



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 26 MARCH 2019 AT 1.01PM

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.

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REPORT	COUNCIL MEETING
DATE	Tuesday 26 March 2019 at 1.01pm
ITEMS	1 TO 30
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor P Jacob Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars

Opening of meeting and announcement of visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.01pm.

The Chair, the Mayor, Councillor J Hill stated to please be aware that our meetings are recorded and made available for public viewing on the Townsville City Council website.

Following recent changes to the *Local Government Act 2009* the Chief Legal Officer reminded Councillors of their obligations for disclosing conflicts of interests and material personal interests for items on the agenda.

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 Horst Sauer of the Lutheran Church delivered the opening prayer.

Apologies and leave of absence

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

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

CARRIED UNANIMOUSLY

Confirmation of minutes of previous meeting

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

"that the minutes of the Ordinary Council meeting of 26 February 2019 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of interests

- (i) Infrastructure Services Committee - Perceived conflict of interest – Item 1 – Councillor K Rehbein – Councillor Rehbein is a patron of Scouts Australia.
- (ii) Infrastructure Services Committee - Perceived conflict of interest - Item 5 - The Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars– One of the tenderers is BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (iii) Infrastructure Services Committee - Perceived conflict of interest – Item 6 - The Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars – One of the tenderers is Gabrielli Constructions Pty Ltd. Gabrielli Constructions Pty Ltd had donated \$1,000.00 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (iv) Infrastructure Services Committee - Perceived conflict of interest – Item 7 - The Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars – One of the tenderers is JMac, a wholly owned subsidiary of BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (v) Planning and Development Committee - Perceived conflict of Interest - Item 10 - Councillor M Molachino - Councillor Molachino was gifted tickets to the V8 Supercars by Payce back in 2017.
- (vi) Townsville Water and Waste Committee - Perceived conflict of interest – Item 21 – The Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars – One of the tenderers is Gabrielli Constructions Pty Ltd. Gabrielli Constructions Pty Ltd had donated \$1,000.00 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (vii) Infrastructure Services Committee - Material Personal Interest - Item 8 – Councillor M Ryder - One of the companies' tender, Arid to Oasis Traffic, is a sponsor to one of the events that Madmaggies Promotions manages.

Correspondence

There was no correspondence.

Petitions

(i) TALE Townsville Against Live Export

The Mayor, Councillor J Hill tabled a petition titled 'TALE Townsville Against Live Export'.

Council Decision

That the Chief Executive Officer provide a response.

Deputations

(i) Newstart and Youth Allowance: the income support payments received by unemployed people and students

Cherie Nielsen, a local resident, advised of a proposal to raise the Newstart and Youth Allowance by \$75 a week and outlined some of the reasons for this proposal.

Notices of motion

There were no notices of motion.

Mayoral Minutes

(i) Raising the Newstart Allowance, Youth Allowance and other allowances

The Mayor, Councillor J Hill provided the following Mayoral Minute:

"Fellow Councillors,

At the Australian Local Government Association (ALGA) Assembly last year the following motion was passed –

"In light of the burden placed on local governments across Australia to respond to the needs and challenges of people living in poverty and homelessness, the National General Assembly calls on the Federal Government to raise the Newstart Allowance to the level of the Henderson Poverty Line to increase the wellbeing and life chances of many in our community."

Thousands of people in Townsville City live on inadequate social security payments that leave them struggling to afford the basics of life like food, housing and clothing. These payments trap people in poverty, making it even harder for them to look for a job, keep a roof over their head and participate in our community.

In a report published last year, Deloitte Access Economics found that a \$75pw increase to Newstart would inject \$35m into the Townsville economy in the first year.

Councillors, in light of the large numbers of people in our community living on social security payments that are well below the poverty line, and to support the ALGA's advocacy campaign, I seek your endorsement for Townsville City Council to call on the Australian Government to raise the rate of Newstart Allowance, Youth Allowance and other allowances by at least \$75 per week to improve the wellbeing and life chances of many in our community."

Council Decision

It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor C Doyle:

"that Council call on the Australian Government to raise the rate of Newstart Allowance, Youth Allowance and other allowances by at least \$75 per week to improve the wellbeing and life chances of many in our community."

CARRIED UNANIMOUSLY

(ii) Restoration of Financial Assistance Grants

The Mayor, Councillor J Hill provided the following Mayoral Minute:

"Fellow Councillors,

The Australian Local Government Association (ALGA) with the support of the Local Government Association of Queensland (LGAQ) has launched its 2019 Federal Election advocacy campaign. The central focus of the campaign is the restoration of the value of the Financial Assistance Grants to at least 1 percent of total Commonwealth taxation revenue. The ALGA also endorsed restoration of Financial Assistance Grants to at least 1 percent as its focus. To leverage the advocacy campaign, the LGAQ is seeking the formal backing of all Queensland councils.

Local councils raise just 3 percent of all the taxation revenue in Australia but manage 33 percent of public assets. The Federal Government collects 80 percent of taxes and manages 11 percent of public assets. While the provision of Financial Assistance Grants is welcome, the decline in the local government share of taxation revenue from Canberra over the past two decades from 1 percent in 1996 to 0.55 percent in 2018 is unsustainable.

The LGAQ is calling for Canberra to return this money to local communities faster and in a way that better meets local needs and creates jobs. The success of the State Government's Works for Queensland program, which offered untied funding to councils to deliver essential community projects and infrastructure while boosting local jobs, is being promoted as an example of how restored Financial Assistance Grants could work for all Queensland communities.

Queensland currently receives around \$480m in Financial Assistance Grants, with \$2.46b nationally. Restoration of Financial Assistance Grants to 1 percent would mean an additional \$400m for Queensland and an additional \$2b nationally.

Discussions on the restoration of Financial Assistance Grants occurred at the LGAQ's ROC Assembly on 7 February with Senator Bridget McKenzie, Minister for Regional Services, Sport, Local Government and Decentralisation and Stephen Jones MP, Shadow Minister for Regional Services, Territories and Local Government. The LGAQ President has also held meetings in Canberra on 12 February with the Deputy Prime Minister, and advisers to the Prime Minister, Treasurer and Leader of the Opposition.

Councillors, to formally back the LGAQ's advocacy campaign, I seek your endorsement for the following –

1. That Council express appreciation to the Federal Government for the ongoing provision of Financial Assistance Grants for community projects.
2. That Council endorse restoration of the value of the Federal Government's Financial Assistance Grants to at least 1 percent of total Commonwealth taxation revenue.
3. That Council consider how it can best support the LGAQ's advocacy through a community-driven campaign to federal representatives and candidates on the benefits of restoration of Financial Assistance Grants."

Council Decision

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

- "1. that Council express appreciation to the Federal Government for the ongoing provision of Financial Assistance Grants for community projects;
2. that Council endorse restoration of the value of the Federal Government's Financial Assistance Grants to at least 1 percent of total Commonwealth taxation revenue; and
3. that Council consider how it can best support the LGAQ's advocacy through a community-driven campaign to federal representatives and candidates on the benefits of restoration of Financial Assistance Grants."

CARRIED UNANIMOUSLY

Council agreed to consider items 26 and 25 as the next items of business.

Officers' Reports

Planning and Community Engagement

26 Planning Services - Material Change of Use MI17/0015 - Motor Sport and Driver Education Facility

Executive Summary

An application seeking a Development Permit for a Material Change of Use for a Motor Sport and Driver Education Facility, on land described as Lot 31 E 124247, Lot 39 E 124247, Lot 38 E 124269, Part Lot 19 RP 901592, more particularly 132 Bidwilli Road, Calcium has been lodged with Council. The subject site is located in the Rural Zone and the Grazing precinct of the Townsville City Plan and 2.6 km south of the Flinders Highway Giru/Woodstock intersection.

The proposed development will be located upon former CSIRO grazing land now owned by Council. The site is being considered for future industrial uses and leased to the proponent for the commencement of a motor sport complex. The site is bound by Ghost Gum Road to the north and Bidwilli Road to the south, Lansdown Creek to the west and an unformed road reserve to the east.

While the application seeks an approval for a Development Permit, the State Development, Manufacturing, Infrastructure and Planning (SARA) have issued their response that includes a staged development with Stages 1 and 2 receiving a Development Permit and Stage 3 a Preliminary Approval. The staging of the development is not in regard to the construction of the facility incrementally, rather the staging of events.

An assessment against the relevant provisions of the Townsville City Plan concluded that while the proposal does not achieve the outcomes of the Planning Scheme for the Rural zone, it is appropriately located given the intended industrial zoning of the area. It is considered any potential impacts can be mitigated through reasonable and relevant conditions and therefore the application is recommended for approval subject to conditions.

Officer's Recommendation

That Council approve application MI17/0015 for a Development Permit for Material Change of Use - Motor Sport Facility (Motor Sport and Driver Education) for Stage 1 and 2 and a Preliminary Approval for Material Change of Use - Motor Sport Facility (Motor Sport and Driver Education) for Stage 3 under section 243 and section 241 of the *Sustainable Planning Act 2009* on land described as Lot 31 E 124247, Lot 39 E 124247, Lot 38 E 124269 and Part Lot 19 RP 901592, more particularly 132 Bidwilli Road, Calcium subject to the following conditions -

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE MOTOR SPORT FACILITY (MOTOR SPORT FACILITY AND DRIVER EDUCATION)

DEVELOPMENT PERMIT – STAGES 1 AND 2

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.	Revision Date
Site Access	M0000-SK-03		07/02/19
Site Plan - Full	DA1	H	20/02/17
Site Plan - Detail	DA2	H	20/02/17
Plan – Pit Layout	DA3	C	09/09/16
Drags Control Room Floor Plans	DA4	C	09/06/16
Drags Control Room Elevation Plans	DA5	C	09/06/16
Caretaker Residence Floor Plans	DA6	C	09/06/16
Caretaker Residence Elevation Plans	DA7	C	09/06/16
Administration Floor and Elevation Plans	DA8	C	09/06/16
Medical Centre Floor Plans	DA9	C	09/06/16
Medical Centre Elevation Plans	DA10	C	09/06/16
Gatehouse Floor and Elevation Plans	DA11	C	09/06/16
Generic Amenities Floor and Elevation Plans	DA12	C	09/06/16
Generic Event Control Tower Floor and Elevation Plans	DA13	C	09/06/16
Grandstand Typical Side Elevation	DA14	C	09/06/16
Associated Reports/Attachments			
Stormwater Management Report - Northern Consulting Engineers Issue E received 31/08/2018			
Drive It NQ – Staging Schedule of Events			
Noise Impact Assessment dated 15/03/2017 and prepared by Dedicated Acoustics			

- 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. Hours of Operation

Condition

Unless otherwise approved by Council, the activities associated with the use for each stage of the development must only be conducted between the following hours:

- a) 8.00am to 5.00pm Monday to Friday inclusive; and
- b) 8.00am to 10.00pm Saturday; and
- c) 8.00am to 6.00pm Sunday.

Reason

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

Timing

At all times following the commencement of the use.

3. Noise Management

Condition

- a) All operations onsite must be conducted in accordance with the noise levels and recommendations outlined in the approved Noise Impact Assessment listed in Condition 1 dated 15/03/2017 prepared by Dedicated Acoustics. No special events are permitted as part of the stage 1 and 2 approval.
- b) Major events are restricted to the following times:
 - Major Events
 - Limited to Off road/Rally and Remote control cars only;
 - May not be held any more frequently than once a month; and
 - May not be held for any more than 2 consecutive days.

Nominated Event Classes:

Event Class	Activity	Vehicle Class
Major Event		
	Race Circuit	General classes, excluding v8 supercars or similar
	Motorkhana (Off road)	
	Rally	

Reason

To ensure that the use does not cause a noise nuisance to nearby sensitive receptors in accordance with the *Environmental Protection Act 1994* and associated policies.

Timing

To be maintained for the life of the development

4. Noise Management Plan

Condition

A Noise Management Plan must be submitted to Council for approval. The noise management plan for major and special events must incorporate all elements as recommended in the Noise Impact Assessment, prepared by Dedicated Acoustics, dated 15/03/2017.

Reason

To ensure that the use does not cause a noise nuisance to nearby sensitive receptors in accordance with the Queensland *Environmental Protection Act 1994* and associated policies.

Timing

To be submitted to Council for each type of event as part of an application for Certificate of Compliance.

5. 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.

6. Property Numbering/Identification

Condition

Legible property numbers or alternative identification 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.

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 development achieving on maintenance or commencement of use.

8. Amalgamation of Allotments

Condition

The amalgamation of lots Lot 31 E 124247, Lot 39 E 124247, Lot 38 E 124269 and part Lot 19 RP 901592 (west of the north/south unnamed road between Ghost Gum Road and Bidwilli Road) into single parcel must be undertaken and the survey plan must be registered, in accordance with the *Land Title Act 1994* or *relevant legislation as amended*.

Reason

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

Timing

Prior to the commencement of the use for Stage 1.

9. Storage

Condition

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

Reason

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

Timing

At all times following the commencement of the use.

10. Dust Management

Condition

- a) A dust management plan must be submitted for approval by Council;
- b) During Level 3 and 4 water restrictions, water must not be drawn from Council's reticulated supply;
- c) The dust management plan must include detail of where water used for dust mitigation is to be drawn from should Level 3 and 4 water restrictions be imposed during the construction of the development.

Reason

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

The drawing of water from a non-reticulated source is to provide the ongoing protection of Council's reticulated supply.

Timing

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

11. On-site Sewage Disposal

Condition

The development must be serviced by an on-site sewage facility. The on-site facility must be designed to manage trade waste generated from food premises other than temporary stalls.

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

Reason

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

Timing

Following issue of a Hydraulics permit and prior to the commencement of the use associated with the applicable stage.

12. On-site Water Supply

Condition

A private water supply must be provided in accordance with Part 9.3.6 Works code and SC6.4 Development manual planning scheme policy specifically SC6.4.3.11 On-site water supply of the Townsville City Plan.

Reason

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

Timing

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

13. Electricity and Telecommunication

Condition

Electricity and telecommunications must be provided 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

Prior to the commencement of use.

14. Stormwater Drainage

Condition

The Stormwater Management Report by Northern Consulting Engineers, Issue E received 31/08/2018 is accepted as concept only.

The developer must provide an updated stormwater management plan incorporating a flood impact assessment in accordance with the SC6.7 Flood hazard planning scheme policy of the SC6.4 Development manual planning scheme policy. The updated report must be based on the final design levels of the development.

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. To demonstrate compliance to the Part 8.2.6 Flood hazard overlay code of Townsville City Plan.

Timing

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

15. Stormwater Quality Management**Condition**

- a) Stormwater quality treatment devices must be provided generally in accordance with the accepted SQMP in Condition 1. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy of the Townsville City Plan.
- b) The developer must provide an updated stormwater quality management plan which must be prepared by a suitably qualified person in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan prior to the commencement of construction of the off-road and rally circuit as shown on approved planDA1 as listed in Condition 1.

Reason

- a) To manage and to minimise the risk of causing environmental harm to receiving waters, damage to Council infrastructure, and unnecessary financial burdens to Council and the community in accordance with relevant code/s and policy direction.
- b) The accepted stormwater management plan indicates that the 'Zone 1' of the site must be treated with swales which flows towards the Haughton River. A portion of 'Zone 1' flows towards the Lansdown Creek and is within the Water resource catchment overlay. The off-road and rally circuit is within the water resource catchment overlay and not within portion flowing to the Haughton River catchment.

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. Roadworks**Condition**

The developer must design and construct the following roads to Council standard in accordance with SC6.4 Development manual planning scheme policy to demonstrate compliance to Part 9.3.5 Transport, access and parking code of the Townsville City Plan (unless otherwise agreed by Council):

- a) gazetted unnamed road corridor from Jones Road to Ghost Gum Road as shown on approved plan M0000-SK-03 as listed in Condition 1; and
- b) Ghost Gum Road from the intersection of the Unnamed Road to the access of the development as shown on approved plan M0000-SK-03 as listed in Condition 1; and
- c) Associated intersections shown on approved plans listed in Condition 1.

Reason

To ensure an appropriate transport network is provided 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.

17. Pavement Impact Assessment

Condition

A pavement impact assessment report must be carried out, in accordance with the SC6.4.3.14 Traffic impact assessments of SC6.4 Development manual planning scheme policy of Townsville City Plan, for the following sections of roads (as shown on approved plan M0000-SK-03 as listed in Condition 1):

- a) section of Jones Road, from Woodstock Avenue/Jones Road intersection up to the intersection of Jones Road/ gazetted unnamed road; and
- b) section of the Woodstock Avenue from Old Flinders Highway intersection to the Jones Road intersection; and
- c) the section of Old Flinders Highway from Flinders Highway to Woodstock Avenue intersection.

If determined that the impacts of the development will be detrimental to the structure and life of the pavement, any necessary works to strengthen the pavement to achieve the expected design life must be carried out at no cost to Council.

Reason

To provide development with access in accordance with Council standards.

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.

18. Updated Traffic Impact Assessment

Condition

The submitted Road Impact Assessment by Northern Consulting Engineers, Issue E dated 29/08/2018 is not accepted as part of this approval.

The applicant must provide an updated traffic impact assessment which details the development's impact on the intersections of all existing and new local roads prepared in accordance with SC6.4 Development manual planning scheme policy to demonstrate compliance to the Part 9.3.5 Transport impact, access and parking code.

If determined that the impacts triggers an upgrade to the intersection, any relevant works must be carried out at no cost to Council.

Reason

To ensure an appropriate transport network is provided 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.

19. Car Parking

Condition

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.

- a) Stage 1 must provide sufficient car parking for 200 vehicles in accordance with SC6.4 Development manual planning scheme policy unless otherwise agreed by the Council.
- b) Stage 2 must provide sufficient car parking for an additional 300 vehicles (500 vehicles in total) in accordance with SC6.4 Development manual planning scheme policy unless otherwise agreed by the Council.

Reason

To ensure development is appropriately serviced by parking and access facilities 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.

20. Limitation of Vehicle Access

Condition

Vehicle access from the Flinders Highway at the Ghost Gum Road intersection is not permitted.

Reason

To maintain the safety and efficiency of the adjacent state road network infrastructure.

Timing

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

21. 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.

22. Signage

Condition

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

- b) Signs must be designed in accordance with Part 9.3.1 Advertising devices code of the Townsville City Plan; and
- c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

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

Reason

Signage not approved as part of this Development Permit or deemed either Accepted development or Accepted development subject to requirements will require a Code assessable Operational work development application to be lodged with Council in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use.

23. 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

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

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

24. 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) A waste management plan must prepared in accordance with the SC6.4.3.22 of Townsville City Plan addressing how each stage can be appropriately serviced by the respective service provider. The waste management plan must be implemented during construction and at commencement of the associated stage.
- b) Bulk refuse facilities are required. The bulk refuse facility must be:
 - A suitable enclosure with concrete slab floor, with dimension which exceed the size of the nominated bin size/s by at least 300mm at the rear and both sides and 600mm at the front;
 - In an accessible location to receive the service;
 - Graded and drained through an approved pre-treatment system associated with the on-site wastewater system;
 - Provided with a hose cock and hose in close proximity to the enclosure; and
 - Must be screened and not visible from any street frontage.

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

Reason

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

Timing

To be submitted to Council for each stage as part of an application for Certificate of Compliance.

25. Outdoor Lighting

Condition

Lighting for evening events 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*.

Reason

To ensure that the use does not cause a light nuisance to nearby sensitive receptors 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.

Referral Agency Conditions

Concurrence Agency Conditions – State Development, Manufacturing, Infrastructure and Planning

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

Advice

1. Infrastructure Charges

Condition

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

2. Water Restrictions

Condition

- a) To manage Townsville's water resources, Council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;

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

3. Assessment Manager Advice

Condition

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

4. 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 12 – On-site Water Supply
- Condition 14 – Stormwater Drainage
- Condition 15 – Stormwater Quality Management
- Condition 16 – Roadworks
- Condition 17 – Pavement Impact Assessment
- Condition 18 – Updated Traffic Impact Assessment
- Condition 19 - Car Parking
- Condition 21 – Landscaping
- Condition 22 – Signage
- Condition 23 – Soil Erosion Minimisation, Sediment Control

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 Development Permit for Building Works, unless otherwise approved by Council.

Condition 4 – Noise Management Plan
Condition 24 –Refuse Facilities

c) **Plumbing and Drainage Works**

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

d) **Building Works**

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

e) **Road Works Permit**

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

f) **Operational work – Signage**

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

5. 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 further approval.

Condition 5 – Building Materials
Condition 6 – Property Numbering

6. 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.

7. 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.

8. Specifications and Drawings

Condition

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

9. Lease Conditions

Condition

The developer must comply with the relevant lease conditions associated with provision of the land by Council that applies to this land for the purposes of the use.

10. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

11. Liquid Trade Waste Approval

Condition

The developer is advised that a Trade Waste Approval/Agreement may be required under the *Water Supply (Safety and Reliability) Act 2008*. This should be discussed with Council's Townsville Water team at an early stage of project development.

Contact sourcecontrol@townsville.qld.gov.au or 1300 878 001.

12. Flammable and Combustible Liquids

Condition

Flammable and combustible liquids are to be stored and handled in accordance with *AS 1940 The Storage and Handling of Flammable and Combustible Liquids*.

13. Chemical Storage

Condition

Where chemicals are stored or handled on site, the storage and handling of chemicals must be in accordance with the relevant WHS Code of Practice.

14. 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.

15. 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 on 13 4810 for further information.

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE MOTOR SPORT FACILITY (MOTOR SPORT FACILITY AND DRIVER EDUCATION)

PRELIMINARY APPROVAL – STAGE 3

a) Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Revision No.	Revision Date
Site Access	M0000-SK-03		07/02/19
Site Plan - Full	DA1	H	20/02/17
Site Plan - Detail	DA2	H	20/02/17
Plan – Pit Layout	DA3	C	09/09/16
Drags Control Room Floor Plans	DA4	C	09/06/16
Drags Control Room Elevation Plans	DA5	C	09/06/16
Caretaker Residence Floor Plans	DA6	C	09/06/16
Caretaker Residence Elevation Plans	DA7	C	09/06/16
Administration Floor and Elevation Plans	DA8	C	09/06/16
Medical Centre Floor Plans	DA9	C	09/06/16
Medical Centre Elevation Plans	DA10	C	09/06/16
Gatehouse Floor and Elevation Plans	DA11	C	09/06/16
Generic Amenities Floor and Elevation Plans	DA12	C	09/06/16
Generic Event Control Tower Floor and Elevation Plans	DA13	C	09/06/16
Grandstand Typical Side Elevation	DA14	C	09/06/16
Associated Reports/Attachments			
Stormwater Management Report - Northern Consulting Engineers Issue E received 31/08/2018			
Road Impact Assessment – Northern Consulting Engineers Revision E received 31/08/2018			
Drive It NQ – Staging Schedule of Events			
Noise Impact Assessment Dated 15/03/2017 and prepared by Dedicated Acoustics			

- b) A subsequent application for a Development Permit for Stage 3 over the subject land will be assessed in accordance with the Planning Scheme and relevant codes / standards in force at the time of application except where varied by these conditions of approval.

- c) Should an alternative access to the site be provided prior to the commencement of Stage 3 of the development, an amended Road Impact Assessment must be provided with the application for a Development Permit.

Reason

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

Timing

At the time of application for Development Permit for Stage 3 of the development.

2. Hours of Operation

Condition

Unless otherwise approved by Council, the activities associated with the use of the development must only be conducted between the following hours:

- a) 8.00am to 5.00pm Monday to Friday inclusive; and
- b) 8.00am to 10.00pm Saturday; and
- c) 8.00am to 6.00pm Sunday.

Reason

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

Timing

At all times following the commencement of the use.

3. Noise Management

Condition

- a) All operations onsite for stage 3 must be conducted in accordance with the noise levels and recommendations outlined in the approved Noise Impact Assessment listed in Condition 1, dated 15/03/2017, prepared by Dedicated Acoustics.
- b) Major events and special events are restricted to the following times:
 - Major Events
 - May not be held on any more frequently than once a month; and
 - May not be held on any more than 2 consecutive days.
 - Special events
 - May not be held on any more frequently than once every 3 months; and
 - May not be held on any more than 2 consecutive days.

Nominated Event Classes:

Event Class	Activity	Vehicle Class
Major Event	Speedway	
	Race Circuit	General classes, excluding v8 supercars or similar
	Burnouts	
	Motorkhana	
	Rally	
Special Event	Drag racing	Top-fuel, pro-slammer

Reason

To ensure that the use does not cause a noise nuisance to nearby sensitive receptors in accordance with the Queensland *Environmental Protection Act 1994* and associated policies.

Timing

To be maintained for the life of the development

4. Noise Management Plan**Condition**

A Noise Management Plan for stage 3 must be submitted to Council for approval. The noise management plan for major and special events should incorporate all elements as recommended in the Noise Impact Assessment, prepared by Dedicated Acoustics, dated 15/03/2017.

Reason

To ensure that the use does not cause a noise nuisance to nearby sensitive receptors in accordance with the Queensland *Environmental Protection Act 1994* and associated policies.

Timing

To be submitted to Council for each type of event (stage 3) as part of an application for Certificate of Compliance required as part of subsequent development permit conditions

5. 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.

6. Storage**Condition**

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

Reason

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

Timing

At all times following the commencement of the use.

7. Dust Management**Condition**

- a) A dust management plan for stage 3 must be submitted for approval by Council;
- b) During Level 3 and 4 water restrictions, water must not be drawn from Council's reticulated supply; and
- c) The dust management plan must include detail of where water used for dust mitigation is to be drawn from should Level 3 and 4 water restrictions be imposed during the construction of the development.

Reason

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

The drawing of water from a non-reticulated source is to provide the ongoing protection of Council's reticulated supply.

Timing

Technical details are to be submitted when the subsequent development permit is issued as part of an application for Operational Work.

8. On-site Sewage Disposal**Condition**

The development (stage 3) must be serviced by an on-site sewage facility. The on-site facility must be designed to manage trade waste generated from food premises other than temporary stalls.

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

Reason

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

Timing

Following issue of a Hydraulics permit and prior to the development achieving final completion.

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

A private water supply (stage 3) must be provided in accordance with Part 9.3.6 Works code and SC6.4 Development manual planning scheme policy specifically SC6.4.3.11 On-site water supply of the Townsville City Plan.

Reason

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

Timing

Technical details are to be submitted when the subsequent development permit is issued as part of an application for Operational Work.

10. Electricity and Telecommunication**Condition**

Electricity and telecommunications (stage 3) must be provided 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

Prior to the commencement of use.

11. Stormwater Drainage

Condition

Stormwater drainage for stage 3 must be managed as detailed in approved report by the Registered Professional Engineer of Queensland (RPEQ) listed in Condition 1 above.

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

Technical details are to be submitted when the subsequent development permit is issued as part of an application for Operational Work.

12. Stormwater Quality Management

Condition

Stormwater quality management for stage 3 must be achieved as detailed in approved report by the Registered Professional Engineer of Queensland (RPEQ) listed in Condition 1 above.

Reason

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

Timing

Technical details are to be submitted when the subsequent development permit is issued as part of an application for Operational Work.

13. Roadworks

Condition

All new roads associated with stage 3 must be designed and constructed in accordance with Part 9.3.5 Transport, access and parking code of the Townsville City Plan.

Reason

To ensure an appropriate transport network is provided in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted when the subsequent development permit is issued as part of an application for Operational Work.

14. Updated Traffic Impact Assessment

Condition

The developer must provide an amended traffic report associated with Stage 3. The updated traffic impact assessment must detail the development's impact on the intersections of all existing and new local roads to be prepared in accordance with SC6.4 Development manual planning scheme policy to demonstrate compliance to the Part 9.3.5 Transport impact, access and parking code.

If determined that the impacts triggers an upgrade to any roads or intersections, any relevant works must be carried out at no cost to Council. At the time Stage 3 is developed, if an alternative access is required, the updated Traffic Impact Assessment must consider this access arrangement also.

Reason

To ensure an appropriate transport network is provided in accordance with relevant code/s and policy direction.

Timing

To be submitted to Council as part of an application for the subsequent Development Permit for the Material Change of Use.

15. Car Parking**Condition**

- a) All car parking facilities, associated ramps and driveways for stage 3 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) The developer must provide an updated traffic impact assessment report to identify the total number of car park spaces required for the development in accordance with the planning instrument and relevant guidelines at the time of application. The developer must provide the car parking in accordance with the recommendations of the amended report.

Reason

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

Timing

Technical details are to be submitted when the subsequent development permit is issued as part of an application for Operational Work.

16. Limitation of Vehicle Access**Condition**

Vehicle access from the Flinders Highway at the Ghost Gum Road intersection is not permitted.

Reason

To maintain the safety and efficiency of the adjacent state road network infrastructure,

Timing

During the life of the development.

17. 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 when the subsequent development permit is issued as part of an application for Operational Work.

18. Signage

Condition

- a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Categories of development and assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to Council for assessment; and
- b) Signs must be designed in accordance with Part 9.3.1 Advertising devices code of the Townsville City Plan; and
- c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

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

Reason

Technical details are to be submitted when the subsequent development permit is issued as part of an application for Operational Work.

Timing

Prior to the commencement of the use.

19. Soil Erosion Minimisation, Sediment Control

Condition

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

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.

20. Refuse Facilities

Condition

Refuse collection arrangements must be provided by the developer (stage 3) so as to achieve the requirements of the Part 9.3.6 Works code of the Townsville City Plan and in particular:

- c) A waste management plan must be provided for the development. The waste management plan must be implemented during construction and at commencement of the use. Any amendments to the plan must not be implemented until approval from Council is issued.

- d) Bulk refuse facilities are applicable due to the nature of the development. The bulk refuse facility must be:
- A suitable enclosure with concrete slab floor, with dimension which exceed the size of the nominated bin size/s by at least 300mm at the rear and both sides and 600mm at the front;
 - Within the curtilage of the premises in an accessible location to receive the service;
 - Graded and drained through an approved pre-treatment system associated with the on-site waste water system;
 - Provided with a hose cock and hose in close proximity to the enclosure;
 - Enclosure must be screened and not visible from any street frontage.
- c) The minimum overhead clearance required for refuse collection is 6500mm. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- d) All waste generated as a result of the construction of the development 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*.
- e) Access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

Reason

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

Timing

To be submitted to Council for each event as part of an application for Certificate of Compliance (as part of the subsequent development permit).

21. Outdoor Lighting

Condition

Lighting for evening events 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*.

Reason

To ensure that the use does not cause a light nuisance to nearby sensitive receptors 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.

Referral Agency Conditions

Concurrence Agency Conditions – State Development, Manufacturing, Infrastructure and Planning

Pursuant to Section 56 of the *Planning Act 2016*, the State Development, Manufacturing, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Development Permit and Preliminary approval for a Material Change of Use, subject to the conditions, as attached.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

25 Planning Services MCU18/0041 Material Change of Use for an Undefined Use - Cattle Holding Yards

Executive Summary

The application seeks a Development Permit for a Material Change of Use for an Undefined Use (Cattle Holding Yard) located on land situated at 7 and 11 Heath Road and 812 and 840 Flinders Highway Oak Valley. The application was Impact Assessable against the Townsville City Plan and was assessed in accordance with the *Planning Act 2016*.

As the application is Impact Assessable it was required to be Publicly Notified. During the Public Notification period 64 submissions were received, one in support of the proposal and 63 objecting. The submissions against were based on the following concerns: water quality and quantity, odour, effluent holding pond, noise, dust, health impacts, environmental Impacts, traffic impacts and economic impacts.

The development site is situated approximately 17 kms from the Port of Townsville, and is adjacent to the Townsville Distribution Centre which is serviced by an existing signalised intersection onto the Flinders Highway. An assessment of the proposal against the applicable codes of the Townsville City Plan in conjunction with detailed investigations into the operating environment of the proposal raised many issues which were not entirely addressed. Consequently, the recommendation below does not reflect the original proposal as applied for, in that a precautionary approach has been adopted, where the scale of the enterprise has been reduced to ensure the cattle holding yard can function without detrimentally impacting on the community and environmental values.

The revised recommended approval allows for a maximum of 4500 cattle to be held on the site at any one time, a reduction from the original 15,000 cattle applied for. Further, only pens 1-11 are approved to ensure appropriate buffers can be maintained from the surrounding rural and rural residential land.

Officer's Recommendation

That Council approve application MCU18/0041 for a Material Change of Use, under the *Planning Act 2016*, on land described as Lot 2 on RP746655, Lot 1 on RP745584, Lot 1 on RP733027 and Lot 2 on RP743591 more particularly 812 and 840 Flinders Highway and 7 and 11 Heath Road, Oak Valley subject to the following conditions.

MATERIAL CHANGE OF USE Undefined Use (Cattle Holding Yard)

MATERIAL CHANGE OF USE CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Revision No.	Date
Proposed Cattle Holding Yard Layout (as amended by Council – pens 1-11 approved only)	Fig 10	H	14/9/18

- 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 reports and management plans identified in the below conditions (to be approved by Council) must be implemented prior to the commencement of the use.

Reason

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

Timing

During the operation and life of the development.

2. Defined Use

Condition

The proposed use is defined as a cattle holding yard allowing for a maximum capacity of 4500 head of cattle within approved pens 1-11 as shown on the Proposed Cattle Holding Yard Layout (Fig 10 H 14/9/18 as amended by Council).

Reason

Supporting documentation, including reports, are contradictory in their findings on the working capacity of the cattle holding yard. It has not been demonstrated that operation beyond this limit can function without negative impacts or undue risk.

Timing

Maintained for the life of the development.

3. Recording Requirements

Condition

The operators must maintain a log in accordance with the National Livestock Identification System (as amended) of all cattle movements and numbers which can be made available to Council upon request at all times.

Reason

To ensure the holding yard does not operate beyond its demonstrated operating capacity.

Timing

Throughout the operation of the cattle holding yard, unless otherwise agreed by Council.

4. Property Numbering**Condition**

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

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

Reason

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

Timing

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

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

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

Reason

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

Timing

Prior to the commencement of use.

6. Dust Management**Condition**

- a) A revised dust management plan must be submitted for approval by Council;
- b) During Level 3 and 4 water restrictions, water must not be drawn from Council's reticulated supply;
- c) The dust management plan must include detail of where water used for dust mitigation is to be drawn from should Level 3 and 4 water restrictions be imposed during the construction of the development; and
- d) All internal roads and loading areas must be fully sealed 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.

7. On-site Sewage Disposal**Condition**

The development must be serviced by an on-site sewage facility.

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

Reason

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

Timing

Following issue of a Hydraulics permit and prior to the development achieving final completion

8. Groundwater Management and Resource Assessment

Condition

A groundwater management plan and resource assessment must be submitted and approved by Council. The groundwater management plan and resource assessment must be prepared by an appropriately qualified and experienced expert in the field (*a qualified hydro-geologist*). In particular, the groundwater management plan and resource assessment must consist of but not be limited to:

- a) Monitoring frequencies (groundwater quality must be monitored before, during and after the construction of the development);
- b) bore monitoring locations;
- c) consideration of information available from previous studies and new information collected as part of the investigation;
- d) consideration of the maximum ground water extraction rate attainable, proposed pumping rates, land slope, flooding, drainage, geology, ground water recharge potential, local experience, proximity to and protection from potential contaminants, soil characteristics (colour, texture, structure, permeability and presence of rock), percolation testing, direction of ground water flow, seasonal fluctuation in ground water levels, and the current degree of district and local extraction;
- e) a comparison between the average annual ground water demand and the average annual ground water recharge, on a local and a district level;
- f) the results of drilling and testing of an adequate number of bores, supplemented with ground water modelling where necessary, to ensure a thorough and accurate investigation of the ground water resources available. Bores are required for two purposes, namely, for interference testing and for regional ground water level observation;
- g) results of independent and simultaneous pumping of test bores, and measurement of water levels to check for localised pumping interference with any existing and proposed neighbouring bores. Pumping tests should be undertaken for a minimum of 8 hours duration and pumped at the rate the pump is intended to be operated in the proposed development. The available draw down in neighbouring bores during the test must not be reduced by greater than 20% when compared to available draw down in these bores prior to pumping;
- h) if bore interference is found to be greater than 20% of the available draw down, supplementary pumping tests must be undertaken to measure the effect of reducing either the pumping rate, the duration of pumping, or both, until the resulting interference is within this level;

- i) water quality testing to determine whether extracted water will be of a potable quality, including where relevant, written advice from a registered professional in the field of ground water quality. outlining appropriate standards for bore water testing (potable uses);
- j) investigation of previous land uses and the possibility of contamination of aquifers to determine the quality of ground water;
- k) details of the pump type, capacity and pumping curve for bores;
- l) provide information on treatment methods including how groundwater will be treated to the specific standards, why the treatment method has been chosen and how effective it will be;
- m) a monitoring plan including parameters, technology, frequency and how and when monitoring data will be reported to Council. At a minimum the following items should be considered:
 - pH of the water should be carefully monitored to provide an indicator of any potential oxidation of Potential Acid Sulphate Soils (PASS) affected by groundwater drawdown;
 - ferrous iron should be measured prior to the use. Where ferrous iron is detected, it will need to be held, treated and re-tested prior to discharge;
 - groundwater monitoring and sampling commence and continue during operation. As a minimum, pH, EC, DO , turbidity, water level, acidity as CaCO₃, Fe and Al should be monitored at appropriate frequencies;
 - exact location and frequency of groundwater testing should be prescribed by a groundwater/water quality specialist. Evidence must be provided that any proposed groundwater treatment and monitoring plan will adequately describe the groundwater quality and the level of groundwater treatment prior to use or discharge;
- n) a strategy to manage non-conformities; and

All groundwater, PASS and other environmental monitoring results must be provided to Council on request during the life of the development.

Reason

Ensure protection of people and property and the ongoing sustainability of the development. Any proposed ground water extraction, when combined with existing levels of extraction in the area, is to be sustainable on both a local and regional level. The average annual demand for ground water must not exceed the average long term recharge in the area.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work and approved and implemented prior to the commencement of the use.

9. Water Supply

Condition

a) Potable Supply

The development must be connected to Council's reticulated supply on Kupfer Drive. The connection is to include the extension of the existing 150 diameter and 100 diameter mains with linking of these mains in Heath Road.

b) Non-Potable (Cattle Feed) Supply

A revised and detailed water supply solution must be provided. This is to be carried out in conjunction with the "Groundwater Management and Resource Assessment". The report is to identify a nominated supply solution. Agreements with Council must be obtained for the proposed design option, and must include consideration for all required uses for water, including dust management prior to the commencement of the use.

Note: SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

Reason

To ensure that the premises is appropriately serviced by water supply infrastructure 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 approved and implemented prior to the commencement of the use.

10. Electricity and Telecommunication

Condition

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Where works are required to provide or relocate electrical and/or telecommunication assets, agreement with the relevant asset owner must be obtained prior to works commencing.

Reason

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

Timing

Prior to the commencement of use.

11. Stormwater Drainage

Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must provide and certify a revised stormwater management plan to ensure that stormwater drainage achieves the outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

The revised management plan must include but is not limited to the following changes:

- a) The proposed catch drain on the south-west to south of the site must be diverted around the effluent pond and must be segregated from the effluent pond to prevent clean water mixing with effluent. A review of the hydrological modelling must demonstrate that the mitigation and realignment of the drain does achieve this separation;
- b) Erosion protection measures must be installed on the system outlets including control valves to be installed on the outlets to control discharges;
- c) The effluent pond must be redesigned to include a channel to guide spilling effluent to a lawful point of discharge;

- d) The redesigned catch drain must incorporate sufficient channel dimensions and gradient to be shown on the submitted drawings as part of the hydrological modelling. The final design needs to confirm that the drainage profile has sufficient capacity to manage flows on site as per the hydrological modelling and overall catchment configuration;
- e) A daily water balance model for the site must be prepared and designed to capture the long term rainfall record (stochastic modelling optional) to ensure that the storage adequately captures and discharges effluent in a manner that manages the risks associated with overflow of the effluent to the environment. The water balance modelling must also incorporate maintenance schedules and operations that will be implemented to control the volume; and
- f) Sludge and dried effluent residue must be removed from the pond and taken to a suitable handling facility for disposal/treatment.

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

Technical details are to be submitted to Council as part of an application for Operational Work and approved and implemented prior to the commencement of the use.

12. Stormwater Quality Management

Condition

A stormwater quality management plan (SQMP) must be prepared by a suitably qualified person in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

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

The Stormwater Quality Management Plan must include consideration of effluent irrigation (if proposed), and requires assessment against:

- a) Environmental Values (EV);
- b) Water Quality Objectives (WQOs) of the relevant catchment document under the Environmental Protection (Water) Policy 2009; and
- c) possible impacts and risks to the values due to the proposed activity.

Reason

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

Timing

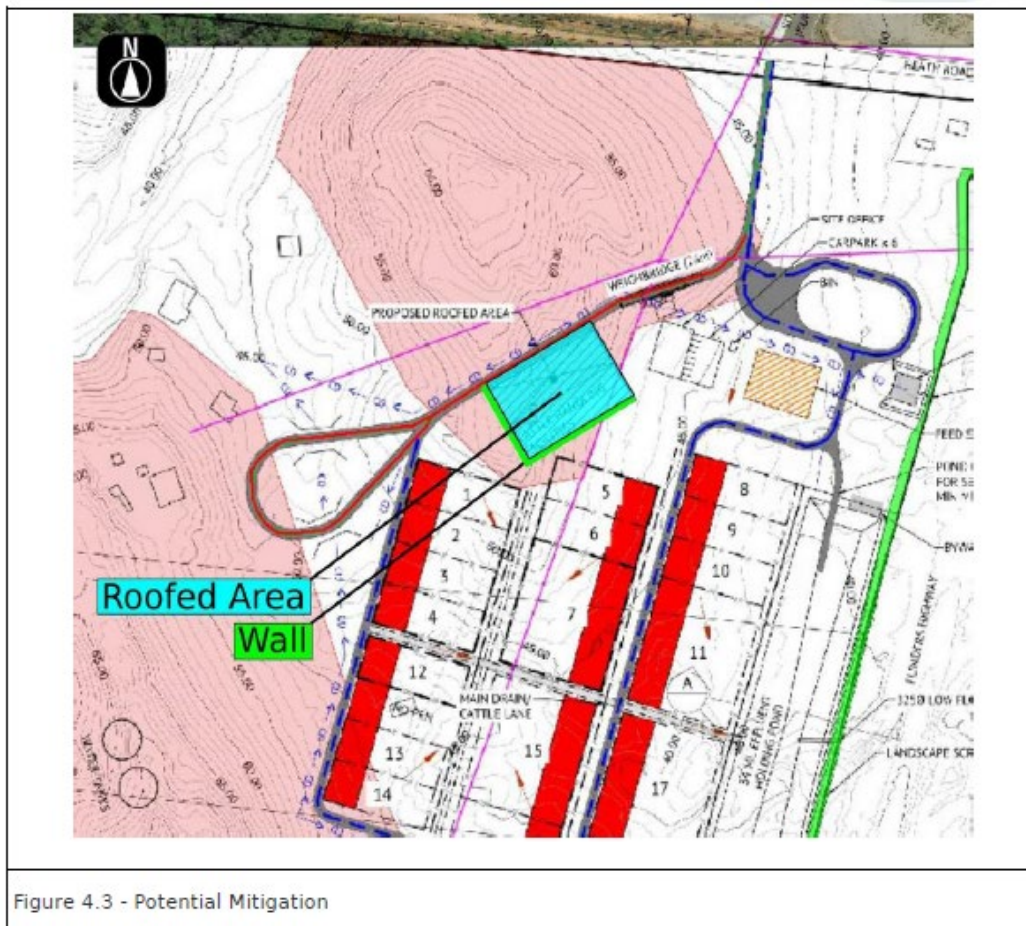
Technical details are to be submitted to Council as part of an application for Operational Work and approved and implemented prior to the commencement of the use.

13. Odour and Noise Management

Condition

The developer must undertake further investigations and provide to Council for approval, a revised Noise and Odour Assessment Report and Odour and Noise Management Plan to validate assumptions applied to the modelling, including:

- a) Demonstrate that odour emission rates for the site in Carcoar are comparable to a similar site in Queensland with similar meteorological conditions, preferably in the dry tropics environment;
- b) Include a review and investigations of the odour modelling to incorporate data from Stuart DSITI site, justification or amended TERRAD value used in CALMET settings, and includes a seasonal variation factor (wet and dry);
- c) Consider all possible noise contributors, as well as future receivers to the south of the proposed development;
- d) Provide further details on the proposed acoustic mitigation measures as recommended in the Air Noise Environment Report dated 29 October 2018 specifically the design and construction plans for the proposed walls along the western and southern boundary of the cattle holding facility, including the fully enclosed roof as per Figure 4.3 of the report (see below). and;
- e) Provide details in the Noise Management Plan for ongoing noise monitoring to ensure compliance with the predicted noise levels outlined in the report.



Reason

To ensure that the use does not cause an odour or noise nuisance to nearby sensitive receptors. The data used for this facility must be similar and compatible to the localised conditions which prevail in order to accurately reflect the odour and noise emissions that will occur.

Timing

To be submitted with the application for Operational works and approved and implemented prior to the commencement of use.

14. 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 6 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.

Reason

To ensure development is appropriately serviced by parking and access facilities 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.

15. Roadworks and Traffic**Condition**

- a) A revised Traffic Impact Assessment Report must be provided including but not limited to:
 - Correct number of cattle used in calculations; and
 - Correct periods of loading/unloading timeframes to reflect the days of operation proposed.
- b) A new access driveway and crossover from the kerb and channel to the property boundary must be constructed generally in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- c) New roads and intersections including the upgrade of Kupfer Drive and Heath Road intersection must be designed and constructed in accordance with Part 9.3.5 Transport, access and parking code of the Townsville City Plan.
- d) 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.
- e) The applicant must provide a strategy in the form of a management plan on how spillage of effluent during transportation will be dealt with, in particular on the transport route within the industrial estate.
- f) All internal road and loading/unloading areas must be sealed 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.

- g) The developer must provide to Council a pavement impact assessment where access to the site is being gained via local government controlled roads. The pavement impact assessment must investigate what impacts the proposed development will have on the existing Kupfer Drive and Kiernan Drive pavements. The assessment must also investigate what accelerated damage and bring forward costs the development and associated heavy vehicles will have on the road network. The assessment must be accepted by Council prior to the commencement of haulage across Council roads and be certified by an appropriately qualified and experienced RPEQ who specialises in road pavement investigations.

The pavement impact assessment must determine whether any upgrades are required to the existing roads, and to what extent any accelerated damage to the road network may be caused by the development. This report must outline the developer's compensatory requirements to Council with respect to accelerated damage to the public road network.

Reason

To provide development with access and ensure an appropriate transport network is provided in accordance with Council standards, relevant code/s and policy direction.

Timing

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

16. Electricity and Telecommunication

Condition

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Where works are required to provide or relocate electrical and/or telecommunication assets, agreement with the relevant asset owner must be obtained prior to works commencing.

Reason

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

Timing

Prior to the commencement of use.

17. Visual Screen

Condition

A visual landscaping screen (to include species of an appropriate height to screen the use) with a minimum width of five (5) metres, must be provided between the site and the adjoining land contained in the Rural Residential zone. The visual landscaping screen must be planted on the eastern boundary as shown on the plan reference, Fig 10, Revision H.

A visual landscaping screen (to include species of an appropriate height to screen the use) must also be provided between the site and the Flinders Highway road frontage as shown on the approved plans.

The visual landscaping screen plan(s) must be lodged with the full set of Landscape and Irrigation Design Plans (condition 18) and be prepared in accordance with Part 9.3.3 Landscape code of the Townsville City Plan.

Reason

To address and maintain the rural residential amenity of the adjoining land.

Timing

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

18. Landscaping**Condition**

Landscape and Irrigation 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.

19. 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

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

Stormwater Erosion Minimisation Sediment Control (SEMISC) plans to be submitted to Council as part of an application for Operational Work and control measures to be maintained during the construction phase of the development.

20. Vegetation Disposal**Condition**

The disposal of vegetation (where approved by condition 21) must be carried out in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Reason

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

Timing

Prior to, or during construction of the development.

21. Vegetation Retention and Protection**Condition**

Unless otherwise approved by Council in writing, trees/vegetation must be retained surrounding the development site to limit environmental disturbance.

Reason

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

Timing

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

22. Fire Fighting**Condition**

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

Reason

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

Timing

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

23. Outdoor Lighting**Condition**

Lighting fixtures must not emit glare or light above the levels stated in *Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*

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.

24. 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 adjacent rural dwellings and the Flinders Highway.

Reason

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

Timing

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

Referral Agency Conditions**Concurrence Agency Conditions – Department of State Development, Manufacturing, Infrastructure and Planning**

Pursuant to Section 56 of the *Planning Act 2016*, the Department of State Development, Manufacturing, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, subject to the conditions, as attached.

Advice Agency Response – Ergon Energy Queensland

Pursuant to Section 56 of the *Planning Act 2016*, Ergon Energy Queensland advises the Department of State Development, Manufacturing, Infrastructure and Planning advises that it does not support the proposal in its current form until further modifications or improvements to the electricity infrastructure on site are carried out. The applicant is advised to contact Ergon Energy to resolve issues referred to in their response attached to this permit.

Advice

1. Infrastructure Charges

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

2. Water Restrictions

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

3. Assessment Manager Advice

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

4. Ergon Energy Requirements

The applicant must provide Council with written confirmation that Ergon Energy are satisfied with and agreeable to the location of all internal infrastructure including cattle pens so that there is no interference with any electrical infrastructure.

5. Further Approvals Required

Condition

a) Operational Work

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

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

b) Plumbing and Drainage Works

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

c) Building Works

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

d) Road Works Permit

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

6. 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 4 – Property Numbering

Condition 17 – Visual Screen

Condition 22 – Fire Fighting

Condition 24 – Screening Plant and Utilities

7. Connection to Council Water Supply

Condition

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

8. 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.

9. Specifications and Drawings

Condition

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

10. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.
Construction must comply with relevant Legislation, Policies and Guidelines.

11. Roadworks Approval

Condition

The developer is responsible for obtaining a Roadworks permit in accordance with Subordinate Local Law No. 1.15 (Carry out Works or Interfering with a Road or its Operation) 2011 for the installation of any hoardings, 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.

Council Decision

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

"that Council refuse application MCU18/0041 for a Material Change of Use on land described as Lot 2 on RP746655, Lot 1 on RP745584, Lot 1 on RP733027 and Lot 2 on RP743591 more particularly 812 and 840 Flinders Highway and 7 and 11 Heath Road, Oak Valley."

CARRIED UNANIMOUSLY

Statement of Reasons (Section 273 - Local Government Regulation 2012) - Council decision differs from officer's recommendation

Council resolved to refuse application MCU18/0041 for a Material Change of Use on land described as Lot 2 on RP746655, Lot 1 on RP745584, Lot 1 on RP733027 and Lot 2 on RP743591 more particularly 812 and 840 Flinders Highway and 7 and 11 Heath Road, Oak Valley.

The material/evidence on which Council based its decision:

1. the officer's report and associated material lodged or developed during officer-level assessment of the application;
2. the comments provided by Dan Goddard and Matteo Sandona at the committee meeting; and
3. discussion at the committee and Ordinary Council meetings.

The Council's reasons for refusal:

The Chair, the Mayor, Councillor J Hill provided the following statement:

"Reasons for refusal

The proposed development should be refused as it conflicts with the strategic framework, Rural zone code and overlay codes of the Townsville City Plan.

The subject site cannot accommodate a development of the scale proposed as the land area is not large enough to mitigate the adverse impacts on the environment and adjoining community. The use should be located on larger rural land where the impacts can be better managed and larger buffer areas can be implemented.

The technical reports submitted by the applicant in relation to water quality, water supply, stormwater quality, odour, noise and dust do not adequately address the impacts on the environment and the amenity impacts on the surrounding community.

In particular, there will be significant impacts on the surrounding community in relation to noise, dust and odour as a consequence of the development.

For these reasons, the development should be refused."

Councillor V Coombe provided the following statement:

"I have opposed any approval of this application because I do not believe it is in an appropriate location due to its proximity to residents, making it extremely unlikely that dust, odour and noise nuisances can be managed effectively. Further I am concerned that approval of this small-scale cattle holding yard will be an impediment to the development of a much larger facility in some other more suitable location."

Councillor M Molachino provided the following statement:

- "1. The strategic framework states that the lot size is to be no less than 400 hectares, this proposal calls for less than 10% of this requirement at 38 hectares. Whilst the proponent has reduced the number of cattle proposed it still doesn't meet the requirements to reduce potential impacts to surrounding land parcels and residents.
2. Unfortunately the proponent hasn't in my personal opinion provided sufficient mitigation to stop the odour from affecting surrounding residents' amenity. The long term average wind direction in this area for the last 15 years is ENE, The residents to the south west of this are directly in the firing line and should not have to wake up in the morning to the smell of cattle faeces permeating their houses.
3. The applicant has stated that noise at night will be kept to a minimum by restricting deliveries at night as much as possible yet the cattle when a ship comes in will be transported on a 24hr operation to tie into the ships departure timings. Noise carries exceptionally well at night and the residents amenity will be impacted.
4. On water usage, the applicant's representative stated that the site would use around 1 million litres of water from the water table per day. I have concerns due to the neighbouring properties relying on this water table for their water supply that it has not been shown to me that this pumping will not have a detrimental effect on the residents' supply.

It is for these reasons I will not be supporting this application."

Councillor P Jacob provided the following statement:

- "1. Of the 64 submissions from the public, 63 were against the Cattle Holding Yards at Oak Valley.
2. The residents' main concerns against the material change of use were over water quality and quantity, odour, effluent holding ponds, noise, dust, health impacts, traffic impacts and economic impacts. All of these concerns are still relevant even though the original proposal has been scaled back by the Council Officers report, to 4,500 head of cattle instead of the 15,000 that was originally proposed.
3. One of the submitters identified that their family have grown up on cattle stations and they state that even a muster of 300-400 cattle in yards before transport, identified that you can smell the cattle hundreds of meters away, not to mention the noise. And he states that cattle are extra vocal after transport and the stress they have endured on the journey. He also says with strong breezes imagine the odours that will be blowing thru the valley.
4. I believe the health issue is very relevant also, to the material change of use on the residents. Q fever has been identified by many of the submitters and I believe not enough thought has been given to possible outcomes within the report.
5. I also believe this material change of use for a rural residential area only 17 klms away from the CBD.
6. I will always support the residents of this City, when they have genuine concerns and show that concern when it is well presented in submissions that are documented grounds of facts and circumstances."

Councillor C Doyle provided the following statement:

"I cannot support this application or the officer's recommendation as I believe the proposed development conflicts with the strategic framework which has already been detailed in the Rural zone code and overlays of the Townsville City Plan. The size and subject of the site is of concern, and again as with other Councillors that have already raised the issues of dust, noise and odour, this raises more questions than answers in relation to those environmental impacts and I believe that it is detrimental to the community of interest."

Councillor R Cook provided the following statement:

"With regard to Item 25 in today's Full Council Agenda. I am voting against this agenda item as I feel that this proposal may well be suited to another site due to its close proximity to both residential homes and businesses based on the following concerns.

Odour Noise and Dust

The reports submitted by the applicant relating directly to odour, noise and dust do not adequately address the impacts on the environment and the amenity impacts on the surrounding community both residential and business.

I do not believe that the noise, dust or odours will stop at the boundary as predicted and invariably climate and wind direction will be critical factors to the residents and businesses amenity.

Strategic Framework

The proposed development conflicts with the strategic framework, Rural zone code and overlay codes of the Townsville City Plan.

The subject site cannot accommodate a development of the scale proposed as the land area is not large enough to mitigate the adverse impacts on the environment and adjoining community. As previously stated I feel the proposal should be located on larger rural land where the impacts can be better managed and larger buffer areas can be implemented."

Councillor K Rehbein provided the following statement:

"Mayor,

I wish to vote not to adopt the officer's recommendation for the following reasons.

With respect to the Rural zone code, I believe the reports are inconclusive in their ability to demonstrate no impacts on the adjoining properties, in particular the odour concerns.

To support this point, with respect to the concern of odour, the report states, odours will still emanate from the effluent pond, further still, the control of the odour relies upon the effluent pond having a lid formed by drying crust manure. No consideration has been given to wet weather events which would prevent a crust from forming which would thus pose an odour problem.

Mayor, given the recent event in our City, I have concerns about how this issue is managed and those concerns have not been addressed in the supplied report."

Councillor M Molachino added the following comments:

"Whilst I am supportive of this industry I believe other locations, far away from residents would be better suited."

In those circumstances, the application should be refused.

Meeting Adjournment

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

"that the meeting be adjourned at 1.52pm."

CARRIED UNANIMOUSLY

Meeting Recommencement

The Mayor, Councillor J Hill reconvened the meeting at 2.03pm.

CARRIED UNANIMOUSLY

The order of business resumed.

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 1.

- (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 Rehbein is a patron of Scouts Australia.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;***
Councillor K Rehbein vacated the meeting during item 1.
- (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 during item 1.
- (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.

In accordance with section 175E of the Local Government Act 2009, the Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars declared a perceived conflict of interest in regards to item 5.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;***
The Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;***
One of the tenderers is BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;***
Item 5 was referred to the Chief Executive Officer.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;***
Item 5 was referred to the Chief Executive Officer.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;***
Item 5 was referred to the Chief Executive Officer.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.***
Item 5 was referred to the Chief Executive Officer.

In accordance with section 175E of the Local Government Act 2009, the Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars declared a perceived conflict of interest in regards to item 6.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
The Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
One of the tenderers is Gabrielli Constructions Pty Ltd. Gabrielli Constructions Pty Ltd had donated \$1,000.00 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Item 6 was referred to the Chief Executive Officer.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Item 6 was referred to the Chief Executive Officer.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Item 6 was referred to the Chief Executive Officer.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
Item 6 was referred to the Chief Executive Officer.

In accordance with section 175E of the Local Government Act 2009, the Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars declared a perceived conflict of interest in regards to item 7.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
The Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
One of the tenderers is JMac, a wholly owned subsidiary of BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Item 7 was referred to the Chief Executive Officer.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Item 7 was referred to the Chief Executive Officer.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Item 7 was referred to the Chief Executive Officer.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
Item 7 was referred to the Chief Executive Officer.

In accordance with section 175C of the Local Government Act 2009, Councillor M Ryder declared a material personal interest in regards to item 8.

- (a) the name of the councillor who has a material personal interest in the matter;**
Councillor M Ryder.
- (b) the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;**
One of the companies' tender, Arid to Oasis Traffic, is a sponsor to one of the events that Madmaggies Promotions manages.
- (c) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F.**
Councillor M Ryder vacated the meeting for item 8.

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

1. *that item 1 be dealt with separately; and*
2. *that the committee recommendation to item 1 be adopted."*

CARRIED UNANIMOUSLY

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

"that the committee recommendations to items 2 to 4 be adopted."

CARRIED UNANIMOUSLY

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

1. *that item 8 be dealt with separately; and*
2. *that the committee recommendation to item 8 be adopted."*

CARRIED UNANIMOUSLY

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

"that the committee recommendations to items 5 to 7 be adopted."

CARRIED UNANIMOUSLY

1 Infrastructure Planning, Assets and Fleet - New Lease and Relocation of shed - Woodlands Scout Group

Executive Summary

The Scout Association of Australia, Queensland Branch – Woodlands Scout currently occupy part of Broadmeadows Park – 4 Maxwell Drive, Deeragun, formally known as Lot 114 on CP EP2269.

The Woodlands Scout Group would like to relocate their shed from their current location to another location within the same park to allow an extension to their shed to accommodate an amenities block for their members. Due to set-back requirements their current location is unable to accommodate an extension.

Woodlands Scout group will be responsible for the demolition, re-location and re-construction of their existing shed and the construction of the amenities block. They are in discussions with the soccer club also located in this park in regards to usage of the existing slab. Should the soccer club not wish to use the slab, the scout group will also be responsible for the removal of the slab from their current location.

Officer's Recommendation

1. That Council approve issuing of a lease to The Scout Association of Australia, Queensland Branch – Woodlands Scout Group for the purpose of a Scout Den and Amenities block over part of Lot 114 on CP EP2269, for a period of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if and when requested.
2. That Council resolve that the Section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of land included in the lease because the disposal is to a community organisation.
3. That the Lease provide for the Scouts Group to be responsible for the following;
 - a. maintenance, repair, replacement of;
 - i. structural maintenance (clause 6.1 a);
 - ii. services/pipes/conduits (clause 6.1 b);
 - iii. painting (clause 6.3);
 - iv. minor maintenance (clause 6.6); and
 - b. landscaping obligation (clause 5.8).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

2 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - RPS00071 Fleet Management Maintenance and Repairs (Goods and Services)

Executive Summary

Fleet services have an ongoing requirement to purchase goods and services to maintain Council's fleet of vehicles which ranges from light vehicles, to a mix of heavy machinery and industrial equipment.

Council issued a public tender for RPS00071 – Fleet Management Maintenance and Repairs (goods and services). The tender closed 24 October 2018. There were 32 responses received, all of which will be accepted onto the panel.

Opportunities for direct savings and in-direct savings are anticipated to be achieved over the term of the contract.

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 RPS00071 – Fleet Management Maintenance and Repairs (goods and services) to the below suppliers for a period of 2 years with a further three (3) x twelve (12) month extension options.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

3 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - RPS00074 - Register of Prequalified Suppliers for BMS Maintenance and Services

Executive Summary

Council owns and maintains a large number of building assets, plant and equipment at a variety of properties around the city. To ensure effective ongoing operation and maintenance of these assets, Council has adopted a procurement process that utilises prequalified supplier panel registers for the regular purchase of Building Management Systems (BMS) maintenance and services.

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 attached recommendation report provides analysis, evaluation and Council's recommendation for awarding RPS00074 – Register of Prequalified Suppliers for BMS Maintenance and 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 suppliers to the Register of Prequalified Suppliers for BMS Maintenance and Services (RPS00074):
 - Oberix Group Pty Ltd t/a Leading Edge (Alerton Australia)
 - Triple M Mechanical Services (QLD) Pty Ltd t/a BSA Ltd
 - Value Added Asset Management Pty Ltd
 - Bonlec Pty Ltd
 - Planet Footprint Pty Ltd
3. That procurement of services from the panel of prequalified suppliers be sought for each specific category as detailed in the table below:

Suppliers Final Ranking	Schedule 1 Innotech Control System Sites	Schedule 2 Tridium Control System Sites	Schedule 3 Optergy Control System Sites	Schedule 4 Reliable BMS Control System	Schedule 5 Tridium Front End BMS Console Monitoring and System	Schedule 6 EEMS Environmen tal Data Integrator Monitoring and Reporting System	Schedule 8 Alternative Pricing Options – Analytics Schedule Works
Oberix Group Pty Ltd t/a Leading Edge (Alerton Australia)		4	2				
Triple M Mechanical Services (QLD) Pty Ltd t/a BSA Ltd	2	2	1	1	2	2	2
Value Added Asset Management Pty Ltd	1	1			1	1	1
Bonlec Pty Ltd	3	3		2			
Planet Footprint Pty Ltd						3	

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

4 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - RPS00076 - Property Maintenance and Repair Services

Executive Summary

Property Management manage the maintenance of Council's assets, which include Administrations buildings, Child Care Centres, Works Depots, Performing Arts facilities, Art Galleries, Community Halls, Swimming Pools and Special use facilities, Public Amenities and Sport & Recreation facilities.

To ensure effective ongoing operation and maintenance of these assets, Council has adopted a procurement process that utilises prequalified supplier panel registers for regular purchases of trade services. This register is for suitably qualified and experienced companies to be registered for maintenance and repair services.

The services to be provided include the following work types:

- Floor Coverings and Finishes
- Asbestos Hygienist
- Glass and Aluminium
- Fitter
- Window Coverings
- Furniture Removals
- Doors and Timber Supplies
- Perspex and Plastics
- Plasterers

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council appoint the below tenderers to the panel of Prequalified Suppliers for Maintenance and Repair Services.

Floor Coverings & Finishes

- Amazing Floors & Finishes
- ATM Floor Sanding & Polishing
- Townsville Carpet One Floor and Home
- Practical Renovations Pty Ltd
- Across Floors

Furniture Removals

- BJ's Express Moving and Storage
- Practical Renovations Pty Ltd

Window Coverings

- Townsville Carpet One Floor and Home
- Practical Renovations Pty Ltd
- Well Hung Maintenance and Construction

Glass & Aluminium

- O'Brien Glass Industries Ltd
- Practical Renovations Pty Ltd
- Well Hung Maintenance and Construction

Asbestos Hygienist

- Abscan Pty Ltd
- Envirohealth Consulting Pty Ltd
- Site Environmental & Remediation Services Pty Ltd
- Practical Renovations Pty Ltd

Doors and Timber Supplies

- Practical Renovations Pty Ltd
- Well Hung Maintenance and Construction

Fitters

- Origin Energy (TM) Pty Limited

Plasterers

- Well Hung Maintenance and Construction
- Practical Renovations Pty Ltd

Perspex & Plastics

- Well Hung Maintenance and Construction

That Council does not appoint the following tenderer to the panel:

- Morton Plumbing

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

5 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - TCW00313 Ingham Road Enterprise Street Intersection Upgrade**Executive Summary**

Council is undertaking the Ingham Road Intersections Upgrade Project to cater for increased traffic numbers, resolve traffic capacity issues and address key safety concerns within the Bohle industrial estate.

As part of the above project, this tender is for upgrade of the intersection of Ingham Road and Enterprise Street by the installation of traffic signals and associated works.

Tenders were called for the contract, which is a Lump Sum contract for the works under the General Conditions of Contract AS4000 - 1997. The tender closed at 10am on 20 December 2014.

Three (3) conforming tender submissions were received.

A panel of three (3) internal and external persons representing key stakeholders evaluated the submissions, and scored and ranked the submissions accordingly. This report and attached recommendation report provides analysis, evaluation and recommendation for awarding TCW00313 – Ingham Road / Enterprise Street Intersection Upgrade.

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 TCW00313 Ingham Road / Enterprise Street Intersection Upgrade to BMD Constructions Pty Ltd for the lump sum price of \$3,495,333.90 (excluding GST).
3. That Council delegate authority to the Chief Executive Officer 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 this item be referred to the Chief Executive Officer for consideration and decision.

Council Decision

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

6 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - TCW00325 Hervey Range Front End Resource Recovery Facility

Executive Summary

Council is seeking to appoint a suitably qualified contractor, with the necessary capacity and capability, to construct the Hervey Range Front End Resource Recovery Facility. On establishment, the contractor will be expected to commence construction as soon as awarded to ensure completion of construction by 30 August 2019

Council publically advertised the tender on Saturday 15 December 2018 in the Townsville Bulletin and via Tenderlink.

Two (2) offers were received via submission through Tenderlink by the closing date of Wednesday 23 January 2019. Both tenderers were local contractors.

A panel of three (3) internal persons closely evaluated the submissions, scored and ranked each submission accordingly. The evaluation process and reports were reviewed and endorsed by the Evaluation Panel.

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 TCW00325 Construct Hervey Range Front End Resource Recovery Facility to A. Gabrielli Constructions Pty Ltd for lump sum price of \$3,742,645.00 (excluding GST).
3. That Council delegate authority to the Chief Executive Officer or their delegate to award variations up to the approved budget provided the variations are for the completion of work under the contract.

Committee Recommendation

That this item be referred to the Chief Executive Officer for consideration and decision.

Council Decision

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

7 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - TCW00326 Queens Garden Bird Aviary

Executive Summary

Council is seeking to appoint a suitably qualified contractor, with the necessary capacity and capability, to construct the Queens Garden Bird Aviary. On establishment, the contractor will be expected to commence construction as soon as awarded to ensure completion of the project by 18 June 2019.

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 TCW00326 - Queens Garden Bird Aviary to W & F Constructions Pty Ltd for the amount of \$454,997.00 ex GST.

Committee Recommendation

That this item be referred to the Chief Executive Officer for consideration and decision.

Council Decision

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

8 CONFIDENTIAL REPORT - Construction, Maintenance and Operations - RPS00052 Traffic Management Services

Executive Summary

Council is seeking to appoint suitably qualified suppliers to be on the traffic management services RPS. The register will be utilised to support Council in meeting the demand for regulating vehicular and pedestrian traffic around construction sites and during community events.

The current ACL has reached end of term. The new tender was advertised on the Townsville Bulletin on Saturday 3rd February 2018 and eight (8) submissions were received.

This report and the attached recommendation document provides information on the evaluation assessment of the submission received and the Council's recommendation for awarding RPS00052 – Register of Prequalified Suppliers for Traffic Management 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 remains confidential unless Council decides otherwise by resolution.
2. That Council award RPS00052 – Traffic Management Services 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 1year extension option.

Tenderers

- Altus Traffic
- Arid to Oasis Traffic
- East Coast Traffic Control
- Evolution Traffic control
- M to M Traffic Control

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

Planning and Development Committee

In accordance with section 175E of the Local Government Act 2009, Councillor M Molachino declared a perceived conflict of interest in regards to item 10.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;***
Councillor M Molachino.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;***
Councillor Molachino was gifted tickets to the V8 Supercars by Payce back in 2017.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;***
Councillor M Molachino vacated the meeting for item 10.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;***
Councillor M Molachino vacated the meeting for item 10.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;***
Councillor M Molachino 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 the Mayor, Councillor J Hill, SECONDED by Councillor A Greaney:

- "1. that item 10 be dealt with separately; and*
- 2. that the committee recommendation to item 10 be adopted."*

CARRIED UNANIMOUSLY

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

"that the committee recommendations to items 11 and 13 and 15 be adopted."

CARRIED UNANIMOUSLY

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

- "1. that item 12 be dealt with separately; and*
- 2. that Council note this report."*

CARRIED UNANIMOUSLY

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

"for item 14 - that Council note this report and delegate to the Chief Executive Officer to deal with the matters raised in the report and report back to Council."

CARRIED UNANIMOUSLY

9 Planning Services MCU18/0041 Material Change of Use for an Undefined Use - Cattle Holding Yards

Executive Summary

The application seeks a Development Permit for a Material Change of Use for an Undefined Use (Cattle Holding Yard) located on land situated at 7 and 11 Heath Road and 812 and 840 Flinders Highway Oak Valley. The application was Impact Assessable against the Townsville City Plan and was assessed in accordance with the *Planning Act 2016*.

As the application is Impact Assessable it was required to be Publicly Notified. During the Public Notification period 64 submissions were received, one in support of the proposal and 63 objecting. The submissions against were based on the following concerns: water quality and quantity, odour, effluent holding pond, noise, dust, health impacts, environmental impacts, traffic impacts and economic impacts.

The development site is situated approximately 17 kms from the Port of Townsville, and is adjacent to the Townsville Distribution Centre which is serviced by an existing signalised intersection onto the Flinders Highway. An assessment of the proposal against the applicable codes of the Townsville City Plan in conjunction with detailed investigations into the operating environment of the proposal raised many issues which were not entirely addressed. Consequently, the recommendation below does not reflect the original proposal as applied for, in that a precautionary approach has been adopted, where the scale of the enterprise has been reduced to ensure the cattle holding yard can function without detrimentally impacting on the community and environmental values.

The revised recommended approval allows for a maximum of 4500 cattle to be held on the site at any one time, a reduction from the original 15,000 cattle applied for. Further, only pens 1-11 are approved to ensure appropriate buffers can be maintained from the surrounding rural and rural residential land.

The Committee also considered the comments provided by Dan Goddard and Matteo Sandona at the meeting.

Officer's Recommendation

That Council approve application MCU18/0041 for a Material Change of Use, under the *Planning Act 2016*, on land described as Lot 2 on RP746655, Lot 1 on RP745584, Lot 1 on RP733027 and Lot 2 on RP743591 more particularly 812 and 840 Flinders Highway and 7 and 11 Heath Road, Oak Valley subject to the following conditions.

MATERIAL CHANGE OF USE Undefined Use (Cattle Holding Yard)

MATERIAL CHANGE OF USE CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Revision No.	Date
Proposed Cattle Holding Yard Layout (as amended by Council – pens 1-11 approved only)	Fig 10	H	14/9/18

- 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 reports and management plans identified in the below conditions (to be approved by Council) must be implemented prior to the commencement of the use.

Reason

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

Timing

During the operation and life of the development.

2. Defined Use

Condition

The proposed use is defined as a cattle holding yard allowing for a maximum capacity of 4500 head of cattle within approved pens 1-11 as shown on the Proposed Cattle Holding Yard Layout (Fig 10 H 14/9/18 as amended by Council).

Reason

Supporting documentation, including reports, are contradictory in their findings on the working capacity of the cattle holding yard. It has not been demonstrated that operation beyond this limit can function without negative impacts or undue risk.

Timing

Maintained for the life of the development.

3. Recording Requirements

Condition

The operators must maintain a log in accordance with the National Livestock Identification System (as amended) of all cattle movements and numbers which can be made available to Council upon request at all times.

Reason

To ensure the holding yard does not operate beyond its demonstrated operating capacity.

Timing

Throughout the operation of the cattle holding yard, unless otherwise agreed by Council.

4. Property Numbering

Condition

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

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

Reason

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

Timing

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

5. Relocation of Services or facilities

Condition

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

Reason

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

Timing

Prior to the commencement of use.

6. Dust Management

Condition

- a) A revised dust management plan must be submitted for approval by Council;
- b) During Level 3 and 4 water restrictions, water must not be drawn from Council's reticulated supply;
- c) The dust management plan must include detail of where water used for dust mitigation is to be drawn from should Level 3 and 4 water restrictions be imposed during the construction of the development; and
- d) All internal roads and loading areas must be fully sealed 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.

7. On-site Sewage Disposal

Condition

The development must be serviced by an on-site sewage facility.

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

Reason

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

Timing

Following issue of a Hydraulics permit and prior to the development achieving final completion

8. Groundwater Management and Resource Assessment

Condition

A groundwater management plan and resource assessment must be submitted and approved by Council. The groundwater management plan and resource assessment must be prepared by an appropriately qualified and experienced expert in the field (*a qualified hydro-geologist*). In particular, the groundwater management plan and resource assessment must consist of but not be limited to:

- a) Monitoring frequencies (groundwater quality must be monitored before, during and after the construction of the development);
- b) bore monitoring locations;
- c) consideration of information available from previous studies and new information collected as part of the investigation;
- d) consideration of the maximum ground water extraction rate attainable, proposed pumping rates, land slope, flooding, drainage, geology, ground water recharge potential, local experience, proximity to and protection from potential contaminants, soil characteristics (colour, texture, structure, permeability and presence of rock), percolation testing, direction of ground water flow, seasonal fluctuation in ground water levels, and the current degree of district and local extraction;
- e) a comparison between the average annual ground water demand and the average annual ground water recharge, on a local and a district level;
- f) the results of drilling and testing of an adequate number of bores, supplemented with ground water modelling where necessary, to ensure a thorough and accurate investigation of the ground water resources available. Bores are required for two purposes, namely, for interference testing and for regional ground water level observation;
- g) results of independent and simultaneous pumping of test bores, and measurement of water levels to check for localised pumping interference with any existing and proposed neighbouring bores. Pumping tests should be undertaken for a minimum of 8 hours duration and pumped at the rate the pump is intended to be operated in the proposed development. The available draw down in neighbouring bores during the test must not be reduced by greater than 20% when compared to available draw down in these bores prior to pumping;

- h) if bore interference is found to be greater than 20% of the available draw down, supplementary pumping tests must be undertaken to measure the effect of reducing either the pumping rate, the duration of pumping, or both, until the resulting interference is within this level;
- i) water quality testing to determine whether extracted water will be of a potable quality, including where relevant, written advice from a registered professional in the field of ground water quality. outlining appropriate standards for bore water testing (potable uses);
- j) investigation of previous land uses and the possibility of contamination of aquifers to determine the quality of ground water;
- k) details of the pump type, capacity and pumping curve for bores;
- l) provide information on treatment methods including how groundwater will be treated to the specific standards, why the treatment method has been chosen and how effective it will be;
- m) a monitoring plan including parameters, technology, frequency and how and when monitoring data will be reported to Council. At a minimum the following items should be considered:
 - pH of the water should be carefully monitored to provide an indicator of any potential oxidation of Potential Acid Sulphate Soils (PASS) affected by groundwater drawdown;
 - ferrous iron should be measured prior to the use. Where ferrous iron is detected, it will need to be held, treated and re-tested prior to discharge;
 - groundwater monitoring and sampling commence and continue during operation. As a minimum, pH, EC, DO , turbidity, water level, acidity as CaCO₃, Fe and Al should be monitored at appropriate frequencies;
 - exact location and frequency of groundwater testing should be prescribed by a groundwater/water quality specialist. Evidence must be provided that any proposed groundwater treatment and monitoring plan will adequately describe the groundwater quality and the level of groundwater treatment prior to use or discharge;
- n) a strategy to manage non-conformities; and

All groundwater, PASS and other environmental monitoring results must be provided to Council on request during the life of the development.

Reason

Ensure protection of people and property and the ongoing sustainability of the development. Any proposed ground water extraction, when combined with existing levels of extraction in the area, is to be sustainable on both a local and regional level. The average annual demand for ground water must not exceed the average long term recharge in the area.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work and approved and implemented prior to the commencement of the use.

9. Water Supply

Condition

a) Potable Supply

The development must be connected to Council's reticulated supply on Kupfer Drive. The connection is to include the extension of the existing 150 diameter and 100 diameter mains with linking of these mains in Heath Road.

b) Non-Potable (Cattle Feed) Supply

A revised and detailed water supply solution must be provided. This is to be carried out in conjunction with the "Groundwater Management and Resource Assessment". The report is to identify a nominated supply solution. Agreements with Council must be obtained for the proposed design option, and must include consideration for all required uses for water, including dust management prior to the commencement of the use.

Note: SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

Reason

To ensure that the premises is appropriately serviced by water supply infrastructure 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 approved and implemented prior to the commencement of the use.

10. Electricity and Telecommunication

Condition

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Where works are required to provide or relocate electrical and/or telecommunication assets, agreement with the relevant asset owner must be obtained prior to works commencing.

Reason

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

Timing

Prior to the commencement of use.

11. Stormwater Drainage

Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must provide and certify a revised stormwater management plan to ensure that stormwater drainage achieves the outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

The revised management plan must include but is not limited to the following changes:

- a) The proposed catch drain on the south-west to south of the site must be diverted around the effluent pond and must be segregated from the effluent pond to prevent clean water mixing with effluent. A review of the hydrological modelling must demonstrate that the mitigation and realignment of the drain does achieve this separation;
- b) Erosion protection measures must be installed on the system outlets including control valves to be installed on the outlets to control discharges;
- c) The effluent pond must be redesigned to include a channel to guide spilling effluent to a lawful point of discharge;
- d) The redesigned catch drain must incorporate sufficient channel dimensions and gradient to be shown on the submitted drawings as part of the hydrological modelling. The final design needs to confirm that the drainage profile has sufficient capacity to manage flows on site as per the hydrological modelling and overall catchment configuration;
- e) A daily water balance model for the site must be prepared and designed to capture the long term rainfall record (stochastic modelling optional) to ensure that the storage adequately captures and discharges effluent in a manner that manages the risks associated with overflow of the effluent to the environment. The water balance modelling must also incorporate maintenance schedules and operations that will be implemented to control the volume; and
- f) Sludge and dried effluent residue must be removed from the pond and taken to a suitable handling facility for disposal/treatment.

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

Technical details are to be submitted to Council as part of an application for Operational Work and approved and implemented prior to the commencement of the use.

12. Stormwater Quality Management

Condition

A stormwater quality management plan (SQMP) must be prepared by a suitably qualified person in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

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

The Stormwater Quality Management Plan must include consideration of effluent irrigation (if proposed), and requires assessment against:

- a) Environmental Values (EV);
- b) Water Quality Objectives (WQOs) of the relevant catchment document under the Environmental Protection (Water) Policy 2009; and
- c) possible impacts and risks to the values due to the proposed activity.

Reason

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

Timing

Technical details are to be submitted to Council as part of an application for Operational Work and approved and implemented prior to the commencement of the use.

13. Odour and Noise Management**Condition**

The developer must undertake further investigations and provide to Council for approval, a revised Noise and Odour Assessment Report and Odour and Noise Management Plan to validate assumptions applied to the modelling, including:

- a) Demonstrate that odour emission rates for the site in Carcoar are comparable to a similar site in Queensland with similar meteorological conditions, preferably in the dry tropics environment;
- b) Include a review and investigations of the odour modelling to incorporate data from Stuart DSITI site, justification or amended TERRAD value used in CALMET settings, and includes a seasonal variation factor (wet and dry);
- c) Consider all possible noise contributors, as well as future receivers to the south of the proposed development;
- d) Provide further details on the proposed acoustic mitigation measures as recommended in the Air Noise Environment Report dated 29 October 2018 specifically the design and construction plans for the proposed walls along the western and southern boundary of the cattle holding facility, including the fully enclosed roof as per Figure 4.3 of the report (see below). and;
- e) Provide details in the Noise Management Plan for ongoing noise monitoring to ensure compliance with the predicted noise levels outlined in the report.

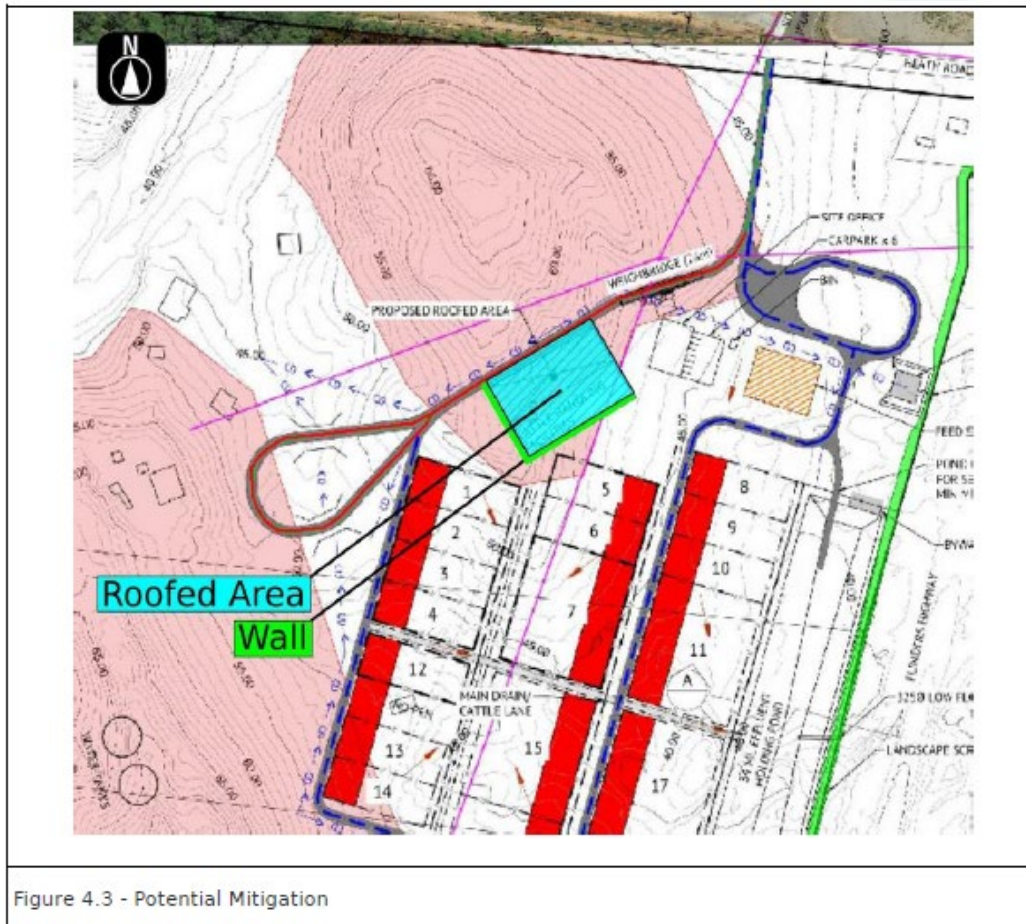


Figure 4.3 - Potential Mitigation

Reason

To ensure that the use does not cause an odour or noise nuisance to nearby sensitive receptors. The data used for this facility must be similar and compatible to the localised conditions which prevail in order to accurately reflect the odour and noise emissions that will occur.

Timing

To be submitted with the application for Operational works and approved and implemented prior to the commencement of use.

14. 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 6 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.

Reason

To ensure development is appropriately serviced by parking and access facilities 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.

15. Roadworks and Traffic**Condition**

- a) A revised Traffic Impact Assessment Report must be provided including but not limited to:
 - Correct number of cattle used in calculations; and
 - Correct periods of loading/unloading timeframes to reflect the days of operation proposed.
- b) A new access driveway and crossover from the kerb and channel to the property boundary must be constructed generally in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- c) New roads and intersections including the upgrade of Kupfer Drive and Heath Road intersection must be designed and constructed in accordance with Part 9.3.5 Transport, access and parking code of the Townsville City Plan.
- d) 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.
- e) The applicant must provide a strategy in the form of a management plan on how spillage of effluent during transportation will be dealt with, in particular on the transport route within the industrial estate.
- f) All internal road and loading/unloading areas must be sealed 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.
- g) The developer must provide to Council a pavement impact assessment where access to the site is being gained via local government controlled roads. The pavement impact assessment must investigate what impacts the proposed development will have on the existing Kupfer Drive and Kiernan Drive pavements. The assessment must also investigate what accelerated damage and bring forward costs the development and associated heavy vehicles will have on the road network. The assessment must be accepted by Council prior to the commencement of haulage across Council roads and be certified by an appropriately qualified and experienced RPEQ who specialises in road pavement investigations.

The pavement impact assessment must determine whether any upgrades are required to the existing roads, and to what extent any accelerated damage to the road network may be caused by the development. This report must outline the developer's compensatory requirements to Council with respect to accelerated damage to the public road network.

Reason

To provide development with access and ensure an appropriate transport network is provided in accordance with Council standards, relevant code/s and policy direction.

Timing

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

16. Electricity and Telecommunication**Condition**

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Where works are required to provide or relocate electrical and/or telecommunication assets, agreement with the relevant asset owner must be obtained prior to works commencing.

Reason

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

Timing

Prior to the commencement of use.

17. Visual Screen**Condition**

A visual landscaping screen (to include species of an appropriate height to screen the use) with a minimum width of five (5) metres, must be provided between the site and the adjoining land contained in the Rural Residential zone. The visual landscaping screen must be planted on the eastern boundary as shown on the plan reference, Fig 10, Revision H.

A visual landscaping screen (to include species of an appropriate height to screen the use) must also be provided between the site and the Flinders Highway road frontage as shown on the approved plans.

The visual landscaping screen plan(s) must be lodged with the full set of Landscape and Irrigation Design Plans (condition 18) and be prepared in accordance with Part 9.3.3 Landscape code of the Townsville City Plan.

Reason

To address and maintain the rural residential amenity of the adjoining land.

Timing

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

18. Landscaping**Condition**

Landscape and Irrigation 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.

19. 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

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

Stormwater Erosion Minimisation Sediment Control (SEMSC) plans to be submitted to Council as part of an application for Operational Work and control measures to be maintained during the construction phase of the development.

20. Vegetation Disposal

Condition

The disposal of vegetation (where approved by condition 21) must be carried out in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Reason

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

Timing

Prior to, or during construction of the development.

21. Vegetation Retention and Protection

Condition

Unless otherwise approved by Council in writing, trees/vegetation must be retained surrounding the development site to limit environmental disturbance.

Reason

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

Timing

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

22. Fire Fighting

Condition

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

Reason

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

Timing

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

23. Outdoor Lighting

Condition

Lighting fixtures must not emit glare or light above the levels stated in *Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*

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.

24. 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 adjacent rural dwellings and the Flinders Highway.

Reason

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

Timing

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

Referral Agency Conditions

Concurrence Agency Conditions – Department of State Development, Manufacturing, Infrastructure and Planning

Pursuant to Section 56 of the *Planning Act 2016*, the Department of State Development, Manufacturing, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, subject to the conditions, as attached.

Advice Agency Response – Ergon Energy Queensland

Pursuant to Section 56 of the *Planning Act 2016*, Ergon Energy Queensland advises the Department of State Development, Manufacturing, Infrastructure and Planning advises that it does not support the proposal in its current form until further modifications or improvements to the electricity infrastructure on site are carried out. The applicant is advised to contact Ergon Energy to resolve issues referred to in their response attached to this permit.

Advice

1. Infrastructure Charges

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

2. Water Restrictions

- a) To manage Townsville's water resources, Council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;

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

3. Assessment Manager Advice

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

4. Ergon Energy Requirements

The applicant must provide Council with written confirmation that Ergon Energy are satisfied with and agreeable to the location of all internal infrastructure including cattle pens so that there is no interference with any electrical infrastructure.

5. Further Approvals Required

Condition

a) Operational Work

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

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

b) Plumbing and Drainage Works

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

c) **Building Works**

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

d) **Road Works Permit**

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

6. 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 4 – Property Numbering

Condition 17 – Visual Screen

Condition 22 – Fire Fighting

Condition 24 – Screening Plant and Utilities

7. Connection to Council Water Supply

Condition

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

8. 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.

9. Specifications and Drawings

Condition

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

10. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

11. Roadworks Approval

Condition

The developer is responsible for obtaining a Roadworks permit in accordance with Subordinate Local Law No. 1.15 (Carry out Works or Interfering with a Road or its Operation) 2011 for the installation of any hoardings, 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.

Committee Recommendation

1. That this item be forwarded to the Ordinary Council meeting for consideration.
2. That all reports for operational works be subject to peer review.

10 Planning Services - MCU18/0053 and RAL18/0038 - Shopping Centre, Service Station and a Food and Drink Outlet combined with Reconfiguring a Lot

Executive Summary

An application has been lodged for a Material Change of Use (Impact) for a Shopping Centre, Service Station and a Food and Drink Outlet combined with a Reconfiguration of a lot (Code) for one into two lots on land at 127 Allambie Lane, Rasmussen. The proposed development includes a 3,873m² full-line supermarket, 1,032m² of specialty shop floor space, a 158m² liquor store, a 211m² service station, a 197m² standalone fast-food restaurant and 329 car parking spaces.

The associated reconfiguration would create a separate 3.44Ha commercial precinct to facilitate the proposed development leaving the remaining 121.9Ha land parcel as a balance lot.

The application is impact assessable and accordingly was subject to public notification. During the public notification period a total of seven properly-made submissions were received. Five of the submissions object to the development while the other two submissions are in support.

By way of background, a Preliminary Approval for the development of the entire site for residential use was approved on 2 September 2015 (Wingate Communities Plan of Development - M14/0011). The current use of the land is stated as livestock agistment (leased grazing land). The developer has not commenced any residential development on the approved site, and the plan of development supports a small convenience centre of 100m² to service this new residential community along with the existing centres in the locality. This proposal, as outlined, is significantly larger, and is in direct conflict with the strategic outcomes of the Plan of Development.

In summary, the location of retail facilities of such size in an out-of-centre location and in particular on an isolated lot with no residential catchment would have an adverse impact on the intended role and successful functioning of the nearby Rasmussen District Centre and other designated activity centres in the planning scheme area and would compromise the City Plan's strategic framework. Furthermore, there is no demonstrated need for such retail facilities in this location.

Officer's Recommendation

That Council refuse the applications MCU18/0053 and RAL18/0038 for a Development Permit for a Material Change of Use for a Shopping Centre, Service Station and a Food and Drink Outlet combined with a Development Permit for Reconfiguration of a lot for one into two lots under the *Planning Act 2016* on land described as Lot 61 on SP 120855, more commonly known as 127 Allambie Lane, Rasmussen for the following reasons:

Reasons for refusal:

1. *Contrary to Strategic Framework*

The proposed development does not comply with the Strategic Framework of the Townsville City Plan, specifically Part 3.2 Strategic Intent, section 3.2.5 Shaping Townsville; Part 3.3 Theme – Shaping Townsville, section 3.3.1 Strategic outcomes (Criteria 8 and 9); section 3.3.4 Element - activity centres; section 3.3.5 Element - Transport, accessibility and mobility; section 3.3.6 Element - Integrated infrastructure planning and provision, and; Part 3.6 Theme - Sustainable economic growth, section 3.6.1 Strategic outcome (Criteria 1).

More particularly, the proposed development, by reason of the combination of its overall scale in terms of gross floor area, the extent of co-located uses, its inclusion of a full-line anchor supermarket, its siting in an inaccessible and unsustainable out-of-centre location would have a detrimental impact on the intended role and successful functioning of the nearby designated Rasmussen District Centre and other designated activity centres in the planning scheme area and the City Plan's strategic goal of achieving a pattern of development that supports and enhances the delivery of improved public transport choices.

Further to this, the need for retail facilities of the scale and type proposed in this location has not been sufficiently demonstrated by the applicant. There is no demonstrated need for retail facilities of the scale and type proposed.

2. *Contrary to Wingate Communities Plan of Development (MI14/0011)*

The proposed development is inconsistent with the conditionally-approved Wingate Communities Plan of Development (MI14/0011) which at 6.1 *Planning Area Outcomes – Residential Planning Area* only permits the provision of a local shop (with a Gross Lettable Area of 100sqm or less) when need is demonstrated commensurate with the level of residential development that exists.

More particularly, the proposed development, by reason of the combination of its overall scale in terms of gross floor area, the extent of co-located uses, its inclusion of a full-line anchor supermarket, its siting in an inaccessible and unsustainable out-of-centre location would have a detrimental impact on the intended role and successful functioning of the nearby designated Rasmussen District Centre and other designated activity centres in the planning scheme area and is not consistent with the Strategic Framework.

3. *Contrary to the Low Density Residential Zone code*

The proposed development does not comply with the Low Density Residential Zone code, specifically 6.2.1.2 Purpose, in particular 6.2.1.2 (3)(h) and specifically PO17 (Non-residential or tourist accommodation uses) of the code which states that non-residential uses are established only where they; (i) are compatible with local character and amenity, (ii) are limited in scale and support the day-to-day needs of the local community, and, (iii) do not impact on the role and function of the city's network of centres or are more appropriately located in another zone.

4. *Contrary to the Rural Zone code*

The proposed development does not comply with the Rural Zone code, specifically 6.6.1.2 Purpose (1, 2, 3 and 4) and specifically PO18 (Mixed Farming Precinct). Rather, the proposal is fundamentally contrary to the aims and objectives of the code which is to accommodate rural uses and otherwise maintain its predominantly rural character and ecological values by preventing the expansion of urban or rural residential development into the zone. The size of the proposed new commercial precinct lot is also contrary to the relevant minimum allowed lot size (40 hectares) in the Mixed Farming Precinct.

5. *Contrary to the Reconfiguring a lot code*
The proposed development does not comply with the Reconfiguring a lot code, specifically 9.3.4.2 Purpose (1)(b), (2)(e)(f)(g) and specifically PO26 and PO29 (Lot sizes and design) as it would result in the creation of substandard lot sizes and the fragmentation of rural land that would fail to protect its productive capacity, landscape character, ecological values and physical functions.
6. *No other relevant matters demonstrated to warrant an approval despite conflict with Townsville City Plan*
The applicant has not demonstrated that there are any other relevant matters that could justify an approval despite the conflict with the Townsville City Plan, as identified above, in accordance with Section 45(5)(b) of the Planning Act 2016.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 of the Council minutes where Council resolved that the committee recommendation be adopted.

11 Planning Services - MCU18/0095 - Material Change of Use Multiple Dwelling (32 Units), Residential Care Facility, Educational Establishment, Office, Health Care Services, Police Beat and Food & Drink Outlet associated with RAL18/0078

Executive Summary

The application relates to a Material Change of Use for Multiple Dwelling, Residential Care Facility, Educational Establishment, Office, Health Care Services, Emergency Services, Food and Drink Outlet and Reconfiguration of a Lot (two into five lots and access easements) at 1145 Riverway Drive, Rasmussen and 324 Pinnacle Drive, Rasmussen.

The application is for the Yumba-Meta Housing Association and specifically involves 32 residential units with two and three bedroom configurations, as well as a stepdown facility designed to provide short-term accommodation to people recently discharged from hospital that require care for a period of time before returning home. The stepdown facility will have 27 beds and will be comprised of two and three bedroom units and dormitory rooms. The eastern proportion of the site, fronting Riverway Drive will comprise an Education Space and Office for the Yumba Meta Association, coffee shop, Police Beat and medical centre. The application also includes the subdivision of the property from two lots into five lots.

The application was impact assessable and subject to public notification. During the public notification period, one properly made submission was received. The submission raised concerns pertaining to development being inconsistent with outcomes sought in the Low density residential zone, will result in a reduction of low density residential land supply, will cause adverse impacts on the residential amenity of the surrounding area and there are no sufficient grounds to justify approval.

An assessment of the proposal against the applicable codes of the Townsville City Plan has identified that the development is capable of achieving compliance with each code. The proposed development facilitates a mixed use development that provides residential development along with services to support the Yumba Meta Association and the wider community. Further, despite being a non-residential use within the Low density residential zone, the proposal is not considered to unreasonably detract from the amenity of the area or impact on the functioning of existing centres within the surrounding area.

Having regard to the provisions of the Townsville City Plan and other relevant policies, the development is considered consistent with the outcomes sought for the subject site and locality and accordingly it is recommended that Council approve the application.

Officer's Recommendation

That Council approve application MCU18/0095 and RAL18/0078 for a Development Permit for Material Change of Use for a Multiple Dwelling, Residential Care Facility, Educational Establishment, Office, Health Care Services, Food and Drink Outlet and a Development Permit for Reconfiguration of a Lot (two into five lots and access easements) under the *Planning Act 2016* on land described as Lot 7 EP 1097 and Lot 43 RP 741379, more particularly 1145 Riverway Drive Rasmussen on the following grounds/subject to conditions.

SCHEDULE OF CONDITIONS RECONFIGURING A LOT (TWO INTO FIVE LOTS)

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Drawing No.	Revision No.	Plan/Revision Date
Proposed Allotment Plan	1519 SK 001	G	08/02/19

- 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 must be implemented prior to the signing of the Plan of Survey.

Reason

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

Timing

During the operation and life of the development.

2. Existing Street Trees

Condition

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

Reason

Maintain streetscape outcomes in accordance with relevant code/s and policy direction.

Timing

Written Consent from Council to be obtained prior to commencement of works.

3. Water Supply (Public System)

Condition

The development must be serviced by the public water supply. In particular, a reticulated water supply must be provided to the frontage of each lot within the proposed development and connected to Council's infrastructure in accordance with Part 9.3.4 Reconfiguring a lot code and Part 9.3.6 Works code of the Townsville City Plan.

The applicant is required to submit a revised water network analysis in accordance with the section SC6.4.3.23 of Townsville City Plan, taking into consideration the water demand of lots 1-3. A detailed assessment must be undertaken to demonstrate the impacts on external networks in terms of network pressures and velocities under peak hour demand and peak hour plus fire flow conditions.

Note: The water meters for lots 2, 3 and 4 must be located at the respective road frontage (either Riverway Drive or Pinnacle Drive). Water line/service beyond the water meters are privately owned and maintained.

Reason

To ensure that the development is appropriately serviced by reticulated water supply infrastructure 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.

4. Sewerage Reticulation

Condition

The development must be serviced by the public sewerage network. In particular, each lot must be provided with a single property service and must be connected directly and separately to Council's sewer in accordance with Part 9.3.4 Reconfiguring a lot code and Part 9.3.6 Works code of the Townsville City Plan.

Note: SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

Reason

To ensure that the development is appropriately serviced by reticulated sewer infrastructure 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.

5. Relocation of Utilities

Condition

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

Reason

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

Timing

Prior to the release of the Plan of Survey.

6. Soil Erosion Minimisation, Sediment Control (SEMSC)

Condition

During the construction the installation and maintenance of erosion and sediment control management must be provided 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 SC6.4.3.8.7 Erosion and sediment control plans of the 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

SEMSC plans to be submitted to Council as part of an application for Operational Work and control measures to be maintained during the construction phase of the development.

7. Minimum Lot Levels

Condition

The finished level on all new allotments/building envelopes created within the development site must be above the 1% AEP flood.

Where works are required to achieve this immunity, a hydraulic report must be submitted that:

- determines these levels;
- identifies the works required to achieve this level of immunity; and
- demonstrates that the works have no impact on flooding of surrounding lots.

Reason

To ensure lots are developed to be appropriately flood immune without impacting on surrounding lots 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.

8. Demolition

Condition

The existing building on proposed Lot 5 must be demolished.

Note: Confirmation should be obtained from a Building Certifier to ascertain if an application for a Development Permit for Building Works will be required for the demolition of the existing building.

Reason

Existing structure does not form part of the development proposal.

Timing

Prior to the release of the Plan of Survey.

9. Electricity and Telecommunications

Condition

Electricity and telecommunications must be provided 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

Prior to the release of the Plan of Survey.

10. Inter Allotment Stormwater Drainage Easements**Condition**

- a) Drainage easement(s) must be provided in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan in favour of upstream allotments over the stormwater drainage system shown on Stormwater Drainage Plans YUM-0001 SK006 and YUM-0001 SK007.
- b) Drainage easement/s must be registered with the Plan of Survey for each stage of the development.
- c) If the Plan of Survey for the Lots 4 and/or 5 occurs first, drainage easement/s for the entire stormwater drainage system must be registered with the Plan of Survey for Lots 4 and/or 5.

Reason

To convey stormwater across other lands legally and in an environmentally responsible manner in accordance with relevant code/s and policy direction.

Timing

The easement documents must be submitted to Council for review at the time of lodgement of the Plan of Survey for each stage and registered in accordance with the *Land Title Act 1994*.

11. Access and Utilities Easement**Condition**

An easement(s) to allow pedestrian and vehicle access, on-site manoeuvring and connection of services and utilities for benefited Lot 2, 3, 4 and 5 over burdened lots 3 and 4 must be provided.

Reason

To provide lawful access and provision of services to all lots.

Timing

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

12. Stormwater Drainage**Condition**

The development must manage stormwater drainage in accordance with Townsville City Plan requirements. In particular the contingent design and implementation must be provided in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Note: The proposed Stormwater Management System is private infrastructure and must be maintained by the owner of each allotment.

Reason

To convey stormwater legally and in an environmentally responsible manner 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.

13. Stormwater Quality Management

Condition

A stormwater quality management plan (SQMP) must be submitted to and be approved by Council prior to the issue of a Development Permit for Operational Work. The SQMP must be prepared by a suitably qualified person in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

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

Note: The proposed Stormwater Quality Management System is private infrastructure and must be maintained by the owner of each allotment.

Reason

To manage and to minimise the risk of causing environmental harm to receiving waters, damage to Council infrastructure, and unnecessary financial burdens to Council and the community.

Timing

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

14. Access

Condition

A new driveway crossover and access driveway via Pinnacle Drive from the existing kerb and channel to the property boundary must be provided in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.

Reason

To provide appropriate access 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 Works.

15. Street Trees

Condition

Street tree planting to beautify the neighbourhood is required in accordance with the Part 9.3.3 Landscape code of the Townsville City Plan.

Reason

Maintain/establish streetscape outcomes in accordance with relevant code/s and policy direction.

Timing

Details to be provided at the time of lodgement of the operational works application and planted prior to the release of the Plan of Survey.

16. Refuse Collection Point

Condition

A designated refuse collection point for lot 2 must be provided in in the northern side of the access easement or alternatively the wheelie bins must be taken to the Pinnacle Drive frontage for collection.

Reason

To ensure appropriate refuse collection can be achieved for all lots in accordance with relevant code/s and policy direction, in particular to allow for left hand side refuse collection for this allotment.

Timing

Prior to the release of the Plan of Survey.

Referral Agency Conditions**Concurrence Agency Conditions**

Pursuant to Section 56 of the *Planning Act 2016*, the State Assessment Referral Agency advises that it has no objection to Townsville City Council issuing a Development Permit for Reconfiguring a Lot subject to the conditions, as attached.

Advice**1. Infrastructure Charges****Condition**

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

2. Water Restrictions**Condition**

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

3. Further Approvals Required

Condition

a) **Plumbing and Drainage Works**

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works must be obtained from Council.

b) **Operational Works**

An Operational Work application must be submitted to Council for approval prior to works commencing on site, unless otherwise approved by Council.

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

Submission of "As constructed" documentation in the Operational Work stage of development must appropriately denote and differentiate future private and public assets.

c) **Roadworks Approval**

A Roadworks Approval in accordance with Local Laws 4 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works must be obtained from Council. The application must include the following:

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

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

4. Flood Overlay Management

Condition

Where the development will address the flood risk for the 1% AEP flood, the applicant can seek to have the Flood Overlay mapping amended to remove the property (or a portion thereof) from the high and medium flood hazard areas. Should the applicant wish to apply this mapping amendment, the applicant must provide Council a digital map clearly showing a polygon of areas of the development site where land is now situated above the 1% AEP flood level. The polygon supplied must be as follows:

File format: ESRI Feature Class;
Shapefile;
Digital Exchange Format (DXF); or
AutoCAD Drawing (DWG).
Coordinate System: MGA94, Zone 55

Mapping updates will be compiled following the development being accepted as complete, but will not be formally incorporated as mapping amendment until the following annual planning scheme amendment is made.

The provision of mapping information must be provided as part of 'as constructed' documentation prior to the release of the Plan of Survey.

5. Connection to Council Water Supply

Condition

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

6. Connection to Council Sewer

Condition

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

7. Portable Long Service Leave Notification

Condition

As per Qleave – Building and Construction Industry Authority Guidelines, for works over \$150,000, Council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to the issue of a Development Permit to carry out Operational Work.

8. Payment of Rates, Charges and Expenses

Condition

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

9. Satisfaction of Approval Conditions

Condition

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

10. Limitation of Approval

Condition

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

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

11. Specifications and Drawings

Condition

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

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE

MULTIPLE DWELLING (32 UNITS), RESIDENTIAL CARE FACILITY, FOOD AND DRINK OUTLET, EDUCATIONAL ESTABLISHMENT, MEDICAL CENTRE AND OFFICE

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.	Revision Date
Site Plan	1519 SK 002	F	06/02/19
Floor Plan (Commercial – Stage 1 – Proposed Layout)	1519 SK100	A	02/08/18
Elevations (Commercial – Stage 1 – Elevations)	1519 SK 107	A	02/08/18
Elevations (Commercial – Stage 2 – Elevations)	1519 SK 170	A	02/08/18
Floor Plan (Step Down Facility)	1519 SK 200	A	02/08/18
Elevations (Step Down Facility)	1519 SK 270	A	02/08/18
Floor Plan and Elevations (T1 Unit details)	1519 SK 310	A	02/08/18
Floor Plan and Elevations (T2 Unit details)	1519 SK 320	A	02/08/18
Floor Plan and Elevations (T3/T4 Unit details)	1519 SK 330	A	02/08/18
Floor Plan (2 Storey Town House)	1519 SK 400	A	02/08/18
Floor Plan (2 Storey Town House)	1519 SK 470	A	02/08/18

- 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. Emergency Services (amended approval)

Condition

The Emergency Services use is not approved. The design of the building associated with the non-residential uses must be amended to remove the floor space nominated as a Police Beat.

Reason

The proposed use does not comply with PO17 of the Low Density Residential Zone Code and is considered to be a duplication of services within the locality.

Timing

An amended plan must be submitted to Council as part of an application for a Certificate of Compliance prior to the issue of a Development Permit for Building Works.

3. Hours of Operation

Condition

Unless otherwise approved by Council, the activities associated with the non-residential uses, being Health care service, Educational establishment, Office and Food and drink outlet, must only be conducted between the following operating hours:

- 8am to 6pm Monday to Friday inclusive;
- 9am to 1pm Saturdays; and
- Excluding Sundays and Public Holidays.

Reason

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

Timing

At all times following the commencement of use.

4. Number of Practitioners (Medical Centre)

Condition

A maximum number of seven (7) medical practitioners are permitted to practice on the premises at any one time as part of the approved use.

Reason

To ensure that there is an adequate amount of on-site car parking to service the anticipated demand generated by the number of practitioners operating on the premises as any given time.

Timing

At all times following the commencement of use.

5. 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.

6. 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.

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. Storage

Condition

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

Reason

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

Timing

At all times following the commencement of the use.

9. Dust Management

Condition

- a) The developer must implement dust mitigation measures on site during the construction phase of the development.
- b) During Level 3 and 4 water restrictions, water must not be drawn from Council's reticulated supply;

Reason

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

The drawing of water from a non-reticulated source is to provide the ongoing protection of Council's reticulated supply.

Timing

During the construction phase of the development.

10. Sewerage Reticulation**Condition**

The development must connect to Council's reticulated sewer system.

Reason

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

Timing

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

11. Water Supply**Condition**

The development must connect to Council's reticulated water system.

Reason

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

Timing

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

12. Electricity and Telecommunication**Condition**

Electricity and telecommunications must be provided 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

Prior to the commencement of use.

13. Stormwater Drainage**Condition**

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the outcomes in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Note: The proposed Stormwater Management System is private infrastructure and must be maintained by the owner of each lot.

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

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

14. Stormwater Quality Management

Condition

A stormwater quality management plan (SQMP) must be prepared by a suitably qualified person in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

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

Note: The proposed Stormwater Quality Management System is private infrastructure and must be maintained by the owner of each lot.

Reason

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

Timing

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

15. Roadworks and Traffic

Condition

- a) A new access driveway and crossover from the existing kerb and channel/edge of bitumen to the property boundary must be constructed generally in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- b) The existing vehicle access including crossover in the kerb and channel at 324 Pinnacle Drive must be removed and replaced with new kerb and channel. Where applicable the footpath must be reinstated in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- c) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with Council's standards.

Reason

To provide development with access in accordance with Council standards.

Timing

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

16. 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 114 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) Car parking spaces for each use must be provided in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan, and must be contained within the allotment associated with the respective use. In particular:
- Multiple dwelling – 62 spaces;
 - Residential care facility – 7 spaces and one (1) ambulance space;
 - Educational establishment – 6 spaces;
 - Office – 4 spaces;
 - Medical centre – 28 spaces and one (1) ambulance space; and
 - Food and drink outlet – 7 spaces.

Reason

To ensure development is appropriately serviced by parking and access facilities 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.

17. Noise Attenuation Fence

Condition

A noise attenuation fence must be provided along the boundaries of the subject land where shown on plan 1519 SK002 Revision F (as amended in red by Council). The noise attenuation fence must be designed to provide sufficient noise attenuation for the adjoining residential properties and certified by a suitably qualified acoustic consultant. In particular, the following must be provided for the development:

- a) A 1.8 metre minimum high noise attenuation fence, no less than 12.5kg/m², unless otherwise approved by Council.
- b) The noise attenuation fence must not have any gaps or crevices and be maintained to ensure the acoustic quality is preserved post construction.
- c) The applicant must submit a post construction certification for the acoustic barrier to Council, prior to the commencement of use. The certification must be provided by a suitably qualified acoustic consultant.

Reason

To preserve the amenity of the adjoining residential properties.

Timing

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

18. Screen Fencing

Condition

A visual screen fence, being a minimum of 1.8 metres high, must be provided on the site boundaries between any adjoining land occupied by a residential building or any adjoining land contained in a Residential zone, except where varied by condition 17.

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.

19. Drying Facilities

Condition

Clothes drying facilities must be provided and must be screened from public view in accordance with the Residential zone codes of Part 6.2 Residential zones category of the Townsville City Plan.

Reason

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

Timing

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

20. Letterboxes

Condition

The location of the letter boxes on site must cater for the number of dwelling units within the development and is designed in such a way that enhances community safety through discouraging crime and anti-social behaviour.

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

Reason

To address Crime Prevention through Environmental Design principles.

Timing

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

21. Screening of Plant and Utilities

Condition

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

Reason

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

Timing

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

22. Landscaping

Condition

Landscape and Irrigation 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.

23. Minimum Floor Levels

Condition

Floor levels must achieve immunity from flood hazards by ensuring:

- a) floor levels of all non-residential buildings are above the defined flood event; or
- b) floor levels for residential buildings are 300mm above the defined flood event.

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

Reason

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

Timing

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

24. Signage

Condition

- a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Categories of development and assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to Council for assessment; and
- b) Signs must be designed in accordance with Part 9.3.1 Advertising devices code of the Townsville City Plan; and
- c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

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

Reason

Signage not approved as part of this Development Permit or deemed either Accepted development or Accepted development subject to requirements will require a Code assessable Operational work development application to be lodged with Council in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use.

25. 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

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.

26. Refuse Facilities**Condition**

Refuse collection arrangements must be provided for the development as to achieve the requirements of the Part 9.3.6 Works code of the Townsville City Plan.

In particular the applicant must submit a waste management plan prepared in accordance with the SC6.4.3.22 of Townsville City Plan addressing how the each use can be appropriately serviced by the respective service provider. The plan must include but not be limited to the following:

- Details of the refuse collection methods for each of the individual uses;
- Details of the gated boundaries of the lots and how the arrangement/s proposed provide unrestricted access to the refuse vehicles through the gates;
- Details of how the developer will prevent parking over the access easement during refuse collection times, including measures such as internal signage; and
- A revised site plan with the required number of wheelie bins for the residential lots and their pick up locations.

Reason

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

Timing

An amended plan must be submitted to Council as part of an application for a Certificate of Compliance prior to the issue of a Development Permit for Building Works.

27. Outdoor Lighting**Condition**

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

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.

Referral Agency Conditions**Concurrence Agency Conditions**

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

Advice

1. Infrastructure Charges

Condition

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

2. Water Restrictions

Condition

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

3. Further Approvals Required

Condition

a) 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 10 – Sewer Reticulation
Condition 11 – Water Supply
Condition 13 – Stormwater Drainage
Condition 14 – Stormwater Quality Management
Condition 15 – Roadworks and Traffic
Condition 16 – Car Parking
Condition 22 – 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 Development Permit for Building Works, unless otherwise approved by Council.

Condition 2 – Amended Plan
Condition 26 – Refuse Facilities

c) **Plumbing and Drainage Works**

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

d) **Building Works**

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

e) **Road Works Permit**

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

f) **Operational work – Signage**

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

4. Further Inspections Required

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 further approval.

Condition 5 – Building Materials
Condition 6 – Property Numbering
Condition 17 – Noise Attenuation Fence
Condition 18 – Screen Fencing
Condition 19 - Drying Facilities
Condition 20 – Letterboxes
Condition 21 – Screening Plant and Utilities
Condition 27 – Outdoor Lighting

5. Shop Fit Out

Condition

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

6. Connection to Council Water Supply

Condition

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

7. Connection to Council Sewer

Condition

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

8. 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.

9. 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.

10. Specifications and Drawings

Condition

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

11. Environmental Considerations

Condition

Department of Environment and Science requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

12. Chemical Storage

Condition

Where chemicals are stored or handled on site, the storage and handling of chemicals must be in accordance with the relevant WHS Code of Practice.

13. 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.

14. Defence Registration

Condition

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

15. 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*.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 of the Council minutes where Council resolved that the committee recommendation be adopted.

12 Planning Services - Land Use and Urban Design - Townsville Transport Advisory Committee - Terms of Reference

Executive Summary

One of the objectives of the Townsville City Council Corporate Plan (2014 – 2019) is to plan, support, provide and advocate for infrastructure and investment that supports innovation, residential and economic growth. To achieve this objective several deliverables have been identified. In relation to public transport priorities, the establishment of a Townsville Transport Advisory Committee is recommended to co-ordinate transport planning.

Officer's Recommendation

1. That Council establish a Townsville Transport Advisory Committee.
2. That the Deputy Mayor, Councillor L Walker be appointed as Chairperson of the Townsville Transport Advisory Committee.
3. That the Terms of Reference for the Townsville Transport Advisory Committee be adopted.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 of the Council minutes where Council resolved the following:

that Council note this report.

13 Planning Services - Land Use and Urban Design - Townsville City Plan Amendment Package 2017/03 - Review of Submissions and Seek Approval from Minister to Adopt Major Amendment

Executive Summary

On 4 April 2017 Council resolved to make a major amendment to the Townsville City Plan as part of Amendment Package 2017/03. The major amendment seeks to update the zoning of a number of land parcels within the local government area.

The formal public notification period for the major amendment concluded on 31 January 2019 and no submissions were received. Council can therefore proceed with the major amendment, without changes.

Officer's Recommendation

1. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, Council resolve to proceed with the proposed major amendment, with no changes, in accordance with this Report to Council.
2. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, Council resolve to write to the Minister seeking approval to adopt the proposed major amendment.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 of the Council minutes where Council resolved that the committee recommendation be adopted.

14 Future Cities- Sport and Recreation Facility Strategy

Executive Summary

The objectives of the project are:

- » to provide a vision for sport and recreation in Townsville for the next 10 years; and
- » to provide a prioritisation of sport and recreation infrastructure in Townsville.

Public consultation of the draft Sport and Recreation Facility Strategy was undertaken from 3 to 21 December 2019. 361 submissions were received and the following recommendations and issues were raised; the need for a mountain bike strategy (274), the need for a motorsport strategy (34), facility improvement (25), liveability and outdoor recreation (22) and additional data or data correction (10).

A summary of the submissions by sport, issues/ proposed recommendations and changes made to the draft strategy are in the below Report to Council.

To address the issues and recommendations raised during the consultation the following changes have been made:

- » the inclusion of liveability and outdoor recreation to Section 1.4.1 of Part A;
- » the inclusion of mountain biking to Section 1.4.1 of Part A;
- » clarification that this strategy does not holistically replace the 2006 Sport and Recreation Strategy; and
- » changes to the data in the demand model (most significantly touch football).

Officer's Recommendation

That Council resolve to endorse the Sport and Recreation Facility Strategy (Part A to Part E).

Committee Recommendation

That Council resolve to note the Sport and Recreation Facility Strategy (Part A to Part E).

Council Decision

Refer to resolution preceding item 9 of the Council minutes where Council resolved:

that Council note this report and delegate to the Chief Executive Officer to deal with the matters raised in the report and report back to Council.

15 Planning Services - Resolution to Prepare a Local Government Infrastructure Plan Amendment

Executive Summary

A resolution is proposed to prepare an interim amendment to the Local Government Infrastructure Plan (LGIP) which forms part of the City Plan 2014 which allows Council to plan for infrastructure to support the future growth of the City.

Key points:

- it will acknowledge assets acquired since the LGIP was adopted in mid-2017;
- it will consider updated expectations of growth and service strategies;
- it will better inform development of trunk infrastructure, especially for the 2019/20 period;
- it will achieve alignment with the capital works program for the 2019/20 period; and
- it will be the first of annual updates for the LGIP, as previously encouraged by the Minister.

Officer's Recommendation

1. That Council, in accordance with section 25(3) of the *Planning Act 2016* and chapter 5, section 4.1 of the *Ministers Guidelines and Rules*, resolve to prepare an interim amendment to the Local Government Infrastructure Plan (LGIP) to reflect: assets acquired in recent times, records of past growth, expectations of growth and strategy changes for the 2019/20 capital works program and any requirements of the relevant statutory guidelines.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 of the Council minutes where Council resolved that the committee recommendation be adopted.

Community Health and Environment Committee

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

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

CARRIED UNANIMOUSLY

Councillor A Greaney thanked Greg Bruce (Principal - Sustainability) and Mark Robinson (Coordinator Environmental Sustainability and Solar) and his team for the amount of work that has gone into this report (item 16).

16 Sustainability - TCC Council-wide Solar Optimisation Update and Presentation

Executive Summary

This report is to inform and update Council on a Council-wide solar optimisation process that has been developed and undertaken to review costs reduction through integrating energy efficiency, demand management and renewables. This process brings together open source data, analysis tools and applies staff knowledge and thinking. The process is applicable to Queensland.

The *TCC Council-wide Solar Optimisation Tool* demonstrates how Council's Enterprise Energy Management System (EEMS) can be utilised to access data and we can then conduct analysis to generate good decision-making. This means we can deliver sustainable solutions at the lowest cost whilst maintaining the highest quality, efficiency and effectiveness of budgeting, capital planning and building management.

The solar optimisation completed, demonstrates an opportunity for Council to deliver net savings of \$357,428 after 1 year and \$2,555,306 net savings over 10yrs. Achieved through both the optimisation and subsequent installation of solar across 11 of its buildings and facilities.

With the inclusion of Council's Mt St John and Cleveland Bay Treatment Plants, there is a potential to increase these net savings to \$830,148 after 1 year, and \$5,925,942 after 10 years.

The officer will present the findings of the optimisation analysis and opportunities that can be utilised to make savings and reduce costs to Council.

Officer's Recommendation

That Council note the presentation on *TCC Council-wide Solar Optimisation Tool and Analysis* which presents opportunities (via its data-driven approach) to reduce annual operating costs to Council whilst delivering significant electricity savings and maximising return on investment.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 16 of the Council minutes where Council resolved that the committee recommendation be adopted.

Governance and Finance Committee

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

"that the committee recommendations to items 17 to 20 be adopted."

CARRIED UNANIMOUSLY

Councillor V Coombe referred to item 20 and explained the reason for this item.

17 Finance Services - Treasury Report - January 2019

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 January 2019 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

18 Finance Service - Budget Variance Report - January 2019

Executive Summary

On behalf of the Acting Chief Executive Officer, the Chief Financial Officer presented and discussed the Budget Variance Report for the whole of Council for January 2019, pursuant to section 204 of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note the financial report for January 2019 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 17 of the Council minutes where Council resolved that the committee recommendation be adopted.

19 Finance Services - Office of the Information Commissioner Recommendation Implementation Final Report

Executive Summary

The purpose of this report is to provide a final update on the implementation of the recommendations made in the Compliance Audit tabled in state parliament on 6 March 2018.

The audit conducted by the Office of the Information Commissioner reviewed Council's compliance with the *Right to Information Act 2009* and *Information Privacy Act 2009*

Officer's Recommendation

That Council note the finalisation of the project and the associated delivery of all 24 action items.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

20 Presentation - 2018/19 Budget Reporting

Executive Summary

The Chief Financial Officer provided a presentation on 2018/19 Budget Reporting and requested feedback from the Committee on proposed reporting.

The Committee discussed this item.

Committee Recommendation

That the latest information from the Economic Recovery Taskforce be provided to the next Committee meeting.

Council Decision

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

Townsville Water and Waste Committee

In accordance with section 175E of the Local Government Act 2009, the Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars declared a perceived conflict of interest in regards to item 21.

- (a) ***the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;***
The Mayor, Councillor J Hill and R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder and M Soars.
- (b) ***the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;***
One of the tenderers is Gabrielli Constructions Pty Ltd. Gabrielli Constructions Pty Ltd had donated \$1,000.00 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (c) ***the decisions made under section 175E (4) and the reasons for the decisions;***
Item 21 was referred to the Chief Executive Officer.
- (d) ***whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;***
Item 21 was referred to the Chief Executive Officer.
- (e) ***if the councillor voted on the matter—how the councillor voted on the matter;***
Item 21 was referred to the Chief Executive Officer.
- (f) ***how the majority of councillors who were entitled to vote at the meeting voted on the matter.***
Item 21 was referred to the Chief Executive Officer.

It was MOVED by Councillor R Cook, SECONDED by Councillor C Doyle:

"that the committee recommendations to items 22 to 24 be adopted."

CARRIED UNANIMOUSLY

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

- "1. that item 21 be dealt with separately; and*
- 2. that the committee recommendation to item 21 be adopted."*

CARRIED UNANIMOUSLY

21 CONFIDENTIAL REPORT - Townsville Water and Waste - TCW00327 Supply and Construction of Nelly Bay Reservoir Repairs

Executive Summary

Council operates a potable water system that services the township of Nelly Bay at Magnetic Island. The potable water system consists of a ground level concrete reservoir which is in poor condition and has been off line for several years.

The scope of works includes the following three major components:

- demolition and removal of the existing timber roof over the concrete reservoir and supply and installation of a new galvanized steel or aluminium roof system;
- remediation works on the deteriorated internal concrete surfaces of the reservoir; and
- supply and installation of new inlet and outlet connection to the reservoir, as well as reconfiguration and connection to the existing inlet and outlet pipelines.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council award Tender TCW00327 Supply and Construction of Nelly Bay Reservoir Repairs to QPAMS Pty Ltd for the price of \$1,208,142.55 excluding GST.
3. That Council delegate authority to the Chief Executive Officer, or his 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 this item be referred to the Chief Executive Officer for consideration and decision.

Council Decision

Refer to resolution preceding item 21 of the Council minutes where Council resolved that the committee recommendation be adopted.

22 CONFIDENTIAL REPORT - Townsville Water and Waste - TCW00329 Supply and Construction of Townsville Hospital Diversion Sewer Pressure Main

Executive Summary

Townsville City Council operates a sewage system that collects sewage from residential properties and commercial/industrial facilities and directs it to one of its sewage treatment plants for treatment and re-use or disposal. The planning and operation of the reticulated sewage system and treatment plants is licensed by the State Government.

The existing gravity sewer system that services the Townsville Hospital site, James Cook University along with pumped flows from Riverside Gardens and Riverside Ridge residential areas has significant capacity issues. These capacity issues have resulted in environmental overflows and the backup of sewage into the hospital site. To overcome these capacity issues the following works have been designed and tendered:

- A 1,171 m long DN400 PE diversion sewer pressure main from the roundabout at Townsville Hospital / James Cook University on Angus Smith Drive through to MH 1/S21 located near University Drive and Yolanda Drive, Annandale.
- The sewer pressure main will be aligned generally along Angus Smith Drive and the open space area on the northern side of the Townsville Ring Rd.
- The crossings of the Townsville Ring Rd and Townsville Hospital entrance Road will be directionally drilling in a DN800 RCP enveloper pipe while the remainder of the pipe will be either directionally drilled (no enveloper) or open excavated.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council award Tender TCW00329 Supply and Construction of Townsville Hospital Diversion Sewer Pressure Main to GNM Group (QLD) Pty Ltd for the price of \$1,463,185.00 excluding GST.
3. That Council delegate authority to the Chief Executive Officer, or his 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 21 of the Council minutes where Council resolved that the committee recommendation be adopted.

23 CONFIDENTIAL REPORT - Townsville Water and Waste - Management and Operation of Ross River Dam

Executive Summary

A contract has been in place since the dissolving of NQWater for Sunwater to operate the Ross River Dam and provide advice for Paluma. The contract has been continually extended. The current contract comes to a close at the end of 2018/19.

A review was undertaken to review the risks associated with the dam operation, insurance coverage and liabilities and the ability of the Council to operate the dam. The results of the review showed that with some investment Council would be able to operate the dam successfully and control the risks and capital investment. This can be done at a reduced cost to that incurred under the current contractual arrangements.

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 endorse the management and operation of the Ross River Dam to be undertaken with Council resources at the agreed cessation of the current contract with Sunwater (option 2).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes where Council resolved that the committee recommendation be adopted.

**24 CONFIDENTIAL REPORT - Townsville Water and Waste - Recycled Water Re-Use scheme
- Plant Construction Award of Contract**

Executive Summary

As part of the 2018/19 Budget, Council allocated almost \$7 million to start work on a Recycle Water Re-Use Scheme as part of the 3 point water security solution. The recycled water will be used for non-potable water for irrigation and industrial customers. This is expected to reduce demand for potable water by up to 15ML per day, and potentially, defer other capital expenditure needs. Council officers have been working to get the scheme up and running by the end of 2019. At its December 2018 meeting Council endorsed a preferred supplier for construction of the recycled water facility (RWF) at Cleveland Bay Purification Plant (CBPP) and for Council officers to commence formal contract negotiations with them. Those negotiations are now complete. This report now seeks Council's endorsement to award the contract for construction of the RWF at CBPP.

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, in accordance with section 230 of the *Local Government Regulation 2012*, to approve the Build Own Operate (BOOT) Contract between Council and Clean-TeQ.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes where Council resolved that the committee recommendation be adopted.

Officers' Reports

25 Planning Services - MCU18/0041 - Material Change of Use for an Undefined Use - Cattle Holding Yards

Refer to page 10450 of the Council Minutes where Council agreed to consider items 26 and 25 as the next items of business (preceding the committee items)

Refer page 10472 of the Council Minutes for item 25 - Planning Services - MCU18/0041 - Material Change of Use for an Undefined Use - Cattle Holding Yards

26 Planning Services - Material Change of use MI17/0015 - Motor Sport and Driver Education Facility

Refer to page 10450 of the Council Minutes where Council agreed to consider items 26 and 25 as the next items of business (preceding the committee items)

Refer page 10450 of the Council Minutes for item 26 - Planning Services - Material Change of use MI17/0015 - Motor Sport and Driver Education Facility

Business Services

27 Business Services - Invitation to attend World Cities Summit 2019

Executive Summary

The Mayor, Councillor J Hill has received an invitation from the Minister for National Development Singapore to attend the World Cities Summit Mayors Forum 2019. The event is an annual event and this year will be held in Medellin, Colombia from 10 to 12 July 2019.

The 2019 Forum will be guided by the theme "liveable & Sustainable Cities: Building a High Trust City". The cost of accommodation, airport transfers, meals and site visits will be paid for by the Singapore Government.

Officer's Recommendation

1. That Council approve the attendance of the Mayor, Councillor J Hill or her Deputy to attend the Forum in Medellin Colombia from 10 to 12 July 2019.
2. That, in accordance with section 162 (1)(e) of the *Local Government Act 2009*, leave of absence be granted to the Mayor, Councillor J Hill or her Deputy for the period of 9 to 13 July 2019 to allow for attendance at the World Cities Summit 2019.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

28 Finance Services - Performance Management Report Quarter 2 2018/19

Executive Summary

The Chief Executive Officer is required to provide a written assessment of Council's Corporate and Operational Plans on a quarterly basis. The Corporate Performance Report for Quarter 2 2018/19 is presented.

Officer's Recommendation

That Council receive the Corporate Performance Report for Quarter 2 2018/19, being the period 1 October to 31 December 2018.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Confidential Items

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

"in relation to items 29 and 30, 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."

CARRIED UNANIMOUSLY

The Council discussed the items.

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

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

29 CONFIDENTIAL REPORT Procurement Services Recommendation Report RPS00077 Specialised Transport of Artwork

Executive Summary

Public Tender RPS00077 - Register of Prequalified Suppliers for the Specialised Transport of Artwork was advertised on 19 January 2019 following Council procurement guidelines to select suppliers of these services and closed on 13 February 2019.

This report provides an assessment of the submissions received and the 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 award Tender RPS00077 to the below suppliers in the following ranking for a period of 2 years with 3 x 12 month options. The anticipated spend for the 2 years is \$150,000.00
 1. IAS Logistics
 2. Segue Art

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

30 CONFIDENTIAL REPORT – Future Cities - Townsville Triathlon Festival Incorporated Grant & Partnerships Application

Executive Summary

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

Townsville Triathlon Festival organisers have identified the 2019 event as a significant year of growth with the introduction of a longer program that includes an 'off road' element over a second weekend, expanding from 11 featured events to 22 featured events. Expansion to the program will support the recent partnership agreement between Townsville City Council, Tourism and Events Queensland, and Townsville Enterprise Limited and Townsville Triathlon Festival Incorporated to move forward with a bid to host 2021 Multisport World Championships.

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 issuing of a Community Grants and Partnership Funding Agreement to Townsville Triathlon Festival Incorporated as outlined in the body of the report.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

General Business

(i) Planned construction of five story Youth Foyer at 31/33 Elizabeth Street, Aitkenvale

Councillor M Soars provided the following statement:

"Through the Chair I would like to bring to this Council meeting the concerns of the Aitkenvale residents over the planned construction of the five story Youth Foyer at 31/33 Elizabeth Street, Aitkenvale. After numerous meetings, contacts and discussions with residents, significant concerns have been identified with the construction of this Youth Hub. No one I have spoken with is against the purpose of the building which is to accommodate homeless or at risk young people and to enable them to further education and seek employment but what is being proposed does not closely resemble applications elsewhere. Should this go ahead it will have an overpowering influence over nearby residents that do not take into consideration their quality of life. It is this point that I call on the State Government, the local member and the Minister to hear the voice of Aitkenvale and reconsider where this project is to be built. The current petition has over 1200 signatories which must send a powerful message and we plead can we get a win/win for everyone. It is believed there are several other locations that have been provided to the local member for consideration that will deliver a higher quality of support for the youths that need to use this facility, place them closer to educational support and avail more open space for exercise and enjoyment.

I ask all here to contact their local state member to get a better outcome and let Townsville residents know their opinion matters and their voice will not only be heard but responded to."

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 2.45pm.

CONFIRMED this THIRTIETH day of APRIL 2019

MAYOR

CHIEF EXECUTIVE OFFICER