as part Lot 1 on SP206727.

The appellant filed a Notice of Discontinuance in the Planning and Environment Court on 31 January 2012 discontinuing the whole of the proceedings against the respondent and co-respondent. This matter is now at end.

Officer's Recommendation >>

That council receive this report.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

2 Administrative Governance Unit: New Appeal lodged by Coles Group Property Developments Ltd -v- TCC and DTMR, Planning and Environment Court Appeal No. 284/12, AP11/0002, Cnr Thuringowa Drive and Greenwood Drive, Kirwan

Authorised by >> Director Planning and Development
Date >> 14 February 2012

Executive Summary >>

A Notice of Appeal was filed by Coles Group Property Developments Ltd against the decision of the co-respondent (Department of Transport and Main Roads - (DTMR)) to require certain conditions, set out in a referral agency response in council's decision notice for material change of use of premises for Major Shopping Centre (Greenwood Shopping and Commercial Area Stage 1 (Supermarket-based Shopping Centre) and Stage 2 (Service Station and Shop) in respect of land situated at Thuringowa and Greenwood Drives, Kirwan.

Officer's Recommendation >>

That council resolve to:

1. defend the Planning and Environment Court Appeal No. 4580/11; and
2. delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, out of court, in the event that a mutually acceptable settlement emerges relating to the above matter.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

3 Administrative Governance Unit: New Appeal Lodged by Duckworth Nominees Pty Ltd v TCC & Wagners Properties Pty Ltd, Planning and Environment Court No. 30/12, AP12/0003, 315-343 Dalrymple Road, Garbutt

Authorised by >> Director Planning and Development
Date >> 14 February 2012

Executive Summary >>

A Notice of Appeal was filed by Duckworth Nominees Pty Ltd (submitter) in the Planning and Environment Court in Townsville on 6 February 2012 against council's decision to approve the co-respondent's development application for Development Permit - Material Change of Use (Impact) (MI10/0040) Preliminary Approval to Affect the Planning Scheme in accordance with Section 242 of the Sustainable Planning Act 2009 to facilitate Use Rights in accordance with the Business and Industry Precinct and Green Space Precinct at 315 - 343 Dalrymple Road, Garbutt.

Officer's Recommendation >>

That council resolve to:

1. defend the Planning and Environment Court No. 30 of 2012; and
2. delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, out of court, in the event that a mutually acceptable settlement emerges relating to the above matter.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

4 Administrative Governance Unit: New Appeal Lodged by Bunnings Group Ltd v TCC & Wagners Properties Pty Ltd, Planning and Environment Court No. 30/12, AP12/0003, 315-343 Dalrymple Road, Garbutt

Authorised by >> Director Planning and Development
Date >> 20 February 2012

Executive Summary >>

A Notice of Appeal was filed by Bunning Group Ltd (submitter) in the Planning and Environment Court in Townsville on 7 February 2012 against council's decision to approve the co-respondent's development application for Development Permit - Material Change of Use (Impact) (MI10/0040) Preliminary Approval to Affect the Planning Scheme in accordance with Section 242 of the *Sustainable Planning Act 2009* to facilitate Use Rights in accordance with the Business and Industry Precinct and Green Space Precinct at 315 - 343 Dalrymple Road, Garbutt.

Officer's Recommendation >>

That council resolve to:

1. defend the Planning and Environment Court No. 30 of 2012; and
2. delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, out of court, in the event that a mutually acceptable settlement emerges relating to the above matter.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

CITY PLAN UNIT

5 City Plan Unit - Future Amendment 398 - Update Business and Industry Precinct in District Code 3 - Townsville North in the City Plan 2005 - Recommendation to Adopt with a change

Authorised by >> Director Planning and Development
Date >> 16 January 2012

Executive Summary >>

It is proposed to adopt the major amendment to council's City Plan 2005, to include additional criteria within the planning intent of the Business and Industry Precinct of District Code 3 - Townsville North and insert a 'Shop' as an inconsistent use.

The amendment is proposed to reduce the opportunities for the establishment of uses which do not relate to, or align with, the intent of the Business and Industry Precinct.

Officer's Recommendation >>

That council resolve:

- 1 pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, section 5, Part 2 of the *Sustainable Planning Regulation 2009*, and the *Statutory Guideline 01/12 Making and amending local planning instruments*, adopt the major amendment (with the additional change requested by the State) to council's City Plan 2005 to include additional criteria within the planning intent of the Business and Industry Precinct of District Code 3 - Townsville North and inserting a 'Shop' as an inconsistent use.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

In accordance with Section 173 of the *Local Government Act 2009*, the Mayor, Councillor L Tyrell declared a perceived conflict of interest in regards to item 6 of the Planning and Economic Development Committee Report.

- (a) *the name of the councillors who have the real or perceived conflict of interest:*
the Mayor, Councillor L Tyrell declared the perceived conflict of interest on behalf of himself and Councillors D Bell, R Gartrell, B Hewett, J Lane, A Parsons, and V Veitch in regards to item 6.
- (b) *the nature of the conflict of interest as described by the Councillors:*
Brazier Motti donated to the (Team Tyrell) 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 proposed to exclude themselves from the meeting throughout consideration of Item 6, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the *Local Government Act 2009*, remained in the meeting and participated in the discussion about and voting upon the item.
- (d) *if the Councillors voted on the issue – how the Councillor voted:*
The Councillors voted as per the Officer's Recommendation.
- (e) *how the majority of persons who were entitled to vote at the meeting voted on the matter.*
The majority of Councillors voted as per the Officer's Recommendation.

PLANNING ASSESSMENT UNIT

6 PAU - Six (6) Home Office Terraces Material Change of Use (Impact Assessment) at 20 Echlin Street West End Application No. MI11/0042 Assessment No. 0918007

Authorised by >> Director Planning and Development
Date >> 15 February 2012

Executive Summary >>

This application submitted by Architects North seeks a Development Permit for a Material Change of Use (Impact) for Six (6) Home Office Terrace Dwellings. The subject land relates directly to Part Lot 10 on SP 126612 and can be described as 20 Echlin Street, West End.

More specifically, approval is sought over land designated as Neighbourhood Residential Precinct within District 2 - Townsville Inner Suburbs in the Townsville City Plan 2005. The proposed use is Impact Assessable against the Planning Scheme, with the "home office" component of the application being considered as inconsistent with the intent of the Neighbourhood Residential Precinct, while the residential component of the application represents an intended form of development for the precinct and this locality.

Notwithstanding the inconsistent nature of the "home office" component, the overall concept of the development proposal is considered to be appropriately located within an area characterised as containing a mix of commercial and residential uses and any inconsistencies with the Probable Solutions of the Scheme are addressed on a performance basis in accordance with the relevant Specific Outcomes. As such, it is recommended that the application be Approved.

Officer's Recommendation >>

That council approve the application for a Development Permit for Material Change of Use (Impact) for Six (6) Home Office Terrace Dwellings on Part Lot 10 on SP 126612, situated at 20 Echlin Street, West End, subject to the following conditions:

1. Site Layout

- a) The proposed development must generally comply with drawing(s) as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING No.	REVISION No.	STAMP DATE
Cover Sheet	0706-A100	B	07/10/2011
Ground Floor Plan (as amended in red - Attachment 3 - 'shop' replaced with 'home office')	0706-A101	B	07/10/2011
First Floor Plan	0706-A106	B	07/10/2011
Second Floor Plan	0706-A103	B	07/10/2011
Roof Plan	0706-A104	B	07/10/2011
Elevations	0706-A105	B	07/10/2011
Sections	0706-A106	B	07/10/2011

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

2. Amended Plans

Prior to the issue of a Development Permit for Building Works, the developer must provide amended plans to council for approval as part of Compliance Assessment which include the following:

- a) At least one car parking space per dwelling unit to be covered by a solid roof.
- b) Full details of materials and articulation of the Plant Street frontage of the building.

3. Community Management of Approved Use

- a) Management of the individual residential and commercial tenancies must be maintained such that there are six (6) titles, each containing one commercial tenancy and one residence immediately above. This must form part of the Community Management Scheme for the development, and be provided to council for endorsement prior to release of the Building Format Plan.
- b) The Community Management Scheme must also regulate that commercial tenancies only be operated by the owner/tenant of the associated residence.

4. Defined Use

- a) The use hereby permitted for the ground level commercial tenancies must be conducted at all times in conformity with the associated Planning Scheme definition for a Home Based Business.
- b) The associated residential component of each tenancy must not be used to conduct any business associated with the ground floor use.

5. Hours of Operation

Unless otherwise approved by council, the activities associated with the ground floor use must only be conducted between 8am to 7pm Monday to Friday and 8am to 12pm Saturday. The use is not to operate on Sunday or Public Holidays.

6. Building Materials

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

7. Lighting

- a) The developer must ensure all internal and external lighting is fitted with shades and erected in a manner that ensures that adjoining premises and roads are not affected.
- b) Lighting must be provided in accordance with the *Australian/New Zealand Standard AS/NZS1158 Lighting for Roads and Public Spaces*.

8. Property Numbering

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

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

9. Letterboxes

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

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

10. Screening of Plant and Utilities

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

11. Relocation of Utilities

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

12. Car Parking

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with council Standards and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890 and must be maintained thereafter to the standard.
- b) The minimum car parking classifications for off-street carparking applicable to this development are as per Table 1.1 in AS/NZS 2890.
- c) The driveway, manoeuvring areas, car parking areas and paths must all be constructed of:
 - * exposed aggregate concrete; or
 - * interlocking pavers; or
 - * other alternative aesthetically pleasing materials to be approved by council prior to the issue of a Development Permit for Building Works.
- d) The layout of the on-site car parking spaces must be designed to ensure that all vehicles entering and leaving the site may do so in a forward direction.
- e) Car parking at the rear of the building, accessed via Plant Street is for use associated with the residential dwelling units only. In this instance, any parking associated with the ground floor Home-based Businesses can be accommodated on Echlin Street.

- f) All signage and line marking for on-street car parking and traffic control must comply with the requirements of the Department of Transport and Main Roads (DTMR) Manual of Uniform Traffic Control Devices (MUTCD) and associated standards.

13. Stormwater Drainage

Prior to the issue of a Development Permit for Building Works, certification by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) of the following requirements must be provided so as to achieve. In particular:

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

14. Sewerage Reticulation

The developer must make alterations to the existing sewerage infrastructure as detailed in the reconfiguration approval RC11/0081.

15. Soil Erosion Minimisation, Sediment Control and Dust Control

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

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

16. Landscaping

- a) Prior to any works commencing on site, a landscaping plan is required to be submitted to and be approved by council as part of Compliance Assessment against the applicable Landscaping Code and/or relevant approval.

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

- * Mature street trees of a species selected for this section of road.
 - * Details showing the area of the site located between adjoining allotments being extensively landscaped and including a mixed height canopy using mature plantings to council's satisfaction.
- b) The landscape plans must be prepared by a suitably Qualified person who:
 - * is a Qualified Landscape Architect with current membership to the Australian Institute of Landscape Architects; and/or
 - * is an experienced Landscape Designer
 - c) All works must be completed in accordance with the approved landscaping plan and constructed to a standard detailed within City Plan Policy 2 – Development Standards – Section 10 – Landscape Work Specification and Section 11 – Irrigation Systems for Developments. Following the approval of the plan, with or without amendments, the developer must implement the plan prior to the commencement of the use. Furthermore, all landscaped areas must be maintained thereafter to the satisfaction of council.

17. Roadworks and Traffic

- a) The developer must construct the new access driveway and crossover from the existing kerb and channel to the property boundary at the developer's expense in accordance with council's relevant Standard Drawings for Driveway Access and Driveway Crossovers.
- b) The developer must construct a full width footpath to the full frontage of the site along Echlin Street and the portion of Plant Street that relates to this proposal in accordance with council's Standard Drawings.
- c) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with council's standards.

18. Further Approvals Required

a) **Compliance Assessment**

All engineering, landscaping and any advertising devices associated with this development must be submitted to council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by council.

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

b) **Plumbing and Drainage Works**

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

ADVICE

1. Infrastructure Charges

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

2. Home Office Fit Out

- a) Prior to any fit out of any home-based hairdresser/beauty salon, a separate application must be submitted to council's Environmental Health Services for licence issue. No fit out or construction may take place before approval is granted.
- b) Prior to any fit out of any home-based Skin Penetration Establishment, a separate application must be submitted to council's Environmental Health Services for Licence issue. No fit out or construction may take place before approval is granted.

3. Waste Collection

- a) All residential waste is required to be collected by council.
- b) 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.

4. Connection to Council Water Supply

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

5. Connection to Council Sewer

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

6. Noise

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

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

7. Environmental Considerations

DERM Requirements

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

8. Dilapidation Report

- a) It is advisable that the developer undertake a dilapidation report, prior to the commencement of any works on the site to mitigate against any possible future civil action. The report is designed to document evidence of the existing condition of adjoining properties internally and externally prior to any rock breaking or construction work commencing. Hence the report should document and provide photographs that clearly depict any existing damage to neighbouring properties.

- b) The developer should provide a dilapidation report with photos 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.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

Councillor Veitch congratulated both the developer and council staff on a great outcome.

7 PAU - Adventure Plantation (Tropical Tasting Centre, Caretaker's Residence, Plantation Cabins, Fun Forest and Ancillary Activities) Material Change of Use (Impact) at 42-46 Horseshoe Bay Road Horseshoe Bay - Application No.MI11/0044 Assessment 4007010

Authorised by >> Director Planning and Development
Date >> 14 February 2012

Executive Summary >>

An application for a Development Permit for a Material Change of Use (Impact Assessment) for an Undefined Use (Adventure Plantation - Tropical Tasting Centre, Caretaker's Residence, Plantation Cabins, Fun Forest and ancillary activities) and Preliminary Approval for Building Works on Lot 3 RP 886076, situated at 42 Horseshoe Bay Road, Horseshoe Bay was received by council on the 4 August 2011 from Applicant >> R Pountney, L Thompson C/- Wolter Rowlands Town Planning Group - MI11/0044 4007010 and has been recommended for approval.

Officer's Recommendation >>

That council approve the Development Application for Material Change of Use (Impact Assessment) for an Undefined Use (Adventure Plantation - Tropical Tasting Centre, Caretaker's Residence, Plantation Cabins, Fun Forest and Ancillary Activities) on Lot 3 RP 886076, situated at 42 Horseshoe Bay Road, Horseshoe Bay subject to the following conditions:

DEVELOPMENT PERMIT

**MATERIAL CHANGE OF USE (MI11/0044)
UNDEFINED USE (ADVENTURE PLANTATION - TROPICAL TASTING CENTRE,
CARETAKER'S RESIDENCE, PLANTATION CABINS, FUN FOREST, AND
ANCILLARY ACTIVITIES)**

1. Site Layout

- a) The proposed development must generally comply with drawing(s) as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING NO.	STAMP DATE
Site Plan : Landscaping	10-001 (Sheet: 1)	14.12.11
Site Plan	10-001 (Sheet: 2)	09.09.11
Floor Plan : Showing Crossovers	10-001 (Sheet: 3)	14.12.11
Floor Plan : Caretaker's Residence	10-001 (Sheet: 4)	14.12.11
Roof Plan : Caretaker's Residence	10-001 (Sheet: 5)	14.12.11

Continued...

DRAWING NAME	DRAWING NO.	STAMP DATE
Elevation : Caretaker's Residence	10-001 (Sheet: 6)	14.12.11
Elevation : Caretaker's Residence	10-001 (Sheet: 7)	14.12.11
Elevation : Existing Buildings & Proposed Toilets	10-001 (Sheet: 8)	09.09.11
Floor Plan : Tasting Centre & Fun Forest Centre	10-001 (Sheet: 9)	20.02.12
Elevation : Tasting Centre & Fun Forest Induction Zone	10-001 (Sheet: 10)	09.09.11
Elevation : Tasting Centre & Fun Forest Induction Zone	10-001 (Sheet: 11)	09.09.11
Floor Plan & Elevation : Toilet Block	10-001 (Sheet: 12)	09.09.11
Floor Plan & Elevation : Plantation Cabins	10-001 (Sheet: 13)	09.09.11
Floor Plan & Elevation : Glider House	10-001 (Sheet: 14)	09.09.11
Floor Plan & Elevation : Butterfly House	10-001 (Sheet: 15)	09.09.11
Floor Plan & Elevation : Refuse Facilities	10-001 (Sheet: Bins)	09.09.11

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

2. Restriction of Use

- a) The Plantation Cabins must not provide or exceed two (2) beds or four (4) people per rooming unit whichever is the greater at any one given time.
- b) The use of the Tropical Tasting Centre, Fun Forest and Plantation Cabins hereby permitted must be conducted at all times in conformity with the associated Catering Shop, Outdoor Recreation and Accommodation Building definitions in the Planning Scheme. In particular, the Plantation Cabins must not be self-contained.
- c) The Tropical Tasting Centre and Fun Forest component of this development must only be conducted between the hours of 7am and 7pm, Monday through to Sunday.
- d) A minimum 3 meter buffer either side of the stormwater easement required under condition 20 is to be free of any structures or vegetation removal.

3. Amended Plans

Prior to the issue of a Development Permit for Building Works, the developer must provide amended plans to council for approval which includes the following:

- a) Layout, Access & Car Parking
 - i) The access driveways must be consolidated from two (2) into one (1) access driveway (two-way) (see attached sketch "Preferred Access and Car Parking Arrangement");
 - ii) The car parking, bike hire, bike stands, and service vehicle arrangements must be amended to reflect the changes to the access driveway and must be setback a minimum of 2 metres from the street frontage (see attached sketch "Preferred Access and Car Parking Arrangement");
 - iii) The concrete pathways (minimum 1.2 metre wide) must be amended to provide a suitable level of sealed pedestrian access between the car parks, Tropical Tasting Centre, Fun Forest, Plantation Cabins, and street frontage to reflect the changed access arrangements.

- b) Plantation Cabins

Amended plans must be provided to ensure that the proposed rooming units are not self-contained.

Advisory Note: An option may be to amend the toilet block building to include communal laundry facilities.

- c) Stormwater Easement Setbacks

Amended plans must be submitted demonstrating that all proposed new building works is setback a minimum of 3 metres from the stormwater easement and buffer required under condition 2 e) of this permit.

4. Building Materials

Prior to the issue of a Development Permit for Building Work, the developer must submit to, and be approved in writing by council details of the external building materials and colours to be used as part of this development. In particular all buildings and structures associated with the use must be constructed from materials and painted an appropriate colour that is sympathetic to the surrounding built form, does not cause excessive glare and achieves a high level of visual integration with the surrounding environment.

5. Signage

Prior to the issue of a Development Permit for Building Works, the developer must submit to council for approval plans of any signage to be associated with the use. Details must include the location of the signage, construction materials, size of the sign and graphic content. Approved signs must be maintained to the satisfaction of council. To maintain amenity for adjoining properties, no illumination of the signage is to occur unless otherwise approved in writing by council.

6. Street Fencing

Should a fence be constructed or the existing fence be replaced along the Horseshoe Bay Road frontage, the fence must be designed to allow the development to integrate with its streetscape. The developer must submit to council for approval details of the fence prior to the issue of a Development Permit for Building Works.

7. Visual Screen

Prior to the issue of a Development Permit for Building Works, the developer must submit to council for approval plans showing the provision of a 1.8 metre high noise attenuation fence along the entire length of the boundary adjoining residences at 48 & 48A Horseshoe Bay Road, unless otherwise approved in writing by council. This fence is required to screen and buffer the adjoining residential properties from the proposed development.

8. Screen Fencing

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

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

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

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

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

9. Wildlife Fence

Any fences erected between the site and the adjoining Green Space Precinct must be constructed to allow the free movement of native fauna.

10. Storage of Materials and Machinery

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

11. Storage

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.

12. Site Appearance

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

13. Lighting

- a) The developer must ensure all internal and external lighting is fitted with shades and erected in a manner that ensures that adjoining premises and roads are not affected.
- b) Lighting must be provided in accordance with the *Australian/New Zealand Standard AS/NZS1158 Lighting for Roads and Public Spaces*.
- c) External lighting of a graduated intensity must be provided which starts at a lower level of brightness at the perimeter of the site and rises to a crescendo of light at the entrance to buildings.

14. Property Numbering

An effective property number must be erected at the premises prior to the commencement of the use and be maintained to the satisfaction of the council.

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

15. Screening of Plant and Utilities

- a) Plant and utilities including air-conditioners must not be located on balconies or patio areas and must not be visible from the street or adjoining residences at 48 & 48A Horseshoe Bay Road. The developer must submit a plan identifying the location of all plant and utilities and details of aesthetic screens. Details must be submitted to and approved by council prior to the issue of a Development Permit for Building Works.
- b) The aesthetic screens must be installed prior to the commencement of the use and must be maintained thereafter to the satisfaction of council.

16. Refuse Facilities

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Minor Centres, Fun Forest, Caretaker's Residence and Accommodation Building Codes, in accordance with *City Plan Policy 2 - Development Standards, Section 8 - Provision for Refuse Services*. In particular,

- a) The approved waste storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The developer must provide a storage area that is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.
- b) The minimum overhead clearance required for mobile garbage (wheelie) bin refuse collection is 4200mm. The minimum overhead clearance required for bulk bin refuse collection is 6500mm. Access for the collection of the 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) Where bulk bins are used the storage facilities must be:
 - * a suitable enclosure with concrete slab floor, with dimensions 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 a 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.

- d) 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*.
- e) The collection of waste is to be undertaken so as to minimize, so far as reasonably practicable excessive noise to neighboring occupants. The collection method must ensure that waste is adequately managed to prevent escape or contamination.

17. Relocation of Utilities

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

18. Car Parking

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with council Standards and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890 and must be maintained thereafter to the standard.
- b) The minimum car parking classifications for off-street car parking applicable to this development are as per Table 1.1 in AS/NZS 2890.
- c) The layout of the on-site car parking spaces must be designed to ensure that all vehicles entering and leaving the site may do so in a forward direction.
- d) The developer must provide a minimum of 25 car spaces including disabled parking on site in accordance with Australian/New Zealand Standard AS/NZ2890.
- e) The developer must provide a minimum of 25 car spaces on site of which a minimum of 9 spaces are required to be dedicated for plantation cabin parking and 14 are to be dedicated for the remaining uses on-site.
- f) The developer must erect signage indicating the location of the entry and exits to the car parks, specific use bays (eg. visitor, disabled, bus, taxi, bicycle, loading, etc.), as well as regulatory signs controlling movement within the car park.
- g) The car parking area must be suitably screened so as to prevent light spillage from the car park areas and car headlights into adjoining properties and roads. Details of such screening must be submitted to and approved in writing by council prior to the issue of a Development Permit for Building Work.

- h) All signage and line marking for off-street car parking must comply with the requirements of AS/NZS2890 and AS1742 and associated standards.
- i) The developer must provide details to ensure the balance of the development site is treated to minimise dust nuisance (ie. bitumen sealing or grassed with irrigation) for approval prior to the issue of a Development Permit for Building Works.

19. Stormwater Drainage

Prior to the issue of a Development Permit for Building Works, certification by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) of the following requirements must be provided so as to achieve. In particular:

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

20. Stormwater Drainage Easements and Reserves

- a) The developer must at its cost grant and cause to be registered on the title documents all easements or reserves over the seasonal creek flow paths which traverse the site represented on the development plans and are to be placed under the control of council. The easement must include the areas contained between the high bank lines of the seasonal creek.

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- b) The developer must at its cost grant and cause to be registered on the title documents, all easements or reserves required by council or other public utility entity for access to or for the provision of essential services.
 - c) The developer must at its cost cause to be registered surrenders of any existing easements and/or leases where necessary in connection with the subject lot.
 - d) The extent and location of easements, reserves and surrenders required in (a) to (c) must require details to be submitted to and approved by council prior to the issue of a Development Permit for Building Works.

21. Stormwater Quality Management

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

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

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

- Suitably Qualified Person as defined by the State Planning Policy 4/10 Healthy Waters.

22. Minimum Floor Levels

The developer must ensure that all habitable floor levels are a minimum height of 300mm (City Plan 2005) above the flood inundation level from an Average Recurrence Interval (ARI) 50 year storm/tide event.

The developer must submit documentation signed by an engineer (who must be an RPEQ) certifying that all habitable rooms obtain the above flood immunity.

Advisory Note: In terms of applying consistency, council would prefer that all floor levels are built to a minimum height of 450mm above the 1 in 50 year storm/tide event.

23. Sewerage Reticulation

The developer must construct a new 150 mm diameter sewerage connection directly from the manhole 2/M4A2A. The existing residence must connect to this new connection. Details of the sewerage reticulation works must be submitted and approved as part of Compliance Assessment for the development.

24. Water Supply

The developer must construct a new poly water reticulation main for the full frontage of this development site in Horseshoe Bay Road to connect to the existing 50 mm diameter water main. Construction of the water main is to include all fittings and valves necessary to meet council's current standards. Details of the water reticulation works must be submitted to and approved as part of Compliance Assessment for the development.

25. Soil Erosion Minimisation, Sediment Control and Dust Control

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

- a) The contingent design, implementation and maintenance of measures must be provided in accordance with *City Plan Policy 2 – Development Standards*.
- b) During the construction and maintenance phases of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.
- d) The developer must ensure that no sediment or litter be discharged from the site into stormwater.

26. Tree Retention

All vegetation is to be retained within 3 metres of the high bank/stormwater easement of each seasonal creek within the lot.

27. Vegetation Disposal

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

28. Landscaping

- a) Prior to any works commencing on site, a landscaping plan is required to be submitted to and be approved by council as part of Compliance Assessment against the applicable Landscaping Code and/or relevant approval.

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

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- * Details showing a minimum 2 metre wide landscape strip along full frontage (excluding access driveways) of the site and the boundary between the subject site and adjacent residences at 48 and 48A Horseshoe Bay Road to include extensively landscaped and mixed height canopy using mature dense plantings to council's satisfaction.
 - * Landscape strip to be provided between the proposed Tropical Tasting Centre and the adjoining Bungalow Bay Koala Village to include extensively landscaped and mixed height canopy using mature dense plantings to council's satisfaction.
 - * Landscape strip to be provided between the proposed caretaker's residence and the Tropical Tasting Centre to include extensively landscaped and mixed height canopy using mature dense plantings to council's satisfaction.
 - * Landscape strip to be provided between the proposed Plantation Cabins to include extensively landscaped and mixed height canopy using mature dense plantings to council's satisfaction.
 - * Landscape strip to be provided between the proposed Plantation Cabins and other non-residential associated activities on-site where possible to include extensively landscaped and mixed height canopy using mature dense plantings to council's satisfaction.
 - * Shade trees must be provided in the car parking areas at a rate of 1 tree per 3 bays.
 - * All species selected on the landscape plans must comprise of fire retardant species.
- b) The landscape plans must be prepared by a suitably Qualified person who:
- * is a Qualified Landscape Architect with current membership to the Australian Institute of Landscape Architects; and/or
 - * is an experienced Landscape Designer
- c) All works must be completed in accordance with the approved landscaping plan and constructed to a standard detailed within City Plan Policy 2 – Development Standards – Section 10 – Landscape Work Specification and Section 11 – Irrigation Systems for Developments. Following the approval of the plan, with or without amendments, the developer must implement the plan prior to the commencement of the use. Furthermore, all landscaped areas must be maintained thereafter to the satisfaction of council.

29. Existing Street Trees

The existing street trees located within the road reserve must not be damaged, removed, destroyed or lopped without the written consent of council first being obtained.

30. Roadworks and Traffic

- a) The developer must construct the new access driveway and crossover from the existing kerb and channel/edge of bitumen to the property boundary at the developer's expense generally in accordance with council's relevant Standard Drawings for Driveway Access and Driveway Crossovers.
- b) The developer must remove the existing vehicle access including crossover in the kerb and channel, replace with new kerb and channel and reinstate the footpath in accordance with council's Standard Drawing for *Concrete Kerbing*.
- c) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with council's standards.

31. Vegetation Management Plan

The developer must submit an overall vegetation management plan (VMP) for the site in accordance with the recommendations made in the Flora and Fauna Assessment Report, prepared by *C&R Consulting*, dated May 2011 to council for approval prior to the issue of a Development Permit for Building Works. The VMP must include the following:

- a) A Weed Management Plan component which outlines the methods taken to prevent weed incursion to the site and surrounding national park.
- b) The buffer zone which extends 3 metres either side of the high bank of the seasonal creeks.
- c) A statement that any fertilisers to be applied on the plantation must be restricted and vegetated buffers should surround all agricultural areas to protect water quality in the downstream wetland.
- d) Public access must be restricted to existing pathways and rope lines represented on the development plans to prevent weed incursion and reduce the potential for impacts to rare and threatened species.
- e) All food sources must be screened to prevent access to native animals. Visitors are to be discouraged from feeding animals at all times.

32. Bushfire Management

- a) All residential buildings on the site must be sited as follows:
 - i) to achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10m, whichever is the greater; OR
 - ii) in an existing cleared area able to accommodate the building(s) with a minimum 20m wide area serving as a firebreak around the building of which at least the first 10m is cleared.

- b) Other non-residential buildings except Class 1,2,3,4 are constructed in accordance with the provisions of Australian Standard AS 3959 (or any later revision of this standard).

33. Further Approvals Required

- a) **Compliance Assessment**

All engineering and landscaping works associated with this development must be submitted to council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by council.

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

- b) **Plumbing and Drainage Works**

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

Advice Agency - Department of Environment and Resource Management
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Pursuant to Section 3.3.16(2) of the *Integrated Planning Act 1997*, Department of Environment and Resource Management advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, as attached.

ADVICE

1. Infrastructure Charges

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

2. Keeping of Animals

The keeping of any animals on-site must be conducted in accordance with the *Nature Conservation Act 1992*.

3. Tropical Tasting Centre Fit Out

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

4. Waste Collection

- a) All residential waste is required to be collected by council.
- b) 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.
- c) The proprietor is to arrange for the removal of waste from the premises by a suitably licensed waste transport contractor approved by the local government to transport waste under Section 369A of the *Environmental Protection Act 1994*. Adequate provision must be made for the collection of the waste storage containers within the premises.
- d) The collection of putrescibles waste arising from activities undertaken on this development must be collected and removed at periods not exceeding seven days.
- e) The collection of waste is to be undertaken so as to minimize, so far as reasonably practicable excessive noise to neighboring occupants. The collection method must ensure that waste is adequately managed to prevent escape or contamination.
- f) Where practicable, all loading and unloading shall take place within the containment area (storage area). This area is to be constructed in such a way that any spills from loading or unloading are not permitted to escape to an area subject to storm water.

5. Connection to Council Water Supply

A copy of this permit and the approved water reticulation design must be submitted to council 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

A copy of this permit and the approved sewer reticulation design must be submitted to council 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.

7. Noise

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

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

8. Environmental Considerations

DERM Requirements

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

9. Plumbing and Drainage Approval

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

10. Asbestos

All asbestos must be removed, transported and disposed in accordance with the Workplace Health & Safety Asbestos Advisory Standard 2005, Environmental Protection Act 1994 and Environmental Protection (Waste Management) Regulation 2000.

11. Magnetic Island Waste Facility

The Magnetic Island Waste Management Facility at Picnic Bay does not accept commercial construction and demolition waste. Waste arising from the commercial construction and demolition of structures must be subject to disposal by a carrier/contractor approved to transport waste by the appropriate Local Government or Department of Environmental Resource Management (DERM) at a suitably licensed disposal facility.

The Magnetic Island Waste Management Facility at Picnic Bay does not accept Regulated Waste. Regulated Waste must be subject to disposal by a carrier/contractor approved by the appropriate Local Government/Department of Environmental Resource Management (DERM) at a suitably licensed disposal facility.

PRELIMINARY APPROVAL

BUILDING WORK

SCHEDULE OF CONDITIONS

1. The proposed development has been assessed against the relevant provisions of the Planning Scheme. However, assessment against the *Building Act 1975*, the *Building Regulation 2006* and the *Building Code of Australia* is still required.
2. An application for a Development Permit - Building Work is required for the proposed development. This application needs to be approved prior to any works commencing on the site.
3. All building work is to comply with the *Building Act 1975*, the *Building Regulation 2006* and the *Building Code of Australia*.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

DIRECTORATE

8 Planning and Development - Development Governance - Policy: Councillor Contact with Lobbyists, Developers and Submitters

Executive Summary >>

The Draft Councillor Code of Conduct with Developers from Local Government Association of Queensland (LGAQ) was considered by council at its Ordinary Meeting held on 24 November 2009.

The LGAQ, in conjunction with its legal advisors King and Company, has finalised a draft procedure governing Councillors contact with lobbyists, developers and submitters. That document has been significantly drawn upon when preparing the related policy for the Townsville City Council.

Council should now adopt the policy “Councillor Contact with Lobbyists, Developers and Submitters – Officer present”.

Officer's Recommendation >>

That council adopt the policy “Councillor Contact with Lobbyists, Developers and Submitters – Officer Present”.

Committee Recommendation >>

That the Officer’s Recommendation be adopted.

Councillor Veitch recommended that this policy be included in the induction for new councillors following the upcoming Local Government elections.

Councillor Contact with Lobbyists, Developers and Submitters – Officer Present Policy
– Page 1 of 4

POLICY

PLANNING AND DEVELOPMENT DEVELOPMENT GOVERNANCE



COUNCILLOR CONTACT WITH LOBBYISTS, DEVELOPERS & SUBMITTERS – OFFICERS PRESENT >>

1. POLICY STATEMENT >>

Councillors will manage their business-related interactions with lobbyists, developers and submitters to:

- preserve confidence in the good governance of the city and the processing of development application;
- minimise the likelihood of claims being made of improper dealings, bias or conflict of interest; and
- promote transparency.

2. PRINCIPLES >>

Free and open access to Councillors, and council itself, is vital to efficient and effective local government. Contact with Councillors is undertaken by many people in the community in relation to a broad range of matters.

Lobbyists, developers and submitters seek access to Councillors to discuss potential and existing development applications and other projects. The public has a clear expectation that such contact is carried out ethically and transparently.

To promote transparency, equity and public accountability, and to assist in better decision making, this procedure provides guidance for Councillors when dealing with lobbyists, potential developers or developers and submitters.

It is always the aim of council to ensure that all dealings are legal, ethical and impartial and give effect to the local government principles set out in section 4 of the *Local Government Act 2009*, and comply with the responsibilities of Councillors set out in section 12 of that Act.

3. SCOPE >>

This policy applies to all council-business related contact between councillors and lobbyists, developers and submitters.

It does not apply to social interaction between councillors and other persons simply because those other persons act as lobbyists or developers, or are submitters in respect of a current development application. However Councillors are reminded of their obligation to both avoid conflicts of interest and disclose potential conflicts of interest, are required to carefully consider possible implications of social interaction with lobbyists, developers or submitters.

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Councillor Contact with Lobbyists, Developers and Submitters – Officer Present Policy
– Page 2 of 4

POLICY

PLANNING AND DEVELOPMENT

DEVELOPMENT GOVERNANCE



4. RESPONSIBILITY >>

All councillors, including the Mayor, are responsible for ensuring that this policy is understood and adhered to.

5. DEFINITIONS >>

Councillor means the Mayor or a councillor of the council.

Developer means an applicant for development approval. If the applicant is a body corporate, the term includes officer holders and employees of the applicant. If the applicant is a partnership, the term includes partners and employees of the applicant.

Development application means an application for development that requires assessment against the provisions of council's town planning scheme.

Development approval means a development application that has been approved by council.

Lobbyist has the same meaning as defined in the *Integrity Act 2009*.

Submitter has the same meaning as defined in the *Sustainable Planning Act 2009*.

6. POLICY >>

6.1 Potential Developments and Potential Submitters

Councillors may encourage responsible and appropriate development in council's area. Councillors should not feel inhibited, in any communications, with potential developers and lobbyists (for a potential development), in promoting the benefits of developing in council's local government area.

However, in all dealings with potential developers and lobbyists for a potential development, councillors: -

- must make clear to potential developers and lobbyists that they can provide general information on the application process but cannot give definitive advice about the developer's or lobbyists chance of success;
- must suggest that the developer or lobbyist seeks independent professional advice;
- if applicable, must encourage potential development applicants and lobbyists to seek preliminary advice on their proposal by utilising the established process for pre-lodgement meetings with council staff; and
- must state that any opinions expressed by the councillor are personal to the councillor and do not in any way represent the council's possible attitude to the potential application.

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Councillor Contact with Lobbyists, Developers and Submitters – Officer Present Policy
– Page 3 of 4

POLICY

PLANNING AND DEVELOPMENT

DEVELOPMENT GOVERNANCE



Similarly, in relation to potential submitters to a development application, councillors should not feel inhibited about discussing with potential submitters what is publicly known about a potential development application. Again, councillors: -

- must make clear to potential submitters that they can provide general information on the application process but cannot give definitive advice about the developer's chance of success;
- must suggest that the submitter seeks independent professional advice; and
- must state that any opinions expressed by the councillor are personal to the councillor and do not in any way represent the Council's possible attitude to the potential application.

Councillors should keep and maintain a written record of all exchanges of communication with a potential developer, lobbyist for a potential development or potential submitter. The written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. face to face meeting, telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the councillor and a summary of the councillor's response.

6.2 Meetings after a Development Application Has Been Lodged

After a development application has been lodged, any requests for meetings between councillors and developers, lobbyists or submitters must occur by arrangement through the office of Council's Chief Executive Officer or the Director of Planning & Development and only in circumstances where a council officer (with adequate knowledge of the development application) is also present.

At any meeting with lobbyists, developers or submitters, councillors must state: -

- that any opinions expressed by the councillor are personal to the councillor and do not in any way represent the council's possible attitude to the development application; and
- in relation to council's possible decision on the application, that the councillor's principal obligation is to serve the public interest by ensuring that his /her decision is: -
 1. consistent with the planning legislation, council's planning scheme and policies; and
 2. made after having appropriate consideration of any officer's (or council appointed consultant's) advice; and
 3. not influenced by any other irrelevant or inappropriate consideration.

Councillors must keep a written record summarizing the matters discussed at the meeting. This written record should detail, as a minimum, the date and time of the meeting, a summary of the matters raised with the councillor and a summary of the councillor's response.

The staff member must maintain an independent record of the meeting.

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Councillor Contact with Lobbyists, Developers and Submitters – Officer Present Policy
– Page 4 of 4

POLICY

PLANNING AND DEVELOPMENT DEVELOPMENT GOVERNANCE



6.3 Other Communications

After a development application has been lodged, if a councillor engages in telephone discussions, email or other correspondence exchange with a developer, lobbyist or submitter (whether seeking the councillor's support or opposition to a development application), the councillor must state: -

- that any opinions expressed by the councillor are personal to the councillor and do not in any way represent the council's possible attitude to the development application; and
- in relation to council's possible decision on the application, that the councillor's principal obligation is to serve the public interest by ensuring that his /her decision is: -
 1. consistent with the planning legislation, council's planning scheme and policies; and
 2. made after having appropriate consideration of any officer's (or council appointed consultant's) advice; and
 3. not influenced by any other irrelevant or inappropriate consideration.

Councillors must keep a written record of the communication. The written record should detail, as a minimum, the date and time of the exchange, the format of the exchange (i.e. telephone call, exchange of emails or exchange of correspondence), a summary of the matters raised with the councillor and a summary of the councillor's response. A copy of that record must be provided to the Director, Planning and Development within 7 days of the contact taking place.

7. LEGAL PARAMETERS >>

Integrity Act 2009.
Local Government Act 2009
Sustainable Planning Act 2009

(For avoidance of doubt, this procedure is in addition to the requirements and processes imposed upon councillors and lobbyists by the *Integrity Act 2009* - for example, the requirement for lobbyists to be registered before undertaking lobbying activities).

8. ASSOCIATED DOCUMENTS >>

Nil

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CITY PLAN UNIT

9 City Plan Unit - Future Amendment 403: Proposed Precinct Change of Lot 788 on EP 2360 (previously Lots 4, 5 and 6 on T118110) and Lot 648 on EP 1980 at 194 -202 Flinders Street, Townsville City

Authorised by >> Director Planning and Development
Date >> 11 January 2011

Executive Summary >>

The City Plan Unit proposes a Major Amendment (as per the requirements of the *Sustainable Planning Act 2009* (SPA)). The amendment relates to land formally described as Lot 788 on EP 2360 (previously Lots 4, 5 and 6 on T118110) and Lot 648 on EP 1980 at 194-202 Flinders Street Townsville City. Presently the subject sites are identified in the City Plan 2005 as being not subject to the planning scheme (here on referred to as the City Plan 2005) and are accordingly unzoned.

The purpose of the amendment is to include the nominated land parcels within the City Plan 2005, and designate the land parcels within the Central Business District (CBD) Entertainment Core Precinct.

The proposed CBD Entertainment Core Precinct designation will not only reflect the long-standing use of the land, but is considered appropriate as the subject sites adjoin with other land parcels within the CBD Entertainment Core Precinct.

Officer's Recommendation >>

That council resolve to:

1. pursuant to section 117(1), Part 5, Chapter 3, of the *Sustainable Planning Act 2009* (SPA), section 5, Part 2 of the *Sustainable Planning Regulation 2009* and Stage 1 of the Statutory Guideline 01/ 12 Making and amending local planning instruments, prepare an amendment to District Code 1 - Townsville City Central, City Plan 2005 to include Lot 788 on EP 2360 (previously Lots 4, 5 and 6 on T118110) and Lot 648 on EP 1980 at 194-202 Flinders Street East under the designation of Central Business District Entertainment Core Precinct in accordance with the attachments to this report.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

E CONSIDERATION OF BUSINESS NOTIFIED BY A COUNCILLOR

There was no business notified by a Councillor.

F CONSIDERATION OF NOTIFIED MOTIONS

There were no notified motions.

G QUESTIONS / GENERAL BUSINESS

There were no questions or general business.

The Chair, Councillor L Tyrell declared the meeting closed at 9.38am.

**THE MAYOR, COUNCILLOR L TYRELL
CHAIR**

In accordance with Section 173 of the *Local Government Act 2009*, the Mayor, Councillor L Tyrell declared a perceived conflict of interest in regards to item 6 of the Planning and Economic Development Committee Report.

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

The Mayor, Councillor L Tyrell declared the perceived conflict of interest on behalf of himself and Councillors A Parsons, V Veitch, B Hewett, J Lane, R Gartrell, D Bell, N Marr, D Last and S Blom.

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

Brazier Motti donated to the (Team Tyrell) 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 proposed to exclude themselves from the meeting throughout consideration of item 6, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the *Local Government Act 2009*, remained in the meeting and participated in the discussion about and voting upon the item.

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

The Councillors voted as per the recommendation.

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

The majority of Councillors voted as per the recommendation.

Councillor J Hill requested that item 8 - Planning and Development - Development Governance - Policy: Councillor Contact with Lobbyists, Developers and Submitters, be dealt with separately.

It was moved by the Mayor, Councillor L Tyrell, seconded by Councillor B Hewett:

“that items 1 to 7 and 9 of the report of the Planning and Economic Development Committee meeting held on 14 March 2012 be received and the recommendations contained therein be adopted.”

CARRIED

It was moved by Councillor V Veitch, seconded by Councillor B Hewett:

“that item 8 of the report of the Planning and Economic Development Committee meeting held on 14 March 2012 be received and the recommendation contained there in be adopted.”

CARRIED

4 Report - Lifestyle and Community Development Committee - 15 March 2012

Thursday 15 March 2012 at 9.00am

ITEMS 1 TO 5

PRESENT: Councillor J Lane, Chair
Councillor N Marr
Councillor A Parsons
Councillor D Last
Councillor S Blom
Councillor D Bell
The Mayor, Councillor L Tyrell

OBSERVERS: Councillor V Veitch
Councillor B Hewett

A OPENING of MEETING

The Chair, Councillor J Lane declared the meeting open at 9.00 am.

B APOLOGIES and LEAVE OF ABSENCE

There were no apologies of leave of absences.

C DECLARATIONS of MATERIAL PERSONAL INTEREST and CONFLICTS OF INTEREST

There were no declarations of material personal interest and conflicts of interest.

D DEPUTATIONS

There were no deputations.

COMMUNITY SERVICES

1 Community Services - Grants for Excellence in Sport Bi-annual Report

Authorised by >> Director Community and Environment
Date >> 8 February 2012

Executive Summary >>

The Grants for Excellence in Sport Program aims to assist Townsville sports people to achieve excellence in their chosen sport, by providing funding to compete at State, National and International level competitions.

The objectives of this program are to:

- Promote excellence in sporting achievements within the Townsville Community;
- Contribute to the professional development of Townsville sports people; and
- Facilitate opportunities for Townsville people to develop their sporting talents.

In the period 1 July to 31 December 2011a total of 98 applications were assessed through the Grants for Excellence in Sport program, 37 of which were ineligible for funding. A total of 61 applicants were approved for funding totalling \$12,500 (ex GST).

It is a requirement that all funding approved through this program is presented for the information of council every 6 months.

Officer's Recommendation >>

That council receive the Grants for Excellence in Sport Program report.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

2 Community Services - Grants for Excellence in Cultural Development Bi-annual Report

Authorised by >> Director Community and Environment
Date >> 7 March 2012

Executive Summary >>

The Grants for Excellence in Cultural Development Program aims to assist Townsville residents and organisations with the costs of travel and participation in cultural development activities such as officially recognised conferences, festivals, workshops, seminars, performances and exhibitions.

The objectives of this program are to:

- promote excellence in cultural achievement within the Townsville community;
- assist with the financial outlay incurred while representing Townsville at cultural activities or events including Sister Cities projects; and
- increase opportunities for cultural and creative development, networking, training and skills.

It is a requirement that all funding approved through this program is presented for the information of council every 6 months.

The agenda item provides a summary of the total grants approved through the Grants for Excellence in Cultural Development Program from 1 July 2011 to 31 December 2011. Since 1 July 2011 a total of 4 applications were received, with 4 applications approved for funding. The total of this approved funding is \$1,000 (ex GST).

Officer's Recommendation >>

That council receive the Grants for Excellence in Cultural Development Program report.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

3 Community Services - Community Micro Grants Bi-annual report

Authorised by >> Director Community and Environment
Date >> 7 March 2012

Executive Summary >>

The Community Micro-Grants Program aims to assist Townsville community organisations with quick response funding so that they can make a positive contribution to the quality of life for Townsville residents through the provision of social services and community development activities, projects and programs.

The objectives of the program are to:

- contribute to viable community services and/or facilities to meet needs;
- improve access and equity in community services provision;
- encourage community development processes and activities including community participation and capacity building; and
- encourage partnerships and joint ventures to maximise outcomes from limited resources.

The total budget available for distribution in 2011/2012 is \$20,000 (ex GST).

The agenda item provides a summary of the total grants approved through the Community Micro-Grants program from 1 July 2011 to 31 December 2011. An amount of \$13,145 (e GST) has been approved to date.

It is a requirement that all funding approved through this program is presented for the information of council every six months.

Officer's Recommendation >>

That council receive the Community Micro-Grants Program report.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

4 Community Services - Partnerships and Sponsorships Program Recommendations

Authorised by >> Director Community and Environment
Date >> 7 March 2012

Executive Summary >>

Council has received a number of applications for financial support through the Partnerships and Sponsorships Program for 2011/2012. This program is part of the Community Grants and Sponsorships Scheme which sits under the Community Planning and Services Section of the Community Services Department. The following recommendations have been made in accordance with the Financial Assistance Policy adopted by council in April 2010.

The Partnerships and Sponsorships Program aims to assist Townsville organisations to provide community services, cultural development, and sport and recreation development activities in Townsville by contributing funds for capital costs, events, programs and operational expenses.

There is \$194,750 allocated towards this program in the 2011/2012 Community Grants and Sponsorships Budget.

The agenda item makes recommendations on eight applications received through this program during January and February 2012.

Officer's Recommendation >>

That council approve the amounts recommended by the Financial Assistance and Events Group (FAEG) through the Partnerships and Sponsorships Program as detailed in the following table for the 2011/2012 financial year.

Organisation	Activity/Project	Recommendation (Ex GST)
Food Relief NQ	Operational Funding for the organisation during 2012	2011/2012 - \$35,000
Rollingstone & District Community Association Inc.	Towards the relocation of the Rollingstone Railway Station Building from 'Bushy Parker Park' at Rollingstone Street to the Rollingstone Community Centre.	2012/2013 - \$20,000
Townsville Museum & Historical Society Inc.	Operational Support for the Townsville Museum & Historical Society over three financial years (11/12, 12/13, 13/14)	2011/2012 - \$17,000 2012/2013 - \$17,000 2013/2014 - \$17,000
Townsville Region Committee on the Ageing (TRCOTA)	Operational Funding for the Townsville Region Committee on the Ageing (TRCOTA) over three financial years (11/13, 12/13, 13/14)	2011/2012 - \$7,000 2012/2013 - \$6,500 2013/2014 - \$6,000
Townsville Sun Newspaper	Towards event infrastructure and waiving of park hire fees for the Townsville Sun Children's Fishing Classic to be held 16 September 2012 at Pallarenda	2011/2012 - \$7,000 cash plus \$200 waived park hire fees
Queensland Council of Unions (Qld Townsville Branch)	Towards the cost of event infrastructure for the 2012 Labour Day event to be held at Strand Park 7 May 2012	2011/2012 - \$6,000 plus \$1,000 waived park hire fees
Queensland Netball Association Magnetic North Branch Inc. (Steelcats)	Waiving of venue hire fees at Townsville RSL Stadium for the Townsville Magnetic North Steelcats during the 2012 season. To cover the cost of 5 home games (\$16,315) and the State League Weekend (\$4,434).	2011/2012 - \$20,749 worth of waived venue hire and staffing fees
ARTY Productions Pty Ltd	Waiving of park hire fees associated with hosting the Live2Play Expo to be held at Strand Park on 13 May 2012	2011/2012 - \$100 worth of waived park hire fees

Applicants not recommended for funding: Nil.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

5 Presentation - Community Services - Q1/Q2 Strategic Action Plan Results

Authorised by >> Director Community and Environment
Date >> 15 March 2012

Executive Summary >>

The Coordinator Inclusion and Support Services provided a presentation to the committee regarding the Q1/Q2 Strategic Action Plan results and current initiatives in place, which are linked to the Community Plan.

Committee Recommendation >>

That the presentation on the results of the Q1/Q2 Strategic Action Plan be received.

E CONSIDERATION OF BUSINESS NOTIFIED BY A COUNCILLOR

There was no business notified by a Councillor.

F CONSIDERATION OF NOTIFIED MOTIONS

There were no notified motions.

G QUESTIONS/GENERAL BUSINESS

There were no questions or general business.

The Chair, Councillor J Lane declared the meeting closed at 9.30am.

**COUNCILLOR J LANE
CHAIR**

It was moved by Councillor J Lane, seconded by Councillor D Last:

"that the report of the Lifestyle and Community Development Committee meeting held on 15 March 2012 be received and the recommendations contained therein be adopted."

CARRIED

5 Report - Community Safety and Health Committee - 15 March 2012

Thursday 15 March 2012 at 11.00am

ITEMS 1 TO 1

PRESENT: Councillor D Last, Chair
Councillor B Hewett
Councillor S Blom
Councillor J Lane
Councillor V Veitch
Councillor N Marr
The Mayor, Councillor L Tyrell

OBSERVERS: Councillor D Bell
Councillor T Parsons
Councillor J Hill (as indicated)

A OPENING of MEETING

The Chair, Councillor D Last, declared the meeting open at 11.00 am.

B APOLOGIES and LEAVE OF ABSENCE

It was moved by Councillor V Veitch, seconded by Councillor N Marr:

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

CARRIED

C DECLARATIONS of MATERIAL PERSONAL INTEREST or CONFLICTS OF INTEREST

There were no declarations of material personal interest or conflicts of interest.

D DEPUTATIONS

There were no Deputations.

The Chair moved that the committee deal with General Business as the first order of business.

G GENERAL BUSINESS

(i) Recognition

Councillor V Veitch praised Environmental Health for their exemplary work in the animal control sector.

(ii) Dog Registration Notices

Councillor J Lane queried if there would be a reminder notice sent for dog registration fees this year. The Executive Manager Environmental Health advised that only a 'First and Final' notice would be sent to residents due to the cost of mailing notices and the cost of the advertising campaign. Councillor Marr asked if the funding for the animal registration campaign could be reduced, with those funds then being used to send a second notice.

The Director Community and Environment advised that the department would investigate the matter and bring a report back to the next committee meeting.

Councillor J Hill took a seat in chambers during the following item.

1 Presentation - Drink Safe Precinct - Queensland Police Service

Executive Summary >>

Inspector Steve Kersley from the Queensland Police Service and member of the Townsville Drink Safe Precinct Committee provided an overview of the Drink Safe Precincts operations and initiatives. The committee was also advised that to date, there had been 64 applications to ban vexatious persons from the Drink Safe Precinct, with 30 approved, 28 refused and 6 cases still in progress.

Councillor Last informed the committee that signs would be erected to inform the public of the Drink Safe Precincts' boundaries and gave an update on the Public Toilets, Public Transport and Night Chaplaincy Services for the precinct.

Committee Recommendation >>

That council note this presentation.

The Chair thanked Inspector Kersley for his presentation.

E CONSIDERATION OF BUSINESS NOTIFIED BY A COUNCILLOR

There was no business notified by a Councillor.

F CONSIDERATION OF NOTIFIED MOTIONS

There were no notified motions.

The Chair, Councillor D Last closed the meeting at 11.21am

**COUNCILLOR D LAST
CHAIR**

It was moved by Councillor D Last, seconded by Councillor B Hewett:

"that the report of the Community Safety and Health Committee meeting held on 15 March 2012 be received and the recommendations contained therein be adopted."

CARRIED

6 Report - Environment and Sustainability Committee - 15 March 2012

Thursday 15 March 2012 at 1.00pm

ITEMS 1 TO 4

PRESENT: Councillor V Veitch, Chair
Councillor S Blom
Councillor A Parsons
Councillor T Roberts
Councillor R Gartrell
Councillor J Hill
The Mayor, Councillor L Tyrell

A OPENING of MEETING

The Chair, Councillor V Veitch, declared the meeting open at 1.00pm.

B APOLOGIES and LEAVE OF ABSENCE

There were no apologies or leave of absences.

C DECLARATIONS of MATERIAL PERSONAL INTEREST and CONFLICTS OF INTEREST

There were no declarations of Material Personal Interest and Conflicts of Interest.

D DEPUTATIONS

There were no Deputations.

INTEGRATED SUSTAINABILITY

1 Integrated Sustainability Services - US Sustainability/ Climate Change Fellowship Presentation

Authorised by >> Director Community and Environment
Date >> 8 March 2012

Executive Summary >>

From 12 until 24 of March Townsville will host Michael Scanlon (City Administrator, City of Mission, Texas) and Cynthia Steinhauser (Assistant City Manager, City of Dubuque, Iowa), on a Professional Climate Change Fellowship through the International City / County Management Association. During their time in Townsville, they will be meeting with, and interacting with Townsville City Council staff, community, local environmental products & services, non government organisations, academics and key project partners of Integrated Sustainability Services programs and activities. During their time Townsville there will multiple occasions with which they will be able to present information and programs relating to the work they undertake in their Cities.

Michael and Cynthia will be able to provide a presentation to the Committee relating to the work and actions they are undertaking in their respective Cities.

Officer's Recommendation >>

That council note the presentations made by Michael Scanlon (City of Mission) and Cynthia Steinhauser (City of Dubuque).

Committee Recommendation >>

That the Officer's Recommendation be adopted.

The Chair thanked Mr M Scanlon and Ms C Steinhauser on behalf of the committee for their presentations.

2 Integrated Sustainability Services - Submissions to the National Awards for Local Government

Authorised by >> Director Community and Environment
Date >> 8 March 2012

Executive Summary >>

The National Awards for Local Government are run by the Department of Regional Australia, Local Government, Arts and Sport, and they recognise, reward and promote the innovative work of local governments across Australia.

Integrated Sustainability Services submitted three submissions for consideration:

The winners of the 16 award categories will be announced in early April 2012 and the overall winners of the National Awards for Excellence, which are selected from amongst the category winners will be announced in June 2012.

Officer's Recommendation >>

That council endorses the below three submissions for consideration under the National Awards for Local Government:

1. Category: Innovation in Natural Resource Management
Title: Creek to Coral Partnership: Involving our community in Natural Resource Management;
2. Category: Innovative Infrastructure Development
Title: Innovation in green waste management to enable more sustainable disaster recovery outcomes; and
3. Category: Energy Smart
Title: Townsville City Council Citysolar Community Capacity Building Program.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

3 Integrated Sustainability Services - Foresight 21- Unlocking Australia's regional potential in a carbon constrained world

Authorised by >> Director Community and Environment
Date >> 08 March 2012

Executive Summary >>

Green Cross Australia in partnership with CSIRO has recently developed a new and exciting opportunity for community engagement in sustainability through their 'Foresight 21' program.

Integrated Sustainability Services provided a letter of support for the program and committed to the following:

- supplying a local venue to run a workshop discussing the confronting complex challenges affecting social, economic and environmental aspects of community development in a carbon constrained future;
- participation from the council on the project steering committee; and
- sharing our recent learning's from efforts to develop innovative solutions to community problems, including initiatives to implement new learning and communication processes and new technologies.

This opportunity will further expand on existing programs and help to solidify Townsville as a leader in community engagement on sustainability.

A summary of the application is also attached.

Officer's Recommendation >>

That council note this information.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

4 Integrated Sustainability Services - Electric Vehicle Charging Station and Photovoltaic Installation on the Strand as part of a collaborative trial

Authorised by >> Director Community and Environment
Date >> 8 March 2012

Executive Summary >>

Townsville City Council's Citysolar program is working with Ergon Energy across the community on a number of innovative trial and demonstration projects in order to find new ways to better manage energy use and build the community's capacity to act more sustainably and adapt to change.

In an extension of Townsville Solar Cities Program (Townsville an Energy Sense Community) Ergon Energy are currently working within the community to trial the use and adoption of Electric Vehicles (EVs) on a residential scale. The purpose of this trial is to determine the impact of electric vehicles on the electricity grid as well as any social implications associated with using electric rather than fossil fuel powered transportation.

This initiative will see Townsville as innovative leaders in electric vehicle technology as this trial is the first of its kind in Queensland.

There are currently four EV charging stations located in private residences, one located at the Townsville Airport and another located at Horan and Bird Electrical. The chargers at the airport and Horan and Bird are supported by photovoltaic (PV) systems which offset the electricity consumed by the chargers.

As part of the EV trial, Ergon Energy will be the responsible owners of the charging station with council being the hosting party under an agreement for a defined period of time. At the conclusion of the trial, council will have the opportunity to negotiate whether taking ownership of the charging station. If the charger is to be removed at any time, Ergon Energy will incur any costs and return the site to its state as it was prior to installation.

As part of a trial on The Strand, it is proposed that the Citysolar program would install a Solar Cities Strand Learnscape in the form of a photovoltaic shade structure which has previous approval by council.

The photovoltaic shade structure will be similar to that installed at the Townsville Airport however the structure will be much smaller to avoid blocking any views of the foreshore and bay as well as be consistent with the shade structures currently in place throughout The Strand at the BBQ areas. This will provide a shaded area for recreational activities.

Preliminary discussions have been held with Assets & Maintenance, Technical Services and Parks Services to investigate the viability of the project and potential site locations.

Officer's Recommendation >>

That council support a trial of Electric Vehicle charging stations as part of a collaborative electric vehicle trial with Ergon Energy in particular at The Strand but also including Aitkenvale Library, Riverway, the Civic Theatre, RSL Stadium, Walker Street and Thuringowa Drive council administration buildings.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

E CONSIDERATION OF BUSINESS NOTIFIED BY A COUNCILLOR

There was no business notified by a Councillor.

F CONSIDERATION OF NOTIFIED MOTIONS

There were no notified motions.

G QUESTIONS/GENERAL BUSINESS

There was no general business.

The Chair, Councillor V Veitch closed the meeting at 2.04 pm

**COUNCILLOR V VEITCH
CHAIR**

It was moved by Councillor V Veitch, seconded by Councillor D Last:

"that the report of the Environment and Sustainability Committee meeting held on 15 March 2012 be received and the recommendations contained therein be adopted."

CARRIED

7 Report - Corporate Governance Committee - 20 March 2012

Tuesday 20 March 2012 at 9.30am

ITEMS 1 TO 4

PRESENT: Councillor N Marr, Chair
Councillor T Roberts
Councillor J Hill
Councillor D Bell
Councillor J Lane

OBSERVERS: Councillor V Veitch
Councillor A Parsons

A OPENING of MEETING

The Chair, Councillor N Marr declared the meeting open at 9.30 am.

B APOLOGIES and LEAVE OF ABSENCE

It was moved by Councillor T Roberts, seconded by Councillor D Bell:

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

CARRIED

C DECLARATIONS of MATERIAL PERSONAL INTEREST and CONFLICTS OF INTEREST

There were no declarations of material personal interest or conflicts of interest.

D DEPUTATIONS

There were no deputations.

CORPORATE GOVERNANCE

1 Corporate Governance - Policies to Rescind March 2012

Authorised by >> Director Corporate Services
Date >> 7 March 2012

Executive Summary >>

The Corporate Governance Department is seeking approval to rescind the following policies which are outdated, no longer required, not being used or have been reviewed and replaced:

Former Townsville City Council

- Community Access to Townsville City Council Resources, Skills and Facilities for the Performing Arts Policy 244

Former Thuringowa City Council

- Higher Duties Policy
- Open Drains - Maintenance of Policy
- Limitation of Contracts Policy

Former NQ Water

- Financial Management Systems and Procedures Policy
- Financial Reporting Policy
- Goods and Services Tax Policy

Officer's Recommendation >>

That council rescind:

Former Townsville City Council

- Community Access to Townsville City Council Resources, Skills and Facilities for the Performing Arts Policy 244

Former Thuringowa City Council

- Higher Duties Policy
- Open Drains - Maintenance of Policy
- Limitation of Contracts Policy

Former NQ Water

- Financial Management Systems and Procedures Policy
- Financial Reporting Policy
- Goods and Services Tax Policy

Committee Recommendation >>

That the Officer's Recommendation be adopted.

FINANCE

2 Finance - Budget Variance Report for whole of council for February 2012

Authorised by >> Director Corporate Services
Date >> 11 March 2012

Executive Summary >>

On behalf of the Chief Executive Officer, the Executive Manager Finance presented and discuss the Budget Variance Report for the whole of council for February 2012, pursuant to section 152 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

The Executive Manager circulated the Budget Variance Report for the whole of council for February 2012 separately to the Agenda.

Officer's Recommendation >>

That council note the financial report for February 2012 and budget variance explanations presented by the Executive Manager Finance, pursuant to section 152 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

CONFIDENTIAL ITEMS

It was moved by Councillor D Bell, seconded by Councillor T Roberts:

"that the committee RESOLVE to close the meeting in accordance with sections 72(1)(d) and (h) of the *Local Government (Operations) Regulation 2010* which permits the meeting to be closed to the public for business relating to the following:

- (d) rating concessions (item 3);and
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage (item 4)."

CARRIED

The committee discussed the items.

It was moved by Councillor T Roberts, seconded by Councillor D Bell:

"that the committee RESOLVE to open the meeting."

CARRIED

3 Finance - Write-off of Rates and Charges

Authorised by >> Director Corporate Services
Date >> 7 March 2012

Executive Summary >>

Land at Kalynda Parade described as Lot 903 on SP 240046 has been developed as a tennis centre and has now been transferred to council. The property has outstanding rates and charges totalling \$31,381.54.

The land should have become exempt land from the 24 November 2009 when it was intended that the land be transferred to council in accordance with the memorandum of agreement dated 10 March 2009 entered into between council and the developer.

However, the land remained in the name of the developer due to complex circumstances resulting in delays by council in finalising the land transfer and because of that rate notices were issued to the developer until the land was formally transferred to the council on 1 December 2011.

It is recommended that rates and charges levied on the land from 24 November 2009 should now be written off as it was the understanding of both parties that the land would be exempt from that date when the sale of the land was intended to occur.

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 (9) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council write-off outstanding rates and charges levied on property number 542344 between 24 November 2009 and 1 December 2011 having reference to the memorandum of agreement between the developer and council, dated 10 March 2009, regarding the transfer of land and the development of the Kalynda Chase Tennis Centre.

Committee Recommendation >>

That the Officer's Recommendation be adopted.

4 Finance - Write-off Bad Debts as at February 2012

Authorised by >> Executive Manager Finance
Date >> 9 March 2012

Executive Summary >>

A quarterly review of the Townsville City Council accounts receivable has been undertaken. As at 29 February 2012, the balance of the allowance for doubtful debts was \$690,801.29. A review of the allowance has determined that commercial debtors outstanding as at 29 February 2012 to the value of \$30,245.52, and Regulatory Approvals Management System (RAMS) debtors to the value of \$123,301.37 are recommended to be written off as bad debts.

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 (9) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council approves the write-off of \$30,245.52 in outstanding commercial debtors as at 29 February 2012, detailed in the attached Debtor write-off list.
3. That council approves the write-off of \$123,301.37 in outstanding Regulatory Approvals Management System (RAMS) debtors as at 29 February 2012, detailed in the attached Debtor write-off list

Committee Recommendation >>

1. That the Officer's Recommendation be adopted.
2. That the Chief Executive Officer provide a report to the next committee meeting outlining the specific details of the arrears and all recovery actions taken (or planned) for items from the recommended write-off list greater than \$1,000.00 for any one business.

E CONSIDERATION OF BUSINESS NOTIFIED BY A COUNCILLOR

There was no business notified by a Councillor.

F CONSIDERATION OF NOTIFIED MOTIONS

There were no notified motions.

G QUESTIONS/GENERAL BUSINESS

(i) Local call charges to the council 1300 number

Councillor J Hill raised the concern of a resident regarding the cost of calls to the council 1300 telephone number. The Director Corporate Services advised the committee that she would liaise with Telstra to confirm the cost. She also advised that the 1300 telephone number is the reliable number during an emergency.

The Chair, Councillor N Marr declared the meeting closed at 10.05am.

**COUNCILLOR N MARR
CHAIR**

Councillor J Hill requested that item 1 - Corporate Governance - Policies to Rescind March 2012, be dealt with separately.

It was moved by Councillor N Marr, seconded by Councillor A Parsons:

“that items 2 to 4 of the report of the Corporate Governance Committee meeting held on 20 March 2012 be received and the recommendations contained therein be adopted.”

CARRIED

It was moved by Councillor B Hewett, seconded by Councillor D Last:

“that item 1 of the report of the Corporate Governance Committee meeting held on 20 March 2012 be received and the recommendation contained therein be adopted.”

CARRIED

OFFICERS' REPORTS

CORPORATE SERVICES

- 8 Executive - 2012 Local Government Managers Australia National Congress at Perth Convention Centre 20 - 23 May 2012; National General Assembly of Local Government in Canberra 17 - 20 June 2012; Australian Local Government Women's Association (QLD) 2012 State conference 25 - 27 July 2012**
-

Authorised by >> Chief Executive Officer
Date >> 12 March 2012

Executive Summary >>

1. The Local Government Managers Australia National Congress will be held in Perth at the Perth Convention and Exhibition Centre from 20 - 23 May 2012. Registrations for this conference are now open and can be found at www.lgma.org.au
2. The President of the Australian Local Government Association has written to council inviting the Mayor, Councillors and Chief Executive Officer to this year's National General Assembly of Local Government in Canberra on 17 - 20 June 2012. The theme for the meeting will be *National Voice, Local Choice - Infrastructure, Planning, Services*. For more information and registration visit www.alga.asn.au
3. The Australian Local Government Women's Association (QLD) 2012 State Conference will be held in Cairns from 25 - 27 July 2012 at the Cairns Hilton. For further information contact Rebecca Anderson at Cairns Regional Council on r.anderson@cairns.qld.gov.au or to register visit www.cairns.qld.gov.au

Due to the council elections being held on 28 April and before these conferences will take place, it is suggested that council notes the information and that no decision be made at this time for any Councillors to attend.

Officer's Recommendation >>

That council receive the report.

Council Decision >>

That this item be deferred for discussion with the new council.

In accordance with section 173 of the *Local Government Act 2009*, the Mayor, Councillor L Tyrell declared a real conflict of interest in regards to item 9 of the Officers' Reports.

- (a) *the nature of the conflict of interest as described by the Councillor:*
The Mayor, Councillor L Tyrell has had previous business dealings with one of the applicants.
- (b) *how the Councillor dealt with the real conflict of interest:*
The Mayor, Councillor L Tyrell determined that he had a real conflict of interest and left the meeting and did not participate in debate or voting on the matter.
- (c) *if the Councillor voted on the matter - how the Councillor voted:*
The Mayor, Councillor L Tyrell vacated the meeting during discussion and voting on item 9 of the Officers' Reports.
- (d) *how the majority of Councillors who were entitled to vote at the meeting voted on the matter:*
The majority of Councillors voted as per the recommendation.

The Deputy Mayor, Councillor D Last assumed the Chair.

The Chief Executive Officer, Ray Burton advised the meeting that the Director Planning and Development, Stewart Pentland had advised him prior to the meeting of a potential conflict of interest in regard to item 9 and would not be advising council on this matter. The Executive Manager Development Assessment, Denise Hinneberg was in attendance.

PLANNING AND DEVELOPMENT

- 9 PAU - Preliminary Approval MCU MI10/0026 (S3.1.6 - Master Planned Residential Development) and Development Permit - Reconfiguring a Lot (Stages 1A and 1B) Lynam Road, Gumlow**

Authorised by >> Director Planning and Development
Date >> 10 January 2012

Executive Summary >>

A Development Application for Preliminary Approval Material Change of Use Impact (S3.1.6 - Master Planned Residential Development) and Development Permit - Reconfiguring a Lot (Stages 1A and 1B) on Lot 26 E 124278 situated at Lynam Road, Gumlow has been received from Applicant: Willowbend (NQ) Pty Ltd, C/- Everson Town Planning - MI10/0026 11905002 and has been recommended for refusal.

Officer's Recommendation >>

That council refuse the application for a Development Permit for Preliminary Approval Material Change of Use Impact (S3.1.6 - Master Planned Residential Development) and Development Permit - Reconfiguring a Lot (Stages 1A and 1B) on Lot 26 E 124278 situated at Lynam Road, Gumlow for the following reasons:

- (i) the proposed preliminary approval for Material Change of Use compromises the achievement of Desired Environmental Outcomes 1, 2, 4, 5 and 6 of the City of Thuringowa Planning Scheme;
- (ii) the proposed preliminary approval for Material Change of Use compromises the achievement of Desired Environmental Outcome DEO6 (Land Use Patterns) - 2.6.2 (a), (b) of the City of Thuringowa Planning Scheme;
- (iii) the proposed preliminary approval for Material Change of Use conflicts with the City Wide Codes, including section 5.6 (Urban Growth Boundaries) and section 5.4 (Natural Hazards) of the City of Thuringowa Planning Scheme;
- (iv) the proposal has failed to demonstrate that there is a clear planning, economic or social need for residential development, by the community in this particular location; and
- (v) the above reasons demonstrate that there is insufficient justification to override the Planning Scheme as per section 3.5.14A of *the Integrated Planning Act 1997*.

It was moved by Councillor J Lane, seconded by Councillor D Bell:

“that the Officer’s Recommendation be adopted.”

**Councillor J Lane called for a Division on this vote.
All Councillors present voted for the motion.**

CARRIED UNANIMOUSLY

The Mayor, Councillor L Tyrell resumed the Chair.

GENERAL BUSINESS

(i) Jezzine Power Supply

Authorised by >> Chief Executive Officer
Date >> 27 March 2012

Executive Summary >>

The Chief Executive Officer proposed that council enter into a contract with Ergon Energy for provision of network connection services to Jezzine Barracks Redevelopment.

Officer's Recommendation >>

That in accordance with Section 184(b) of the *Local Government (Finance, Plans and Reporting) Regulation 2010*, council resolve to enter into a contract with Ergon Energy for provision of network connection services to Jezzine Barracks Redevelopment having formed the view that Ergon Energy is a specialised provider of this service.

It was moved by Councillor R Gartrell, seconded by Councillor B Hewett:

“that the Officer’s Recommendation be adopted.”

CARRIED

(ii) Process for illegal drug labs found at properties

Councillor D Bell expressed concern at the process for safety checks on properties where illegal drug labs have been found. Councillor Bell referred to a recent incident and queried the time council needs to wait to be called to inspect a property after a crime and why is there no communication between the Police, the Department of Health and Aging and council’s Environmental Health Officers. Councillor Bell requested council write to the Attorney-General and request strict guidelines to cover the Police, council and the home owner.

It was moved by Councillor J Lane, seconded by Councillor J Hill:

“that this issue be referred to the relevant committee.”

CARRIED

(iii) Update on waste collection services industrial dispute

The Chief Executive Officer provided an update on the issues regarding the waste collection services industrial dispute.

MAYOR