

# **ORDINARY COUNCIL PUBLIC MINUTES**

**TUESDAY 28 JUNE 2016 AT 1.02PM**

## **Council Members >>**

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

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## Goals and Strategies of Townsville City Council >>

### Corporate Plan >>

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**Goal 1:** Economic Sustainability - A strong diverse economy which provides opportunities for business and investment with an integrated approach to long term planning where the city's assets meet the community needs.

- 1.1 Create economic opportunities for Townsville to drive economic and community prosperity.
- 1.2 Maximise opportunities through engagement and partnership with stakeholder achieve a strong resilient economy.
- 1.3 Utilise the City Plan to inform the development of current and future infrastructure needs of Townsville.
- 1.4 Promote and market Townsville as a vibrant destination for commerce, entertainment and lifestyle.
- 1.5 Provide and maintain water and sewage infrastructure to ensure a functioning network.
- 1.6 Provide and maintain a leading practice integrated transport network to facilitate the sustainable growth and efficient movement of Townsville.

**Goal 2:** Environmental Sustainability - A sustainable future where our environment is valued through the protection and enhancement of our unique, natural and built environment with a commitment to reducing our environmental impact.

- 2.1 Effective management, protection and conservation of our environment to ensure a balance between built infrastructure and areas of environmental significance.
- 2.2 Implement an effective integrated demand management approach to infrastructure planning and delivery.
- 2.3 Preserve our natural environment through active management, education and compliance activities.
- 2.4 Adopt urban design principles that create a distinct sense of place, enables and informs place creation, maximises efficiency, and enhances the built and natural environment.
- 2.5 Research and implement environmental solutions utilising innovative smart technology and encourage behaviour change.

**Goal 3:** Social Sustainability - A vibrant community that is accessible, safe, healthy, creative and knowledgeable, where we embrace diversity and our sense of community.

- 3.1 Encourage active and healthy lifestyles through accessible public facilities and community initiatives.
- 3.2 Support the community's access to and participation in a range of artistic, cultural and entertainment activities.
- 3.3 Enhance wellbeing and safety in the community.
- 3.4 Enhance a knowledgeable, inclusive and connected community that embraces growth and lifelong learning.
- 3.5 Provide community infrastructure and services that support growth and meets community needs.

**Goal 4:** Responsible Governance - A well-managed, transparent and effective organisation that gives the community confidence, demonstrates financial sustainability, where our customers are satisfied with our services and our employees are proud to work here.

- 4.1 Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for our community.
- 4.2 Deliver best value customer service to our community.
- 4.3 Enable innovation and technology capacity within council to drive organisational efficiencies.
- 4.4 Engage with the community to inform council decision making processes.
- 4.5 Provide inspirational leadership and contemporary management systems that drives a coordinated, motivated, highly effective and efficient organisation.
- 4.6 Commit to open transparent and accountable governance to ensure community confidence and trust in council.
- 4.7 Promote an organisational culture that values and empowers its workforce.

### ACKNOWLEDGEMENT OF COUNTRY

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

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<b>REPORT</b>	<b>COUNCIL MEETING</b>
<b>DATE</b>	<b>Tuesday 28 June 2016 at 1.02pm</b>
<b>ITEMS</b>	<b>1 TO 38</b>
<b>PRESENT</b>	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 1.02pm.

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

#### **Prayer**

Reverend Horst Sauer from the Lutheran Church delivered the opening prayer.

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

There were no apologies or leave of absence noted.

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

**It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor R Cook:**

"that the minutes of the Ordinary Council meeting of 24 May 2016 and the minutes of the Special Council meeting of 22 June 2016 be confirmed."

**CARRIED UNANIMOUSLY**

## **Disclosure of Interests**

- (i) The Mayor requested delegation of authority to the Chief Executive Officer to decide council's response for agenda Items 10, 14 and 29 due to a perceived conflict of interest resulting from donations made to all members of council as part of the Team Jenny Hill election campaign - Planning and Development Committee Item 10 - Paul Spina, Planning and Development Committee Item 14 - Laurence Lancini and Townsville Water and Waste Committee Item 29 - Subsidiary of BMD.
- (ii) Planning and Development Committee - Perceived conflict of interest - Item 14 - Councillor M Molachino has held meetings with the Lessors.
- (iii) Townsville Water and Waste Committee - Perceived conflict of interest - Item 25 - Councillor P Jacob - Prior to the local government election Councillor Jacob signed the Townsville Golf Course Water Petition.
- (iv) Townsville Water and Waste Committee - Perceived conflict of interest – Item 25 – Councillor M Molachino – Prior to the local government election Councillor Molachino wrote a letter to the editor of the Townsville Bulletin and signed the Townsville Golf Course Water Petition.
- (v) Townsville Water and Waste Committee - Perceived conflict of interest – Item 25 – Councillor K Rehbein – Prior to the local government election Councillor Rehbein made comments in the media in relation to the Townsville Golf Course Water Petition.
- (vi) Planning and Development Committee - Perceived conflict of interest - Item 13 - the applicant is known to Councillor Doyle as a customer of Councillor Doyle's husband and is furthermore known to have discussed planning matters involving council at my husband's business.
- (vii) Community and Cultural Development Committee - Perceived conflict of interest – Item 17 – the Mayor, Councillor J Hill – The Mayor is vice patron of the Sporting Shooters Association.

## **Correspondence**

Nil

## **Petitions**

- (i) **Petition - Request termination of Townsville Rotary's Operation of the Flinders Street Cotters Markets and to call for immediate submissions from new operators - 615 Petitioners**

## **Overview**

Councillor A Greaney tabled a petition requesting termination of Townsville Rotary's Operation of the Flinders Street Cotters Markets and to call for immediate submissions from new operators.

## **Council Decision**

That the petition be referred to the relevant staff undertaking the review of the Cotters Markets.

## **Deputations**

There were no deputations.

## **Notices of Motion**

Nil



**Presentations**

There were no presentations.

**Mayoral Minute**

There was no Mayoral Minute.

## **Committee Items**

### **Infrastructure Services Committee**

***It was MOVED by Councillor M Molachino, SECONDED by Councillor V Coombe:***

*"that the committee recommendations to items 1, 2 and 4 to 7 be adopted and that item 3 be considered separately in closed session."*

**CARRIED UNANIMOUSLY**

## **1 Engineering Services - Permanent Road Closure - Part of Wilson Street, West End**

### **Executive Summary**

The Department of Natural Resources and Mines - State Land Asset Management Unit have requested, on behalf of an applicant, council to consider the permanent closure of a road reserve, area approximately 1160m<sup>2</sup>, abutting Lot 707 on SP253232, Lot 5 on RP701541 and Lot 1 on RP717784 (part of Wilson Street).

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

### **Officer's Recommendation**

That council advise The Department of Natural Resources and Mines - State Land Asset Management Unit that it offers no objection to the permanent closure and sale of the road reserve abutting Lot 707 on SP253232, Lot 5 on RP701541 and Lot 1 on RP717784 subject to the following conditions:

1. All existing adjoining land parcels owned by the applicant including the road reserve area be combined into a single lot;
2. Any stormwater overland flow paths across the road reserve are maintained and not jeopardised by any works carried out on the road reserve area; and
3. That the approval of the road closure does not imply that approval will be granted for any proposed development of the area.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8841) where council resolved that the committee recommendation be adopted.**

## **2 Engineering Services - Black Spot Programme 2016/2017**

### **Executive Summary**

The Black Spot Programme is an Australian Government funded program that provides funding for low-cost high-benefit improvement on the road network to address crashes that lead to high severity outcomes.

In Queensland, the Black Spot Programme is administered by the Department of Transport and Main Roads (TMR) on behalf of the Australian Government Department of Infrastructure and Regional Development.

This report provides information on the projects council has been successful in receiving funding for the 2016/2017 financial year under the Black Spot Programme.

### **Officer's Recommendation**

That council note the projects that have been successful in receiving funding under the Black Spot Programme for the 2016/2017 financial year.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8841) where council resolved that the committee recommendation be adopted.**

**Council agreed to change the order of business to consider item 3 in the closed session.**

### **3 Engineering Services - Street Parking Ticket Machine 3G Upgrade**

**Refer to resolution preceding item 1 of the Council Minutes (Page 8841) where council resolved that item 3 be considered in closed session.**

**Refer page 8936 of the Council Minutes for item 3 Engineering Services - Street Parking Ticket Machine 3G Upgrade**

### **4 Property Management - Provision of Cleaning Services Townsville Mainland**

#### **Executive Summary**

Tender PSA00037 for the Provision of Cleaning Services to Townsville City Council mainland buildings closed on the 6 April 2016. The contract is planned to commence 1 August 2016 for a two year period with the optional provision for council to offer a further extension of one year.

The contract comprises scheduled work (fixed), non-scheduled work (variable) to 93 council sites/buildings and includes both administrative and quality control activities as specified within the contract specification.

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

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award contract PSA00037 Provision of Cleaning Services to Secure Corp Cleaning Services at the annual value of \$1,999,614.26 (excl GST) for scheduled cleaning and contract and administration.
3. That council approve a contract period of two years with the optional provision for council to offer a further extension of one year.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8841) where council resolved that the committee recommendation be adopted.**

## **5 Property Management - Provision of Cleaning Services Magnetic Island**

### **Executive Summary**

Tender PSA00038 for the Provision of Cleaning Services to Townsville City Council Magnetic Island buildings closed on the 6 April 2016. The contract is planned to commence 1 August 2016 for a two year period with the optional provision for council to offer a further extension of one year.

The contract comprises scheduled work (fixed), non-scheduled work (variable) to 11 council sites/buildings and includes both administrative and quality control activities as specified within the contract specification.

### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award contract PSA00038 Provision of Cleaning Services – Magnetic Island to Bimiris (AUST) Pty Ltd at the annual value of \$59,859.58 (excl GST) for scheduled cleaning and contract and administration.
3. That council approve a contract period of two years with the optional provision for council to offer a further extension of one year.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8841) where council resolved that the committee recommendation be adopted.**

## **6 Property Management - LGA00083 Local Disaster Coordination Centre Design Consultancy Services**

### **Executive Summary**

A new disaster coordination centre is identified in Council's Corporate Plan and is included in the capital works plan. State and Federal funding has now been sourced to subsidise this project. Infill development between 103 and 143 Walker Street is the preferred location for this initiative. An opportunity may also exist to incorporate a commercial-grade data centre into this new building. Accordingly, an architectural firm is required to design this facility and to prepare documentation to enable construction.

This report recommends the appointment of an architect to coordinate design of a new local disaster coordination centre.

### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award the contract for LGA00083 - Local Disaster Coordination Centre - Design Consultancy Services to Development Management Queensland Pty Ltd trading as MacCallum Planning and Architects at a cost of \$228,147 (excluding GST).
3. That council assign a contingency budget of \$80,000 (excluding GST) for approved variations under the contract by delegation of the Chief Executive Officer.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8841) where council resolved that the committee recommendation be adopted.**

## **7 Property Management - Roofing Maintenance Works at the Townsville Entertainment and Convention Centre**

### **Executive Summary**

The Request for Tender – TCW00182 Roofing Maintenance Works at the Townsville Entertainment and Convention Centre - describes a Schedule of Rates contractual relationship for works requested by Townsville City Council at the Townsville Entertainment and Convention Centre and was advertised on April 30, 2016. These works are part of a \$5M Maintenance Project for the Townsville Entertainment and Convention Centre that is fully funded by the Australian Government's Community Development Grants Programme via the Department of Infrastructure and Regional Development.

The contract is a Schedule of Rates for the supply and construction under an amended General Conditions of Contract AS4000-1997. The tender closed at 10am on Wednesday May 25th. Four tenders were received.

This report provides an analysis and evaluation of the tenders received for this project.

### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. The council award tender TCW00182 for Roof Maintenance Works at the Townsville Entertainment and Convention Centre to Matz Roofing Pty Ltd on a Schedule of Rates contract.
3. That council delegate authority to the Chief Executive Officer, or his delegate, to award works up to the approved project budget of \$300,000 (excluding GST).

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8841) where council resolved that the committee recommendation be adopted.**

## Planning and Development Committee

***In accordance with section 173 of the Local Government Act 2009, Councillor M Molachino declared a perceived conflict of interest in regards to item 14.***

- (a) the name of the Councillor who has the perceived conflict of interest:***  
Councillor M Molachino
- (b) the nature of the conflict of interest as described by the Councillor:***  
Councillor M Molachino has held meetings with the Lessors.
- (c) how the Councillor dealt with the perceived conflict of interest:***  
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:***  
The Councillor did not participate in debate or voting on the matter.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.***  
Authority was delegated to the Chief Executive Officer to decide council's response.

***In accordance with section 173 of the Local Government Act 2009, Councillor C Doyle declared a perceived conflict of interest in regards to item 13.***

- (a) the name of the Councillor who has the perceived conflict of interest:***  
Councillor C Doyle
- (b) the nature of the conflict of interest as described by the Councillor:***  
The applicant is a customer of Councillor Doyle's husband's business.
- (c) how the Councillor dealt with the perceived conflict of interest:***  
The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:***  
The councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.***  
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

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

*"that the committee recommendations to items 8, 9, 11 be adopted and that item 12, 13 and 15 be considered separately."*

**CARRIED UNANIMOUSLY**

***Items 10 and 14 were delegated to the Chief Executive Officer to decide council's response.***

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

*With regards to item 12 it was considered in conjunction with item 38:*

*"that the officer's recommendation to item 38 be adopted."*

**CARRIED**

***It was MOVED by Councillor L Walker, SECONDED by Councillor K Rehbein:***

*With regards to item 13:*

*"that the officer's recommendation be adopted."*

**CARRIED UNANIMOUSLY**

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

*With regards to item 15:*

*"that the officer's recommendation be adopted."*

**CARRIED UNANIMOUSLY**

## **8 Strategic Planning - Infrastructure Charges - Infrastructure Charges Resolution**

### **Executive Summary**

Council's infrastructure charge resolution is reviewed on an annual basis, with the next resolution due before 30 June 2016. A new charge resolution is proposed for the 2016/17 financial year, based on inflationary adjustments of the current charges and consideration of the statutory charge caps.

Key points to note:

- Infrastructure charges are based on costings, annually adjusted by inflationary forecasts.
- The forecast for 2016/17 is 1.1% more than previously adopted for 2015/16.
- State government charge caps were set in 2011 and are not subject to inflationary adjustment.
- Non-residential charges in the fully serviced urban, urban fringe, and remote areas are currently at the cap and will not change.
- Residential charges in remote areas are currently at the cap and will not change.
- In terms of the typical Dwelling house (3 bedroom):
  - o the government cap is \$28,000 and has not been adjusted for inflation since 2011;
  - o charges in the fully serviced urban area are currently \$26,900 ; and
  - o charges will increase by approx. 1.1%, to \$27,200.
- The local development industry, through the Urban Development Institute of Australia, were consulted on the proposal.

### **Officer's Recommendation**

1. That the council resolve that it makes the following resolutions pursuant to section 630 of the *Sustainable Planning Act 2009*, and that cumulatively they are the Council's *Infrastructure Charges Resolution 2016*.
2. That the council resolve that the *Infrastructure Charges Resolution 2016* applies to the Townsville City Council Local Government Area for all locations where the levying of infrastructure charges are not otherwise restricted by particular legislation.
3. That the council resolve that the *Infrastructure Charges Resolution 2016* has effect on and from 1 July 2016 until superseded by the commencement of another charges resolution.
4. That the council resolve that the *Infrastructure Charges Resolution 2016* applies to applications for approval for :
  - Material Change of Use - all material change of use development.
  - Reconfiguration of Lot – where additional allotments are created. Charges will be calculated by reference to the land use on each allotment. For vacant allotments:
    - o residential and emerging communities zonings are the equivalent of a Dwelling House (3 bedroom) on the relevant lot size, and
    - o other zonings are the equivalent of a Caretaker's accommodation (3 bedroom, detached dwelling) on the relevant site area.
  - Building Works - for self-assessable or exempt land uses and zonings:
    - o as identified in Schedule 1, or
    - o relative to the existing land use (or equivalent use for a vacant allotment, as specified above), it proposes a moderate-to-high increase of demand on the infrastructure network.

5. That the council resolve that the applicable infrastructure charge is to be determined by applying the location factor of Schedule 2 to the base charge of Schedule 3 and the size of the development.
6. That the council resolve that to calculate the net charge to be levied on a development, the applicable charge for the proposed land use is to be reduced by the applicable charge for a 'credit' land use, being:
  - an existing use on the premises if the use is lawful and already taking place on the premises;
  - a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out; and
  - other development on the premises if the development may be lawfully carried out without the need for a further development permit.
7. That the council resolve that the applicable charge for the proposed land use and the 'credit' land use, relevant to a net charge levied on an infrastructure charges notice, be indexed at the time it is paid to council.

The indexation must be calculated:

- (i) in accordance with the 3-year moving average quarterly percentage change of the Australian Bureau of Statistics, Road and Bridge Construction Index (Queensland series) forecast by council for the December quarter of the financial year of the charge payment and
  - (ii) but is not to result in a charge that is more than the relevant State Planning Regulatory Provision (SPRP) maximum charge.
8. That the council resolve that when calculating the establishment cost of trunk infrastructure subject to an offset or refund under section 633 of the *Act*, or when an application is made to recalculate establishment cost under section 657 of the *Act*, the value of trunk infrastructure is to be:
  - (i) determined after the design of such infrastructure has been approved by council, and prior to the commencement of work to provide the infrastructure; and
  - (ii) the amount agreed by council's Chief Executive Officer, being an amount that is within the range determined in accordance with the quotation and tender requirements of s5.5 to s5.10 of council's procurement procedure (document no. 3027, version 3, dated 15/3/13). The relevant quotations or tenders are to be sourced by the applicant in collaboration with council.
9. That the council resolve that conversion criteria used for making a decision on a conversion application made under section 659 of the *Act* are:
  - (i) the infrastructure has capacity to service other developments in the area;
  - (ii) the function and purpose of the infrastructure is consistent with other trunk infrastructure identified in the Local Government Infrastructure Plan (LGIP). To be clear, it must:
    - a. be consistent with the definitions of trunk infrastructure used in mapping the plans for trunk infrastructure; and
    - b. provide the associated desired standards of service to the assumed growth;
  - (iii) the infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with s665 of the *Act*; and
  - (iv) the type, size and location of the infrastructure is the most cost effective option for servicing multiple users in the area, with 'most cost effective option' meaning the least



cost option based upon the life cycle cost of the infrastructure required to service the future urban development in the area at the desired standard of service.

10. That the council resolve that the term 'Gross Floor Area' (GFA) as used in this resolution be defined as:

the total floor area of all storeys of a building (measured from the outside of the external walls or the centre of a common wall), other than areas used for the following:

- (a) building services, plant and equipment;
- (b) access between levels;
- (c) ground floor public lobby;
- (d) a mall;
- (e) the parking, loading and manoeuvring of motor vehicles; and
- (f) unenclosed private balconies whether roofed or not.

In addition, the term shall include the floor space of associated outdoor dining areas.

Other words and terms used in this resolution have the meaning given in the *Sustainable Planning Act 2009* or the *Queensland Planning Provisions* version 3.1. If a word or term used in this resolution is not defined in *Sustainable Planning Act 2009* or the *Queensland Planning Provisions* version 3.1, it has the meaning given in the planning scheme.

11. That the council resolve to adopt the following schedules:

Schedule 1 – Building works subject to infrastructure charges

Schedule 2 – Charge areas and location factors

Schedule 3 – Base charges

### Schedule 1 – Building works subject to infrastructure charges

(Y = self-assessable or exempt land use development which are candidate for charges at building works)

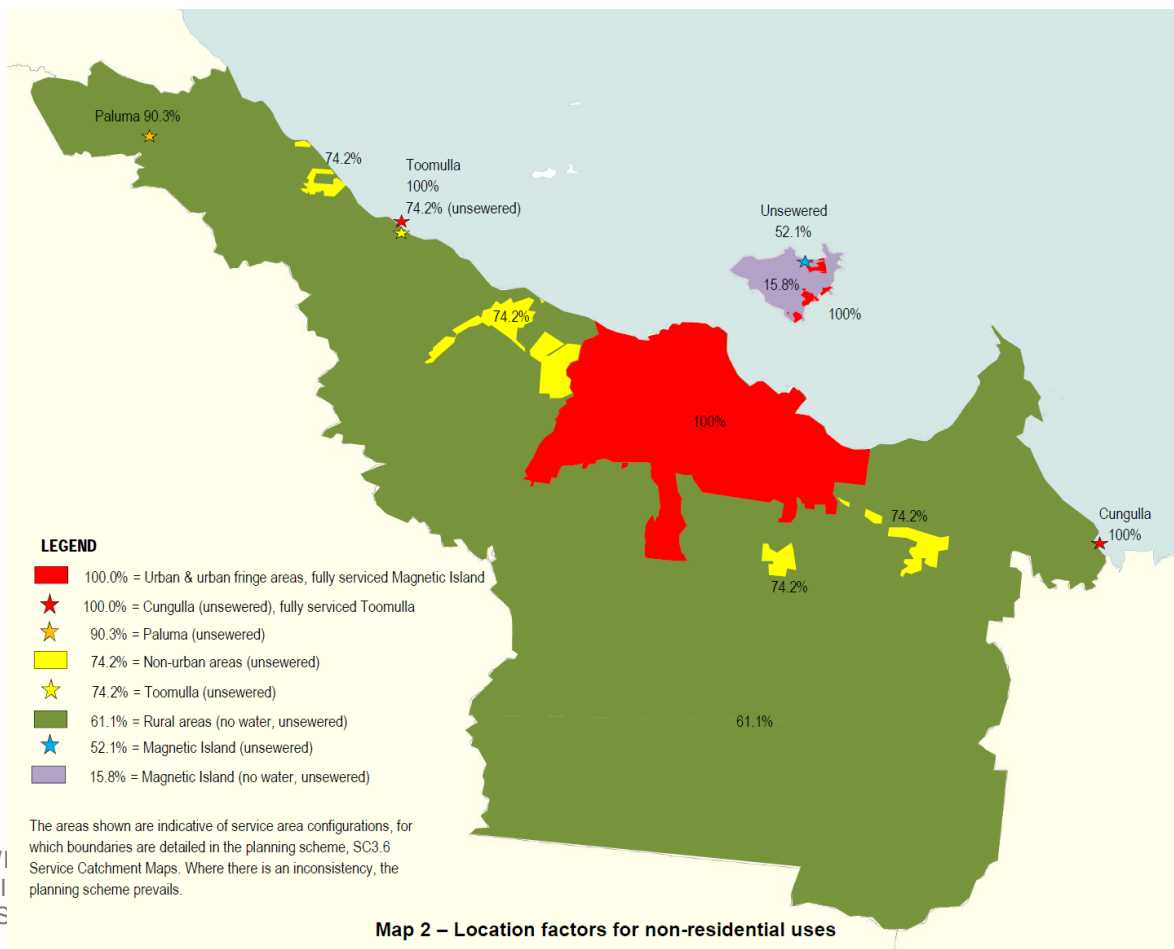
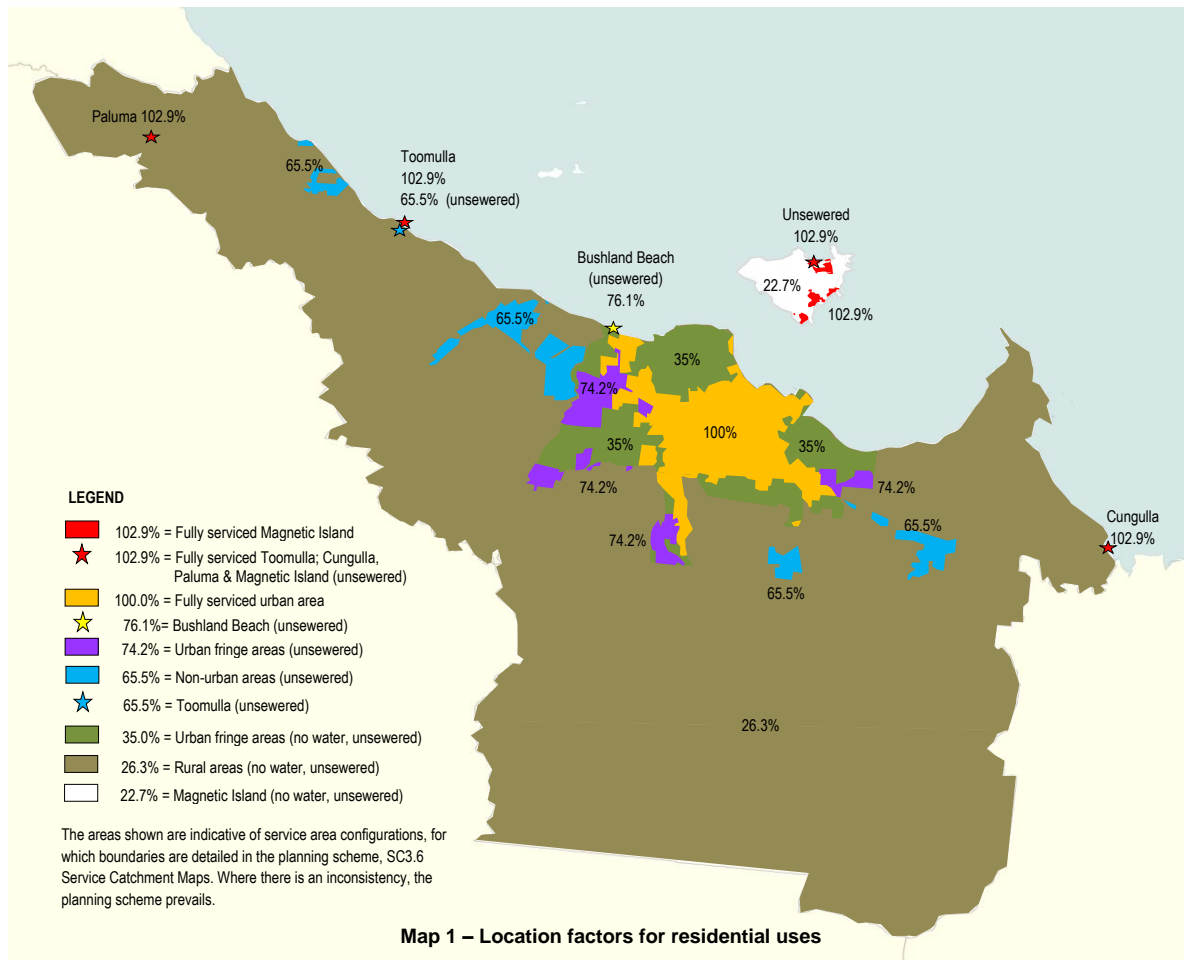
QPP land use (associated building works)	Land use zone																				
	LDR	MDR	HDR	RR	CR	NC	LC	DC	MC	PC	SC	MU	SR	OS	CF	CON	LII	MII	HII	RUR	EC
Animal husbandry																					Y
Animal keeping	Y			Y																	
Bar								Y	Y	Y		Y									
Car wash								Y	Y												
Caretaker's accommodation	Y																				
Child care centre						Y	Y	Y	Y	Y	Y	Y									
Community care centre															Y						
Community residence	Y	Y	Y	Y	Y										Y					Y	
Community use													Y		Y						
Cropping				Y																	Y
Dual occupancy	Y	Y	Y		Y								Y								
Dwelling house													Y								
Dwelling unit	Y	Y	Y							Y											
Educational establishment			Y	Y			Y	Y	Y	Y		Y									
Food and drink outlet																	Y	Y	Y		
Home based business						Y	Y	Y	Y	Y	Y	Y								Y	
Hotel								Y	Y												

QPP land use (associated building works)	Land use zone																				
	LDR	MDR	HDR	RR	CR	NC	LC	DC	MC	PC	SC	MU	SR	OS	CF	CON	LII	MII	HII	RUR	EC
Indoor sport and recreation							Y	Y	Y	Y	Y	Y									
Intensive horticulture																				Y	
Landing	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Low impact industry																	Y	Y			
Medium impact industry																		Y	Y		
Multiple dwelling							Y	Y	Y			Y									
Nightclub entertainment facility										Y											
Park	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Research and technology industry																		Y	Y		
Retirement facility								Y	Y			Y									
Roadside stall				Y																Y	
Rooming accommodation							Y	Y	Y	Y		Y									
Rural industry																				Y	
Service industry																	Y				
Service station								Y	Y												
Short-term accommodation							Y	Y	Y			Y									
Theatre									Y	Y											
Warehouse																			Y		

## Zoning legend

Abbreviation	Zone
LDR	Low density residential
MDR	Medium density residential
HDR	High density residential
RR	Rural residential
CR	Character residential
NC	Neighbourhood centre
LC	Local centre
DC	District centre
MC	Major centre
PC	Principle centre
SC	Sub-regional centre
MU	Mixed use
SR	Sport and recreation
OS	Open space
CF	Community facilities
CON	Conservation
LII	Low impact industry
MII	Medium impact industry
HII	High impact industry
RUR	Rural
EC	Emerging communities

## Schedule 2 – Charge areas and location factors



### Schedule 3 – Base charges

**Table 1 – Base charges for residential uses**

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
Residential	Dwelling house	1 or 2 bedroom dwelling	17,480
		3 or more bedroom dwelling	
		on lots < 200m2	22,220
		on lots 201m2-299m2	24,800
		on lots 300m2-399m2	26,000
		on lots 400m2 and greater	27,200
	Dwelling unit	1 bedroom dwelling	11,800
		2 bedroom dwelling	16,710
		3 or more bedroom dwelling	23,600
	Caretaker's accommodation (attached dwelling)	1 bedroom dwelling	11,800
		2 bedroom dwelling	16,710
		3 or more bedroom dwelling	23,600
	Caretaker's accommodation (detached dwelling)	1 or 2 bedroom dwelling	17,480
		3 or more bedroom dwelling	
		on lots < 200m2	22,220
		on lots 201m2-299m2	24,800
		on lots 300m2-399m2	26,000
		on lots 400m2 and greater	27,200
	Multiple dwelling	1 bedroom dwelling	11,800
		2 bedroom dwelling	16,710
		3 or more bedroom dwelling	23,600
	Dual occupancy	1 bedroom dwelling	11,800
		2 bedroom dwelling	16,710
		3 or more bedroom dwelling	23,600
Accommodation (short term)	Hotel	1 bedroom (non-suite)	7,310
		1 bedroom (suite)	7,310
		2 bedroom suite	9,610
		3 or more bedroom suite	13,450
	Short-term accommodation	1 bedroom (non-suite, < 6 beds)	9,610
		1 bedroom (non-suite, 6 or more beds)	*
		1 bedroom suite	6,350
		2 bedroom suite	8,970
		3 or more bedroom suite	12,650
	Tourist park	Caravan/tent (group of 1 or 2 sites)	9,610
		Caravan/tent (group of 3 sites)	13,450
		Cabin (1 or 2 bedroom)	9,610
		Cabin (3 or more bedrooms)	13,450
Accommodation (long term)	Community residence	1 bedroom (non-suite)	13,900
		1 bedroom suite	13,900
		2 bedroom suite	18,000

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
	Rooming accommodation	3 or more bedroom suite	26,980
		1 bedroom (non-suite, < 6 beds)	14,630
		1 bedroom (non-suite, 6 or more beds)	*
		1 bedroom suite	7,880
		2 bedroom suite	10,580
		3 or more bedroom suite	14,630
	Relocatable home park	1 bedroom dwelling site	11,800
		2 bedroom dwelling site	16,710
		3 or more bedroom dwelling site	23,600
	Retirement facility	1 bedroom (non-suite)	8,210
		1 bedroom suite	11,800
		2 bedroom suite	16,710
		3 or more bedroom suite	23,600
Other Uses *	A use not otherwise listed above.	The charge is the charge in column 3 and 4 for a use category (in column 2) that appropriately reflects the use at the time of assessment. Where these are not appropriate, the charge is to be based on first principles, determined at the time of assessment.	

**Table 2 – Base charges for non-residential uses**

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
Places of assembly	Club	m2 GFA	70
	Community use	m2 GFA	70
	Function facility	m2 GFA	70
	Funeral parlour	m2 GFA	70
	Place of worship	m2 GFA	70
Commercial (bulk goods)	Agricultural supplies store	m2 GFA	80
	Bulk landscape supplies	m2 GFA	140
	Garden centre	m2 GFA	140
	Hardware and trade supplies	m2 GFA	140
	Outdoor sales	m2 GFA	100
	Showroom	m2 GFA	120
Commercial (retail)	Adult store	m2 GFA	180
	Food and drink outlet	m2 GFA	180
	Service industry	m2 GFA	140
	Service station (fuel pumps)	Nil	Nil
	Service station (shop component)	m2 GFA	180
	Service station (vehicle repair shop)	m2 GFA	50

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
	Service station (food and drink outlet)	m2 GFA	180
	Shop	m2 GFA	180
	Shopping centre	m2 GFA	180
Commercial (office)	Office	m2 GFA	140
	Sales office	m2 GFA	140
Education facility	Childcare centre	m2 GFA	140
	Community care centre	m2 GFA	*
	Educational establishment (Primary)	m2 GFA	140
	Educational establishment (Secondary)	m2 GFA	140
	Educational establishment (Flying Start for Qld Children program)	Nil	Nil
	Educational establishment (Tertiary)	m2 GFA	140
Entertainment	Bar	m2 GFA	200
	Hotel (Non-accommodation)	m2 GFA	200
	Nightclub	m2 GFA	200
	Theatre	m2 GFA	200
Indoor sport and recreation	Indoor sport and recreation (court areas)	m2 GFA	*
	Indoor sport and recreation (non-court areas)	m2 GFA	*
Industry	Low impact industry	m2 GFA	50
	Marine industry	m2 GFA	50
	Medium impact industry	m2 GFA	50
	Research and technology industry	m2 GFA	50
	Rural industry	As for Other Uses (Column 1)	*
	Transport depot	As for Other Uses (Column 1)	*
	Warehouse (self-storage facility)	m2 GFA	30
	Warehouse (Other warehouse)	m2 GFA	30
High impact industry	High impact industry	As for Other Uses (Column 1)	*
	Special industry	As for Other Uses (Column 1)	*
Low impact rural	Animal husbandry	Nil	Nil
	Cropping	Nil	Nil
	Permanent plantation	Nil	Nil
High impact rural	Aquaculture	As for Other Uses (Column 1)	*
	Intensive animal husbandry	As for Other Uses (Column 1)	*
	Intensive horticulture	As for Other Uses (Column 1)	*
	Wholesale nursery	As for Other Uses (Column 1)	*
	Winery	As for Other Uses (Column 1)	*
Essential services	Detention facility	m2 GFA	*
	Emergency services	m2 GFA	*
	Health care services	m2 GFA	140
	Hospital	m2 GFA	*
	Residential care facility	m2 GFA	80
	Veterinary services	m2 GFA	140



(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
Specialised uses	Air services	As for Other Uses (Column 1)	*
	Animal keeping	As for Other Uses (Column 1)	*
	Brothel	As for Other Uses (Column 1)	*
	Parking station	As for Other Uses (Column 1)	*
	Crematorium	As for Other Uses (Column 1)	*
	Extractive industry	As for Other Uses (Column 1)	*
	Major sport, recreation and entertainment facility	As for Other Uses (Column 1)	*
	Motor sport facility	As for Other Uses (Column 1)	*
	Non-resident workforce accommodation	As for Other Uses (Column 1)	*
	Outdoor sport and recreation	As for Other Uses (Column 1)	*
	Port services	As for Other Uses (Column 1)	*
	Tourist attraction	As for Other Uses (Column 1)	*
	Utility installation	As for Other Uses (Column 1)	*
Minor uses	Cemetery	Nil	Nil
	Home based business	Nil	Nil
	Landing	Nil	Nil
	Market	Nil	Nil
	Park	Nil	Nil
	Roadside stall	Nil	Nil
	Substation	Nil	Nil
	Telecommunications facility	Nil	Nil
Other Uses *	A use not otherwise listed above.	The charge is the charge in column 3 and 4 for a use category (in column 2) that appropriately reflects the use at the time of assessment. Where these are not appropriate, the charge is to be based on first principles, determined at the time of assessment.	

Notes

\* For the base charge, refer to Other Uses \*

### Committee Recommendation

That the officer's recommendation be adopted.

### Council Decision

**Refer to resolution preceding item 8 of the council minutes (page 8845) where council resolved that the committee recommendation be adopted.**

## **9 Strategic Planning - City Planning Unit - Proposed amendments to the Development Manual Planning Scheme Policy**

### **Executive Summary**

This report proposes a major amendment to the Townsville City Plan's Schedule 6, SC6.4 - Development manual planning scheme policy, in accordance with the *Sustainable Planning Act 2009* and Statutory guideline 04/14 Making and amending local planning instruments, as part of the ongoing improvement process of the Townsville City Plan to reflect modern standards and practices.

The following are a summary of the key changes proposed:

- standards relating to building over or adjacent to services;
- revised extents of the Footpath treatment policy to strategically align with the Townsville City Plan;
- clarification of stormwater management plan requirements;
- improvements to the Traffic impact assessment guidelines;
- introduction of use of LED public street lights;
- revised and improved water design standards;
- revised and improved pavement design standards;
- revised and improved stormwater design standards;
- introduction of new dust management guidelines for development; and
- general formatting and administrative corrections throughout the policy.

### **Officer's Recommendation**

1. That, pursuant to Step 1 of Stage 1 of Part 3.3.2 of Statutory guideline 04/14 Making and amending local planning instruments made under the *Sustainable Planning Act 2009*, council make a major amendment to SC6.4 - Development manual planning scheme policy;
2. That, pursuant to Step 2 of Stage 1 of Part 3.3.2 of Statutory guideline 04/14 Making and amending local planning instruments, council progress the major amendment to SC6.4 - Development manual planning scheme policy.
3. That, pursuant to Step 3 of Stage 2 of Part 3.3.2 of Statutory guideline 04/14 Making and amending local planning instruments, council commence public consultation of the major amendment to SC6.4 - Development manual planning scheme policy for a minimum period of 20 business days.

### **Committee Recommendation**

That the officer's recommendation be adopted subject to the following:

- (i) that further information on the requirements for periodic cleaning and sealant used (to ensure the proposed footpath treatment is sustainable) be provided to the Committee members before the next Ordinary Council meeting;

### **Council Decision**

**Refer to resolution preceding item 8 of the council minutes (page 8845) where council resolved that the committee recommendation be adopted.**

**10 MC12/0002.03 and MC14/0163 - Request to council to waive infrastructure charges for 62 The Strand, North Ward**

**Executive Summary**

On 12 January 2015 council approved a Development Permit for a Material Change of Use (MC14/0163) for a Food and Drink Outlet, located at 62 The Strand, North Ward situated on Lot 1 SP 267039. The development proposal included the construction of two new restaurant/cafe tenancies, which are to be located on the ground floor of a Multiple Dwelling (8 Units), which was approved by council under Development Permit (MC12/0002.03).

Council received a formal letter dated 9 May 2016, on behalf of Paul and Zdenka Spina, seeking reimbursement for additional costs incurred in complying with council's requirements to connect to sewer infrastructure. The costs claimed are to the sum of \$31,241.91 which is requested to be waived from the total infrastructure charges associated with Development Permits MC12/0002.03 and MC14/0163.

In investigating the request, it was determined that Council officers met with the developer's contractor to discuss the most appropriate service connection point. The option of upgrading the existing service connection was not a practical solution due to the depth of the connection point (approximately 4.5m deep) and site constraints, which would have required significant excavation or trench shoring to ensure workplace safety during construction. This option would have resulted in additional construction costs and time to complete. Therefore, the solution implemented as part of the development has been determined to have been the most cost effective option for the developer.

The sewer infrastructure works identified in the written request are required to service the new development. The associated upgrades are necessary to comply with council standards which are applied across the City for all developments. Given that the infrastructure works were not associated with trunk infrastructure, the cost for upgrading any sewer connections is the responsibility of the developer.

**Officer's Recommendation**

That council refuse the request to waive \$31,241.91 from the total infrastructure charges associated with Development Permits MC12/0002.03 and MC14/0163 on land described as Lot 1 SP 267039, more particularly 62 The Strand, North Ward.

**Committee Recommendation**

That the officer's recommendation be adopted.

**The Mayor requested delegation of authority to the Chief Executive Officer to decide council's response for agenda Items 10 due to a perceived conflict resulting from donations made to all members of council as part of the Team Jenny Hill election campaign.**

# **11 MI16/0006 - Material Change of Use (Impact)- Food and Drink Outlet, Shop, Office and Garden Centre - 2-4 Toolakea Beach Road, Bluewater**

## **Executive Summary**

The application seeks a Development Permit for a Material Change of Use for the following: Food and Drink Outlet, Shop, Office and Garden Centre at 2-4 Toolakea Beach Road, Bluewater which is located within the Rural residential zone. The development is Impact Assessable against the Table of Assessment, therefore required Public Notification. During the notification period six submissions were received, three against and three in favour of the proposal.

The strategic intent for this zone encourages rural residential uses, however Purpose Statement 6.2.4.2 within the zone code allows for non-residential uses to occur where they primarily support the day-to-day needs of the immediate residential community and do not detract from the residential amenity. There is a clear community need within the area to support a neighbourhood centre.

The proposed development is regarded as small scale in operation. The general store will provide a small convenience-type retail shop for residents of the Toolakea locality, and to a lesser extent other northern beaches residents. The subject site is considered ideally located to accommodate a development of this scale through its location on a site that will not result in an unreasonable reduction in residential amenity to the surrounding community and will not detrimentally impact on other centres currently operating.

## **Officer's Recommendation**

That application MI16/0006 for a development permit for a Food and Drink Outlet, Shop, Office and Garden Centre under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 1 RP 741064, more particularly 2-4 Toolakea Beach Road, Bluewater be approved on the following grounds/subject to the following conditions:

### **1. Approved Plans and Supporting Documentation**

#### **Condition**

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

<b>Plan Name</b>	<b>Plan No.</b>	<b>Plan Date</b>
Site Plan	SK-102-D	03-03-16
Floor Plan	SK-103-D	03-03-16
North & West Elevations	SK-201-D	03-03-16
South & East Elevations	SK-202-D	03-03-16
Garden Centre Elevations	SK-203-D	03-03-16
<b>Associated Reports</b>		
Engineering Services Report prepared by Flanagan Consulting Group, Reference NO. R-BP0032, dated January 2016		

- b) One full set of the up to date approved plans and supporting documentation must be held on site and available for inspection for the duration of the construction phase.
- c) The developer must comply with all planning scheme requirements and definitions as approved by this development permit.

#### **Reason**

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

#### **Timing**

During the operation and continued life of the development.

## **2. Building Materials**

### **Condition**

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

### **Reason**

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

### **Timing**

Prior to the commencement of use.

## **3. Property Numbering**

### **Condition**

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

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

### **Reason**

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

### **Timing**

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

## **4. Storage**

### **Condition**

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

### **Reason**

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

### **Timing**

At all times following the commencement of the use.

## **5. Service Deliveries**

### **Condition**

The developer must ensure that all service deliveries must only be conducted between 7:00am to 7:00pm Monday to Saturday only excluding Sunday's and Public Holidays.

### **Reason**

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

### **Timing**

At all times following the commencement of the use.

## **6. Electricity and Telecommunications**

### **Condition**

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

### **Reason**

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

### **Timing**

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

## **7. Landscaping**

### **Condition**

- a) A landscaping and irrigation design plan is required to be submitted to and be approved by Council. The landscape and irrigation design plans must be prepared in accordance with Part 9.4.3 Landscape code.
- b) The landscape design plans are to include details of recreation facilities proposed on the site.

### **Reason**

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

### **Timing**

To be submitted and assessed as part of Compliance Assessment for the development. All landscaped areas must be maintained thereafter to the satisfaction of Council.

## **8. Hours of Operation**

### **Condition**

Unless otherwise approved by Council, the activities associated with the use must only be conducted between 6:00 am to 8:00 pm Monday to Saturday and 8:00 am to 6:00 pm on Sunday.

### **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.

## **9. Signage**

### **Condition**

The developer must submit to Council for approval plans of any signage to be associated with the use that is deemed to be assessable development in accordance with the assessment tables of Part 5.8.2 of the Planning Scheme. Signs must be designed in accordance with the Part 9.4.1 Advertising devices code. 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.

*[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 deemed either Exempt or Self Assessable development requires a Code Assessable Operational works development application to be lodged with Council in accordance with relevant code/s and policy direction.

**Timing**

Prior to the commencement of the use.

**10. On-site Sewerage Disposal****Condition**

The development must be serviced by an on-site sewerage disposal system in accordance with the recommendations specified in part 5.0 Sewerage Network of the Engineering Services Report prepared by Flanagan Consulting (Ref No. R-BP0032 dated January 2016).

*Note: Further, on site sewerage information supplied with this application is not permission to install the plant or commence building work. Under the Plumbing and Drainage Act 2002, an application must be lodged with the Hydraulic Certification Unit, Townsville City Council before any building work or installation of an on-site treatment plant can be carried out.*

**Reason**

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

**Timing**

Prior to the commencement of the use.

**11. Water Supply****Condition**

The water supply connection point for this development is via the existing DN200 watermain along Toolakea Beach Road (located along the southern verge). Construction of the service connection is to include all fittings and valves necessary to meet Council's current standards found in the Development manual planning scheme policy.

*Note: A customer request for quotation (Form QAF0190) must be completed and lodged with the Planning and Development, Townsville City Council for the installation of the water supply connection point.*

**Reason**

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

**Timing**

Water connection point must be provided prior to the commencement of the use.

**12. Stormwater Drainage****Condition**

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

*[Note: Detailed stormwater drainage design for this development must generally be in accordance with in part 6.0 Stormwater Drainage of the Engineering Services Report prepared by Flanagan Consulting (Ref No. R-BP0032 dated January 2016).]*

**Reason**

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

**Timing**

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

**13. Stormwater Quality Management****Condition**

The concept Storm Quality Management Plan (SQMP) specified in part 6.3 Stormwater Quality of the Engineering Services Report prepared by Flanagan Consulting (Ref No. R-BP0032 dated January 2016) must be implemented in accordance with the guideline and incorporate any further reasonable requests from council. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy.

**Reason**

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

**Timing**

To be maintained for the life of the development.

**14. Roadworks and Traffic****Condition**

a) The developer must construct the new access driveway and crossover from the existing kerb and channel to the property boundary at the developer's expense in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy. An application for a Road Opening Permit for the invert and crossover must be submitted and approved by Council.

b) The proposed pedestrian crossing approximately along the north eastern part of the development site shown on Plan SK-102-D prepared by 9Point9 Architects dated 03/03/2016 is required to be removed.

*[Note: In locating internal pedestrian crossing/s the design must ensure that queuing and pedestrian and vehicular movements and safety are appropriately considered.]*

c) Any alteration to Toolakea Beach Road as a result of the proposed access driveway must be designed and constructed as specified in part 7.0 Traffic Impacts of the Engineering Services Report prepared by Flanagan Consulting (Ref No. R-BP0032 dated January 2016)

d) An advanced warning sign between the approach to the level crossing and the development access point onto Toolakea Beach Road must be installed in accordance with Part 7: Railway Crossings of the Manual of Uniform Traffic Control Devices (MUTC) in particular Railway crossing flashing signals ahead on side road assembly (RX-7).

e) The developer must ensure that a minimum vertical clearance height of 2.4 metres is achieved from finish ground level to the roofed area that encroaches within the road reserve.

*[Note: The developer must consider the implications of the proposed infrastructure along the Toolakea Beach Road frontage i.e. footpath and building awning that encroaches into the water supply service corridor, and all other relevant service*



*providers affected by the encroachment, and must consider all future maintenance requirements for any services within the Council road verge.]*

- f) The developer must obtain a Permit to Occupy from the Department of Natural Resources and Mines for the roofline and poles which encroach onto the road reserve.
- g) During the construction phase, any damage to the road reserve must be replaced by the developer in accordance with Council's standards.

**Reason**

To manage and to minimise the risk of causing environmental harm to receiving waters, to ensure development is appropriately serviced by access facilities in accordance with relevant code/s and policy direction and to ensure all public responsibility of the encroachment is maintained by the developer.

**Timing**

Items (a – e, g) Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

Item (f) Prior to the issuing of a Development Approval for Building Works.

**15. Car Parking**

**Condition**

- a) All car parking facilities(off-street and on-street), associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a sage operating standard at all times thereafter.
- b) The developer must provide a minimum of 31 car spaces including disabled parking on site in accordance with SC6.10 Parking rates planning scheme policy.
- c) Appropriate measures (signage and linemarking) along the internal carparking access driveway must be provided to ensure that the operation of the 'Loading/Refuse' area operation will not conflict with the operation of the access driveway for the car parking facility (off-street).
- d) The proposed on-street carparking facility must not encroach onto the existing sealed carriageway. The final layout (location) and design of the on-street car parking facility is required to be submitted to Council for review and acceptance and must be accompanied by a design review/statement addressing any possible safety or impact on the operations of Toolakea Beach Road.

**Reason**

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

**Timing**

Assessed as part of Compliance assessment prior to the commencement of the use.

## **16. Minimum Floor Levels**

### **Condition**

The developer must ensure that:

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

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

### **Reason**

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

### **Timing**

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

## **17. Relocation of Services or Facilities**

### **Condition**

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

### **Reason**

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

### **Timing**

Prior to the commencement of the use.

## **18. Lighting**

### **Condition**

- 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.

### **Reason**

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

### **Timing**

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

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

### **Condition**

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

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

**Reason**

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

**Timing**

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

**ADVICE****1. Infrastructure Charges**

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

**2. Further Approvals Required****a) Compliance Assessment**

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

Condition 4	Gross Floor Area
Condition 8	Landscaping
Condition 13	Stormwater Drainage
Condition 15	Roadworks and Traffic

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

**b) Plumbing and Drainage Works**

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

**c) Building Works**

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

**d) Food Business**

Please be aware that the proposed development requires to be licensed under the Food Act 2006. A Food Business Application must be made prior to construction. Please contact council's Environmental Health unit on 1300 878 001 for further information.

**e) Permit to Occupy**

The developer must obtain a Permit to Occupy from the Department of Natural Resources and Mines for the roofline and poles which encroach onto the road reserve.

**3. Shop Fit Out**

a) Prior to any fit out of the intended food premises, an application for a food licence including details on the fit out of the premises must be submitted to Council's Environmental Health Services. No fit out or construction may take place before approval is granted. A food premises is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.

b) Prior to any fit out of the intended 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.

c) Where the premises is intended to be used for carrying out an Environmentally Relevant Activity (ERA) that has been devolved to council, as defined in Schedule 2 of

the *Environmental Protection Regulation 2008*, an application for development approval under the *Sustainable Planning Act 2009* must be submitted to the relevant administering authority prior to the commencement of the activity. To operate an ERA, an Environmental Authority is required. The application for the DA is also taken to be the application for the Environmental Authority.

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

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

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

#### **4. 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.

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

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

#### **6. Building Work Noise**

The hours of audible noise associated with construction and building work 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. Roadworks Approval**

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

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

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

## **8. Environmental Considerations**

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## **9. Recreation Facilities**

All recreation facilities proposed on site will need to be constructed in accordance with all relevant Australian Standards, and details are to be provided as part of the landscape plans. Consideration should be given to the management of the area and whether any special features such as lighting or fencing needs to be included in the site development plan.

The ongoing maintenance and operations of the recreational facilities must remain the developers' responsibility.

## **10. Mechanical Plant**

All refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems must be located, designed and installed to achieve a maximum noise level of:

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

## **11. Water Restrictions (Advice Condition)**

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

## **REFERRAL AGENCY CONDITIONS**

### **1. Department of State Development, Infrastructure and Planning**

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

## **2. Advice Agency Responses - ERGON ENERGY**

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Ergon Energy advises that it has no objection to Townsville City Council issuing a Development Permit for a Material Change of Use as attached.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 8 of the council minutes (page 8845) where council resolved that the committee recommendation be adopted.**

**Council agreed to change the order of business to consider items 13, 14 and 15 as the next items of business.**

## **12 MI16/0007 - Material Change of Use (Impact) - Renewable Energy Facility - Ross River Solar Farm - 160 Round Mountain Road, Pinnacles**

**Refer to resolution following item 11 of the Council Minutes (Page 8869) where council resolved that the order of business be changed and that items 13, 14 and 15 be considered as the next items of business.**

**Refer to page 8891 of the Council Minutes for item 12 - MI16/0007 - Material Change of Use (Impact) - Renewable Energy Facility - Ross River Solar Farm - 160 Round Mountain Road, Pinnacles**

## **13 MI15/0025 Material Change of Use (Impact) - Warehouse (Open Storage) - 142 Glenn Road, Woodstock**

### **Executive Summary**

The proposal is to establish an industrial use within a rural zone. The use is best described as a Warehouse (Open Storage) and is to facilitate the storage of relocatable homes that are in transit from its former location to a new location (once purchased). Movement of these buildings are by semi-trailer and prime mover combinations capable of accommodating loads with an overall length greater than 25 metres. The proposed site usage is identified as 4.5% of the 146,500m<sup>2</sup> site (proposed use area is 6,600m<sup>2</sup>).

The proposal has been lodged under the Townsville City Plan and the subject site is located within the Mixed Farming precinct of the Rural Zone, as such the establishment of any industrial or commercial use on the land conflicts with the Townsville City Plan and the strategic vision of the City to concentrate uses within designated areas.

There is no planning merit in the proposal based on the applicant's argument that it is cheaper for the applicant to use rural-zoned land instead of industrial-zoned land. Rural land should only be considered for non-rural purposes if there is an overriding need and/or a public benefit such that any inconsistency can be reasonably asserted, or where the use has a direct association with a rural production, a natural resource or the natural environment, or where the use needs to be remote from urban uses as a result of its impact. In the case of the proposal, there is no public benefit to allowing such a use on the subject site, there is no demonstrable overriding need for this proposal on the land, and there is no need for this type of use to be located away from urban use types.

Consequently, in absence of any demonstrated need for this use in its proposed location or any nexus to the rural character of surrounding area or that the proposal is the “best use” of the land in the absence of a rural use, the proposal is therefore recommended for refusal due to its direct conflict with the Townsville City Plan.

The Committee also considered the verbal deputation from Barry Lowe provided at the meeting and a paper tabled at the meeting outlining Barry Lowe's deputation.

### Officer's Recommendation

That council refuse the application MI15/0025 for a Development Permit for Material Change of Use – Warehouse (Open Storage) under section 324 of the *Sustainable Planning Act 2009* on land described as Lot 1 CP 850681, more particularly 142 Glenn Road, Woodstock. The proposed use is recommended to be refused on the following grounds/subject to the following reasons:

1. the proposal conflicts with the Strategic Framework of the Townsville City Plan, in particular themes Shaping Townsville, Strong, Connected Community and Sustaining Economic Growth;
2. the proposal conflicts with the Rural zone code, 6.6.1.2 Purpose (1) – (3);
3. the proposal conflicts with the Rural zone code, 6.6.1.2 (4) overall outcomes for the Mixed Farming Precinct;
4. the proposal conflicts with the relevant Performance Outcomes and Acceptable Outcome of the Rural zone code, as relevant to the Purpose and Overall outcomes above; and
5. the applicant has not provided suitable justification to approve the use despite the identified conflicts with the Townsville City Plan.

### Committee Recommendation

That the officer's recommendation be adopted.

### Council Decision

**Refer to resolution preceding item 8 of the council minutes (page 8845) where council resolved that the committee recommendation be adopted.**

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

<b>For</b>	<b>Against</b>
Councillor A Greaney	Councillor M Soars
Councillor C Doyle	
the Mayor, Councillor J Hill	
Councillor K Rehbein	
Councillor L Walker	
Councillor M Ryder	
Councillor P Jacob	
Councillor R Cook	
Councillor M Molachino	
Councillor V Coombe	
<b>Reasons Against</b>	

**Councillor Soars believes that community benefit would be derived by the change in the land use for this site.**

## 14 MI15/0028 - Material Change of Use (Impact) - Food and Drink Outlet - 4 Gouldian Avenue, Condon

### Executive Summary

The proposal is for two food and drink outlets on land known as 4 Gouldian Avenue, Condon. The land is located within the low density residential zone. The buildings are proposed to be 305m<sup>2</sup> and 130m<sup>2</sup> respectively. The proposed uses are a chicken outlet (similar to KFC or Red Rooster) and a coffee outlet. Car parking is provided both at the front of site abutting Gouldian Avenue and at the rear of the site. Access is proposed off Gouldian Avenue with exit points on both Gouldian Avenue and Riverway Drive.

During the notification period, two submissions were received. The proposal has been assessed against the Townsville City Plan and where inconsistencies have been identified, these have been conditioned appropriately. Whilst the land is within the low density residential zone, the site is not considered appropriate for residential use, due to the impact on amenity from Riverway Drive. It is considered that on balance having regard to the Planning Scheme the proposal can be considered an acceptable land use and it is recommended for approval.

### Officer's Recommendation

That council approve application MI15/0028 for a development permit for two x Food and Drink Outlets under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 1 SP 280616, more particularly 4 Gouldian Avenue, Condon subject to the following conditions:

#### 1. Approved Plans and Supporting Documentation

##### Condition

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

Plan Name	Plan No.	Revision No.	Date Received
Proposed Site Plan & Staging Plan	DA-003	4	20 Nov 2015
Proposed Floor Plan	DA-004	4	20 Nov 2015
Elevations	DA-005 & 6	3	20 Nov 2015
<b>Associated Reports</b>			
Odour & Noise Assessment – Proposed Food & Drink Outlet, Condon prepared by Air Noise Environment and issued November 2015			

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

##### Reason

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

##### Timing

During the operation and life of the development.



## 2. Operating Hours

### Condition

The two (2) Food and Drink Outlets must only operate between the hours of 5am to 10pm.

### Reason

To protect the amenity of existing surrounding sensitive receptor from noise impacts associated with the use.

### Timing

For the life of the development, unless otherwise agreed to by Council.

## 3. Building Materials

### Condition

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

### Reason

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

### Timing

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

## 4. Property Numbering

### Condition

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

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

### Reason

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

### Timing

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

## 5. Relocation of Services or facilities

### Condition

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

### Reason

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

### Timing

Prior to the commencement of the use.

## 6. Storage

### Condition

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

**Reason**

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

**Timing**

At all times following the commencement of the use.

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

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

**Reason**

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

**Timing**

Prior to the commencement of the use.

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

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

**Reason**

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

**Timing**

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

**9. Stormwater Quality Management****Condition**

A stormwater quality management plan (SQMP) must be submitted to and be approved by council prior to the issue of a Development Permit for Compliance Assessment. The SQMP must be prepared by a suitably qualified person in accordance with Part 9.4.2 Healthy Waters Code.

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

**Reason**

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

**Timing**

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

**10. Roadworks and Traffic****Condition**

- a) The developer must construct the new access driveway and crossover from the existing kerb and channel to the property boundary at the developer's expense in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy.

- b) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be repaired or replaced by the developer in accordance with Council's standards.
- c) Linemarking proposed within Gouldian Avenue must comply with Council standard drawings, unless otherwise varied and agreed by Council.

#### **Reason**

- (a-b) To ensure development is appropriately serviced by access facilities in accordance with relevant code/s and policy direction.
- c) To ensure that the Gouldian Avenue traffic operates with minimum delays as much as practical and the function of the local road network is not adversely affected by the development.

#### **Timing**

To be submitted as part of Compliance assessment for approval and constructed prior to the commencement of the use.

### **11. Car Parking**

#### **Condition**

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) The developer must provide a minimum of thirty-one (31) car spaces including disabled parking on site in accordance with SC6.10 Parking rates planning scheme policy.
- c) The car park at the rear of the site must be signposted as staff car parking only.

#### **Reason**

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

#### **Timing**

To be submitted as part of Compliance assessment for approval and constructed prior to the commencement of the use.

### **12. Acoustic Barriers**

#### **Condition**

The developer must provide Acoustic Barriers for the development. The acoustic barriers designs must be certified by a suitably qualified consultant indicating that the noise barriers achieve the requirements of this decision notice and *Odour and Noise Assessment – Proposed Food and Drink Outlet, Condon – FINAL*. The noise barriers are to be designed and constructed as follows:

- a) Acoustic barriers are to be constructed along the western boundary of site as per the acoustic report, *Odour and Noise Assessment – Proposed Food and Drink Outlet, Condon – FINAL*.
- b) A 0.5m high acoustic barrier parapet is to be constructed along the western rooftop edge of the fast food restaurant as described in the acoustic report, *Odour and Noise Assessment – Proposed Food and Drink Outlet, Condon – FINAL*.

- c) Construct the acoustic barriers to achieve a minimum standard that attains a superficial mass of not less than 12kg/m<sup>2</sup> and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in *Odour and Noise Assessment – Proposed Food and Drink Outlet, Condon – FINAL*

The acoustic barrier along 6 Gouldian Avenue, must be constructed of masonry brick and achieve the minimum mass density of 12kg/m<sup>2</sup>. Alternative materials may be considered, only where written agreement from the adjoining property owner(s) is obtained and provided to Council.

- d) The applicant must submit a post construction certification for the acoustic barrier to council, prior to the commencement of use. The certification must be provided by a suitably qualified acoustic consultant and must demonstrate that the conditions of this development approval relating to noise are achieved and (where not otherwise specified) confirm that the predicted noise levels *from Odour and Noise Assessment – Proposed Food and Drink Outlet, Condon – FINAL* have been achieved.

**Reason**

To address protect the amenity of the adjoining residential properties.

**Timing**

Details of all acoustic barriers are to be submitted as part of Compliance Assessment and once constructed must be maintained for the life of the development.

**13. Speaker Box Post Construction Certification**

**Condition**

The applicant must submit a post construction certification for the speaker box to council, prior to the commencement of use. The certification must be provided by a suitably qualified acoustic consultant and must demonstrate compliance by measuring - 71dB(A) at 1 metre distance (measured as an L<sub>aeq</sub> parameter).

**Reason**

To ensure that the noise from the speaker boxes are in accordance with the approved noise assessment and to protect the surrounding residential areas from noise impacts associated with the development.

**Timing**

Prior to the commencement of the use.

**14. Service Deliveries**

**Conditions**

All service deliveries must be between 7am and 6pm.

**Reason**

To minimise the potential for noise nuisance on adjoining residential properties.

**Timing**

For the life of the development, unless otherwise agreed to by Council.

**15. Outdoor Lighting**

**Condition**

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

**Reason**

To minimise the potential for noise nuisance on adjoining residential properties.

**Timing**

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

**16. Mechanical Plant****Condition**

All refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems must be located, designed and installed to achieve a maximum noise level of:

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

The developer is to provide certification to Council that the Noise limits are achieved.

**Reason**

To minimise the potential for noise nuisance on adjoining residential properties.

**Timing**

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

**17. Landscaping****Condition**

A landscaping and Irrigation Design plan is required to be submitted to and be approved by Council.

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

**Reason**

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

**Timing**

To be submitted and assessed as part of Compliance Assessment for the development. All landscaped areas must be maintained thereafter to the satisfaction of Council.

**18. Minimum Floor Levels****Condition**

The developer must ensure that the floor levels of all non-residential buildings are above the defined flood event.

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

**Reason**

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

**Timing**

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

**19. Signage****Condition**

- a) The developer must submit to Council for approval plans of any signage to be associated with the use that is deemed to be assessable development in accordance with the assessment tables of Part 5.8.2 of the Planning Scheme.

- b) Signs must be designed in accordance with the Part 9.4.1 - Advertising Devices Code. Approved signs must be maintained to the satisfaction of Council.
- c) To maintain amenity for adjoining properties, no illumination of the signage is to occur unless otherwise approved in writing by Council.

#### **Reason**

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

#### **Timing**

Where applicable, an application for Operational Works (Advertising Device) is to be submitted to Council prior to the commencement of the use.

### **20. Soil Erosion Minimisation, Sediment Control**

#### **Condition**

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

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

#### **Reason**

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

#### **Timing**

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

### **21. Refuse Facilities**

#### **Condition**

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

- a) The waste storage 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) If bulk refuse facilities are proposed to be used, the bulk refuse facility must be:
  - A suitable enclosure with concrete slab floor, with dimension which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front;
  - Within the curtilage of the premises in an accessible location to receive the service;
  - Graded and drained through an approved sediment/silt trap to legal sewer connection;
  - Provided with a hose cock and hose in close proximity to the enclosure;
  - Enclosure must be screened and not visible from any street frontage.
- c) A minimum overhead clearance of 4200mm must be provided for wheelie bin refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.

- d) The minimum overhead clearance required for bulk bin refuse collection is 6500mm. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- e) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
- f) Access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

#### **Reason**

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

#### **Timing**

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

## **22. Sewer Works**

#### **Condition**

A trafficable manhole lid must be provided to the existing sewer manhole 8/C6B which will be located within the proposed driveway.

#### **Reason**

To ensure that the development complies with relevant code/s and policy direction.

#### **Timing**

To be submitted as part of Compliance Assessment and constructed prior to the commencement of the use.

### **Concurrence Agency Conditions – Department of Infrastructure, Local Government & Planning**

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Infrastructure, Local Government & Planning advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use subject to the amended referral agency conditions issued on the 12 May 2016 and attached to this approval.

### **Advice Agency Conditions – Powerlink Queensland**

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, Powerlink Queensland advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use subject to the advice agency's response dated 22 October 2015.

## **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. Shop Fit Out**

#### **Condition**

Prior to any fit out of the intended food premises, an application for food licence including details on the fit out of the premises must be submitted to Council's Environmental Health Services. No fit out or construction may take place before approval is granted. A food premise is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.

### 3. Further Approvals Required

#### Condition

a) **Compliance Assessment**

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

Condition 8 – Stormwater Drainage;  
Condition 9 – Stormwater Quality Management Plan;  
Condition 10 – Roadworks and Traffic;  
Condition 11 – Carparking;  
Condition 12 – Acoustic Barriers;  
Condition 17 – Landscaping;  
Condition 20 – Soil Erosion & Sediment Control; and  
Condition 22 – Sewer Works.

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

b) **Plumbing and Drainage Works**

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

c) **Building Works**

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

d) **Operational Works**

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

Condition 19 – Signage (where applicable)

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

### 4. Connection to Council Water Supply

#### Condition

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

### 5. Connection to Council Sewer

#### Condition

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



## **6. Building Work Noise**

### **Condition**

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

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

## **7. Specifications and Drawings**

### **Condition**

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

## **8. Environmental Considerations**

### **Condition**

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## **9. Roadworks Approval**

### **Condition**

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

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

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

## **10. Asbestos**

### **Condition**

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

## **Committee Recommendation**

That the officer's recommendation be adopted.

The Mayor requested delegation of authority to the Chief Executive Officer to decide council's response for agenda Item 14 due to a perceived conflict resulting from donations made to all members of council as part of the Team Jenny Hill election campaign.

**15 MI13/0064 - Material Change of Use (Extractive Industry) - Expansion of Existing Quarry and ERA16 - 63 Nome Road, Nome**

**Executive Summary**

On 20 December 2013 an application seeking a Development Permit for an Extractive Industry and ERA 16, on land described as 63 Nome Road, Nome was lodged with council. The land is comprised of two lots being Lot 24 on E124400 (23.84ha) and Lot 90 EP804046 (69.3ha). Lot 24 is located within the Core Industry Precinct and Lot 90 is located within the Rural Residential Precinct. The proposed quarry will supply the market with decomposed granite, and is anticipated to provide material for future upgrading works to the Southern Access Corridor. The application received 18 submissions during the Public Notification period, which included one in support subject to conditions, one in support containing four signatures and one against which included a petition with 67 signatures, while the remaining 15 submissions opposed the proposal. The key issues raised included: dust, traffic, amenity, noise, blasting, stormwater, ground water, environmental damage, inconsistencies with the planning scheme, property values and need.

The assessment concluded that the proposal generally complies with the Townsville City Plan 2005 (being the scheme in affect at the time the Application was lodged). All off-site impacts that may be caused by the proposed development in relation to noise and dust can be appropriately managed through the conditions of this development permit and associated ERA approval. The proposed development is considered to be consistent with the area as it is an extension to an existing use and does not detrimentally affect the rural amenity and landscape.

**Officer's Recommendation**

That council approve application MI13/0064 for a development permit for Extractive Industry - Expansion of Existing Quarry and ERA16 under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 24 E 124400 and Part Lot 90 EP 804046, more particularly 63 Nome Road, Nome subject to the following conditions:

**1. Approved Plans and Supporting Documentation**

**Condition**

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

Plan Name	Plan No.	Date Stamp
Overall Layout Plan	MIL0010/P01	13 October 2015
Site Office and Car Park	42136/05	30 July 2014
<b>Associated Reports</b>		
On Site Sewerage Treatment and Disposal Report – Job No MIL0010		
Nome Quarry Expansion Environmental Assessment Report – Dated August 2015		
Stormwater Management Report – Job No. MIL0010		
Slope Stability Assessment – Dated June 2014		

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

**Reason**

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

**Timing**

During the operation and life of the development.

**2. Site Based Management Plan / Rehabilitation Plan / Weed Management Plan / Water Quality Monitoring**

**Condition**

The developer is to comply with all the proposed management measures and site rehabilitation requirements identified within the Environmental Assessment Report listed above in condition 1, unless varied by the Environmental Authority issued by the Department of Environment and Heritage Protection.

**Reason**

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

**Timing**

During the operation and life of the development

**3. Watercourse Buffer**

**Condition**

A buffer of at least 20m from the high or outer bank of natural watercourses in the project area must be maintained as recommended in the Environmental Assessment Report in Condition 1 above.

**Reason**

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

**Timing**

During the operation and life of the development

**4. Limitation of Use**

**Condition**

Within any 12 month period from the commencement of use, no more than 200,000 tonnes of material is to be extracted from the site.

**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**

During the operation and life of the development.

## 5. Blasting

### Condition

No blasting activities are to be carried out as part of this development approval

### 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

During the operation and life of the development

## 6. Bushfire Management Plan

### Condition

The developer must prepare a Bushfire Management Plan in accordance with the Queensland Fire and Rescue Standards for council approval.

### Reason

To protect development from bushfire hazards in accordance with relevant code/s and policy direction.

### Timing

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

## 7. Site Fencing

### Condition

The developer must install fencing/gates across the entrance to the site. The fencing must be a minimum height of 2m, and must be erected for the full width of the road reserve. The gates must also include appropriate signage advising unauthorised access is restricted.

### Reason

To ensure the operation is protected from unauthorised or accidental entry.

### Timing

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

## 8. Property Numbering

### Condition

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

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

### Reason

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

### Timing

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

## 9. Relocation of Services or Facilities

### Condition

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

### Reason

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

### Timing

Prior to the commencement of the use.

## 10. Storage

### Condition

Goods, equipment, packaging material or machinery must not be stored so as to be visible from any public road.

### Reason

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

### Timing

At all times following the commencement of the use.

## 11. Bushfire Management

### Condition

The development is to be provided with an adequate and accessible supply of water for firefighting purposes at all times. Specifically a dam or holding tank with a capacity of 10,000L must be provided and fitted with an outlet pipe which is 50mm in diameter and fitted with a 50mm male camlock standard rural fire brigade fitting, in addition, full access to the facility must be maintained at all times.

### Reason

To protect development from bushfire hazards in accordance with relevant code/s and policy direction.

### Timing

At all times following the commencement of the use.

## 12. On-site Sewerage Disposal

### Condition

The development must be serviced by an on-site sewerage disposal system as detailed in approved report listed in Condition 1 above.

Note: Further, on site sewerage information supplied with this application is not permission to install the plant or commence building work. Under the *Plumbing and Drainage Act 2002*, an application must be lodged with the Hydraulic Certification Unit, Townsville City Council before any building work or installation of an on-site treatment plant can be carried out.

### Reason

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

**Timing**

Prior to the commencement of the use.

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

The development must be serviced and provided with a potable and general use water supply sufficient to service the projected future needs created by the development.

**Reason**

The development is not located within a service area for a reticulated water service and in accordance with the Water Supply (Safety and Reliability) Act 2008 an appropriate water supply must be provided.

**Timing**

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

**14. Stormwater Drainage****Condition**

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that the stormwater drainage will not result in detrimental impacts on adjoining properties.

**Reason**

To convey stormwater legally to a legal point of discharge.

**Timing**

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

**15. Stormwater Quality Management****Condition**

The developer must comply with the recommendations identified within the Stormwater Management Report – Job No. MIL0010 referenced in condition 1.

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 standards and policies.

**Reason**

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

**Timing**

At all times following the commencement of the use.

**16. Roadworks and Traffic****Condition**

The developer must construct the new access driveway and crossover from the new edge of bitumen to the property boundary at the developer's expense generally in accordance with Council standard drawings.

- a) 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.

- b) The developer must construct a new fully sealed road (to Council standards) within the Barnham Road road reserve. The road must connect the proposed use to Bentley Drive where the newly constructed Barham Road must be used as the only access for the use.
- c) The developer must undertake a pavement and condition assessment of the proposed haul route. The assessment must provide for recommendations where appropriate and be undertaken by an appropriately qualified consultant.
- d) The developer must undertake and prepare a revised Traffic Impact Assessment. The assessment must be undertaken as per Council guidelines and consider the Barnham Road/Bentley Drive intersection and the safety of the existing rail crossing. The assessment must provide for recommendations where appropriate and be undertaken by an appropriately qualified consultant.

#### **Reason**

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

#### **Timing**

Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

### **17. Car Parking**

#### **Condition**

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Council Standards and policies and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) The developer must provide a minimum of eight (8) car spaces.

#### **Reason**

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

#### **Timing**

Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

### **18. Geotechnical Requirements**

#### **Condition**

The developer must comply with the recommendations within the Slope Stability Assessment – Dated June 2014 referenced in Condition 1, ensuring measures are taken to reduce the risk of a landslide.

#### **Reason**

To reduce the risk of a landslide protecting people and property.

#### **Timing**

At all times following the commencement of the use.

## **19. Hours of Operation**

### **Condition**

Unless otherwise approved by Council, the activities associated with the use must only be conducted between 6:30am and 6pm Monday to Friday and 8 am to 1 pm on Saturdays.

**The use is not to operate on Sunday 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.

## **20. Minimum Floor Levels**

### **Condition**

The developer must ensure that floor levels of all non-residential buildings are above the defined flood event.

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

### **Reason**

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

### **Timing**

Prior to the issuing of a Development Permit for Building Works

## **21. Refuse Facilities**

### **Condition**

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

- a) The minimum overhead clearance required for refuse collection is 6500mm. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- b) Access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

### **Reason**

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

### **Timing**

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



## Referral Agency Conditions

### 1. Concurrence Agency Conditions – Department of Infrastructure, Local Government and Planning

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

## Advice

### 1. Infrastructure Charges

#### Condition

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

### 2. Assessment Manager Advice

#### Condition

Before an onsite sewerage facility can be installed on a property, the applicant is required to apply for a permit to install the treatment facility on that property as per the *Plumbing and Drainage Act 2002*. Applications to install an onsite sewerage facility are to be lodged with the Hydraulic and Building Services Unit of council as part of the plumbing/drainage application. Applicants should also refer to the Onsite sewerage facilities for nonsewered properties guidelines which provides details on the application and installation stages of an onsite sewerage facility. This document may be found on Council's website.

### 3. Further Approvals Required

#### Condition

#### a) Compliance Assessment

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

Condition 6 - Bushfire Management Plan;  
Condition 14 - Stormwater Drainage;  
Condition 16 - Roadworks and Traffic; and  
Condition 17 - Car Parking.

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

#### b) Plumbing and Drainage Works

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

#### c) Building Works

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

#### **4. Water Restrictions**

##### **Condition**

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

#### **5. Storage of Materials and Machinery**

##### **Condition**

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

#### **6. Building Work Noise**

##### **Condition**

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

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

#### **7. Specifications and Drawings**

##### **Condition**

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

#### **8. Environmental Considerations**

##### **Condition**

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## **9. Dilapidation Report**

### **Condition**

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

## **10. Flammable and Combustible Liquids**

### **Condition**

Where flammable and combustible liquids are stored or handled on site, advice regarding the requirements for storage and handling of Flammable and Combustible Liquids Must be obtained from the relevant administering authority.

## **11. Roadworks Approval**

### **Condition**

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

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

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

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 8 of the council minutes (page 8845) where council resolved that the committee recommendation be adopted.**

## 12 MI16/0007 - Material Change of Use (Impact) - Renewable Energy Facility - Ross River Solar Farm - 160 Round Mountain Road, Pinnacles

### Executive Summary

An application seeking a Development Permit for Material Change of Use (Impact Assessable) for a Renewable Energy Facility, on land described as 160 Round Mountain Road, Pinnacles has been lodged with council. The subject site is located in the Rural Zone of the Townsville City Plan, and is located just beyond the upper end of the Riverway Drive corridor, adjacent to the Ross River Dam.

The proposed facility will generate up to 135MW of electricity for the Townsville region and will be connected directly to the existing network via a short underground link to the Upper Ross substation operated by Powerlink. The proposal is anticipated to have a 30 year operational lifespan and is recognised as the first facility of this type for Townsville. The application received 19 submissions during the Public Notification period, which included five in support, one suggesting conditions and 13 objecting to the proposal. The key issues raised included impacts on amenity, inconsistency with the surrounding locality, land values, dust, health concerns and noise.

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

The Committee also considered the verbal deputation from Rebecca Lincoln provided at the meeting.

### Officer's Recommendation

That council approve application MI16/0007 for a Development Permit for Material Change of Use – Renewable Energy Facility - Ross River Solar Farm under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 2 SP 195322, more particularly 160 Round Mountain Road, Pinnacles. The application is recommended for approval subject to the following conditions:

#### 1. Approved Plans and Supporting Documentation

##### Condition

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

Plan Name	Drawing No.	Revision No.	Revision Date
135MW Horizontal Tracking Solar Farm	41-29561-E001	0	17 February 2016
135MW Horizontal Tracking Solar Farm	41-29561-E002	0	17 February 2016
135MW Horizontal Tracking Solar Farm	41-29561-E003	0	17 February 2016
135MW Horizontal Tracking Solar Farm	41-29561-E004	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E005	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E006	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E007	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E008	0	17 February 2016
135MW Horizontal Tracking Solar Farm	41-29561-E009	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E010	0	17 February 2016

<b>Associated Reports</b>
Flood Impact Assessment – Ref 60478232 – Dated 22 February 2016

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

#### **Reason**

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

#### **Timing**

During the operation and life of the development.

### **2. Lifespan and Decommissioning of Development**

#### **Condition**

At the end of the operational lifespan of the development, the developer must decommission the use on the site and return the site to a rehabilitated rural state.

#### **Reason**

To protect the future rural amenity and production values of the land following the end of the projects lifespan.

#### **Timing**

Within 30 years of the commencement of the use, or after 12 months of the use being un-operational, whichever occurs first.

### **3. Property Numbering**

#### **Condition**

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

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

#### **Reason**

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

#### **Timing**

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

### **4. Relocation of Services or facilities**

#### **Condition**

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

#### **Reason**

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

#### **Timing**

Prior to the commencement of the use.

## 5. On-site Sewerage Disposal

### Condition

The development must be serviced by an appropriate sewerage disposal system during the construction phase of the development.

### Reason

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

### Timing

Prior to the commencement of the use.

## 6. Electricity and Telecommunication

### Condition

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

### Reason

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

### Timing

Prior to the commencement of the use.

## 7. Stormwater Drainage

### Condition

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

### Reason

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

### Timing

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

## 8. Roadworks and Traffic

### Condition

- a) The developer must construct the new access driveway and crossover from the edge of the bitumen to the property boundary at the developer's expense in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy. An application for a Road Opening Permit for the invert and crossover must be submitted and approved by Council.
- b) During the construction phase, and damages to the road reserve must be replaced by the developer in accordance with Council's standards.

### Reason

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

### Timing

Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

## 9. Car Parking

### Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) The developer must provide a minimum of eight (8) car spaces including disabled parking on site in accordance with SC6.10 Parking rates planning scheme policy.

### Reason

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

### Timing

Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

## 10. Limitation of Vehicle Access

### Condition

To maintain the safety and efficiency of the adjoining road network/integrity of Council infrastructure, vehicle access is only permitted as shown on the approved drawings (41-29561-E002 Rev 0) and must only obtain access from Kelso Drive.

### Reason

To address road safety in accordance with relevant code/s and policy direction and to ensure development does not adversely affect council infrastructure.

### Timing

Prior to the commencement of construction and to be maintained at all times.

## 11. Landscaping

### Condition

A landscaping and Irrigation Design plan is required to be submitted to and be approved by Council.

The Landscape and Irrigation Design Plans must be prepared in accordance with Part 9.4.3 Landscape code, the concept plans submitted to Council and include the following features;

- A 10m wide landscaping buffer must be provided for a distance of 800m along the eastern boundary extending from Kelso Drive.
- Details on proposed irrigation methods for the landscaping, particularly during the establishment period.

### Reason

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

### Timing

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

## 12. Minimum Floor Levels

### Condition

The developer must ensure that floor levels of all non-residential buildings are above the defined flood event.

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

### Reason

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

### Timing

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

## 13. Soil Erosion Minimisation, Sediment Control

### Condition

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

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

### Reason

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

### Timing

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

## 14. Vegetation Disposal

### Condition

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

### Reason

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

### Timing

Prior to, or during construction of the development.

## 15. Refuse Facilities

### Condition

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

All waste generated as a result of the construction activities is to be effectively controlled and contained entirely within the boundaries of the site before disposal, unless otherwise approved by Council. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

### Reason

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

### Timing

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



## 16. Road Pavement

### Condition

- a) Prior to the commencement of construction, the developer must undertake a dilapidation audit of the existing Council road network of Kelso Drive (bounded by the intersection of Kelso Drive and Riverway Drive and the entrance to Lot 2 SP 195322) and Riverway Drive (bounded by the intersection of Kelso Drive and Riverway Drive and the northern most corner of Lot 2 on RP724653) as shown in red on attachment 1.
- b) Prior to the commencement of the use, the developer must undertake a second dilapidation audit of the road sections addressed in the pre-construction report above. This audit must clearly quantify any damage that has been caused as a result of this of construction traffic. Any damage created by this development must be rectified (by roadworks) unless otherwise agreed by Council.

### Reason

To ensure that the proposed development does not create excessive impacts on the road network.

### Timing

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

## 17. Dust Control and Mitigation

### Condition

- a) All internal access roads must be suitably treated to ensure that there is no dust nuisance experienced by other properties.

### Reason

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

### Timing

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

## Referral Agency Conditions

### 1. Advice Agency – Powerlink

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Powerlink advises that it has no objection to Townsville City Council issuing a Development Permit for a Material Change of Use, as attached.

### Advice

### 1. Infrastructure Charges

#### Condition

A first principles assessment must be completed for the proposed development which identifies infrastructure contributions payable relevant to the Development Permit.

### 2. Further Approvals Required

#### Condition

#### a) Compliance Assessment

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

Building Works, unless otherwise approved by Council.

Condition 7 – Stormwater Drainage

Condition 8 – Roadworks and Traffic

Condition 9 – Car Parking

Condition 11 – Landscaping

Condition 13 – Soil Erosion and Sediment Control

Condition 16 – Road Pavement

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

b) **Building Works**

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

**3 Water Restrictions**

**Condition**

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

**4. 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.

**5. Building Work Noise**

**Condition**

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

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

**6. Specifications and Drawings**

**Condition**

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

## **7. Environmental Considerations**

### **Condition**

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## **8. Roadworks Approval**

### **Condition**

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

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

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

## **9. Lighting**

### **Condition**

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

## **Committee Recommendation**

That the officer's recommendation be adopted subject to the following:

- (i) that further information on health issues raised in respect to radio frequency and electromagnetic radiation from solar panels and invertors be provided to the Committee members before the next Ordinary Council meeting;
- (ii) the imposition of additional conditions requiring:
  - a) 10m wide visual landscaping buffers be established and maintained along the Round Mountain Road boundary and located within the proposed lease area, as identified on Drawing 41-29561-E001 amended in red by Townsville City Council; and
  - b) the provision of emergency vehicle access points at designated locations from Round Mountain Road, as identified on Drawing 41-29561-E001 amended in red by Townsville City Council.

**Council also considered the verbal comments of Rebecca Lincoln and Allison Hawke provided at the meeting.**

**The Mayor advised that extra conditions had been proposed to the application.**

**The Director of Planning and Development directed Councillors to Item 38 - MI16/0007 - Material Change of Use (Impact) - Renewable Energy Facility - Ross River Solar Farm - 160 Round Mountain Road, Pinnacles.**

**Council agreed to change the order of business to consider item 38 as the next item of business.**

**38 MI16/0007 - Material Change of Use (Impact) - Renewable Energy Facility - Ross River Solar Farm - 160 Round Mountain Road, Pinnacles**

**Report Information**

The recommendation of the Planning and Development Committee meeting of 14 June 2016 relating to the proposed Material Change of Use for a Solar Farm, on land located at 160 Round Mountain Road, Pinnacles required additional information and revised conditions relating to the following matters:

- Additional landscape buffering;
- Consideration of emergency exit/access requirements; and
- Further information regarding electromagnetic and radio frequency exposure

Council officers have negotiated outcomes on these matters with the proponents of the development. These outcomes are summarised as follows:

Landscape Buffers

A revised condition of approval be included to require a 3m wide landscaping buffer in the additional locations previously identified. The proponent contends that the suggested requirement of 10m in the additional identified locations is overlay onerous, and would not likely achieve an outcome superior to what can be achieved with dense plantings in a 3m wide buffer. The 10m landscape buffer was proposed by one of the applicants' consultants and is considered by the applicant to be in excess of industry standard. Additional concerns are raised regarding overshadowing of vegetation on the solar panels. Council officers are of the opinion that a 10m buffer is excess to usual standards. Detailed landscaping plans in accordance with Council standards will still be required to be submitted to Council and approved subsequent to this application.

Emergency Exit/Access Points

In response to safety concerns in the event of an emergency on site, the development will be conditioned to provide a minimum of three emergency exit/access points at the northern, midpoint and southern end of the western boundary fronting Round Mountain Road. A Bushfire Management and Emergency Response Plan will also be conditioned to be provided to Council to ensure this requirement is complied with.

Electromagnetic and Radio Frequency Exposure

Further information has been provided by the applicant. A memorandum of advice has been provided to Councillors outlining this information and confirms the development will comply with the relevant standards.

Based on the above, the recommendation of officers is to approve the development subject to amended conditions.

**Officer's Recommendation**

That council approve application MI16/0007 for a Development Permit for Material Change of Use – Renewable Energy Facility - Ross River Solar Farm under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 2 SP 195322, more particularly 160 Round Mountain Road, Pinnacles, subject to the following amended conditions:

**1. Approved Plans and Supporting Documentation**

**Condition**

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

Plan Name	Drawing No.	Revision No.	Revision Date
135MW Horizontal Tracking Solar Farm	41-29561-E001	0	17 February 2016
135MW Horizontal Tracking Solar Farm	41-29561-E002	0	17 February 2016
135MW Horizontal Tracking Solar Farm	41-29561-E003	0	17 February 2016
135MW Horizontal Tracking Solar Farm	41-29561-E004	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E005	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E006	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E007	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E008	0	17 February 2016
135MW Horizontal Tracking Solar Farm	41-29561-E009	0	17 February 2016
120MW Fixed Tilt Solar Farm	41-29561-E010	0	17 February 2016
<b>Associated Reports</b>			
Flood Impact Assessment – Ref 60478232 – Dated 22 February 2016			

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

#### **Reason**

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

#### **Timing**

During the operation and life of the development.

## **2. Lifespan and Decommissioning of Development**

#### **Condition**

At the end of the operational lifespan of the development, the developer must decommission the use on the site and return the site to a rehabilitated rural state.

#### **Reason**

To protect the future rural amenity and production values of the land following the end of the projects lifespan.

#### **Timing**

Within 30 years of the commencement of the use, or after 12 months of the use being un-operational, whichever occurs first.

## **3. Property Numbering**

#### **Condition**

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

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

**Reason**

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

**Timing**

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

**4. Relocation of Services or facilities**

**Condition**

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

**Reason**

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

**Timing**

Prior to the commencement of the use.

**5. On-site Sewerage Disposal**

**Condition**

The development must be serviced by an appropriate sewerage disposal system during the construction phase of the development.

**Reason**

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

**Timing**

Prior to the commencement of the use.

**6. Electricity and Telecommunication**

**Condition**

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

**Reason**

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

**Timing**

Prior to the commencement of the use.

**7. Stormwater Drainage**

**Condition**

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

**Reason**

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

**Timing**

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

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

- a) The developer must construct the new access driveway and crossover from the edge of the bitumen to the property boundary at the developer's expense in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy. An application for a Road Opening Permit for the invert and crossover must be submitted and approved by Council.
- b) During the construction phase, and damages to the road reserve must be replaced by the developer in accordance with Council's standards.

**Reason**

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

**Timing**

Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

**9. Car Parking****Condition**

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) The developer must provide a minimum of eight (8) car spaces including disabled parking on site in accordance with SC6.10 Parking rates planning scheme policy.

**Reason**

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

**Timing**

Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

**10. Limitation of Vehicle Access****Condition**

To maintain the safety and efficiency of the adjoining road network/integrity of Council infrastructure, vehicle access is only permitted as shown on the approved drawings (41-29561-E002 Rev 0) and must only obtain access from Kelso Drive.

**Reason**

To address road safety in accordance with relevant code/s and policy direction and to ensure development does not adversely affect council infrastructure.

**Timing**

Prior to the commencement of construction and to be maintained at all times.

## 11. Landscaping

### Condition

A landscaping and Irrigation Design plan is required to be submitted to and be approved by Council.

The Landscape and Irrigation Design Plans must be prepared in accordance with Part 9.4.3 Landscape code, the concept plans submitted to Council and include the following features;

- A landscaping buffer along the northern perimeter of the lease area including Kelso Drive and extending south a distance of 200m along the eastern boundary and 200m along the western boundary.
- A landscaping buffer along the southern perimeter of the lease area including Laudham Road and extending north along the edge of the lease area to meet the Round Mountain Road and continue for a distance of 200m along the western boundary.
- landscaping buffers to a minimum width of 3m and include a variety of shrubs and low to medium height canopy trees layered to serve the design intent of reducing views to the solar panels.
- Details of the plant species to be used, including the height and spread of plants at maturity and their suitability in terms of appropriateness for local conditions (may include indigenous and exotic species), fire safety (low combustibility), and with good survival potential.
- A commitment to reinforcement planting for existing senescent vegetation likely to die within the project lifespan.
- Details on proposed irrigation methods for the landscaping, particularly during the establishment period.

### Reason

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

### Timing

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

## 12. Minimum Floor Levels

### Condition

The developer must ensure that floor levels of all non-residential buildings are above the defined flood event.

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

### Reason

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

### Timing

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

## 13. Soil Erosion Minimisation, Sediment Control

### Condition

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

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



in accordance with SC6.4.3.8.6 *Development manual planning scheme policy*.

**Reason**

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

**Timing**

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

**14. Vegetation Disposal**

**Condition**

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

**Reason**

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

**Timing**

Prior to, or during construction of the development.

**15. Refuse Facilities**

**Condition**

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

All waste generated as a result of the construction activities is to be effectively controlled and contained entirely within the boundaries of the site before disposal, unless otherwise approved by Council. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

**Reason**

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

**Timing**

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

**16. Road Pavement**

**Condition**

- a) Prior to the commencement of construction, the developer must undertake a dilapidation audit of the existing Council road network of Kelso Drive (bounded by the intersection of Kelso Drive and Riverway Drive and the entrance to Lot 2 SP 195322) and Riverway Drive (bounded by the intersection of Kelso Drive and Riverway Drive and the northern most corner of Lot 2 on RP724653) as shown in red on attachment 1.
- b) Prior to the commencement of the use, the developer must undertake a second dilapidation audit of the road sections addressed in the pre-construction report above. This audit must clearly quantify any damage that has been caused as a result of this of construction traffic. Any damage created by this development must be rectified (by roadworks) unless otherwise agreed by Council.

**Reason**

To ensure that the proposed development does not create excessive impacts on the road network.

**Timing**

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

## 17. Dust Control and Mitigation

### Condition

- a) All internal access roads must be suitably treated to ensure that there is no dust nuisance experienced by other properties.

### Reason

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

### Timing

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

## 18. Emergency Exit/Access Points

### Condition

Emergency exit/access points must be provided at the northern and southern ends of the site fronting Round Mountain Road and approximately mid-way along the western boundary fencing fronting Round Mountain Road. These exits are to be provided to an appropriate standard to allow access to emergency vehicles in the event of an emergency.

### Reason

To ensure safe access and egress from Round Mountain Road is provided to the site at all times.

### Timing

Prior to the commencement of the use.

## 19. Bushfire Management and Emergency Response Plan

### Condition

A bushfire prevention and emergency response plan must be prepared in consultation with and to the satisfaction of the Queensland Fire and Rescue Service (QFRS) and Council.

This plan must include and consider:

- Roads should be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- Water access points shall be located in safe easily identifiable areas, accessible in all weather conditions.
- Water access points are to be marked by appropriate signage.
- Provision of a dedicated monitoring system for the solar farm infrastructure.
- A bi-annual (every second year) program of training volunteer and paid QFRS personnel in fire suppression in and around the solar facility to be offered by the solar farm operator.

### Reason

To ensure appropriate emergency procedures are maintained onsite at all times.

### Timing

Prior to the commencement of the use.

## Referral Agency Conditions

### 1. Advice Agency – Powerlink

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Powerlink advises that it has no objection to Townsville City Council issuing a Development Permit for a Material Change of Use, as attached.

## Advice

### 1. Infrastructure Charges

#### Condition

A first principles assessment must be completed for the proposed development which identifies infrastructure contributions payable relevant to the Development Permit.

### 2. Further Approvals Required

#### Condition

#### a) Compliance Assessment

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

Condition 7 – Stormwater Drainage

Condition 8 – Roadworks and Traffic

Condition 9 – Car Parking

Condition 11 – Landscaping

Condition 13 – Soil Erosion and Sediment Control

Condition 16 – Road Pavement

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

#### b) Building Works

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

### 3 Water Restrictions

#### Condition

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

### 4. 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.

## 5. Building Work Noise

### Condition

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

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

## 6. Specifications and Drawings

### Condition

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

## 7. Environmental Considerations

### Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## 8. Roadworks Approval

### Condition

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

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

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

## 9. Lighting

### Condition

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

## Council Decision

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

***"that the officer's recommendation be adopted."***

**CARRIED**

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

<b>For</b>	<b>Against</b>
Councillor A Greaney	Councillor M Molachino
Councillor C Doyle	Councillor V Coombe
the Mayor, Councillor J Hill	
Councillor K Rehbein	
Councillor L Walker	
Councillor M Ryder	
Councillor M Soars	
Councillor P Jacob	
Councillor R Cook	
<b>Reasons Against</b>	
Councillor M Molachino voted against the recommendation noting that consultation was not sufficient to address concerns of residents and that a better location could have been chosen.	
Councillor V Coombe voted against the recommendation noting that she believes that it is a good proposal in the wrong location and that proper community consultation had not occurred in this circumstance.	

**The order of business resumed.**

## **Community Health and Environment Committee**

***It was MOVED by Councillor A Greaney, SECONDED by Councillor R Cook:***

*"that the committee recommendation to item 16 be adopted."*

**CARRIED UNANIMOUSLY**

### **16 Reef Guardian Council Program participation 2016 - 2020**

#### **Executive Summary**

The Reef Guardian Councils (RGC) Program is a Great Barrier Reef Marine Park Authority (GBRMPA) program that recognises the role of local government in helping to protect the Great Barrier Reef (GBR) from the impacts of declining water quality and climate change. Townsville City Council was one of the first Reef Guardian Councils in the Great Barrier Reef region (November 2006) to be recognised through this program.

Participation in the Reef Guardian Councils program requires councils to prepare an annual Action Plan and sign a Memorandum of Understanding with the Great Barrier Reef Marine Park Authority at the beginning of each new Council term.

A short presentation about the Reef Guardian Councils Program will be given by officers of the Great Barrier Reef Marine Park Authority and Townsville City Council.

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

1. That council note the presentation by officers of the Great Barrier Reef Marine Park Authority and Townsville City Council.
2. That council endorse council's continued involvement in the Reef Guardian Councils Program for the current term of Council (2016 – 2020).

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 16 of the council minutes (page 8909) where council resolved that the committee recommendation be adopted.**

## Community and Cultural Development Committee

***In accordance with section 173 of the Local Government Act 2009, the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 17.***

- (a) the name of the councillor who have the real or perceived conflict of interest:***  
*the Mayor, Councillor J Hill*
- (b) the nature of the conflict of interest as described by the Councillor:***  
*The Mayor is vice patron of the Townsville Marksmen Rifle Club (TMRC).*
- (c) how the Councillor dealt with the real or perceived conflict of interest:***  
*The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered her position and was of the opinion that she could participate in debate and vote on the matter in the public interest.*
- (d) if the Councillor voted on the issue – how the Councillor voted:***  
*The councillor voted as per the officer's recommendation.*
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.***  
*The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.*

***It was MOVED by Councillor C Doyle, SECONDED by Councillor M Soars:***

*"that the committee recommendations to items 17 and 18 be adopted; and that item 19 be considered separately."*

***CARRIED UNANIMOUSLY***

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

*With regards to item 19:*

*"That the committee recommendation be adopted subject to the following amendments:*

- 1. Draft Terms of Reference for the Inclusive Community Advisory Committee*
  - That maximum voting membership of the ICAC will be twenty (20) persons.*
  - That minor abbreviation and typographical errors are corrected.*
- 2. Terms of Reference for the Murray Sports Complex Advisory Committee*  
*Roles and responsibilities - dot three*
  - To develop a master plan to strengthen the management and usage of the Murray Sports Precinct."*

***CARRIED UNANIMOUSLY***

## **17 Community Services Lease - Townsville Marksmen Rifle Club Inc**

### **Executive Summary**

The Townsville Marksmen Rifle Club (TMRC) is seeking a lease over the south-east portion of Lot 26 SP149308 Hervey Range Road. Townsville City Council is the Trustee of this land.

TMRC is reputedly the oldest sporting club in the Townsville region being formally established in 1885 as the Townsville Railway Rifle Club. In 1973-74 the Townsville Railway Rifle Club was renamed the Townsville Marksmen Rifle Club with other Townsville rifle clubs merging into the new entity. In 1975 TMRC purchased a 40 ha block approximately 30kms north-west of Townsville that has become known as Hervey Range Shooting Complex (HRSC).

### **Officer's Recommendation**

1. That council approve the issuing of a community lease to Townsville Marksmen Rifle Club (TMRC) for the south-east portion of Lot 26 SP149308 Hervey Range Road for a term of 30 years, for a fee of \$1.00 per year, exclusive of GST, if requested and note that this extended term of lease will require state government approval.
2. That council note that as the lessee, the Townsville Marksmen Rifle Club (TMRC) will be responsible for the following:
  - a. Survey Plan

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 17 of the council minutes (page 8910) where council resolved that the committee recommendation be adopted.**

## **18 Learning Communities Leadership Group Terms of Reference**

### **Executive Summary**

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

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

With the new council in place the Learning Communities Leadership Group is due to be appointed. Terms of Reference for the group have been amended to support the call for expressions of interest in appointment to the group and the Lifelong Learning Strategic Action Plan.

### **Officer's Recommendation**

That council endorse the amended Terms of Reference for the Learning Communities Leadership Group which comprises changes to key representation, the call for nomination process and the criteria for selection and appointment.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 17 of the council minutes (page 8910) where council resolved that the committee recommendation be adopted.**



## **19 Community Services - Terms of Reference Advisory Committees**

### **Executive Summary**

In the post-election council meeting held on 8 April 2016, Council resolved to adopt a number of Advisory Committees and Working Groups for the new term. Advisory Committees and Working Groups are effective vehicles to engage with the community on issues and topics related to community and council initiatives.

To ensure that the purpose and structure of these groups have clear focus and governance, Terms of Reference documents have been created specifically for each group. The Terms of Reference will be used to guide the recruitment of committee members and facilitate meeting protocol.

The Advisory Committees and Working Groups that have the Community Services Department identified as the liaison, and that are within the scope of this report are:

- Murray Sports Complex Advisory Committee (MAC)
- Arts and Culture Advisory Committee (ACAC)
- Inclusive Communities Advisory Committee (ICAC)
- Regional Arts Development Fund (RADF) Committee
- Art Acquisition Working Group (AAWG)
- Street Art Working Group (SAWG)

### **Officer's Recommendation**

1. That council approve the Terms of Reference for the Murray Sports Complex Advisory Committee,
2. That council approve the Terms of Reference for the Arts and Culture Advisory Committee,
3. That council approve the draft Terms of Reference for the Inclusive Communities Advisory Committee,
4. That council approve the Terms of Reference for the Regional Arts Development Fund Committee,
5. That council approve the Terms of Reference for the Art Acquisition Working Group,
6. That council approve the Terms of Reference for the Street Art Working Group.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 17 of the council minutes (page 8910) where council resolved that the committee recommendation be adopted subject to the following amendments:**

1. **Draft Terms of Reference for the Inclusive Community Advisory Committee**
  - That maximum voting membership of the ICAC will be twenty (20) persons.
  - That minor abbreviation and typographical errors are corrected.
3. **Terms of Reference for the Murray Sports Complex Advisory Committee**

**Roles and responsibilities - dot three**

  - To develop a master plan to strengthen the management and usage of the Murray Sports Precinct.

## **Governance and Finance Committee**

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

*"that the committee recommendations to items 20, 21, 23 and 24 be adopted; and that item 22 be considered separately in closed session."*

**CARRIED UNANIMOUSLY**

### **20 Budget Variance Report - Whole of Council - May 2016**

#### **Executive Summary**

On behalf of the Acting Chief Executive Officer, the Director Corporate Services presented and discussed the Budget Variance Report for the whole of council for May 2016, pursuant to section 204 of the *Local Government Regulation 2012*.

The Director Corporate Services circulated separately to the Agenda the Budget Variance Report for the whole of council for May 2016.

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

That council note the financial report for May 2016 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 20 of the council minutes (page 8913) where council resolved that the committee recommendation be adopted.**

### **21 Treasury Report - May 2016**

#### **Executive Summary**

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

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

That council note the treasury report for May 2016 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 (page 8913) where council resolved that the committee recommendation be adopted.**

**22 Human Resources People Performance - RPS00024 - Register of Pre-Qualified Suppliers for the Provision of Labour Hire Service**

Refer to resolution preceding item 20 of the Council Minutes (Page 8913) where council resolved that item 22 be considered in the closed session.

Refer page 8937 of the Council Minutes for item 22 - Human Resources People Performance - RPS00024 - Register of Pre-Qualified Suppliers for the Provision of Labour Hire Service

**23 Human Resources People Performance - RPS00018 - Register of Pre-Qualified Suppliers for Provision of Medical and Allied Health Services**

**Executive Summary**

A Register of Pre-Qualified Suppliers for the provision of a range of medical and allied health services to Townsville City Council (TCC) on an 'as required' basis was established in July 2013 (RPS6512). The contract period was two years with an option to extend for a further one year period which was exercised and expires on 30 June 2016. A new tender for a Register of Pre-Qualified Suppliers for Provision of Medical and Allied Health Services to TCC (RPS00018) was called with invitations made by public advertisement in the Townsville Bulletin on 26 September 2015 and via the Townsville Online Tendering System (TOTS). Tenders closed on 21 October 2015 and a total of 17 submissions were lodged.

Council utilises a range of occupational health, injury prevention and injury management services and the key aim of establishing RPS00018 is to ensure that pre-determined service standards are met, processes are aligned, quality is maintained and cost-efficiencies are achieved for related activities which ultimately benefits the organisation and rate payer.

An evaluation team comprising of three people evaluated the responses against the defined criteria and specifications in the Tender Response documents and through an objective scoring process identified nine tenderers as suitable to deliver the required services. These are the suppliers now recommended to be included on the new Register of Pre-Qualified Suppliers RPS00018.

**Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council resolve to appoint the following suppliers to the Register of Pre-Qualified Suppliers of Medical and Allied Health Services RPS00018 to Townsville City Council:
  1. Injury Treatment
    - (a) for provision of Injury Prevention Services and Injury Management services limited to rehabilitation services
  2. Kinnect
    - (b) for provision of Injury Prevention Services limited to ergonomic assessments and Injury Management Services limited to off-site physiotherapy and rehabilitation services
  3. North Queensland Therapy Services
    - (c) for provision of Injury Prevention Services and Injury Management Services limited to rehabilitation services
  4. Soft Tissue Centre
    - (d) for provision of Injury Management Services limited to onsite physiotherapy (treatment)

5. Sonic Health Plus
    - (e) for provision of Occupational Health Services limited to pre-placement medical assessments (including audio screen and drug and alcohol screen where required), pre-placement functional capacity assessments, health surveillance, lung function screening, occupational vaccinations and Injury Management Services limited to general practice occupational injury treatment / management
  6. Sportsmed NQ
    - (f) for provision of Injury Management Services limited to off-site physiotherapy
  7. The Drug Detection Agency Townsville
    - (g) for provision of Occupational Health Services limited to drug and alcohol testing
  8. Townsville Suburban Medical Practice
    - (h) for provision of Occupational Health Services limited to pre-placement medical assessments (including audio screen and drug and alcohol screen where required), pre-placement functional capacity assessments, health surveillance, lung function screening, occupational vaccinations and Injury Management Services limited to general practice occupational injury treatment / management
  9. Tropical Therapy Services
    - (i) for provision of Injury Prevention Services and Injury Management Services limited to rehabilitation services
3. That council approve the contract term of 12 months with options to extend for a further two by 12 month periods.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 20 of the council minutes (page 8913) where council resolved that the committee recommendation be adopted.**

### **24 Finance Services - Procurement - PSA00036 Supply & Delivery of Plumbing Products**

#### **Executive Summary**

Council issued tender PSA00036 on 27 February 2016 for a preferred supplier arrangement for the supply and delivery of Plumbing Products. The tender closed on 23 March 2016 and three submissions were received with each tenderer declaring they had no conflict of interest.

Historical usage indicates council will expend in the vicinity of \$300,000 per annum. The *Local Government Regulation 2012* requires Townsville City Council to invite written tenders for arrangements in excess of \$200,000 or more in a financial year or over the proposed term of the contractual arrangement.

The recommended contract is for 12 months with the option of a further two 12-month periods.

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

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award PSA00036 – Preferred Supplier Arrangement for Supply and Delivery of Plumbing Products to Tradelink Plumbing Supplies.
3. That council award PSA00036 for 12 months with the option of two extension periods of 12 months.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 20 of the council minutes (page 8913) where council resolved that the committee recommendation be adopted.**

## **Townsville Water and Waste Committee**

***In accordance with section 173 of the Local Government Act 2009, Councillor P Jacob declared a perceived conflict of interest in regards to item 25.***

- (a) the name of the Councillor who has the perceived conflict of interest:**  
Councillor P Jacob
- (b) the nature of the conflict of interest as described by the Councillor:**  
Councillor Jacob signed the Townsville Golf Course Water Petition.
- (c) how the Councillor dealt with the perceived conflict of interest:**  
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**  
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**  
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

***In accordance with section 173 of the Local Government Act 2009, Councillor K Rehbein declared a perceived conflict of interest in regards to item 25.***

- (a) the name of the Councillor who has the perceived conflict of interest:**  
Councillor K Rehbein
- (b) the nature of the conflict of interest as described by the Councillor:**  
Councillor Rehbein made comments in relation to the Townsville Golf Course Water Petition prior to being elected to council.
- (c) how the Councillor dealt with the perceived conflict of interest:**  
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**  
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**  
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

***In accordance with section 173 of the Local Government Act 2009, Councillor M Molachino declared a perceived conflict of interest in regards to item 25.***

- (a) the name of the Councillor who has the perceived conflict of interest:**  
Councillor M Molachino
- (b) the nature of the conflict of interest as described by the Councillor:**  
Councillor Molachino made comments in relation to the Townsville Golf Course Water Petition prior to being elected to council.
- (c) how the Councillor dealt with the perceived conflict of interest:**  
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**  
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**  
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

***In accordance with section 173 of the Local Government Act 2009, Councillors L Walker, P Jacob, R Cook and C Doyle declared a perceived conflict of interest in regards to item 29.***

- (a) the name of the Councillors who have the perceived conflict of interest:**  
Councillors L Walker, P Jacob, R Cook and C Doyle.
- (b) the nature of the conflict of interest as described by the Councillors:**  
BMD donated to the Team Hill election campaign.
- (c) how the Councillor dealt with the perceived conflict of interest:**  
The Councillors determined that they could reasonably be perceived to have a conflict of interest in this matter and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**  
The Councillors did not participate in debate or voting on the matter.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**  
Authority was delegated to the Chief Executive Officer to decide council's response.

***It was MOVED by Councillor P Jacob, SECONDED by Councillor C Doyle:***

*"that the committee recommendations to items 26, 27 and 28 be adopted; and that item 25 be dealt with separately."*

**CARRIED UNANIMOUSLY**

***Item 29 was delegated to the Chief Executive Officer to decide council's response.***

***It was MOVED by Councillor L Walker, SECONDED by Councillor R Cook:***

*With regards to item 25:*

*"that the officer's recommendation be adopted."*

**CARRIED UNANIMOUSLY**

## **25 Water Operations - Report on Townsville Golf Course Water Petition**

### **Executive Summary**

The Townsville Golf Club is planning to shut down its sewage treatment plant which currently generates effluent used to irrigate the golf course. Council has no authority to change that decision. Council engaged with the Club to investigate a range of alternative options for supply of water. These were either beyond the financial capability of the Club or were ruled out for technical reasons. Presently the only viable option for the Club is to use potable water.

Townsville Golf Club is within the declared water service area and therefore under the *Water Supply (Safety and Reliability) Act 2008*, they must be given a connection as long as the infrastructure was capable to supply the required flow rate or if the Club installed a tank to buffer the supply. The Club has carried out works which allow the supply to be connected. A water supply agreement, which outlines numerous conditions for the Townsville Golf Club's use of water, has been made.

The Club qualifies for a sporting field irrigation concession under the current council Concessions Policy. The amount for the Club specifically links to the rates in the Concessions Policy except that a volume cap has been placed on the Club after which all water is charged at the excess water rate. Council will work further with the Club to identify more sustainable solutions to this situation.

A petition was put to council calling to reverse the decision to supply water to the Golf Club. This report details why council must supply the water and demonstrates that the concession given to the golf club is in accordance with the current Concessions Policy.

### **Officer's Recommendation**

1. That council note the community concerns conveyed in the petition.
2. That council note that the Townsville Golf Club's application for a water connection satisfies the requirements of the *Water Supply (Safety and Reliability) Act 2008* and that council must provide a connection.
3. That council note that a water supply agreement provides additional conditions on the Townsville Golf Club's water use that do not apply to other customers.
4. That council resolve to review the Concessions Policy for 2016/2017 to limit the value of concession applied to water used for irrigation.
5. That the Director Townsville Water and Waste write to the petitioner to outline the reasons for the council decision to supply water to the Townsville Golf Club.

### **Committee Recommendation**

That the officer's recommendation be adopted.

## **Council Decision**

Refer to resolution preceding item 25 of the council minutes (page 8918) where council resolved that the committee recommendation be adopted.

## **26 Business Management & Compliance - Townsville Water Quality Systems Policy**

### **Executive Summary**

Compliance with ISO 9001:2015 Quality Management Systems requires that certified bodies, which include Townsville Water, have a quality policy. Amendments to ISO 9001 meant that a revision of the current Townsville Water Quality Systems Policy was required.

### **Officer's Recommendation**

That council adopt the Townsville Water Quality Systems Policy as attached.



## 1. POLICY STATEMENT

Townsville Water is committed to maintaining Townsville Water's ISO 9001 (Quality Management System Requirements) certification and will deliver products and services that achieve or exceed relevant standards

## 2. PRINCIPLES

Townsville Water is committed to:

- A customer focused approach to meet customer requirements and willingness to exceed customer expectations.
- Strong leadership that creates and maintains an operational environment in which people can become fully involved in achieving our scorecard objectives.
- High levels of employee involvement, enabling their abilities to be used for Townsville Waters benefit.
- A systematic approach to managing our processes for various activities.
- The process of review and continual improvement.
- A factual approach to decision making, based on the analysis of data and information.

## 3. SCOPE

- This policy applies to the commercial business unit 'Townsville Water' within Townsville Water and Waste of Townsville City Council.
- Townsville Water's business processes are subject to third party certification'
- TCC corporate processes supporting Townsville Water are not subject to certification'

## 4. RESPONSIBILITY

Council's Leadership Management Group (LMG) members are responsible for ensuring this policy is understood and adhered to by all staff. Reporting for compliance to this policy is the responsibility of the Director Townsville Water and Waste.

## 5. DEFINITIONS

Nil

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**6. POLICY**

- 6.1 Townsville Water is committed to maintaining Townsville Water's ISO 9001 certification and will deliver products and services that achieve or exceed relevant standards.
- 6.2 Townsville Water will maintain and further develop its Quality Management System, and increase the competency and awareness of its staff and provide infrastructure and work environments that enable staff to provide high quality products and services.
- 6.3 Townsville Water continuously will measure and analyse customer satisfaction and internal processes to guide improvements in product and service delivery. Townsville Water recognises that comprehensive internal planning and development of our processes is critical to achieving high-quality product and service delivery.

**7. LEGAL PARAMETERS >>**

Nil

**8. ASSOCIATED DOCUMENTS >>**

ISO 9001:2015 Quality Management System Requirements

**Committee Recommendation**

That the officer's recommendation be adopted.

## **27 Business Management & Compliance - Monthly Report Card - May 2016**

### **Executive Summary**

Townsville Water and Townsville Waste's monthly report cards containing year to date operating results for 2015/16 are submitted for the month of May 2016.

### **Officer's Recommendation**

That council note the report cards from Townsville Water and Townsville Waste for the month of May 2016.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 25 of the council minutes (page 8918) where council resolved that the committee recommendation be adopted.**

## **28 Water Operations - Amendment of Water Restriction Policy**

### **Executive Summary**

The current *Water Restriction Policy* has been in force since August 2015. Demand reduction performance under those restrictions has been on target. The Level 3 restrictions for Sporting Fields do not permit sprinkler systems to be utilised due to the large volume of water used on sporting fields across the city. An engagement session was held with a wide range of sporting associations. With Level 3 restrictions likely to coincide with the dry season, they are concerned they will not be able to continue operating if the sports fields are in bad condition due to injury and insurance concerns. By adjusting the water use on council irrigated fields and private fields, it is possible to ease the restriction.

It is proposed that Water Efficiency Management Plans are established with sporting clubs to allow them to maintain the sportsgrounds to a standard that will allow the sport to continue. This report recommends changing the policy to reflect this plan, along with adding to the policy a general ability to apply an exemption to the restrictions when it is considered prudent to do so.

### **Officer's Recommendation**

That council adopt the proposed amendments to the Water Restriction Policy.

## POLICY

### TOWNSVILLE WATER AND WASTE

#### TOWNSVILLE WATER



## WATER RESTRICTION POLICY >>

### 1. POLICY STATEMENT >>

Council will apply water restrictions when:

- an inability to produce sufficient potable water creates an urgent need to restrict water use; or
- the available water supply has fallen to a level at which unrestricted use of the water is not in the public interest.

### 2. PRINCIPLES >>

Council will apply water restrictions equitably across the community while recognising the importance of public facilities and the needs of businesses that rely upon water for their trade.

### 3. SCOPE >>

Water restrictions apply to all users - including commercial, industrial, residential, and governmental (Federal, State and Local) users - of potable or non-potable water supplied from Townsville City Council-owned infrastructure.

### 4. RESPONSIBILITY >>

The Council is a water service provider under the *Water Supply (Safety and Reliability) Act 2008* and has authority to apply and enforce water restrictions.

The council's authority to apply and enforce water restrictions is delegated to the Chief Executive Officer, and through him to the Director, Townsville Water and Waste, who has responsibility for all aspects of the implementation and management of this Water Restriction Policy.

### 5. DEFINITIONS >>

Odds and Evens system a system under which water use is regulated having regard to whether the property address is categorised as an Odd or Even number.

Water may be used in compliance with the current water restriction level within

- Even numbered properties on Tuesdays and Saturdays.
- Odd numbered properties on Wednesdays and Sundays.

Property addresses are categorised as "Odd" if:

- the number of the property within the street is an odd number – for example 3 Jones

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Water Restriction Policy

## POLICY

### TOWNSVILLE WATER AND WASTE

#### TOWNSVILLE WATER



- Street, or Unit "X" 17 Anywhere Crescent.*
- there is no allocated street number, then the Lot number of the property is an odd number – for example *Lot 11, Smith Road*
  - the address includes more than one street number and the first number is odd - for example *143 – 202 Walker Street*
  - there is no known Street or Lot number.

Property addresses are categorised as "Even" if:

- the number of the property within the street is an even number – for example *2 Jones Street, or Unit "X" 98 Anywhere Crescent.*
- there is no allocated street number, then the Lot number of the property is an even number – for example *Lot 18, Smith Road*
- the address includes more than one street number and the first number is even - for example *50 - 73 Long Street*

**Irrigation System:** A network of permanent piping connected to emitters which has been designed and installed to water a specific area, where the maximum output of each emitter must not exceed 9 litres/minute.

**Sprinkler:** any device for distributing irrigation water other than a hand held hose or a drip-irrigation system. The term includes a pipe or hose system with a nozzle, a soaker hose and any other device intended to distribute, sprinkle or spray water (including an automatic irrigation system).

## 6. POLICY >>

### 6.1 Water Restriction Levels

Townsville has adopted a system incorporating 4 levels of restriction. The water restriction levels by categories of use are set out in Appendix 1.

### 6.2 Decision to implement Water Restrictions and Categories of Restriction.

The Director Townsville Water and Waste will declare the commencement and cessation of water restrictions having regard to a range of factors including specifically the water restriction implementation levels set out in Appendix 2.

A declaration may be made because of operational reasons – being an inability to produce sufficient potable water to meet demand - or because of drought resulting in concerns about the quantity of water in storage.

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Water Restriction Policy

## POLICY

### TOWNSVILLE WATER AND WASTE

#### TOWNSVILLE WATER



#### 6.3 Service Areas

Townsville's water supply system is divided into 3 service areas on the basis of different water sources, being:

- Townsville – serviced from Ross River Dam, Crystal Creek/Paluma Dam system and the Burdekin system.
- Paluma Township – serviced by the Paluma system from a local creek.
- Cungulla – serviced by the Giru Water Treatment Plant from the Haughton River.

Water restrictions may be imposed in respect of any single service area or across all service areas.

#### 6.4 Enforcement

Council will maintain an education and communication program to encourage voluntary compliance with imposed water restrictions. Council will use its enforcement powers when necessary.

#### 6.5 Exemptions

The Chief Executive Officer has delegated authority to grant exemptions to restrictions, and to set conditions upon which an exemption is granted. The Chief Executive Officer has further delegated that authority to the Director Townsville Water and Waste.

Factors to be considered in the approval of an exemption include:

- The increase in water use likely to result from approval of the exemption,
- If the exemption has a distinct environmental or social benefit to the city,
- If there are other water usage controls in place which allow the exemption to be given, or
- The impact on enforcement of restrictions brought about by the exemption.

## 7. LEGAL PARAMETERS >>

*Water Supply (Safety and Reliability) Act 2008*

## 8. ASSOCIATED DOCUMENTS >>

Nil

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## POLICY

### TOWNSVILLE WATER AND WASTE

#### TOWNSVILLE WATER



#### APPENDIX 1 – WATER RESTRICTION LEVELS BY CATEGORIES OF USE

Category	Level 1	Level 2	Level 3	Level 4
Watering residential and rural lawns and gardens and the watering of commercial lawns and gardens (including school grounds)	Sprinklers only to be used 5-7am and 6-8 pm, odds and evens applies, handheld watering any time	Sprinklers only to be used 6-8 pm, odds and evens applies, handheld watering any time	Sprinklers not to be used, handheld watering 6-8 pm, odds and evens applies to handheld watering	No sprinklers or handheld watering allowed, watering cans/buckets only, odds and evens applies to watering cans/buckets
TCC Parks and Gardens	14% reduction in irrigation volume	No watering 9am-4pm and 24% reduction in irrigation volume	No watering 9am-4pm and 44% reduction in irrigation volume	No watering 9am-4pm and 84% reduction in irrigation volume
Commercial Nurseries and Market Gardens	No watering between 9am and 4pm. Watering outside of that time by: - Water efficient sprinkler - Hand-held trigger or twist nozzle - Irrigation system - Watering can or bucket	No watering between 9am and 4pm. Watering outside of that time by: - Water efficient sprinkler - Hand-held trigger or twist nozzle - Irrigation system - Watering can or bucket	No watering between 9am and 4pm. Watering outside of that time by: - Hand-held trigger or twist nozzle - Irrigation system - Watering can or bucket	No watering between 9am and 4pm. Watering outside of that time by: - Irrigation system - Watering can or bucket

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## POLICY

### TOWNSVILLE WATER AND WASTE

#### TOWNSVILLE WATER



Washing vehicles and boats (other than flushing boat motors)	No restriction	Bucket or water efficient car wash	Bucket or water efficient car wash	Water efficient car wash
Washing hard surfaces other than for safety issues	No restriction	Pressure washers only	Not permitted	Not permitted
Irrigation of sports fields (including school sports fields)	Sprinklers only to be used 5-7am and 6-8 pm Handheld watering any time	Sprinklers only to be used 6-8 pm Handheld watering any time	No sprinklers to be used Handheld watering – odds and evens applies  or  Watering to be conducted as per a Council approved Water Efficiency Management Plan for the sports field.	No watering permitted

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## POLICY

### TOWNSVILLE WATER AND WASTE

#### TOWNSVILLE WATER



#### APPENDIX 2 – WATER RESTRICTION IMPLEMENTATION LEVELS

##### Townsville Water Supply Drought Based Restrictions

Ross Dam Level	Restriction
40%	Level 1
30%	Level 2
20%	Level 3
10%	Level 4

##### Townsville Water Supply Operational Restrictions

Condition	Restriction
Average daily consumption approaching maximum production	Level 2
Average daily consumption equals maximum production	Level 3
Average daily consumption exceeds maximum production OR an emergency situation exists	Level 4

##### Paluma Township Drought Based Restrictions

Condition	Restriction
Weir level takes >2 hours to recover after pumping	1
Weir level takes > 4 hours to recover after pumping	2
Water level is below the weir for > 1 day	3
Trucking Water has commenced	4

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Water Restriction Policy

**POLICY****TOWNSVILLE WATER AND WASTE****TOWNSVILLE WATER****Cungulla Township Drought Based Restrictions**

Condition	Restriction
Consumption approaching quarterly allocation	2
Quarterly Allocation exceeded	3
Risk of exceeding annual allocation	4

**Cungulla Township Operational Restrictions**

Condition	Restriction
Consumption = Plant capacity;	2
Consumption > Plant Capacity;	3
Trucking Water has commenced;	4

Electronic version current uncontrolled copy valid only at time of printing.

Document No. >> 1095

Authorised by >> Director Townsville Water & Waste

Document Maintained by >> Manager Water Operations

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Current Version Reviewed>>25/08/2015

Next Review Date>> 25/08/2017

2. That council resolve to provide exemptions for the following classes of water use:
  - establishment of lawns on new residential homes; and
  - registered commercial nurseries;subject to conditions determined by the Chief Executive Officer.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 25 of the council minutes (page 8918) where council resolved that the committee recommendation be adopted.**

### **29 Engineering Services - Cleveland Bay Purification Plant Upgrade Project - Eoi00011 - Appointment of Early Tenderer Involvement Participants**

#### **Executive Summary**

Council resolved on 22 September 2015 to progress with the Cleveland Bay Purification Plant Process (CBPP) Upgrade Project to increase the hydraulic treatment capacity of the CBPP to ensure that it continually meets environmental licensing conditions under all scenarios.

In accordance with *section 228(3)(a) of the Local Government Regulations 2012 (QLD)* council resolved to proceed with inviting expressions of interest at its Full Council Meeting on 27 January 2016. Request for Expressions of Interest (EOI00011) was advertised in the Townsville Bulletin and the Queensland Courier Mail on 16 April 2016 (closing date was 18 May 2016). Six submissions were received and evaluated by an evaluation panel of three members.

#### **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 appointment of Monadelphous Engineering Pty Ltd, York Civil Pty Ltd and UGL Engineering Pty Ltd as the Early Tenderer Involvement Participants for the Cleveland Bay Purification Plant Process Upgrade Project.
3. That council approve the entering into of a formal agreement with each of Monadelphous Engineering Pty Ltd, York Civil Pty Ltd and UGL Engineering Pty Ltd for the Early Tenderer Involvement Process for the Cleveland Bay Purification Plant Process Upgrade Project.
4. That council approve, subject to satisfactory performance of the obligations under the agreement, to pay Monadelphous Engineering Pty Ltd and/or York Civil Pty Ltd and/or UGL Engineering Pty Ltd a one off payment each of \$90,000 (excluding GST).

#### **Committee Recommendation**

That the officer's recommendation be adopted.

**The Mayor requested delegation of authority to the Chief Executive Officer to decide council's response for agenda item 29 due to a perceived conflict resulting from donations made to all members of council as part of the Team Jenny Hill election campaign.**

## **Officers Reports**

### **Corporate Services**

#### **30 Amendment - Terms of Reference - Standing Committees**

##### **Executive Summary**

The following council Standing Committees require a change of day and amendment to their respective terms of reference. The Committees are currently held on a Tuesday and the proposal is to bring this forward to a Monday, to improve the timeframes around preparation of the Ordinary Meeting agenda.

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

1. That the Governance and Finance Standing Committee's Terms of Reference, Frequency and Location section to be amended to read as follows: *To meet on the Monday the week preceding the monthly Ordinary meeting at 9.00am.*
2. That the Townsville Water and Waste Standing Committee's Terms of Reference, Frequency and Location section to be amended to read as follows: *To meet on the Monday the week preceding the monthly Ordinary meeting at 11.00am.*

##### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

#### **31 Request to Overlanders Way Tourism Group for Council Representation**

##### **Executive Summary**

At the recent Mount Isa to Townsville Economic Zone Inc (MITEZ) meeting in Mount Isa, Councillor M Ryder was briefed on the launch of the Overlander's Way Education Tourism Itineraries project.

Councillor Ryder would like to investigate the opportunity for a Townsville City Council to have a representative on the Overlanders Way Tourism Group and would like to nominate to be the council representative.

The Overlanders Way is the tourist drive from Townsville to Tennant Creek travelling through the North Western towns of Charters Towers, Hughenden, Richmond, Julie Creek, Cloncurry, Mount Isa and Camooweal.

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

That council write to the Overlanders Way Committee to express an interest in nominating Councillor M Ryder as a representative of the Townsville City Council on the Overlanders Way Tourism Group.

##### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

### **32 Request for council representation on Townsville Eliminate Dengue Community Reference Group**

#### **Executive Summary**

Eliminate Dengue Australia has sent correspondence to the Mayor's office requesting a councillor representative on the Townsville Eliminate Dengue Reference Group.

Following the recent local government election, Eliminate Dengue invites Townsville City Council to nominate a new member for the Townsville Community Reference Group. The group acts as a sounding board for stakeholder engagement and communication strategies and members report publicly on the group's activities.

The group meets regularly (approximate eight week intervals) to receive updates on operations, grievances and communication activities and provide advice on relevant matters.

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

That council nominate two representatives to be appointed as council's representatives on the Townsville Eliminate Dengue Reference Group.

#### **Council Decision**

**It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor L Walker:**

"that Councillor A Greaney and Councillor R Cook be nominated to be appointed as council's representatives on the Townsville Eliminate Dengue Reference Group."

**CARRIED UNANIMOUSLY**

### **33 Australian Local Government Women's Association (ALGWA) QLD Membership**

#### **Executive Summary**

Correspondence has been received from the Chair of the Australian Local Government Women's Association outlining the benefits of membership.

The Annual cost to council is \$82.00 and offers value to members in professional development, networking, support and training opportunities.

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

That council approve the Australian Local Government Women's Association membership for the Mayor, Councillor Jenny Hill, at an annual cost of \$82.00.

#### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

### **34 Australian Regional Development Conference - Canberra 5 - 6 September 2016**

#### **Executive Summary**

The third Australian Regional Development Conference will be held in Canberra on 5 - 6 September 2016.

The conference addresses issues such as sustainable development, environmental sustainability, land use, community development, investment, agribusiness and innovation and is an initiative of the Association for Sustainability in Business Inc., a non-Government not-for-profit organisation.

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

1. That council consider nominating a Councillor to attend the Australian Regional Development Conference in Canberra on the 5 - 6 September 2016.
2. That council approve travel and in accordance with section 162(1)(e) of the *Local Government Act 2009* grant leave of absence to nominated councillor/s for 5 - 6 September 2016 to attend the Australian Regional Development Conference.

#### **Council Decision**

**It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor L Walker:**

1. "that council nominate the Mayor, Councillor J Hill, and a Councillor to attend the Australian Regional Development Conference in Canberra on the 5 - 6 September 2016; and
2. that council approve travel and in accordance with section 162(1)(e) of the *Local Government Act 2009* grant leave of absence to the Mayor, Councillor J Hill, and a Councillor for 5 - 6 September 2016 to attend the Australian Regional Development Conference."

**CARRIED UNANIMOUSLY**

### **35 LGAQ Civic Leaders Summit - 13 to 15 July 2016**

#### **Executive Summary**

The LGAQ's 2016 Civic Leaders Summit is being held at the RACV Royal Pine Resort on the Gold Coast from 13-15 July on the Gold Coast. The Summit theme is 'The Winning Team' and will encourage focus on the common purpose and synergies that civic leaders need to build to ensure the continued economic and social health of the communities they represent. Attendees at this Summit will be Mayors, Deputy Mayors and CEOs and the Summit will provide the opportunity to listen and work with respected figures from politics, government, media, academia and industry over the 2 days.

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

1. That council approve the attendance of the Mayor, Councillor Jenny Hill, to attend the LGAQ's Civic Leaders Summit from 13-15 July 2016 on the Gold Coast.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to the Mayor, Jenny Hill to attend the LGAQ's Civic Leaders Summit from 13-15 July 2016 on the Gold Coast.

#### **Council Decision**

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

1. "that council approve the attendance of the Mayor, Councillor J Hill, and a Councillor to attend LGAQ's Civic Leaders Summit from 13-15 July 2016 on the Gold Coast; and

2. that in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to the Mayor, Jenny Hill, and a Councillor to attend LGAQ's Civic Leaders Summit from 13-15 July 2016 on the Gold Coast."

**CARRIED UNANIMOUSLY**

### **36 LGAQs Reef Councils Roundtable - 1 July 2016 - Cairns**

#### **Executive Summary**

Correspondence has been received by the Mayor inviting attendance at the Local Government Association Queensland's [LGAQ] Reef Councils Roundtable in Cairns on 1 July 2016.

Due to the recent local government elections LGAQ would like to provide the new Reef councils with an opportunity to receive in-depth information about the Reef, the Reef Plan, the role of the Australian and State governments, the Great Barrier Reef Marine Park and other stakeholders and to consider the collective and regional positions in relation to the implementation of the Plan.

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

1. That council approve Councillor A Greaney to attend the Local Government Association Queensland's Reef Councils Roundtable in Cairns on 1 July 2016 as council's representative.
2. That council approve travel and in accordance with section 162(1)(e) of the *Local Government Act 2009* grant leave of absence to Councillor A Greaney to attend Local Government Association Queensland's Reef Councils Roundtable in Cairns on 1 July 2016.

#### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

## Confidential Items

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

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

Section 275(1) (e) contracts proposed to be made by it (Items 37 and 22); and  
Section 275(1) (c) the local government's budget (Item 3)."

**CARRIED UNANIMOUSLY**

The council discussed the items.

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

"that council RESOLVE to open the meeting."

**CARRIED UNANIMOUSLY**

## **37 Sole Supplier List - June Updated**

### **Executive Summary**

Council resolved at an ordinary council meeting on the 15 December 2015 that it was satisfied with a list of identified suppliers, as being suppliers who are sole suppliers and/or suppliers of specialised or confidential services for the 2016 calendar year. The executive summary in relation to the supporting report read (in part):

It is a requirement of the *Local Government Regulation 2012* to invite written quotations or tenders where the carrying out of works or the supply of goods and services involves costs greater than \$15,000 or \$200,000 respectively. Additionally Council's Procurement Policy contains provisions regarding obtaining quotations for amounts less than \$15,000.

The Regulation acknowledges that there are instances where it will not always be possible to meet these criteria and provides a number of exceptions to manage these instances, including the following:

#### **235 Other exceptions**

*A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders*

*if—*

*(a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or*

*(b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders;*

Since the 2016 Calendar year sole suppliers and/or suppliers of specialised or confidential services list was resolved by council AURA Sports PTY Ltd has been identified as a supplier that requires to be added to the current list.

AURA Sports PTY Ltd provides repairs and maintenance to Townsville RSL Stadium Sports Floor & Townsville Entertainment Centre Sports Floor, both installed sports floors are proprietary products supplied and installed by AURA Sports Pty Ltd. Equivalent supplier products are not compatible and have previously failed causing further rework by Aura.



Aura Sports are required to repair any court damage, cleaning, surface preparation, buffing & recoating, painting to borders and court lines. Failure to use the original court installer will void warranties.

This report has been reviewed and approved by the relevant Director prior to being submitted 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 resolves in accordance with section 235(a) and (b) of the *Local Government Regulation 2012* that it is satisfied that AURA Sports PTY Ltd are an additional sole supplier and/or supplier of specialised or confidential services for the 2016 calendar year.

#### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

#### **38 MI16/0007 - Material Change of Use (Impact) - Renewable Energy Facility - Ross River Solar Farm - 160 Round Mountain Road, Pinnacles**

**Refer to resolution following item 12 of the Council Minutes (Page 8899) where council resolved that the order of business be changed and item 38 be considered after item 12.**

**Refer page 8899 of the Council Minutes for item 38 - MI16/0007 - Material Change of Use (Impact) - Renewable Energy Facility - Ross River Solar Farm - 160 Round Mountain Road, Pinnacles**

### **3 Engineering Services - Street Parking Ticket Machine 3G Upgrade**

#### **Executive Summary**

Telstra will shut down its 2G Network on the 1 December 2016.

To maintain existing credit card payment option and parking meter data collection beyond the 1 December 2016, the entire Townsville City Council parking meter fleet will need to be upgraded to 3G Network capability.

This report discusses options for the 3G upgrade and recommends an optimum solution to meet current, time, budget and asset management constraints.

#### **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 adopt Option 3 - Condition-based Upgrade and Replacement - to change the street parking ticket machine network from 2G to 3G compatibility at a budget estimate of \$577,500 including 10% contingency.

### **Committee Recommendation**

That this item be referred to the Ordinary Council Meeting to allow further information to be provided.

### **Council Decision**

**It was MOVED by Councillor P Jacob, SECONDED by Councillor M Soars:**

- "1. that officer's recommendation 1 be adopted; and
2. that council adopt Option 3 - Condition-based Upgrade and Replacement - to change the street parking ticket machine network from 2G to 3G compatibility at a budget estimate of \$577,500 including 5% contingency."

**CARRIED UNANIMOUSLY**

## **22 Human Resources People Performance - RPS00024 - Register of Pre-Qualified Suppliers for the Provision of Labour Hire Service**

### **Executive Summary**

A new tender for the panel of pre-qualified suppliers for Labour Hire services was called in February 2016, to replace the previous now expired arrangement. The tender was advertised on the Townsville City Council website and on two separate occasions in the Townsville Bulletin. Tenders closed on March 9 and a total of 17 organisations responded.

Labour Hire refers to the access of casual labour through external agencies, and is generally used to supplement the existing workforce for fixed term projects, in times of peak demand or where there are unexpected absences. The panel of pre-qualified suppliers provide the majority of council's external casual labour, across all departments and activities, against a specification for services which was developed following extensive stakeholder engagement.

An evaluation team comprising five people evaluated the responses against the defined criteria in the Tender Response documents and through an objective scoring process identified the top five responses. These are the organisations now recommended to be included on the panel of pre-qualified suppliers.

### **Officer's Recommendation**

That this report be referred to a future meeting to allow further consideration.

### **Committee Recommendation**

That this report be referred to a future meeting to allow further consideration.

### **Council Decision**

**It was MOVED by Councillor M Molachino, SECONDED by Councillor V Coombe:**

- "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, pursuant to Section 232 of the Local Government Regulation 2012, resolve to appoint the following suppliers to the Register of Pre-qualified Suppliers for the Provision of Labour Hire Services RPS00024 for Townsville City Council:
  - 1) Programmed Skilled
  - 2) IPA
  - 3) ExtraStaff

- 4) Protech
- 5) TP Human Capital; and

3. that council approve the contract term of one year with the option of one 12-month extension."

**CARRIED UNANIMOUSLY**

**The order of business was resumed.**

## **General Business**

### **(i) Request for leave of Absence - Councillor Molachino**

#### **Overview**

Councillor M Molachino requested leave of absence for the period of 14 to 19 July 2016 inclusive.

#### **Council Decision**

That leave of absence be granted to Councillor Molachino for the period of 14 to 19 July 2016 inclusive.

### **(ii) India Fest**

#### **Overview**

The Mayor directed the Chief Executive Officer that:

India Fest Inc. be granted \$10,000 through the FAEG process and up to \$1000 in waived fees for Riverway on the proviso that the committee ensures two positions on their organising committee be made available to the Malaya Association of Townsville.

#### **Council Decision**

**It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor A Greaney:**

"that India Fest Inc. be granted \$10,000 through the Financial Assistance and Events Group (FAEG) process and up to \$1000 in waived fees for Riverway on the proviso that the committee ensures two positions on their organising committee be made available to the Malaya Association of Townsville."

**CARRIED UNANIMOUSLY**

**Close of Meeting**

The Chair, Mayor Councillor J Hill, declared the meeting closed at 3.00pm.

**CONFIRMED this TWENTY-SIXTH day of JULY 2016**

**MAYOR**

**ACTING CHIEF EXECUTIVE OFFICER**