



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 29 AUGUST 2017 AT 1.05PM

Council Members >>

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

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

Corporate Plan >>

Goal 1 - A Prosperous City

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

Objectives that identify our strategic intent:

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

Goal 2 - A City for People

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

Objectives that identify our strategic intent:

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

Goal 3 - A Clean and Green City

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

Objectives that identify our strategic intent:

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

Goal 4 - A Simpler, Faster, Better Council

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

Objectives that identify our strategic intent:

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

ACKNOWLEDGEMENT OF COUNTRY

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

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REPORT	COUNCIL MEETING
DATE	Tuesday 29 August 2017 at 1.05pm
ITEMS	1 TO 35
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor A Greaney Councillor P Jacob Councillor M Molachino Councillor K Rehbein Councillor M Soars

Opening of Meeting and Announcement of Visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.05pm.

Acknowledgement to Country

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

Prayer

Reverend Barry Cox of the Uniting Church delivered the opening prayer.

Apologies and Leave of Absence

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

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

CARRIED UNANIMOUSLY

Confirmation of Minutes of Previous Meetings

It was MOVED by Councillor A Greaney, SECONDED by Councillor K Rehbein:

"that the minutes of the Ordinary Council meeting of 25 July 2017 be confirmed; and

that the minutes of the Special Council meeting of 14 August 2017 be confirmed subject to the following amendment:

"that Councillor M Molachino's name be removed from the table on page 9572".

CARRIED UNANIMOUSLY

Disclosure of Interests

- (i) Infrastructure Services Committee - Perceived conflict of interest - Item 7 - Councillors M Molachino, V Coombe, K Rehbein, M Soars, , R Cook, A Greaney, P Jacob and the Mayor, Councillor J Hill - One of the tenderers, JMAC Constructions Pty Ltd, is a subsidiary of BMD and BMD donated to the Team Hill election campaign.
- (ii) Governance and Finance Committee -Perceived conflict of interests - Item 23 - Councillor K Rehbein - Councillor Rehbein is an unpaid employee of the Queensland Fire and Rescue Service.
- (iii) Planning and Development Committee and Officers' Reports -- Perceived conflict of interest - Items 13 and 33 - The Mayor, Councillor J Hill and Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney and P Jacob - Griffin Group donated to the Team Hill election campaign through its companies Garmont Pty Ltd, Interlaken Pty Ltd,,Schilthorn Pty Ltd and Vibram Pty Ltd.

Correspondence

There was no correspondence.

Petitions

- (i) **Request for Townsville City Council to reconsider positioning of Bus Hub**

Overview

Councillor A Greaney tabled a petition requesting Council to reconsider the positioning of the Bus Hub.

Council Decision

That the petition be referred to the Chief Executive Officer for a report back to Council.

Deputations

There were no deputations.

Notices of Motion

There were no notices of motion.

Presentations

There were no presentations.

Mayoral Minute

There were no Mayoral Minutes.

Request for Leave of Absence

Councillor V Coombe requested leave of absence for the period 15 to 22 September 2017.

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

"that Councillor V Coombe be granted leave of absence for the period 15 to 22 September 2017."

CARRIED UNANIMOUSLY

Committee Items

Infrastructure Services Committee

In accordance with section 173 of the Local Government Act 2009, Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney, P Jacob and the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 7.

- (a) ***the name of the councillors who have the perceived conflict of interest:***
Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney, P Jacob and the Mayor, Councillor J Hill.
- (b) ***the nature of the conflict of interest as described by the Councillors:***
One of the tenderers, JMAC Constructions Pty Ltd, is a subsidiary of BMD and BMD donated to the Team Hill election campaign.
- (c) ***how the Councillors dealt with the perceived conflict of interest:***
The Councillors dealt with the conflict by disclosing the perceived conflict of interest and proposing to exclude themselves from the meeting throughout consideration of the item, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the Local Government Act 2009, remained in the meeting and participated in the discussion about and voting upon the item.
- (d) ***if the Councillors voted on the issue – how the Councillors voted:***
The Councillors voted as per the officer's recommendation.
- (e) ***how the majority of persons who were entitled to vote at the meeting voted on the matter.***
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

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

"that the committee recommendations to items 1 to 7 be adopted."

CARRIED UNANIMOUSLY

Councillor M Molachino and the Mayor, Councillor J Hill commended staff on item 7 - Tender TOW00065 Provisions of Parks and Open Space Management.

1 Infrastructure Services Committee Quarter 4 Corporate Performance Management Report 2016/17

Executive Summary

The Chief Executive Officer is required to provide a written assessment of council's Corporate and Operational Plans on a quarterly basis. The Infrastructure Services section of the Corporate Performance Report, under separate cover, is presented.

Officer's Recommendation

That Council receive the Infrastructure Services section of the Corporate Performance Report for the fourth quarter of 2016/17, being the period 1 April 2017 to 30 June 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9578) where Council resolved that the Committee recommendation be adopted.

2 Infrastructure Planning, Assets and Fleet - Tender Assessment RPS00041 Register of Prequalified Suppliers for Tyre Supply

Executive Summary

Council currently operates and maintains a fleet of over 700 vehicles and equipment. To ensure effective ongoing fleet operations, Council has adopted a procurement process that utilises prequalified supplier panel registers for regular purchases of asset and fleet services. This register (Tyre Panel) is for suitably qualified and experienced companies to be registered for tyre supply, installation and repair services.

A panel of three (3) internal and external persons representing key stakeholders closely evaluated the submissions, and scored and ranked the submission accordingly. This report and recommendation report attached to the Report to Council provides analysis, evaluation and council's recommendation for awarding RPS00041 - Register of Prequalified Suppliers for Tyre Supply.

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 appoint the three tenderers ranked for each tyre supply and services category to be registered on the Register of Prequalified Suppliers (RPS00041) to provide tyre supply, installation and repair services as per the below tabulation:

CATEGORY 1	CONSTRUCTION PLANT & EQUIPMENT TYRE SUPPLY		
	Backhoes	Graders	Trailers & Transporters
Rank 1	Twin Cities Tyres	Twin Cities Tyres	Advantage Tyres
Rank 2	Bridgestone	Advantage Tyres	Direct Wholesale
Rank 3	Direct Wholesale	Bridgestone	Twin Cities Tyres

CATEGORY 2	HEAVY COMMERCIAL VEHICLES TYRE SUPPLY			
	R16 Tyres	R17.5 Tyres	R19.5 Tyres	R22.5 Tyres
Rank 1	Twin Cities Tyres	Direct Wholesale	Direct Wholesale	Direct Wholesale
Rank 2	Direct Wholesale	Twin Cities Tyres	Twin Cities Tyres	Twin Cities Tyres
Rank 3	Advantage Tyres	Advantage Tyres	Advantage Tyres	Bridgestone

CATEGORY 3	LIGHT COMMERCIAL VEHICLES TYRE SUPPLY		
	2WD Single Cab Utes	4WD Dual Cab Utes	Vans
Rank 1	Direct Wholesale	Direct Wholesale	Advantage Tyres
Rank 2	Twin Cities Tyres	Twin Cities Tyres	Twin Cities Tyres
Rank 3	Advantage Tyres	Bridgestone	Direct Wholesale

CATEGORY 4	LIGHT PASSENGER VEHICLES TYRE SUPPLY			
	Small Sedans & Hatchbacks	Large Sedans & Wagons	SUVs	People Mover & Vans
Rank 1	Advantage Tyres	Direct Wholesale	Direct Wholesale	Direct Wholesale
Rank 2	Twin Cities Tyres	Bridgestone	Twin Cities Tyres	Twin Cities Tyres
Rank 3	Direct Wholesale	Twin Cities Tyres	Advantage Tyres	Bridgestone

CATEGORY 5	MAINTENANCE EQUIPMENT TYRE SUPPLY			
	Ride on Mowers	Street Sweepers	Tractors	Transporter Motorcycle and Trailer
Rank 1	Bridgestone	Direct Wholesale	Advantage Tyres	Advantage Tyres
Rank 2	Advantage Tyres	Twin Cities Tyres	Direct Wholesale	Direct Wholesale
Rank 3	Direct Wholesale	Bridgestone	Bridgestone	Twin Cities Tyres

CATEGORY 6	RETREADS FOR HEAVY VEHICLES
Rank 1	Bridgestone
Rank 2	Beaurepaires
Rank 3	-

CATEGORY 7	PUNCTURE REPAIRS
Rank 1	Advantage Tyres
Rank 2	Direct Wholesale
Rank 3	Beaurepaires

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9578) where Council resolved that the Committee recommendation be adopted.

3 Infrastructure Planning, Assets and Fleet - RPS00043 Register of Prequalified Suppliers for Auto Electrical Air Conditioning Maintenance and Repair Services

Executive Summary

Council operates a fleet of over 700 vehicles and equipment. To ensure effective ongoing fleet operations, Council has adopted a procurement process that utilises prequalified supplier panel registers for regular purchases of asset and fleet services. This register (Auto Electrical and Air Conditioning Panel) is for suitably qualified and experienced companies to be registered for auto electrical and air conditioning maintenance and repair services.

A panel of two (2) internal and external persons representing key stakeholders closely evaluated the submissions, and scored and ranked each submission. This report and recommendation report attached to the Report to Council provides analysis, evaluation and council's recommendation for awarding RPS00043 – Register of Prequalified Suppliers for Auto Electrical Air Conditioning Maintenance and Repair Services.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council appoint the following tenderers to the Register of Prequalified Suppliers (RPS00043) to provide services under each category as per the ranking table below:
 - PX Nominees Pty Ltd as the trustee for The PX Russo Family Trust trading as Townlec Auto Electrical
 - D.W. Hurst & J.L. Hurst trading as Hurst Auto Electrical
 - Blair N Roser trading as All Class Auto Electrical & Air Conditioning
 - Sartro Pty Ltd as the trustee for Oshyer Family Trust trading as Autolek NQ

Auto Electrical and Air Conditioning Services	Services at Contractor Workshop Location	Callouts for Roadside Assistance or to Council Facility
Rank 1	Autolek NQ	Autolek NQ
Rank 2	Townlec Auto Electrical	Hurst Auto Electrical
Rank 3	All Class Auto Electrical & Air Conditioning	All Class Auto Electrical & Air Conditioning

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9578) where Council resolved that the Committee recommendation be adopted.

4 Infrastructure Planning, Assets and Fleet - Tender Assessment RPS00044 Register of Prequalified Suppliers for Carpentry Services

Executive Summary

Council manages a large number of building assets and other structures at many locations around Townsville. To ensure effective ongoing maintenance of building assets, Council has adopted a procurement process that utilises prequalified supplier panel registers for regular purchases of maintenance services. This register (Carpentry Panel) is for suitably qualified and experienced companies to be registered for provision of carpentry and minor building services.

The Contract comprises Scheduled Work to be provided on a quoted lump sum basis for each work commission and Non-scheduled Work, which is provided on a unit rate basis for urgent or emergency repairs. A panel of two (2) internal and external persons representing key stakeholders closely evaluated the submissions, and scored and ranked the submissions.

This report and recommendation report attached to the Report to Council provides analysis, evaluation and council's recommendation for awarding RPS00044 – Register of Prequalified Suppliers for Carpentry Services.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council approve the following two (2) tenderers to be registered on the Register of Prequalified Suppliers (RPS00044) to provide carpentry services in order of ranking below;
 - Matthew Knight trading as Knight Constructions (ranked 1st)
 - Miro Bay Pty Ltd trading as Well Hung Glass and Aluminium (ranked 2nd)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9578) where Council resolved that the Committee recommendation be adopted.

5 Infrastructure Planning, Assets and Fleet - Tender Assessment RPS00045 Register of Prequalified Suppliers for Painting Services

Executive Summary

Council manages a large number of building assets and other structures at many locations around Townsville. To ensure effective ongoing maintenance of building assets, Council has adopted a procurement process that utilises prequalified supplier panel registers for regular purchases of maintenance services. This register (Painting Panel) is for suitably qualified and experienced companies to be registered for provision of painting services.

A panel of two (2) internal and external persons representing key stakeholders closely evaluated the submissions, and scored and ranked the submissions. This report and recommendation report attached to the Report to Council provides analysis, evaluation and council's recommendation for awarding RPS00045 – Register of Prequalified Suppliers for Painting Services.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council approve the following three (3) tenderers to be registered on the Register of Prequalified Suppliers (RPS00045) to provide painting services as per the rankings in the table below;
 - Brilliant Touch Ups Pty Ltd
 - Lawrence G Buttigieg trading as NQ Smart Coatings
 - JGT Pty Ltd Trading as Nick Favot Painting

Ranking of Recommended Tenderers by Service Type

Painting Services	Works During and Outside Business Hours (Excl. Public Holidays)	Works During Public Holidays (2 hours or less)	Works During Public Holidays (Greater than 2 hours)	Magnetic Island Travel
Rank 1	NQ Smart Coatings	Nick Favot Painting	NQ Smart Coatings	Brilliant Touch Ups
Rank 2	Nick Favot Painting	NQ Smart Coatings	Nick Favot Painting	NQ Smart Coatings
Rank 3	Brilliant Touch Ups	Brilliant Touch Ups	Brilliant Touch Ups	Nick Favot Painting

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9578) where Council resolved that the Committee recommendation be adopted.

6 Infrastructure and Operations - Townsville City Bus Hub Recommendation Report for TCW00213 Design Consultant

Executive Summary

Council has received State Government funding for the design and construction of the proposed Townsville City Bus Hub. This report addresses the procurement of the Design Consultant for the detailed design of the facility.

Tenders were called during the period of 17 June to 28 June 2017 for the design works required for the project. There were two (2) conforming tenders received. The overall bus hub project has attracted funding to the value of \$4,000,000 from the State Government, being managed through the Department of Transport and Main Roads with a completion date of 30 June 2018.

This report and recommendation report attached to the Report to Council provides analysis, evaluation and council's recommendation for awarding tender TCW00213 Design Consultant – Townsville City Bus Hub.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award tender TCW00213 – Design Consultant – Townsville City Bus Hub construction to Premise (formerly UDP) for their tender Lump Sum amount of - \$294,778.00 including GST.
3. That Council delegate authority to the Chief Executive Officer, or her delegate, to award variations up to the approved project budget provided the variations are for the completion of the work under the contract.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9578) where Council resolved that the Committee recommendation be adopted.

7 Construction Maintenance and Operations - Tender TOW00065 Provisions of Parks and Open Space Management (POSM)

Executive Summary

Tender TOW00065 for the Provision of Parks and Open Space Maintenance (POSM) Services was publicly advertised in the Townsville Bulletin and Courier Mail on Saturday, 10 December 2016 and closed on the 15 February 2017, with twelve (12) submissions received.

The tender has been evaluated in accordance with underlying probity principles outlined in the Probity and Evaluation Guidelines. The contracts are planned to commence 1 October 2017, for a term of two (2) years with the optional provision of two (2) further one (1) year extensions.

This report provides analysis, evaluation and Council's recommendation for awarding TOW00065 - Provisions of Parks and Open Space Management.

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;
 - » Fulton Hogan Industries for Packages 1 and 2; and
 - » Ausfield Services for Package 3.in accordance with the officer's report attached to the Report to Council.
3. That Council approve the contract term for a period of two (2) years with the optional provision of two (2) further one (1) year extensions and that approval to execute the extensions be delegated to 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 9578) where Council resolved that the Committee recommendation be adopted.

Planning and Development Committee

In accordance with section 173 of the Local Government Act 2009, the Mayor, Councillor J Hill and Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney and P Jacob declared a perceived conflict of interest in regards to items 13 (and 33).

- (a) ***the name of the councillors who have the perceived conflict of interest:***
The Mayor, Councillor J Hill and Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney and P Jacob.
- (b) ***the nature of the conflict of interest as described by the Councillors:***
Griffin Group donated to the Team Hill election campaign through its companies Garmont Pty Ltd, Interlaken Pty Ltd, Schilthorn Pty Ltd and Vibram Pty Ltd.
- (c) ***how the Councillors dealt with the perceived conflict of interest:***
The Councillors dealt with the conflict by disclosing the perceived conflict of interest and proposing to remain in the meeting as they have determined that this personal interest is not of sufficient significance that it will lead them to making a decision on this matter that is contrary to the public interest. The Councillors will best perform their responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.
- (d) ***if the Councillors voted on the issue – how the Councillors voted:***
The Councillors voted as per the committee recommendation.
- (e) ***how the majority of persons who were entitled to vote at the meeting voted on the matter.***
The majority of persons entitled to vote at the meeting voted as per the committee recommendation.

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

"that the committee recommendations to items 8 to 14 be adopted."

CARRIED UNANIMOUSLY

8 Planning & Development Committee Quarter 4 Corporate Performance Management Report 2016/17

Executive Summary

The Chief Executive Officer is required to provide a written assessment of Council's Corporate and Operational Plans on a quarterly basis. The Planning and Development section of the Corporate Performance Report, under separate cover, is presented.

Officer's Recommendation

That Council receive the Planning and Development section of the Corporate Performance Report for the fourth quarter of 2016/17, being the period 1 April 2017 to 30 June 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9585) where Council resolved that the Committee recommendation be adopted.

9 New Appeal (Originating Application) No. 89 of 2017, Bucknell & O'Callaghan v TCC and Ace Aviation & Engineering Pty Ltd, 552 Jones Road, Woodstock

Executive Summary

An Originating Application was filed in the Planning and Environment Court in Townsville on 17 May 2017 by PAW Bucknell and F O'Callaghan. The applicant seeks declarations pursuant to the *Sustainable Planning Act 2009* that the second respondent's use of the land for the purposes of air services, short-term accommodation and outdoor entertainment are uses for which no effective development permit has been issued. The applicant also seeks interim enforcement orders and further enforcement orders that the second respondent cease carrying out or permitting to be carried out air services, short-term accommodation and outdoor entertainment save where the use is authorised by an effective development permit.

Officer's Recommendation

1. That Council note the details of the Originating Application in Planning and Environment Court Appeal No. 89 of 2017.
2. That Council, under *Section 257(1)(b)* of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court matter in the event that an acceptable settlement emerges relating to the above matter.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9585) where Council resolved that the Committee recommendation be adopted.

10 Outcome of Appeal No. 62 of 2017, Hancock v TCC, 3 Hancock Road, Alligator Creek - AP17/0002

Executive Summary

An appeal was filed in the Planning and Environment Court in Townsville on 15 March 2017 against a decision made by Council officers on 23 January 2017, under delegation of authority, to issue a decision notice for a Preliminary Approval – Reconfiguring a Lot (RC16/0066) (one into two lots) at 3 Hancock Road, Alligator Creek. The application did not demonstrate adequate water supply necessary to satisfy City Plan requirements.

The appellant sought an order from the court that the appellant's application for Reconfiguring a Lot (one into three lots) be approved subject to conditions or, in the alternative, a development permit be issued for Reconfiguring a Lot (one into two lots) on the land.

The matter progressed through mediation and, following a number of negotiations, an agreement was made that a development permit for Reconfiguring a Lot (one into two Rural Residential lots) would be consented to. A Final Order to that effect was sealed by the Planning and Environment Court in Townsville on 5 June 2017.

This matter is now at an end.

Officer's Recommendation

That Council receive this report and note the outcome of Appeal No. 62 of 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9585) where Council resolved that the Committee recommendation be adopted.

11 Outcome of Appeal No. 63 of 2017, Mercy Community Services North Queensland Limited v TCC, 20-24 Fulham Road, Pimlico - AP17/0003

Executive Summary

An appeal was filed in the Planning and Environment Court in Townsville on 16 March 2017 against a decision made by Council officers on 23 February 2017, under delegation of authority, to approve, subject to conditions, a Development Permit – Material Change of Use (Code) (MC16/0088) Extension to Residential Care Facility at 20-24 Fulham Road, Pimlico. The appellant sought an order from the court that the appellant's application be approved subject to amended conditions for street enhancements.

The matter progressed through mediation and consequently it was agreed between the parties that the conditions in relation to certain street enhancements along the Fulham Road frontage would be amended. A Final Order to that effect was sealed by the Planning and Environment Court in Townsville on 5 June 2017.

This matter is now at an end.

Officer's Recommendation

That Council receive this report and note the outcome of Appeal No. 63 of 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9585) where Council resolved that the Committee recommendation be adopted.

12 Outcome of Appeal No. 128 of 2015, Zaglas v TCC & Tapiolas and Bailey, 55 Texas Road, Jensen - AP15/0003

Executive Summary

A submitter appeal was filed in the Planning and Environment Court in Townsville on 4 May 2015 against a decision made by Council officers on 31 March 2015, under delegation of authority, to approve, subject to conditions, a Preliminary Approval for a Material Change of Use to affect the Planning Scheme in accordance with section 242 of the *Sustainable Planning Act 2009* to facilitate Residential Development in accordance with the Park Residential Planning Area and Development Permit for Reconfiguring a Lot – Lot Creation – Two into Twenty-eight lots.

The appellant sought an order from the court that the application be refused or, in the alternate, the application be approved with amended conditions due to conflicts with the Planning Scheme, local road network impact issues and stormwater and drainage of the proposed development adversely impacting adjoining land.

A number of mediations were held as well as numerous separate discussions between the appellant and the co-respondents. Finally, it was agreed between all parties that the conditions of the approval could be amended to satisfy the appellant's concerns. The Lot layout was amended to allow for a reconfiguration of one into 27 lots instead of the applied for 28. As a result of this amended layout, there were a number of minor amendments to a number of conditions. Conditions 16 with respect to Stormwater Quality Management and condition 18 with respect to Noise Attenuation were deleted. A Final Order was subsequently sealed by the Planning and Environment Court in Townsville on 5 June 2017. The parties also entered into an Infrastructure Agreement to secure compliance with the conditions.

This matter is now at an end.

Officer's Recommendation

That Council receive this report and note the outcome of Appeal No. 128 of 2015.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9585) where Council resolved that the Committee recommendation be adopted.

13 MI17/0007 - MCU (Impact) Health Care Services, Shop and Food and Drink Outlet and Preliminary Building Works against the Planning Scheme for demolition of dwelling

Executive Summary

The development relates to a Material Change of Use for a Hospital (22 Beds), Health Care Services, Shop (Pharmacy) and Food and Drink Outlet at 2 Wilson Street, 763 Sturt Street and Preliminary Building Works against the Planning Scheme for demolition of a dwelling within the Character residential precinct at 2A Lamington Street, West End. The site is situated within the Mixed Use zone and is located on the intersection of Ingham Road and Sturt Street. The development was assessed under the Townsville City Plan and the *Sustainable Planning Act 2009*.

The development site includes the re-use of the old three storey West End State School located at 2 Wilson Street. The school was constructed circa 1937-1938 by local workers employed under the Unemployment Relief Scheme during the depression. The school was momentarily closed during 1942 and 1943 whilst it took on the role of a military first aid post. The building is listed on the National Heritage Register and the Queensland Heritage Register which triggered referral to the Department of Environment and Heritage Protection. The department provided their support, subject to conditions, in regards to the intended re-use of the existing Heritage building.

The application was Impact Assessable, therefore required public notification. During the notification period five (5) submissions were received, three (3) opposing and two (2) supporting the development. The submissions raised a number of points such as conflicts with the City Plan and Corporate Plan 2014-2017, Financial Investments and Economic Need, Adverse Amenity Impacts (noise, emissions, lighting and privacy), Visual amenity (Bulk and Scale), Traffic and Pedestrian Flow and Car Parking. All of these matters have been considered in this report and where necessary have been addressed by reasonable and relevant conditions.

In summary, the development is consistent with the Strategic intent of the Townsville City Plan, therefore it is recommended that the development be approved by Council.

The Committee also considered the verbal comments of Ben Griffin, Kellie Galletta and Gerard Wyvill provided at the meeting.

Officer's Recommendation

That Council approve development application MI17/0007 being a Material Change of Use (impact application) for a Hospital (22 Beds), Health Care Services, Shop and Food and Drink Outlet and Preliminary Building Works Approval for the Demolition of a Dwelling within the Character Residential Precinct under section 243 of the *Sustainable Planning Act 2009*. The land is described as Lot 707 SP 289834, Lot 9 T 118290, Lot 2 SP 234861, Lot 1 RP 717784, Lot 2 T 118434 and Lot 5 RP 701541, more particularly 2 Wilson Street, 2A Lamington Street and 763 Sturt Street, West End and is to be approved subject to the following conditions:

DEVELOPMENT PERMIT

Preliminary Approval for Building Works (Demolition of Dwelling)

SCHEDULE OF CONDITIONS

1. Building Works

Condition

A copy of the approved Development Permit for Building Works to carry out the removal/demolition of the dwelling must be submitted to Council.

Reason

To ensure the removal of the dwelling is conducted in accordance with the *Building Act 1975*.

Timing

Application needs to be obtained prior to any removal/demolition works commencing on the site.

Advice

1. 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.

2. Asbestos

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

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE

(Hospital (22 Beds), Health Care Services, Shop and Food and Drink Outlet)

SCHEDULE OF 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.	Plan Date
Site Plan	SK052	P	14/06/2017
Overall Ground Floor Plan	SK053	F	14/06/2017
Overall Elevation	SK072	B	13/06/2017
TWSS – Ground Floor Plan – Proposed	SK057	S	14/06/2017
TWSS – Level 1 Plan – Proposed	SK058	Q	13/06/2017
TWSS – Level 2 Plan – Proposed	SK059	Q	13/06/2017
TWSS – Roof Plan – Proposed	SK060	L	13/06/2017
Ground Floor Plan	SK061	D	21/03/2017
Level 1 Floor Plan	SK062	D	21/03/2017
Level 2 Floor Plan	SK063	D	21/03/2017
Level 3 Floor Plan	SK064	D	21/03/2017
Level 4 Floor Plan	SK065	D	21/03/2017
Roof Plan	SK066	C	14/02/2017
Diagrammatic Section	SK068	B	14/02/2017
Elevations – Existing Heritage	SK069	E	13/06/2017
Elevations	SK070	A	14/02/2017

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

Reason

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

Timing

During the operation and life of the development.

2. Building Materials

Condition

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

Reason

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

Timing

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

3. Property Numbering

Condition

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

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

Reason

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

Timing

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

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

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

Reason

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

Timing

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

5. Sewerage Reticulation**Condition**

The development must connect to Council's reticulated sewer system. The sewer supply and connection must comply with Council standards. Furthermore, the sanitary connection must connect directly to a manhole.

Reason

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

Timing

Technical details to be submitted to Council as part of an application for Operational Works.

6. Water Supply**Condition**

The development must connect to Council's reticulated water system. The water supply and connection must comply with Council standards. Furthermore, the developer must divert the existing 100mm water main in Wilson Street along O'Brien Street and Greenslade Street connecting to Sturt Street.

Reason

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

Timing

Technical details to be submitted to Council as part of an application for Operational Works.

7. Electricity and Telecommunication**Condition**

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

Reason

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

Timing

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

8. Amalgamation of Lots**Condition**

- a) The amalgamation of lots 707 on SP 289834, Lot 9 T 118290, Lot 2 SP 234861, Lot 1 RP 717784, Lot 2 T 118434 and Lot 5 RP 701541 into a single parcel must be undertaken and the survey plan must be registered, in accordance with the *Land Title Act 1994* or *relevant legislation as amended*.
- b) The amalgamation of Lot 1 SP 234861 with Easement A in Lot 2 into a single parcel must be undertaken and the survey plan, and extinguishment of the Easement, must be registered, in accordance with the *Land Title Act 1994* or *relevant legislation as amended*.

Reason

The development application identified multiple lots were required to allow the approved use to operate and commence. Accordingly the amalgamation of the lots is required to support the proposed use.

Timing

Prior to the issue of a Development Permit for Building Works where buildings are proposed to be constructed across property boundaries.

9. Screen Fencing**Condition**

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

Reason

To address amenity and Crime Prevention through Environmental Design principles.

Timing

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

10. Roadworks and Traffic**Condition**

- a) New access driveway(s) and crossover(s) from the existing kerb and channel to the property boundary must be constructed generally in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.
- b) Any driveway servicing the proposed development must comply with Council standard drawings and AS2890.
- c) The Ingham Road access must be Left In/Left Out only.

- d) No right turn from Greenslade Street to Sturt Street is permitted.
- e) The queue lane for the existing U Turn on Sturt Street, and the queue lane for the right hand turn lane turning from Sturt Street to Greenslade Street must be extended to accommodate peak hour traffic.
- f) There must be no augmentation of existing turning lanes at the Ingham Road/Sturt Street intersection.
- g) Any damage to the kerb and channelling must be reconstructed / repaired for the full frontage of the site in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.

AND

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

Reason

To provide development with access in accordance with Council standards.

Timing

To be submitted to Council as part of an application for Operational Works.

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 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of **104** car spaces, including disabled parking, and **1** ambulance bay must be provided on site in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan.
- c) No parking is permitted along the entry/exit aisle ways.

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works and maintained for the life of the development.

12. Stormwater Drainage

Condition

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

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.4.2 Healthy waters code of the Townsville City Plan.

Timing

To be submitted to Council as part of an application for Operational Works and to be maintained for the life of the development.

13. Stormwater Quality Management**Condition**

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

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

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works and maintained for the life of the development.

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

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

Reason

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

Timing

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

15. Landscaping**Condition**

Landscape and Irrigation Design Plans must be prepared in accordance with Part 9.4.3 Landscape code and the RPS Landscape Concept Design (version G 12/06/2017).

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works and then maintained for the life of the development.

16. Street Enhancements

Condition

Details of the street enhancements along Ingham Road, Sturt Street, Greenslade Street and O'Brien Street frontages in accordance with Part 9.4.3 Landscape Code and RPS Landscape Concept Design (version G 12/06/2017), must be provided.

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works and then maintained for the life of the development.

17. Signage

Condition

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

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

Reason

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

Timing

Prior to the commencement of the use.

18. Soil Erosion Minimisation, Sediment Control

Condition

Erosion and sediment control management must be installed and maintained in accordance with Part 9.4.2 Healthy Waters Code of the Townsville City Plan.

Note: The contingent design, implementation and maintenance of measures must be provided in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.8.6 MUSIC modelling requirements of the Townsville City Plan.

Reason

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

Timing

Maintained at all times during the construction phase.

19. Acid Sulphate Soils Management**Condition**

Soil and groundwater investigations in accordance with 9.4.2 Healthy waters code of the Townsville City Plan must be conducted to support the proposed earthworks should the soils and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils.

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works.

20. Minimum Floor Levels**Condition**

Floor levels must achieve immunity from *storm tide inundation/flood* hazards by ensuring;

Floor levels are above the defined flood event (0.2% AEP flood)

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

Reason

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

Timing

Prior to the issuing of a Development Permit for Building Works

21. Outdoor Lighting**Condition**

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

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works.

22. Protection of Operational Airspace

- a) Development must comply with PO1 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of permanent or temporary physical obstructions.

- b) Development must comply with PO2 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of emissions.
- c) Development must comply with PO3 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of not attracting a significant number of flying vertebrates.
- d) Development must comply with PO7 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms external lighting.

Reason

To ensure the development does not have detrimental effect on the operation of airspace.

Timing

During the construction of the development and at all times following the commencement of the use.

23. Noise Management

Condition

A Noise Management Plan must be submitted to Council for approval.

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works.

24. Refuse Facilities

Condition

All collection of waste, medical waste and refuse material must be undertaken by a private contractor. The collection of the waste must occur within the development site.

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.

25. Service Delivery Vehicles

Condition

Unless otherwise approved by Council, the activities associated with the Service Delivery Vehicles must only be conducted between 7:00am to 7:00pm Monday to Friday inclusive or 8:00am to 1:00pm Saturday. No Service Delivery Vehicles are 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.

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

Infrastructure contributions are payable relevant to the Development Permit and may be calculated as a First Principles Assessment calculation. The First Principles Assessment must be determined by Council. This may be achieved by the applicant providing the values for the calculation for Council to assess, or alternatively the applicant may lodge an independent assessment for Council to review. Either scenario incurs costs outlined in Council's Planning and Development Fees and Charges Schedule 2017/2018.

Note: Contributions are payable prior to the issuing of the Certificate of Classification for Building Works.

2. Water Restrictions

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

3. Further Approvals Required

a) **Operational Works**

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

Condition 5 – Sewerage Reticulation
Condition 6 – Water Supply
Condition 8 – Amalgamation of Lots
Condition 10 – Roadworks and Traffic
Condition 11 – Car Parking
Condition 12 – Stormwater Drainage
Condition 13 – Stormwater Quality Management
Condition 15 – Landscaping
Condition 16 – Street Enhancements
Condition 19 – Acid Sulphate Soils Management
Condition 21 – Outdoor Lighting
Condition 23 – Noise Management

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

b) **Plumbing and Drainage Works**

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

c) **Building Works**

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

d) **Road Works Permit**

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

e) **Operational works - Signage**

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

f) **Amalgamation of Lots**

A Survey plan must be registered in accordance with the *Land Title Act 1994* for the amalgamation of all allotments.

4. Further Inspections Required

Compliance with Conditions

The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to the submission of a Development Application for Operational Works.

Condition 2 – Building Materials
Condition 3 – Property Numbering
Condition 9 – Screen Fencing
Condition 14 – Screening Plant and Utilities

5. Building Over/Adjacent to Services

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

6. Clinical/Medical Waste

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

7. Dust

Implement dust control measures on-site during construction and also after commencement of the use so as to prevent a dust nuisance from occurring to surrounding properties.

8. Connection to Council Water Supply

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.

9. Connection to Council Sewer

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.

10. Storage of Materials and Machinery

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

11. Building Work Noise

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

12. 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.

13. Specifications and Drawings

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

14. Environmental Considerations

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

15. Asbestos

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

16. Liquid Trade Waste Approval/Agreement

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

17. Food Business

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

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

Committee Recommendation

That this item be referred to Full Council for decision pending further information being supplied.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9585) where Council resolved that the Committee recommendation be adopted.

14 MI16/0011 - MCU (Impact) | Outdoor Sport and Recreation - Rodeo Grounds 1/1994 Hervey Range Road

Executive Summary

The application is for a Development Permit for a Material Change of Use for Outdoor Sport and Recreation being a Rodeo Grounds located at Lot 1/1994 Hervey Range Road, Hervey Range over Lot 1 on SP255113 and Common Property on SP255113. The proposal is ordinarily code assessable under the Townsville City Plan in the Grazing precinct of the Rural zone but has triggered impact assessment due to the inclusion of outdoor lighting for the Rodeo Arena to allow evening and night-time events.

The application includes a new Arena, holding yards, a viewing mound, a bar structure and car parking area. Amenities are proposed to be provided via temporary and transportable hire services for events. Access to the car parking area within the development site will be via an existing intersection on Hervey Range Road through a private road on common property over which this application is also subject to. It is noted that these structures are existing and one event has already been held on the property in August 2016.

The proposal involves primarily one large annual event per year with up to 3500 patrons and 40 competitors per event as well as up to four (4) other smaller events with a maximum of 400 patrons and 40 competitors. The intent is to allow for the annual international event to grow to up to 3500 people following success of the schedule but it is likely that there will be fewer patrons at the large event for the short to medium term. The smaller events with up to 400 people will be catered to locals on a far smaller scale than the large annual event. Council has taken this into consideration and conditioned the events and patron capacity as requested by the applicant. The calculation of infrastructure charges contributions has also been based on the agreed number of events, patrons and competitors.

The application was required to undertake Public Notification for a period of 15 business days during which time Council received one properly made submission against the development. Some of the statements made in the submission can be more accurately described as questions rather than objections to the development. These comments and concerns have been addressed in further detail within this report and conditioned where appropriate and relevant to do so.

Similarly, through assessment against the provisions and strategic intent of the planning scheme as a whole, the use as a Rodeo is a rural-based activity proposed within a rural-zoned property where such uses are encouraged to establish. In particular, tourism ventures such as this are specifically supported in the Rural zone where the potential impacts on surrounding existing uses (such as residential dwellings in this case) in terms of noise, light and traffic can be practically mitigated.

At the time of this report proceeding to this meeting, Council is still awaiting an Amended Concurrence Agency Response from the Department of Local Government, Infrastructure and Planning relating to the state-controlled road (Hervey Range Road). As the upcoming annual event held by North Queensland Elite Rodeo is scheduled for 26 August 2017, it is recommended that Council delegate authority to the Chief Executive Officer to approve the application following receipt of the response from relevant state departments. In doing so, the following conditions will be attached to the development approval.

Officer's Recommendation

That Council delegate authority to the Chief Executive Officer to approve the application MI16/0011 for a development permit for Outdoor Sport and Recreation (Rodeo Grounds) under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 1 SP 255113 and Lot 0 CP SP 255113, more particularly known as 1/1994 Hervey Range Road Hervey Range pending receipt of an Amended Concurrence Agency Response from the Department of Local Government, Infrastructure and Planning. The application will be 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.	Plan Date
Proposed Site Plan – Rodeo Grounds	01	B	June 2016
Elevations Plan – Rodeo Grounds	02	A	July 2016
Associated Reports			
Amended Property Vegetation Management Plan (Report No. DA0007-16 PVMP), Version 4, Prepared By BNC Planning, Dated July 2016			
Waste Management Plan, Received by Council 27 July 2016			

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

Reason

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

Timing

During the operation and life of the development.

2. Events

Condition

The number of events per year and the maximum patrons at each event are limited to the following:

- 1 x 3500 patron event (up to 40 competitors)
- 4 x 400 patron events (up to 40 competitors)

Reason

To ensure the appropriate amount of infrastructure charges commensurate with the expected demand created by the use on Council's infrastructure networks have been adequately levied and to limit the detrimental effect of the proposed use on the rural amenity of the surrounding land.

Timing

At all times following the commencement of the use.

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 the 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.

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

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

Reason

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

Timing

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

6. On-site Waste Disposal

Condition

The development must be serviced by either:

- an on-site sewerage facility; or,
- temporary portable toilets.

Note: On site sewerage information supplied with this application is not permission to install the facility 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 facility 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

Following issue of a Hydraulics permit (for on-site sewerage disposal) and prior to an event.

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

A private water supply must be provided in accordance with Part 9.4.7 Works code of the Townsville City Plan and Development manual planning scheme policy SC6.4 – SC6.4.3.11 - On-site water supply of the Townsville City Plan.

Reason

The development is not located within a service area for a reticulated water service and in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use.

8. Roadworks and Traffic**Condition**

- a) A new access driveway from the edge of bitumen to the property boundary must be constructed generally in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.
- b) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with Council's standards.

Reason

To provide the development with access in accordance with Council standards.

Timing

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

9. Car Parking**Condition**

- a) The identified event car parking area and car park entrance must be provided and maintained in accordance with the approved site plan (Sheet 01, Revision B, dated June 2016, received by Council 27 July 2016).
- b) Vehicle access to the identified event car parking area is restricted to the existing private road located on Common Property on SP 255113.
- c) The event car parking area and driveway must be maintained to a safe operating standard at all times during the life of the development.

Reason

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

Timing

Prior to the commencement of the use and maintained at all times during the life of the development.

10. Signage**Condition**

- (a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with the assessment table of Part 5.8.2 of the Townsville City Plan must be submitted to Council for assessment; and
- (b) Signs must be designed in accordance with Part 9.4.1 – Advertising Devices Code of the Townsville City Plan; and
- (c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

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

Reason

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

Timing

Prior to the commencement of the use.

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

Erosion and sediment control management must be installed and maintained in accordance with Part 9.4.2 Healthy Waters Code of the Townsville City Plan.

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

Reason

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

Timing

At all times during the construction phase.

12. Vegetation Disposal**Condition**

The disposal of vegetation must be carried out in accordance with Part 9.4.7 Works code of the Townsville City Plan.

Reason

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

Timing

Prior to, or during construction of the development.

13. Vegetation Retention and Protection**Condition**

Unless otherwise approved by Council in writing all trees/vegetation must be retained as detailed in Condition 1 above.

Reason

Vegetation to be retained must be protected in accordance with relevant code/s and policy direction.

Timing

At all times during the construction of the development and following the commencement of the use.

14. Waste Management**Condition**

The Waste Management Plan, prepared by BNC Planning, received by Council on 27/07/2016 is approved. The waste management plan must be implemented during construction and at all times following commencement of the use. Any amendments to the plan must not be implemented until approval from Council is issued.

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.

15. Outdoor Lighting**Condition**

Outdoor lighting fixtures installed and maintained as part of the use must not emit glare or light above the levels stated in *Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting* (or the current applicable standard).

Reason

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

Timing

At all times following the commencement of the use.

Referral Agency Conditions

Concurrence Agency Conditions – North Queensland State Assessment Referral Agency

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the North Queensland State Assessment Referral Agency (NQ SARA) advises that it has no objection to Townsville City Council issuing a Development Permit for Reconfiguring a Lot subject to the conditions, as attached.

Advice

1. Infrastructure Charges

Condition

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

2. Water Restrictions

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

3. Further Approvals Required

Condition

a) Compliance Assessment

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

Condition 2 – Noise Management
Condition 9 – Roadworks and Traffic

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

- b) **Onsite sewerage facility**
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.
- c) **Building Works**
A Development Permit for Building Works to carry out building works prior to works commencing on site where relevant.
- d) **Operational works - Signage**
A Development Permit for Operational works is required for signage deemed to be code assessable in accordance with the Planning Scheme.

4. **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.

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.

5. **Specifications and Drawings**

Condition

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

6. **Environmental Protection Act 1994**

Condition

This Development Permit does constitute permission for the ongoing operation of the approved use to commit an unlawful environmental nuisance as defined and regulated under the *Environmental Protection Act 1994*. The operator and land owner must ensure compliance with the *Environmental Protection Act 1994* (and any other relevant legislation, policies and guidelines) at all times during the operation and life of the development.

7. Roadworks Approval

Condition

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

- 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. Food Business

Condition

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

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

Committee Recommendation

That the officer's recommendation be adopted.

For the Council decision refer to the Special Council minutes of 14 August 2017.

Community and Cultural Development Committee

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

"that the committee recommendations to items 15 to 19 be adopted."

CARRIED UNANIMOUSLY

15 Community and Cultural Development Committee Quarter 4 Corporate Performance Management Report 2016/17

Executive Summary

The Chief Executive Officer is required to provide a written assessment of Council's Corporate and Operational Plans on a quarterly basis. The Community and Cultural Development section of the Corporate Performance Report, under separate cover, is presented.

Officer's Recommendation

That Council receive the Community and Cultural Development section of the Corporate Performance Report for the fourth quarter of 2016/17, being the period 1 April 2017 to 30 June 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9612) where Council resolved that the Committee recommendation be adopted.

16 Venues and Cultural Services - Relocation of the Thuringowa Cenotaph

Executive Summary

The Thuringowa Cenotaph located in the parkland adjacent to the previous Thuringowa Civic Centre commemorates those who have served in the various conflicts in which Australia has been involved. The Cenotaph was unveiled Sunday 10 April 1988 by Alderman Dan Gleeson, Mayor of Thuringowa. It is constructed from granite, brass, stainless steel and stone pavers.

The sale of the Thuringowa Civic Centre had made it necessary to relocate the current Cenotaph. The remaining public land (part of the Dan Gleeson Gardens) that will be available for staging of ceremonial events such as Anzac Day and Remembrance Day will not be sufficient for those events to be effectively and safely staged, nor will the proximity of proposed development provide a suitable setting for such a significant memorial.

It is proposed to move the Thuringowa Cenotaph to a new site at Riverway (See map attached to Report to Council) where it will be given due prominence and appropriate setting for the conduct of ceremonial events. This relocation is set to occur before Remembrance Day 2017.

Officer's Recommendation

That Council endorse the relocation of the Thuringowa Cenotaph at Riverway parklands to site option 1 as shown on the plan attached to the Report to Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9612) where Council resolved that the Committee recommendation be adopted.

17 Venues and Cultural Services - Extension of Lease over City Libraries Flinders Street (Northtown)

Executive Summary

The City Libraries Flinders Street is located on Level 1 in Northtown. The lease over this space is set to expire in October 2018.

City Libraries Flinders Street is a key activation presence in the CBD. Attendance figures for 2015/16 were 134,000 and 140,400 for 2016/17. As such the building owner (Northtown NQ Pty Ltd) is keen to secure Council as the anchor tenant around redevelopment plans for the building, which fronts both Flinders and Ogden Streets and has offered Council an extension of the lease arrangement.

The presence of a library within the CBD is considered a vital service to the community, with Council's other two libraries being located in suburban Thuringowa Central and Aitkenvale.

The proposed lease and plan showing the leased area are attached to the Report to Council.

Officer's Recommendations

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council accept the offer to extend the lease over the Northtown City Library premises for a term of ten years with 2 x 5 year options at the commencement rental as stated in report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9612) where Council resolved that the Committee recommendation be adopted.

18 Community Engagement - Feasibility Study for a Concert Hall in Townsville

Executive Summary

Council engaged the services of Jenny Bott to undertake a Feasibility Study for a Concert Hall in Townsville. Jenny Bott was tasked to:

- assess, analyse and summarise the assumptions and progress to date in the feasibility of a recital/concert hall in Townsville;
- explore and assess the possible usage and revenue streams for the hall with particular focus on the impact of location, design and scale of the business model(s);
- research and analyse the business models and sustainability of other recital/concert halls in Queensland, Sydney and one of two regional cities; and
- develop one or more scenarios with business cases for the TCC to consider regarding the proposed developments.

Significant consultation was undertaken with various councillors, staff and key external stakeholders, including the arts community of Townsville.

Jenny Bott's Feasibility Study findings are presented to Council for endorsement.

Officer's Recommendation

1. That the report and attachments 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 documents remain confidential unless Council decides otherwise by resolution.
2. That Council endorse the findings of the "Feasibility Study for Concert Hall" prepared by Jenny Bott AO dated July 2017.
3. That Council request the Chief Executive Officer to commence implementation of the findings of the "Feasibility Study for Concert Hall" prepared by Jenny Bott AO dated July 2017.

Committee Recommendation

That the officer's recommendation be adopted.

For the Council decision refer to the Special Council minutes of 14 August 2017.

19 RSPCA Land Tenure and Animal Shelter Services Contract

Executive Summary

RSPCA currently utilise the Townsville City Council facility at 2 Tompkins Road, Shaw to operate their animal welfare services and to administer the Townsville City Council Animal Shelter Services contract. The purpose of this report is for Council to consider the operations at this site.

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 determine land tenure as per option B in the land tenure section of this Report to Council.
3. That Council proceed with the Animal Shelter Services contract in line with option D in the animal shelter services section of this Report to Council.

Committee Recommendation

That the Committee defer consideration of this matter and recommend that this report be forwarded to Full Council pending further information to be provided.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9612) where Council resolved that the Committee recommendation be adopted.

Governance and Finance Committee

In accordance with section 173 of the Local Government Act 2009, Councillor K Rehbein declared a perceived conflict of interest in regards to item 23.

- (a) the name of the Councillors who have the perceived conflict of interest:**
Councillor K Rehbein
- (b) the nature of the conflict of interest as described by the Councillors:**
Councillor Rehbein is an unpaid employee of the Queensland Fire and Rescue Service.
- (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 excluded himself from the meeting while the matter was debated and the vote taken.
- (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 V Coombe, SECONDED by Councillor P Jacob:

"that the committee recommendations to items 20 to 22 and 24 and 25 be adopted and that item 23 be dealt with separately."

CARRIED UNANIMOUSLY

Item 23 - Additional Sole Supplier

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

"that the committee recommendation to item 23 be adopted."

CARRIED UNANIMOUSLY

20 Governance and Finance Committee Quarter 4 Corporate Performance Management Report 2016/17

Executive Summary

The Chief Executive Officer is required to provide a written assessment of Council's Corporate and Operational Plans on a quarterly basis. The Governance and Finance section of the Corporate Performance Report, under separate cover, is presented.

Officer's Recommendation

That Council receive the Governance and Finance section of the Corporate Performance Report for the fourth quarter of 2016/17, being the period 1 April 2017 to 30 June 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the Council minutes (page 9616) where Council resolved that the Committee recommendation be adopted.

21 Finance Services - Treasury Report - June 2017

Executive Summary

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

Officer's Recommendation

That Council note the treasury report for June 2017 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 9616) where Council resolved that the Committee recommendation be adopted.

22 Financial Services - Request for Concession - Property Number 110620

Executive Summary

A request has been received for a concession for the general rate for property number 110620. In accordance with Part 10, Section 120 of the *Local Government Regulation 2010*, Council may grant a concession for rates under certain eligibility criteria.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a 73% concession for the Volumetric Water Charges up to \$100,000 per annum Cap for the property number 110620 and that the concession includes Volumetric Water Charges from the 1 January 2017. This property was in receipt of 73% concession from 2012, this was changed to 36% concession following policy changes with regards to gaming licenced premises in 2014. The gaming machines have now been removed and gaming licence surrendered.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or change of ownership for the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the Council minutes (page 9616) where Council resolved that the Committee recommendation be adopted.

23 Additional Sole Supplier

Executive Summary

It is a requirement of the *Local Government Regulation 2012* to:

- invite written quotations where the carrying out of works or the supply of goods and services involves costs greater than \$15,000 in a financial year or over the proposed term of the contractual arrangement; and
- invite tenders where the carrying out of works or the supply of goods and services involves costs greater than \$200,000 in a financial year, or over the proposed term of the contractual arrangement.

Additionally Council's Procurement Policy contains provisions regarding obtaining quotations for amounts less than \$15,000 and the process for when quotes cannot be sought.

The *Local Government Regulation 2012* acknowledges that there are instances where it will not always be possible to meet the requirements of seeking quotes from the required number of suppliers, or the calling of tenders, and provides a number of exceptions to manage these instances.

The report recommends Direct Mail Ontime be added to the sole suppliers and/or suppliers of specialised or confidential services list for 2017 for the following reason:

- Direct Mail Ontime is the sole supplier of the service to print and insert newsletters into envelopes addressed to the resident to Australia Post standards.
- Direct Mail Ontime has previously been on the sole supplier list however has inadvertently been left off the list for 2017.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve, in accordance with section 235(a) and (b) of the *Local Government Regulation 2012*, that it is satisfied that Direct Mail Ontime is the sole supplier of specialised or confidential services for the 2017 calendar year.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the Council minutes (page 9616) where Council resolved that the Committee recommendation be adopted.

24 RPS00039 Register of Prequalified Suppliers for Engineering Consultancy Services

Executive Summary

Tender RPS00039, for the establishment of a Register of Prequalified Suppliers for the Supply of Engineering Consultancy Services was advertised on the 14 January 2017.

The recommended contract will be for twelve (12) months with the option of a further three (3) twelve (12) month extensions.

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 listed suppliers to the nominated categories for the Register of Prequalified Suppliers for the Supply of Engineering Consultancy Services, RPS00039:

RPS00039 - Engineering Consultancy	Categories															
	3.1 - Civil Works Design and Tender Documentation	3.2 - Water and Wastewater Infrastructure Planning, Design and Tender Documentation	3.3 - Waste Infrastructure Planning, Design and Tender Documentation	3.4 - Traffic and Transport	3.5 - Environmental Investigations and Approvals	3.6 - Water Resource Engineering	3.7 - Asset Maintenance Services	3.8 - Water and Wastewater Infrastructure Network Modelling	3.9 - Geotechnical Investigation and Design	3.10 - Survey	3.11 - Structural Design	3.12 - Program Management and Related Support Roles	3.13 - Coastal Engineering	3.14 - Open Space (Landscape) Design and Tender Documentation	3.15 - Irrigation Design and Tender Documentation	3.16 - General and Adhoc Services
3B Project Services Pty Ltd												Yes				
ADG Engineers (AUST) Pty Ltd	Yes	Yes				Yes	Yes				Yes	Yes				
AECOM Australia Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes		Yes
Alluvium Consulting Australia Pty Ltd					Yes	Yes							Yes			Yes
ARUP Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Ashburner Francis																
Awlcon Project Manangement Services												Yes				Yes
BBD Water Engineering Pty Ltd		Yes			Yes		Yes	Yes				Yes				Yes
BMT WBM Pty Ltd					Yes	Yes				Yes			Yes			
Brazier Motto Pty Ltd										Yes						
C&R Consulting Pty Ltd					Yes	Yes							Yes			Yes
Cardno (QLD) Pty Ltd	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes
ConsultCivil Pty Ltd	Yes	Yes	Yes	Yes			Yes					Yes				Yes
Douglas Partners Pty Ltd					Yes				Yes							
DPM Water Pty Ltd		Yes			Yes	Yes	Yes	Yes				Yes				Yes
Engineering and Environmental Services						Yes										
Erscon Pty Ltd	Yes	Yes						Yes	Yes							Yes
Flanagan Consulting Group	Yes	Yes	Yes	Yes							Yes	Yes				Yes
FRC Environmental Pty Ltd					Yes											
GHD Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes		Yes	Yes
Golder Associates Pty Ltd			Yes		Yes	Yes			Yes			Yes				Yes
HDR Pty Ltd	Yes	Yes	Yes	Yes			Yes				Yes	Yes				Yes
Hunter H2O Holdings Pty Ltd		Yes					Yes	Yes				Yes				Yes
Hydrobiology Qld Pty Ltd					Yes	Yes				Yes			Yes			
Jacobs Group (Australia) Pty Ltd	Yes	Yes		Yes	Yes			Yes	Yes		Yes	Yes				Yes
Kehoe Myers Consulting Engineers Pty Ltd	Yes	Yes									Yes	Yes				Yes
LCJ Engineers Pty Ltd	Yes	Yes		Yes		Yes	Yes				Yes	Yes	Yes			Yes
Loneragan Projects												Yes				
McClintock Engineering Group Pty Ltd							Yes									Yes
MWH Australia Pty Ltd	Yes	Yes		Yes				Yes				Yes				
Northern Consulting Engineers	Yes	Yes		Yes		Yes	Yes	Yes			Yes	Yes				Yes
Northern Water Management Pty Ltd	Yes	Yes	Yes		Yes	Yes	Yes	Yes			Yes	Yes	Yes	Yes	Yes	Yes
Parsons Brinckerhoff Australia Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes					Yes
Performance Project Services												Yes				Yes
Point8 Pty Ltd				Yes												
Project Delivery Managers Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes			Yes		Yes		Yes		Yes
Projectis Pty Ltd												Yes				
RECS Pty Ltd	Yes			Yes					Yes		Yes	Yes	Yes			Yes
Revere Projects Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rockfield Technologies Pty Ltd							Yes				Yes					Yes
Rowlands Survey Pty Ltd										Yes						
RPS					Yes					Yes		Yes		Yes		
SLR Consulting Australia Pty Ltd	Yes	Yes	Yes	Yes		Yes		Yes	Yes							Yes
SMEC Australia Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
St George Project Services Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes					Yes		Yes		Yes
TCSPNG Pty Ltd trading as all.PM							Yes					Yes				Yes
Tonkin Consulting Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			Yes				
Trinity Engineering and Consulting Pty Ltd	Yes	Yes	Yes	Yes		Yes		Yes	Yes			Yes				Yes
UDP Townsville Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes			Yes
Vision Surveys Qld Pty Ltd					Yes	Yes			Yes	Yes			Yes			Yes
Visser & Valor Consulting Pty Ltd	Yes	Yes		Yes		Yes		Yes				Yes				Yes
Water Technologies Pty Ltd						Yes							Yes			Yes
Welcon Technologies Pty Ltd		Yes					Yes									Yes
WMAWATER Pty Ltd						Yes										

3. That Council approve the contract term for twelve (12) months with the option of a further three (3) twelve (12) month extensions.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the Council minutes (page 9616) where Council resolved that the Committee recommendation be adopted.

25 Business Services - Supply and Delivery of Industrial Gas PSA00060

Executive Summary

Council issued tender PSA00060 on 25 February 2017 for a Preferred Supplier Arrangement for Supply and Delivery of Industrial Gas. The tender closed on 22 March 2017 and five submissions were received with each tenderer declaring they had no conflict of interest. The value of the large-size contractual arrangement is expected to be worth more than \$200,000 ex GST per annum. The *Local Government Regulation 2012* requires a large sized contractual arrangement for total expected values over \$200,000 ex GST in a financial year. The contract will be 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 PSA00060 – Supply and Delivery of Industrial Gas to the following suppliers for 12 months with the option to extend for a further two 12- month periods:

Separable Portion 1 – BOC Limited

Separable Portion 2 – Air Liquide Australia

Separable Portion 3 – Northern Regional Gas Pty Ltd

Separable Portion 4 – BOC Limited

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the Council minutes (page 9616) where Council resolved that the Committee recommendation be adopted.

Townsville Water and Waste Committee

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

"that the committee recommendations to items 26 to 29 be adopted."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill referred to the Hard Waste Collection Proposal (Item 29) and thanked the Councillors for their support on this proposal and thanked the staff for their assistance.

26 Townsville Water and Waste Committee Quarter 4 Corporate Performance Management Report 2016/17

Executive Summary

The Chief Executive Officer is required to provide a written assessment of Council's Corporate and Operational Plans on a quarterly basis. The Townsville Water and Waste section of the Corporate Performance Report, under separate cover, is presented.

Officer's Recommendation

That Council receive the Townsville Water and Waste section of the Corporate Performance Report for the fourth quarter of 2016/17, being the period 1 April 2017 to 30 June 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 26 of the Council minutes (page 9622) where Council resolved that the Committee recommendation be adopted.

27 Townsville Water and Waste - Customer and Business Reporting - Quarter 4 2016/17

Executive Summary

The following Customer and Business Reports are submitted for Quarter 4, 2016/17:

1. Townsville Water Customer Service Standard Report Card;
2. Townsville Water Business Scorecard;
3. Townsville Waste Services Customer Service Standard Report Card; and
4. Townsville Waste Services Business Scorecard

A summary of the results is provided in the Report Information section. Further detail can be found in the full versions of the four (4) Reports presented under separate cover.

Officer's Recommendation

1. That Council note the results of the Customer Service Standard Report Cards and Business Scorecards for Townsville Water and Townsville Waste Services for Quarter 4, 2016/17;
2. That Council note the publication of the Customer Service Standard Report Cards for Townsville Water and Townsville Waste Services for Quarter 4, 2016/17, which will be published on council's public website as soon as practicable after noting.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 26 of the Council minutes (page 9622) where Council resolved that the Committee recommendation be adopted.

28 Townsville Water and Waste - Systematic Inspection Program - Infiltration and inflow study of Sewers, Program 19 - Belgian Gardens, North Ward, Castle Hill, Hyde Park, West End (Catchments 7A, 7C, A6, 6)

Executive Summary

Council resolved at its meeting of 26 August 2008 to undertake a Systematic Inspection Program, namely Infiltration and Inflow Study (I/I) of sewers and private house drains of all premises to identify illegal connections to Council's sewerage system.

The complete sewer network, except for the CBD, has now been smoke tested which was completed after Program 18, in June 2017. The large volume rain events which have occurred in the past few years have highlighted that there are still some pump stations which overflow sewage to the environment or are at capacity for extended durations due to the significant inflow of rainwater into their sewer catchments.

Council is seeking approval to undertake Program 19 in the sewer catchment affected by large volume rain events in the suburbs of Belgian Gardens, North Ward, Castle Hill, Hyde Park and West End (Catchments 7A, 7C, A6, 6) pursuant to section 134 of the *Local Government Act 2009*. The program is expected to commence between 18 September and 2 October 2017 and will be completed within a period of three months.

Council's approval is sought for the systematic inspection program to continue in the catchments listed.

Officer's Recommendation

That Council approve the undertaking of a Systematic Inspection Program, pursuant to section 134 of the *Local Government Act 2009*, in Belgian Gardens, North Ward, Castle Hill, Hyde Park and West End (Catchments 7A, 7C, A6, 6) starting between 18 September and 2 October 2017 and completed within three months.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 26 of the Council minutes (page 9622) where Council resolved that the Committee recommendation be adopted.

29 Townsville Water and Waste Services - Hard Waste Collection Proposal

Executive Summary

Council's policy commitments 2016-2020 include the provision of a kerbside hard waste collection service once per year for residential properties. Public tenders for the provision of this service were assessed in early 2017 and did not yield an acceptable outcome for Council.

This report seeks to examine alternative models for service delivery to the community at the lowest level of cost.

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 conduct an in-house hard waste collection service utilising dedicated resources and that the required operational budget allocation be provided each year of service commencing in 2017/2018.
3. That Council resolve to provide the capital budget required in the 2017/2018 financial year to procure specialised waste compaction trucks capable of delivering the hard waste collection service.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 26 of the Council minutes (page 9622) where Council resolved that the Committee recommendation be adopted.

Officers' Reports

Planning and Community Engagement

30 Community Health and Environment Committee Quarter 4 Corporate Performance Management Report 2016/17

Executive Summary

The Chief Executive Officer is required to provide a written assessment of council's Corporate and Operational Plans on a quarterly basis. The Community Health and Environment section of the Corporate Performance Report, under separate cover, is presented.

Officer's Recommendation

That Council receive the Community Health and Environment section of the Corporate Performance Report for the fourth quarter of 2016/17, being the period 1 April 2017 to 30 June 2017.

Council Decision

It was MOVED by Councillor A Greaney, SECONDED by Councillor P Jacob:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

31 Singapore Insights Delegation - 4 to 8 September 2017

Executive Summary

Townsville City Council has been invited to take part in Townsville Enterprise's Singapore Insights Delegation. The program will provide the necessary intelligence, support and insight required to assess opportunities supportive of business development ambitions.

Officer's Recommendation

1. That Council approve the Deputy Mayor, Councillor L Walker to attend the Singapore Insights Delegation on behalf the Mayor which is being held in Singapore, 4 - 8 September 2017.
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 Deputy Mayor, Councillor L Walker for the period of 4 - 8 September 2017.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

32 Infrastructure Planning and Asset and Fleet - Lease Surrender and Re-assignment - Townsville Drop-in Centre

Executive Summary

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

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

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

Officer's Recommendation

1. That Council approve the surrender of The Townsville Drop-in Centre Incorporated lease over a portion of Lot 2 on RP715189.
2. That Council approve issuing of a lease to Althea Projects Incorporated over the existing community garden, located in Dean Park, 1-19 Morey Street, South Townsville – Lot 2 on RP715189, for a term of up to five years, for the fee of \$1.00 per year, exclusive of GST, if requested.
3. That an additional clause be added to the lease to allow Council to terminate this lease at any time for any purpose upon giving 3 months written notification.
4. That Council resolve that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation.*
5. That Council note that Althea Projects Inc. will be responsible for;

Maintenance, Repair, Replacement Obligations of Lessee

- a) Structural (clause 6.1 (a))
- b) Services/pipes/conduits (clause 6.1 (b))
- c) Painting (clause 6.3)
- d) Minor Maintenance (clause 6.6)

Landscaping Obligation (clause 5.8)

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, the Mayor, Councillor J Hill and Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney and P Jacob declared a perceived conflict of interest in regards to items (13 and) 33.

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

The Mayor, Councillor J Hill and Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney and P Jacob.

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

Griffin Group donated to the Team Hill election campaign through its companies Garmont Pty Ltd, Interlaken Pty Ltd, Schilthorn Pty Ltd and Vibram Pty Ltd.

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

The Councillors dealt with the conflict by disclosing the perceived conflict of interest and proposing to remain in the meeting as they have determined that this personal interest is not of sufficient significance that it will lead them to making a decision on this matter that is contrary to the public interest. The Councillors will best perform their responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

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

The Councillors voted as per the Council decision.

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

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

33 MI17/0007 - MCU (Impact) Health Care Services, Shop and Food and Drink Outlet and Preliminary Building Works against the Planning Scheme for demolition of dwelling

Executive Summary

The development relates to a Material Change of Use for a Hospital, Health Care Services, Shop (Pharmacy) and Food and Drink Outlet at 2 Wilson Street, 763 Sturt Street and Preliminary Building Works against the Planning Scheme for demolition of a dwelling within the Character residential precinct at 2A Lamington Street, West End. The site is situated within the Mixed Use zone and is located on the intersection of Ingham Road and Sturt Street. The development was assessed under the Townsville City Plan and the *Sustainable Planning Act 2009*.

The development site includes the re-use of the old three storey West End State School located at 2 Wilson Street. The school was constructed circa 1937-1938 by local workers employed under the Unemployment Relief Scheme during the depression. The school was momentarily closed during 1942 and 1943 whilst it took on the role of a military first aid post. The building is listed on the National Heritage Register and the Queensland Heritage Register which triggered referral to the Department of Environment and Heritage Protection. The department provided their support, subject to conditions, in regards to the intended re-use of the existing Heritage building.

The application was Impact Assessable, therefore required public notification. During the notification period five (5) submissions were received, three (3) opposing and two (2) supporting the development. The submissions raised a number of points such as conflicts with the City Plan and Corporate Plan 2014-2017, Financial Investments and Economic Need, Adverse Amenity Impacts (noise, emissions, lighting and privacy), Visual amenity (Bulk and Scale), Traffic and Pedestrian Flow and Car Parking. All of these matters have been considered in this report and where necessary have been addressed by reasonable and relevant conditions.

In summary, the development is consistent with the Strategic intent of the Townsville City Plan, therefore it is recommended that the development be approved by Council.

Officer's Recommendation

That Council approve development application M117/0007 being a Material Change of Use (impact application) for a Hospital, Health Care Services, Shop and Food and Drink Outlet and Preliminary Building Works Approval for the Demolition of a Dwelling within the Character Residential Precinct under section 243 of the *Sustainable Planning Act 2009*. The land is described as Lot 707 SP 289834, Lot 9 T 118290, Lot 2 SP 234861, Lot 1 RP 717784, Lot 2 T 118434 and Lot 5 RP 701541, more particularly 2 Wilson Street, 2A Lamington Street and 763 Sturt Street, West End and is to be approved subject to the following conditions:

DEVELOPMENT PERMIT

Preliminary Approval for Building Works (Demolition of Dwelling)

SCHEDULE OF CONDITIONS

1. Building Works

Condition

A copy of the approved Development Permit for Building Works to carry out the removal/demolition of the dwelling must be submitted to council.

Reason

To ensure the removal of the dwelling is conducted in accordance with the *Building Act 1975*.

Timing

Application needs to be obtained prior to any removal/demolition works commencing on the site.

Advice

1. 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.

2. Asbestos

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

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE

(Hospital, Health Care Services, Shop and Food and Drink Outlet)

SCHEDULE OF 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.	Plan Date
Site Plan	SK052	P	14/06/2017
Overall Ground Floor Plan	SK053	F	14/06/2017
Overall Elevation	SK072	B	13/06/2017
TWSS – Ground Floor Plan – Proposed	SK057	S	14/06/2017
TWSS – Level 1 Plan – Proposed	SK058	Q	13/06/2017
TWSS – Level 2 Plan – Proposed	SK059	Q	13/06/2017
TWSS – Roof Plan – Proposed	SK060	L	13/06/2017
Ground Floor Plan	SK061	D	21/03/2017
Level 1 Floor Plan	SK062	D	21/03/2017
Level 2 Floor Plan	SK063	D	21/03/2017
Level 3 Floor Plan	SK064	D	21/03/2017
Level 4 Floor Plan	SK065	D	21/03/2017
Roof Plan	SK066	C	14/02/2017
Diagrammatic Section	SK068	B	14/02/2017
Elevations – Existing Heritage	SK069	E	13/06/2017
Elevations	SK070	A	14/02/2017

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

Reason

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

Timing

During the operation and life of the development.

2. Building Materials

Condition

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

Reason

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

Timing

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

3. Property Numbering

Condition

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

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

Reason

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

Timing

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

4. Relocation of Services or facilities

Condition

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

Reason

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

Timing

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

5. Sewerage Reticulation

Condition

The development must connect to Council's reticulated sewer system. The sewer supply and connection must comply with Council standards. Furthermore, the sanitary connection must connect directly to a manhole.

Reason

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

Timing

Technical details to be submitted to Council as part of an application for Operational Works.

6. Water Supply

Condition

The development must connect to Council's reticulated water system. The water supply and connection must comply with Council standards. Furthermore, the developer must divert the existing 100mm water main in Wilson Street along O'Brien Street and Greenslade Street connecting to Sturt Street.

Reason

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

Timing

Technical details to be submitted to Council as part of an application for Operational Works.

7. Electricity and Telecommunication

Condition

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

Reason

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

Timing

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

8. Amalgamation of Lots**Condition**

- a) The amalgamation of lots 707 on SP 289834, Lot 9 T 118290, Lot 2 SP 234861, Lot 1 RP 717784, Lot 2 T 118434 and Lot 5 RP 701541 into a single parcel must be undertaken and the survey plan must be registered, in accordance with the *Land Title Act 1994* or *relevant legislation as amended*.
- b) The amalgamation of Lot 1 SP 234861 with Easement A in Lot 2 into a single parcel must be undertaken and the survey plan, and extinguishment of the Easement, must be registered, in accordance with the *Land Title Act 1994* or *relevant legislation as amended*.

Reason

The development application identified multiple lots were required to allow the approved use to operate and commence. Accordingly the amalgamation of the lots is required to support the proposed use.

Timing

Prior to the issue of a Development Permit for Building Works where buildings are proposed to be constructed across property boundaries.

9. Screen Fencing**Condition**

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

Reason

To address amenity and Crime Prevention through Environmental Design principles.

Timing

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

10. Roadworks and Traffic**Condition**

- a) New access driveway(s) and crossover(s) from the existing kerb and channel to the property boundary must be constructed generally in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.
- b) Any driveway servicing the proposed development must comply with Council standard drawings and AS2890.
- c) The Ingham Road access must be Left In/Left Out only.

- d) No right turn from Greenslade Street to Sturt Street is permitted.
- e) The queue lane for the existing U Turn on Sturt Street, and the queue lane for the right hand turn lane turning from Sturt Street to Greenslade Street must be extended to accommodate peak hour traffic.
- f) There must be no augmentation of existing turning lanes at the Ingham Road/Sturt Street intersection.
- g) Any damage to the kerb and channelling must be reconstructed / repaired for the full frontage of the site in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.

AND

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

Reason

To provide development with access in accordance with Council standards.

Timing

To be submitted to Council as part of an application for Operational Works.

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 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of **104** car spaces, including disabled parking, and **1** ambulance bay must be provided on site in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan.
- c) No parking is permitted along the entry/exit aisle ways.

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works and maintained for the life of the development.

12. Stormwater Drainage

Condition

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

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.4.2 Healthy waters code of the Townsville City Plan.

Timing

To be submitted to Council as part of an application for Operational Works and to be maintained for the life of the development.

13. Stormwater Quality Management**Condition**

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

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

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works and maintained for the life of the development.

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

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

Reason

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

Timing

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

15. Landscaping**Condition**

Landscape and Irrigation Design Plans must be prepared in accordance with Part 9.4.3 Landscape code and the RPS Landscape Concept Design (version G 12/06/2017).

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works and then maintained for the life of the development.

16. Street Enhancements

Condition

Details of the street enhancements along Ingham Road, Sturt Street, Greenslade Street and O'Brien Street frontages in accordance with Part 9.4.3 Landscape Code and RPS Landscape Concept Design (version G 12/06/2017), must be provided.

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works and then maintained for the life of the development.

17. Signage

Condition

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

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

Reason

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

Timing

Prior to the commencement of the use.

18. Soil Erosion Minimisation, Sediment Control

Condition

Erosion and sediment control management must be installed and maintained in accordance with Part 9.4.2 Healthy Waters Code of the Townsville City Plan.

Note: The contingent design, implementation and maintenance of measures must be provided in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.8.6 MUSIC modelling requirements of the Townsville City Plan.

Reason

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

Timing

Maintained at all times during the construction phase.

19. Acid Sulphate Soils Management**Condition**

Soil and groundwater investigations in accordance with 9.4.2 Healthy waters code of the Townsville City Plan must be conducted to support the proposed earthworks should the soils and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils.

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works.

20. Minimum Floor Levels**Condition**

Floor levels must achieve immunity from *storm tide inundation/flood* hazards by ensuring;

Floor levels are above the defined flood event (0.2% AEP flood)

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

Reason

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

Timing

Prior to the issuing of a Development Permit for Building Works

21. Outdoor Lighting**Condition**

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

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works.

22. Protection of Operational Airspace

- a) Development must comply with PO1 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of permanent or temporary physical obstructions.

- b) Development must comply with PO2 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of emissions.
- c) Development must comply with PO3 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of not attracting a significant number of flying vertebrates.
- d) Development must comply with PO7 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms external lighting.

Reason

To ensure the development does not have detrimental effect on the operation of airspace.

Timing

During the construction of the development and at all times following the commencement of the use.

23. Noise Management

Condition

A Noise Management Plan must be submitted to Council for approval.

Reason

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

Timing

To be submitted to Council as part of an application for Operational Works.

24. Refuse Facilities

Condition

All collection of waste, medical waste and refuse material must be undertaken by a private contractor. The collection of the waste must occur within the development site.

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.

25. Service Delivery Vehicles

Condition

Unless otherwise approved by council, the activities associated with the Service Delivery Vehicles must only be conducted between 7:00am to 7:00pm Monday to Friday inclusive or 8:00am to 1:00pm Saturday. No Service Delivery Vehicles are 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.

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

Infrastructure contributions are payable relevant to the Development Permit and may be calculated as a First Principles Assessment calculation. The First Principles Assessment must be determined by Council. This may be achieved by the applicant providing the values for the calculation for Council to assess, or alternatively the applicant may lodge an independent assessment for Council to review. Either scenario incurs costs outlined in Council's Planning and Development Fees and Charges Schedule 2017/2018.

Note: Contributions are payable prior to the issuing of the Certificate of Classification for Building Works.

2. Water Restrictions

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

3. Further Approvals Required

a) **Operational Works**

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

- Condition 5 – Sewerage Reticulation
- Condition 6 – Water Supply
- Condition 8 – Amalgamation of Lots
- Condition 10 – Roadworks and Traffic
- Condition 11 – Car Parking
- Condition 12 – Stormwater Drainage
- Condition 13 – Stormwater Quality Management
- Condition 15 – Landscaping
- Condition 16 – Street Enhancements
- Condition 19 – Acid Sulphate Soils Management
- Condition 21 – Outdoor Lighting
- Condition 23 – Noise Management

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

b) **Plumbing and Drainage Works**

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

c) **Building Works**

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

d) **Road Works Permit**

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

e) **Operational works - Signage**

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

f) **Amalgamation of Lots**

A Survey plan must be registered in accordance with the *Land Title Act 1994* for the amalgamation of all allotments.

4. Further Inspections Required

Compliance with Conditions

The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to the submission of a Development Application for Operational Works.

- Condition 2 – Building Materials
- Condition 3 – Property Numbering
- Condition 9 – Screen Fencing
- Condition 14 – Screening Plant and Utilities

5. Building Over/Adjacent to Services

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

6. Clinical/Medical Waste

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

7. Dust

Implement dust control measures on-site during construction and also after commencement of the use so as to prevent a dust nuisance from occurring to surrounding properties.

8. Connection to Council Water Supply

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.

9. Connection to Council Sewer

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.

10. Storage of Materials and Machinery

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

11. Building Work Noise

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

12. 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.

13. Specifications and Drawings

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

14. Environmental Considerations

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

15. Asbestos

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

16. Liquid Trade Waste Approval/Agreement

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

17. Food Business

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

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

Council Decision

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

"that this item be held over to the next Council meeting."

CARRIED UNANIMOUSLY

Confidential Items

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

"that Council RESOLVE to close the meeting in accordance with Section 275 (e) 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 34 and 35)."

CARRIED UNANIMOUSLY

The Council discussed the items.

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

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

34 Townsville Water and Waste - Design and Construction of a Water Treatment Plant at Paluma

Executive Summary

Council sought submissions to facilitate the Design and Construction of a Water Treatment Plant in the Township of Paluma.

A recent assessment of the catchment along with several Protozoa detections has required the community to be placed on an indefinite Boil Water notification. Consultation with Public Health has confirmed the requirement for adequate treatment to be put in place before the notification can be removed.

This report and attached Recommendation Report provides analysis, evaluation and council's recommendation for awarding TCW00219 Design and Construction of Paluma Water Treatment Plant.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award Tender TCW000219 Design and Construction of Paluma Water Treatment Plant to CRS Water Pty Ltd for the lump sum price of \$551,062.62 inclusive of GST.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor M Molachino congratulated the staff on the great outcome with regards to the above item.

35 RSPCA Land Tenure and Animal Shelter Services Contract

Executive Summary

RSPCA currently utilise the Townsville City Council facility at 2 Tompkins Road, Shaw to operate their animal welfare services and to administer the Townsville City Council Animal Shelter Services contract. The purpose of this report is for Council to consider the operations at this site.

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 determine land tenure as per option D in the land tenure section of this report.
3. That Council proceed with the Animal Shelter Services contract in line with option E in the animal shelter services section of this report.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

General Business

(i) Council representation on Food Relief NQ

Councillor K Rehbein requested to resign as Council's representative on Food Relief NQ and proposed that Councillor M Soars be Council's representative on this organisation.

Council Decision

It was MOVED by Councillor K Rehbein, SECONDED by Councillor P Jacob:

- "1. that Council accept Councillor K Rehbein's resignation as Council's representative on Food Relief NQ; and
2. that Council accept Councillor M Soars' nomination as Council's representative on Food Relief NQ."

CARRIED UNANIMOUSLY

(ii) LGAQ (Local Government Association of Queensland) Annual Conference - 16 to 18 October 2017

The Mayor, Councillor J Hill sought interested Councillors to attend the LGAQ (Local Government Association of Queensland) Annual Conference being held on 16 to 18 October 2017 (in Gladstone). Councillor Hill advised that Councillors Doyle and Rehbein have expressed an interest in attending.

Council Decision

It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor A Greaney:

- "1. that Council approve the attendance of the Mayor, Councillor J Hill, Councillor C Doyle and Councillor K Rehbein at the LGAQ (Local Government Association of Queensland) Annual Conference being held on 16 to 18 October 2017; and
2. that the Mayor, Councillor J Hill and Councillor K Rehbein each carry four votes."

CARRIED UNANIMOUSLY

(iii) World Suicide Prevention Day

Councillor P Jacob advised of World Suicide Prevention Day on 10 September 2017 and provided a brief overview of a breakfast he attended to raise awareness.

(iv) Councillor M Ryder's Father-in-law

The Mayor, Councillor J Hill sought approval to send a card and flowers to Councillor M Ryder's family as Councillor Ryder's Father-in-law has died.

Council Decision

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

"that approval be granted for a card and flowers be sent to Councillor M Ryder's family."

CARRIED UNANIMOUSLY

Close of Meeting

The Chair, Mayor Councillor J Hill declared the meeting closed at 1.50pm

CONFIRMED this TWENTY-SIXTH day of SEPTEMBER 2017

MAYOR

CHIEF EXECUTIVE OFFICER