



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 28 NOVEMBER 2017 AT 1.03PM

Council Members >>

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

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

Corporate Plan >>

Goal 1 - A Prosperous City

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

Objectives that identify our strategic intent:

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

Goal 2 - A City for People

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

Objectives that identify our strategic intent:

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

Goal 3 - A Clean and Green City

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

Objectives that identify our strategic intent:

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

Goal 4 - A Simpler, Faster, Better Council

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

Objectives that identify our strategic intent:

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

ACKNOWLEDGEMENT OF COUNTRY

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

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REPORT	COUNCIL MEETING
DATE	Tuesday 28 November 2017 at 1.03pm
ITEMS	1 TO 37
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars Councillor L Walker

Opening of Meeting and Announcement of Visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.03pm.

Acknowledgement to Country

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

Prayer

Reverend Jason Smart of the Presbyterian Church delivered the opening prayer.

Apologies and Leave of Absence

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

"that the apology from Councillor P Jacob be received and that for the purposes of Section 162(1)(e) of the *Local Government Act 2009*, Councillor P Jacob be granted leave of absence from this meeting."

CARRIED UNANIMOUSLY

Confirmation of Minutes of Previous Meeting

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

"that the minutes of the Ordinary Council meeting of 24 October 2017 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of Interests

- (i) Infrastructure Services Committee - Perceived conflict of interest - Items 4 and 5 - Councillor L Walker declared a perceived conflict of interest in regards to A.E. Smith as he was hosted in the A.E. Smith corporate box at 1300 Smiles Stadium.
- (ii) Community and Cultural Development Committee - Perceived conflict of interest – Item 16 – Councillor M Ryder declared a perceived conflict of interest in relation to item 16. Councillor Ryder's events business formerly provided services to the Townsville Running Festival. Although her events company is no longer contracted to the Townsville Running Festival, she will keep consistency with her established approach and leave the room whilst the discussion and decision is being made.
- (iii) Community and Cultural Development Committee - Perceived conflict of interest – Item 16 – Councillor V Coombe declared a perceived a conflict of interest in relation to item 16 as she has provided a letter of support to the Townsville Fashion Festival for their funding application.
- (iv) Governance and Finance Committee - Perceived conflict of interest - Item 29 - The Mayor, Councillor J Hill - One of the sole suppliers Agilent Technologies is a company that the Mayor, Councillor J Hill's brother works for in Melbourne.
- (v) Governance and Finance Committee - Perceived conflict of interest - Item 29 - Councillor K Rehbein declared a perceived conflict of interest in regards to Queensland Fire and Rescue Services. (Councillor K Rehbein is an unpaid employee of Queensland Fire and Rescue Services)
- (vi) Officers' Reports - Perceived conflict of interest - Item 33 - Councillor L Walker advised that he is friends with one of the submitters on this item.
- (vii) Officers' Reports - Conflict of interest - Items 36 and 37 - The Mayor, Councillor J Hill and Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney, P Jacob, L Walker, C Doyle and M Ryder - Griffin Group donated to Team Hill election campaign through its companies Garmont Pty Ltd, Interlaken Pty Ltd, Schilithorn Pty Ltd and Vibram Pty Ltd.

Correspondence

There was no correspondence.

Petitions

(i) Car Parking in the CBD

Overview

Councillor A Greaney tabled a petition requesting Council give consideration to compensating the disturbances of the civil works that are disturbing the regular business operation in Townsville CBD by implementing as soon as possible a 2 hour free car park in the CBD until these works are completed.

Council Decision

That the petition be referred to the Chief Executive Officer.

(ii) Picnic Bay Boat Ramp

Overview

Councillor A Greaney tabled a petition regarding the objection to the proposed demolition of the Picnic Bay boat ramp. The boat ramp is important infrastructure for Picnic Bay and the residents are passionate about retaining it for recreational use for current and future generations.

Council Decision

That the petition be referred to the Chief Executive Officer.

(iii) Adani's Carmichael Mine Project

Overview

The Mayor, Councillor J Hill tabled a petition regarding the Adani Carmichael Mine Project. Councillor Hill noted there were approximately 51,000 names and addresses in this petition but only 636 are related to the people of Townsville. Councillor Hill referred to the format of petitions and noted the petition is not a true representation of the Townsville community, however, it will be tabled and a response issued.

Council Decision

That the petition be tabled and a response issued.

Deputations

There were no deputations.

Notices of Motion

There were no notices of motion.

Presentations

There were no presentations.

Mayoral Minute

There were no Mayoral Minutes.

Council agreed to change the order of business to consider agenda items 36 and 37 as the first items of business.

Officers' Reports

In accordance with section 173 of the *Local Government Act 2009*, the Mayor, Councillor J Hill and Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney, P Jacob, L Walker, C Doyle and M Ryder declared a conflict of interest in regards to item 36.

- (a) **the name of the Councillors who have the conflict of interest:**
The Mayor, Councillor J Hill and Councillors M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney, P Jacob, L Walker, C Doyle and M Ryder.
- (b) **the nature of the conflict of interest as described by the Councillors:**
Griffin Group donated to Team Hill election campaign through its companies Garmont Pty Ltd, Interlaken Pty Ltd, Schilithorn Pty Ltd and Vibram Pty Ltd.
- (c) **how the Councillors dealt with the conflict of interest:**
The Mayor, Councillor J Hill explained that while the Local Government Act does allow us to consider and make decisions about the matters above in which a conflict of interest has been declared we will not be doing that. It is important to Councillors that there is confidence, the community has confidence in all the Council's decisions but particularly planning decisions that are made without fear or favour. This is even more the case given the contemporary events involving other Councils. Councillor Hill explained that for that reason she moved that we resolve that these two items be referred to the Chief Executive Officer for a decision.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The Councillors voted as per the Council Decision.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the Council Decision.

36 MI16/0033 MCU (Impact) Preliminary Approval under S242 of SPA 2009 to Townsville City Plan in accordance with The Hive Master Plan & Preliminary Approval - Building Work for the Demolition of the Criterion Hotel

Executive Summary

The Development Application has been lodged under the *Sustainable Planning Act 2009* for Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* to vary the effect of the Townsville City Plan 2014 in accordance with the Hive Master Plan and Preliminary Approval for Building Work made assessable against the Planning Scheme being the Demolition of the Criterion Hotel (Local Heritage Place).

Under the Townsville City Plan 2014, the subject site is located within the Mixed Use Zone and the King Street Quarter Precinct over land at 45 Flinders Street and 10 The Strand, Townsville City and consists of eight (8) lots described as Lots 1, 2 and 3 on RP745353, Lot 2 on RP731759, Lots 47 and 48 on T1181 and Lot 1 on RP 702069 and Lot 2 on 717290. The site has a total area of 17,268m² with frontage to The Strand, King, Wickham and Flinders Street.

Existing buildings on the site include the historic Queens Hotel (vacant), the Criterion Hotel (vacant), the Lilac Court residences and an Avis car hire facility. All the above lots are owned by a single entity which can be described as being on the fringe of the CBD strategically located in proximity to the Townsville City Waterfront Priority Development Area (PDA), the Townsville CBD, The Strand, Cultural Centre, Museum of Tropical Queensland, Great Barrier Reef Marine Park Authority Headquarters and the Great Barrier Reef Aquarium (Reef HQ)

The development application seeks a Preliminary Approval to override the Planning Scheme in accordance with the Hive Master Plan. The master plan is seeking to secure a built form envelope by way of maximum building heights, boundary setbacks, gross floor areas, and maximum car parks. From this approval the intent is to establish a mixed use centre development which will be staged and designed to be complementary and consistent with its surroundings.

A second aspect of the application seeks Building Work approval for the demolition of the Criterion Hotel which is listed as a Local Heritage Place in Schedule 7 of the Scheme. Other heritage places on the subject site are not subject to proposed demolition.

In accordance with the Assessment Table for the Zone, the proposal triggers Impact Assessment requiring the application to be publicly notified for 30 business days in accordance with the Act. However technical issues associated with the submission e-portal necessitated the Planning and Environment Court to order a further notification period of 15 business days. (Attachment 7) In response to this second notification period six (6) properly made submissions were received in addition to the nine (9) properly made submissions received in the initial 30 day notification period. Four (4) submissions were received in support of the application, and eleven (11) submissions received objected to the proposed demolition of the Criterion Hotel. One other submission offered qualified support. The matters raised in these submissions have been addressed in the officers report.

An assessment of the proposal has been undertaken against the relevant provisions of the Townsville City Plan 2014 as the relevant instrument at the time of lodgement. The assessment considered all relevant material submitted with the application, including technical reports and archived historical documentation.

Officer's Recommendation

That Council approve development application M116/0033 (Impact Assessable) being for Preliminary Approval under S242 of SPA 2009 to vary the effect of the Townsville City Plan in accordance with the Hive Master Plan and Preliminary Approval for Building Work for the Demolition of the Criterion Hotel (Local Heritage Place). The land is described as Lot 48T 1181, Lot47 T1181, Lot1 RP 745363, Lot2 RP 745353, Lot 1 RP 702069, Lot 3 RP 745353, Lot 2 RP 717290, Lot 2 RP 731759, 45 Flinders Street Townsville City Qld 4810 and is to be approved subject to the following conditions.

Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* to vary the effect of the Townsville City Plan in accordance with the Hive Master Plan

PRELIMINARY APPROVAL

SCHEDULE OF CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Revision No.	Plan Date
Preliminary Approval Basement 2 Plan	SK097	E	30/09/2016
Preliminary Approval Basement 1 Plan	SK087	F	30/09/2016
Preliminary Approval Ground Level to Level 2	SK088	K	11/07/2017
Preliminary Approval Level 3-4 Plan	SK184	B (Stage A only)	11/07/2017
Preliminary Approval Level 5-8 Plan	SK117	G (Stage A only)	27/07/2017
Preliminary Approval _ Stage A Envelope Wickham Street Section	SK185	A	11/07/2017
Preliminary Approval Level s 9 – 20 Plan	SK090	K	21/04/2017
Site Sections	SK159	A	27/02/2017
Site Sections	SK160	A	27/02/2017
Preliminary Approval_ Staging Diagram	SK118	F	21/04/2017
Preliminary Approval_ Staging Diagram	SK119	F	21/04/2017

Preliminary Approval_ North West Perspective	SK093	K	21/04/2017
Preliminary Approval _South East Perspective	SK094	K	21/04/2017
Preliminary Approval _West Perspective	SK120	D	21/04/2017
The Hive Landscape Master Plan Report			28/04/2017

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

Reason

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

Timing

During the operation and life of the development.

2. Limitation of Approval

Condition

- a) The proposed development must comply with all conditions of this approval prior to commencement of the use.
- b) 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. The relevant Planning Scheme is Townsville City Plan 2014.
- c) The approval is for a Preliminary Approval only, establishing use rights in accordance with the underlying conditions.

Reason

To define the Preliminary Approval.

Timing

During the operation and life of the development.

3. Design Statements

Condition

The development to be generally in accordance with the Preliminary Approval Design Statement in respect of:

- a) Option 2 Re-Interpretation of Heritage for development of Stage H
- b) Criterion Interpretive Strategy for Stage H
- c) Cultural and Heritage Interpretive Strategy for Stage H

Reason

The development must comply with the rules established by the existing architecture including key elements, in order to enhance the streetscape and be sympathetic to retained heritage buildings and places.

Timing

To be submitted to council as part of Code Assessable applications for Material Change of Use.

4. Roads and Traffic**Condition**

Works to allow two way vehicle movement on King Street, Wickham Street and The Strand shall be undertaken prior to commencement of use of the first stage/s that will result in a cumulative GFA for the development exceeding 60,000m², or as otherwise agreed by Council.

Reason

The existing road network is scheduled to be upgraded in the future. The increased traffic movements generated by the development will necessitate future upgrade to facilitate this growth.

Timing

To be completed when the cumulative GFA exceeds 60,000m².

5. Building Thresholds**Condition**

The maximum building thresholds are in accordance with the following table of uses

Office	10,000m ²
Research and Technology industry	3,390m ²
Healthcare Services	2,056m ²
Shop, Food and Drink Outlet	3,048m ²
Education	2,227m ²
Community Use (gallery, concert hall and library)	18,000m ² Not transferable to traditional office space

Reason

Maximum thresholds are specified in order to protect the commercial hierarchy of the CBD.

Timing

For the duration of the development unless otherwise agreed by council.

6. Design Intent**Condition**

Prior to the lodgement of each application stage the applicant is to hold a pre-lodgement meeting with Council to ensure any design documentation lodged under a subsequent MCU Development Permit application specifically addresses Council's design intent for the precinct.

Reason

To ensure that the design intent outcomes are met for the precinct.

Timing

Prior to the commencement of all stages.

7. Car Parking

Condition

- a) Car parking is to be provided in accordance with the standards identified in Parking rates planning scheme policy no SC.10, unless otherwise modified by the rates contained within the following table:

Land Use	Parking Rate
Gallery (Community Use)	1 space per 58m ² GFA
Library (Community Use)	1 space per 123m ² GFA
Concert Hall (Theatre)	1 space per 2.8 seats
Function Room	1 space per 50m ²
Commercial (Office)	1 space per 50m ²
Retail (Shop)	1 per 30m ² Public GFA plus 1 per 100m ² Storage GFA
Hotel/Short term Accommodation	0.5 spaces per unit/room

- b) Car parking to service development the subject of this preliminary approval shall be capped at 850 car spaces.

Reason

Parking thresholds have been calculated on reciprocal use rights combined with peak usage for different activities.

Timing

On completion of the development and to be maintained thereafter.

8. Level of Assessment

Condition

In accordance with the approved The Hive Master Plan prepared by Hames Shaley dated 2016, the following uses are Code Assessable:

- Office where not exceeding a gross floor area of 10,000m².
- Research and Technology Industry where not exceeding a gross floor area of 4,000m².
- Environment Facility (Tourism)
- Theatre

This condition does not override Table 5.5.13 – Mixed Use Zone of the Townsville Planning Scheme 2014 in respect of all other Exempt, Self-Assessable, Code Assessable and / or Impact Assessable Uses.

Reason

Preliminary Approval is sought to override the Planning Scheme.

Timing

For the duration of the development.

9 Variations to the Mixed Code

Condition

King Street Quarter additional overall outcome

- h development facilitates the development of community uses including a Gallery, Library and Theatre (Concert Hall)***

Performance Outcome PO77 amended to include:

PO77 Development is generally in accordance with **The Hive Master Plan** prepared by Hames Sharley

Performance Outcome PO82 amended to include:

PO82 An open space and pedestrian network is provided as identified on Figure 6.147 – King Street Quarter precinct concept plan (**unless otherwise varied by the Hive Master Plan**), and includes:

- a) The provision of pedestrian links along all waterfront areas;
- b) An extension to Anzac Park (following realignment of Sir Leslie Theiss Drive and King Street);
- c) A new open space and pedestrian link to the southern end of The Strand linking to the future pedestrian creek crossing; and pedestrian through block links.

Acceptable Outcomes A06 and A081 amended

*A06 Building Heights are in accordance with **The Hive Master Plan prepared by Hames Sharley dated 2016**. All buildings and structures do not exceed 3 storeys in building height, except where stated otherwise for a particular precinct.*

*A081 Building heights are in accordance with **The Hive Master Plan Figure 6.147 – King Street quarter precinct concept plan***

Additional performance outcome/acceptable outcome to be added to the Mixed Use Code

PO88 Car parking is designed and sited to provide an activated and attractive interface to the streetscape, the public realm and adjacent development.

AO88 Development of car parking is provided:

- (a) Below ground; or
- (b) Where above ground. Is located behind active uses and/or multiple dwellings and addresses all existing and proposed street frontages so that it is fully concealed;
- (c) Screens views of car parking, hard stand and manoeuvring areas from the public realm and any adjoining residential uses.

Reason

To override the Planning Scheme.

Timing

Following commencement of the development and maintained thereafter.

9. Street Enhancements

Condition

Details of the street enhancements along Wickham Street, The Strand, King St and Flinders Street frontages in accordance with Part 9.4.3 Landscape code/ Part 9.4.4 Reconfiguring a lot code/ Part 9.4.7 Works code must be provided with each relevant stage of the development.

Reason

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

Timing

Following construction and to be maintained thereafter.

10. Heritage Buildings**Condition**

Where demolition, relocation or works adjoining a heritage building/place occurs, a watching brief will be implemented as advised in the Burra Charter. Archival recording (such as a photographic record and measure drawings) in accordance with Part 8.2.4 Cultural heritage overlay code and SC6.3 Cultural heritage planning scheme policy of the Townsville City Plan must be undertaken.

Reason

Provides specific information with regards to how a proposed development will affect the heritage place. The purpose is to identify any potential detrimental impacts that the development may have on the significance of the place.

Timing

To be submitted to council within 1 month of the demolition or removal of the heritage building.

11. Delayed Development**Condition**

- a) Demolition of the Criterion Hotel shall not take place until a development Permit for Material Change of Use and Operational Works of Stage H has been approved.
- b) Stage H must be commenced no later than six months following demolition or as otherwise agreed by council.
- c) The applicant is required to deposit a security bond for \$500,000 if (b) above cannot be achieved.
- d) The security bond will be returned when Stage H is substantially completed.

Reason

To ensure that the site does not remain in a derelict state.

Timing

Prior to a Building Work Permit being issued for demolition.

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

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

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

Reason

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

Timing

Maintained at all times during the construction phase.

13. Relocation of Services or facilities

Condition

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

Reason

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

Timing

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

14. Sewerage Reticulation

Condition

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

Reason

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

Timing

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

15. Water Supply

Condition

The development must connect to Council's reticulated water system. The water supply and connection must comply with Council standards.

Reason

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

Timing

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

16. Currency Period

Condition

The prescribed period for the Preliminary Approval is 10 years from the date of this of approval.

Reason

To enable the development to be completed.

Timing

As prescribed in the condition.

Concurrence Agency Conditions – Department of Transport and Main Roads, Department of Environment and Heritage Protection

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Transport and Main Roads, Department of Environment and Heritage Protection advises that it has no objection to Townsville City Council issuing Preliminary Approval in accordance with The Hive Master Plan subject to the conditions, as attached.

DEVELOPMENT PERMIT

PRELIMINARY APPROVAL FOR BUILDING WORKS (DEMOLITION OF CRITERION HOTEL)

1. Building Works

Condition

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

Reason

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

Timing

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

2. Heritage Buildings

Condition

Where demolition or relocation of a heritage building occurs, a watching brief will be implemented as advised in the Burra Charter. Archival recording (such as a photographic record and measure drawings) in accordance with Part 8.2.4 Cultural heritage overlay code and SC6.3 Cultural heritage planning scheme policy of the Townsville City Plan must be undertaken.

Reason

Provides specific information with regards to how a proposed development will affect the heritage place. The purpose is to identify any potential detrimental impacts that the development may have on the significance of the place.

Timing

To be submitted to council within 1 month of the demolition or removal of the heritage building.

3. Internal Fixtures

Condition

Internal features referred to in the Impact Heritage Report (November 2016 page 37) namely the decorative ceiling, arched opening, doors and frame are to be dismantled, stored and incorporated into Stage H in conjunction with the interpretation strategy.

Reason

In recognition of the former building and to contribute to the interpretive strategy

Timing

Prior to the demolition of the structure

ADVICE

1. Storage of Materials and Machinery

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

2. Asbestos

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

Council Decision

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

"that the item be referred to the Chief Executive Officer for a decision."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, the Mayor, Councillor J Hill and Councillors, M Molachino, V Coombe, K Rehbein, M Soars, R Cook, A Greaney, P Jacob, L Walker, C Doyle and M Ryder declared a conflict of interest in regards to item 37.

(a) the name of the Councillors who have the conflict of interest:

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

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

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

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

The Mayor, Councillor J Hill explained that while the Local Government Act does allow us to consider and make decisions about the matters above in which a conflict of interest has been declared we will not be doing that. Its important Councillors that there is confidence, the community has confidence in all the Council's decisions but particularly planning decisions that are made without fear or favour. This is even more the case given the contemporary events involving other Council's. Councillor Hill explained that for that reason she moved that we resolve that these two items be referred to the Chief Executive Officer for a decision.

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

The Councillors voted as per the Council Decision.

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

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

37 MI17/0007 - MCU (Impact) Hospital (22 Beds), Health Care Services, Shop and Food and Drink Outlet and Preliminary Building Works against the Planning Scheme for demolition of dwelling

Executive Summary

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

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

The application was Impact Assessable, therefore required public notification. During the notification period five (5) submissions were received, three (3) opposing and two (2) supporting the development. In addition to the standard public notification period council undertook an additional week of advertising due to technical difficulties with the online submission database. The additional week was to allow those who had utilised this database to re-submit their submission. Three (3) re-submitted submissions were received during this period, all three (3) were opposing the development.

Further to the above notification exercises Council sought a Declaration from the Planning and Environment Court on the legality of the process. The resulting order from the Court required another fifteen (15) day period of public notification to be undertaken, which attracted another two properly made submissions. Therefore the overall total of submissions received is ten (10). The submissions raised a number of points such as conflicts with the City Plan and Corporate Plan 2014-2017, Financial Investments and Economic Need, Adverse Amenity Impacts (noise, emissions, lighting and privacy), Visual amenity (Bulk and Scale), Traffic and Pedestrian Flow and Car Parking.

All of these matters have been considered in this report and where necessary have been addressed by reasonable and relevant conditions.

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

Officer's Recommendation

That Council approve development application MI17/0007 (Impact Assessable) Hospital (22bed) Health Care Services, Shop and Food and Drink Outlet and Preliminary Building Work against the Planning Scheme for demolition of a dwelling, at 2 Wilson Street, 2A Lamington Street and 763 Sturt Street West End on Lot 2 T118434, Lot 5 RP701541, Lot1 RP 717784, Lot 9 T 118290, Lot 2 SP234861, Lot 707 SP 253232 and Part of Wilson Street.

DEVELOPMENT PERMIT

Preliminary Approval for Building Works (Demolition of Dwelling)

SCHEDULE OF CONDITIONS

1. Building Works

Condition

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

Reason

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

Timing

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

Advice

1. Storage of Materials and Machinery

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

2. Asbestos

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

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE

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

SCHEDULE OF CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Revision No.	Plan Date
Site Plan	SK052	P	14/06/2017
Overall Ground Floor Plan	SK053	F	14/06/2017
Overall Elevation	SK072	B	13/06/2017
TWSS – Ground Floor Plan – Proposed	SK057	S	14/06/2017
TWSS – Level 1 Plan – Proposed	SK058	Q	13/06/2017
TWSS – Level 2 Plan – Proposed	SK059	Q	13/06/2017
TWSS – Roof Plan – Proposed	SK060	L	13/06/2017
Ground Floor Plan	SK061	D	21/03/2017
Level 1 Floor Plan	SK062	D	21/03/2017
Level 2 Floor Plan	SK063	D	21/03/2017
Level 3 Floor Plan	SK064	D	21/03/2017
Level 4 Floor Plan	SK065	D	21/03/2017
Roof Plan	SK066	C	14/02/2017
Diagrammatic Section	SK068	B	14/02/2017
Elevations – Existing Heritage	SK069	E	13/06/2017
Elevations	SK070	A	14/02/2017

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

Reason

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

Timing

During the operation and life of the development.

2. Defined Use

Condition

The approved use for the Hospital is for 22 beds. The inclusion of any additional beds will require a further Material Change of Use development approval to be obtained from council prior to the use commencing onsite.

Reason

To ensure the development operates in accordance with all submitted documentation, plans and reports associated with the 22 bed Hospital.

Timing

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

3. Building Materials

Condition

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

Reason

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

Timing

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

4. Property Numbering

Condition

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

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

Reason

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

Timing

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

5. Relocation of Services or facilities

Condition

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

Reason

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

Timing

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

6. Sewerage Reticulation

Condition

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

Reason

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

Timing

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

7. Water Supply**Condition**

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

Reason

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

Timing

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

8. Electricity and Telecommunication**Condition**

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

Reason

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

Timing

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

9. Amalgamation of Lots**Condition**

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

Reason

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

Timing

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

10. Screen Fencing

Condition

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

Reason

To address amenity and Crime Prevention through Environmental Design principles.

Timing

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

11. Roadworks and Traffic

Condition

- a) New access driveway(s) and crossover(s) from the existing kerb and channel to the property boundary must be constructed generally in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.
- b) Any driveway servicing the proposed development must comply with Council standard drawings and AS2890.
- c) The Ingham Road access must be Left In/Left Out only.
- d) No right turn from Greenslade Street to Sturt Street is permitted.
- e) The queue lane for the existing U Turn on Sturt Street, and the queue lane for the right hand turn lane turning from Sturt Street to Greenslade Street must be extended to accommodate peak hour traffic.
- f) There must be no augmentation of existing turning lanes at the Ingham Road/Sturt Street intersection.
- g) Any damage to the kerb and channelling must be reconstructed / repaired for the full frontage of the site in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.

AND

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

Reason

To provide development with access in accordance with council standards.

Timing

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

12. Car Parking

Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of **104** car spaces, including disabled parking, and **1** ambulance bay must be provided on site in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan.
- c) No parking is permitted along the entry/exit aisle ways.

Reason

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

Timing

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

13. Stormwater Drainage

Condition

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

Reason

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

Timing

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

14. Stormwater Quality Management

Condition

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

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

Reason

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

Timing

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

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

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

Reason

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

Timing

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

16. Landscaping**Condition**

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

Reason

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

Timing

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

17. Street Enhancements**Condition**

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

Reason

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

Timing

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

18. Signage**Condition**

- (a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Levels of assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to council for assessment; and

- (b) Signs must be designed in accordance with Part 9.4.1 Advertising Devices Code of the Townsville City Plan; and
- (c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

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

Reason

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

Timing

Prior to the commencement of the use.

19. Soil Erosion Minimisation, Sediment Control

Condition

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

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

Reason

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

Timing

Maintained at all times during the construction phase.

20. Acid Sulphate Soils Management

Condition

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

Reason

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

Timing

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

21. Minimum Floor Levels

Condition

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

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

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

Reason

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

Timing

Prior to the issuing of a Development Permit for Building Works

22. Outdoor Lighting

Condition

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

Reason

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

Timing

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

23. Protection of Operational Airspace

- a) Development must comply with PO1 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of permanent or temporary physical obstructions.
- b) Development must comply with PO2 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of emissions.
- c) Development must comply with PO3 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of not attracting a significant number of flying vertebrates.
- d) Development must comply with PO7 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms external lighting.

Reason

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

Timing

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

24. Noise Management

Condition

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

Reason

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

Timing

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

25. Refuse Facilities

Condition

a) All collection of waste, medical waste and refuse material must be undertaken by a private contractor.

b) The collection of the waste must occur within the development site.

Reason

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

Timing

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

26. Service Delivery Vehicles

Condition

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

Reason

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

Timing

At all times following the commencement of the use.

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

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

ADVICE

1. Infrastructure Charges

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

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

2. Water Restrictions

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

3. Further Approvals Required

a) Operational Works

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

Condition 6 – Sewerage Reticulation

Condition 7 – Water Supply

Condition 9 – Amalgamation of Lots

Condition 11 – Roadworks and Traffic

Condition 12 – Car Parking

Condition 13 – Stormwater Drainage

Condition 14 – Stormwater Quality Management

Condition 16 – Landscaping

Condition 17 – Street Enhancements
Condition 20 – Acid Sulphate Soils Management
Condition 22 – Outdoor Lighting
Condition 24 – Noise Management

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

- b) **Plumbing and Drainage Works**
A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.
- c) **Building Works**
A Development Permit for Building Works to carry out building works prior to works commencing on site.
- d) **Road Works Permit**
A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.
- e) **Operational works - Signage**
A Development Permit for Operational works is required for signage deemed to be code assessable in accordance with the Planning Scheme.
- f) **Amalgamation of Lots**
A Survey plan must be registered in accordance with the Land Title Act 1994 for the amalgamation of all allotments.

4. Further Inspections Required

Compliance with Conditions

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

Condition 3 – Building Materials
Condition 4 – Property Numbering
Condition 10 – Screen Fencing
Condition 15 – Screening Plant and Utilities

5. Building Over/Adjacent to Services

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

6. Clinical/Medical Waste

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

7. Dust

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

8. Connection to Council Water Supply

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

9. Connection to Council Sewer

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

10. Storage of Materials and Machinery

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

11. Building Work Noise

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

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

12. Roadworks Approval

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

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

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

13. Specifications and Drawings

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

14. Environmental Considerations

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

15. Asbestos

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

16. Liquid Trade Waste Approval/Agreement

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

17. Food Business

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

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

Council Decision

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

"that the item be referred to the Chief Executive Officer for a decision."

CARRIED UNANIMOUSLY

The order of business resumed.

Committee Items

Infrastructure Services Committee

In accordance with section 173 of the Local Government Act 2009, Councillor L Walker declared a perceived conflict of interest in regards to items 4 and 5.

(a) the name of the Councillor who has the perceived conflict of interest:

Councillor L Walker

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

Councillor Walker declared a perceived conflict of interest in regards to A.E. Smith as he was hosted in the A.E. Smith corporate box at 1300 Smiles Stadium.

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

The Councillor determined that he could reasonably be perceived to have a conflict of interest in these matters and left the meeting and did not participate in the debate or voting on items 4 and 5.

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

The Councillor vacated the Chambers during the discussion and voting on items 4 and 5.

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

The majority of persons entitled to vote at the meeting voted as per the officer's recommendations for items 4 and 5.

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

"that the committee recommendations to items 1, 2, 3 and 6 be adopted and that items 4 and 5 be dealt with separately."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill thanked the Director Infrastructure and Operations and staff for their work which will provide local businesses a greater opportunity to be able to quote and possibly work for Council on some of its projects. Councillor Hill highlighted to the Councillors that it's helping us to keep up our election promise that we will only use and support local contractors.

Item 4 - Infrastructure Planning, Assets and Fleet - RPS00049 - Register of Prequalified Suppliers for Electrical Services

Item 5 - Infrastructure Planning, Assets and Fleet - RPS00050 - Register of Prequalified Suppliers for Plumbing and Roofing Services

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

"that the committee recommendations to items 4 and 5 be adopted."

CARRIED UNANIMOUSLY

1 Construction, Maintenance and Operations - Surveillance and control programs for Yellow Crazy Ants

Executive Summary

Council are implementing a program to eradicate Yellow crazy ants in Nome and anywhere else they occur in Townsville.

To aid the effective eradication of the yellow crazy ants the team has developed a Surveillance Program and a Prevention and Control Program for yellow crazy ants.

These programs developed under the *Biosecurity Act 2014* provides a specific power of entry for an authorised officer and enables the authorised officer after following the appropriate entry procedure:

To direct the occupier to take reasonable necessary steps to remove or eradicate biosecurity matter to which the program relates or to destroy the biosecurity matter or carrier themselves if they believe on reasonable grounds that it poses a significant biosecurity risk.

Officer's Recommendation

1. That Council endorse the Surveillance Program for the Yellow Crazy Ant (*Anoplolepis gracilipes*) under the *Biosecurity Act 2014*.
2. That Council endorse the Prevention and Control Program for the Yellow Crazy Ants (*Anoplolepis gracilipes*) under the *Biosecurity Act 2014*.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9742) where Council resolved that the committee recommendation be adopted.

2 Infrastructure Planning, Assets and Fleet - Removal of Paid Parking in Eyre Street

Executive Summary

In June 2016, Council agreed to extend the paid parking area within the Central Business District (CBD). One of these paid parking areas was the Eyre Street Off-Street Car Park that contains 49 parking spaces. The paid parking in this location has now been in place since June 2017 and has limited utilisation. This report outlines the need to remove the paid parking from this location.

Officer's Recommendation

That Council agree to remove the Eyre Street Off-Street Car Park from the paid parking area in the CBD.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9742) where Council resolved that the committee recommendation be adopted.

3 Infrastructure Planning, Assets and Fleet - RPS00047 - Register of Prequalified Suppliers for Pool Chemicals

Executive Summary

Council is seeking to appoint suitably qualified organisations, with the necessary capacity and capability, to be on a Panel of Pool Chemical supplies. Once established, the Panel will be used as required to supply chemicals to council's four (4) public swimming pools and the lagoons at Riverway Precinct.

This report and attached recommendation report provides analysis, evaluation and council's recommendation for awarding RPS00047 – Register of Prequalified Suppliers for Pool Chemicals.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That Council appoint the below three (3) tenderers to the Panel of Pool Chemical Suppliers (RPS00047):
 - T & L Dwyer Family Trust trading as Poolwerx Townsville North;
 - Hy-Clor Australia Pty Ltd; and
 - Lonics Australasia Pty Ltd trading as Elite Chemicals.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9742) where Council resolved that the committee recommendation be adopted.

4 Infrastructure Planning, Assets and Fleet - RPS00049 - Register of Prequalified Suppliers for Electrical Services

Executive Summary

Council owns and maintains a large number of building assets, plant and equipment at a variety of properties around the city. To ensure effective ongoing operation and maintenance of these assets, council has adopted a procurement process that utilises prequalified supplier panel registers for regular purchases of trade services. This register (Electrical Panel) is for suitably qualified and experienced companies to be registered for electrical services over the following categories:

- » Category (A): Electrical works up to a value of \$15,000
- » Category (B): Electrical works valued between \$15,000 and \$200,000

This report and attached recommendation report provides analysis, evaluation and council's recommendation for awarding RPS00049 – Register of Prequalified Suppliers for Electrical Services.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council approve the following tenderers to be registered on the Register of Prequalified Suppliers for Electrical Services (RPS00049):

Rank	Category (A): Electrical works up to a value of \$15,000 (incl. GST)	Category (B): Electrical works valued between \$15,000 and \$200,000 (incl. GST)
1.	Lollo & Allan Electrical & Sound Masking Pty Ltd	Lollo & Allan Electrical & Sound Masking Pty Ltd
2.	Minelec Pty Ltd	Alliance Electrical & Instrumentation Pty Ltd
3.	Grace Myles Pty Ltd trading as Lex Electrix	Grace Myles Pty Ltd trading as Lex Electrix
4.	A. E. Smith & Son (NQ) Pty Ltd	Bonlec Pty Ltd

3. That procurement of services from the panel of prequalified suppliers be sought in order of ranking for each specific category.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9742) where Council resolved that the committee recommendation be adopted.

5 Infrastructure Planning, Assets and Fleet - RPS00050 - Register of Prequalified Suppliers for Plumbing and Roofing Services

Executive Summary

Council owns and maintains a large number of building assets, plant and equipment at a variety of properties around the city. To ensure effective ongoing operation and maintenance of these assets, Council has adopted a procurement process that utilises prequalified supplier panel registers for regular purchases of trade services. This register (Plumbing and Roofing Panel) is for suitably qualified and experienced companies to be registered for plumbing and roofing services over the following categories:

- » Category (A): Plumbing – Works up to value of \$15,000
- » Category (B): Plumbing – Works valued between \$15,000 and \$200,000
- » Category (C): Roofing – Works up to value of \$200,000

This report and attached recommendation report provides analysis, evaluation and council's recommendation for awarding RPS00050 – Register of Prequalified Suppliers for Plumbing and Roofing Services.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council approve the following tenderers to be registered on the Register of Prequalified Suppliers for Plumbing and Roofing Services (RPS00050):

Rank	Category (A): Plumbing – Works up to value of \$15,000	Category (B): Plumbing – Works valued between \$15,000 and \$200,000	Category (C): Roofing – Works up to value of \$200,000
1.	Andrew Robert Dunlop T/A Dunnys and Taps	Top to Bottom Plumbing NQ Pty Ltd	Top to Bottom Plumbing NQ Pty Ltd
2.	Top to Bottom Plumbing NQ Pty Ltd	SPD Group Pty Ltd T/A Smedley Plumbing and Drainage	SPD Group Pty Ltd T/A Smedley Plumbing and Drainage
3.	SPD Group Pty Ltd T/A Smedley Plumbing and Drainage	TMP Civil Services Pty Ltd	TMP Civil Services Pty Ltd
4.	TMP Civil Services Pty Ltd	GNM Group (QLD) Pty Ltd	Matz Roofing Pty Ltd

3. That procurement of services from the panel of prequalified suppliers be sought in order of ranking for each specific category.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9742) where Council resolved that the committee recommendation be adopted.

6 Infrastructure Planning, Assets and Fleet - TCW00229 Supply and Delivery of One (1) Truck Mounted, Vacuum Type Street Sweeper

Executive Summary

Tender TCW00229 Supply and Delivery of One (1) new Truck Mounted, Vacuum Type Street Sweeper was called as part of the approved 2017/2018 Heavy Fleet Replacement Program. Tenders were invited for the supply and delivery of One (1) new Truck Mounted, Vacuum Type Street Sweeper for allocation to Infrastructure and Operations – Infrastructure Planning, Assets and Fleet – Fleet Services – Plant & Machinery.

This report provides information and Council's recommendation for awarding tender TCW00229 Supply and Delivery of One (1) new Truck Mounted, Vacuum Type Street Sweeper.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award Tender No TCW00229 – Supply and Delivery of one (1) only Truck Mounted, Vacuum Type Street Sweeper to Rosmech Sales & Services Pty Ltd for one (1) only Scarab Mistral /Hino FG1628 Auto Street Sweeper, at a quoted price of \$347,018.00 (excluding GST).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9742) where Council resolved that the committee recommendation be adopted.

Planning and Development Committee

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

"that the committee recommendations to items 7, 8 and 9 be adopted and that item 10 be dealt with separately."

CARRIED UNANIMOUSLY

Item 10 - P&CE - Planning Services - Land Use and Urban Design - Review of Submissions and Seek Approval from Minister to Adopt Major Amendment - 78 - 94 John Melton Black Drive, Garbutt

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

"that the committee recommendation to item 10 be adopted."

CARRIED

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

For	Against
The Mayor, Councillor J Hill	Councillor A Greaney
Councillor R Cook	
Councillor V Coombe	
Councillor C Doyle	
Councillor M Molachino	
Councillor K Rehbein	
Councillor M Ryder	
Councillor M Soars	
Councillor L Walker	
Reasons Against	

Councillor Greaney advised she is voting against the adoption to this major amendment from open space to low residential for a number of reasons and they are as follows:

- the land was sold under the former Newman Government for this development purpose and in her opinion it should have never been allowed to happen as the development is way too close to the Airport;*
- it doesn't take into account new planes and their technology and future aircraft noise; and*
- fundamentally she does not believe that this is in the best interests of the residents of Garbutt.*

7 Outcome of Appeal No. 316 of 2014, Elements NQ Pty Ltd (formerly Townsville Heights Estate Pty Ltd) v TCC, White Road, Jensen

Executive Summary

An applicant appeal was filed in the Planning Environment Court by Elements NQ Pty Ltd (formerly Townsville Heights Estate Pty Ltd) on 21 October 2014. The appeal was filed against Council's decision to approve a Development Application for Reconfiguration of a Lot to create 346 Park Residential Lots subject to conditions. The appeal was specifically in relation to the inclusion of a condition (10(e)) that the developer must provide a sealed access road to the proposed reservoir, secured by an access easement.

After a series of negotiations and mediations between the parties, it was agreed that condition 10e could be amended. Subsequently, the court issued a Final Order on 18 August 2017.

This matter is now at an end.

Officer's Recommendation

That Council receive this report and note the outcome of Appeal No. 316 of 2014.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 7 of the Council minutes (page 9748) where Council resolved that the committee recommendation be adopted.

8 P&CE - Planning Services - Land Use & Urban Design - Heritage Advisory Committee Meeting Minutes

Executive Summary

The Heritage Advisory Committee met on 20 September 2017. Draft minutes from that meeting are attached. Two action items of note arose:

1. The Committee recommends that council lobby the Queensland Department of Environment and Heritage Protection to re-introduce at least one Heritage Officer in their Townsville office.
2. Robert Hayles and Catherine Robinson have been recommended for the next instalment in the Pioneers Walk.

The Committee also considered recommended actions arising from the Museums and Historical Working Group, which met on 7 September 2017. Full draft minutes of that meeting are attached for reference. Actions of note were:

1. Recommendation that a 'Young Historian' award process be developed for implementation in the 2018/9 Financial Year.

Officer's Recommendation

That Council ratify the attached minutes of the Heritage Advisory Committee held on 20 September 2017 and support the following recommendations:

1. That Council lobby the Queensland Department of Environment and Heritage Protection to re-introduce at least one Heritage Officer in their Townsville office;
2. That Robert Hayles and Catherine Robinson feature in the next instalment in the Pioneers Walk; and
3. That a 'Young Historian' award process be developed for implementation in the 2018/9 Financial Year.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 7 of the Council minutes (page 9748) where Council resolved that the committee recommendation be adopted.

9 P&CE - Planning Services - Land Use and Urban Design - Townsville City Plan - Amendment Package 2017/06

Executive Summary

This report proposes the next round of amendments (Amendment Package 2017/06) to the Townsville City Plan, in keeping with ongoing maintenance of the planning scheme to reflect modern standards and practices.

Proposed amendments (including administrative, minor and major amendments) are collectively addressed in the report in order to ensure a streamlined and efficient process of undertaking amendment to the Townsville City Plan.

The proposed major amendments to the Townsville City Plan relate to additional development benchmarks associated with Secondary dwellings and Caretaker's residences and clarification regarding vehicle trips associated with a Home based business.

Officer's Recommendation

1. That, pursuant to sections 20 and 22, Part 3, Chapter 2 of the *Planning Act 2016*, Council resolve to make, prepare and adopt the proposed administrative and minor amendments to the Townsville City Plan in accordance with this report;
2. That, pursuant to sections 20 and 22, Part 3, Chapter 2 of the *Planning Act 2016*, Council resolve to make major amendments to the Townsville City Plan in accordance with this report;
3. That, pursuant to sections 20 and 22, Part 3, Chapter 2 of the *Planning Act 2016*, Council resolve to write to the Minister advising of the decision to make major amendments to the Townsville City Plan and request confirmation of state interests;
4. That, pursuant to sections 20 and 22, Part 3, Chapter 2 of the *Planning Act 2016*, Council resolve to make, prepare and adopt the proposed administrative amendments to the Townsville City Plan planning scheme policies in accordance with this report;
5. That, pursuant to sections 20 and 22, Part 3, Chapter 2 of the *Planning Act 2016*, Council resolve to make, prepare and notify the proposed amendment to the Townsville City Plan planning scheme policies in accordance with this report.

Committee Recommendation

That this item be held over subject to a Councillor workshop.

Council Decision

Refer to resolution preceding item 7 of the Council minutes (page 9748) where Council resolved that the committee recommendation be adopted.

10 P&CE - Planning Services - Land Use and Urban Design - Review of Submissions and Seek Approval from Minister to Adopt Major Amendment - 78 - 94 John Melton Black Drive, Garbutt

Executive Summary

Council resolved to make a major amendment to the Townsville City Plan in relation to the land parcel located at 78 – 94 John Melton Black Drive, Garbutt in September 2015. The amendment relates to changing the land parcels from the Open Space zone to the Low Density Residential zone to reflect a current development approval.

On 6 April 2017, the Minister provided formal correspondence to Council advising that all state interests had been appropriately integrated with respect to the proposed major amendment and that Council could undertake public consultation. The proposed amendment was publicly notified between 24 July and 1 September 2017. During this period a total of five submissions were received. As a consequence of the submissions received, a small modification is proposed in relation to the proposed major amendment.

Officer's Recommendation

1. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, Council resolve to write to all submitters regarding how their submissions have been considered.
2. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, Council resolve to proceed with the major amendment, with a modification, in accordance with this report.
3. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, Council resolve to write to the Minister requesting the adoption of the proposed major amendment.
4. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, Council resolve to subject to there being no significant changes arising out of the Minister's advice on the next stage of the process, delegate authority to the Chief Executive Officer to adopt the proposed John Melton Black Drive major amendment.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 7 of the Council minutes (page 9748) where Council resolved that the committee recommendation be adopted.

Community Health and Environment Committee

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

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

CARRIED UNANIMOUSLY

11 Infrastructure and Operations - Townsville Local Disaster Management Group - Minutes of Special Meeting 28 August 2017

Executive Summary

The Townsville Local Disaster Management Group (TLDMG) Members meet five times per year and includes core members and deputies from the Townsville City Council, Queensland Fire and Emergency Services (Emergency Management and Fire and Rescue), Queensland Police Service, Queensland Ambulance Service, State Emergency Service, Ergon, Townsville Hospital & Health Services, Townsville Enterprise Limited and a number of other agencies.

Attached to the Report to Council are the minutes of the special meeting held on 28 August 2017.

Officer's Recommendation

1. That Council endorse the minutes of the Townsville Local Disaster Management Group Special Meeting held on 28 August 2017.
2. That Council acknowledge the Townsville Local Disaster Management Group's responses from review of the IGEM Disaster Management Prioritisation Tool.
3. That Council endorse the Townsville Local Disaster Management Group's acceptance of the changes to the Ross River Dam Emergency Action Plan, including Emergency Alerts messaging and polygons, for submission to the Department of Energy and Water Supply (DEWS).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 11 of the Council minutes (page 9752) where Council resolved that the committee recommendation be adopted.

12 Community Engagement -Report - Community Safety Advisory Committee - 20 September 2017

Executive Summary

Attached to the Report to Council is the Report of the Community Safety Advisory Committee meeting held on 20 September 2017.

Officer's Recommendation

That Council note the Report of the Community Safety Advisory Committee meeting of 20 September 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 11 of the Council minutes (page 9752) where Council resolved that the committee recommendation be adopted.

Community and Cultural Development Committee

In accordance with section 173 of the Local Government Act 2009, Councillor M Ryder declared a perceived conflict of interest in regards to item 16.

(a) the name of the Councillor who has the perceived conflict of interest:

Councillor M Ryder

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

Councillor Ryder declared a perceived conflict of interest in relation to item 16. Councillor Ryder's events business formerly provided services to the Townsville Running Festival. Although her events company is no longer contracted to the Townsville Running Festival, she will keep consistency with her established approach and leave the room whilst the discussion and decision is being made.

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

The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.

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

The Councillor vacated the Chambers during discussion and voting on this item.

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

The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 173 of the Local Government Act 2009, Councillor V Coombe declared a perceived conflict of interest in regards to item 16.

(a) the name of the Councillor who has the perceived conflict of interest:

Councillor V Coombe

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

Councillor Coombe declared a perceived a conflict of interest in relation to item 16 as she has provided a letter of support to the Townsville Fashion Festival for their funding application.

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

The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.

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

The Councillor vacated the Chambers during discussion and voting on this item.

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

The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

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

"that the committee recommendations to items 13, 14, 15, 17 and 18 be adopted and that item 16 be dealt with separately."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill noted that the Reef HQ Galleries Street Art Collaboration looks like it will be a fantastic project again and requested that her congratulations be passed onto the Galleries staff as the work that is being done in and around the City has been spectacular.

Item 16 - Community Engagement - Grants and Sponsorship Recommendations September 2017

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

"that the committee recommendation for item 16 be adopted."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill requested that it be put on record how important this money is and listed some of the groups who will be recipients. Happy Feat, North Queensland Ballet and Dance Company better known as Dancenorth, Umbrella Studio, Townsville BMX, Townsville & James Cook University Rowing Club, Triple T, Lions Convention, Spirit of Africa, Townsville Triathlon Festival. Many of the great community events we have in our City fundamentally rely, to a certain extent, on the support that this Council gives them. Councillor Hill stated that when you look through the list it is absolutely incredible. Councillor Hill thanked the staff for the work they do in putting this program together.

13 Venues and Cultural Services - Minutes of the Art Acquisition Working Group Meeting 28 September 2017

Executive Summary

Attached to the report to Council are the minutes of the Art Acquisition Working Group Meeting held on 28 September 2017 for the information of the committee.

Officer's Recommendation

That Council note the minutes and endorse the recommendations of the Art Acquisition Working Group meeting of 28 September 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes (page 9754) where Council resolved that the committee recommendation be adopted.

14 Venues and Cultural Services - Reef HQ and Galleries Street Art Collaboration

Executive Summary

In 2016, Galleries met with Reef HQ to discuss the possibility of delivering a street art project in collaboration with Reef HQ, specifically designed for the back wall of Reef HQ's building, facing the river. A tentative agreement was reached with Reef HQ to match Council funds dollar for dollar.

At a meeting with Reef HQ in September 2017 it was confirmed that they had also budgeted \$50,000 for this project, for a total expected expenditure of \$100,000. Galleries will develop a memorandum of understanding with Reef HQ and manage the project. The mural is expected to be completed by April 2018.

Officer's Recommendation

That Council endorse the collaborative street art project with Reef HQ.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes (page 9754) where Council resolved that the committee recommendation be adopted.

15 Venues and Cultural Services - Change to Subordinate Local Law No.6 (Bathing Reserves) 2011

Executive Summary

Presently *Local Law No.6 (Bathing Reserves) 2011* prohibits the use of motor vessels in bathing reserves unless the vessels are being operated for life-saving purposes.

This prevents commercial operators transferring customers from the beach to areas beyond the bathing reserves where commercial activities may be conducted.

It is recommended that the Council change *Subordinate Local Law No.6 (Bathing Reserves) 2011* to allow Council to issue approval for vessels to transit through certain parts of each bathing reserve.

Officer's Recommendation

1. That Council resolve to make a change to *Subordinate Local Law No.6 (Bathing Reserves) 2011* to allow Council to approve the use of motor vessels within specific portions of bathing reserves when:
 - that use is for the purpose of transferring customers from the beach to an area outside the bathing reserve where commercial activities are conducted; and
 - the operator of the motor vessel at all times while within the bathing reserve complies with the conditions of the approval and all relevant maritime laws.
2. That Council resolve that it accepts the proposed change is intended to enhance competition and contains no anti-competitive provisions.
3. That Council resolve to vary Council's adopted local law making process for the purpose of making a minor amendment to column 3 of Schedule 2 of *Subordinate Local Law No.6 (Bathing Reserves) 2011* by resolving to proceed immediately to make the change, by deleting the existing wording in column 3 and inserting in its place:

Permitted only if authorised under the conditions of an approval for a prescribed activity, or if the aquatic equipment is being used by an authorised person or a member of a life-saving patrol in the course of his or her duties as an authorised person or life-saving patrol member.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes (page 9754) where Council resolved that the committee recommendation be adopted.

16 Community Engagement - Grants and Sponsorship Recommendations September 2017

Executive Summary

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

The following report outlines recommendations from the Financial Assistance and Events Group (FAEG) meeting held on Wednesday 18 October 2017, based on applications received through the September 2017 round of the Community Grants and Sponsorships Program. Further minor amendments have been effected by officers, as a result of further information being received and these are presented for Councils consideration.

Officer's Recommendation

That Council approve the grant funding amounts detailed below:

Organisation	Project description	Purpose of grant	Amount (Excl. GST)
Sport and Recreational Grants – Club Capacity Building Grants			
Garbutt Bombers Sporting & Cultural Association Inc.	Garbutt Bombers Sporting Strategy 2018.	Funding is requested to enable the club to support adults and youth to learn skills and recognition to provide sporting opportunities for our community. Club meetings have planned for sporting teams to participate in AFL and Netball in 2018.	2017/18 \$1,224 (Cash)
Rockclimbers Association of North Queensland Inc.	Top Rope Course.	Funding is requested to enable the club to provide five (5) club members with the knowledge and skills to safely set rope anchors for top rope climbing.	2017/18 \$1,226 (Cash)
Townsville & James Cook University Rowing Club Inc.	Townsville & James Cook University Rowing Club Inc.	Funding is requested to enable the club to develop existing members into coaches to enhance the club's ability to develop rowers in all age categories, which will be facilitated in the first instance via the funding of the Online Level 1 National Coaching Accreditation Scheme, Coaching Accreditation Course offered via Rowing Australia.	2017/18 \$552 (Cash)
Townsville BMX Club Inc.	Townsville BMX Club Inc. Volunteer Training Program.	Funding is requested to: Increase the number of registered coaches. Increase the number of registered first aid officers. Increase the number of higher level official volunteers.	2017/18 \$1,226 (Cash)

Community Heritage Grant			
Umbrella Studio Association Inc.	Anneke Silver Publication.	Funding is requested for the printing of a book documenting and celebrating the long and influential career of seminal Townsville artist Anneke Silver.	2017/18 \$2,605 (Cash) Condition of funding: That Umbrella Studio Association Inc. provides nine copies of the publication to council.
Community Capacity Building Grants Program - Community Organisation Support			
Coastal Dry Tropics Landcare Inc.	Strategic Communications Consultancy Project.	Funding is requested to enable the Coastal Dry Tropics Landcare Inc. to work with Townsville Business Development Centre (TBDC) to develop Operational and Communications Plans and a Membership Strategy to further improve business processes to enable Coastal Dry Tropics Landcare Inc. to better deliver projects to the community and to increase the reach of Coastal Dry Tropics Landcare Inc. into the community	2017/18 \$2,000 (Cash)
North Queensland Ballet and Dance Company Ltd.	Dancenorth Digital Archive Project.	Funding is requested to enable the North Queensland Ballet & Dance Company Ltd. To undertake the Dancenorth Digital Archive which is an active archive project designed to preserve and showcase the dynamic evolution of Dancenorth through an exploration of works from its 32 year history. Housed in both digital & analogue forms the archive will be accessible to the public & maintained for the future.	2017/18 \$1,300 (Cash)
Yoga Tools for Schools Inc.	Six-month Organisational Support Program.	Funding is requested to enable continued mentoring by the Townsville Business Development Centre to Yoga Tools for Schools Inc. and to provide guidance and assistance in key areas of need identified from the Community Group Accelerator (CGA) program.	2017/18 \$0 Review taken place and recommended approval of a \$1,000 Micro Grant
Community Capacity Building Grants Program – Partnerships and Sponsorships			
Community Information Centre Townsville Inc.	Operational Expenses.	Funding is requested to enable the Community Information Centre to continue serving the Townsville Community by providing a high quality and reputable information and referral service.	To be considered for recurrent funding

Happy Feat Inc.	Venue hire.	Funding is requested to enable Happy Feat Inc. to provide a safe, suitable venue, on a weekly basis, to over 100 team members who have 'differing disabilities' and special needs to participate in dance classes and sessions.	2017/18 \$4,000 (Cash)
Hear and Say - Centre for Deaf Children Limited.	Hear and Say's North Queensland Young Achievers Camp.	Funding is requested to enable Hear and Say - Centre for Deaf Children Limited to hold Hear and Say's North Queensland Young Achievers camp which helps develop the socialisation skills and confidence of children/adolescents with hearing loss aged eight to fifteen years.	2017/18 \$6,200 (Cash)
Townsville Community Broadcasting Company Limited (Trading as Triple T)	Operational expenses.	Funding is requested to assist 103.9 Triple t to deliver their diverse media based services within the community and partner with like-minded charities, Not-for-Profit organisations and community subscribers.	2017/18 \$6,000 (Cash)
Uncle Alfred's Men's Group / Mentoring Group. Auspiced by: Gudjuda Reference Group Aboriginal Corporation.	Moonda Bungurra Bama (Snake Skin Man Gathering).	Funding is requested to conduct the 'Breaking the Cycle of Re-offending' program. This program involves: Installing a web page. Training and issuing of boat licences.	2017/18 \$4,230 (Cash)
Festivals and Events Grant Program			
Lions MD201 Convention Townsville 2018 Auspiced by: Multiple District 201 of Lions Clubs International Incorporated.	Townsville 2018 66th Lions National Convention.	Funding is requested for the Lions National Convention which will enable more than 2,000 Lions members from across Australia to gather together to celebrate, attend seminars, vote on the association's future and attend plenary sessions and exhibits.	2017/18 \$25,000 (Cash)
Spirit of Africa Cultural Association Inc.	African Festival.	Funding is requested for the African Festival which will showcase African traditions and cultures to the community by way of entertainment such as drumming, cooking, traditional/new age dancing, education and storytelling.	2017/18 \$17,882 (Cash) and Waiver of venue hire fees up to the value of \$681.82 for Raintree Grove and Village Green at Riverway.

Townsville & District Multiple Birth Association Inc.	Australian Multiple Births Association - Queensland Annual State Seminar - Hosted by Townsville District Multiple Births Association Inc.	Funding is requested to assist in holding the annual State Seminar for the Queensland Branch of the Australian Multiple Birth Association. This is an annual event that delegates from eleven associations across Queensland attend to network and learn new tips and tricks for raising multiples and helping families with multiples in need.	2017/18 \$3,013 (Cash)
Townsville NAIDOC Committee Auspiced by Northern Regional Aboriginal and Torres Strait Islander Corporation.	Townsville NADOC Celebrations 2018.	Funding is requested to assist in the holding of NAIDOC Week events. Funding is recommended for three events: Flag raising ceremony; March / Deadly Day Out; and Elders Luncheon.	2017/18 \$70,017 (cash) Waiver of venue hire fees up to the value of \$208.82 being for Jezzine Barracks (\$23.18) and Riverway (\$185.64). Condition of funding – Invitation to the Elders Luncheon to be extended to all Councillors via the Mayor's Office. Invitation to be a member of the Townsville NAIDOC Committee to be extended to Council.
Townsville Triathlon Festival Inc.	Townsville Triathlon Festival.	Funding is requested to assist in holding the Townsville Triathlon Festival which is the region's largest multisport festival with eleven events held over three days.	2017/18 \$30,000 (Cash) and Waiver of venue hire fees up to the value of \$5,909.12 for Strand Park and Jezzine Barracks.
Umbrella Studio Association	Pop Up North Queensland (PUNQ)	Funding is requested towards a festival of pop-up exhibitions and shops designed to activate empty shops and spaces throughout the Townsville central business district.	2017//18 \$19,000 (Cash)

The Townsville Chinese Club Inc.	Townsville Chinese New Year Celebration 2018.	Funding is requested to assist in holding The Townsville Chinese New Year Festival 2018 which will be an event of building an inclusive community in Townsville and bring together people of all walks of life to celebrate Townsville's cultural diversity.	2017/18 \$12,010 (Cash) and Waiver of venue hires fees up to the value of \$93 for Strand Park.
Townsville Fashion Festival Inc.	Townsville Fashion Festival presented by Escape.	Funding is requested to assist in holding the Townsville Fashion Festival which is a platform for all that is fashionable and creative. This is an event with the potential to grow and support our fashion, retail, beauty, arts and cultural sectors of our community.	2017/18 \$25,000 (Cash)
Townsville Hospital Foundation.	Townsville Hospital Foundation Move It Festival .	Funding is requested to assist in holding The Move It Festival which is a community fun day encouraging all members of the community to register for a fun walk/run to keep active and to provide a platform for smaller sporting clubs and group to promote their sport and local competitions.	2017/18 Waiver of venue hire fees up to the value of \$1,363.64 for Raintree Grove – Riverway.
Townsville Road Runners Club Inc.	McDonald's Townsville Running Festival (MTRF)	Funding is requested to assist in holding the MTRF which is an all age's festival held annually at the beginning of August and is the only certified marathon in Queensland outside the south-east corner.	2018/19 \$20,000 (Cash) and Waiver of venue hire fees up to the value of \$1,363.64 for Jezzine Barracks.
Townsville Rockwheelers Mountain Bike Club Inc.	Paluma Push Mountain Bike Race.	Funding is requested to assist in holding The Paluma Push which is a point to point mountain bike ride adventure which is a 43, 50 or 70 km long catering for all ages.	2017/18 \$5,000 (Cash)
Townsville Waitangi Day Inc.	Townsville Waitangi Cultural and Sports Day.	Funding is requested to assist in holding Waitangi Day which is held every year to commemorate the signing of New Zealand's founding document the Treaty of Waitangi in 1840. This event is to show case the New Zealand culture to Townsville through such a significant event called Waitangi Day.	2017/18 \$17,969 (Cash)

<p>Variety Queensland Incorporated.</p>	<p>2018 Variety Bash - Queensland, Victoria and Northern Territory.</p>	<p>The Variety Bash is Australia's largest and longest running motoring event taking place in every state. The 2018 Variety Bash will see three States and Territories all culminating in Townsville for one big finish of their respective events.</p>	<p>2018/19 \$20,000 (Cash)</p> <p>Condition of funding:</p> <p>Funding is conditional upon the 2018 Variety Bash - Queensland, Victoria and Northern Territory finishing in Townsville.</p> <p>The finishing destination in Townsville is not to be held at Kennedy Regiment Plaza or Parade Ground at Jezzine Barracks.</p>
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Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes (page 9754) where Council resolved that the committee recommendation be adopted.

17 Community Planning and Engagement - Althea Projects Inc - Amendments to approved lease conditions

Executive Summary

Council has previously approved the transfer of the lease over part of Lot 2 on RP715189, from The Townsville Drop-In Centre Inc to Althea Projects Inc.

A Draft lease was prepared and presented to Althea Projects Inc, who have requested a number of amendments around tenure rights for the land.

Officer's Recommendation

1. That Council approve tenure rights over the land for the remaining period of the existing lease term, expiring 23 January 2019.
2. That Council approve a termination clause with the ability to terminate the lease upon giving nine (9) months' notice to Althea Projects Inc. at any time after 24 July 2018.
3. That Council approve, outside of the above conditions, the lease to Althea Projects Inc is to be on the same terms as the existing lease with The Townsville Drop-In Centre Inc.
4. That Council resolve that the exemption in section 236 (1)(b)(ii) of the *Local Government Regulation 2012* applies to the disposal of the land included in the lease, because the disposal is to a community organisation.

Committee Recommendation

1. That Council approve issuing of a lease to Althea Projects Inc. over the existing community garden, located in Dean Park, 1-19 Morey Street, South Townsville – Lot 2 on RP715189, for a term of up to 10 years, for the fee of \$1.00 per year, Exclusive of GST, if requested.
2. That Council approve a termination clause with the ability to terminate the lease upon giving nine (9) months' notice to Althea Projects Inc. at any time after 24 July 2018.
3. That Council approve, outside of the above conditions, the lease to Althea Projects Inc is to be on the same terms as the existing lease with The Townsville Drop-In Centre Inc.
4. That Council resolve that the exemption in section 236 (1)(b)(ii) of the *Local Government Regulation 2012* applies to the disposal of the land included in the lease, because the disposal is to a community organisation.
5. That Council note that Althea Projects Inc. will be responsible for;
 - Maintenance, Repair, Replacement Obligations of Lessee
 - a) Structural (clause 6.1 (a))
 - b) Services/pipes/conduits (clause 6.1 (b))
 - c) Painting (clause 6.3)
 - d) Minor Maintenance (clause 6.6)
 - Landscaping Obligation (clause 5.8)

Council Decision

Refer to resolution preceding item 13 of the Council minutes (page 9754) where Council resolved that the committee recommendation be adopted.

18 Community Engagement - Green Park EOI Recommendation and request for New Lease

Executive Summary

The Sport and Recreation facility at 54-56 Ingham Road, West End (Lot 35 Crown Plan T118107) was formerly occupied by Valleys Tennis Club, this lease was rescinded with Department of Natural Resources and Mines (DNRM) on the 27/02/2015. In 2014 Tennis Townsville took on the responsibility of the facility without a formal Council agreement, the facility keys were handed back to Council on 30/06/2015.

Council opened an expression of interest (EOI) process for leasing the facility in October 2016, with Rowes Bay Archery Club assessed as a successful future lessee for this facility.

The facilities Land Purpose under the DNRM Title Search is Recreation.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council endorse the expression of interest panel's evaluation and recommendation to award Rowes Bay Archery Club as the successful applicant.
3. That Council enter in to a lease with Rowes Bay Archery Club over the Sport and Recreation facility at Green Park 54-56 Ingham Rd, West End on (Lot 35 CP T 118107). The lease will be at a peppercorn rate with the option to allow for a rent rate review by Council annually on the anniversary of the lease commencement date.
4. That Council resolve that the exemption in section 236 (1)(b)(ii) of the *Local Government Regulation 2012* applies to the disposal of the land included in the lease, because the disposal is to a community organisation.
5. That the lease provided to the club include responsibility for the following:
 - a) Maintenance, Repair, Replacement of:
 - i. Structural (clause 6.1a)
 - ii. Services/pipes/conduits (clause 6.1 (b))
 - iii. Painting (clause 6.3)
 - iv. Minor maintenance (clause 6.6)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes (page 9754) where Council resolved that the committee recommendation be adopted.

Governance and Finance Committee

In accordance with section 173 of the Local Government Act 2009, the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 29.

- (a) the name of the Councillor who has the perceived conflict of interest:**
The Mayor, Councillor J Hill
- (b) the nature of the conflict of interest as described by the Councillor:**
One of the sole suppliers Agilent Technologies is a company that the Mayor, Councillor J Hill's brother works for in Melbourne.
- (c) how the Councillor dealt with the perceived conflict of interest:**
The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 173 of the Local Government Act 2009, Councillor K Rehbein declared a perceived conflict of interest in regards to item 29.

- (a) the name of the Councillor who has the perceived conflict of interest:**
Councillor K Rehbein
- (b) the nature of the conflict of interest as described by the Councillor:**
Councillor Rehbein declared a perceived conflict of interest in regards to Queensland Fire and Rescue Services. (Councillor K Rehbein is an unpaid employee of Queensland Fire and Rescue Services)
- (c) how the Councillor dealt with the perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

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

"that the committee recommendations to items 19 to 28 be adopted and that item 29 be dealt with separately."

CARRIED UNANIMOUSLY

The Deputy Mayor, Councillor L Walker assumed the position of Chair during discussion and voting of item 29.

Item 29 - Sole Supplier Approval October 2017

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

"that the committee recommendation to item 29 be adopted."

CARRIED UNANIMOUSLY

19 Finance Services - Budget Variance Report - September 2017

Executive Summary

On behalf of the Chief Executive Officer, the Acting Chief Financial Officer presented and discussed the Budget Variance Report for the whole of Council for September 2017, pursuant to section 204 of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note the financial report for September 2017 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

20 Finance Services - Treasury Report - September 2017

Executive Summary

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

Officer's Recommendation

That Council note the treasury report for September 2017 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

21 Legal Services - Audit Committee Minutes 31 August 2017

Executive Summary

The minutes of the Audit Committee meeting held on 31 August 2017 are attached to the Report to Council.

Officer's Recommendation

That Council receive the minutes of the Audit Committee meeting held on 31 August 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

22 Financial Services - Request for Concession - Property Number 238360

Executive Summary

A request has been received for a concession for the General Rates for property number 238360. In accordance with Part 10, Section 120 of the *Local Government Regulation 2010*, Council may grant a concession for rates under certain eligibility criteria.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a concession for the General Rates for the property number 238360 as outlined in the Report to Council and that the concession include general rates from the 01 July 2017.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or a change to the ownership of the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

23 Finance Services - Request for concession - Property number 552869

Executive Summary

A request has been received for a concession for the General Rates and Volumetric Water charges for property number 552869. In accordance with Part 10, Section 120 of the *Local Government Regulation 2010*, Council may grant a concession for rates under certain eligibility criteria.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a concession for the General Rates and for the Volumetric Water charges for the property number 552869 as outlined in the Report to Council. The newly leased property is currently awaiting Valuation and as such, general rates are yet to be levied. It is recommended that the concession include general rates from the date of effect as detailed on the valuation record when received.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or a change to the ownership of the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

24 Financial Services - Request for concession - Property number 145560

Executive Summary

A request has been received for a concession for the Sewerage and Volumetric Water charges for property number 145560. In accordance with Part 10, Section 120 of the *Local Government Regulation 2010*, Council may grant a concession for rates under certain eligibility criteria.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a concession on Sewerage charges and concession for the Volumetric Water charges for the property number 145560 as outlined in the Report to Council and that the concession includes Charges from the 01 July 2017. The Property is exempt from general rates under *Chapter 4 section 73(a)(ii) of the Local Government Regulation 2012*.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or a change to the ownership of the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

25 Financial Services - Request for concession - property numbers 543808,543809,543810

Executive Summary

A request has been received for a concession for the General Rates for property numbers 543808,543809,543810. In accordance with Part 10, Section 120 of the *Local Government Regulation 2010*, Council may grant a concession for rates under certain eligibility criteria.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a concession for the General Rates for the property numbers 543808,543809,543810 as outlined in the Report to Council and that the concession include general rates from the 01 July 2017.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or a change to the ownership of the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

**26 Financial Services - Request for Concession - Property Numbers
15240,112200,115750,130010,143650,198640,238710,513752,514065,519077,533332,53799
7, 538380**

Executive Summary

A request has been received for a concession for the Sewerage and Volumetric Water charges for multiple properties owned by the same organisation, property numbers 15240, 112200, 115750, 130010, 143650, 198640, 238710, 513752, 514065, 519077, 533332, 537997, 538380. In accordance with Part 10, Section 120 of the *Local Government Regulation 2012*, Council may grant a concession for rates under certain eligibility criteria.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to reject the request for further concessions on Sewerage charges and a concession for the Volumetric Water charges for the property numbers 15240, 112200, 115750, 130010, 143650, 198640, 238710, 513752, 514065, 519077, 533332, 537997, 538380 as outlined in the Report to Council and that the concession includes Charges from the 01 July 2017. These properties are exempt from general rates under *Chapter 4 section 73(a)(ii) of the Local Government Regulation 2012*.
3. That Council continue to allow current concessions granted to these properties.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

27 Financial Services - Request for Concession - Property number 513825

Executive Summary

A request has been received for a concession for the General Rates for property number 513825. In accordance with Part 10, Section 120 of the *Local Government Regulation 2012*, Council may grant a concession for rates under certain eligibility criteria.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a concession on General Rates for the property number 513825 as outlined in the Report to Council and that the concession includes Charges from the 01 July 2017. The Property is exempt from general rates under *Chapter 4 section 73(a)(ii) of the Local Government Regulation 2012*.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or change of ownership for the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

28 Financial Services - Notice of Intention to Sell properties for arrears of rates

Executive Summary

61 properties listed have overdue rates which have remained outstanding for a period in excess of the period specified in the regulation and can now be sold by council to recover the outstanding rates and charges under Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012*.

Officer's Recommendation

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

2. That pursuant to Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012*, Council commence sale proceedings to recover outstanding rates and charges for the following properties:

Property Numbers

27980	505827	530533	511015	511927
41650	511409	532923	513980	538168
120650	511934	534851	521296	547694
140800	512597	546377	526678	510389
188740	516363	532440	528128	545231
193560	517907	164770	530347	66600
198870	518628	69590	531192	353820
212700	519449	215200	533841	516101
106390	520532	240130	548265	4040
257800	521895	348867	238990	
273440	523623	360178	247270	
317901	528145	360441	505499	
505774	529812	504651	505512	

3. That Council delegate to the Chief Executive Officer the power to discontinue any sale proceedings commenced pursuant to Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012* in circumstances where the Chief Executive Officer or the delegated officer determines on the facts available to them at the time that it would not be in the best interests of Council or would be unfair or unjust to the property owner to proceed with the sale or any auction of the property.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

29 Sole Supplier Approval October 2017

Executive Summary

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

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

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

Corporate Procurement has coordinated this report to enable a register of sole suppliers and suppliers of specialised or confidential services to be established and to ensure that legislative requirements are met.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve in accordance with section 235(a) and (b) of the *Local Government Regulation 2012* that it is satisfied that these suppliers as listed in Attachment 1 are sole suppliers and/or suppliers of specialised or confidential services for the 2017/2018 calendar years.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 19 of the Council minutes (page 9765) where Council resolved that the committee recommendation be adopted.

Townsville Water and Waste Committee

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

"that the committee recommendations to items 30 to 32 be adopted."

CARRIED UNANIMOUSLY

30 Townsville Water and Waste - Customer and Business Reporting - Quarter 1 2017/18

Executive Summary

The following Customer and Business Reports are submitted for Quarter 1, 2017/18:

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

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

Officer's Recommendation

1. That Council note the results of the Customer Service Standard Report Cards and Business Scorecards for Townsville Water and Townsville Waste Services for Quarter 1, 2017/18.
2. That Council note the publication of the Customer Service Standard Report Cards for Townsville Water and Townsville Waste Services for Quarter 1, 2017/18, which will be published on Council's public website as soon as practicable after noting.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 30 of the Council minutes (page 9773) where Council resolved that the committee recommendation be adopted.

31 Townsville Water and Waste - Local Law - Waste Management

Executive Summary

The purpose of this report is to recommend that Council resolve to commence the local law making process in response to the impending expiry on 1 July 2018 of the waste management provisions contained within Chapter 5a of the *Environmental Protection Regulation 2008 (EPR)* and section 7 of the *Waste Reduction and Recycling Regulation 2011 (WRRR)*.

The proposed new local law would replicate these provisions and ensure Council can continue to adequately manage risks associated with the supply, storage, removal and treatment of waste in its local government area. It also allows Council to continue to have designated areas for waste and recycling collection within its local government area.

Officer's Recommendation

1. That Council resolve to propose to make a local law generally consistent with the draft as detailed in Attachment 1, with amendments to clause 7 to require that only recyclable waste be placed in designated recycle bins.
2. That the Chief Executive Officer be directed to do all things necessary to give effect to item 1 of this resolution.
3. That Council consult with relevant government entities about the overall State interest in the proposed local law (Waste Management) before proceeding with the making of the proposed local law.
4. That Council to the extent considered necessary, consider and respond to the consultation with the relevant government entities about the overall State interest.
5. That Council consult with the public about the proposed local law and conduct a public interest test in relation to the anti-competitive provisions in conjunction with the proposed local law for at least twenty-one (21) days ("the consultation period").
6. That Council accept and consider every submission properly made to Council about the proposed local law.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 30 of the Council minutes (page 9773) where Council resolved that the committee recommendation be adopted.

32 Townsville Water and Waste - TOW00075 Clearing of the Mount Saint John Sewage Treatment Plant Outfall Channel - Finalisation of Tender

Executive Summary

The Mount Saint John outfall channel forms an integral part of Council, Mount Saint John Sewage Treatment Plant (MSJSTP). The channel is the authorised discharge point for the plant, situated at the northern end of the plant, traversing Department of Defence (DoD) land, Council managed reserve land, and the Town Common Regional Park discharging into Little Snaggy Creek.

The channel and creek have over the years become subject to significant infestation of the introduced aquatic species Para grass, *Brachiaria mutica*, which has formed dominant communities in the surrounding wetland. The proliferation of Para grass and other aquatic species within the outfall channel reduced the hydraulic capacity of the channel, resulting in overtopping of the banks and inundation of adjacent land.

An Expression of Interest (EOI) was called in November 2016 followed by a Request for Tender (RFT), TOW00075, in February 2017 for vegetation clearing and reinstatement of the channel to its design depths.

This report provides an overview of work undertaken to date for consideration by Council.

Officer's Recommendation

1. That the report be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve in accordance with section 228(8), of the *Local Government Regulation 2012*, not to accept any of the tenders submitted for TOW00075 for the clearing and removal from site of the Para grass and other vegetation in the Mount Saint John Sewage Treatment Plant outfall channel.
3. That Council resolve to reallocate some of the existing operational budget that is unspent to development of a long term management strategy for removal of Para grass from the Mount Saint John Sewage Treatment Plant outfall channel.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 30 of the Council minutes (page 9773) where Council resolved that the committee recommendation be adopted.

In accordance with section 173 of the *Local Government Act 2009*, Councillor L Walker declared a perceived conflict of interest in regards to item 33.

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

Officers' Reports

Planning and Community Engagement

33 MI17/0013 Report - Full Council Solar PV Power Station combined with RC17/0020

Executive Summary

The impact assessable application for a Renewable Energy Facility (Solar Farm) was lodged on the 7 April 2017. The application includes a code assessable reconfiguration component for 10 lots to be reconfigured into 13 long term (greater than 10 years) lease lots. The facility proposes to progressively cover the subject sites with tilt tracker photovoltaic panels. The roll out will be driven by available capacity within the onsite Powerlink electrical infrastructure. Beneath and between the photovoltaic panels the applicant proposes to reseed the site with grass species suitable for Black Throat Finch foraging.

Key environmental issues during the assessment process were the protection of wetlands and Black Throat finch essential habitat. During the assessment process the applicant reduced the proposed footprint to minimise encroachment into areas identified as very high environmental importance. Areas identified with Black Throat Finch habitat were also removed from the developable area resulting in a reduced environmental footprint. The proposed renewable energy facility also has specific conditions relating to the requirements for a Dust Management Plan and water allocation.

It was recommended by Council that the applicant undertake consultation above and beyond the legislative requirements; resulting in only one objection being lodged during the notification period.

Changes to the development have resulted in the application being generally compliant with the City Plan 2014. The application for a Material Change of Use Renewable Energy Facility combined with a Reconfiguring a Lot for 10 into 13 lease lots at 67 Maconachies Road Majors Creek is recommended for approval.

Officer's Recommendation

That Council approve the application MI17/0013 for a development permit for a Renewable Energy Facility (Solar Farm) combined with RC17/0020 under section 243 of the *Sustainable Planning Act 2009* on land described as Part Lot 1 RP 726632, Part Lot 65 EP 197, Lot 37 E 124198, Lot 48 EP 143, Lot 119 EP 143, Lot 17 EP 372, Lot 63 EP 196, Lot 64 EP 196, Part Lot 7 RP 730673, Part Lot 7 RP 730673, Part Lot 1 RP 726632, Part Lot 65 EP 197, Lot 4 RP 904776, more particularly 67 Maconachies Road, Majors Creek Qld,4816 on the following grounds/subject to the following conditions -

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE

RENEWABLE ENERGY FACILITY (SOLAR FARM) COMBINED WITH RC17/0020 – TEN (10) INTO THIRTEEN (13) LEASE LOTS

MATERIAL CHANGE OF USE CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan name	Plan No.	Revision no.	Date
Projected Proposal Area	133443-1-05	E	30/08/2017
Subdivision Proposal Plan	133443-2-07	D	30/08/2017
Associated Reports			
Ecological survey and management, May 2017, Majors Creek Solar Farm Project Ecological Assessment Report May 2017			
Black Throated Finch management Plan: Majors Creek Solar Farm Project Report (Open Lines Environmental Consulting, June 2017)			
Engineering Report dated 07/04/2017 prepared by Northern Consulting Engineers			

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

Reason

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

Timing

During the operation and life of the development.

2. Site Based Management Plan

Condition

A Site Based Management Plan must be submitted to council for approval which must include:

- a) Measures to prevent light, noise, visual and other disturbances to ecological areas during the construction and operation of development;
- b) Preventative measures to ensure pest species are prevented from encroaching into ecologically significant areas;
- c) Buffering, rehabilitation or restoration of the ecological areas and where required, using species replicable of the existing habitat areas; and

- d) A rehabilitation plan for the areas impacted by construction activities but not required for the operation of the development. The plan must include details on how any affected areas will be rehabilitated to the pre-development rural state.

Reason

To protect essential habitat areas from the development and in accordance with the Natural Assets Overlay code and policy direction.

Timing

To be submitted as part of a Certificate of Compliance assessment for the development.

3. Solar Panel Height

Condition

The height of the solar panels must not exceed 2.5 metres above natural ground level.

Reason

To minimize the visibility of structures on the locality in accordance with PO12 of the Rural Zone Code.

Timing

During the operation and life of the development.

4. Battery Storage Facility

Condition

- a) The height of any battery storage facility must not exceed 8.5 metres above natural ground level.
- b) Battery storage facilities must be located and appropriately screened so as to not be visible from Woodstock-Giru Road, the formed section of Field Road and surrounding rural lots.

Reason

No details of the battery storage facility were available at the time of the application. The restriction of height and location ensures that the storage facilities do not form a visual prominence on the rural landscape.

Timing

Submitted as a Certificate of Compliance application prior to lodgement of any future battery storage facilities onsite.

5. Site Office

Condition

- a) Submit to Council for approval, elevations, floor plans and site location of the site office including car parking. The site office must not exceed a gross floor area of 200m².
- b) The access and car parking area within the site is to be constructed of compressed gravel.

Reason

- a) The exact location and impacts were not available at the time of the application. Details of the site office location and height will ensure that the office is located appropriately in the rural landscape.
- b) To mitigate any adverse impacts dust from the driveway and car park within the site.

Timing

Submitted as part of a Certificate of Compliance assessment.

6. Setbacks

Condition

The development footprint must maintain the following setbacks:

- a) Panels and other structures are to achieve a minimum setback of 30 metres to the shared boundary with Lot 1 on RP729585; and
- b) Panels and other structures are to achieve a minimum setback of 20 metres from all other property boundaries and Woodstock-Giru Road.

Reason

To comply with PO12 of the Rural Zone code.

Timing

Demonstration is to be provided with a Certificate of Compliance assessment prior to the commencement of use.

7. Reseeding Species

Condition

A report by a suitably qualified ecologist and/or agronomist is to be provided to council identifying the seed to be used for the reseeded program. The choice of seed must meet the following requirements:

- a) Be a known Black Throated Finch foraging species;
- b) Be available in the quantities required for the site;
- c) Have appropriate germination and establishment timeframes;
- d) Have a demonstrated track record of growth beneath solar panels or low light conditions;
- e) Be compatible with the proposed weed management control measures; and
- f) Include fast seed producing grass species such as *Cockatoo Grass* and *Golden Beard Grass*.

Reason

To minimise the impact of the development on Black Throated Finches identified onsite in accordance with PO4 of the Natural assets overlay code.

Timing

Submitted as part of a Certificate of Compliance assessment prior to the commencement of the use.

8. Facility Substation

Condition

- a) Submit to Council for approval, elevations, floor plans and site location of the Facility Substation.
- b) The Facility Substation must not exceed a height of 8.5 metres and not exceed a footprint of 10,000m².

Reason

The exact location and impacts were not available at the time of the application. Details of the site office location and height will ensure that the Substation is located appropriately in the rural landscape.

Timing

To be submitted as part of a Certificate of Compliance assessment for the first lease stage of the development or the applicable lease stage of the development where the facility substation is required.

9. Habitat Enhancement Program**Condition**

The Habitat Enhancement Program within the approved *Black Throated Finch Southern management Plan: Majors Creek Solar Farm Project* (Open Lines, June 2017) must be amended to include the following:

- a) Develop the Habitat Enhancement Monitoring Plan in Phase 1 rather than Phase 4 and commence monitoring from phase 1;
- b) Within Phase 3, seeding must achieve compliance with the *International Erosion Control Association (IECA)* guidelines for each stage;
- c) The measurable targets from the Management Plan must be included in the Habitat Enhancement Monitoring Plan; and
- d) The annual review must be undertaken by a suitably qualified professional and should report against the measurable targets defined in the Management Plan.

Reason

To ensure actions taken to rehabilitate degraded areas can be monitored in accordance with PO3 of the Natural assets overlay code.

Timing

To be undertaken in accordance with Table 4: Black throated finch habitat enhancement program phases, actions, timeframes, costs, responsibilities and outcomes of the approved report and continued for the life of the project.

10. Building Materials**Condition**

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

Reason

Ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction in relation to the buildings to be constructed on site.

Timing

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

11. Relocation of Services or Facilities**Condition**

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

Reason

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

Timing

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

12. Storage

Condition

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

Reason

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

Timing

At all times following the commencement of the use.

13. Bushfire management

Condition

A Bushfire Management Plan in accordance with Part 8.2.2 Bushfire hazard overlay code of the Townsville City Plan must be prepared.

Reason

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

Timing

To be submitted to council as part of a Certificate of Compliance assessment for each lease stage.

14. Dust management

Condition

A dust management plan must be submitted for approval by council. Any water used in the suppression dust is not to be drawn from council's reticulated water service.

The plan must include:

- a) The construction phase; and
- b) The period up until full grass cover is achieved onsite.

Reason

To ensure mitigation of potential adverse impacts of dust hazards in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.5.2.1(12) Suppression of dust of the Townsville City Plan.

Timing

To be submitted to council as part of a Certificate of Compliance assessment for each lease stage.

15. Onsite Sewerage Disposal

Condition

The development must be serviced by an onsite sewerage facility.

Note: Under the Plumbing and Drainage Act 2002, an application must be lodged with the Hydraulic Certification Unit, Townsville City Council before any building work or installation of an onsite facility can be carried out.

Reason

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

Timing

Following issue of a Hydraulics Permit and prior to the development achieving final completion for the first lease stage or whichever lease stage the site office is located in.

16. Onsite Water Supply**Condition**

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

Reason

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

Timing

To be submitted to council as part of a Certificate of Compliance assessment.

17. Electricity and Telecommunications**Condition**

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

Reason

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

Timing

Prior to the development achieving final completion for the lease stage that incorporates the Site Office.

18. Car Parking**Condition**

- a) A minimum of 5 car parking spaces including disabled parking must be provided on site; and
- b) Sufficient car parking must be provided onsite to cater for the construction phase of the development.

Reason

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

Timing

To be submitted to council as part of a Certificate of Compliance assessment and maintained for the life of the development.

19. Signage

Condition

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

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

Reason

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

Timing

Prior to the commencement of the use.

20. Soil Erosion Minimisation, Sediment Control

Condition

Submit an erosion and sediment control management plan in accordance with Part 9.4.2 Healthy Waters Code of the Townsville City Plan.

The soil erosion and sediment control measures must be stage specific and must be compliant with the section SC6.4.3.8.7 – Erosion and Sediment Control Plans within the Townsville City Plan.

Reason

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

Timing

To be submitted as part of a Certificate of Compliance assessment for each lease stage of the development.

21. Vegetation Disposal

Condition

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

Reason

Vegetation to be disposed of in an environmentally responsible manner in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.5 Construction management and SC6.4.6.11 Clearing and grubbing of the Townsville City Plan.

Timing

Prior to, or during construction of the development for each lease stage.

22. Refuse Facilities

Condition

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.4.7 Works Code of the Townsville City Plan and in particular;

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

Reason

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

Timing

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

23. Fire Fighting

Condition

The development is to be provided with an adequate and accessible supply of water for fire fighting purposes.

Reason

In accordance with Part 8.2.2 Bushfire hazard overlay code of the Townsville City Plan.

Timing

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

24. Decommissioning

Condition

- a) At the end of the operational life of the development, the developer must decommission the use on the site and return the site to a rehabilitated rural state.
- b) A rehabilitation plan must be lodged with council twelve (12) months prior to the decommissioning works commencing which includes the following:-
 - Methods to minimise the impact of the structure removal in relation to the Black Throated Finch foraging habitat;
 - Any vegetation rehabilitation required including a maintenance regime; and
 - Method of waste disposal.

** a property notation will be placed on all subject sites stating the above requirement.*

Reason

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

Timing

The site must be decommissioned within 12 months of the use ceasing.

25. Water Resourcing

Condition

Provide a report detailing how water will be provided to the site for the following purposes:

- a) Firefighting requirements for all leased lots;
- b) Irrigation of the development footprint for the establishment and maintenance of grass cover; and
- c) Construction requirements, including dust suppression.

Reason

To comply with PO11 of the Works Code.

Timing

To be provided with a Certificate of Compliance assessment prior to commencement of use.

26. Vegetation Setbacks

Condition

The distance between the development footprint and vegetation is to be maintained with a minimum distance of 22.5m.

Reason

To comply with PO9 of the Bushfire hazard overlay code.

Timing

To be maintained for the life of the development.

Referral Agency Conditions

Concurrence Agency Conditions – North Queensland State Assessment and Referral Agency

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the North Queensland State Assessment and Referral Agency as a Concurrence Agency advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use (Renewable Energy Facility), subject to the conditions, as attached.

Advice Agency – Powerlink

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

Advice

1. Infrastructure Charges

Condition

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

2. On-Site Sewerage Facility

Condition

Before an onsite sewerage facility can be installed on a property, the applicant is required to apply for a permit to install the treatment facility on that property as per the *Plumbing and Drainage Act 2002*. Applications to install an onsite sewerage facility are to be lodged with the Hydraulic and Building Services Unit of council as part of the plumbing/drainage application.

Applicants should also refer to the Onsite sewerage facilities for nonsewered properties guidelines which provides details on the application and installation stages of an onsite sewerage facility. This document may be found on Council's website.

3. Further Approvals Required

Condition

a) **Certificate of Compliance**

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

Condition 2 – Site based management plan
Condition 4 – Battery storage facility
Condition 5 – Site office
Condition 6 - Setbacks
Condition 7 – Re-seeding species
Condition 8 – Facility substation
Condition 13 – Bushfire management
Condition 14 – Dust management plan
Condition 16 – On-site water supply
Condition 18 – Carparking
Condition 20 – Soil erosion minimisation, sediment control
Condition 25 – Water resourcing

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

b) **Building Works**

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

c) **Operational work - Signage**

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

4. Further Inspections Required

Compliance with Conditions

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

Condition 9 – Habitat enhancement program
Condition 10 – Building materials
Condition 12 - Storage
Condition 15 – On-site sewerage disposal
Condition 22 – Refuse facilities
Condition 23 – Fire fighting

5. Building Work Noise

Condition

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

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

6. Specifications and Drawings

Condition

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

7. Dust

Condition

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

8. Minor Works

Condition

If the earthworks related to the each stage of the development exceeds the provisions within Table 5.8.1 Operational Works, then operational works application will be required.

Plan name	Plan No.	Revision no.	Date
Projected Proposal Area	133443-1-05	E	30/08/2017
Subdivision Proposal Plan	133443-2-07	D	30/08/2017

9. Cultural Heritage

Condition

The proposed development has been identified as a Category 5 activity by the Department of Aboriginal and Torres Strait Islander Partnership. The developer is advised to undertake a Cultural Heritage Assessment for all subject sites in accordance with the Cultural Heritage Duty of Care Guidelines in order to comply with the State legislation.

RECONFIGURING A LOT CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan name	Plan No.	Revision no.	Date
Projected Proposal Area	133443-1-05	E	30/08/2017
Subdivision Proposal Plan	133443-2-07	D	30/08/2017

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

Reason

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

Timing

During the operation and life of the development.

2. Access easements

Condition

Easement(s) to allow pedestrian and vehicle access, on-site manoeuvring and connection of services for all lease lots shown on the Subdivision Proposal Plan are to be created in accordance with the approved plan.

Reason

To provide lawful access for all future leasehold lots.

Timing

The easement documents must be submitted to Council for signing at the time of lodgement of the survey plan and registered in accordance with the *Land Title Act 1994*.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Business Services

34 Amendments to the 2017/18 Operational Plan

Executive Summary

The Chief Executive Officer is required to provide a written assessment of Council's Corporate and Operational Plans on a quarterly basis.

The purpose of this report is to adopt changes to the 2017/18 Operational Plan to include programme performance measures that will be reported in the Quarterly Corporate Performance Management Reports.

Officer's Recommendation

That, in accordance with section 174 of the *Local Government Regulation 2012*, Council note the changes to be made to the Operational Plan as outlined in attachment 1 of the Report to Council.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

35 Performance Management Report Quarter 1 2017/18

Executive Summary

The Chief Executive Officer is required to provide a written assessment of Council's Corporate and Operational Plans on a quarterly basis. The Corporate Performance Report for Quarter 1 2017/18 is presented.

Officer's Recommendation

That Council receive the Corporate Performance Report for Quarter 1 2017/18, being the period 1 July 2017 to 30 September 2017.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

36 MI16/0033 MCU (Impact) Preliminary Approval under S242 of SPA 2009 to Townsville City Plan in accordance with The Hive Master Plan & Preliminary Approval - Building Work for the Demolition of the Criterion Hotel

Refer to resolution on page 9717 of the Council Minutes where Council agreed that items 36 and 37 be considered as the first items of business.

Refer page 9717 of the Council Minutes for item 36 - MI16/0033 MCU (Impact) Preliminary Approval under S242 of SPA 2009 to Townsville City Plan in accordance with The Hive Master Plan & Preliminary Approval - Building Work for the Demolition of the Criterion Hotel

37 MI17/0007 - MCU (Impact) Hospital (22 Beds), Health Care Services, Shop and Food and Drink Outlet and Preliminary Building Works against the Planning Scheme for demolition of dwelling

Refer to resolution on page 9717 of the Council Minutes where Council agreed that items 36 and 37 be considered as the first items of business.

Refer page 9727 of the Council Minutes for item 37 - MI17/0007 - MCU (Impact) Hospital (22 Beds), Health Care Services, Shop and Food and Drink Outlet and Preliminary Building Works against the Planning Scheme for demolition of dwelling

General Business

(i) Christmas Lights in Flinders Street

The Mayor, Councillor J Hill advised that on Friday the Christmas lights in Flinders Street will be turned on to mark the beginning of the Christmas celebrations. The Mayor invited all Councillors to attend.

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 1.34pm.

CONFIRMED this TWELFTH day of DECEMBER 2017

MAYOR

CHIEF EXECUTIVE OFFICER