



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 18 DECEMBER 2012 AT 9.00 AM

Council Members >>

The Mayor, Councillor Jenny Hill
Councillor Suzanne Blom
Councillor Colleen Doyle
Councillor Gary Eddiehausen APM
Councillor Pat Ernst
Councillor Ray Gartrell
Councillor Jenny Lane
Councillor Anthony Parsons
Councillor Trevor Roberts
Councillor Vern Veitch
Councillor Les Walker

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Corporate Plan >>

Goal 1 - Economic Sustainability. A robust, diverse and sustainable economy

The outcomes we want to achieve:

A robust, prosperous economy which provides opportunities for business and investment.

- 1.1 Promote investment and assist the development of emergent industries and businesses.
- 1.2 Engage with regional, state and national stakeholders in the creation of a strong and resilient economy.
- 1.3 Increase the city's profile through marketing initiatives, the delivery of festivals and events and support for other community based activities.
- 1.4 Promote the city's distinctive physical character and strong sense of place and identity.

An integrated approach to long term planning which supports a growing city.

- 1.5 Develop an integrated approach to the long term provision of infrastructure.
- 1.6 Undertake city and regional planning to reflect the aspirations of the community and create an attractive place to live, work and visit.

Infrastructure that meets community needs.

- 1.7 Provide and maintain timely and sustainable infrastructure.
- 1.8 Provide asset management practices which reflect the community's expectations regarding service levels and its ability to pay.

Goal 2 - Environmental Sustainability. Our environment is valued, protected and healthy

The outcomes we want to achieve:

Effective management and protection of our natural and built environment through sustainable growth and development.

- 2.1 Provide strategic and integrated planning and policy development to sustain our environment.
- 2.2 Effective management, protection and conservation of our natural environment.
- 2.3 Preserve and protect places of natural and heritage significance.

Demonstrated environmental leadership.

- 2.4 Develop and implement an Integrated Water Management Strategy.
- 2.5 Develop and implement innovative waste management and recycling strategies.
- 2.6 Minimise greenhouse gas emissions from council's infrastructure, operations and services through sustainable energy practices.
- 2.7 Partner with the community and industry stakeholders to develop and promote environmental protection and sustainability initiatives.
- 2.8 Develop and implement environmental compliance programs and promote community awareness.

Climatic effects on our community, natural and built environment are minimised.

- 2.9 Mitigate and communicate the risks and effects of climate change.

Goal 3 - Social Sustainability - Enhancement of opportunities for social engagement and wellbeing

The outcomes we want to achieve:

A safe and healthy community.

- 3.1 Improve the safety and well-being of the community through the management of public health risks.
- 3.2 Plan for and provide active and healthy lifestyle opportunities.
- 3.3 Coordinate council's response to natural disasters to minimise the effects on the community.

A cohesive and self reliant community.

- 3.4 Foster the development of the city as a learning community.
- 3.5 Encourage and facilitate the participation and integration of residents into the community.
- 3.6 Strengthen community networks to collaboratively deliver community services.

A community with access to services and facilities.

- 3.7 Plan for community facilities and services to meet the community's current and future needs.
- 3.8 Provide community services and facilities to meet the needs of the community.
- 3.9 Provide community support services to meet the needs of the community.

A creative community.

- 3.10 Facilitate and showcase artistic learning and expression through performances, exhibitions, activities and programs.
- 3.11 Support community participation in cultural activities, programs and events.

Goal 4 - Responsible Governance - Responsible leadership where decisions are made in a considered and transparent manner

The outcomes we want to achieve:

Transparent and accountable local government.

- 4.1 Develop and implement council's Corporate Governance Framework to ensure strategic planning, compliance with all legislation, policies, Codes of Practice and Standards.
- 4.2 Implement robust risk management strategies.
- 4.3 Encourage community participation and ensure that the community is informed and educated about matters that impact their lives.

A competent, productive and contributing workforce.

- 4.4 Foster a culture of employee health, safety and well-being.
- 4.5 Implement human resource strategies to become an employer of choice.
- 4.6 Foster diversity, merit and equity, reward and recognition in the workplace.

Excellence in customer service delivery and organisational management.

- 4.7 Provide responsive and efficient systems to enable the delivery of council services.
- 4.8 Establish and manage long term financial planning to ensure the future sustainability of council.

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REPORT	COUNCIL MEETING
DATE	Tuesday 18 December 2012 at 9.00 am
PRESENT	The Mayor, Councillor J Hill Councillor V Veitch Councillor S Blom Councillor C Doyle Councillor G Eddiehausen APM Councillor P Ernst Councillor R Gartrell Councillor J Lane Councillor A Parsons Councillor T Roberts Councillor L Walker

Opening of Meeting and Announcement of Visitors

The Mayor, Councillor J Hill opened the meeting at 9.00 am.

Prayer

Reverend Dave Lancini of the Catholic Church delivered the opening prayers.

Apologies and Leave of Absence

There were no apologies or leave of absences.

Confirmation of Minutes of Previous Meetings:

It was MOVED by Councillor J Lane, SECONDED by Councillor G Eddiehausen:

That the minutes of the council meeting held 27 November 2012 be adopted.

CARRIED

Disclosure of Interests

- (i) Councillor T Roberts advised that all councillors in attendance excluding Councillor P Ernst had a perceived conflict of interest in regards to item 1 of the Ordinary Council agenda as UDP Consulting Engineers had donated to their local government election campaigns.
- (ii) Councillor C Doyle declared a conflict of interest in regards to item 2 of the Ordinary Council agenda as she is a director of a company of which provides a service to the Managing Director of the Honeycombes Property Group.

Correspondence

There was no correspondence.

Petitions

There were no petitions.

Deputations

There were no deputations.

Mayoral Minute

The Mayor, Councillor J Hill presented to council her closing speech for the year.

“Today councillors we end a tumultuous year.

We have had two major elections this year. The State election, when the LNP gained power with a landslide majority, at the end of March. And our own local government elections at the end of April.

The two elections are intrinsically joined together by our wish to see our state and our city grow. However the loss of over 7,000 positions in the state public service to date has sent a shiver through all communities across Queensland.

And now as the State Government assess which properties to keep and which properties to sell we have an important issue in dealing with the revitalisation of this city, to ensure that these buildings are not left to decay like the QR railway sheds and the previous Townsville Hospital site. In August 2011 and again in early 2012 I went to Ipswich to talk to the Mayor Paul Pisasale and Deputy Mayor Victor Attwood. I wanted to find out how as a council they dealt with the issue of revitalising their city not just their city heart.

Mayor Pisasale was quite forthcoming. He said to take a risk.

Ipswich City Properties Pty Ltd, a company wholly owned by Ipswich City Council, was incorporated with State Government approval on 9 March 2009 with the specific intention of bringing the vision for the revitalisation of the Ipswich City Heart under the Ipswich Regional Centre Strategy into vibrant reality. The Directors of Ipswich City Properties Pty Ltd are Paul Tully (Chair) Paul Pisasale, Carl Wulff and Jim Lindsay.

In that same month of March 2009, Ipswich City Properties acquired Ipswich City Square Shopping Centre with a view to creating a redevelopment of the City Heart, along with adjoining properties that have progressively been consolidated into the development site that will feature a brand new mix of retail, residential, commercial, open spaces and public use areas. The ultimate plan is for the entire 3.4 hectares of prime Ipswich Central real estate to be transformed into a world class regional centre.

This company worked with Ipswich City Council to obtain appropriate town planning outcomes for the redevelopment of 3.4 ha of underperforming land in the Ipswich CBD. The company then partnered with Leighton Properties to construct a nine level office building as the first stage of a larger development objective. This office building was reportedly sold for \$93 million, allowing the company to proceed to the next stages of development in a beneficial financial position.

The Ipswich Regional Centre Strategy was jointly initiated, resourced and funded by the Ipswich City Council and Queensland Government. The Strategy is a significant project committed to revitalising the Ipswich City Centre, and underpinning the Centre's role as the 'Principal Regional Activity Centre' for the Western Corridor of South East Queensland.

When myself and CBD taskforce chair Craig Stack met with senior bureaucrats in Brisbane to discuss the direction the state government would take regarding its large land holdings here in the CBD, there was no doubt to both myself and the CBD taskforce chair that the council had a large part to play in ensuring our city thrives.

So today councillors, I am outlining a little of what I believe 2013 will hold for us as a council. I will be working with staff in the New Year to bring to council a model for the creation of the Townsville Development Corporation.

I have had a brief discussion with the Minister for Local Government and his attitude and support is encouraging.

A Development Corporation provides Townsville City Council with a prospect for an alternate complementary income source in support of Council operations.

It could provide great assistance in the creation of sustainable commercial and community outcomes in the CBD, particularly as the State Government has now commenced its program of disposing of State Government properties that are no longer required.

Councillors we cannot afford for our city to have large tracts of underutilised property, we cannot afford to just sit and wait for state government to take the lead, we have the opportunity to change the face of our city just as Mayor Pisasale and his council did 3 years ago in Ipswich.

Townsville Development Corporation is the vehicle that can be the driver.

I look forward to 2013 in order to bring forth to you councillors, a model for our city's future."

Committee Items

Infrastructure Committee

In accordance with section 173 of the Local Government Act 2009, the Mayor, Councillor J Hill and Councillors V Veitch, S Blom, C Doyle, G Eddiehausen, R Gartrell, J Lane, A Parsons, T Roberts and L Walker declared a perceived conflict of interest in regards to item 1 of the Ordinary Council agenda.

- (a) *the name of the councillors who have the real or perceived conflict of interest:***
The Mayor, Councillor J Hill and Councillors V Veitch, S Blom, C Doyle, G Eddiehausen, R Gartrell, J Lane, A Parsons, T Roberts and L Walker.
- (b) *the nature of the conflict of interest as described by the Councillors:***
UDP Consulting Engineers donated to both the local government election campaigns.
- (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 item 1, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the Local Government Act 2009, remained in the meeting and participated in the discussion about and voting upon the item.
- (d) *if the Councillors voted on the issue – how the Councillor voted:***
The councillors voted as per the recommendation.
- (e) *how the majority of persons who were entitled to vote at the meeting voted on the matter.***
The majority of persons entitled to vote at the meeting voted as per the recommendation.

1 Construction and Maintenance - T6950 - Tender Award for Conceptual and Detail Design for the New Bohle River Bridge on Dalrymple Road

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Infrastructure Services

Department Construction and Maintenance

Date 22 November 2012

Executive Summary

Dalrymple Road is a significant road linking Townsville's rapidly growing Northern Beaches community to the rest of the city.

There is an existing low level crossing on Dalrymple Road between Greater Ascot Avenue and Golf Links Drive. This crossing becomes inundated each wet season, requiring road closures for extended periods. Traffic is diverted, for the duration of these closures, to alternative roads, in turn causing congestion, time delays and general frustration to both North and South bound motorists.

Tenders have been called for Tender T6950 - Conceptual and Detail Design for the New Bohle River Bridge on Dalrymple Road, to enable council to be in a position to commence construction when funding is made available.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (9) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award the conceptual and detail design tender T6950 - Conceptual and Detail Design for the New Bohle River Bridge on Dalrymple Road to GHD Pty Ltd (as per Recommendation Report) for the amount of \$891,600.60 (including GST).
3. That council delegate authority to the Chief Executive Officer to approve potential contingencies identified in the special considerations section of this report up to \$300,000 (including GST) in the 2013/2014 financial year.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

It was MOVED by Councillor T Roberts, SECONDED by Councillor A Parsons:

"that the committee recommendation to item 1 be adopted."

CARRIED UNANIMOUSLY

Planning and Development Committee

In accordance with section 173 of the Local Government Act 2009, Councillor C Doyle declared a perceived conflict of interest in regards to item 2.

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

Councillor C Doyle advised that she is a director of a company of which provides a service to the Managing Director of the Honeycombes Property Group.

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

The Councillor determined that she had a perceived conflict of interest and vacated the meeting and did not participate in debate or voting on the matter.

(c) if the Councillor voted on the matter - how the Councillor voted:

Councillor C Doyle vacated the meeting during discussion and voting on item 2.

(d) how the majority of Councillors who were entitled to vote at the meeting voted on the matter:

The majority of Councillors voted that the Committee Recommendation be adopted subject to the agreement being brought back to council for resolution, and that legal advice be provided to councillors on this matter in the interim.

2 Planning & Development - Residential Development of Riverway Stage 3, 4 & 5

REPORT TO COUNCIL

Authorised by Director Planning and Development
Department Planning and Development
Date 29 November 2012

Executive Summary

On 11 August 2006 Council entered into an agreement with HIG Riverway (JV) Pty Ltd ACN 115 856 874 ("HIG") for the sale of property described as Lots 1 and 2 on SP 160487 located within the Riverway precinct between the Ross River, Riverway Drive and Ross River Road. HIG have requested to vary the agreement with respect to changes to the staging of development and product mix along with the timing of completion for the proposed development.

Officer's Recommendation

That council agree to enter into further negotiation with HIG Riverway (JV) Pty Ltd ACN 115 856 874 ("HIG") to further vary, potentially with respect to all terms and conditions, the agreement to achieve completion of the project.

Committee Recommendation

That the Officer's Recommendation be adopted.

It was MOVED by Councillor L Walker, SECONDED by Councillor R Gartrell:

- "1. That the Committee Recommendation to item 2 be adopted subject to the agreement being brought back to council for resolution; and*
- 2. that legal advice be provided to all councillors on this matter."*

CARRIED UNANIMOUSLY

It was *MOVED* by Councillor A Parsons, *SECONDED* by Councillor V Veitch:

"That the committee recommendations to items 3 to 8 be adopted."

CARRIED UNANIMOUSLY

3 Strategic Planning - Heritage & Urban Planning Unit - Conservation Management Plan for Perc Tucker Regional Gallery Building

REPORT TO COUNCIL

Authorised by Director Planning and Development

Department Strategic Planning

Date 7 November 2012

Executive Summary

A Conservation Management Plan for the Perc Tucker Regional Gallery Building has been completed.

Officer's Recommendation

That council receive the Conservation Management Plan for the Perc Tucker Regional Gallery 2012.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 on the Council Minutes (page 5964) where council resolved that the Committee Recommendation be adopted.

4 MI11/0009 & RC11/0020 (MCU) - 71 Chandler Street GARBUTT - Combined Multiple Dwelling (6x3 & 2x2 Bedroom Home Units) combined with RC11/0020 One (1) Lot into Two (2)

REPORT TO COUNCIL - PLANNING APPLICATION

Authorised by	Director Planning and Development
Department	Planning and Development - Development Assessment
Date	31 October 2012
Address	Lot 15 on T118549 - 71 Chandler Street, Garbutt
Applicant/Owner	Whitlock C/- GK Planning/Whitlock
Description	MI11/0009 (MCU) & RC11/0020 (ROL) - Combined Multiple Dwelling (6x3 and 2x2 Bedroom Home Units) and Lot Creation (One (1) into Two (2) Neighbourhood Residential Lots - 71 Chandler Street, Garbutt

Executive Summary

A combined development application for Material Change of Use (Impact) and Reconfiguring a Lot (Code) - Combined Multiple Dwelling (6x3 and 2x2 Bedroom Home Units) and Lot Creation (One (1) into Two (2) Neighbourhood Residential Lots situated on Lot 15 on T118549 at 71 Chandler Street, Garbutt has been received from Applicant >> Whitlock C/- GK Planning – MI11/0009 and RC11/0020 and has been recommended for approval.

Officer's Recommendation

That council approve application MI11/0009 and RC11/0020 for a combined Development Permit for Multiple Dwelling (6x3 and 2x2 Bedroom Home Units) and Lot Creation (One (1) into Two (2) Neighbourhood Residential Lots under section 243 of the *Sustainable Planning Act 2009 (SPA)* on land described as Lot 15 on T118549, more particularly 71 Chandler Street, Garbutt, subject to the following conditions -

DEVELOPMENT PERMIT

**MATERIAL CHANGE OF USE
MULTIPLE DWELLINGS (6 X 3 & 2 X 2 BEDROOM HOME UNITS)**

SCHEDULE OF CONDITIONS

1. Site Layout

- a) The proposed development must generally comply with drawing(s) as referenced in the table below and attached as stamped "Approved Subject to Conditions", except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING No.	REVISION No.	SUBMITTED & DATE STAMPED DATE
Site Layout Plan (Total Site)	3145-CD1	7	30 August 2012
Site Layout Plan (North Allotment Developed)	3145-CD2	7	30 August 2012
Floor Plans (Unit Type A)	3145-CD3	7	30 August 2012
Floor Plans (Unit Type B)	3145-CD4	7	30 August 2012
Elevations	3145-CD5	5	3 March 2011
Elevations	3145-CD6	5	3 March 2011
Elevations	3145-CD7	5	3 March 2011

- b) The proposed development must comply with all conditions of this approval prior to commencement of the use.

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

2. Reconfiguring a Lot (RC11/0020)

The plan of survey for the approved Reconfiguring a Lot (RC11/0020) must be registered prior to commencement of use for the first developed stage of the Multiple Dwelling.

3. Building Materials

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

4. Street Fencing

Unless otherwise approved by council, any street fencing to Clarke Street or Chandler Street must not exceed 1.2m in height to allow for sight lines and the integration of the dwellings with the streetscape.

5. Visual Screen

Prior to the issue of a Development Permit for Building Works, the developer must submit to council for approval plans showing the following:

The provision of any of the following, to prevent overlooking into habitable room windows of dwellings and any balconies located on adjoining properties from windows (except bedroom windows) and/or balconies above ground level:

- * Fixed obscure glazing in any part of the window below 1.5 metres above floor level; OR
- * Fixed external screens; OR
- * Sill heights of 1.5 metres above floor level, or alternative measure for council's consideration; OR
- * Alternative measures for council's consideration.

6. 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.

7. Lighting

The developer must ensure all internal and external lighting is fitted with shades and erected in a manner that ensures that adjoining premises and roads are not affected.

8. Property Numbering

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

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

9. Drying Facilities

The developer must provide adequate clothes drying facilities. Where applicable clothes drying facilities must be screened from any street or adjacent property.

10. Letterboxes

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

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

11. Screen Fencing

The developer must provide a visual screen between the site and any adjoining land occupied by a residential building or any adjoining land contained in a Residential precinct in accordance with *City Plan Policy 2 Section 4 – Screen Fencing*. Despite the above, the developer must provide a double paling visual screen fence where the driveways and car parks directly abut the neighbouring properties.

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

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

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

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

12. Screening of Plant and Utilities

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

13. Refuse Facilities

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Multiple Dwelling Code, in accordance with *City Plan Policy 2 - Development Standards, Section 8 - Provision for Refuse Services*. In particular,

- a) The resident of each unit is responsible for the storage of their mobile garbage (wheelie) bins including recycling bins. The developer must provide storage areas that are suitably paved, with a hose cock fitted in close proximity.
- b) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.

- c) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

14. Relocation of Utilities

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

15. Car Parking

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with council Standards and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890 and must be maintained thereafter to the standard.
- b) The minimum car parking classifications for off-street carparking applicable to this development are as per Table 1.1 in AS/NZS 2890.
- c) The driveway, manoeuvring areas, car parking areas and paths must all be constructed of:
- * exposed aggregate concrete; or
 - * interlocking pavers; or
 - * other alternative aesthetically pleasing materials to be approved by council prior to the issue of a Development Permit for Building Works.
- d) The layout of the on-site car parking spaces must be designed to ensure that all vehicles entering and leaving the site may do so in a forward direction.
- e) The developer must provide a minimum of 14 car spaces (including the car wash bays) on site of which a minimum of four (4) spaces are required to be dedicated for visitor parking and must be made available at all times for such.

Should it be the intent that the visitor spaces be provided behind a secured gate or barrier an intercom system or similar device must be provided to ensure public access to the visitor car parks.

- f) In this instance, two (2) dedicated car washing bays within visitor car parks are to be provided on site prior to the commencement of the use. Details must be submitted to and approved by council prior to the issue of a Development Permit for Building Works. The bay is to be designed and constructed in accordance with the following:
- * imperviously paved
 - * provided with a hose cock
 - * graded to a central drain incorporating a silt trap
 - * fitted with a diversion valve which allows contaminated run-off to pass to a sewer or as approved by council in writing.

16. Stormwater Drainage

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

- a) The development site must be graded so that it is free draining. All runoff from storms naturally falling into this development site (including roof runoff) must be collected within the property boundaries and discharged to the lawful point of discharge being Clarke Street and Chandler Street or as agreed upon by council.

- b) The developer must ensure that no ponding of stormwater occurs on adjacent allotments and that no stormwater formerly flowing onto their development site is diverted onto other neighbouring allotments.
- c) The developer must ensure that the post development discharge of stormwater from the subject land does not exceed pre-development peak flows.
- d) Overland flow paths and underground drainage must be designed so as not to directly or indirectly cause nuisance to a downstream or adjoining property.
- e) Following the completion of any works for the purposes of stormwater drainage, a stormwater drainage certificate from a Registered Professional Engineer of Queensland (RPEQ) must be submitted to and endorsed by council. The stormwater drainage certificate must verify that the completed stormwater works associated with the proposed use has been constructed in accordance with the approved design.

17. Minimum Floor Levels

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

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

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

18. Sewerage Reticulation

The developer must construct a new manhole to service the development. The manhole must be located on the western edge of the property on the existing 150 sewer. The manhole must be in accordance with council requirements and be at the developers expense. Details of the sewerage reticulation works must be submitted and approved as part of Operational Works for the development.

19. Conduit Assessment

A visual inspection of the existing sewer traversing the site must be conducted in accordance with the following:

- a) An assessment is required on the condition of the sewer from manhole 1/11B13 to manhole 1A/11B13.
- b) The assessment must be undertaken by a certified CCTV operator to perform conduit condition assessment. The results are to be submitted to council as part of the application for Operational Works in CD or DVD format accompanied by a written report.
- c) Any upgrading or replacement determined by council will be carried out at the developer's expense prior to the commencement of building works.

20. Soil Erosion Minimisation, Sediment Control and Dust Control

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

- a) The contingent design, implementation and maintenance of measures must be provided in accordance with *City Plan Policy 2 – Development Standards*.

- b) During the construction and maintenance phases of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.

21. Landscaping

- a) Prior to the issue of a Development Permit for Building Works, a landscaping plan is required to be submitted to and be approved by council as part of Compliance Assessment against the applicable Landscaping Code and/or relevant approval.

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

- * The footpath/road reserve along Chandler Street and Clarke Street to be turfed and provided with automated irrigation;
 - * A street tree is to be provided to the Clarke Street frontage. The prescribed species for Clarke Street is *Mimusops elengi*; and
 - * Landscape screening to the proposed new boundary.
- b) The landscape plans must be prepared by a suitably Qualified person who:
 - * is a Qualified Landscape Architect with current membership to the Australian Institute of Landscape Architects; and/or
 - * is an experienced Landscape Designer
 - c) All works must be completed in accordance with the approved landscaping plan and constructed to a standard detailed within City Plan Policy 2 – Development Standards – Section 10 – Landscape Work Specification and Section 11 – Irrigation Systems for Developments. Following the approval of the plan, with or without amendments, the developer must implement the plan prior to the commencement of the use. Furthermore, all landscaped areas must be maintained thereafter to the satisfaction of council.

22. Existing Street Trees

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

23. Roadworks and Traffic

- a) The developer must construct the new access driveways and crossovers from the existing kerb and channel to the property boundary at the developer's expense generally in accordance with council's relevant Standard Drawings for Driveway Access and Driveway Crossovers.
- b) The developer must remove the existing vehicle accesses including crossovers in the kerb and channel, replace with new kerb and channel and reinstate the footpath in accordance with council's Standard Drawing for Concrete Kerbing.
- c) The developer must replace the kerb and channelling as necessary to repair any irregularities or breaks for the full frontage of the site in accordance with council's Standard Drawing for *Concrete Kerbing*.
- d) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with council's standards.

24. Further Approvals Required

a) Compliance Assessment

Conditions 5, 12, 15, 16 and 21 associated with this development must be submitted to council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by council.

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

b) Operational Works

Conditions 18, 19 and 23 associated with this development must be submitted to council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by council.

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

c) Plumbing and Drainage Works

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

ADVICE

1. Infrastructure Charges

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

2. Waste Collection

All residential waste is required to be collected by council.

3. Noise

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

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

4. Environmental Considerations

DEHP Requirements

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

5. Dilapidation Report

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

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

6. Plumbing and Drainage Approval

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

7. Building Over/Adjacent to Services

The developer is advised that the proposed building structures are over/adjacent to an existing sewer. In accordance with council's Policy 1201 (*Building Over or Adjacent to Services*) – the applicant is 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.

8. Roadworks Approval

The developer is responsible for obtaining a Roadworks Approval in accordance with Local Laws 4 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must include the following:

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

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

DEVELOPMENT PERMIT

RECONFIGURING A LOT (ONE (1) INTO TWO (2) NEIGHBOURHOOD RESIDENTIAL LOTS)

SCHEDULE OF CONDITIONS

1. Proposal Plans

- a) The proposed development must generally comply with the plan(s) 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.

DRAWING NAME	DRAWING No.	REVISION No.	SUBMITTED & DATE STAMPED DATE
Lot Plan	3145-CD1.1	2	30 August 2012

- b) The proposed development must comply with all Planning Scheme requirements applying at the date of this application, except as otherwise specified by any condition of this approval.
- c) One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.

2. Street Trees

Street tree planting to beautify the neighbourhood is required so as to achieve Overall Outcome (a) of the *Reconfiguring Lots Code*. In particular:

Street trees must be planted along Chandler and Clarke Street in accordance with *City Plan Policy 2 – Development Standards, Section 5 – Street Trees*.

3. Existing Street Trees

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

4. Sewerage Reticulation

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

- a) Each allotment must be provided with a single property service and must be connected directly and separately to council's sewer prior to signing the survey plan.
- b) All new property connections to be made directly to manholes where possible.
- c) The point of connection for the sewerage system to council's sewerage infrastructure including all necessary pump stations and rising mains must be the nearest existing sewer manhole or as agreed by council.
- d) The developer must construct a new manhole to service the development. The manhole must be located on the western edge of the property on the existing 150 sewer. The manhole must be in accordance with council requirements and be at the developers expense. Details of the sewerage reticulation works must be submitted and approved as part of Operational Works for the development.

5. Conduit Assessment

A visual inspection of the existing sewer traversing the site must be conducted in accordance with the following:

- a) An assessment is required on the condition of the sewer from manhole 1/11B13 to manhole 1A/11B13.
- b) The assessment must be undertaken by a certified CCTV operator to perform conduit condition assessment. The results are to be submitted to council as part of the application for Operational Works in CD or DVD format accompanied by a written report.
- c) Any upgrading or replacement determined by council will be carried out at the developer's expense prior to the commencement of building works.

6. Confirmation of Existing Services

- a) The developer must ensure that the existing services for each lot are contained within the individual allotments; and/or

- b) Where the existing services are not contained within the individual lot then such services must be relocated or easement obtained. Such easements must be registered in accordance with the *Land Title Act 1994*, in conjunction with registration of the survey plan.

7. Relocation of Utilities

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

8. Soil Erosion Minimisation, Sediment Control and Dust Control

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

- a) The contingent design, implementation and maintenance of measures must be provided in accordance with *City Plan Policy 2 – Development Standards*.
- b) During the construction and maintenance phases of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.

9. Stormwater Drainage

- a) The development site must be graded so that it is free-draining. All runoff from storms naturally falling onto this development site must be collected within the property boundaries and discharged to the lawful point of discharge being Clarke Street for Lot 1 and Chandler Street for Lot 2 or as agreed upon by council.
- b) The developer must ensure that no ponding of stormwater occurs on adjacent allotments as a result of this development and that no stormwater formerly flowing onto this development site is diverted onto other neighbouring allotments.
- c) The developer must ensure that the post development discharge of stormwater from the subject land does not exceed pre-development peak flows.
- d) Overland flow paths and underground drainage must be designed so as not to directly or indirectly cause nuisance to a downstream or adjoining property.

10. Roadworks

- a) The developer must provide a new driveway crossover and access driveway for Lot 1 and 2 from the existing kerb and channel to the property boundary at the developer's expense generally in accordance with council's relevant Standard Drawings for Driveway Access and Driveway Crossovers for Urban Driveways.
- b) The developer must remove the existing vehicle accesses including crossovers in the kerb and channel, replace with new kerb and channel and reinstate the footpath in accordance with council's standard drawing for *Concrete Kerbing*.
- c) The developer must replace the kerb and channelling for the full frontage of the site in accordance with council's standard drawing for *Concrete Kerbing*, to the satisfaction of council.
- d) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with council's standards.

11. Electricity and Telecommunications

Electricity and telecommunications must be provided and in particular,

Overhead electricity services must be provided to the frontage of each allotment, to the standards of the electricity authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to council prior to signing the survey plan.

Underground telecommunications fibre-ready passive infrastructure must be provided to the frontage of each allotment in all new developments in accordance with the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011 and standards of the telecommunications authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to council prior to signing the survey plan.

Underground telecommunications must be provided to the frontage of each allotment, to the standards of the telecommunications authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to council prior to signing the survey plan.

12. Minimum Lot Levels

- a) The finished level on all new allotments created within the development site must be above the flood inundation level from an Average Recurrence Interval (ARI) 50 year storm/tide event. The developer must submit a hydraulic report that determines these levels prior to issue of a Development Permit to carry out Operational Work.
- b) The proposed lots must be filled and compacted with approved material to a minimum level equal to the level of a 50 year ARI flood and must be evenly graded (to the road frontage or an approved inter-lot drainage system) at not less than 0.5% (for residential lots) and 0.25% (for commercial and industrial lots) to ensure that the land is free draining.

ADVICE

1. Infrastructure Charges

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

2. Further Approvals Required

a) Operational Works

All civil infrastructure and landscaping works associated with this development must be submitted to council for assessment and approval prior to any works commencing on site. Designs/documentation associated with such an application must be prepared and as applicable, certified by an RPEQ or Landscape Architect/Designer.

b) Plumbing and Drainage Works

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

c) Roadworks Approval

The developer is responsible for obtaining a Roadworks Approval in accordance with Local Laws 4 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must include the following:

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

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

3. 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 and upon payment will schedule the works for connection.

4. Portable Long Service Leave Notification

As per the Qleave – Building and Construction Industry Authority Guidelines, for works over \$80,000, council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to the issue of a Development Permit to carry out Operational Work.

5. Payment of Rates, Charges and Expenses

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

6. Satisfaction of Approval Conditions

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

7. Limitation of Approval

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

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

8. Survey Control

Prior to council signing any survey plans associated with the development, a minimum of two (2) Permanent Survey Marks must be located within the development and tied to the national MGA.

- a) Prior to council signing any survey plans associated with the development, a minimum of two (2) Permanent Survey marks levelled to AHD must be located within the development or within 150m of the development.
- b) In addition, two (2) Permanent Survey marks located within the development or within 500m of the developments must be coordinated on MGA'94.
- c) All new and updated Permanent Survey Mark sketches must be forwarded to the Department of Environment and Resource Management to be added to the SCDB.
- d) Requirement for PSM'S coordinated on MGA'94 not required on small infill developments of five (5) lots or less.

9. Specifications and Drawings

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

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 on the Council Minutes (page 5964) where council resolved that the Committee Recommendation be adopted.

5 MI11/0063 MCU (Impact) Preliminary Approval Under Section 241 (Educational Establishment Masterplan) and Section 242 (to vary effect/level of assessment for a Place of Worship) at 569-591 Bayswater Road, Mount Louisa.

REPORT TO COUNCIL - PLANNING APPLICATION

Authorised by Director Planning and Development
Department Planning and Development
Date 21 September 2012

Address 569-591 Bayswater Road, Mount Louisa
Applicant/Owner Calvary Temple Christian Colleges Ltd
Description Preliminary Approval for 241 (Educational Establishment Masterplan) and 242 (to vary effect/level of assessment for a Place of Worship).

Executive Summary

A Development Application for Material Change of Use (Impact) - Preliminary Approval for an Educational Establishment Masterplan to vary the level of assessment for a Place of Worship, in accordance with section 241 and 242, respectively, of the *Sustainable Planning Act 2009* on Lot 1 RP 748036, situated at 569-591 Bayswater Road, Mount Louisa has been received from Applicant: Calvary Temple Christian Colleges Ltd C/- Everson Town Planning – MI11/0063 1402167 and has been recommended for approval.

Officer's Recommendation

That council approve application MI11/0063 for a Preliminary Approval for Material Change of Use (Impact) - for an Educational Establishment Masterplan and to vary level of assessment for a Place of Worship, in accordance with section 241 and 242, respectively, of the *Sustainable Planning Act 2009* on land described as Lot 1 RP 748036, more particularly 569-591 Bayswater Road, Mount Louisa subject to the following conditions -

**PRELIMINARY APPROVAL
Section 241 of the Sustainable Planning Act 2009**

**MATERIAL CHANGE OF USE
Educational Establishment - School Masterplan**

SCHEDULE OF CONDITIONS

1. Site Layout

- a) The proposed development must generally comply with drawing as referenced in the table below and attached as stamped "Approved Subject to Conditions", except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING NO.	REVISION NO.	STAMP DATE
Proposed Master Plan - Calvary Christian College	MP102/ ETP/ Amd 220612	K	27 June 2012
Ultimate Access Arrangement for Calvary Christian College	TCCC001/SK01	5	27 June 2012

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

- d) The proposed Master Plan date stamped 27 June 2012 is conceptual only and its purpose is to guide the ongoing development of the Calvary Christian School, subject to:
- (i) Further Material Change of Use applications will be as applicable as required by the Planning Scheme (unless otherwise included in the associated preliminary approval for the proposed new church use pursuant to s242 of *Sustainable Planning Act 2009*).

2. Staging Schedule of Building Works

The proposed development must generally comply with the below 'Staging of Building Works'.

Stage	Construction	Anticipated Student Enrolment	Anticipated Year
A	Library (COMPLETED)	760	2012
1	4No. GLAs (S Block) (COMPLETED)	760	2012
2	Technology Centre (APPROVED MC12/0011)	893	2013
3	14No. GLAs Primary School, Beach Volley Ball, Basketball and Tennis Courts, Car park West, Waterway, Detention Basin, Connecting Roadways.	1008	2014
4	8No. Specialist Teaching Spaces and Tuckshop, Sporting Precinct - North	1120	2015
5	Administration Building, Main Entry and South Colonnade Maintenance Workshops	1254	2016
6	6No. Specialist Teaching Spaces, 12No. GLAs Primary School	1404	2017
Church	Church	-	2017-2022
7	14 No. GLAs Secondary Teaching Spaces	1509	2018
8	10 No. GLAs Secondary6 Teaching Spaces	1594	2019
9	Indoor Sports Centre	1684	2022

3. Amended Master Plan

Prior to the lodgement of the third stage of development associated with this site, the following amendments to the Master Plan must be made:

a) Sewer Reticulation

The developer must submit a Sewer Master Plan Report, prior to the lodgement of the third stage of development, in accordance with WSA02-2002, detailing how sewerage reticulation will be designed to comply with all relevant standards and requirements. As a minimum, the Master Plan Report must include identifications of all sewer demands, impacts, sizes, locations, connection points and capacities and details of all engineering design decisions based on City Plan requirements. Any non-standard designs must be accompanied with acceptable justification.

Note: This information has not been confirmed. Council cannot guarantee a practical sewer design to this site.

The developer must not compromise current sewerage services or on applicable standards for sewerage reticulation design for the proposed development.

b) Water Supply

The developer must submit a Water Master Plan Report, prior to the lodgement of the third stage of development, in accordance with WSA03-2011 detailing how water supply will be designed to comply with all relevant standards and requirements. As a minimum, the Master Plan Report must include identifications of all water demands, impacts, sizes, locations, connection points and capacities and details of all engineering design decisions based on City Plan requirements. Any non-standard designs must be accompanied with acceptable justification.

Note: This information has not been confirmed. Council cannot guarantee a practical water supply design to this site.

The developer must not compromise current water supply or on applicable standards for water supply design for the proposed development.

c) Screen Fencing

The fence along the eastern property boundary in accordance with the approved Proposed Master Plan - Calvary Christian College MP102/ ETP/ Amd 220612, is not approved and is to be amended in accordance with the following:

- i) The developer must erect along the eastern property boundary, between the Woolcock Street boundary and Munday Court, an 1800 mm high timber double paling fence; and
- ii) The fence is to be constructed in stages, relevant to new development commencing in the area adjacent to residential properties.

d) Pedestrian Crossing

The developer must provide a pedestrian crossing across Bayswater Road in the form of a pedestrian refuge, supervised children's crossing or pedestrian signals, upon completion of the sixth stage of development.

4. Stormwater Quality Management

The developer must provide a Stormwater Quality Management Plan (SQMP), prior to the lodgement of the third stage of development, prepared in conjunction with stormwater quantity modelling for the site to remove conflicts with proposed works and analysis, and in accordance with Water Sensitive Urban Design for the Coastal Dry Tropics (Townsville) Technical Design Guidelines for Stormwater Management (WSUD Technical Guidelines). The quality of stormwater flows discharging from the site must meet the criteria of council's policies and standards at the time of the application. The Plan and any proposed treatment systems and devices must allow for the whole catchment and not just the development area unless the development is the whole catchment.

5. Car Parking

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with council Standards and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890 and must be maintained thereafter to the standard.
- b) The minimum car parking classifications for off-street carparking applicable to this development are as per Table 1.1 in AS/NZS 2890.
- c) The layout of the on-site car parking spaces must be designed to ensure that all vehicles entering and leaving the site may do so in a forward direction.
- d) The developer must provide a minimum of 343 car spaces in accordance with UDP Horman Traffic Report TCC001/R01; 28 October 2011.

6. Stormwater Drainage

- a) The developer must provide detention on site to mitigate stormwater discharge from the site of 1345 cubic metres in the natural drainage channel, and 30 cubic metres for the catchment discharging at the northeast corner of the site. This must be provided as required by the relevant stage in the development.
- b) Designs for stormwater drainage associated with the approved development must be in accordance with council's adopted policies and standards at the time of any subsequent development application.

7. Roadworks and Traffic

- a) The developer must replace the existing vehicle accesses including the crossovers, unless otherwise agreed by council, in accordance with council's Standard Drawing for *Driveway Access – Urban Residential Properties* and UDP Plan TCCC001/SK01 Rev 5, dated 6 June 2012. All access must be provided in accordance with approved plan prior to the implementation of Stage 4, being approximately 1120 student enrollments.
- b) Unless otherwise agreed by council, the developer must gravel pave and bitumen surface the road shoulder from lip of channel to edge of existing bitumen surfaced pavement for the full frontage of the development site in accordance with council's Standard Drawing for *Concrete Kerbing*, prior to the implementation of Stage 4, being approximately 1120 student enrollments.
- c) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with council's standards.

8. Landscaping

Prior to the lodgement of the third stage of development associated with this site, a concept landscaping plan is required to be submitted to and be approved by council, against the applicable Landscaping Code and/or relevant approval.

Concurrence Agency Conditions - Department of Local Government and Planning (DLGP)

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the DLGP advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use.

Concurrence Agency Conditions - Department of Transport and Main Roads (DTMR)

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the DTMR advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use subject to the conditions, as attached. The applicant must comply with the DTMR conditions as outlined in the Department's correspondence dated 28 September 2012.

Advice Agency - Ergon Energy

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

ADVICE

1. Infrastructure Charges

Subsequent development pursuant to this preliminary approval will be subject to infrastructure charging in accordance with the planning instruments and regulation applicable to the subsequent development applications.

Where planned trunk infrastructure is provided by the developer, and as anticipated by the relevant council policy, an infrastructure agreement may be entered into to facilitate an offset against infrastructure charges.

An Adopted Infrastructure Charges Notice outlining the estimated infrastructure contributions payable will be issued with the Development Permit for each stage of the development or any subsequent Material Change of Use applications.

PRELIMINARY APPROVAL Section 242 of the Sustainable Planning Act 2009

MATERIAL CHANGE OF USE To Vary Effect/Level of Assessment for a Place of Worship SCHEDULE OF CONDITIONS

1. Site Layout

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

DRAWING NAME	DRAWING NO.	REVISION NO.	DATE
Calvary Christian Church Masterplan Development Scheme	-	-	10 November 2012

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

2. Noise

The developer must construct a 1.8m acoustic fence along the eastern boundary of the site, from Bayswater Road to Munday Court, as indicated on the Proposed Master Plan - Calvary Christian College MP102/ ETP/ Amd 220612, or if otherwise approved by council, install a recommendation made by the SLR Report 622.10147'R1; 30 September 2011.

The details of the acoustic fence must be submitted with the subsequent material change of use code application for the church building on site.

3. Amended Masterplan Development Scheme

Prior to the lodgement of the subsequent Material Change of Use for the church building, the developer must submit an amended Masterplan Development Scheme that corrects Table 4.2 - Community and Government - Other Development to reference 'Other Development' in place of 'MCU Development' in the table heading.

Concurrence Agency Conditions - Department of Local Government and Planning (DLGP)

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the DLGP advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use.

Concurrence Agency Conditions - Department of Transport and Main Roads (DTMR)

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the DTMR advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use subject to the conditions, as attached. The applicant must comply with the DTMR conditions as outlined in the Department's correspondence dated 28 September 2012.

Advice Agency - Ergon Energy

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

ADVICE

1. Infrastructure Charges

Subsequent development pursuant to this preliminary approval will be subject to infrastructure charging in accordance with the planning instruments and regulation applicable to the subsequent development applications.

Where planned trunk infrastructure is provided by the developer, and as anticipated by the relevant council policy, an infrastructure agreement may be entered into to facilitate an offset against infrastructure charges.

An Adopted Infrastructure Charges Notice outlining the estimated infrastructure contributions payable will be issued with the Development Permit for each stage of the development or any subsequent Material Change of Use applications.

Committee Recommendation

That the Officer's Recommendation be adopted subject to the following additional conditions:

9. Construction Management Plan

A Construction Management Plan must be submitted to council for approval for each subsequent stage of development.

**MATERIAL CHANGE OF USE
To Vary Effect/Level of Assessment for a Place of Worship**

4. Acoustic Report

An Acoustic Report must be submitted to council for approval with the subsequent code assessable application for the Place of Worship. The report must demonstrate how the ranges of uses occurring on site are mitigated. This range of uses could include but are not limited to:

- Amplified music from the carpark/outside the church building;
- Use of the existing hall for church gatherings; and
- Community events in the carpark.

Council Decision

Refer to resolution preceding item 3 on the Council Minutes (page 5964) where council resolved that the Committee Recommendation be adopted.

6 MI12/0017 MCU (Impact) Multiple Dwelling (addition of 2 x 2 Bedroom Units to existing Dual Occupancy) 209 Bayswater Road, Currajong

REPORT TO COUNCIL - PLANNING APPLICATION

Authorised by Director Planning and Development
Department Planning and Development, Development Assessment
Date 19 November 2012
Address Lot 4 RP 721823 - 209 Bayswater Road, Currajong
Applicant/Owner Mr B Collings, C/- BNC Planning
Description Material Change of Use (Impact) Multiple Dwelling (addition of 2 x 2 Bedroom Units to existing Dual Occupancy)

Executive Summary

A Development Application for Material Change of Use (Impact) - Multiple Dwelling (addition of 2 x 2 Bedroom Units to existing Dual Occupancy) on Lot 4 RP 721823, situated at 209 Bayswater Road, Currajong has been received from Applicant: Mr B Collings, C/- BNC Planning - MI12/0017 2327100 and has been recommended for approval.

Officer's Recommendation

That council approve application MI12/0017 for a Development Permit for Material Change of Use - Multiple Dwelling (addition of 2 x 2 Bedroom Units to existing Dual Occupancy) under Section 243 of the *Sustainable Planning Act 2009* on land described as Lot 4 RP 721823, more particularly 209 Bayswater Road, Currajong subject to the following conditions:

1. Site Layout

- a) The proposed development must generally comply with drawings as referenced in the table below and attached as stamped "Approved Subject to Conditions", except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING NO.	REVISION NO.	STAMP DATE
Site Plan	12-038/1	-	22 October 2012
Ground Floor Plan (existing building)	12-038/2	-	18 April 2012
First Floor Plan (existing building)	12-038/3	-	18 April 2012
Elevations (existing building)	12-038/4	-	18 April 2012
Ground Floor Plan (proposed building)	12-038/5	-	22 October 2012
First Floor Plan (proposed building)	12-038/6	-	22 October 2012
Elevations (proposed building)	12-038/7	-	22 October 2012

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

2. Amended Plans

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

- a) Truncation of the driveway on the Trevor Street frontage to include landscaping within the truncation to soften the impact of the driveway.
- b) Removal of the area of hard stand on the Trevor Street frontage and replacement with landscaping.
- c) Relocation of the bins off the fences to the adjoining property and adjoining units.
- d) Privacy screens to the first floor bedroom windows of the proposed unit adjoining 207 Bayswater Road.

3. Building Materials

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

4. Street Fencing

Should a fence be constructed or the existing fence be replaced along the Bayswater Road and Trevor Street frontages it must allow the development to integrate with its streetscape. The developer must submit to council for approval details of the fence prior to the issue of a Development Permit for Building Works.

5. 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.

6. Lighting

The developer must ensure all internal and external lighting is fitted with shades and erected in a manner that ensures that adjoining premises and roads are not affected.

7. Property Numbering

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

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

8. Drying Facilities

The developer must provide adequate clothes drying facilities. Where applicable clothes drying facilities must be screened from any street or adjacent property.

9. Letterboxes

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

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

10. Screen Fencing

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

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

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

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

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

11. Screening of Plant and Utilities

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

12. Refuse Facilities

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Multiple Dwelling Code, in accordance with *City Plan Policy 2 - Development Standards, Section 8 - Provision for Refuse Services*. In particular,

- a) The resident of each unit is responsible for the storage of their mobile garbage (wheelie) bins including recycling bins. The developer must provide storage areas that are suitably paved, with a hose cock fitted in close proximity.
- b) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- c) All waste generated as a result of the construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

13. Relocation of Utilities

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

14. Car Parking

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with council Standards and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890 and must be maintained thereafter to the standard.
- b) The minimum car parking classifications for off-street carparking applicable to this development are as per Table 1.1 in AS/NZS 2890.
- c) The driveway, manoeuvring areas, car parking areas and paths must all be constructed of:
 - * exposed aggregate concrete; or
 - * interlocking pavers; or
 - * other alternative aesthetically pleasing materials to be approved by council prior to the issue of a Development Permit for Building Works.
- d) The layout of the on-site car parking spaces must be designed to ensure that all vehicles entering and leaving the site may do so in a forward direction.
- e) The developer must provide a minimum of three (3) car spaces for the proposed units on site of which a minimum of one (1) space is required to be dedicated for visitor parking and must be made available at all times for such use. It is noted that the existing building is provided with two (2) covered car spaces and visitor parking in tandem on the driveway, and must be made available at all times for such use.

15. Stormwater Drainage

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

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

16. Minimum Floor Levels

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

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

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

17. Conduit Assessment

A visual inspection of the existing sewer traversing the site must be conducted in accordance with the following:

- a) An assessment is required on the condition of the sewer from manhole 3/10F1 to 2/10F1.
- b) The assessment must be undertaken by a certified CCTV operator to perform conduit condition assessment and the results are to be submitted to council in CD or DVD format accompanied by a written report to be approved in writing by council prior to the issue of a Development Permit for Building Works.
- c) Any upgrading or replacement determined by council will be carried out at the developer's expense prior to the commencement of building works.

18. Water Supply

The developer must install a sub-meter to service each unit.

19. Soil Erosion Minimisation, Sediment Control and Dust Control

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

- a) The contingent design, implementation and maintenance of measures must be provided in accordance with *City Plan Policy 2 – Development Standards*.
- b) During the construction and maintenance phases of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.

20. Vegetation Disposal

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

21. Landscaping

- a) Prior to the issue of a Development Permit for Building Works, a landscaping plan is required to be submitted to and be approved by council as part of Compliance Assessment against the applicable Landscaping Code and/or relevant approval.

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

- * The footpath/road reserve along Bayswater Road and Trevor Street to be turfed and provided with automated irrigation.

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

22. Existing Street Trees

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

23. Roadworks and Traffic

- a) The developer must construct the new access driveway and crossover from the existing kerb and channel to the property boundary at the developer's expense generally in accordance with council's relevant Standard Drawings for Driveway Access and Driveway Crossovers.
- b) The developer must replace the kerb and channelling as necessary to repair any irregularities or breaks for the full frontage of the site in accordance with council's Standard Drawing for *Concrete Kerbing*.
- c) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with council's standards.

24. Further Approvals Required

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

All engineering and landscaping designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experienced person.
- b) **Plumbing and Drainage Works**
The developer must obtain a Development Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

ADVICE

1. Infrastructure Charges

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

2. Connection to Council Water Supply

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

3. Connection to Council Sewer

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

4. Noise

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

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

5. Environmental Considerations

DNRM Requirements

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

6. Building Over/Adjacent to Services

The developer is advised that the proposed building structures are over/adjacent to an existing sewer. In accordance with council's Policy 1201 (*Building Over or Adjacent to Services*) – the applicant is 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.

7. Roadworks Approval

The developer is responsible for obtaining a Roadworks approval in accordance with Local Laws 4 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must indicate the following:

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

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

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 on the Council Minutes (page 5964) where council resolved that the Committee Recommendation be adopted.

7 MI12/0051 0229016 (MCU) - 20 Warburton Street, NORTH WARD - Undefined Use (Kitchen - Food Preparation and Storage Facility and Ancillary Office)

REPORT TO COUNCIL - PLANNING APPLICATION

Authorised by Director Planning and Development
Department Planning and Development – Development Assessment
Date 31 October 2012
Address Lot 3 T 118218, 20 Warburton Street, North Ward
Applicant/Owner Ben Buff Pty Ltd Atf The Hawkins Property Discretionary Trust C/- Brazier Motti/Presbyterian Church of Queensland
Description Undefined Use (Kitchen - Food Preparation and Storage Facility and Ancillary Office)

Executive Summary

A development application for Material Change of Use (Impact) - Undefined Use (Kitchen - Food Preparation and Storage Facility and Ancillary Office) on Lot 3 on T118218 situated at 20 Warburton Street, North Ward has been received from Applicant >> Ben Buff Pty Ltd Atf The Hawkins Property Discretionary Trust C/- Brazier Motti – MI12/0051 0229016 and has been recommended for **approval**.

Officer's Recommendation

That council approve application MI12/0051 for a Development Permit for Undefined Use (Kitchen - Food Preparation and Storage Facility and Ancillary Office) under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 3 on T118218, more particularly 20 Warburton Street, North Ward, **approved** subject to the following conditions -

DEVELOPMENT PERMIT

**MATERIAL CHANGE OF USE
UNDEFINED USE (KITCHEN – FOOD PREPARATION AND STORAGE FACILITY AND
ANCILLARY OFFICE)**

SCHEDULE OF CONDITIONS

1. Site Layout

- a) The proposed development must generally comply with drawing(s) as referenced in the table below and attached as stamped “Approved Subject to Conditions”, except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING NO.	REVISION NO.	SUBMITTED & DATE STAMPED DATE
Proposed Site Plan	-	-	29 August 2012
Site and Drainage Plan	-	-	29 August 2012
Floor Plan	-	-	29 August 2012
North, West & East Elevations	-	-	29 August 2012
South Elevation	-	-	29 August 2012

- b) The proposed development must comply with all conditions of this approval prior to commencement of the use.

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

2. Defined Use

The use hereby permitted must be conducted at all times in conformity with the Undefined Use (Kitchen - Food Preparation and Storage Facility and Ancillary Office).

3. Signage

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

4. Street Fencing

Should a fence be constructed along the Warburton Street frontage it must allow the development to integrate with its streetscape. The developer must submit to council for approval details of the fence prior to commencement of use.

5. Hours of Operation

Unless otherwise approved by council, the activities associated with the use must only be conducted between 8am to 5pm Monday to Saturday inclusive and from 10am to 3pm Sunday and Public Holidays inclusive.

6. Restriction of use

A maximum of five (5) staff are to operate from the site at any one time. The use is also restricted to an average of two (2) food deliveries per day and three (3) stock deliveries per week with a maximum peak of 20 deliveries per week. No stock deliveries are to occur on Sunday or Public Holidays.

7. Storage

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

8. Site Appearance

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

9. Lighting

The developer must ensure all internal and external lighting is fitted with shades and erected in a manner that ensures that adjoining premises and roads are not affected.

10. Property Numbering

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

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

11. Screen Fencing

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

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

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

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

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

12. Screening of Plant and Utilities

a) Plant and utilities including air-conditioners and waste storage must not be visible from the street. The developer must submit a plan identifying the location of all plant and utilities and details of aesthetic screens. Details must be submitted to and approved by council prior to commencement of use.

b) The aesthetic screens must be installed prior to the commencement of the use and must be maintained thereafter to the satisfaction of council.

13. Refuse Facilities

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Minor Centres Code, in accordance with *City Plan Policy 2 - Development Standards, Section 8 - Provision for Refuse Services*. In particular:

a) The waste storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins and must be screened and not visible from any street frontage. The developer must provide a storage area that is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

b) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.

14. Relocation of Utilities

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

15. Car Parking

a) All car parking facilities, associated ramps and driveways must be constructed in accordance with council Standards and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890 and must be maintained thereafter to the standard.

- b) The minimum car parking classifications for off-street carparking applicable to this development are as per Table 1.1 in AS/NZS 2890.
- c) The layout of the on-site car parking spaces must be designed to ensure that all vehicles entering and leaving the site may do so in a forward direction.
- d) The developer must provide a minimum of four (4) car spaces including disabled parking on site in accordance with Australian/New Zealand Standard AS/NZ2890.
- e) All signage and line marking for off-street car parking must comply with the requirements of AS/NZS2890 and AS1742 and associated standards.

16. Stormwater Drainage

Prior to commencement of use, certification by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) of the following requirements must be provided so as to achieve. In particular:

- a) The developer must ensure that no ponding of stormwater occurs on adjacent allotments and that no stormwater formerly flowing onto their development site is diverted onto other neighbouring allotments.
- b) Overland flow paths and underground drainage must be designed so as not to directly or indirectly cause nuisance to a downstream or adjoining property.

17. Soil Erosion Minimisation, Sediment Control and Dust Control

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

- a) The contingent design, implementation and maintenance of measures must be provided in accordance with *City Plan Policy 2 – Development Standards*.
- b) During the construction and maintenance phases of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.

18. Landscaping

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

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

- * The footpath/road reserve along Warburton Street to be turfed and provided with automated irrigation, unless otherwise agreed to by council.
- * The existing garden beds addressing Warburton Street are to have ground cover plantings to improve the amenity of the streetscape.
- * Indicative locations and species of existing landscaping on the site.
- b) The landscape plans must be prepared by a suitably Qualified person who:
 - * is an experienced Landscape Designer

- c) All works must be completed in accordance with the approved landscaping plan and constructed to a standard detailed within City Plan Policy 2 – Development Standards – Section 10 – Landscape Work Specification. Following the approval of the plan, with or without amendments, the developer must implement the plan prior to the commencement of the use. Furthermore, all landscaped areas must be maintained thereafter to the satisfaction of council.

19. Roadworks and Traffic

- a) The developer must upgrade the existing north eastern vehicle access including the crossover in the kerb and channel, in accordance with council's Standard Drawing for *Driveway Access – Urban Residential Properties*.
- b) The developer must replace the kerb and channelling as necessary to repair any irregularities or breaks for the full frontage of the site in accordance with council's Standard Drawing for *Concrete Kerbing*.
- c) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with council's standards.

20. Further Approvals Required

a) Compliance Assessment

Conditions 3, 4, 12 and 18 associated with this development must be submitted to council for approval prior to either the issue of a Development Permit for Building Works or commencement of use, unless otherwise approved by council.

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

b) Plumbing and Drainage Works

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

Concurrence Agency Conditions – Department of Transport and Main Roads

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Transport and Main Roads advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use subject to the conditions, as attached. The applicant must comply with the Department of Transport and Main Roads conditions as outlined in the Department's correspondence dated 25 September 2012.

ADVICE

1. Infrastructure Charges

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

2. Food Premises

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

3. Waste Collection

- a) The owner/occupier of the premises is required to provide an adequate number of waste containers to manage the waste generated by the activities being undertaken onsite.
- b) The proprietor is to arrange for the removal of waste from the premises by a suitably licensed waste transport contractor approved by the local government to transport waste under Section 369A of the *Environmental Protection Act 1994*. Adequate provision must be made for the collection of the waste storage containers within the premises.
- c) The collection of waste is to be undertaken so as to minimize, so far as reasonably practicable excessive noise to neighboring occupants. The collection method must ensure that waste is adequately managed to prevent escape or contamination.

4. Environmental Considerations

DEHP Requirements

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

5. Dilapidation Report

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

6. Trade Waste Permit

The developer is advised that a Trade Waste Permit may be required and should confirm this with council's Trade Waste Inspector.

In these conditions:

- a) A reference to an Act includes all statutory instruments and subordinate legislation made under that Act; and
- b) Terms used have the meaning contained in the Planning Scheme, the *Sustainable Planning Act 2009* or the relevant legislation referred to in those conditions, as the case may be.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 on the Council Minutes (page 5964) where council resolved that the Committee Recommendation be adopted.

8 Legal Services - Complaint by G. Lukas regarding 9 Whyte Street Hermit Park

REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Corporate Governance

Date 3 December 2012

Executive Summary

1. In 2005 the owner of 9 Whyte Street Hermit Park expressed an interest in acquiring a portion of park land at the rear of that property.
2. The request was considered and it was determined to be in the overall public interest to sell the land at an amount determined by a commercial valuation.
3. In September 2006 the sale occurred.
4. Mr George Lukacs, who owns property at 3 Riverview Street Hermit Park that is partially opposite the sold land parcel, has consistently opposed the sale and sought to have it reversed. Mr Lukacs has pursued his complaint within the council, and with external agencies including the Crime and Misconduct Commission. All agencies have supported the council's sale of the land.
5. In recent months a new land parcel comprised of a portion of the former 9 Whyte Street land and the land that the council sold, has been offered for sale.
6. Mr Lukacs has requested that the council buy the new land parcel and then dedicate that land as park land.
7. In September 2012 Cr. Doyle raised Mr Lukacs' request with the Chief Executive Officer who directed that it be considered by staff. I advised the CEO that it was inappropriate to deal with the land in the way that Mr Lukacs requested and the CEO accepted that advice.
8. Cr. Doyle has requested that a report be provided to the council about the matter.
9. This report is provided for information only, as there are no relevant proposed actions requiring a decision of the council.

Officers Recommendation

That council note this information.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 on the Council Minutes (page 5964) where council resolved that the Committee Recommendation be adopted.

Community and Cultural Committee

It was *MOVED* by Councillor S Blom, *SECONDED* by Councillor T Roberts:

- "1. that the committee recommendations to item 9 and items 11 to 14 be adopted; and
2. that item 10 be dealt with separately."

CARRIED UNANIMOUSLY

It was *MOVED* by Councillor S Blom, *SECONDED* by Councillor Colleen Doyle:

- "1. That number 1 of the Officer's Recommendation for item 10 be adopted; and
2. that council write to the mayors of Burdekin, Hinchinbrook and Charters Towers seeking their formal acceptance of the proposal; and
3. that the mayors of these councils be requested to liaise with their relevant arts groups and seek response from those groups by 1 February 2013."

CARRIED UNANIMOUSLY

9 Transition of Early Years Information Service to Library Services

REPORT TO COUNCIL

Authorised by Director Community and Environment
Department Library Services
Date 28 November 2012

Executive Summary

The Early Years Information Service is a funded program of council that provides services to families in the Townsville West area. The Early Years Information Service is sponsored by Townsville City Council and funded through the Communities for Children Townsville West initiative which is funded by the Department of Families, Housing, Community Services and Indigenous Affairs. Funding is also provided by Queensland Health. Currently the service operates from a shopfront on Fulham Road in Gulliver.

To reduce costs in light of potential funding shortfalls in 2013/2014 and to continue to provide and extend services to families in the Townsville West area, the EYIS office will physically relocate to CityLibraries Aitkenvale in mid January 2013. Staff working in the Early Years Information Service will move to library services and report to the Coordinator of Lifelong Learning from 4 December 2012.

Synergies exist between the programs and services provided by the library and those facilitated by the EYIS office. Opportunities exist for future program development based upon these synergies. It is envisaged that due to similarities in the two services the transition of the EYIS office to Aitkenvale library will be smooth. However minor works will be undertaken to accommodate the EYIS.

The move will benefit the community by making the EYIS more sustainable so that they can continue to work in the Townsville West area into 2013/2014. With the proposed extension of the boundary of the Townsville West area by FAHCSIA, programs and services provided by the EYIS can reach a wider section of the community, in particular, new migrants and refugees settled in the Aitkenvale area.

Officer's Recommendation

That this report be noted by council.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 on the Council Minutes (page 6000) where council resolved that the Committee Recommendation be adopted.

10 Community Services - NQ Arts Awards Strategic Recommendations

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Community Services

Date 27 November 2012

Executive Summary

The Townsville Arts Awards recognises achievements in the arts community annually for the previous year. The awards nomination process is conducted by council's Cultural Development Officer. The awards night is managed by council's Events and Protocol Unit who also hold the budget for the project.

The event in recent years has seen a revitalisation that has led to increased nominations, attendances and relevance to the arts industry. That revitalisation has occurred due to falling numbers in nominations and attendances to the awards night in the years 2006, 2007 and 2008.

The 2012 event has identified several recommendations taking the event forward into the future to ensure the awards themselves remain coveted by the arts community and the event remains sustainable through higher revenue streams from sponsorship and ticket sales.

The following report provides strategic recommendations that will improve identified operational areas associated with the delivery of the annual Arts Awards.

Officer's Recommendation

1. That council resolve that the Townsville Arts Awards be expanded to be regional in nature, to be named the North Queensland Arts Awards, with the region including the areas of Townsville, Burdekin, Ingham, and Charters Towers.
2. That council resolve that the Townsville Arts Awards Nomination Selection Criteria be reviewed to accommodate nominations from the expanded geographical area, and to enable judging to be open, transparent and equitable.
3. That council resolve that the Townsville Arts Awards nomination process be modified to enable self nomination.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 on the Council Minutes (page 6000) where council resolved that:

1. number 1 of the Officer's Recommendation for item 10 be adopted; and
2. that council write to the mayors of Burdekin, Hinchinbrook and Charters Towers seeking their formal acceptance of the proposal; and
3. that the mayors of these councils be requested to liaise with their relevant arts groups and seek response from those groups by 1 February 2013.

11 Community Services - Regional Arts Development Fund (October 2012 Round)

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Community Services

Date 27 November 2012

Executive Summary

On Tuesday, November 13, the Regional Arts Development Fund (R.A.D.F.) Committee convened to assess the October 2012 round of applications. Twenty applications were received. Grant money available for distribution in this October 2012 round amounted to \$50,000.

The total financial request of applications to the R.A.D.F. programme in this round amounted to \$85,240. This amount contrasts with the *total* cost of these arts/cultural projects and activities reaching \$290,596.

Of the 20 applications assessed, 14 were approved for funding (six not approved). The applications received and assessed in this R.A.D.F. round comprised proposals for visual art (7), writing (4), new media (3), dance (2), music (2) and festivals (2).

Four categories were applied to in this round (number of applications funded indicated in parenthesis) with *Building Community Cultural Capacity* – 8 (6) yielding the highest number of applications, followed by *Contemporary Collections/Stories* – 5 (3), *Concept Development* – 4 (3), and Cultural Tourism – 3 (2).

Officer's Recommendation

That council approves the amounts recommended by the Regional Arts Development Fund Committee and the Financial Assistance & Events Group (FAEG) for the October 2012 round of the Regional Arts Development Fund Program, totalling \$49,007 (ex GST) as detailed in the tables below.

Building Community Cultural Capacity		
Australian Concerto & Vocal Competition	Provision of professional fees for vocalist Merlyn Quaife and vocal accompanist Maryleigh Hand to provide workshops in singing	\$1,950
Townsville Men's Shed	Provision of fees for community/public artist and sculptor Sue Tilley to work in collaboration with members of the new Townsville Men's Shed to create an artwork through welding	\$3,000
Re-Cre8ive Recycled Art (Sandra Elton)	Provision of school holiday art programmes to families in the Northern Beaches in partnership with North Townsville Community Hub	\$3,800
Umbrella Studio	Provision of workshops in new media that will result in digital projections on the carpark wall of Umbrella Studio	\$2,460
Perc Tucker Regional Gallery	Provision of a two-day workshop in stencil art for youth led by Regan Tamanui	\$2,197
Dance North	Provision of professional fees for dancers to work with members of the public in the Dance North Connects programme	\$5,000

Contemporary Collections/Stories		
La Luna Youth Arts	Research and publishing of the history of La Luna Youth Arts and establishment of an alumni programme 'Over the Moon – reconnect with your youth'	\$4,000
Writers in Townsville Society	Production of an anthology of non-fiction stories, and articles, and accompanying photographs about the community and cultural life of Townsville and region	\$3,300

Magnetic Island History & Craft Centre	Filming and production of a short documentary about Magnetic Island and the Picnic Bay School centenary that will involve past students who are now living in different parts of Australia	\$4,300
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Concept Development

James Cook University	Development of a scoping study of the economic contribution of the creative industries to the Townsville region	\$4,500
Vonnie van Bemmell	Development of a plan for the aesthetic and social transformation of the people and place of Vincent through the medium of community art to alleviate the effects of the 2012 tornado	\$3,000
Michelle Hall	Research and planning for a new festival of digital art involving projections of film and still image	\$3,000

Cultural Tourism

Naomi Smith	Development of a collection of visual artworks about plants endemic to North Queensland, and associated marketing, and accompanying catalogue with essay, for an exhibition to coincide with Queensland Week 2013	\$3,500
Arts N.Q.	Development and presentation of a new arts/lifestyle festival for Townsville to be staged during mid-year 2013	\$5,000
Total Amount Recommended		\$49,007

Applicants not recommended for funding through October 2012 round

Projects or Activities	NOT Approved for Funding (and amount sought)	
Young ah Barnes	Costs to rehearse, perform and record a D.V.D. and C.D. of public performances of original piano composition called 'Eden'. <i>The committee considered the application to be of a personal, commercial interest that should have sponsorship support and greater interest from the public. Once a sponsor has been secured, the committee asks the applicant to consider seeking minimal support from the R.A.D.F. and identify what means through which the promotion and sales of the compact discs will occur.</i>	\$5,000
Matt Whitton	A new media project that will film Indigenous Australian and non-Indigenous Australian artists to create an dance-opera to be performed by Magnetic Island Primary School students. <i>The committee considered the application to lack robust rationale and structure, with the overall presentation lacking quality. No notional dates were included in the Project Management table of question 3, and the budget presented inaccurate calculations of income and expenditure with respect to the R.A.D.F. contribution. The committee advises the importance of always checking funding applications for readability and consistency of information. The committee encourages that future applications be submitted by the applicant for film-production as few submissions to the R.A.D.F. programme are made for this artform.</i>	\$5,000
Herb Society of North Queensland	Research and recording of the history of the Herb Society of North Queensland in a publication. <i>The committee found that the application lacked crucial information in order for it to make an informed decision as to what the application was about and for whom, other than members of the Society. The front page of the application was not completed, questions 2.7 and 3.2 were not answered, and much of the information in the application that was given</i>	\$4,100

	<i>provided inadequate explanation of the project's rationale, which gave an impression that the application was seeking funding to top up a budget for a project already underway. The eligibility checklist was also not completed.</i>	
Claudia Gaber	<p>Development of an informative map of Magnetic Island that comprises photographs and illustrations for the benefit of residents and cultural tourists.</p> <p><i>Whilst the committee considered this application to demonstrate initiative and to address a need, the project requires greater support from tourists and residents of Magnetic Island, as well as the backing of a commercial sponsor. Endorsement from Townsville City Council's Economic Development section could also be worthwhile. When these requirements have been met, the committee would appreciate a resubmission of the application for its reconsideration in forthcoming funding rounds.</i></p>	\$4,800
Burdekin Celtic Dancers	<p>Professional costs to pay Travis Moran to tutor young people in Irish Dancing.</p> <p><i>The committee recognises the importance of arts development and appreciation yet it agreed that the organisation could finance the project itself through participants' fees. No mention in the application was made of where, geographically, the workshops would be held, and the front page of the application was incomplete. A more favourable proposal in the future might be to consider a public showing of the results of the workshops.</i></p>	\$2,333
Townsville Intercultural Centre	<p>Art workshops for young refugees.</p> <p><i>The committee considered this application to be well written yet limited in scope in terms of its potential for community, intercultural development. The same wording in each of the letters of support undermined the intent of the application's integrity. Future applications should consider public showings of the results of workshop programmes.</i></p>	\$5,000

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 on the Council Minutes (page 6000) where council resolved that the Committee Recommendation be adopted.

12 Community Services - Festivals & Events Grant Program

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Community Services

Date 27 November 2012

Executive Summary

Council has received a number of applications for financial support through the Festivals and Events Grant Program. This program is part of the Community Grants and Sponsorships Scheme which sits under the Community Development Section of the Community Services Department.

The aim of council's Festivals and Events Grant Program is to support festivals, community events and celebrations which showcase Townsville's talent and enhance community identity and pride; and bring economic and tourism opportunities to the region.

The following report outlines recommendations from the Financial Assistance and Events Group meeting held 27 November 2012. There were ten applications submitted through this program during October/November 2012 and it is recommended that council support eight applications.

Officer's Recommendation

That council approve the amounts recommended by the Financial Assistance and Events Group (FAEG) through the Festivals and Events Grant Program as detailed in the following table:

Organisation	Activity/Project	Recommendation (Ex GST)
Event Category: Feature Event		
Townsville Greek & Cultural Festivals Inc.	Cash support plus a waiver of park and venue hire fees associated with the delivery of the annual Greekfest event held at Riverway during October each year. (Funding towards the 2013, 2014 and 2015 events on the condition that free public admission be maintained).	2013/2014 - \$40,000 2014/2015 - \$41,000 2015/2016 - \$42,000 Plus up to \$7,010 worth of waived hire fees each year
Campervan & Motorhome Club of Australia (Tropical Coast Wanderers)	Waiver of park hire fees associated with the delivery of the 2013 Dam Fine Rally to be held 27 June to 8 July 2013 (total 15 days)	Up to \$1,500 worth of waived park hire fees
Event Category: Corporate Event		
John Watson - mayTriX (working title only)	Sponsorship of the inaugural Townsville Festival 2014 to be held at various locations in Townsville, beginning May 2014	Waiver of associated venue hire fees (pending booking and approval of council coordinated venue/park)
Event Category: Developing Event		
Adventurethon Australia Pty Ltd	Assistance with infrastructure costs and staging for the 2013 Magnetic Island Adventurethon Event to be held 23 to 24 March 2013. Plus waiver of hire fees for Picnic Bay (2 days)	\$7,900 plus waiver of hire fees (\$200)
Event Category: Community Event		
Lions Club of Townsville Central Inc.	Towards the coordination and staging of the 2013 Townsville Plant and Garden Expo to be held at Riverway in October 2013. Plus waiver of hire fees for village grove and village green (4 days)	\$4,000 plus waiver of hire fees (\$700)

NQ Dry Tropics	Assistance with cost of event equipment hire for the delivery of the 2013 Celebrate the Sea Festival to be held 3 March at Pallarenda. Plus waiver of hire fees for Pallarenda.	\$2,000 plus waiver of hire fees (\$25)
NQ Community Services	Assistance with the delivery of the 2013 NQ Community Services "Meeting Places" - Upper Ross Community Expo to be held 4 May 2013 at the Community Centre	\$2,500
An Indigenous Corporation for Townsville Helping our People Everyday	Waiver of venue hire fees associated with the delivery of a two day Indigenous Youth Conference to be held 1 December 2012 at Tony Ireland Stadium	Up to \$1,240 worth of waived venue hire fees

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 on the Council Minutes (page 6000) where council resolved that the Committee Recommendation be adopted.

13 Community Services - Community Heritage Grants (October 2012 Round)

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Community Services

Date 27 November 2012

Executive Summary

The Community Heritage Grant Program provides grants of up to \$5,000 to assist organisations that play an active role in preserving Townsville's history and heritage. The program currently has one round in October each year, with \$10,000 available for distribution in 2012/2013.

Through the October 2012 round of the Community Heritage Grants Program, council has received six (6) applications requesting a total of \$23,116 (ex GST). The grant applications received in this round have been assessed and it is recommended that council fund three (3) applications totalling \$8,248 (ex GST).

Council's Special Projects (Heritage) Unit made the initial assessments of these six applications, which were recommended to the Managerial Assessment Meeting and then the Financial Assistance and Events Group (FAEG).

Officer's Recommendation

That council approve the amounts recommended by the Financial Assistance and Events Group (FAEG) on 26 November 2012 through the Community Heritage Grants Program as detailed in the following table.

Organisation	Activity/Project	Recommendation (Ex GST)
Magnetic Island History and Craft Centre Inc.	Painting of Picnic Bay School for the 100 year celebration in June 2013 (\$4100)	2012/2013 - \$4,000 <i>Towards repainting of the school.</i>
Army Museum of North Queensland	A museum display and interpretive panel to showcase artefacts from the collection regarding from Australia's involvement with the Japanese in the Pacific.	2012/2013 - \$3,565 <i>Towards two museum displays and freight.</i>
North Qld Military Aviation Museum Inc.	Signage for Missile display at the museum.	2012/2013 – \$683
	Total	\$8,248.00

Applications **not recommended** for funding through the program include:

Organisation	Activity/Project
National Trust of Queensland Townsville/NQ Branch	Construction of exposed aggregate driveway and concrete path. Request: \$4,620
Townsville Herb Society Inc.	Research and writing of the history of The Herb Society and their work with council-owned gardens. Request: \$4,100

NQ Training and Community Centre	A community engagement/participation exercise to eventuate in the development of interpretive panels detailing the history of Garbutt. Request: \$4,965
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Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 on the Council Minutes (page 6000) where council resolved that the Committee Recommendation be adopted.

14 Community Services - Partnerships & Sponsorships Program

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Community Services

Date 28 November 2012

Executive Summary

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

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

The following report outlines recommendations from the Financial Assistance and Events Group (FAEG) held 26 November 2012.

The report also recommends the gifting of four lane ropes (50m long each) and one pool blanket to the Magnetic Island Pool.

Officer's Recommendation

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

Organisation	Activity/Project	Recommendation (Ex GST)
Full Throttle (Theatre) Inc.	To assist with operational expenses for Full Throttle Theatre Company for the 2012/2013 financial year	2012/2013 - \$40,000
Townsville Community Music Centre Inc.	To assist with operational expenses for the Townsville Community Music Centre for the next three financial years (2012/2013, 2013/2014, 2014/2015)	2012/2013 - \$30,000 2013/2014 - \$30,000 2014/2015 - \$30,000
Townsville Little Theatre	To assist with operational expenses for Townsville Little Theatre for the next three financial years (2012/2013, 2013/2014, 2014/2015)	2012/2013 - \$6,000 2013/2014 - \$6,000 2014/2015 - \$6,000
Kith & Kin Association Ltd	To assist with expenses associated with the Artworks weekly art therapy workshops at Wulguru Community Centre for the next three financial years. Plus the waiver of associated weekly hire fees.	2012/2013 - \$8,000 2013/2014 - \$8,000 2014/2015 - \$8,000 Plus waived hire fees for WCC to value of \$1,104 per year
Townsville Bird Breeders Association	To assist with the Northern Avian Society Conference to be held at Marion School in Townsville from 28 to 30 June 2013	2012/2013 - \$4,000
SOLAS (Supported Options in Lifestyle and Access Services Inc.)	Sponsorship to assist with producing the 2013 SOLAS Calendar	2012/2013 - \$1,000

Magnetic Island State School (M.I.S.S)	Gifting of surplus lane ropes (4 x 50m) and one pool blanket (50m x 5m) from Long Tan Pool to be used at the Magnetic Island Pool – value of \$500	N/A
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Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 on the Council Minutes (page 6000) where council resolved that the Committee Recommendation be adopted.

Smart City Sustainable Future Committee

It was MOVED by Councillor V Veitch, SECONDED by Councillor Les Walker:

"1. that the committee recommendations to items 15 and 16 be adopted."

CARRIED UNANIMOUSLY

15 Presentation Bushfire Management Activities

PRESENTATION

Authorised by Director Community and Environment
Department Integrated Sustainability Services
Committee Smart City Sustainable Futures Committee
Date Wednesday, 28 November 2012

Executive Summary

Presentation on Integrated Sustainability's current Bushfire Mitigation program in natural areas under the Land Management function and an overview of this year's activities.

Officer's Recommendation

That council note this presentation.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 on the Council Minutes (page 6012) where council resolved that the Committee Recommendation be adopted.

16 Update National Water Week

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Integrated Sustainability Services

Date 7 November 2012

Executive Summary

National Water Week is an annual awareness week that aims to improve community understanding of water issues in Australia. As part of Australia's only national water awareness week, Integrated Sustainability Services successfully facilitated a number of community engagement, education, awareness and on-ground activities across our city:

- Community activities and games at the Strand Water Park
- On ground environmental works in Townsville waterways and wetlands
- Industry training in stormwater management
- School based education and awareness
- Community engagement using water quality monitoring
- Launch of a water conservation pilot program – *The Compost Revolution*

Officer's Recommendation

That council is aware of achievements and opportunities created as part of *National Water Week 2012*.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 on the Council Minutes (page 6012) where council resolved that the Committee Recommendation be adopted.

Sports Parks and Recreation Committee

It was *MOVED* by Councillor P Ernst, *SECONDED* by Councillor Les Walker:

"1. that the committee recommendations to items 17 and 18 be adopted."

CARRIED UNANIMOUSLY

17 Parks Services - Request to Name Park in Rasmussen

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Parks Services

Date 27 November 2012

Executive Summary

Council has received a submission by Brazier Motti on behalf of the applicant, Defence Housing Australia (DHA), to name the proposed park within Stage One of Bluewattle Estate. The proposed park land will be developed on Lot 900 Riverway Drive, Rasmussen. DHA are requesting for the park to be officially named 'Jeff Caddies Park' after Earnest Jeffery Caddies, who served with the Defence Force since 17 June 1940.

Officer's Recommendation

That council approve the request from Defence Housing Australia to name the park (on Lot 900 Riverway Drive, Rasmussen) 'Jeff Caddies Park'.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 on the Council Minutes (page 6014) where council resolved that the Committee Recommendation be adopted.

The Mayor commended this item.

18 Community Services - Sport and Recreation - 2012 State Government Grant Applications

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Community Services

Date 28 November 2012

Executive Summary

The Queensland Government's Department of National Parks, Recreation, Sport and Racing provides various funding programs that target new and improved opportunities for people to participate in sport and active recreation. The current funding program is known as *Get in the Game* - a funding initiative that supports sport and recreation at the grassroots level. *Get in the Game* comprises three funding programs worth \$18 million over the next three years; the three funding programs are *Get Started*, *Get Going* and *Get Playing* and are designed to get more people, especially children and young people, playing sport and involved in recreation activities.

The funding program - *Get Playing* provides up to \$100,000 funding to improve facilities. The aim is to assist local sport and recreation organisations with facility development so more Queenslanders are encouraged to become involved in the sport or recreation activity of their choice. Applicants are required to attach evidence of support from their local council to their applications in order to be eligible for the funding.

Townsville Sport and Recreation clubs have prepared 13 grant submissions for consideration under this state government program and council endorsement of the support, approval and commitment involved in these submissions is sought.

Officer's Recommendation

1. That council endorse the provision of letters of support to be included in the submissions seeking grant funding for proposed works to be undertaken by clubs applying under the *Get Playing* component of the *Get in the Game* program.
2. That council approve (subject to relevant planning and building approvals) the proposed works and financial commitment regarding the Northern Beaches Cricket Club's (Kilcora Park) submission under the *Get Playing* component of the *Get in the Game* program. The works identified as council's responsibility to provide are the design and installation of an irrigation system for two fields (\$120,000 including GST) has been proposed in the Parks Services capital budget for this purpose in the 2013/2014 budget).
3. That council acknowledge that the support, approval, and financial contribution towards proposed works is conditional upon the club's grant submissions being successful and financial support being provided by the state government under the *Get Playing* component of the *Get in the Game* program, and it does not commit council to providing this support, approval, or financial contribution for future funding applications.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 on the Council Minutes (page 6014) where council resolved that the Committee Recommendation be adopted.

Healthy and Safe City Committee

It was *MOVED* by Councillor G Eddiehausen, *SECONDED* by Councillor Colleen Doyle:

- "1. that the committee recommendations to items 20 to 22 be adopted; and
2. that the committee recommendation to item 19 be adopted subject to the following amendment:
 - that council approve attendance and leave of absence for Mayor, Councillor J Hill to attend the Australian and New Zealand Disaster Management Conference in Brisbane on 29 - 31 May 2013"

CARRIED UNANIMOUSLY

19 Australian and New Zealand Disaster and Emergency Management Conference on 29-31 May 2013

REPORT TO COUNCIL

Authorised by Director Corporate Governance
Department Corporate Governance
Date 28 November 2012

Executive Summary

The Australian and New Zealand Disaster Management Conference will be held in Brisbane on 29 - 31 May 2013. The conference will consider what has been learnt in the past few years and provide a comprehensive forum that shines a spotlight on resilience and offers an opportunity to advance and improve approaches, thoughts and opinions. The conference will also examine expertise, competencies and aptitudes relating to the preparedness for future disasters, emergencies and hazards and the ability to recover from them quickly and efficiently.

Officer's Recommendation

1. That council approve the attendance of Councillor G Eddiehausen APM, as Chair of the Healthy and Safe City Committee, at the Australian and New Zealand Disaster Management Conference in Brisbane on 29 - 31 May 2013.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to Councillor G Eddiehausen APM from council to allow attendance at the Australian and New Zealand Disaster Management Conference in Brisbane on 29 - 31 May 2013.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 on the Council Minutes (page 6016) where council resolved that the Committee Recommendation be adopted *subject to the following amendment:*

- ***that council approve attendance and leave of absence for Mayor, Councillor J Hill to attend the Australian and New Zealand Disaster Management Conference in Brisbane on 29 - 31 May 2013"***

20 Environmental Health Services - Litter and Illegal Dumping

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services

Department Environmental Health Services

Date 27 November 2012

Executive Summary

Environmental Health Services have been developing a project proposal to tackle litter and illegal dumping across the city. The project aims to streamline the current way in which council takes action against people who litter and illegally dump materials and to improve communication between the various departments who deal with the issue.

Officer's Recommendation

For the information of the Healthy and Safe City Committee.

Committee Recommendation

That the information be noted.

Council Decision

Refer to resolution preceding item 19 on the Council Minutes (page 6016) where council resolved that the Committee Recommendation be adopted.

21 Townsville Dengue Fever Management Update

REPORT TO COUNCIL

Authorised by Director Community and Environment
Department Environmental Health Services
Date 28 November 2012

Executive Summary

Townsville's dengue fever management comprises a holistic approach based on proactive and reactive dengue management including marketing campaigns. This report provides an update on council's -

1. Proactive Urban Mosquito Response Program;
2. Vector Marketing Communications Plan; and
3. linkages with Queensland Health.

Dr Steven Donohue, Public Health Medical Officer, Townsville Public Health Unit provided a presentation on Dengue control in North Queensland at the meeting.

Officer's Recommendation

That council receive the report.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 on the Council Minutes (page 6016) where council resolved that the Committee Recommendation be adopted.

22 Community Services - CCTV Policy and State Government funding

REPORT TO COUNCIL

Authorised by Director Community and Environment

Department Community Services

Date 26 November 2012

Executive Summary

A new policy relating to the management, operation and use of CCTV cameras has been developed and its adoption as well as the rescinding of related superseded policies from the former Townsville City Council and City of Thuringowa are proposed.

In addition, the state government has advised that funding of \$100,000 for the procurement of relocatable CCTV cameras has been made available and the acceptance of that funding for that purpose is proposed.

Officer's Recommendations

1. That council approve the rescinding of the former City of Thuringowa Management, Operation, and Use of CCTV Policy 2/004, and the former City of Townsville Code of Conduct Closed Circuit Television System Policy 241
2. That council approve the acceptance of state government funding for the purpose of the procurement of relocatable CCTV cameras
3. That council approve the adoption of the Management, Operation and Use of CCTV Policy as follows:

MANAGEMENT, OPERATION AND USE OF CLOSED CIRCUIT TELEVISIONS

1. POLICY STATEMENT >>

The Council installs closed circuit television (CCTV) systems in public areas and council facilities with the objectives of promoting public safety and minimising damage or theft of Council assets.

To the extent possible without reducing the effectiveness of the CCTV systems in achieving those objectives, the Council will operate its CCTV systems in a way that protects the privacy of individuals.

2. PRINCIPLES >>

CCTV systems will be:

- installed only in locations where the system will promote public safety or minimise damage or theft of Council assets;
- operated with efficiency, impartiality and integrity; and
- operated in a way that minimises intrusion upon individual privacy while still allowing the system to serve the objectives for which it was installed.

3. SCOPE >>

This policy applies to Council owned and Council managed CCTV systems

4. RESPONSIBILITY >>

The Chief Executive Officer, Directors, Executive Managers and Supervisors are responsible for ensuring the policy is understood and adhered to.

Community Services: is responsible for establishing the need for CCTV within council managed community facilities and open spaces.

Knowledge Management: has ownership and ongoing responsibility for resourcing and installing, maintaining and repairing council's CCTV systems.

Technical Services: is responsible for establishing the need for CCTV monitoring in council buildings, reporting known outages and contract management of service providers.

Corporate Governance: is responsible for the recovery and provision of approved footage to authorised representatives.

5. DEFINITIONS >>

CCTV System any system installed by the council to electronically record video or audio/video of any public place or council facility.

6. POLICY >>

6.1 Identification of Need and Approval

The resources available for the installation of CCTV systems are limited, and priority is to be determined by a risk assessment of identified sites.

Management, Operation and Use of Closed Circuit Televisions Policy – Page 2 of 3

The Executive Manager Community Services is responsible for identifying and confirming the need for CCTV monitoring within council managed community facilities and open spaces.

The Executive Manager Technical Services is responsible for identifying and confirming the need for CCTV monitoring within Council buildings.

Each recommendation to install a CCTV system must be submitted to the Executive Management Team for approval.

6.2 Resourcing, Installation and Maintenance

The Executive Manager Knowledge Management is responsible for:

- selecting the optimum (within resources) CCTV system for each location;
- resourcing the costs of installing and maintaining each system; and
- installing and maintaining each CCTV system.

6.3 Monitoring

Council's CCTV systems primarily will be used to collect information for later use in regulatory and legal proceedings. At most times, CCTV systems will not be monitored by council on a "real time" basis, nor will the recordings be generally reviewed.

In some circumstances (such as major public events) it may be appropriate for real time monitoring of the CCTV system data to occur. The Executive Manager who identifies the need for real time monitoring is responsible for providing the resources necessary to carry out that monitoring.

A number of the council's CCTV systems provide a data feed to the police service, and that service's monitoring of the CCTV is outside the scope of this policy.

6.4 Privacy

All CCTV systems are to be operated in a way that minimises intrusion upon individual privacy while still allowing the system to serve the objectives for which it was installed. This will require at least:

- appropriate training of operators;
- for all CCTV systems installed in public places, the display of signage to a standard no less than that defined in the National Code of Practice for CCTV;
- secure storage, retrieval and destruction of CCTV data as set out in this policy; and
- the adoption of processes to prevent unauthorised access to or disclosure of CCTV records.

6.5 Destruction of CCTV Records

To minimise intrusion upon the right to privacy, unless further preserved under this policy all CCTV system records are to be destroyed not earlier than 30 days and not later than 60 days after the record is created.

A CCTV system record is to be further preserved under this policy if:

- in the assessment of a Director or the Executive Manager Community Services or the Executive Manager Technical Services preservation of the record is in the council's interest for any reason;
- a request to access the particular record is received from a law enforcement or government regulatory agency (for example the police service, the fire service, or another government body with the responsibility for enforcing laws);

Management, Operation and Use of Closed Circuit Televisions Policy – Page 3 of 3

- a request to access the particular record is received from any party other than a law enforcement or government regulatory agency.

(Note: the receipt of a request for access to a particular record will make that record a "public record" under the Public Records Act 2002 and trigger a requirement that the record be retained in compliance with that Act.)

6.6 Access to Records

To minimise intrusion upon the right to privacy CCTV system records will be kept confidential and provided to third-parties only when that provision is authorised by law. That will include requests:

- from law enforcement or government regulatory agencies;
- from individuals (or their legal representatives) when they establish to the council's satisfaction that the record specifically relates to the individual and is necessary for legal proceedings or prospective legal proceedings;
- under the *Right to Information Act 2009*.

Corporate Governance is responsible for the recovery and provision of approved records to authorised third-parties.

In addition, a Director may authorise extraction of a particular record from within the CCTV system data when the Director determines that extraction of the record is in the council's interest. The Director is responsible for appointing staff from within the Director's Department to review and extract the record.

The Director may authorise release of the record to a third-party (including the media) when the Director determines that the release of the record is in the council's interest. When making a determination to release a record the Director must give significant weight to protecting the privacy of individuals depicted in the record, unless the individual is depicted as being engaged in unlawful or anti-social conduct and the release of the record may assist in identifying the individual.

6.7 Complaints

All complaints received in relation to CCTV systems are to be dealt with under the Council's General Complaints Policy.

7. **LEGAL PARAMETERS >>**

Information Privacy Act 2009

Invasion of Privacy Act 1971

Public Records Act 2002

Right to Information Act 2009

Security Providers Act 1993

AS4806.1 - 2006 Closed Circuit Television (CCTV) Point 1; Management & Operation

8. **ASSOCIATED DOCUMENTS >>**

General Complaints Policy

Safety Needs Assessment Procedure

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 on the Council Minutes (page 6016) where council resolved that the Committee Recommendation be adopted.

Governance and Finance Committee

It was *MOVED* by Councillor J Lane, *SECONDED* by Councillor Colleen Doyle:

"that the committee recommendations to items 23 to 27 be adopted."

CARRIED UNANIMOUSLY

23 Presentation - Overview of Audit Committee - Carolyn Eagle (Chair Audit Committee)

PRESENTATION

Committee	Governance and Finance Committee
Date	11 December 2012

Executive Summary

The following presentation by Carolyn Eagle, Chair of Audit Committee on an overview of the Audit Committee was provided at the meeting:

Thank you for the opportunity to attend the Governance and Finance Committee meeting this morning.

My name is Carolyn Eagle and I am the independent external Chair of the Townsville City Council Audit Committee. In addition to this role, I am also the Audit Committee Chair of Cairns; Isaac and Gladstone Regional Councils and am the Deputy Chairman of the Cairns and Hinterland Hospital & Health Service Board.

The purpose of this presentation is to provide an overview of the Audit Committee activities; its role and purpose within Council and the contribution it makes to TCC Governance.

The Local Government Act mandates the formation and operation of an Audit Committee for all Queensland Councils of remuneration band 3 and above. Townsville City Council falls within this band and has had an Audit Committee in place for many years, even before it was required by legislation.

Audit Committees have specific functions, and act in an advisory capacity to assist the organisation fulfil its governance responsibilities. The Audit Committee role and responsibilities are set out in the Terms of Reference, and these vary depending on each organisation's needs and the duties delegated to the Committee.

The Townsville City Council Audit Committee consists of 3 members – myself, Mayor Hill and Cr Lane. Standing invitees to the Committee meetings are the CEO; Manager Internal Audit; Exec Manager Corporate Governance, Council's Contracted External Auditor and a Queensland Audit Office representative. Periodically other Council officers attend the Committee to provide briefings and updates on pertinent matters. These invitees typically include Managers from Corporate Services, Finance and Knowledge Management.

The Committee meets 4 times per year for 3 hours each meeting.

For Townsville City Council the Audit Committee's roles and duties include:

Those mandated by legislation: *LGA 2009, S.150(4)*

- (a) Monitor and review –
 - (i) the integrity of financial documents
 - (ii) the internal audit function
 - (iii) the effectiveness and objectivity of Council's internal auditors
 - (iv) the effectiveness, independence and objectivity of Council's external auditors
- (b) Make recommendations to Council about any matters that the Audit Committee considers need action or improvement.

Other non mandatory duties for the TCC Audit Committee also include:

- Oversee and assess Council's enterprise risk management processes;
- Monitor and oversee the corporate governance systems for managing internal control and legal and regulatory compliance;
- Evaluate and facilitate practical discharge of Council's Internal Audit Unit function;
- Oversee Council's financial and operational statutory reporting processes.

The Audit Committee contributes to effective governance and provides a level of assurance that the organisation's key financial, risk and internal control processes are operating effectively.

The beneficiaries of the Audit Committee's monitoring and oversight role include: Directly - Elected Members; Council Management and employees; and Queensland Audit Office; and Indirectly - Townsville Community; Ratepayers; State Government; Groups and entities that partner with TCC.

The Audit Committee specifically provides the organisation and its members with:

- Assurance and accountability from management that essential financial and non-financial internal controls and risk management functions are operating effectively and reliably
- Independent, technical review of Council's annual Statutory Financial Statements and the representations made by management in preparing the annual accounts
- Overview of key elements of Council's risk management function and the effectiveness of its operation
- Monitoring of management's approach to key strategic and operational matters relevant to the Audit Committee Terms of Reference, including major ICT implementations; leave management initiatives; policy harmonisation initiatives
- Independent oversight of the organisation's Internal Audit function, including contributing to the development of the annual and three-year Internal Audit Project Plans to be performed by the Internal Auditors. The Internal Audit Planning occurs annually with involvement from Council's Internal Auditor; Management and the Audit Committee.

The process sets out the areas to be reviewed by Internal Audit at the start of each financial year having regard to significant financial or operational risk areas and focuses on the adequacy, effectiveness, existence and appropriateness of essential systems of internal control.

- Independent monitoring of the External Audit function. The Audit Committee acts as an independent point of contact for Council's External Auditors. One of the Audit Committee's core duties is to support and facilitate open and effective communication between the Auditors and Council Management.
- Oversight of management's responsibilities to monitor compliance with legislative and regulatory requirements and promotes a culture committed to lawful and ethical behaviour.
- Improved accountability and attention to the effective and timely implementation of management actions arising from the findings and recommendations from the External Audit and Internal Audit process.
- Oversight and analysis of the disciplines and measures in place within the organisation to control and minimise opportunities for fraud, theft, corruption and maladministration.
- Improved internal and external auditors' accountability as their performance and value to the organisation are examined, ensuring an appropriate balance between control compliance and operational expedience is maintained.

All minutes of this Audit Committee are reported through Council's Governance and Finance Committee. There have been no issues considered by the Audit Committee in the past 12 months that have not been actioned to the satisfaction of the Audit Committee or that have required separate reporting to the Council.

I thank my fellow Audit Committee members and the staff of the Council for their diligence and professionalism in fulfilling their duties in respect to the conduct and responsibilities of the Audit Committee.

I hope the presentation has provided a succinct overview of the objectives, activities and contribution the Audit Committee makes to TCC governance. The Audit Committee at Townsville City Council continues to be one of the leading regional Audit Committees in Queensland. A number of the activities we perform have become better practice models for other Councils in Queensland.

Committee Recommendation

That the presentation by Carolyn Eagle, Chair of Audit Committee, on an overview of the Audit Committee be noted.

Council Decision

Refer to resolution preceding item 23 on the Council Minutes (page 6024) where council resolved that the Committee Recommendation be adopted.

24 Annual Valuation Effective 30 June 2013 - Department of Natural Resources and Mines

REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Finance

Date 30 November 2012

Executive Summary

The Queensland Department of Natural Resources and Mines (DNRM) has advised that in accordance with the Land Valuation Act 2010, the Valuer-General will undertake an annual valuation of all land in the Townsville area which will become effective for rating purposes on 30 June 2013.

Officer's Recommendation

That council receive and action accordingly for the purpose of general rates and charges, the annual valuation of all land in the Townsville area provided by DNRM to become effective from 30 June 2013.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 23 on the Council Minutes (page 6024) where council resolved that the Committee Recommendation be adopted.

REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Finance

Date 30 November 2012

Executive Summary

Pursuant to s162 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*, whereby, if the auditor-general gives the mayor of a local government a copy of the auditor-general's report about the local government's general purpose financial statement, the mayor must present a copy of the report at the next ordinary meeting of the local government. The audited general purpose financial statements were presented to Council on the 27 November 2012.

In addition to the independent auditors report, the QAO have reported on a number of issues observed during the external audit process and have sought management responses on corrective action to be taken. The Queensland Audit Office (QAO) Management Report is hereby presented to Council.

Officer's Recommendation

That pursuant to s162 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*, Council notes the Queensland Audit Office (QAO) Management Report for the year ended 30 June 2012 as issued by the auditor-general.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 23 on the Council Minutes (page 6024) where council resolved that the Committee Recommendation be adopted.

REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Finance

Date 30 November 2012

Executive Summary

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

The Executive Manager will circulate separately to the Agenda the Budget Variance Report for the whole of council for November 2012.

Officer's Recommendation

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

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 23 on the Council Minutes (page 6024) where council resolved that the Committee Recommendation be adopted.

27 Request for Rating Concession

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Finance

Date 30 November 2012

Executive Summary

A request has been received for a concession for the general rate for three properties (property numbers 545023, 545013 and 545014). In accordance with Part 10, Section 53 of the Local Government (Finance, Plans and Reporting) Regulation 2010, council may grant a concession for rates or charges under certain eligibility criteria.

The registered owner of the land complies with the regulation and the criteria for granting a concession, specifically in relation to land owned by an entity whose objects do not include making a profit and it is recommended a concession be granted.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (9) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council resolve that a concession be granted for the general rate for the property numbers 545023, 545013 and 545014 and that the concession include general rates from 1 January 2013.
3. That council resolve that the concession will continue to be granted until such time that the land use changes or of change of ownership of the property is recorded.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 23 on the Council Minutes (page 6024) where council resolved that the Committee Recommendation be adopted.

Townsville Water and Waste Committee

It was *MOVED* by Councillor R Gartrell, *SECONDED* by Councillor P Ernst:

- "1. that the committee recommendations to items 28, 29 and 31 be adopted; and
2. that item 30 be dealt with separately."

CARRIED UNANIMOUSLY

28 Waste Services/Integrated Sustainability Services - National Recycling Week Activities

REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste
Department Integrated Sustainability Services
Date 30 November 2012

Executive Summary

National Recycling Week (NRW) was found by Planet Ark in 1996 to bring a national focus to the environmental benefits of recycling. This year National Recycling Week occurred between 11 to 17 November 2012 and focused on increasing the environmental benefits, including greater tonnage and less contamination, of kerbside, industrial and community recycling programs.

During this week Integrated Sustainability Services (ISS) on behalf of Townsville Waste successfully facilitated a number of community engagement, education, awareness and on-ground activities across our city in support of the objectives of NRW. These included:

- Contributing to highly successful Recycling Truck Art Competition which culminated in NRW;
- school based education and awareness, including visiting Thuringowa High School and participating at the Home School Expo;
- helping to promote the Buyequip E-waste Recyclathon in Townsville;
- meeting with industry to discuss possible waste and recycling innovations for their housing product;
- developing a fact sheet for the launch of the new SULO 360 bin during NRW; and
- implementing enhanced waste recycling for the ISS cleanup activities.

Officer's Recommendation

That council note the actions and achievements from council's involvement in *National Recycling Week 2012*.

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 28 on the Council Minutes (page 6031) where council resolved that the Committee Recommendation be adopted.

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste

Department TWW Business Management and Compliance

Date 6 December 2012

Executive Summary

Townsville Water and Waste's monthly report card containing year to date operating results for 2012/2013 for the month of November 2012 was tabled at the meeting.

Officer's Recommendation

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

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

Refer to resolution preceding item 28 on the Council Minutes (page 6031) where council resolved that the Committee Recommendation be adopted.

30 TWW Business Management and Compliance - Concession of Water Consumption Charges for Home Haemodialysis Patients Policy

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste

Department TWW Business Management and Compliance

Date 26 November 2012

Executive Summary

Council provides a concession on water consumption charges payable during treatment at the home of a haemodialysis patient, to alleviate the hardship that may be suffered from the usage of water above the normal domestic amount. Council's policy on the concession is embodied in its Concession of Water Consumption Charges for Home Haemodialysis Patients Policy.

It is proposed that council's policy be changed to enable the concession to be applied more fairly and transparently to all customers.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (9) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council endorse the Concession of Water Charges for Home Haemodialysis Patients Policy, as changed.

POLICY
TOWNSVILLE WATER AND WASTE
TOWNSVILLE WATER



CONCESSION OF WATER CHARGES FOR HOME HAEMODIALYSIS PATIENTS >>

1. POLICY STATEMENT >>

To provide a concession for water service charges incurred in respect of kidney disease patients who are undergoing home haemodialysis treatment.

2. PRINCIPLES >>

Home haemodialysis treatment requires kidney disease patients to increase their water consumption over and above their normal domestic usage.

Townsville City Council accepts that ratepayers who are responsible for paying additional water consumption charges for water consumed during home haemodialysis experience hardship, and the council wishes to alleviate that hardship.

Council will grant a concession on water service charges payable during treatment at the home of a haemodialysis patient when the ratepayer establishes to the council that they are responsible for paying the water consumption charges.

3. SCOPE >>

This policy applies to ratepayers within Townsville who may experience hardship as a result of paying, or having an obligation to pay or share in the cost of paying, additional water consumption charges arising from home haemodialysis treatment.

4. RESPONSIBILITY >>

The Chief Executive Officer or delegate is responsible for approving concessions under this policy.

The Chief Executive Officer, and the Director, Executive Manager, Managers and Supervisors of the Townsville Water and Waste Division are responsible for ensuring that the policy is understood and adhered to by all relevant personnel.

5. DEFINITIONS >>

Home haemodialysis patient: are those persons within the Townsville local government area, who are registered with the Dialysis Home Therapies Unit, Townsville District Health Service, as receiving home haemodialysis treatment.

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

Document No. >>1083
Authorised by >>Director, Townsville Water and Waste
Document Maintained by >>Townsville Water

Version No.2
Initial Date of Adoption (Version 1)>> 26.10.10
Current Version Adopted>>28.06.11
Next Review Date>>28.06.12

POLICY
TOWNSVILLE WATER AND WASTE
TOWNSVILLE WATER



6. POLICY >>

Council will provide a concession on water charges for residential premises occupied by home haemodialysis patients who meet the eligibility criteria set out in this policy.

The concession will be \$0.54795 per day throughout the period of home haemodialysis, administered on each half yearly rate notice.

Council will regard a ratepayer as having an obligation to pay or contribute to paying the additional water consumption charges arising from home haemodialysis treatment when they:

1. Are the ratepayer for the property as shown on the council's records and they or a dependant member of their family receive home haemodialysis treatment; or
2. Provide the council with a statutory declaration that records that they are liable for the cost of the water consumption charges under an arrangement they have with a home haemodialysis patient, and a declaration from the patient that records that the additional water charges have not been passed on to the patient.

(Example: The ratepayer is the landlord of a property occupied by a home haemodialysis patient and they provide the council with a declaration from the patient that certifies that the patient has not been charged for or otherwise contributed to paying the additional water consumption charges).

7. LEGAL PARAMETERS >>

*Local Government Act 2009
Local Government (Finance, Plans and Reporting) Regulation 2010*

8. ASSOCIATED DOCUMENTS >>

Application for Concession of Water Charges for Home Haemodialysis Patients

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

Document No. >>1083
Authorised by >>Director, Townsville Water and Waste
Document Maintained by >>Townsville Water

Version No.2
Initial Date of Adoption (Version 1)>> 28.10.10
Current Version Adopted>>28.08.11
Next Review Date>>28.08.12

Committee Recommendation

That the Officer's Recommendation be adopted.

Council Decision

It was MOVED by Councillor R Gartrell, SECONDED by Councillor V Veitch:

“That the committee recommendation to item 30 be adopted subject to the following amendment:

- *that item 6, paragraph 2 of the policy be amended to reflect that the concession will be \$0.685 per day throughout the period of home haemodialysis, administered on each half yearly rates notice.”*

CARRIED UNANIMOUSLY

31 Request to Review and Amend Reduction of Water Consumption Charges Due to a Concealed Water Leak Policy

GENERAL BUSINESS ITEM

Raised by Councillor A Parsons
Committee Townsville Water and Waste Committee
Date 11 December 2012

Councillor A Parsons moved a motion regarding the review and amendment of council's Reduction of Water Consumption Charges Due to a Concealed Water Leak Policy.

Committee Recommendation

1. That the Chief Executive Officer be directed to review and amend council's Reduction of Water Consumption Charges Due to a Concealed Water Leak Policy to:
 - a. provide for a concession for any type of water leak within a resident's property;
 - b. authorise the Chief Executive Officer (or his delegate) to provide concessions where:
 - i. he considers that substantial compliance with respect to the policy has been achieved; and
 - ii. extenuating circumstances apply.
2. That with respect to excess water charges for 240 Wills Street and 5 Monaro Court, the amended policy be applied retrospectively.

Council Decision

Refer to resolution preceding item 28 on the Council Minutes (page 6031) where council resolved that the Committee Recommendation be adopted.

Officers Reports

Infrastructure

32 Construction and Maintenance - Update on Eligibility for Lawn Mowing Services

REPORT TO COUNCIL

Authorised by Director Infrastructure Services

Department Fleet and Property Management - Construction and Maintenance

Date 10 December 2012

Executive Summary

Council is providing a new lawn mowing service to eligible residents of Townsville. To determine eligibility for this lawn mowing service, a letter and application form for the new lawn mowing service was sent to all residents who were utilising the previous lawn mowing service or were on the wait list.

The purpose of this report is to provide Councillors background information and time frames regarding the implementation of the new program to Townsville residents.

Officer's Recommendation

This report is provided for the information of Councillors.

Council Decision

It was MOVED by Councillor S Blom, SECONDED by Councillor Colleen Doyle:

- "1. That the Officer's Recommendation be adopted; and*
- 2. That council note the lawn mowing program will continue through to 30 June 2013."*

CARRIED UNANIMOUSLY

Corporate Services

33 Elected Member Update 2013

REPORT TO COUNCIL

Authorised by Director Corporate Services
Department Corporate Governance
Date 7 December 2013

Executive Summary

The Local Government Association of Queensland has notified that Half Day Interactive Workshops will be held in 9 regional centres around the state during February 2013 to address recent legislative changes and to give a briefing on the latest emerging issues for our region and an opportunity to raise new matters with the Association.

Townsville's Elected Member Update 2013 will be held at Rydges Southbank on Wednesday 6 February 2013, 9.30am - 3pm.

Officer's Recommendation

1. That council approve the attendance of all Councillors at the Elected Member Update 2013 to be held in Townsville on 6 February 2013.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to all Councillors to allow attendance at the Elected Member Update 2013 to be held in Townsville on Wednesday 6 February 2013.

Council Decision

It was MOVED by Councillor G Eddiehausen, SECONDED by Councillor V Veitch:

"That the Officer's Recommendation be adopted."

CARRIED UNANIMOUSLY

REPORT TO COUNCIL

Authorised by Director Corporate Services
Department Corporate Governance
Date 4 December 2012

Executive Summary

The Australian Local Government Association (ALGA) advises of the establishment of a joint parliamentary committee into constitutional recognition of local government. The Committee will look at the report of the Expert Panel and its recommendation that a referendum on financial recognition of local government is a viable option. The ALGA seeks the support of all councils to lodge a submission with the Parliamentary Committee to demonstrate support for a referendum. The Committee invites interested persons and organisations to make submissions addressing the terms of reference by Friday 15 February 2013.

Officer's Recommendation

That Council make a submission to the Federal Joint Parliamentary Committee on Constitutional Recognition of Local Government to support financial recognition of local government and support for a referendum.

Council Decision

It was MOVED by Councillor V Veitch, SECONDED by Councillor Les Walker:

"That the Officer's Recommendation be adopted."

CARRIED UNANIMOUSLY

REPORT TO COUNCIL

Authorised by Chief Executive Officer

Department Corporate Governance

Date 12 December 2012

Executive Summary

The Local Government Remuneration and Discipline Tribunal Report 2012 was released on 10 December 2012. The remuneration schedule will be published in Queensland Government Gazette in accordance with the requirements of the *Local Government (Operations) Regulations 2010*.

In accordance with Section 42(5) of the *Local Government (Operations) Regulations 2010* council is required to adopt the Remuneration Schedule within 90 days of the schedule being gazetted. The resolution is to provide for payment of remuneration to Councillors effective 1 January 2013.

Officer's Recommendation

That council, pursuant to section 42(5) of the *Local Government (Operations) Regulations 2010* and in accordance with the Local Government Remuneration and Discipline Tribunal Report 2012, adopt the following Remuneration Schedule for the purpose of providing payment of remuneration to Councillors effective from 1 January 2013.

	2013 Remuneration
Mayor	\$154,636
Deputy Mayor	\$105,434
Committee Chair	\$91,376
Councillor	\$91,376

Council Decision

It was MOVED by Councillor T Roberts, SECONDED by Councillor G Eddiehausen:

"That the Officer's Recommendation be adopted."

CARRIED UNANIMOUSLY

36 Corporate Governance - Acceptable Request Guidelines - Councillors

REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Corporate Governance

Date 10 December 2012

Executive Summary

The *Local Government Act 2009* was amended in Parliament 14 November 2012. Section 170A of the *Local Government Act* relates to councillor requests for assistance, advice or information. The Act suggests Acceptable Request Guidelines be developed and must be adopted by council resolution. The Acceptable Request Guidelines will replace the current guidelines for Councillor Interaction with Council Staff. The purpose of the Guidelines is to provide employees with guidelines on the way in which a councillor may ask for advice to help the councillor carry out his or her responsibilities under the *Local Government Act* and to document the reasonable limits on requests that a councillor may make.

Officer's Recommendation

That council adopt the Acceptable Request Guidelines in accordance with Section 170A(6) of the *Local Government Act 2009*.

Council Decision

It was MOVED by Councillor Colleen Doyle, SECONDED by Councillor V Veitch:

"That the Officer's Recommendation be adopted."

CARRIED UNANIMOUSLY

37 This item has been withdrawn

REPORT TO COUNCIL - WITHDRAWN

Addendum

Infrastructure

38 Technical Services - Bicentennial Park River Bank Stabilisation

REPORT TO COUNCIL

Authorised by Director Infrastructure Services
Department Infrastructure Services
Date 13 December 2012

Executive Summary

This report is presented to provide council with a brief update of the status of discussions held with stakeholders and advise the extent of work yet to be undertaken with regard to the design of bank stabilisation works on the Ross River, adjacent to Bicentennial Park.

Once the concept design is finalised and a cost estimate prepared, councillors will be provided with a further update before the detail design commences. This will occur early in 2013.

Officer's Recommendation

That council receive this report on the status of stakeholder discussions and the progress of the design of bank stabilisation works on the Ross River, adjacent to Bicentennial Park, Hermit Park.

Council Decision

It was MOVED by Councillor V Veitch, SECONDED by Councillor T Roberts:

"That the Officer's Recommendation be adopted."

CARRIED UNANIMOUSLY

REPORT TO COUNCIL

Authorised by Chief Executive Officer

Department Chief Executive Officer

Date 17 December 2012

Executive Summary

The State Government has commenced the process to appoint Real Estate Agents to market the proposed sale of two State Government owned properties in and adjacent to the Townsville CBD. These properties are the former TAFE building at corner of Stanley and Walker Streets and the former QR heritage sheds in Flinders Street West.

This report seeks council approval to seek from the State Government an exclusive dealing period of two months (until 28 February 2013) for council to determine its interest in the two properties.

Representations have been made to council by the CBD Taskforce which is understood is also supported by the Chamber of Commerce and Townsville Enterprise Limited.

Officer's Recommendation

1. That council seek the approval of the State Government to grant Townsville City Council an exclusive dealing period of two months (till 28 February 2013) by which date the council is to advise the State of its interest or otherwise in the purchase of the former TAFE College property corner Stanley and Walker streets and the property on which the former north yard workshops in Flinders Street West.
2. That the Local Members of Queensland Parliament be requested to make representations in support of council's exclusive dealing period.
3. That the Chief Executive Officer be authorised to commission what resourcing support maybe required to analyse the value and potential development or usage of the two sites.
4. That the Chief Executive Officer report to council before 28 February 2013 on a business case for the purchase and future use of the TAFE College site and former Queensland Rail heritage sheds.
5. That council request of the State Government that in the event that the State Government may propose to sell State Government property throughout the Townsville City Council local government area the council be consulted in advance and be granted reasonable time within which to advise of its interest in the purchase and/or lease of such property including for example the heritage listed Townsville railway station.

Council Decision

It was MOVED by Councillor Colleen Doyle, SECONDED by Councillor P Ernst:

"That the Officer's Recommendation be adopted."

CARRIED

Motions of which previous notice has been given

There were no motions.

General Business

(i) North Queensland Inclusion Support Agency

GENERAL BUSINESS ITEM

Raised by Councillor Doyle
Committee Ordinary Council
Date 18 December 2012

Councillor Doyle gave the staff of the North Queensland Inclusion Support Agency heartfelt thanks for a job well done. The services provided by this agency will be taken over by another service provider after 25 years of being provided by the Inclusion Support team.

(ii) Itinerants at Bowen Bridge

GENERAL BUSINESS ITEM

Raised by Councillor L Walker
Committee Ordinary Council
Date 18 December 2012

Councillor L Walker outlined concerns that itinerants have based themselves in proximity to Bowen Bridge, and that members of the public are crossing over the bridge road rather than using the pedestrian underpass due to the presence of the itinerants. Councillor Walker requested that council call on the police and local state members to take action on this matter.

Close of Meeting

The Mayor, Councillor J Hill thanked the council for their work and cooperation, and staff for their support over the year and wished everybody a happy holidays.

The Chief Executive Officer wished the councillors, staff, public and media a safe and happy festive season.

The Mayor declared the meeting closed at 10.48 am.

CONFIRMED this

day of

2013

**MAYOR
JENNY HILL**

**CHIEF EXECUTIVE OFFICER
RAY BURTON**