

ORDINARY COUNCIL PUBLIC MINUTES TUESDAY 23 JULY 2019 AT 1.01PM



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Council Members >>

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

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

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

Objectives >>

Goal 1 - A Prosperous City

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

Goal 2 - A City for People

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

Goal 3 - A Clean and Green City

- **3.1** Plan, design and deliver sustainable development and support this by actively managing the natural environment and increasing green infrastructure, at a city, suburb and place level.
- **3.2** Develop and implement long term waste and water security solutions that are socially, financially and environmentally sound.
- Goal 4 A Smarter, Faster, Better Council
- **4.1** Provide customer-focused services that enhance the customer experience and meet the expectations of our community in a dynamic and adaptive manner.
- **4.2** Ensure that Council's plans, services, decisions and priorities reflect the needs and expectations of the community.
- **4.3** Ensure that public funds are expended efficiently and that Council expenditure represents value for money whilst supporting the local economy.
- **4.4** Be a valued and committed employer who provides a productive, inclusive and respectful environment for staff and the community.
- **4.5** Improve financial sustainability and provide value and accountability to the community for the expenditure of public funds.

ACKNOWLEDGEMENT OF COUNTRY

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

TOWNSVILLE CITY COUNCIL ORDINARY COUNCIL Tuesday 23 July 2019

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REPORT	COUNCIL MEETING
DATE	Tuesday 23 July 2019 at 1.01pm
ITEMS	1 TO 28
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor P Jacob Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars Councillor L Walker

Opening of meeting and announcement of visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.01pm.

Acknowledgement to Country

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

Prayer

Reverend Clive Brookfield of the Anglican Church provided at the meeting a book for Council's library titled 'Dare to be holy'.

Reverend Brookfield delivered the opening prayer.

Apologies and leave of absence

There were no apologies noted.

Request for leave of absence

Councillor M Molachino requested leave of absence for the period 15 to 23 August 2019.

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

"that Council approve the request for leave of absence from Councillor M Molachino for the period 15 to 23 August 2019."

CARRIED UNANIMOUSLY

Confirmation of minutes of previous meeting

It was MOVED by Councillor V Coombe, SECONDED by Councillor M Soars:

"that the minutes of the Ordinary Council meeting of 25 June 2019 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of interests

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

- Officers' Reports Perceived conflict of interest Item 28 Councillor C Doyle Councillor Doyle and her husband own a commercial property in Flinders Street East and their sons own a café within this building.
- (ii) Officers' Reports Real conflict of interest Item 28 Councillor M Ryder Code Valley is a past client of Councillor Ryder's business, Madmaggies Outback Promotions.
- (iii) Officers' Reports Perceived conflict of interest Item 28 Councillor V Coombe Councillor Coombe has met with the proponents on unrelated matters relating to their primary business.

Correspondence

There was no correspondence.

Petitions

There were no petitions.

Deputations

There were no deputations.

Notices of motion

There were no notices of motion.

Presentations

(i) Recovery update - Built environment

The Director Infrastructure and Operations provided a presentation on the recovery update with regards to the built environment aspect.

(ii) Water Smart Package update

The Program Director - Water Security provided a presentation on an update of the Water Smart Package which included information on the Garden Support Package and the Water Savings Devices Rebate.

Mayoral Minute

There were no Mayoral Minutes.

Committee Items

Infrastructure Services Committee

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

- "1. that the committee recommendations to items 1 to 4 be adopted; and
- 2. that item 5 be dealt with separately."

CARRIED UNANIMOUSLY

Councillor L Walker referred to item 2 with regards to naming the Oonoonba Park Oval after Noel Wilson. Councillor Walker paid tribute to Noel Wilson and thanked the Councillors, Mayor and staff for their work to get this outcome.

The Mayor, Councillor J Hill also paid tribute to Noel Wilson.

The Mayor, Councillor J Hill referred to item 4 to highlight the NATA (National Association of Testing Authorities) accreditation Townsville Laboratory Services has achieved recently and the good work that is being done by Council's staff.

Item 5 - CONFIDENTIAL REPORT - Infrastructure Planning, assets and Fleet - Civic Theatre Painting Proposal

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

- "1. that officer's recommendation no. 1 be adopted;
- 2. that Council approve proceeding with paint application to Civic Theatre external masonry block façade as a variation amounting to \$321,369.40 excluding GST to the cost-plus contract with Hutchinson Builders on the basis paint adhesion testing by paint manufacturer is satisfactory;
- 3. that Council approve total project budget forecast for painting works which is subject to confirmation of provisional cost amounts included in variation amount;
- 4. that Council approve application of recommended colour selection of Dulux colour "Dieskau"; and
- 5. that Council approve recommendation to not proceed with window replacement due to no evidence has been presented by the Insurer or Hutchinson Builders of water ingress at window installations. The requirement for window replacement would be periodically reviewed following future wet season performance of building by asset owner, Property Management."

CARRIED UNANIMOUSLY

1 Presentation - Recovery Update - Built Environment

Committee Recommendation

That the General Manager Infrastructure Planning Assets and Fleet, or delegate, provide the presentation at Full Council.

Council Decision

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

2 Infrastructure Planning, Assets and Fleet Request to Name Oonoonba Park Oval after Late Councillor Noel Wilson

Executive Summary

Council has received a request from Mr Geoffrey Wilson to rename Oonoonba Park or a section of the park after his father, the late Councillor Noel Wilson.

Officer's Recommendation

- 1. That Council agree to name the Oonoonba Park Oval after Noel Wilson.
- 2. That Council establish signage in the park to identify the oval as the Noel Wilson Oval and provide some history on the late Councillor Noel Wilson.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

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

Executive Summary

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

Officer's Recommendation

That Council approve the request for Economic Development Queensland to install a gate near the end of Haynes Road and construct a private road within the Old Georgetown Road reserve for access to Lot 102 on SP295409.

Committee Recommendation

That further community consultation should occur and the report be presented to the August 2019 Infrastructure Committee.

Council Decision

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

4 Townsville Water & Waste - Townsville Laboratory Services new accredited capability

Executive Summary

Townsville Laboratory Services has achieved NATA accreditation for its development and validation of an analytical methodology for the analysis of per and polyfluoroalkyl substances (PFAS) in water and wastewater. This capability will allow for Council's compliance to drinking water, wastewater and environmental monitoring requirements. This will also allow for an increase in the analytical services market share as Townsville Laboratory Services is now the first and only NATA accredited laboratory for this analysis in North Queensland.

Officer's Recommendation

It is recommended that Council endorse this capability.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

5 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - Civic Theatre Painting Proposal

Executive Summary

The impact of water ingress and subsequent mould growth to the Civic Theatre following the NQ monsoonal event has severely impacted the performing arts in Townsville and the region. Restoration and building repairs are underway by Insurer appointed builder, Hutchinson Builders with the facility closed until October 2019 albeit whilst still supporting V8 Supercars and Australian Festival of Chamber Music events. Water absorption to external masonry blockwork was a factor in creating a high moisture environment in the building with warm conditions leading to the severe mould development. Investigations to scope maintenance work to reduce the risk of moisture ingress during extended periods of high rainfall identified the application of an elastomeric paint to external masonry blockwork would greatly reduce the transmission of water into the building via blockwork and accordingly the incidence of resultant damage.

Officer's Recommendation

- 1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
- 2. That Council approve the recommendations made at the conclusion of this report.

Committee Recommendation

That the item be referred to Full Council.

Council Decision

Refer to resolution preceding item 1 of the Council minutes where Council resolved the following:

- 1. That officer's recommendation no. 1 be adopted.
- 2. That Council approve proceeding with paint application to Civic Theatre external masonry block façade as a variation amounting to \$321,369.40 excluding GST to the cost-plus contract with Hutchinson Builders on the basis paint adhesion testing by paint manufacturer is satisfactory.
- 3. That Council approve total project budget forecast for painting works which is subject to confirmation of provisional cost amounts included in variation amount.
- 4. That Council approve application of recommended colour selection of Dulux colour "Dieskau".
- 5. That Council approve recommendation to not proceed with window replacement due to no evidence has been presented by the Insurer or Hutchinson Builders of water ingress at window installations. The requirement for window replacement would be periodically reviewed following future wet season performance of building by asset owner, Property Management.

Planning and Development Committee

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

"that the committee recommendations to items 6 to 10 be adopted."

CARRIED UNANIMOUSLY

6 Planning Services - Industry Reference Group Meeting Update - May 2019

Executive Summary

This Report to Council provides an update on Council's Industry Reference Group (IRG) meetings. The most recent meeting was held on 22 May 2019.

Membership of the IRG comprises local representatives of peak industry bodies, development companies and planning and engineering consultants as well as representatives from State Government agencies.

Items discussed included the flood recovery update, Defence Industry Attraction Strategies, City Plan 2014 Performance Update, draft CBD car parking strategy, proposed CBD Incentives Package, PDA (Priority Development Area) review, State Government Statutory Planning updates and the Local Government Infrastructure Charges timing of payment / review.

Officer's Recommendation

That Council note the key matters discussed at the Industry Reference Group meeting held on 22 May 2019 as outlined in this report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

7 Planning Services - Material Change of Use MCU19/0010 - Veterinary Services

Executive Summary

The application is for a Development Permit - Material Change of Use for Veterinary Services located at 5 Thuringowa Drive, Kirwan. The proposal involves the reuse of an existing Health care service (Medical centre). The Veterinary services will include two veterinarians on the site at any given time, with one practice manager. In addition, the premises will accommodate three to four nurses/receptionists, with a total of five to six full time employees overall.

The subject site is located within the Thuringowa East Precinct of the Medium Density Residential Zone, where the proposed use is identified as being Impact Assessable development under the Townsville City Plan and therefore requiring public notification. The application was publicly notified for a period of 15 business days between 15 March 2019 and 5 April 2019. During the public notification period, Council received two properly made submissions regarding the proposed development. The key grounds for objections were based on:

- a) inconsistency with the Medium Density Residential Zone Code Amenity, noise and odour;
- b) conflict with Strategic Framework (3.4 Theme; Thuringowa-East Precinct);
- c) car parking capacity Insufficient number of car spaces;
- d) building standards structure not fit for purpose of proposed use;
- e) hours of operation;
- f) community need service area likely to exceed local catchment; and
- g) animal management.

Council has reviewed and considered each of the items raised, and where appropriate, conditions have been included to address these concerns. Detailed responses to the submissions are provided in Section 7 of this report. Having regard to the provisions of the Townsville City Plan and other relevant policies, the development is considered consistent with the outcomes sought for the subject site and locality and accordingly it is recommended that Council approve the application.

Officer's Recommendation

That Council approve application MCU19/0010 for a Development Permit for a Material Change of Use for Veterinary Services under the *Planning Act 2016* on land described as Lot 26 T 118596, more particularly 5 Thuringowa Drive Kirwan subject to the following conditions:

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE (VETERINARY SERVICES)

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Revision No.	Plan/Revision Date
Floor and Site Plan	1	-	30/05/19
Carpark Layout Plan	MJ1943/V1	P3	03/06/2019

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

Reason

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

Timing

During the operation and life of the development.

2. Number of Veterinarians

Condition

A maximum number of two (2) veterinarians are permitted to practise on the premises at any one time as part of the approved use.

Reason

To ensure that there is an adequate amount of on-site car parking to service the anticipated demand generated by the number of veterinarians operating on the premises as any given time.

Timing

At all times following the commencement of use.

3. Hours of Operation

Condition

Unless otherwise approved by Council, the activities associated with the use must only be conducted between 8:00am to 5:30pm Monday to Friday and 8:00am to 12:00pm on Saturdays.

The use is not to operate on Sundays or Public Holidays.

Reason

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

Timing

At all times following the commencement of the use.

4. Property Numbering

Condition

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

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

Reason

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

Timing

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

5. Car Parking

Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.3.5 Transport impact, access and parking code of the City Plan. The car park and access must be designed in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.5. Car space dimensions and pavement markings must be in accordance with the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of 11 car spaces including a disabled park and provision for a service vehicle must be provided on site in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan.
- c) A bollard must be installed within the disabled park shared space in accordance with AS/NZS 2890.6 Off street parking for people with disabilities.
- d) The service vehicle park must be pavement marked "Service Vehicle Parking Only".
- e) The four (4) rear parking bays must be pavement marked "Staff Parking Only".

Reason

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

Timing

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

6. Landscaping

Condition

The existing landscaping at the front of the property must be upgraded to improve the quality of streetscape presentation through additional groundcover plantings, mulch and general maintenance. The landscaping at the front of the property must retain the existing palms or at least one shade tree on each side of the driveway.

Reason

To ensure the site landscaping is in accordance with the planning scheme code and policies.

Timing

The existing site landscaping must be upgraded prior to the commencement of the use and maintained for the life of the development.

7. Signage

Condition

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

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

Reason

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

Timing

Prior to the commencement of the use.

8. Refuse Facilities

Condition

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.3.6 Works code of the Townsville City Plan and in particular:

- a) A waste storage area, in an area not adjacent to any residential uses, must be provided of sufficient size to house all refuse 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.
- b) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000.*

Reason

To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant code/s and policy direction.

Timing

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

9. Plant and Utilities Noise

Condition

All refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems must be located, designed and installed to not exceed a maximum noise level of:

- a) 5dB(A) above background level between the times of 7am to 10pm; and
- b) 3dB(A) above background level between the times of 10pm to 7am.

Reason

To ensure the use does not have a detrimental effect on the amenity of nearby sensitive receptors in accordance with the Environmental Protection Act 1994.

Timing

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

10. Odour Management

Condition

The storage of deceased animals must occur immediately following euthanasia, by means of freezing.

Reason

To ensure that the use does not cause an odour nuisance to nearby sensitive receptors.

Timing

During the operation and life of the development.

11. Outdoor Lighting

Condition

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

Reason

To ensure that the use does not cause an environmental nuisance to nearby sensitive receptors in accordance with section 440 of the Environmental Protection Act 1994.

Timing

During the operation and life of the development.

12. Animal Management

Condition

- a) The overnight boarding room must be acoustically treated to mitigate any noise impacts on surrounding residential properties. All internal walls must be insulated and lined with acoustic materials, including the removal of the rear window (to be replaced with a solid wall).
- b) The animals must be kept within kennels between the hours of (5.30pm and 8am). No cages must face each to prevent the generation of noise by the animals.

Reason

To ensure development minimises impacts on surrounding land and provides for an appropriate level of amenity in accordance with PO3 of Medium Density Residential Zone Code.

Timing

During the operation and life of the development.

Referral Agency Conditions

Concurrence Agency Conditions - Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)

Pursuant to Section 56 of the *Planning Act 2016*, the DSDMIP advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, subject to the conditions, as attached.

Advice

1. Infrastructure Charges

Condition

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

2. Water Restrictions

Condition

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

3. Further Approvals Required

Advice Condition

a) **Plumbing and Drainage Works**

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

b) Building Works

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

c) **Operational work – Signage**

A Development Permit for Operational work is required for signage deemed to be code assessable in accordance with the Planning Scheme.

4. Further Inspections Required

Condition

Compliance with Conditions

The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to any further approvals.

Condition 4 – Property Numbering Condition 5 – Carparking Condition 6 – Landscaping Condition 11 – Animal Management

5. Storage of Materials and Machinery

Condition

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

6. Building Work Noise

Condition

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

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

7. Specifications and Drawings

Condition

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

8. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

9. Asbestos

Condition

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

10. Chemical Storage

Condition

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

11. Clinical/Medical waste

Condition

This development has the potential to generate or handle clinical and regulated waste material. Clinical and medical related waste is to be handled in accordance with Australian Standard/New Zealand Standard 3816:1998 – Management of clinical and related wastes.

Reason

To ensure compliance with the relevant legislation and to protect public health and safety.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 6 of the Council minutes where Council resolved that the committee recommendation be adopted.

8 Planning Services - Land Use and Urban Design - Townsville City Plan Amendment Package 2017/03 - Adoption of Major Amendment

Executive Summary

On 4 April 2017 Council resolved to make a major amendment to the Townsville City Plan as part of Amendment Package 2017/03. The major amendment seeks to update the zoning of a number of land parcels within the local government area, to reflect the uses currently existing on site and/or development approvals obtained by the landowner.

Council has recently received formal correspondence from the Minister advising that the proposed amendment appropriately integrates the relevant State interests identified in the State Planning Policy (SPP) April 2016, and Council may now proceed to adopt the proposed major amendment.

Officer's Recommendation

That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, Council resolve to adopt the proposed major amendment, with no changes, in accordance with this Report to Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

9 CONFIDENTIAL REPORT - Planning Services - New Townsville Cemetery Siting Study Further Investigations - Stage 2

Committee Recommendation

That this item be withdrawn.

Council Decision

Refer to resolution preceding item 6 of the Council minutes where Council resolved that the committee recommendation be adopted.

10 CONFIDENTIAL REPORT - Future Cities - Addition to Council's Sole Supplier List

Executive Summary

The Future Cities office is requesting that Place Score Pty Ltd are added to the sole supplier list for provision of specialised services.

Officer's Recommendation

- 1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
- 2. That Council resolve, in accordance with section 235(a) and (b) of the *Local Government Regulation 2012*, that it is satisfied that the list of sole source suppliers be varied to Place Score Pty Ltd on the basis that they are a sole supplier or supplier of specialised or confidential services.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Community Health and Environment Committee

It was MOVED by Councillor M Ryder, SECONDED by Councillor P Jacob:

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

CARRIED UNANIMOUSLY

Councillor A Greaney referred to item 12 regarding the Pet Expo and thanked the staff for their work on this event.

11 Presentation - Recovery Update - Natural Environment

Executive Summary

The General Manager Environmental Services provided a presentation on the recovery update with regards to the natural environment aspect.

Committee Recommendation

That the presentation be noted.

Council Decision

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

12 Environmental Health and Regulatory Services - Pet Expo

Executive Summary

The annual Pet Expo was held on 9 June 2019 at Jezzine Barracks from 8am to 1pm promoting responsible pet ownership. Over 10,000 resident animal lovers attended the event.

There were 63 exhibitors ranging from vet clinics, animal behaviouralists, fostering rehoming groups, Queensland Police Service, pet groomers, pet stores and food suppliers.

This year two main arenas were required to cater for feature presentations by the Corrective Services Prison Dogs, Ranger Dan wildlife, obedience clubs, light horse dressage and western demonstrations and crowd favourites Dachshund Dash and Small Paws Sprint.

Officer's Recommendation

Council note the success of the 2019 Pet Expo and the role it plays in promoting responsible pet ownership in the community.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Community and Cultural Development Committee

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

"that the committee recommendations to items 13 to 19 be adopted."

CARRIED UNANIMOUSLY

Councillor C Doyle acknowledged and thanked staff for various matters.

13 Presentation - Recovery update - Human and Social

Executive Summary

The Team Manager Community Engagement provided a presentation on the recovery update with regards to the human and social aspect.

Committee Recommendation

That the Committee note this presentation.

Council Decision

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

14 Community Engagement and Cultural Services - Minutes of Townsville Sister Cities Community Forum 6 June 2019

Executive Summary

Townsville Sister Cities Community Forum (TSCCF) is a multi-party group established in 2009 whose primary purpose is to provide direction and assist Townsville City Council in the management and activities of Council's Sister City relationships.

Attached to this Report to Council are the minutes of the Townsville Sister Cities Community Forum for the information of the Committee.

Officer's Recommendation

- 1. That Council note the minutes of the Townsville Sister Cities Community Forum meeting of 6 June 2019.
- 2. That Council approve the changes to the Sister Cities Projects 2019/2020, as discussed in report information.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

15 Cultural Services - Townsville's Public Street Art Gallery

Executive Summary

Townsville City Council embarked on a journey to develop and deliver a high quality, vibrant and legal Street Art Program in 2012. Gallery Services/Community Development's Memorial Street Art Prize Feasibility Study recommended that Council "develops and implements a holistic Street Art Program that activates and promotes opportunity, innovation, appreciation and education throughout the Townsville region".

Underpinned by Townsville's Street Art Activation Framework, which was adopted by Council in 2014, supported by the Street Art Activation Working Group and endorsed by Council, Townsville's Public Street Art Gallery has forged a foundation for positive change in the Central Business District (CBD). Colourful and lively destination enhancements, in the form of street art murals, have produced a sense of place within the CBD and pride of place within the community.

The Public Street Art Gallery's successes have been formally recognised by the Planning Institute of Australia (PIA) with a Commendation in the 2018 Awards for Planning Excellence Queensland. The gallery was also a finalist in the Property Council of Australia's national 2019 Innovation and Excellence Awards. The Public Street Art Gallery also received high praise from renowned visiting national street artist, James Giddy, who recently delivered two street art murals within the CBD.

Officer's Recommendation

That Council note the success of the Street Art Program's "Public Street Art Gallery".

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

16 Community Programs Townsville City Grants and Partnerships Magnetic Island Race Week

Executive Summary

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

Townsville Motor Boat and Yacht Club Ltd have applied through Townsville City Grants and Partnerships (Community Organisations) - Economic Category - for \$40,000 (cash) and \$94.59 (inkind) fee waiver towards delivery of the Townsville Magnetic Island Race Week 2019 to be held primarily on Magnetic Island from 29 August 2019 to 4 September 2019.

Magnetic Island Race Week was established in 2007 to promote sailing in the region whilst also increasing the profile of and visitation to Magnetic Island. The event is now a cornerstone event, incorporating seven days of sailing and festival activities on Magnetic Island, Cape Cleveland and Townsville. Magnetic Island Race Week has previously attracted more than 8,000 participants and spectators. The event's festival boosts community engagement with people attending and enjoying elements such as Artisan markets, free Children's activities, on water activities, crab races, live music and much more. The Yacht Club works closely with traders on Magnetic Island to assist them to maximise business opportunities offered by the event and form mutually beneficial partnerships.

Officer's Recommendation

That Council approve the issuing of a Townsville City Grants and Partnerships Funding Agreement to Townsville Motor Boat and Yacht Club to the total value of \$40,094.59 which comprises of \$40,000 cash (excl GST) plus waiving of venue fees of \$94.59.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

17 Community Programs - Townsville City Grants and Partnerships

Executive Summary

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

The following report outlines the Open Community Grants that were assessed by internal Subject Matter Experts for the period up to and including 18 June 2019 and approved by Acting Team Coordinator and Team Coordinator as per table 1 in the report. The list includes 10 applications received through the following programs:

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

Of the 10 applications that were received, all have been recommended for funding with the total value of \$35,872.87 plus \$1,522.77 fee waivers.

Officer's Recommendation

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

18 Community Programs - Townsville City Grants and Partnerships - Spirit of Africa Festival

Executive Summary

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

Spirit of Africa Cultural Association have applied through Townsville City Grants and Partnerships (Community Organisations) - Social Category - for \$30,974.56 (cash) and \$1,560.60 (in-kind) fee waiver towards delivery of the African Festival in Townsville 2019 to be held at Riverway Park on 10 August 2019.

The African Festival of Townsville was established in 2011 to celebrate Africa Day. African traditions and history are passed on through stories and performances demonstrated at the festival. The festival showcases folklore stories and dances that African people have retained, adding to the social fabric of Queensland and assisting with building cross-cultural understanding between new migrants, refugees and the wider community. Additionally, the festival serves to keep the diverse African traditions alive through youth and retain pride in the African cultural heritage. Performing for the community forms positive connections between African-Australians in the community, helps build confidence and strengthens relationships. The festival hosts local schools such as Kirwan High School, Ryan Catholic College and Pimlico State School to participate in the festival to encourage collaboration and understanding across cultures.

Officer's Recommendation

That Council approve the issuing of a Townsville City Grants and Partnership Funding Agreement to Spirit of Africa Cultural Association to the total value of \$32,535.16 which comprises of \$30,974.56 (cash) and \$1,560.60 (in-kind) fee waiver.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

19 Future Cities - Australian Festival of Chamber Music Grants and Sponsorship Application

Executive Summary

Established in 1990, the Australian Festival of Chamber Music (AFCM) is one of Townsville's signature cultural events. It attracts 17,000 attendances and is the largest chamber music event in the Southern Hemisphere. The AFCM are seeking renewed funding from Council over the next three years. The proposed funding will support an expanded performance and schooling program within the local region as well as new international linkages with Asian markets.

Officer's Recommendation

That Council approve the issuing of a Community Grants and Partnership Funding Agreement to the Australian Festival of Chamber Music as outlined in the body of this Report to Council, for three years funding towards delivery of the annual music festival.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Governance and Finance Committee

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

"that the committee recommendations to items 20 to 24 be adopted."

CARRIED UNANIMOUSLY

20 Presentation - Recovery Update - Economic

Executive Summary

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

Committee Recommendation

That the Committee note this presentation.

Council Decision

Refer to resolution preceding item 20 of the Council minutes where Council resolved that the committee recommendation be adopted.

21 Financial Services - Budget Variance Report - May 2019

Executive Summary

This report outlines the progress that has been made in relation to the whole of Council budget for the 2018/19 financial year as at May 2019, pursuant to section 204 of the *Local Government Regulation* 2012.

This is the final report for the 2018/19 year. The forecast for June was adopted with the budget on 25 June 2019.

Officer's Recommendation

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

22 Financial Services - Treasury Report - May 2019

Executive Summary

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

Officer's Recommendation

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the Council minutes where Council resolved that the committee recommendation be adopted.

23 Financial Service - General Purpose Financial Statements 2018/19 Extension

Executive Summary

Council wrote to the Minister for Local Government, Racing and Multicultural Affairs on 30 May 2019 requesting a two-month extension of time to finalise its 2018-19 general purpose financial statements and audit under the extraordinary circumstances provision in section 212(6) of the *Local Government Regulation 2012*.

The extension provides Council the time required to finalise the inspection of assets following the unprecedented monsoonal event and accordingly update the asset register as at 30 June 2019.

On 20 June 2019 the Minister approved Council's request for an extension of time until 31 December 2019 to finalise its 2018-19 general purpose financial statements and audit. The Minister's approval was granted in accordance with Section 212(7) of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note that the Minister for Local Government, Racing and Multicultural Affairs has granted an extension of time to 31 December 2019 for Council to complete its 2018-19 general purpose financial statements and audit.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

24 CONFIDENTIAL REPORT - Financial Services - Procurement Summary Monsoon Activity

Executive Summary

On 26 February 2019 Council adopted to utilise various approved procurement techniques such as pre-qualified panel arrangements, local buy, specialist/sole supplier listings or genuine emergency exceptions to expedite the delivery of recovery and resilience works following the monsoon event.

As part of adopted recommendation Council committed to an update on major procurement activity for the monsoonal event to be presented to Council.

Officer's Recommendation

- 1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
- 2. That Council note the major procurement activity for the monsoonal event as per the Report to Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Officers' Reports

Confidential Items

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

"in relation to items 25, 27 and 28 pursuant to Section 275 of the *Local Government Regulation 2012*, that this meeting be closed to the public so that Councillors can discuss:

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

CARRIED UNANIMOUSLY

The Council discussed the items.

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

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

25 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - Civic Theatre Painting Proposal

Council Decision

That this item be withdrawn (as it was dealt with as item 5 in the Infrastructure Services Committee section).

26 Community Engagement – Northern Alliance of Councils Inc. – Annual General Meeting and Conference – 14-16 August 2019

Council agreed to consider the tabled Reports to Council (items 27 and 28) as the next items of business (preceding item 26).

Refer page 10688 of the Council Minutes for item 26 - Community Engagement – Northern Alliance of Councils Inc. – Annual General Meeting and Conference – 14-16 August 2019

27 CONFIDENTIAL REPORT - Future Cities - Super Cars Grant and Partnerships Application

Executive Summary

The Townsville 400 is one of Townsville's and Queensland's signature events. It attracts over 120,000 attendances and is the second largest event in Queensland. The Super Cars are seeking renewed funding from Council over the next five years.

Proposed funding would secure a five year deal and an expanded performance and marketing program within the local region and nationally.

Officer's Recommendation

- 1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
- 2. That Council approve the issuing of a Partnership Funding Agreement to the Super Cars as outlined in the body of this Report to Council.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 175E of the *Local Government Act 2009*, Councillor C Doyle declared a perceived conflict of interest in regards to item 28.

- the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter; Councillor C Dovle.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor; Councillor Doyle and her husband own a commercial property in Flinders Street East and their sons own a café within this building.
- (c) the decisions made under section 175E (4) and the reasons for the decisions; Councillor C Doyle vacated the meeting for item 28.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;
 - Councillor C Doyle vacated the meeting for item 28. e) if the councillor voted on the matter—how the councillor voted on the matter;
- (e) if the councillor voted on the matter—how the councillor voted on the matter Councillor C Doyle did not vote on the matter.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.

The majority of persons entitled to vote at the meeting voted to adopt the Council decision.

In accordance with section 175E of the *Local Government Act 2009*, Councillor M Ryder declared a real conflict of interest in regards to item 28.

- the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter; Councillor M Ryder.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;
- Code Valley is a past client of Councillor Ryder's business, Madmaggies Outback Promotions.
 (c) the decisions made under section 175E (4) and the reasons for the decisions; Councillor M Ryder vacated the meeting for item 28.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;
 - Councillor M Ryder vacated the meeting for item 28.
- (e) if the councillor voted on the matter—how the councillor voted on the matter; Councillor M Ryder did not vote on the matter.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.

The majority of persons entitled to vote at the meeting voted to adopt the Council decision.

In accordance with section 175E of the *Local Government Act 2009*, Councillor V Coombe declared a perceived conflict of interest in regards to item 28.

- the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter; Councillor V Coombe.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor; Councillor Coombe has met with the proponents on unrelated matters relating to their primary business.
- (c) the decisions made under section 175E (4) and the reasons for the decisions; Councillor V Coombe vacated the meeting for item 28.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F; Councillor V Coombe vacated the meeting for item 28.
- (e) if the councillor voted on the matter—how the councillor voted on the matter; Councillor V Coombe did not vote on the matter.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.

The majority of persons entitled to vote at the meeting voted to adopt the Council decision.

28 CONFIDENTIAL REPORT - Future Cities - North Yards Development Site

Executive Summary

The North Rail Yards were acquired by Council in July 2015. At its Ordinary Council Meeting on 23 October 2018, Council agreed to undertake an open call for a Project Partner to jointly masterplan and explore development opportunities for the North Rail Yards site.

The purpose of this report is to provide Council with an update on the potential development opportunities and seek approval in progressing with the recommendations outlined within.

Officer's Recommendation

- 1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
- 2. That Council approve the recommendations made in the conclusion of the report.

Council Decision

It was MOVED by Councillor L Walker, SECONDED by Councillor P Jacob:

- "1. that officer's recommendation no. 1 be adopted;
- 2. that Council resolve to commence negotiations and development of a Term Sheet with Code Valley as the Project Partner for development of the North Rail Yards;
- 3. that Council resolve to delegate negotiation of the Term Sheet to the Chief Executive Officer; and
- 4. that the Term Sheet and recommendations return to Council for consideration."

CARRIED UNANIMOUSLY

The order of business resumed.

26 Community Engagement - Northern Alliance of Councils Inc. Annual General Meeting and Conference - 14 to 16 August 2019

Executive Summary

The Northern Alliance of Councils, comprising 27 member Councils north of the Tropic of Capricorn convenes a two-day conference each year.

This year's event is a great opportunity to network with other Councillors and Local Government stakeholders and offers an exciting program with a focus on resilience.

Officer's Recommendation

- 1. That Council approve the attendance of interested Councillor/s at the Northern Alliance of Councils Inc. Annual General Meeting and Conference to be held in Bowen on 14 to 16 August 2019.
- 2. That, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to the interested Councillor/s to allow attendance at the Northern Alliance of Councils Inc. Annual General Meeting and Conference to be held in Bowen on 14 to 16 August 2019.

Council Decision

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

- "1. that Council approve the attendance of Councillors M Ryder and R Cook at the Northern Alliance of Councils Inc. Annual General Meeting and Conference to be held in Bowen on 14 to 16 August 2019; and
- that, in accordance with section 162(1)(e) of the Local Government Act 2009, leave of absence be granted to Councillors M Ryder and R Cook to allow attendance at the Northern Alliance of Councils Inc. Annual General Meeting and Conference to be held in Bowen on 14 to 16 August 2019."

CARRIED UNANIMOUSLY

General Business

(i) Acknowledgment of staff

Councillor R Cook provided the following statement:

"As Chair of the Townsville Water and Waste Committee it would be remiss of me as Chair and us as Councillors not to publicly acknowledge the outstanding work Inga Davis (Program Director - Water Security) and her teams have done over the past two years. Over this period there have been 24 teams involved in working on this project which at times has had its fair share of hurdles but each time Inga and others have adapted and overcome taking it all in their strides.

Since the Water Smart Package came on line a week ago Inga and her team, as well as the TCC Customer Service, have been inundated with enquiries and you heard the figures that Inga stated earlier on, I would like to publicly thank Inga and her team for their great work, well done to all of you."

Close of Meeting

The Chair, Mayor, Councillor J Hill declared the meeting closed at 2.23pm.

CONFIRMED this TWENTY-SEVENTH day of AUGUST 2019

MAYOR

CHIEF EXECUTIVE OFFICER