



# **ORDINARY COUNCIL**

## **PUBLIC MINUTES**

**TUESDAY 27 FEBRUARY 2018 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 >>

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#### Goal 1 - A Prosperous City

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

Objectives that identify our strategic intent:

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

#### Goal 2 - A City for People

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

Objectives that identify our strategic intent:

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

#### Goal 3 - A Clean and Green City

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

Objectives that identify our strategic intent:

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

#### Goal 4 - A Simpler, Faster, Better Council

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

Objectives that identify our strategic intent:

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

#### ACKNOWLEDGEMENT OF COUNTRY

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

# MINUTES

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<b>REPORT</b>	<b>COUNCIL MEETING</b>
<b>DATE</b>	<b>Tuesday 27 February 2018 at 1.01pm</b>
<b>ITEMS</b>	<b>1 TO 21</b>
<b>PRESENT</b>	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 Councillor L Walker

#### **Opening of Meeting and Announcement of Visitors**

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

#### **Acknowledgement to Country**

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

#### **Prayer**

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

#### **Apologies and Leave of Absence**

There were no apologies or leave of absence noted.

#### **Request for Leave of Absence**

The Mayor, Councillor J Hill requested leave of absence for the period 26 March to 1 April 2018.

#### **Council Decision**

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

"that the request by the Mayor, Councillor J Hill for leave of absence for the period 26 March to 1 April 2018 be approved."

**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 23 January 2018 be confirmed."

**CARRIED UNANIMOUSLY**

### **Disclosure of Interests**

- (i) Officers' Reports - Perceived conflict of interest - Item 21 of this meeting and by way of amendment to the records of the Ordinary Council meeting for Item 22 considered on 12 December 2017 - The Mayor, Councillor J Hill and Councillors R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder, M Soars and L Walker - Focus Pacific donated to the Team Hill election campaign.

### **Correspondence**

There was no correspondence.

### **Petitions**

- (i) **Two petitions - Land at 25 Endeavour Road, Bluewater**

Councillor M Ryder tabled two petitions in relation to the objection to the permanent closure and land sale of 25 Endeavour Road, Bluewater.

#### **Council Decision**

That a response be provided to the March meeting.

### **Deputations**

There were no deputations.

### **Notices of Motion**

There were no notices of motion.

### **Presentations**

There were no presentations

### **Mayoral Minute**

There were no Mayoral Minutes.

## Committee Items

### Planning and Development Committee

***It was MOVED by Councillor L Walker, SECONDED by Councillor A Greaney:***

*"that the committee recommendations to items 1 to 6 be adopted."*

**CARRIED UNANIMOUSLY**

#### **1 Planning - MCU17/0014 Material Change of Use Development Permit - Function Facility, 353 Hencamp Creek Road, Rollingstone**

### Executive Summary

The application seeks a Development Permit for a Material Change of Use, being a Function Facility proposed on land located at 353 Hencamp Creek Road, Rollingstone. The proposed Function Facility is to hold between 12-15 functions each year (wedding receptions) on the northern portion of the subject site and is to erect and remove associated facilities (such as a marquee and portable toilets) prior to and after each event. The Function Facility is proposed on the subject site for its scenic amenity values, being the natural environment inclusive of bushland, lagoons and beach views. No alteration to the natural environment is proposed as part of the development due to its infrequent operation. The subject site is located within the Rural Zone whereby a Function Facility Use is designated as being Impact Assessable Development under the Townsville City Plan.

Being impact assessable, the application was required to undertake formal public notification. During this period the application received one properly made submission from the land owner of the adjoining lot to the west. This submission raised concern in regards to the proposed land use not being anticipated for the Rural Zone, amenity impacts on the adjoining sensitive receptor (being the submitter's property) and insufficient information provided in the application. An assessment addressing each concern is provided in section seven of this report.

An assessment of the proposed Function Facility against the relevant provisions of the Townsville City Plan, with consideration of the items raised in the submission, has identified that it is capable of satisfying the intent of the scheme and outcomes sought. In particular, it is recognised that although the subject site is within the Horticulture Precinct of the Rural Zone it is not currently being utilised for productive purposes nor has it been historically. Notwithstanding this, the proposal will not alter or impact the natural state of the land and subsequently the potential productive capacity of the land will be maintained. Further, the proposed use will complement the adjoining Caravan Resort whilst its operational parameters ensure minimal amenity impacts on the adjoining rural lot to the west.

Any noise impacts will be mitigated through the cessation of the use at 9:30pm at each function; the separation distance of 258m between the proposed Function Facility and the dwelling house on the adjoining property and the existing dense vegetation on the subject site acting as a buffer. Condition to be included on the permit will require the development to comply with the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy 2008*. All vehicle turning areas are also to be treated with a suitable dust suppression agent to manage dust on the site. It is also noted that the existing vegetation will naturally alleviate any dust generated by vehicles using the access track.

A detailed assessment of the proposal against the Townsville City Plan is provided within the Assessment section of this report. The proposed development is predominantly consistent with the intent of the Planning Scheme, and accordingly recommended for approval.

The Committee also considered the verbal comments of Donald Meissner and Chris Crowe provided at the meeting.



## Officer's Recommendation

That Council approve application MCU17/0014 for a Development Permit for Function Facility under the *Planning Act 2016* on land described formally as Lot 12 RP 720589, situated at 353 Hencamp Creek Road, Rollingstone subject to the following reasonable and relevant conditions:

### SCHEDULE OF CONDITIONS

#### MATERIAL CHANGE OF USE (FUNCTION FACILITY)

#### MATERIAL CHANGE OF USE CONDITIONS

#### 1. Approved Plans and Supporting Documentation

##### Condition

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

Plan Name	Plan No.	Revision No.	Plan Date
Detail & Contour Survey Lot 12 on RP720589	17-083/01	-	15/6/2017
Detail & Contour Survey Lot 12 on RP720589	17-083/02	-	6/7/2017

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

##### Reason

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

##### Timing

During the operation and life of the development.

#### 2. 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.

#### 3. Hours of Operation

##### Condition

Unless otherwise approved by council, the activities associated with the use must only be conducted until 9:30pm Monday to Sunday inclusive.

**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.

**4. Frequency of Functions****Condition**

Unless otherwise approved by council, the Function Facility cannot hold more than fifteen (15) functions each given year.

**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.

**5. Size of Functions****Condition**

Unless otherwise approved by council, the maximum number of guests attending each function must not exceed one hundred and twenty (120) people.

**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.

**6. Vegetation Retention and Protection****Condition**

Unless otherwise approved by council, vegetation clearing is only permitted within the development footprint of the approval associated with parking and access areas as identified on the approved plan, titled *Detail & Contour Survey Lot 12 on RP72058, Plan No. 17-083/02, dated 6/7/2017.*

**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.

**7. Vegetation Disposal****Condition**

The disposal of vegetation 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 accordance with relevant code/s and policy direction.

**Timing**

Prior to, or during construction of the development.

## 8. Outdoor Lighting

### Condition

Outdoor Lighting associated with the use must not emit glare or light above the levels stated in *Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting* (or the current applicable standard).

### Reason

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

### Timing

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

## 9. Noise Management

### Condition

The use must comply with the noise emission standards of the planning scheme and the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy 2008*. In the event that a noise complaint is received regarding the operation of the use, council may request that the developer demonstrates compliance with the above standards.

Advise Note:- Any amplified equipment used on the site must be appropriately located and operated in a manner that ensures noise levels do not exceed the Environmental Protection (Noise) Policy 2008. If complaints are received from sensitive receptors in relation to noise, then council will request formal certification (completed by a suitability qualified person) from the developer that the function facility operations are not exceeding the acoustic quality objectives outlined in condition 9.

### Reason

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

### Timing

At all times following the commencement of the use.

## 10. Waste Management

### Condition

A Waste Management Plan must be prepared for the development and implemented for events. A copy of the waste management plan must be kept on site.

The plan must be developed in accordance with SC6.4.3.22 Waste management guidelines, and provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

### Reason

To ensure that the use does not cause an odour nuisance to nearby sensitive receptors.

### Timing

To be maintained for the life of the development.

## 11. 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.

## 12. Stormwater Drainage

### Condition

All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

### Reason

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

### Timing

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

## 13. Car Parking

### Condition

- a) The short term parking area can be located on the grassed area as shown on the approved plans and is required to be gravel sealed. Suitable dust suppression measures must be implemented to minimise the impact on surrounding properties where necessary. The parking area is not required to have defined or marked parking spaces.
- b) The area must provide a minimum of 60 car spaces 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

To be maintained for the life of the development.

## 14. Vehicle Access and Internal Access-way

### Condition

- a) The existing access driveway and crossover (rural standard) from the edge of bitumen to the property boundary must be upgraded to be generally in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- b) The internal access way from Hencamp Road must be designed and constructed to include a drainage system and be generally in accordance with following specifications (as a minimum):

- Three (3) metre wide all weather gravel pavement or three (3) metre wide sealed pavement on a six (6) metre wide formation if the grade of the access way is steeper than 16% at any point;
- Maximum longitudinal gradient of 1:6; and
- Drainage to the satisfaction of council that ensures the internal access way is immune from inundation in a 10% AEP flood event.

#### **Reason**

To ensure development is appropriately serviced by 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. Dust management**

#### **Condition**

Any water used in suppression of dust must not be drawn from council's reticulated water service.

#### **Reason**

To ensure mitigation of potential adverse impacts of dust hazards is managed in accordance with SC6.4 Development manual scheme policy, specifically SC6.4.5.2(12) Suppression of dust of the Townsville City Plan.

#### **Timing**

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

### **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**

- 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;
- Developers remain responsible for compliance with any water restrictions as directed by council;
- 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 14 – Vehicle Access and Internal Access-way.

All engineering, soil erosion and sediment control 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) Road Works Permit

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

##### d) 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. Environmental Considerations

#### Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## **6. Vegetation Clearing**

The clearing of vegetation must be undertaken in accordance with the *Accepted development vegetation clearing code*. Advice on vegetation clearing should be sought directly from [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au)

### **Committee Recommendation**

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

- a. that the following wording be included in condition 9. Noise Management:  
'That speakers face towards the ocean'; and
- b. that the following wording be included in condition 10. Waste Management:  
'No waste to be burnt on site.'

### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes (page 9870) where Council resolved that the Committee recommendation be adopted.**

## **2 Planning - Outcome of Appeal No 285 of 2014 and 213 of 2016 Townsville Demolitions Pty Ltd v Townsville City Council, 142 Glenn Road, Woodstock - AP16/0003**

### **Executive Summary**

An appeal was filed in the Planning and Environment Court by Townsville Demolitions Pty Ltd on 15 September 2014 against an Enforcement Notice issued by Council for operating a business without approval. During that appeal the appellant filed an Application seeking a development permit for a Material Change of Use – Warehouse – open storage for the property situated at 142 Glenn Road, Woodstock. The Application was assessed and refused by Council on 6 July 2016. A Second Appeal was filed in the Planning and Environment Court on 27 July 2016. The appeal was filed against Council's refusal of the Application.

After a series of Court-ordered negotiations and mediations between the parties, the second appeal resulted in a conditions package being agreed with the Court issuing Final Orders on 25 October 2017.

The first appeal by the appellant against the Enforcement Notice was also dismissed by the Court on 25 October 2017.

These matters are now at an end.

### **Officer's Recommendation**

That Council receive this report and note the outcome of Appeal Nos 213 of 2016 and 285 of 2014.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes (page 9870) where Council resolved that the Committee recommendation be adopted.**

### **3 Planning - Outcome of Appeal No D57 of 2015, Horizon Property Investments Pty Ltd v Townsville City Council, AP15/0001**

#### **Executive Summary**

An appeal was filed in the Planning and Environment Court by Horizon Property Investments Pty Ltd on 27 February 2015. The appeal was filed against the Council's decision to refuse an application for "Material Change of Use for a Child Care Centre in respect of land situated at 192 Bayswater Road, Currajong".

Upon receiving the appeal, Council reconsidered its objections and resolved to support the approval of the development in the Planning and Environment Court on 26 May 2015.

A third party submitter joined the appeal concerned primarily with parking and traffic concerns.

After a series of Court-ordered negotiations and mediations between the parties, a conditions package addressing all of the concerns was agreed upon. Subsequently, the Court issued Final Orders on 15 November 2017.

The matter is now at an end.

#### **Officer's Recommendation**

That Council receive this report and note the outcome of Appeal No D57 of 2015.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes (page 9870) where Council resolved that the Committee recommendation be adopted.**

### **4 Planning - Outcome of Appeal No 331 of 2016, Toprise (Australia) Pty Ltd v Townsville City Council, AP16/0004**

#### **Executive Summary**

An appeal was filed in the Planning and Environment Court by Toprise (Australia) Pty Ltd on 12 December 2016. The appeal was filed against conditions contained in Council's approval of the appellant's application for a Development Permit – Material Change of Use (Impact) Restaurant and Catering Shop for a property situated at 1 Mariners Drive, Townsville. These conditions related to roadworks, traffic, car parking and an access easement.

A number of parties joined the appeal, including the Body Corporates for the Mariner's Peninsular Body Corporate Schemes. After a series of Court-ordered negotiations and mediations between the parties, it was agreed that the appeal be allowed and that the development application be approved subject to an amended conditions package. Subsequently, the Court issued a Final Order on 14 December 2017.

The Court was asked to resolve an issue raised by the Body Corporates, namely whether or not there had been compliance with the *Sustainable Planning Act 2009* (SPA) with respect to the description of the property and the consent of the land owner of adjoining property. In a judgment delivered on 14 December 2017, the Court resolved that there had been compliance with the SPA with respect to the description of the property and consent of the adjoining land owner.

The matter is now at an end.



### **Officer's Recommendation**

That Council receive this report and note the outcome of Appeal No. 331 of 2016.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes (page 9870) where Council resolved that the Committee recommendation be adopted.**

## **5 Planning - New Appeal No. 285 of 2017, Garbutt Developments Pty Ltd v Townsville City Council, 78 - 94 John Melton Black Drive, Garbutt**

### **Executive Summary**

An appeal was filed in the Planning and Environment Court in Townsville on 1 December 2017 against the deemed refusal by Council to extend the relevant period for a development approval with respect to 78-94 John Melton Black Drive, Garbutt.

The appellant is seeking an order from the Court that the extension of the relevant period be granted until 30 November 2019.

### **Officer's Recommendation**

1. That Council resolve to defend the deemed refusal to extend the relevant period for the development approval in Planning and Environment Court Appeal No. 285 of 2017.
2. That Council, under *Section 257 (1)(b)* of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, in the event that a mutually acceptable settlement emerges relating to the above matter.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes (page 9870) where Council resolved that the Committee recommendation be adopted.**

## **6 Planning - MC14/0092 - Negotiated Infrastructure Charges Notice - Showrooms**

### **Executive Summary**

A Development Permit for Material Change of Use – Showrooms (MC14/0092) located at 40057 Bruce Highway, Deeragun was issued on 25 February 2016. The Development Permit included an Infrastructure Charges Notice (ICN).

Written representations were received from the applicant on 14 April 2016 seeking to negotiate the infrastructure charges associated with the Development Permit. Council undertook a review of these representations and recommends that a negotiated Infrastructure Charges Notice be issued.

### **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 amendments to the Infrastructure Charges Notice (ICN):
  - the ICN be staged based on Condition 2; and
  - the infrastructure charges be calculated in accordance with 2014/2015 Infrastructure Charges Resolution.
3. That Council consider a negotiated infrastructure charge in accordance with option B as detailed in the report attached to the Report to Council.

### **Committee Recommendation**

1. That officer's recommendations 1 and 2 be adopted.
2. That Council consider a negotiated infrastructure charge in accordance with option A as detailed in the report attached to the Report to Council.

### **Council Decision**

**Refer to resolution preceding item 1 of the Council minutes (page 9870) where Council resolved that the Committee recommendation be adopted.**

**Community and Cultural Development Committee**

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

*"that the committee recommendations to items 7 to 10 be adopted."*

**CARRIED UNANIMOUSLY**

***Councillor A Greaney congratulated staff on the Street Art Toolkits.***

***The Mayor, Councillor J Hill expressed her appreciation to staff for the Street Art Toolkits.***

***Councillor C Doyle acknowledged the work of Council's Community Engagement team with regards to the Silver Level Housing standards.***

**7 Libraries - Street Art Toolkits**

**Executive Summary**

In 2015, Townsville City Council endorsed a Street Art Activation Framework with a clear objective to encourage and manage the development of street art in the City. As one of the initiatives of this framework two Street Art Toolkits have been developed, one for property owners and one for artists. These tool kits are designed to make the process of street art as simple as possible.

**Officer's Recommendation**

That Council endorse the Street Art Toolkits for property owners and artists.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 7 of the Council minutes (page 9881) where Council resolved that the Committee recommendation be adopted.**

## **8 Community Engagement - Extension to Lease Area - North Thuringowa Junior Rugby League, Peggy Banfield Park**

### **Executive Summary**

North Thuringowa Junior Rugby League has been operating under the current lease agreement over the existing buildings at Peggy Banfield Park for the past 20 years. The current lease area is 354m<sup>2</sup> and is located at Peggy Banfield Park - Mount Low Parkway, Bushland Beach 4818 – Lot 2 SP 296788 and expires 30 April 2019 (Attachment 1 of the Report to Council).

The new proposed lease area for the Club, to accommodate a number of existing amenities, is identified in Aerial Sketch Plan (Attachment 2 of the Report to Council) by the yellow highlighted area – it measures 62m x 12m. This area, if approved, will give the Club a lease area of 744m<sup>2</sup>.

The Club has recently been successful in securing grant funding through the Community Gambling Benefit Fund to build a new toilet facility including disability access. Construction of these new amenities requires an extension to the area leased by the Club.

The new toilet block location is indicated by the orange highlighted area (approximately 12m x 12m) – refer to Attachment 2. If approval is received from Technical Services and Planning for the installation of the toilet block the new total lease area will be approximately 890m<sup>2</sup> in total and will include both the yellow and orange areas.

If approvals are not obtained Council will only offer the Club the yellow area as the new lease area totalling 744m<sup>2</sup>.

The lease documentation offered to the Club will include a peppercorn lease rate, however, the lease will include a clause allowing Council to implement a rental fee at any time during the lease term and can be reviewed annually on the anniversary of the lease commencement date.

### **Officer's Recommendation**

1. That Council approve the issuing of a lease to North Thuringowa Junior Rugby League Club over the parcel of land located at Peggy Banfield Park, Mt Low Parkway, Bushland Beach - Lot 2 SP 296788 for a term of up to 10 years, for the fee of \$1.00 per year exclusive of GST, if 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 Club to be responsible for the following:
  - a. maintenance, repair, replacement of:
    - i. Structural (clause 6.1 a)
    - ii. Services/pipes/conduits (clause 6.1 b)
    - iii. Painting (clause 6.3)
    - iv. Minor Maintenance (clause 6.6)
  - b. Landscaping Obligation (clause 5.8)

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 7 of the Council minutes (page 9881) where Council resolved that the Committee recommendation be adopted.**

## **9 Future Cities - Arts and Culture Advisory Committee - 7 December 2017**

### **Executive Summary**

Presenting to Council minutes from the Arts and Culture Advisory Committee meeting held on 7 December 2017.

### **Officer's Recommendation**

That Council note the Report of the Arts and Culture Advisory Committee meeting held on 7 December 2017.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 7 of the Council minutes (page 9881) where Council resolved that the Committee recommendation be adopted.**

## **10 Future Cities - Inclusive Community Advisory Committee - 4 December 2017**

### **Executive Summary**

Presenting to Council minutes from the Inclusive Community Advisory Committee (ICAC) meeting held on 4 December 2017.

### **Officer's Recommendation**

That Council note the Report of the Inclusive Community Advisory Committee meeting held on 4 December 2017 including the following Committee recommendations for Council's consideration:

1. That Council work with the building industry (not a legislation project) to promote and introduce Silver Level Housing standards to the broader community.
2. That Council consider and investigate how encourage principles of Silver Level Housing standards within Council planning and development processes.
3. Council endorses for Martin Locke to be invited to join the Inclusive Community Advisory Committee for the remainder of the current term of membership.
4. Council endorses for Carley Downey from Unlock the Lachs to be invited to join the Inclusive Community Advisory Committee for the remainder of the current term of membership.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 7 of the Council minutes (page 9881) where Council resolved that the Committee recommendation be adopted.**

### **Meeting Adjournment**

The Mayor, Councillor J Hill adjourned the meeting at 1.22pm.

### **Meeting Recommencement**

The Mayor, Councillor J Hill reconvened the meeting at 1.32pm.

### **Townsville Water and Waste Committee**

***It was MOVED by Councillor P Jacob, SECONDED by Councillor C Doyle:***

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

**CARRIED UNANIMOUSLY**

***Councillor P Jacob referred to item 11 and thanked the staff for a very good scorecard.***

### **11 Townsville Water and Waste - Customer and Business Reporting - Quarter 2 2017/18**

#### **Executive Summary**

The following Customer and Business Reports are submitted for Quarter 2, 2017/18:

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

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

#### **Officer's Recommendation**

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

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 11 of the Council minutes (page 9884) where Council resolved that the Committee recommendation be adopted.**

## **12 Townsville Water and Waste - Tender Assessment TCW00226 Supply and Construction of Pump Station L1C including Rising Main and Gravity Sewer**

### **Executive Summary**

Council has identified the need for a new sewage pump station, referred to as Pump Station L1C, a sewerage rising main and a gravity sewer in Cranbrook in order to service a proposed development and to address capacity issues within the Cranbrook sewer system.

Tenders were invited for the supply and construction of an FRP Pump Station including connecting 250OD Polyethylene rising main and DN300 PVC gravity main with maintenance holes as well as an environmental overflow.

This report provides an analysis and evaluation of the tenders received for this project.

### **Committee Recommendation**

That this item be deferred to a date to be advised subject to community consultation.

### **Council Decision**

**Refer to resolution preceding item 11 of the Council minutes (page 9884) where Council resolved that the Committee recommendation be adopted.**

## **Governance and Finance Committee**

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

*"that the committee recommendations to items 13 to 18 be adopted."*

**CARRIED UNANIMOUSLY**

***Councillor V Coombe referred to item 14 and congratulated Council on the credit review result. Councillor Coombe acknowledged the Chief Executive Officer, the Chief Financial Officer and staff for their work.***

***Councillor V Coombe provided a brief overview of the Corporate Performance Report and thanked staff for their work.***

### **13 Governance and Finance Committee - Performance Management Report Quarter 2 2017/18**

#### **Executive Summary**

The Chief Executive Officer is required to provide a written assessment of Council's Corporate and Operational Plans on a quarterly basis. The Corporate Performance Report for Quarter 2 2017/18 is presented.

#### **Officer's Recommendation**

That Council receive the Corporate Performance Report for Quarter 2 2017/18, being the period 1 October to 31 December 2017.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes (page 9886) where Council resolved that the Committee recommendation be adopted.**



## **14 Commercial Services 2017 Credit Review by Queensland Treasury Corporation**

### **Executive Summary**

The Department of Local Government and Planning require the Queensland Treasury Corporation (QTC) undertake a credit review of a select group of local governments each year. In 2017 Townsville City Council was selected for its first credit review since 2013. The credit review was undertaken in October 2017.

The purpose of the credit review was to assess:

- Townsville City Council's capacity to service its current portfolio of debt and the proposed increase in its debt portfolio arising from forecast borrowing applications, and
- credit and other risks which may affect Townsville City Council's debt servicing capacity and the financial vulnerability of Townsville City Council to those risks.

The credit review was successfully completed in December 2017 with QTC rating Townsville City Council as Sound with a Neutral outlook.

This rating is consistent with previous credit reviews and indicates that Townsville City Council has an adequate capacity to meet its financial commitments in the short, medium and long-term and there are no known foreseeable events that would have a direct impact on the local government's capacity to meet its financial commitments.

This result reflects the costs savings arising from the Council restructure and reduction in red tape.

### **Officer's Recommendation**

That Council receive and note the 2017 Credit Review prepared by Queensland Treasury Corporation in December 2017.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes (page 9886) where Council resolved that the Committee recommendation be adopted.**

## **15 Financial Services - Treasury Report - December 2017**

### **Executive Summary**

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

### **Officer's Recommendation**

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

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes (page 9886) where Council resolved that the Committee recommendation be adopted.**

## **16 Financial Services - Deferral of Planned Borrowings 2017/18**

### **Executive Summary**

Council's 2017/18 financial year budget included an increase in borrowings of \$30 million scheduled in January 2018. Drawdown in January 2018 has been deferred due to sufficient cash reserves at this time.

The need for borrowing all, or part, of the \$30 million debt facility will be reassessed during the remainder of the 2017/18 financial year.

### **Officer's Recommendation**

That Council note the deferral of borrowings of \$30 million scheduled in the 2017/18 financial year budget for drawdown in January 2018.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes (page 9886) where Council resolved that the Committee recommendation be adopted.**

## **17 Finance Services - Budget Variance Report - December 2017**

### **Executive Summary**

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

### **Officer's Recommendation**

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

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes (page 9886) where Council resolved that the Committee recommendation be adopted.**

## **18 Finance Services - Uncollectible receivables referred for write off**

### **Executive Summary**

A review of outstanding Council receivables was conducted as at 31 December 2017. This assessment determined \$180,483.47 of receivables was either uncollectible or considered uneconomical to continue action to collect. It is recommended these outstanding receivables are approved for write-off. Details of balances to be written off are included in the write-off list attached to the Report to Council. These amounts have been provided for in prior periods and will therefore have no impact on Council's operating result.

### **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 total write-off of \$180,483.47 in outstanding receivables as detailed in the write-off list attached to the Report to Council.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 13 of the Council minutes (page 9886) where Council resolved that the Committee recommendation be adopted.**

## Officers' Reports

### Planning and Community Engagement

#### 19 Smart Cities Mayoral Summit and Expo in Taiwan - 26 to 30 March 2018

##### Executive Summary

The Mayor, Councillor J Hill has received an invitation from the Taipei Computer Association to attend the 2018 Smart City Summit and Expo in Taipei from 27 to 30 March 2018.

The Taipei Computer Association will provide a complimentary delegate package which includes a return flight to Taipei and the Taipei City Government will provide board and lodging for the delegation attending.

##### Officer's Recommendation

1. That Council approve the attendance of the Deputy Mayor, Councillor L Walker at the 2018 Smart City Summit and Expo from 27 to 30 March 2018.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to Councillor L Walker to allow his attendance at the 2018 Smart City Summit and Expo.

##### Council Decision

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

"that Council RESOLVE to close the meeting in accordance with Sections 275 (e) and (h) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public for business relating to the following:

Section 275 (e) contracts proposed to be made by it (Items 20 and 21); and  
Section 275 (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage (Item 21)."

**CARRIED UNANIMOUSLY**

The Council discussed the items.

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

"that Council RESOLVE to open the meeting."

**CARRIED UNANIMOUSLY**

## 20 Infrastructure Planning, Assets and Fleet - New Lease - Optus Mobile Network Pty Ltd

### Executive Summary

In September 2016 Optus Mobile Network Pty Ltd approached Council in relation to the potential development of a telecommunications facility located at Mt Kulburn Bulk Water Reserve, Bruce Highway, Jensen to improve network performance and customer service deficiencies in the Black River area. Optus are now seeking a lease over part of the parcel of land for the purpose of constructing a telecommunications tower on site.

This will be a commercial lease with an agreed rental, as per the Heads of Terms agreement.

### 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 lease to Optus Mobile Network Pty Ltd over the parcel of land located at Mt Kulburn Bulk Water Reserve, 40745 Bruce Highway, Jensen (Part of Lot 62 on CP909518) with a term of 2 x 10 year leases, with a rental of \$10,000 (plus GST) per annum.
3. That Council grant authority to the Chief Executive Officer to renegotiate the lease conditions for 40745 Bruce Highway, Jensen (Part of Lot 62 on CP909518) subject to favourable and commercial terms being negotiated.
4. That Council resolve to apply the exemption set out in section 236 (1)(c)(iii) of the *Local Government Regulation 2012* to the issuing of a lease over part of 40745 Bruce Highway, Jensen (Part of Lot 62 on CP909518) being an exemption from the requirement to call for tenders.

### Council Decision

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

In accordance with section 173 of the *Local Government Act 2009*, the Mayor, Councillor J Hill and Councillors R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder, M Soars and L Walker declared a perceived conflict of interest in regards to item 21 of this meeting (and by way of amendment to the records of the Ordinary Council meeting for Item 22 considered on 12 December 2017.)

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

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

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

Focus Pacific donated to the Team Hill election campaign.

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

The Councillors dealt with the conflict by disclosing the perceived conflict of interest and having regard to the perceived conflict of interest, Councillors considered that they are able to continue to consider the matter noting that throughout the history of the matter, and prior to Council considering the matter in December 2017, the Chief Executive Officer has been delegated the authority to resolve any applicable commercial matters involving the Council and Focus Pacific.

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

The Councillors voted as per the officer's recommendation.

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

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

## **21 Future Cities - Hilton Hotel Development at North Queensland Stadium Precinct**

### **Executive Summary**

This confidential report reaffirms the decision made at the 12 December 2017 Council meeting and updates Council on current economic activation opportunities and associated contract negotiations and if negotiations with proponents are successful, the steps required to be taken to activate the opportunities and any associated beneficial enterprises.

### **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 reaffirm its previous decision on this matter and note the information supplied in closed session.

### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

## **General Business**

### **(i) World Cities Summit and Mayors Forum 2018 - 8-12 July 2018 - Singapore**

The Mayor, Councillor J Hill advised of an invitation she has received to attend the World Cities Summit and Mayors Forum 2018 to be held in Singapore on 8-12 July 2018.

#### **Council Decision**

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

- "1. that the invitation for the Mayor, Councillor J Hill to attend the World Cities Summit and Mayors Forum 2018 in Singapore on 8-12 July 2018 be accepted and that travel be approved; and
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 for the period 8-12 July 2018 to allow her attendance at the World Cities Summit and Mayors Forum 2018."

**CARRIED UNANIMOUSLY**

#### **Close of Meeting**

The Chair, Mayor Councillor J Hill, declared the meeting closed at 1.53pm

**CONFIRMED this TWENTY- SECOND day of MARCH 2018**

**MAYOR**

**CHIEF EXECUTIVE OFFICER**