



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 25 SEPTEMBER 2018 AT 1.00PM

Council Members >>

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

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

Corporate Plan >>

Goal 1 - A Prosperous City

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

Objectives that identify our strategic intent:

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

Goal 2 - A City for People

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

Objectives that identify our strategic intent:

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

Goal 3 - A Clean and Green City

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

Objectives that identify our strategic intent:

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

Goal 4 - A Simpler, Faster, Better Council

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

Objectives that identify our strategic intent:

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

ACKNOWLEDGEMENT OF COUNTRY

The Townsville City Council would like to acknowledge the Bindal and 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.

MINUTES

	Page
Committee Items	
Infrastructure Services Committee	
1	CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - TCW00303 - Supply and Delivery of One (1) New 11 Cubic Metre Domestic Refuse Collection Unit 10162
2	CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - TCW00304 - Supply and Delivery of One (1) New 14 Cubic Metre Domestic Refuse Collection Unit 10163
3	CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - TCW00305 - Supply and Delivery of Two (2) New 23-25 Cubic Metre Domestic Refuse Collection Units 10164
4	CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - RPS00063 - Quantity Surveyor Services 10164
5	CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - PSA00074 - Provision of Pest Control 10165
6	CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - PSA00075 - Provision of Sanitation Services 10166
7	CONFIDENTIAL - Construction, Maintenance and Operations - PSA00043 - Supply of Townsville Boat Ramp Facilities Inspection and Maintenance Services 10167
8	CONFIDENTIAL - Construction, Maintenance and Operations - RPS00053 - Arboriculture Services, Horticulture Services, Minor Works, Fencing and Pond and Lagoon Cleaning 10168
9	CONFIDENTIAL - Construction, Maintenance and Operations - TOW00111 - Supply and Delivery of Soil and Mulch 10169
Planning and Development Committee	
10	Planning Services - RAL18/0025 Reconfiguration of Lot from One to Two - Blackview Avenue, Black River 10172
11	Planning Services - Material Change of Use - MCU18/0050 Telecommunications Facility 10173
12	Planning Services - Material Change of Use - MCU18/0059 Residential Care Facility 10177
13	Planning Services - Material Change of Use - MCU18/0058 Residential Care Facility 10187
Community and Cultural Development Committee	
17	Galleries - Acknowledgement of Local Artist Tate Adams 10196
18	Future Cities - Pan Pacific Safe Communities Accreditation Report 10197
19	Community Programs - Community Grants and Partnerships Policy 10197
20	CONFIDENTIAL - Procurement Services - Recommendation Report - ACL00020 Market Research Panel 10198
21	Justin Ankus 10198
Community Health and Environment Committee	
14	Environmental Health and Regulatory Services - Animal Management Reference Group Terms of Reference 10199
15	Environmental Health and Regulatory Services Animal Shelter Guidelines for Unclaimed Impounded Animals 10200
16	Sustainability - Crocodile Management 10201

Governance and Finance Committee

22	Procurement Efficiencies	10202
23	Finance Services - Budget Variance Report - July 2018	10203
24	Finance Services - Treasury Report - July 2018	10203
25	CONFIDENTIAL Procurement Services - Recommendation to Award Tender PSA00090 Supply, Installation and Maintenance of Spectrometer	10204

Townsville Water and Waste Committee

26	Townsville Water and Waste - Free Dumping Proposal 2018	10205
27	CONFIDENTIAL - Townsville Water and Waste - TCW00290 - Tender Assessment	10205

Officers' Reports

Infrastructure and Operations

28	Haughton Pipeline Duplication Project, Stage 1 - Project Status	10207
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Planning and Community Engagement

29	Community Engagement - Suwon Hwaseong Cultural Festival - 5 to 7 October 2018 - Suwon	10207
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Business Services

30	Commercial Services - Final Nous Report	10208
31	People and Culture - Christmas Closedown 2018/19	10210

Confidential Items

32	CONFIDENTIAL - Procurement Services - Recommendation Report - ACL00020 Market Research Panel	10211
33	CONFIDENTIAL - Future Cities - 372-374 Flinders Street	10212

General Business

(i)	3 rd Annual National Flying-Fox Forum – Cairns – 8 November 2018	10212
(ii)	Sister City Event – Foshan - November 2018	10213
(iii)	Smart Cities Week Australia - Sydney - 29-31 October 2018	10213
(iv)	Rowing event in Rockhampton and acknowledgement of staff	10213
(v)	Acknowledgement of Council's Media Team	10213

REPORT	COUNCIL MEETING
DATE	Tuesday 25 September 2018 at 1.00pm
ITEMS	1 TO 33
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor P Jacob Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars Councillor L Walker

Opening of meeting and announcement of visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.00pm.

Acknowledgement to country

The Chair acknowledged the traditional owners of the land, the Wulgurukaba of Gurambilbarra and Yunbenun and to the south of Galbidira the Bindal people, and paid respect to their cultures, their ancestors and their elders, past and present, and all future generations.

Prayer

Reverend Bruce Cornish of the Uniting Church delivered the opening prayer.

Apologies and leave of absence

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

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

CARRIED UNANIMOUSLY

Requests for leave of absence

Councillor V Coombe requested leave of absence for the period 15 October to 2 November 2018 (Councillor Coombe advised that she will be attending the (October Ordinary) Council meeting);
Councillor P Jacob requested leave of absence for the period 1 to 8 October 2018;
Councillor K Rehbein requested leave of absence for the period 27 September to 12 October 2018;

Council Decision

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

"that Council approve the requests for leave of absence from Councillor V Coombe for 15 October to 2 November 2018, Councillor P Jacob for 1 to 8 October 2018 and Councillor K Rehbein for 27 September to 12 October 2018."

CARRIED UNANIMOUSLY

Confirmation of minutes of previous meeting

It was MOVED by Councillor M Soars, SECONDED by Councillor R Cook:

"that the minutes of the Ordinary Council meeting 28 August 2018 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of interests

- (i) Infrastructure Services Committee - Perceived conflict of interest – Item 8 –
Councillor K Rehbein – Councillor K Rehbein has performed casual work for Playland Constructions.
- (ii) Governance and Finance Committee - Material personal interest - Item 25 -
The Mayor, Councillor J Hill - Councillor Hill's brother, Robert Solazzo, is employed by one of the companies that submitted a tender.

Correspondence

There was no correspondence.

Petitions

There were no petitions.

Deputations

There were no deputations.

Notices of motion

There were no notices of motion.

Presentations

(i) Services provided and delivered by Construction, Maintenance and Operations section

The Acting General Manager Construction, Maintenance and Operations provided an overview of the services provided and delivered by the Construction, Maintenance and Operations Section.

(ii) Haughton Pipeline Duplication Project update

The Program Director – Water Security provided a presentation on an update of the Haughton Pipeline Duplication Project which included information of the following:

- progress to date;
- project works in progress;
- upcoming project works;
- community engagement;
- site works - clearing land and grubbing; and
- pipe manufacturing.

Mayoral Minute

There were no Mayoral Minutes.

Committee Items

Infrastructure Services Committee

In accordance with section 175E of the Local Government Act 2009, Councillor K Rehbein declared a perceived conflict of interest in regards to item 8.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;***
Councillor K Rehbein.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;***
Councillor K Rehbein has performed casual work for Playland Constructions.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;***
Councillor K Rehbein vacated the meeting for item 8.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;***
Councillor K Rehbein vacated the meeting for item 8.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;***
Councillor K Rehbein did not vote on the matter.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.***
The majority of persons entitled to vote at the meeting voted to adopt the officer's recommendation.

It was MOVED by Councillor M Molachino, SECONDED by Councillor M Soars:

"that the committee recommendations to items 1 to 7 and 9 be adopted and that item 8 be dealt with separately."

CARRIED UNANIMOUSLY

Item 8 - CONFIDENTIAL - Construction, Maintenance and Operations - RPS00053 - Arboriculture Services, Horticulture Services, Minor Works, Fencing and Pond and Lagoon Cleaning

It was MOVED by Councillor M Molachino, SECONDED by Councillor M Soars:

"that the committee recommendation to item 8 be adopted."

CARRIED UNANIMOUSLY

1 CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - TCW00303 - Supply and Delivery of One (1) New 11 Cubic Metre Domestic Refuse Collection Unit

Executive Summary

Tender TCW00303 Supply and Delivery of One (1) new 11 Cubic Metre domestic refuse collection unit as 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 11 Cubic Metre domestic refuse collection unit for allocation to Infrastructure and Operations – Townsville Water and Waste – Townsville Waste Services. This refuse unit is a replacement fleet item required by Waste Services for the collection of domestic waste and transfer to Council refuse facilities.

This report provides information and recommendation for awarding tender TCW00303 Supply and Delivery of One (1) new 11 Cubic Metre domestic refuse collection unit.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council award Tender No: Tender No TCW00303 - Supply and delivery of one (1) new 11 cubic metre rear loading domestic refuse collection unit be awarded to AP Townsville for One (1) only Isuzu FSD140-240 Auto truck fitted and commissioned with a Bucher 11m³ Rear Loading domestic refuse collection body at a quoted price of \$312,518.41 (GST exclusive).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

2 CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - TCW00304 - Supply and Delivery of One (1) New 14 Cubic Metre Domestic Refuse Collection Unit

Executive Summary

Tender TCW00304 Supply and Delivery of One (1) new 14 Cubic Metre domestic refuse collection unit as 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 14 Cubic Metre domestic refuse collection unit for allocation to Infrastructure and Operations – Townsville Water and Waste – Townsville Waste Services. This refuse unit is a replacement fleet item required by Waste Services for the collection of domestic waste and transfer to Council refuse facilities.

This report provides information and recommendation for awarding tender TCW00304 Supply and Delivery of One (1) new 14 Cubic Metre domestic refuse collection unit.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council award Tender No: Tender No TCW00304 - Supply and delivery of one (1) new 14 cubic metre side loading domestic refuse collection unit be awarded to AP Townsville for One (1) only Isuzu FSD140-240 Auto truck fitted and commissioned with a Superior PAK 15m³ Side Loading domestic refuse collection body at a quoted price of \$347,017.87 (GST exclusive).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

3 CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - TCW00305 - Supply and Delivery of Two (2) New 23-25 Cubic Metre Domestic Refuse Collection Units

Executive Summary

Tender TCW00305 Supply and Delivery of two (2) new 23-25 cubic metre side loading domestic refuse collection units as was called as part of the approved 2017/2018 Heavy Fleet Replacement Program. Tenders were invited for the supply and delivery of two (2) new 23-25 cubic metre side loading domestic refuse collection units for allocation to Infrastructure and Operations – Townsville Water and Waste – Townsville Waste Services. The refuse units are a replacement fleet item required by Waste Services for the collection of domestic waste and transfer to Council refuse facilities.

This report provides information and recommendation for awarding tender TCW00305 Supply and delivery of two (2) new 23-25 cubic metre side loading domestic refuse collection units.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council award Tender No: TCW00305 - Supply and delivery of two (2) new 23-25 cubic metre side loading domestic refuse collection units be awarded to Penske Power Systems Townsville for Two (2) only Dennis Eagle 6x4 Dual Control Compactor Spec fitted and commissioned with a Superior PAK 24m³ Side Loading domestic refuse collection body at a quoted price of \$376,399.00 each (GST exclusive). Contract value \$752,798.00 (excluding GST).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

4 CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - RPS00063 - Quantity Surveyor Services

Executive Summary

Townsville City Council manages the planning and delivery of many infrastructure projects including new construction, refurbishment and maintenance projects all requiring accurate cost estimation services for project budgeting purposes. Council is seeking to appoint suitably qualified organisations with the necessary capacity and capability to a Register of Prequalified Suppliers for Quantity Surveying Services for this purpose.

A panel of three (3) internal and external persons representing key stakeholders closely evaluated the submissions, and scored and ranked the submissions accordingly. This report and recommendation report attached to the report to Council provides analysis, evaluation and Council's recommendation for awarding RPS00063 – Register of Prequalified Suppliers for Quantity Surveying 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 Quantity Surveying Services (RPS00063):

Supplier	Works Category
Turner Townsend Pty Ltd	Building / Civil Infrastructure
WTP Australia Pty Ltd	Building / Civil Infrastructure
AECOM Australia Pty Ltd	Building / Civil Infrastructure
Rider Levett Bucknall QLD Pty Ltd	Building / Civil Infrastructure
Donald Cant Watts Corke Pty Ltd	Building / Civil Infrastructure
MBM Pty Ltd	Building / Civil Infrastructure
Stark Consulting Pty Ltd	Building / Civil Infrastructure
D Neilsen & Associates Pty Ltd	Building / Civil Infrastructure
Northern Water Management	Civil Infrastructure only
ECS Estimating and Consulting Pty Ltd	Building / Civil Infrastructure
Lead Consultants Pty Ltd	Building only

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

5 CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - PSA00074 - Provision of Pest Control

Executive Summary

The provision of pest control services supports Council's commitment to health and safety, asset management and meeting community expectations. To ensure operating effectiveness Council has adopted a procurement process to engage a suitable qualified supplier of these services. The services to be provided by the successful provider are as follows:

- Pest Control – Scheduled
- Pest Control – Non Scheduled
- Contract Administration Activities

This report provides an assessment of the submissions received and assessment summary.

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 POD's Pest Control as the Preferred Supplier for Pest Control Services.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

6 CONFIDENTIAL - Infrastructure Planning, Assets and Fleet - PSA00075 - Provision of Sanitation Services

Executive Summary

The provision of sanitation services supports Council's commitment to health and safety, asset management and meeting community expectations. To ensure operating effectiveness Council has adopted a procurement process to engage a suitable qualified supplier of these services.

The services to be provided by the successful provider are as follows:

- Sanitation Services – Scheduled
- Sanitation Services – Non Scheduled
- Contract Administration Activities

This report provides an assessment of the submissions received and assessment summary.

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 JJ Richards and Sons Pty Ltd as the Preferred Supplier for Sanitation Services.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

7 CONFIDENTIAL - Construction, Maintenance and Operations - PSA00043 - Supply of Townsville Boat Ramp Facilities Inspection and Maintenance Services

Executive Summary

The provision of services for the Supply of Townsville Boat Ramp Facilities Inspection and Maintenance Services supports Council's commitment to health and safety, asset management and meeting community expectations. To ensure operating effectiveness Council has adopted a procurement process to engage suitable, qualified suppliers of these services.

The services to be provided by the successful providers are as follows:

- Inspection and Maintenance of Townsville Boat Ramp Facilities

This report provides an assessment of the submissions received and assessment summary.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council resolve to exercise the final one (1) year extension option to extend Contract PSA00043 for the Supply of Townsville Boat Ramp Facilities Inspection and Maintenance Services with Wilcox Excavations and Veolia Environmental Services (Australia) Pty Ltd to 31 August 2019.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

8 CONFIDENTIAL - Construction, Maintenance and Operations - RPS00053 - Arboriculture Services, Horticulture Services, Minor Works, Fencing and Pond and Lagoon Cleaning

Executive Summary

Public Tender RPS00053 – Register of Prequalified Suppliers for Arboriculture Services, Horticulture Services, Minor Works, Fencing and Pond and Lagoon Cleaning was advertised following Council procurement guidelines to select suppliers of these services and closed on 31 January 2018.

This report provides an assessment of the submissions received and assessment summary.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council award Tender RPS00053 to the below suppliers for a period of 3 years with 2 x 1-year options. The anticipated annual spend across all categories is \$3,040,000.00.

Category	Supplier
Arboriculture Services	Revegetation Contractors Skilled Tree Services Townsville Tree Care Fulton Hogan Northern Tree Specialists MPDT Roxanne Taylor
Horticulture Services	Macca's Sports Turf Fulton Hogan Environmental Asset Services Revegetation Contractors Eco Momentum
Minor Works	Revegetation Contractors McLean Projects Bradshaw Water blasting Environmental Asset Services Macca's Sports Turf Playland Constructions
Fencing	Townsville Fencing Around Town
Pond & Lagoon Cleaning	Environmental Asset Services

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

9 CONFIDENTIAL - Construction, Maintenance and Operations - TOW00111 - Supply and Delivery of Soil and Mulch

Executive Summary

Council is seeking to appoint suitably qualified suppliers to be on the supply and delivery of soil and mulch. The register will be utilised to support Council in meeting the demand for maintaining various infrastructures throughout Townsville region.

This report and the recommendation document attached to the report to Council provides information on the evaluation assessment of the submission received and the Council's recommendation for awarding TOW00111 as a Register of Prequalified Suppliers for Supply and Delivery of Soil and other landscaping products.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council award TOW00111 – Supply and Delivery of Soil and Mulch to the below list of tenderers. These have been assessed capable of delivering the services for the contract period of 2 years with a 2 x 1-year extension option.

Contract start date is scheduled for 1 September 2018 with an expected annual spend of approx. \$350,000 ex GST. This expenditure is subject to a business initiative that will see in-house sourcing of mulch from Waste Services. The potential benefit from this internal procurement is expected to realise a cost reduction up to \$200,000 ex GST per year.

Tenderers

- Bedrock Landscaping
- Flintstones Landscape Land
- McCahill Earthmoving
- Sun City Trees and Mulch

Committee Recommendation

1. That the officer's recommendation be adopted.
2. That the General Manager Construction Maintenance and Operations provide further information on one of the tenderers to the next Full Council meeting.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10162) where Council resolved that the committee recommendation be adopted.

Planning and Development Committee

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

"that the committee recommendations to items 10 and 11 be adopted and that items 12 and 13 be dealt with separately."

CARRIED UNANIMOUSLY

Councillor L Walker referred to item 11 regarding the development application for a Material Change of Use for a Telecommunications Facility and explained why this is a very important item.

Item 12 - Planning Services - Material Change of Use - MCU18/0059 Residential Care Facility

Item 13 - Planning Services - Material Change of Use - MCU18/0058 Residential Care Facility

The Acting Director Planning and Community Engagement outlined proposed amendments to the conditions.

Council discussed these two Material Change of Use applications with Councillors speaking for and against the proposals.

The Acting Director Planning and Community Engagement and the Team Manager Planning provided responses to the Councillors' queries.

It was *MOVED* by Councillor L Walker, *SECONDED* by Councillor V Coombe:

"that Council support the amendments to the conditions to be included."

CARRIED

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

"that the committee recommendations to items 12 and 13 be adopted with the following amendments to the conditions:

(i) *that Condition 2 be amended as follows:*

2. Defined Use

Condition

The development must operate in accordance with the definition of a 'Residential care facility' as defined under the Townsville City Plan, being:

"A residential use of premises for supervised accommodation where the use includes medical and other support facilities for residents who cannot live independently and require regular nursing or personal care".

Any use outside of this definition will require a new Material Change of Use application.

Reason

To ensure the development maintains an appropriate level of amenity.

Timing

For the operation and life of the development.

(ii) that the following condition be included:

4. Operational Plan

Condition

An Operational Plan for the Residential care facility must be provided to Council for approval. The Operational Plan must include but not be limited to the following:

- Identify transport arrangements for residents to and from the site and how these are accommodated on site;
- Identify staffing arrangements including shift changes and staffing numbers;
- Identify parking and transport solutions for staff and service providers along with support care services provided to residents whether on-site or off-site to ensure that there are no adverse impacts on Cabernet Court.

Reason

To ensure the operation of the development maintains an appropriate level of amenity.

Timing

Details must be submitted to Council as part of an application for Certificate of Compliance."

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 M Molachino
Councillor R Cook	Councillor P Jacob
Councillor V Coombe	
Councillor C Doyle	
Councillor A Greaney	
Councillor K Rehbein	
Councillor M Ryder	
Councillor M Soars	
Councillor L Walker	

Reasons Against

Councillor M Molachino voted against the recommendations for the following reason:

- he believes that this is an intensification of use in a residential area and doesn't fit in with the low impact residential amenity of the area. He believes this is a commercial business in a residential area that will impact on residents in the street.

Councillor P Jacob voted against the recommendations for the following reason:

- there are too many people in this care facility for Council to approve it. If it had of been, on the numbers, on the Greenfield site he would have accepted it, but he can't accept six people going in with a carer.

10 Planning Services - RAL18/0025 Reconfiguration of Lot from One to Two - Blackview Avenue, Black River

Executive Summary

The development application seeks Council's approval for the Reconfiguration of the Lot located at 42 Blackview Avenue, Black River. More specifically, the proposal is for a one into two lot creation within the Rural Residential Zone, whereby the lots are to have an area of 2,357m² and 2,622m². Under the Townsville City Plan, subdividing land into parcels smaller than 4,000m² is Impact Assessable development within the Rural Residential Zone.

The application was publicly notified during the period from 28 May 2018 to 20 June 2018. During this period, the application received one properly made submission against the proposed development. The submission raised concern in regards to the proposed development's impact on the enjoyment of the rural area; it setting a precedent for further applications; the additional load it would place on services; and the site access arrangement.

An assessment of the proposal against the applicable codes of the Townsville City Plan has identified that it is inconsistent with the outcomes sought under the Strategic Framework, Rural Residential Zone Code, and Reconfiguring a Lot Code. The main non-compliance and concern is the proposal's inconsistency with the minimum 4,000m² lot size anticipated within the rural residential area. This minimum lot size designated by the scheme seeks to protect and maintain rural residential settlements for semi-rural lifestyles, as well as Council's infrastructure network. The proposed lot sizes are significantly less than 4,000m², and as a result will be detrimental to the existing large lot character of the Black River locality and will impact on Council's infrastructure and services within the area into the future, if the rural residential settlement pattern were to intensify over time with similar applications.

Having regard to the provisions of the Townsville City Plan, and other relevant policies, the application is not considered to achieve an acceptable outcome for the site or locality, and accordingly it is recommended that Council refuse the application.

Officer's Recommendation

That Council refuse application RAL18/0025 for a development approval for a One into Two Lot reconfiguration under the *Planning Act 2016* on land described as Lot 57 SP 196178, more particularly 42 Blackview Avenue, Black River.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the Council minutes (page 10170) where Council resolved that the committee recommendation be adopted.

11 Planning Services - Material Change of Use - MCU18/0050 Telecommunications Facility

Executive Summary

The application relates to a development permit for a Material Change of Use for a Telecommunications Facility at 31 Mt Elliot Drive, Alligator Creek. The site is situated within the Rural Residential Zone and is affected by the Bushfire hazard overlay and the Landslide hazard overlay. The development was assessed under the Townsville City Plan and the *Planning Act 2016*.

The development includes a 50 metre telecommunication monopole with 3 panel antennas, 3 remote radio units and 1 parabolic dish antenna. It will be further serviced by 2 outdoor cabinets that sit on a 1 metre x 3 metre concrete slab and stand no more than 2.5 metres high. The facility will be located within an 80m² compound surrounded by a 2.4 metre chain-link fence.

The application was Impact Assessable, therefore required public notification. During the notification period 1 submission was received opposing the development. The submission raised a number of points such as lack of justification not to co-locate with a nearby tower, amenity impacts, traffic, privacy and the economic impact. 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 generally consistent with the Strategic intent of the Townsville City Plan and all relevant assessment benchmarks and is recommended for approval.

Officer's Recommendation

That Council approve development application MCU18/0050 being a Material Change of Use for a Telecommunications Facility under the *Planning Act 2016* on land described as Lot 2 SP 206729, more particularly 31 Mt Elliot Drive, Alligator Creek subject to the following conditions:

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE (TELECOMMUNICATIONS FACILITY)

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.	Rev No.	Plan Date
Reference Documents	4DEG-51-15-MTEI-T2	A	04.09.18
Site Specific Notes	4DEG-51-15-MTEI-C1	A	04.09.18
Overall Site Plan	4DEG-51-15-MTEI-C2	A	04.09.18
Site Setout Plan	4DEG-51-15-MTEI-C3	A	04.09.18
Site Elevation	4DEG-51-15-MTEI-C4	A	04.09.18
Allotment Plan	4DEG-51-15-MTEI-C5	A	04.09.18
NBN Antenna Configuration & Setout Plan	4DEG-51-15-MTEI-A1	A	04.09.18
Standard ODC Slab – RBS 6120	NBN-STD-0034-SHT 3	B	13.10.16

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

- c) The recommendations outlined in the above reports/s must be implemented prior to the commencement of the use.

Reason

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

Timing

During the operation and life of the development.

2. Building Materials

Condition

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

Reason

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

Timing

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

3. Property Numbering

Condition

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

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

Reason

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

Timing

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

4. Relocation of Services or facilities

Condition

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

Reason

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

Timing

Prior to commencement of the use.

5. Outdoor Lighting

Condition

If any lighting is to be installed the light fixtures must be installed and maintained 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

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

6. Access Road, Dilapidation Report**Condition**

- (a) The developer must provide dilapidation report for the internal access road. The dilapidation report must be prepared by a Registered Professional Engineer of Queensland (RPEQ); and
- (b) Any damage to the internal access road during the construction phase of the telecommunication facility must be rectified in accordance with the relevant Council standards.

Reason

To ensure the proposed works does not adversely impact on the Council infrastructure and operations.

Timing

The dilapidation report must be provided as part of the Certificate of Compliance.

7. Rock Breaking, Drilling and Piling**Condition**

A noise and vibration control plan in relation to any rock breaking, drilling and piling must be prepared in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.15 Noise and vibration assessments of the Townsville City Plan.

Reason

To ensure that the works are undertaken in accordance with relevant code/s and policy direction.

Timing

Prior to any construction works occurring on-site.

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

Erosion and sediment control management must be installed and maintained in accordance with Part 9.3.2 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

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

Timing

At all times during the construction phase.

Advice

Referral Agency Conditions

Advice Agency – Powerlink

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

1. 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 6 – Access Road, Dilapidation Report

Condition 7 – Rock Breaking, Drilling and Piling

b) Building Works

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

2. Further Inspections Required

Condition

Compliance with Conditions

The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a Compliance Permit.

Condition 2 – Building Materials

Condition 3 – Property Numbering

3. Storage of Materials and Machinery

Condition

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

4. Building Work Noise

Condition

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

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

5. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

6. Potential Endangered Species Considerations

Condition

Department of the Environment and Energy – Environment Protection and Biodiversity Conservation Act 1999 requirements.

The development must comply with any relevant Legislation, Policies and Guidelines in regard to any Black Throated Finch habitat areas.

7. Defence Registration

Condition

Structure/s may require registration with the appropriate Civil Aviation and RAAF authorities.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the Council minutes (page 10170) where Council resolved that the committee recommendation be adopted.

12 Planning Services - Material Change of Use - MCU18/0059 Residential Care Facility

Executive Summary

The application is for a Development Permit – Material Change of Use for a Residential Care Facility on land located at 5 Cabernet Court, Condon. The Residential Care Facility will be located within the existing building onsite, and is proposed to provide full-time, supervised accommodation for a maximum of seven residents. Currently, the facility is proposed to provide Specialist Disability Accommodation under the National Disability Insurance Scheme (NDIS). An identical application for a Residential Care Facility at the neighbouring property 3 Cabernet Court has been lodged and assessed concurrent to the subject application (MCU18/0058).

The subject site is located within the Low density residential zone, where a Residential Care Facility is identified as being Impact Assessable development under the Townsville City Plan requiring public notification.

The application received 22 properly made submissions objecting to the proposed development, including a petition which contained 43 signatures. The key grounds for objections were based on:

- perceived safety and amenity impacts caused by residents of the facility;
- reduction in property value; and
- additional traffic and car parking within Cabernet Court.

Detailed responses to the submissions are provided in Section 7 of this report. Concerns regarding the negative impacts on community safety caused by the care facility are, at least in part, considered to be based on a misunderstanding of the proposed development, with the intended residents of the facility people who require assisted living due to age or disability. Moreover, these concerns and those related to traffic and car parking are primarily based on operational practices and standards, not the use of the premises, and are not valid grounds for refusal. Similarly, property value is not considered a valid planning issue, and has not been considered as a ground of refusal.

The application has been assessed against the Townsville City Plan, where the proposed facility was able to demonstrate compliance with the relevant codes and the strategic intent of the planning scheme, as well as the relevant state interests of the *State Planning Policy July 2017*. Ultimately, the proposed Residential Care Facility is considered to be a residential use within an established residential area of Townsville, one which provides increased social inclusiveness and necessary services to the community.

It is important to note that a Community residence already exists on the site, catering for six residents. The current application seeks to increase that to seven, being a minor increase. Under the *Planning Regulation 2017* Council is prohibited from making the existing Community residence assessable development under the Townsville City Plan, and therefore this existing use did not require Development Approval from Council to establish on the land.

The Committee also considered the verbal comments of Martin Clark and Samantha Burgess provided at the meeting.

Officer's Recommendation

That Council approve application MCU18/0059 for a Development Permit for Residential Care Facility under the *Planning Act 2016* on land described as Lot 46 SP 135446, more particularly 5 Cabernet Court Condon subject to the following conditions:

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE (RESIDENTIAL CARE FACILITY)

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	030518 – Sheet 1	-	May 2018
Floor Plan	030518 – Sheet 2	-	May 2018
Elevations	030518 – Sheet 3	-	May 2018
MCU Residential Care Facility Parking	5Cabernet- parking.dwg	-	24 August 2018

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

Reason

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

Timing

During the operation and life of the development.

2. Defined Use

Condition

The development must operate in accordance with the definition of a 'Residential Care Facility', as defined under the Townsville City Plan.

Reason

To ensure the premises maintains an appropriate level of amenity.

Timing

For the operation and life of the development.

3. Number of Residents

Condition

A maximum of seven (7) residents are permitted to reside on the premises at any one time as part of the use.

Reason

To ensure the premises maintains an appropriate level of amenity.

Timing

For the operation and life of the development.

4. 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.

5. 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.

6. 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 and to reduce audible outputs onto surrounding residential properties.

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

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

Details of necessary screening treatments to achieve compliance with the maximum noise requirements are to be provided to Council for assessment.

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

Technical details are to be submitted to Council as part of an application for a Certificate of Compliance and maintained for the life of the development.

7. 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 commencement of use.

8. Sewerage Reticulation

Condition

- a) The development must connect to Council's reticulated sewer system.
- b) Construction of any internal drainage works as a result of the development must be completed in accordance with regulated work under the *Plumbing and Drainage Act*.

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

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

9. Water Supply

Condition

- a) The development must connect to Council's reticulated water system.
- b) Construction of any internal drainage works as a result of the development must be completed in accordance with regulated work under the *Plumbing and Drainage Act*.

Reason

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

Timing

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

10. Electricity and Telecommunication

Condition

Electricity and telecommunications must be maintained in accordance with Part 9.3.6 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

To be maintained for the life of the development.

11. Stormwater Drainage

Condition

Stormwater drainage must be provided that achieves the outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Timing

To be maintained for the life of the development.

12. Vehicle Access and Car Parking

Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.3.5 Transport impact, access and parking code 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 2 car spaces including disabled parking must be provided on site in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan.
- c) All car parking spaces must be sealed, line marked, signposted, drained and maintained in accordance with the planning scheme and Australian Standard 2890- Parking Facilities.
- d) All ingress and egress movements to and from the development must be in a forward direction.
- e) 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 ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

Timing

Prior to commencement of the use.

13. Soil Erosion Minimisation, Sediment Control

Condition

Erosion and sediment control management must be installed and maintained in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Reason

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

Timing

At all times during the construction phase.

14. Screen Fencing

Condition

A 1.8m high visual screen fence must be provided between the site and 7 Cabernet Court and 27 Gibbard Street.

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.

15. Landscaping

Condition

Landscape Design Plans must be prepared in accordance with Part 9.3.3 Landscape code of the Townsville City Plan.

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

Technical details are to be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

16. Outdoor Lighting

Condition

Where provided, outdoor lighting fixtures must be installed and maintained 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

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

17. Refuse Facilities

Condition

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

- a) The owner/occupier is responsible for the storage of their mobile waste container (wheelie) bins including recycling bins. The developer must provide storage areas that are suitably paved, with a hose cock fitted in close proximity.
- b) All waste generated as a result of the demolition and construction on the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

Reason

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.

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.

3. Further Approvals Required

Condition

a) **Operational Work**

An Operational Work 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 15 – Landscaping

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) **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 Certificate of Classification, unless otherwise approved by Council.

Condition 6 – Screening of Plant and Utilities

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.

4. Further Inspections Required

Condition

Compliance with Conditions

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

Condition 5 – Property Numbering

Condition 14 – Screen Fencing

5. Storage of Materials and Machinery

Condition

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

6. Building Work Noise

Condition

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

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

7. Specifications and Drawings

Condition

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

8. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

9. Roadworks Approval

Condition

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

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

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

10. Clinical/Medical waste

Condition

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

11. Food Business

Condition

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

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the Council minutes (pages 10170 and 10171) where Council resolved the following:

that the committee recommendation to item 12 be adopted with the following amendments to the conditions:

(i) that Condition 2 be amended as follows:

2. Defined Use

Condition

The development must operate in accordance with the definition of a 'Residential care facility' as defined under the Townsville City Plan, being:

"A residential use of premises for supervised accommodation where the use includes medical and other support facilities for residents who cannot live independently and require regular nursing or personal care".

Any use outside of this definition will require a new Material Change of Use application.

Reason

To ensure the development maintains an appropriate level of amenity.

Timing

For the operation and life of the development.

(ii) that the following condition be included:

4. Operational Plan

Condition

An Operational Plan for the Residential care facility must be provided to Council for approval. The Operational Plan must include but not be limited to the following:

- Identify transport arrangements for residents to and from the site and how these are accommodated on site;
- Identify staffing arrangements including shift changes and staffing numbers;
- Identify parking and transport solutions for staff and service providers along with support care services provided to residents whether on-site or off-site to ensure that there are no adverse impacts on Cabernet Court.

Reason

To ensure the operation of the development maintains an appropriate level of amenity.

Timing

Details must be submitted to Council as part of an application for Certificate of Compliance.

13 Planning Services - Material Change of Use - MCU18/0058 Residential Care Facility

Executive Summary

The application is for a Development Permit – Material Change of Use for a Residential Care Facility on land located at 3 Cabernet Court, Condon. The Residential Care Facility will be located within the existing building onsite, and is proposed to provide full-time, supervised accommodation for a maximum of seven residents. Currently, the facility is proposed to provide Specialist Disability Accommodation under the National Disability Insurance Scheme (NDIS). An identical application for a Residential Care Facility at the neighbouring property 5 Cabernet Court has been lodged and assessed concurrent to the subject application (MCU18/0059).

The subject site is located within the Low density residential zone, where a Residential Care Facility is identified as being Impact Assessable development under the Townsville City Plan requiring public notification.

The application received 22 properly made submissions objecting to the proposed development, including a petition which contained 43 signatures. The key grounds for objections were based on:

- perceived safety and amenity impacts caused by residents of the facility;
- reduction in property value; and
- additional traffic and car parking within Cabernet Court.

Detailed responses to the submissions are provided in Section 7 of this report. Concerns regarding the negative impacts on community safety caused by the care facility are, at least in part, considered to be based on a misunderstanding of the proposed development, with the intended residents of the facility being people who require assisted living due to age or disability. Moreover, these concerns and those related to traffic and car parking are primarily based on operational practices and standards, not the use of the premises, and are not valid grounds for refusal. Similarly, property value is not considered a valid planning issue, and has not been considered as a ground of refusal.

The application has been assessed against the Townsville City Plan, where the proposed facility was able to demonstrate compliance with the relevant codes and the strategic intent of the planning scheme, as well as the relevant state interests of the *State Planning Policy July 2017*. Ultimately, the proposed Residential Care Facility is considered to be a residential use within an established residential area of Townsville, one which provides increased social inclusiveness and necessary services to the community.

It is important to note that a Community residence already exists on the site, catering for six residents. The current application seeks to increase that to seven, being a minor increase. Under the Planning Regulation 2017 Council is prohibited from making the existing Community residence assessable development under the Townsville City Plan, and therefore this existing use did not require Development Approval from Council to establish on the land.

The Committee also considered the verbal comments of Martin Clark and Samantha Burgess provided at the meeting.

Officer's Recommendation

That Council approve application MCU18/0058 for a Development Permit for Material Change of Use - Residential Care Facility under the *Planning Act 2016* on land described as Lot 47 SP 135446, more particularly 3 Cabernet Court Condon subject to the following conditions:

SCHEDULE OF CONDITIONS MATERIAL CHANGE OF USE (RESIDENTIAL CARE FACILITY)

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	030518 – Sheet 1	-	May 2018
Floor Plan	030518 – Sheet 2	-	May 2018
Elevations	030518 – Sheet 3	-	May 2018
MCU Residential Care Facility Parking	3Cabernet- parking.dwg	-	24 August 2018

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

Reason

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

Timing

During the operation and life of the development.

2. Defined Use

Condition

The development must operate in accordance with the definition of a 'Residential Care Facility', as defined under the Townsville City Plan.

Reason

To ensure the premises maintains an appropriate level of amenity.

Timing

For the operation and life of the development.

3. Number of Residents

Condition

A maximum of seven (7) residents are permitted to reside on the premises at any one time as part of the use.

Reason

To ensure the premises maintains an appropriate level of amenity.

Timing

For the operation and life of the development.

4. 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.

5. 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.

6. 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 and to reduce audible outputs onto surrounding residential properties.

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

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

Details of necessary screening treatments to achieve compliance with the maximum noise requirements are to be provided to Council for assessment.

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

Technical details are to be submitted to Council as part of an application for a Certificate of Compliance and maintained for the life of the development.

7. 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 commencement of use.

8. Sewerage Reticulation**Condition**

- a) The development must connect to Council's reticulated sewer system.
- b) Construction of any internal drainage works as a result of the development must be completed in accordance with regulated work under the *Plumbing and Drainage Act*.

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

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

9. Water Supply**Condition**

- a) The development must connect to Council's reticulated water system.
- b) Construction of any internal drainage works as a result of the development must be completed in accordance with regulated work under the *Plumbing and Drainage Act*.

Reason

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

Timing

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

10. Electricity and Telecommunication**Condition**

Electricity and telecommunications must be maintained in accordance with Part 9.3.6 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

To be maintained for the life of the development.

11. Stormwater Drainage**Condition**

Stormwater drainage must be provided that achieves the outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Timing

To be maintained for the life of the development.

12. Vehicle Access and Car Parking**Condition**

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.3.5 Transport impact, access and parking code 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 2 car spaces including disabled parking must be provided on site in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan.
- c) All car parking spaces must be sealed, line marked, signposted, drained and maintained in accordance with the planning scheme and Australian Standard 2890- Parking Facilities.
- d) All ingress and egress movements to and from the development must be in a forward direction.
- e) 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 ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

Timing

Prior to commencement of the use.

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

Erosion and sediment control management must be installed and maintained in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Reason

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

Timing

At all times during the construction phase.

14. Screen Fencing**Condition**

A 1.8m high visual screen fence must be provided between the site and 1 Cabernet Court and 29 Gibbard Street.

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.

15. Landscaping

Condition

Landscape Design Plans must be prepared in accordance with Part 9.3.3 Landscape code of the Townsville City Plan.

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

Technical details are to be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

16. Outdoor Lighting

Condition

Where provided, outdoor lighting fixtures must be installed and maintained 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

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

17. Refuse Facilities

Condition

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

- a) The owner/occupier is responsible for the storage of their mobile waste container (wheelie) bins including recycling bins. The developer must provide storage areas that are suitably paved, with a hose cock fitted in close proximity.
- b) All waste generated as a result of the demolition and construction on the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

Reason

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.

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. Further Approvals Required

Condition

a) Operational Work

An Operational Work 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 15 – Landscaping

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) 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 Certificate of Classification, unless otherwise approved by Council.

Condition 6 – Screening of Plant and Utilities

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.

3. Further Inspections Required

Condition

Compliance with Conditions

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

Condition 5 – Property Numbering

Condition 14 – Screen Fencing

4. Storage of Materials and Machinery

Condition

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

5. Building Work Noise

Condition

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

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

6. Specifications and Drawings

Condition

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

7. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

8. Roadworks Approval

Condition

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

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

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

9. Clinical/Medical waste

Condition

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

10. Food Business

Condition

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

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the Council minutes (pages 10170 and 10171) where Council resolved the following:

that the committee recommendation to item 13 be adopted with the following amendments to the conditions:

(i) that Condition 2 be amended as follows:

2. Defined Use

Condition

The development must operate in accordance with the definition of a 'Residential care facility' as defined under the Townsville City Plan, being:

"A residential use of premises for supervised accommodation where the use includes medical and other support facilities for residents who cannot live independently and require regular nursing or personal care".

Any use outside of this definition will require a new Material Change of Use application.

Reason

To ensure the development maintains an appropriate level of amenity.

Timing

For the operation and life of the development.

(ii) that the following condition be included:

4. Operational Plan

Condition

An Operational Plan for the Residential care facility must be provided to Council for approval. The Operational Plan must include but not be limited to the following:

- Identify transport arrangements for residents to and from the site and how these are accommodated on site;
- Identify staffing arrangements including shift changes and staffing numbers;
- Identify parking and transport solutions for staff and service providers along with support care services provided to residents whether on-site or off-site to ensure that there are no adverse impacts on Cabernet Court.

Reason

To ensure the operation of the development maintains an appropriate level of amenity.

Timing

Details must be submitted to Council as part of an application for Certificate of Compliance.

The Community and Cultural Development Committee items were considered as the next items of business.

Community and Cultural Development Committee

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

"that the committee recommendations to items 17 to 21 be adopted."

CARRIED UNANIMOUSLY

Councillor C Doyle and the Mayor, Councillor J Hill acknowledged the contributions made to the community by Tate Adams.

Councillor C Doyle, Councillor V Coombe and the Mayor, Councillor J Hill thanked Justin Ankus for his work with regards to the Australian Festival of Chamber Music.

The Community Programs Coordinator provided a presentation on the Community Grants and Partnerships Policy (Item 19) which included information on engagement findings and the grants framework.

17 Galleries - Acknowledgement of Local Artist Tate Adams

Executive Summary

Following the passing of prominent local artist Tate Adams, the following report acknowledges Tate's contribution to the local and national arts community.

Officer's Recommendation

That Council note the contributions to the community by prominent local artist Tate Adams.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10196) where Council resolved that the committee recommendation be adopted.

18 Future Cities - Pan Pacific Safe Communities Accreditation Report

Executive Summary

Townsville City Council successfully received World Health Organisation Community Safety Accreditation in 2004 through the TCC Safe Cities Department. This accreditation lapsed during Amalgamation in 2008. The option for a Pan Pacific Safe Communities accreditation is being explored based on the benefits to Council and the Community as well as the cost and timeframes expected.

Exploration of the Australian Safe Communities Foundation and the Pan Pacific Safe Communities Network websites occurred in order to ascertain the specifics of undertaking the process for the Pan Pacific Safe Communities Accreditation.

Based on the cost, timeframe and workload required to achieve this accreditation this report recommends that Townsville City Council does not apply for the Pan Pacific Safe Communities Accreditation.

A second recommendation is Council construct a locally informed Whole of Community Safety Plan based on a two year focus to deliver Council's Corporate Plan and Policy Commitments, with inclusion to establish a 5 year social change framework based Whole of Community Safety Plan.

Officer's Recommendation

1. That Council not apply for the Pan Pacific Safe Communities accreditation due to the required workload and reduced expected outcomes.
2. Council construct a locally informed Whole of Community Safety Plan based on a two year focus to deliver Council's Corporate Plan and Policy Commitments, with inclusion to establish a five year social change framework based Whole of Community Safety Plan.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10196) where Council resolved that the committee recommendation be adopted.

19 Community Programs - Community Grants and Partnerships Policy

Executive Summary

The Community Grants and Partnerships policy has been written to support and direct the creation of the new Community Grants and Partnerships Program. It will replace the existing Community Grants Policy, which is significantly tied to the principles and procedures of council's long-standing Community Grants and Sponsorships program. This program was recently subject to review by external consultant KPMG, who provided a number of recommendations for a new program. These recommendations are to be presented to Full Council on the 28 August 2018, and following approval work will begin to implement the approved recommendations.

Officer's Recommendation

That Council approve the new Community Grants and Partnerships Policy.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10196) where Council resolved that the committee recommendation be adopted.

20 CONFIDENTIAL - Procurement Services - Recommendation Report - ACL00020 Market Research Panel

Executive Summary

Planning and Community Engagement are moving to a strategic procurement environment and reviewing future needs. An identified requirement will be to appoint market research providers to engage with stakeholders or members of the community. This engagement can be in the form of market research, social research, consulting and statistical analysis or digital research.

The data collected can help deliver an understanding of the Townsville region and help better focus marketing efforts, make informed decisions and make the most of available opportunities.

This report provides information on the evaluation panel's assessment of tenderers and the recommendation to award the Market Research Panel to the most suitable tenderers.

Committee Recommendation

That this item be held over to the next Ordinary Council meeting.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10196) where Council resolved that the committee recommendation be adopted.

21 Justin Ankus

The Chair, Councillor C Doyle acknowledged the work of Justin Ankus with regards to the Australian Festival of Chamber Music and to Townsville in the broader context.

Committee Recommendation

That the Mayor, Councillor J Hill, on behalf of Council and the City, write to Justin Ankus to acknowledge his work on the Australian Festival of Chamber Music and to Townsville in the broader context.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10196) where Council resolved that the committee recommendation be adopted.

The order of business resumed.

Community Health and Environment Committee

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

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

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill referred to item 14 regarding the Animal Management Reference Group Terms of Reference and indicated that more than 90% of local councils in Queensland actually manage their own animal shelter, and that's about 72 out of 77 local government authorities. Councillor Hill advised that local government managing animal shelters is not a new one, but what Council is doing in terms of responding to the community is to set up an Animal Management Reference Group which will represent a range of sectors involved in the animal area. It will include a vet, researchers, the RSPCA, rescue groups and we will also be looking for community input as well. This is not to be about the bureaucracy of Council, it is to be about genuine engagement with community and specialist groups involved in animal management. Councillor Hill expressed the hope that together we can develop good sound animal management practices and policies for our City and Councillor Hill believes that this Group will go a long way in dealing with this.

Item 15 - Environmental health and Regulatory Services - Animal Shelter Guidelines for Unclaimed Impounded Animals

The Acting Director Planning and Community Engagement responded to queries raised by Councillor P Jacob and Councillor M Ryder in relation to the Guidelines.

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

"that the committee recommendation to item 15 be adopted."

CARRIED UNANIMOUSLY

14 Environmental Health and Regulatory Services - Animal Management Reference Group Terms of Reference

Executive Summary

At its 24 April 2018 meeting Council resolved to establish a community-based reference group to assist Council developing policies around animal management and responsible pet ownership.

The proposed Terms of Reference for the new Animal Management Reference Group are attached to the Report to Council (Attachment 1). They are consistent with other such reference and working groups of Council, setting out membership, purpose, roles and responsibilities, code of conduct and meeting procedures.

Officer's Recommendation

That Council endorse the Terms of Reference of the Animal Management Reference Group.

Committee Recommendation

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

- The Animal Management Reference Group Terms of Reference item 6.1 (group membership):
 - replace 'Animal Shelter Coordinator, Townsville City Council or nominee' with 'Team Manager Environmental Health and Regulatory Services, Townsville City Council or nominee'
 - replace 'Veterinary surgeon' with 'Veterinary surgeon – external'

Council Decision

Refer to resolution preceding item 14 of the Council minutes (page 10199) where Council resolved that the committee recommendation be adopted.

15 Environmental Health and Regulatory Services Animal Shelter Guidelines for Unclaimed Impounded Animals

Executive Summary

At its 24 April 2018 meeting Council resolved to operate its own animal shelter. Draft guidelines on how unclaimed impounded animals are managed have been developed and they currently guide the processes at the animal shelter for dealing with impounded animals which have not been reclaimed. It is proposed that when the Animal Management Reference Group has been established, this group will review the guidelines and develop a final version for adoption.

Officer's Recommendation

That Council endorse the Animal Shelter Guidelines for Unclaimed Impounded Animals.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 14 of the Council minutes (page 10199) where Council resolved that the committee recommendation be adopted.

16 Sustainability - Crocodile Management

Executive Summary

In early 2017 the Queensland Government's Department of Environment and Science updated their Queensland Crocodile Management Plan and introduced an enhanced crocodile management program comprised of three parts:

1. a three year estuarine crocodile monitoring program and related crocodile research;
2. enhanced crocodile management initiatives – including removing problem crocodiles;
3. risk reduction through the Crocwise public education program to raise public awareness and promote safe behaviour in crocodile habitats in coordination with local governments.

At the same time an independent Safer Waterways Bill was introduced by the Member for Hill, Mr Knuth. The introduction of the Bill was based on the consideration that human safety and current crocodile management was not adequate. This Bill is discussed in more detail in this report and was recently subject of a Parliamentary Committee Inquiry (Innovation, Tourism Development and Environment Committee), including a hearing at Rydges, Southbank Townsville on 28 August 2018.

Officer's Recommendation

1. That Council continue to support the current Queensland Government approach to 'problem' crocodile management via the State Crocodile Management Plan (2017), whilst seeking faster response times and actionable outcomes in high public areas.
2. That Council require responsibility for direct management of problem crocodiles to clearly remain with Department of Environment and Science, as a state wide approach.
3. That the Queensland Government provide prompt access to their state wide crocodile monitoring program scientific research and analysis in order to better appreciate and understand any emergent impacts changes in estuarine crocodile number and how to manage them locally.
4. That Council request Department of Environment and Science to undertake a review of the current Townsville estuarine crocodile zone management map be undertaken to take account of residential changes in the urban environment and opportunities afforded by other management approaches across the State.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 14 of the Council minutes (page 10199) where Council resolved that the committee recommendation be adopted.

Governance and Finance Committee

In accordance with section 175C of the Local Government Act 2009, the Mayor, Councillor J Hill declared a material personal interest in regards to item 25

- (a) ***the name of the councillor who has a material personal interest in the matter;***
The Mayor, Councillor J Hill.
- (b) ***the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;***
The Mayor, Councillor J Hill's brother, Robert Solazzo, is employed by one of the companies that submitted a tender.
- (c) ***whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F.***
The Mayor, Councillor J Hill vacated the meeting for item 25.

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

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

CARRIED UNANIMOUSLY

The Deputy Mayor, Councillor L Walker assumed the position of Chair during discussion and voting of item 25.

Item 25 - CONFIDENTIAL - Procurement Services - Recommendation to Award Tender PSA00090 - Supply, Installation and Maintenance of Spectrometer

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

"that the committee recommendation to item 25 be adopted."

CARRIED UNANIMOUSLY

With regards to item 25 - Tender PSA00090 - Supply, Installation and Maintenance of Spectrometer, Councillor L Walker thanked the team for moving forward with this.

22 Procurement Efficiencies

Executive Summary

Two recent procurement activities highlight the progress that has been made in response to the NOUS priority improvement project 10 (efficient back office services). These two sourcing activities have delivered a significant reduction in red tape, reduced contract 'leakage' and, importantly, significantly increased transparency of our financial commitments. This transparency assists Council to manage its operations in accordance with its budget commitments.

Contracts for the wet hire of plant and equipment and personal protective equipment have recently been awarded after a public tender process. Whilst each has delivered direct cost savings, the process improvements in administration of these contracts is remarkable. In short, Council has transitioned from raising approximately 17,700 purchase orders a year between these two contracts to 100 - A reduction in purchase orders of 99%.

Officer's Recommendation

That Council note the simpler method for administration of these contracts and the resulting pecuniary and strategic benefits.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 22 of the Council minutes (page 10202) where Council resolved that the committee recommendation be adopted.

23 Finance Services - Budget Variance Report - July 2018

Executive Summary

On behalf of the Chief Executive Officer, the Chief Financial Officer presented and discussed the Budget Variance Report for the whole of Council for July 2018, pursuant to section 204 of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note the financial report for July 2018 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 22 of the Council minutes (page 10202) where Council resolved that the committee recommendation be adopted.

24 Finance Services - Treasury Report - July 2018

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 July 2018 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 22 of the Council minutes (page 10202) where Council resolved that the committee recommendation be adopted.

25 CONFIDENTIAL Procurement Services - Recommendation to Award Tender PSA00090 Supply, Installation and Maintenance of Spectrometer

Executive Summary

Council is required to test for per and poly-fluoroalkyl substances (PFAS) in Townsville's drinking water and report any contaminants in accordance with the *Water Supply (Safety and Reliability) Act 2008*.

Tenders were invited for the supply, installation and maintenance of a Liquid Chromatograph Triple Quadrupole Mass Spectrometer (Spectrometer) that is required to perform this analysis.

This report provides a summary of the process and evaluation of tenders received.

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 PSA 00090 for the supply, installation and maintenance of a Spectrometer to Shimadzu for the amount of \$539,990.00 (GST exclusive).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 22 of the Council minutes (page 10202) where Council resolved that the committee recommendation be adopted.

Townsville Water and Waste Committee

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

"that the committee recommendations to items 26 and 27 be adopted."

CARRIED UNANIMOUSLY

Councillor P Jacob thanked the staff and the General Manager Townsville Water and Waste (Scott Moorhead) for the great briefing on the free dumping proposal and for putting forward the very important message regarding the green waste and recyclables.

26 Townsville Water and Waste - Free Dumping Proposal 2018

Executive Summary

Council has budgeted to hold a free dumping event during the 2018/19 financial year. This report proposes and recommends dates to hold the free dumping event for the 2018/19 financial year.

Officer's Recommendation

That Council approve to hold the free dumping event:

- over the period of Friday 26 October to Monday 29 October 2018, and
- with each site opening for their standard days and hours during such time.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 26 of the Council minutes (page 10205) where Council resolved that the committee recommendation be adopted.

27 CONFIDENTIAL - Townsville Water and Waste - TCW00290 - Tender Assessment

Executive Summary

Council has identified the need for a leachate collection system for the Jensen Waste Facility to:

- collect leachate generated in the landfill,
- convey the collected leachate out of the landfill unit to an appropriate leachate storage facility (Existing Leachate pond), and
- restrict the height of the leachate above the landfill cell liner over the uppermost layer in the lining system.

Tenders from external contractors were invited for the supply and construction of the leachate extraction and collection system including pumps, pipework and electrical equipment. This report provides an analysis and evaluation of the tenders received for this project.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award Tender TCW00290 for Jensen Landfill Leachate Extraction and Conveyance to CES Civil Pty Ltd at a lump sum price of \$616,460.30 (excluding GST).
3. That Council delegate authority to the Chief Executive Officer, or her delegate, to award variations up to the approved project budget provided the variations are for the completion of the work under the contract.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 26 of the Council minutes (page 10205) where Council resolved that the committee recommendation be adopted.

Officers' Reports

Infrastructure and Operations

28 Haughton Pipeline Duplication Project, Stage 1 - Project Status

Executive Summary

Council has developed a three part plan to ensure Water Security for Townsville. The plan includes a pipeline and supply from the Burdekin, recycled water and a community transition support package. The projects were initiated as a result of the Townsville Water Security Taskforce Interim Report. The primary project identified by the task force was the need for an additional 1800mm diameter pipeline and pumps with a capacity of 234ML/Day to deliver raw water from Haughton Pump Station to the Ross River Dam.

Funding was secured through a grant from the Queensland State Government through the Department of Natural Resources Mines and Energy to deliver Water infrastructure as per the water security task force recommendations including the delivery of the pipeline.

The Haughton Pipeline Duplication Project, Stage 1 has been underway since late 2017 and is planned to be completed by December 2019. The project objectives also include the goal of maximising local content. To facilitate this goal tender packages have been broken down into multiple smaller construction packages to suit local capability.

The project has met all milestones to date, is creating jobs for local industry and is on track to meet the completion date of December 2019.

Officer's Recommendation

That Council note the summary of Water Security Infrastructure – Haughton Duplication Project – Stage 1 status which is provided for information only.

Council Decision

It was MOVED by Councillor M Molachino, SECONDED by Councillor M Soars:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Planning and Community Engagement

29 Community Engagement - Suwon Hwaseong Cultural Festival - 5 to 7 October 2018 - Suwon

Executive Summary

The Suwon Hwaseong Cultural Festival is being held on 5 to 7 October 2018. Suwon will feature a variety of cultural events and activities.

Officer's Recommendation

1. That Council approve the attendance of interested Councillor/s at the Suwon Hwaseong Cultural Festival to be held in Suwon on the 5-7 October 2018 plus travel time.
2. That, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to the interested Councillor/s to allow attendance at the Suwon Hwaseong Cultural Festival to be held in Suwon on the 5-7 October 2018 plus travel time.

Council Decision

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

"that Council not approve any leave or travel for the Suwon Hwaseong Cultural Festival and that Council thank the Mayor of Suwon for his invitation and advise him that, this year, Council will not be sending any representatives to the Festival."

CARRIED UNANIMOUSLY

Business Services

30 Commercial Services - Final Nous Report

Executive Summary

The purpose of this report is to provide an update to Council on the achievement of the estimated benefits of the Transformation projects as recommended in the Nous Report. This will be the final report in this format on the Transformation Projects as the progress and financial results will now be tracked in the Performance Plus system and reported within the quarterly performance reports.

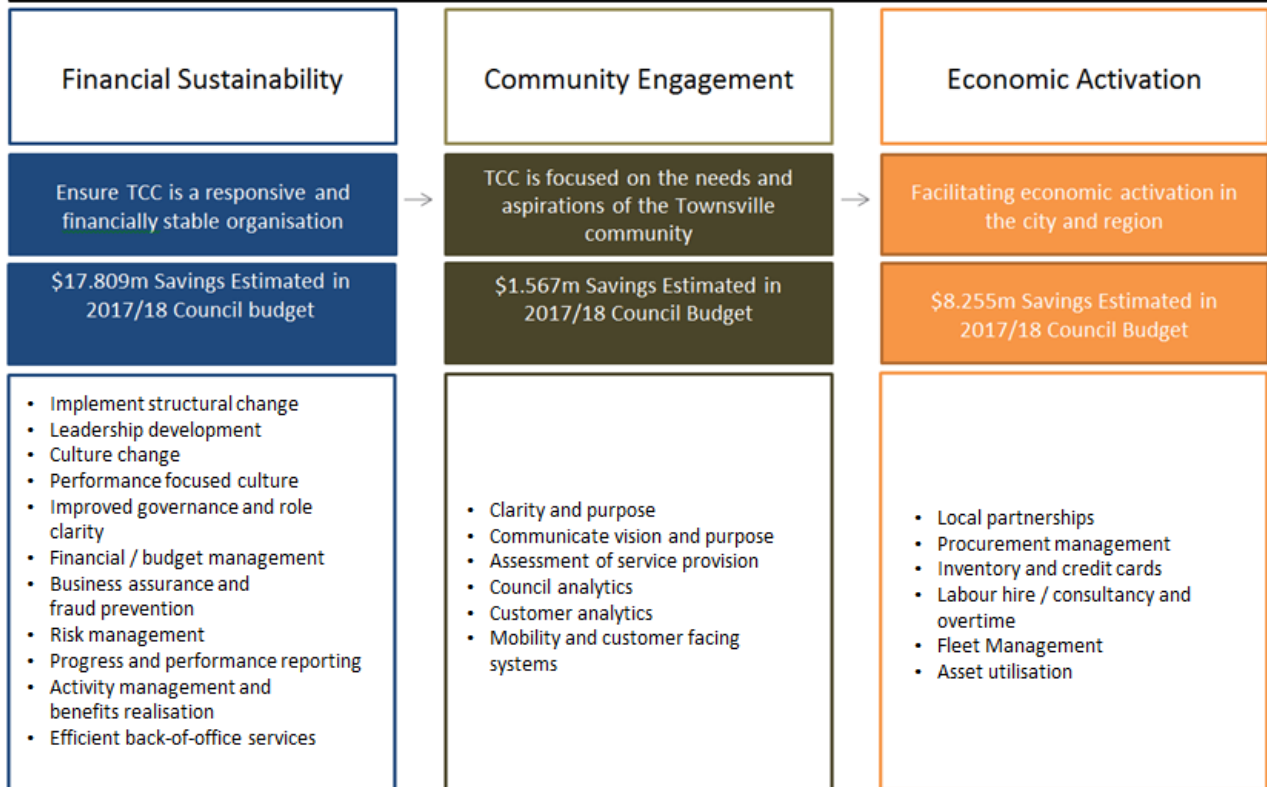
The Nous Organisational Report, which was adopted by Council on 27 September 2016, was an independent review of the current operating model, structure and capability requirements of the Townsville City Council (TCC).

The Nous report recommended 24 priority Transformation Projects, which were aimed at improving organisational focus on financial sustainability, community engagement and economic activation to transform TCC into a more accountable, assessable and customer focused organisation.

The 24 priority Transformation Projects have been incorporated into the Corporate Plan and Operational Plan to enable clear tracking of progress and incorporation of the projects into business as usual for 18/19 and beyond.

Following guidance provided by the Nous report, the 24 Transformation Projects were allocated to one of three key objectives, as illustrated in the below diagram.

\$27.6m Total Estimated Savings included in 2017/18 Council Budget



Officer's Recommendation

1. That Council note the Transformation Projects delivered \$3.7m additional savings over the estimated embedded budget savings of \$27.6m for the 2017/18 financial year.
2. That Council note actual savings for the 2017/18 financial year from the Transformation Projects are \$31.3m.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill thanked all involved as part of Team Jenny Hill for supporting the implementation of the Nous Report. Councillor Hill outlined some of the benefits that have been achieved. Councillor Hill also thanked the Chief Executive Officer and the staff including the staff all the way through to the people that pick up our garbage, fill our potholes, keep our parks in the great state that they do and Water and Waste staff for the work that they do; as this is really a team effort. Councillor Hill acknowledged that some of the savings Council has been able to make have been suggested by the staff themselves. Councillor Hill thanked the staff for being part of the transformation.

31 People and Culture - Christmas Closedown 2018/19

Executive Summary

The purpose of this report is for Council noting of the planned 2018/19 Christmas closedown to take place 25 December 2018 to 1 January 2019 inclusive.

Officer's Recommendation

In accordance with the Townsville City Council Certified Agreements, Council may approve a Christmas closedown for the period from Christmas Day, up to and including New Year's Day.

The 2018/19 closedown will take effect for the period from Christmas Day, Tuesday 25 December 2018, up to and including New Year's Day, Tuesday 1 January 2019. Normal Council operations will recommence on Wednesday 2 January 2019.

	SUN	MON	TUE	WED	THUR	FRI	SAT
	16-Dec	17-Dec	18-Dec	19-Dec	20-Dec	21-Dec	22-Dec
Public Holiday	23-Dec	24-Dec	25-Dec	26-Dec	27-Dec	28-Dec	29-Dec
TCC Christmas Closure	30-Dec	31-Dec	1-Jan	2-Jan	3-Jan	4-Jan	5-Jan

Some work areas of Council will continue operations throughout the closedown period, specifically in the Infrastructure and Operations division and the contact centre on reduced hours.

Employees will be required to take leave for the three (3) working days over this period (excluding public holidays and rostered days off). Staff are permitted to cover the break with annual leave and/or banked RDOs or TOIL. Where insufficient leave entitlements exist, an employee may take leave without pay during this period.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Confidential Items

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

"in relation to items 32 and 33, pursuant to Section 275 of the *Local Government Regulation 2012*, that this meeting be closed to the public so that Councillors can discuss:

- (e) contracts proposed to be made by Council; and
- (c) the local government's budget."

CARRIED UNANIMOUSLY

The Council discussed the items.

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

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

32 CONFIDENTIAL - Procurement Services - Recommendation Report - ACL00020 Market Research Panel

Executive Summary

Planning and Community Engagement are moving to a strategic procurement environment and reviewing future needs. An identified requirement will be to appoint market research providers to engage with stakeholders or members of the community. This engagement can be in the form of market research, social research, consulting and statistical analysis or digital research.

The data collected can help deliver an understanding of the Townsville region and help better focus marketing efforts, make informed decisions and make the most of available opportunities.

This report provides information on the evaluation panel's assessment of tenderers and the recommendation to award the Market Research Panel to the most suitable tenderers.

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 suppliers identified for inclusion to the panel - ACL00020 Market Research Services for a period of 12 months with a 2 x 12 month options to extend. The Commencement date of contract will be 1 October 2018.

Successful Suppliers

1. AEC Group
2. CT Group
3. Enhance Management
4. Reachtel Pty Ltd
5. Factuality Research
6. McGregor Tan
7. Roy Morgan Research

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

33 CONFIDENTIAL - Future Cities - 372-374 Flinders Street

Executive Summary

Future Cities is seeking support from Council to proceed with the development of Flinders Lane, being the Council owned building at 372-374 Flinders Street, Townsville City.

Flinders Lane is envisioned to be a vibrant, active and inviting laneway within the heart of Townsville's CBD. The laneway will provide a key pedestrian connection between Flinders Street, the future CBD Bus Hub and through to the Townsville City Waterfront Priority Development Area, which encompasses the North Queensland Stadium and the creek side promenade.

The laneway development presents a rare opportunity to create an urban destination within the Townsville CBD. The site will be activated by collaborating with the adjoining land owner at 376-378 Flinders Street, Townsville City and leasing space for commercial uses to integrate into the laneway.

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 approve the recommendations made at the conclusion of this report.

Council Decision

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

- "1. that officer's recommendation 1 be adopted; and
2. that Council delegate approval to the Chief Executive Officer to negotiate a Commercial Term Sheet and Ground Lease with the adjoining land owner of 376-378 Flinders Street, Townsville City and return to Council for consideration and finalisation at the October Council meeting."

CARRIED UNANIMOUSLY

General Business

(i) 3rd Annual National Flying-Fox Forum – Cairns – 8 November 2018

Councillor R Cook provided an overview of the 3rd Annual National Flying-Fox Forum being held in Cairns on 8 November 2018 and sought Council's approval to attend.

Council Decision

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

- "1. that Council approve the attendance of Councillor R Cook at the 3rd Annual National Flying-Fox Forum being held in Cairns on 8 November 2018 (including accommodation and travel); and
2. that, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor R Cook to allow his attendance at the 3rd Annual National Flying-Fox Forum being held in Cairns on 8 November 2018."

CARRIED UNANIMOUSLY

(ii) Sister City Event – Foshan - November 2018

The Mayor, Councillor J Hill referred to a Sister City event, Autumn Colour Parade, being held in Foshan in November 2018 and sought approval for Councillor A Greaney to attend as part of her Sister Cities role.

Council Decision

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

- "1. that Council approve the attendance of Councillor A Greaney at the Autumn Colour Parade being held in Foshan in November 2018 (including accommodation and travel); and
2. that, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor A Greaney to allow her attendance at the Autumn Colour Parade being held in Foshan in November 2018."

CARRIED UNANIMOUSLY

(iii) Smart Cities Week Australia - Sydney - 29-31 October 2018

Councillor L Walker advised of an invitation he has received to participate in the Smart Cities Week Australia being held in Sydney on 29 to 31 October 2018. Councillor Walker provided an overview of this event.

Council Decision

It was MOVED by Councillor R Cook, SECONDED by Councillor M Ryder:

- "1. that Council approve the attendance of Councillor L Walker at the Smart Cities Week Australia being held in Sydney on 29 to 31 October 2018 (including accommodation and travel); and
2. that, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor L Walker to allow his attendance at the Smart Cities Week Australia being held in Sydney on 29 to 31 October 2018."

CARRIED UNANIMOUSLY

(iv) Rowing event in Rockhampton and acknowledgement of staff

Councillor V Coombe advised that our rowing community has recently participated in an event in Rockhampton (six schools participating over four days) and they had some fantastic results. Councillor Coombe acknowledged all of the staff involved in keeping our weirs clear of weeds so that all of the fantastic sports stars of the future can participate.

(v) Acknowledgement of Council's Media Team

Councillor C Doyle acknowledged the work of Council's Media Team. Councillor Doyle provided a brief overview of the Media Team's work and stated that we have a lot of talented staff.

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 3.05pm.

CONFIRMED this TWENTY-THIRD day of OCTOBER 2018

MAYOR

CHIEF EXECUTIVE OFFICER