



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 22 JANUARY 2019 AT 1.00PM

Council Members >>

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

At this meeting contributions made by members of the public may be recorded by way of audio recording which will be used for the purpose of developing minutes of the meeting and decision making of council. Townsville City Council is bound by the Information Privacy Act 2009 to protect the privacy of personal information.

Under Local Law 1 Section 35(3) a person must not make an audio or video recording of a local government meeting, a standing committee meeting, a special committee meeting or an advisory committee meeting unless the chairperson at the meeting gives consent in writing to the recording of the meeting.

Further information may be found on Council's website at www.townsville.qld.gov.au.

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.

PUBLIC MINUTES

	Page
Officers' Reports	
Infrastructure and Operations	
1	Infrastructure Planning, Assets & Fleet - Flood Improvements to Laura Court, Deeragun 10357
Planning and Community Engagement	
2	Planning Services - Land Use and Urban Design - Adoption of Major Amendment at Burdell - Amendment Package 2017/04 10357
3	Planning Services - Land Use and Urban Design - City Image Advisory Committee Minutes 24 September 2018 10358
4	Planning Services - Land Use and Urban Design - Heritage Advisory Committee Meeting Minutes 16 October 2018 10358
5	Planning Services - Material Change of Use MCU 18/0055 - Funeral Parlour and Mortuary 10359
6	Planning Services - Material Change of Use MCU18/0094 - Renewable Energy Facility - Solar Farm Associated with RAL18/0077 & OPW18/0094 10367
7	Planning Services - Willows Presbyterian Church - MCU18/0098 - Material Change of Use for Expansion to an Existing Place of Worship - Administration and Hall Building 10387
8	Community Engagement - Lease Renewal - Townsville District Bowhunters Inc 10395
9	Community Engagement - Regional Arts Development Fund (RADF) Recommended Grants - RADF Grant Round 1 - 2018/2019 10396
10	2019 Taiwan Smart Cities Summit and Expo - 26 to 29 March 2019 10396
Business Services	
11	Finance Service - Budget Variance Report - November 2018 10397
12	Finance Services - Treasury Report - November 2018 10397
13	Finance Services - Audit Committee 10398
Confidential Items	
14	CONFIDENTIAL REPORT - Infrastructure Planning, Assets & Fleet - TCW00285 Stuart Waste Facility Cell 2C Interface Liner 10399
15	CONFIDENTIAL REPORT - Infrastructure Planning Assets and Fleet - Aitkenvale - St John Ambulance 10399
16	CONFIDENTIAL REPORT - Townsville Water and Waste - Water Smart Package 10400
17	CONFIDENTIAL REPORT - Townsville Water and Waste - Proposed Acquisition of Easement within Property at (i) Lot 95 on SP143120 (Owens/Turner) and (ii) Lot 1 on SP105681 (Meehan) 10400
18	CONFIDENTIAL REPORT - Procurement - Annual Sole Source Review - Part 1 10403
19	CONFIDENTIAL REPORT - Procurement - Annual Sole Source Review - Part 1A 10406

General Business

- | | | |
|-------|-------------------------------|-------|
| (i) | Get Active Expo | 10407 |
| (ii) | Chinese New Year Celebrations | 10407 |
| (iii) | Cemetery Program | 10407 |

REPORT	COUNCIL MEETING
DATE	Tuesday 22 January 2019 at 1.00pm
ITEMS	1 TO 19
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 Councillor L Walker

Opening of meeting and announcement of visitors

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

Acknowledgement to country

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

Prayer

Reverend Barry Cox of the Uniting Church delivered the opening prayer.

Apologies and leave of absence

There were no apologies noted.

Requests for leave of absence

Councillor M Soars requested leave of absence for the period 13 to 17 February 2019.

Council Decision

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

"that Council approve the request for leave of absence from Councillor M Soars for the period 13 to 17 February 2019."

CARRIED UNANIMOUSLY

Confirmation of minutes of previous meeting

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

"that the minutes of the Ordinary Council meeting of 11 December 2018 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of interests

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. There were no questions raised by Councillors.

- (i) Material personal interest – Items 18 and 19 – Councillor M Ryder – Councillor Ryder is the sole director of the company Madmaggies Outback promotions, where part of her business is to provide marketing and sponsorship requests to clients. Councillor Ryder has numerous clients on the sole supplier list, therefore she stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of these matters.
- (ii) Material personal interest – Item 18 – Councillor K Rehbein – Councillor Rehbein is an employee of the Queensland Fire and Emergency Services.
- (iii) Perceived conflict of interest – Item 18 – Councillor K Rehbein – Councillor Rehbein is a past employee of Playland Constructions.
- (iv) Perceived conflict of interest - Item 18 - Councillor L Walker - Councillor Walker and family members have shares in Telstra Corporation which is not a controlling interest.
- (v) Perceived conflict of interest – Item 19 – Councillor C Doyle - A supplier of services on the list is a customer of Councillor Doyle's husband's business – Doyle Star Motors.
- (vi) Real conflict of interest - Item 19 - Councillor V Coombe - One of the proponents on the sole suppliers is a client of Councillor Coombe's business.
- (vii) Perceived conflict of interest - Item 18 - The Mayor, Councillor J Hill – Robert Solazzo, Councillor Hill's brother, is a Regional Marketing Director for one of the sole suppliers, Agilent.
- (viii) Perceived conflict of interest – Item 19 – Councillor M Soars - Councillor Soars serves on the AFL Townsville Board with Michael Jones, CEO of the Ville Resort – Casino. Councillor Soars does not have any relationship with Michael Jones outside this board.
- (ix) Perceived conflict of interest – Item 19 - Councillor M Soars — A Manager of Southern Cross Austereo, Shane Jurgens, is a committee member of one of the clubs that come under the control of AFL Townsville (Councillor Soars is the Director of AFL Townsville). Councillor Soars does not have any relationship with Shane Jurgens outside the administration of the code.

Correspondence

(i) **Roads to Recovery Program allocation 2019-20 to 2023-24**

The Mayor, Councillor J Hill tabled correspondence from Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, and the Hon Scott Buchholz MP, Assistant Minister for Roads and Transport in relation to the Roads to Recovery Program allocation 2019-20 to 2023-24. Councillor Hill advised that this correspondence is tabled for Councillors to view.

Petitions

There were no petitions.

Deputations

There were no deputations.

Notices of motion

There were no notices of motion.

Presentations

There were no presentations.

Mayoral Minute

(i) Public Transport and Main Roads

The Mayor, Councillor J Hill provided a Mayoral Minute on public transport and main roads.

“Today I rise to place on public record the difficulty it has been for Council to continue our agenda and deliver on promises we made to our community. Councillors, many of you have been with me or know of my meetings with staff from the Department of Transport and Main Roads. Issues ranging from traffic lights to road maintenance, from grass cutting and graffiti removal to having a useable bus transport system. Each and every day I receive emails, letters or phone calls about the state of our entry into the City, the problems around the lack of trees or gardens in our road verges, the lack of noise barriers around our major arterials, or the other perennial traffic lights coordination and synchronisation.

We, Councillors, committed to improving the place that is Townsville, our Townsville 2020 vision is about creating and building a community but we have hit roadblocks. The last straw for me as Mayor was the removal of trees from University Drive requested by Defence and approved by the Department without ever insisting on replacement foliage being planted. Our entry and exits from the City are barren, and now Council is being told by the Department to fully fund corridor landscaping, at least that has been the initial discussion.”

The Mayor, Councillor J Hill also highlighted the following concerns.

- In 2008 there was an intent from the Department to work with Council to ensure that in the new design for the Bruce Highway there would be adequate landscaping to the entry to our City, that the Ring Road would continue to get some sort of landscaping, however, that is not happening today.
- Council has been lobbying very hard around bus services. Councillor Ryder has been trying to get a bus service to Kalynda Chase, however, Council has received a letter advising that at this stage, due to contract negotiations, we are not going to see a bus service to Kalynda Chase; a growing suburb. This is when we need a bus service to occur so that people can step into a routine to use and have confidence in public transport.
- Councillor Hill advised that she would like to see our public transport go to an open tender and not be given back to Sunbus due to the standard of service and complaints I've received through my office.

Councillors L Walker, M Molachino, P Jacob and A Greaney spoke in support of the Mayor's comments and highlighted their concerns, and complaints received from residents, in relation to public transport and main roads.

Councillor P Jacob proposed that Council approach the State Government in getting a light rail system into the City.

The Mayor, Councillor J Hill noted Councillor Jacob's comments.

Councillor A Greaney noted safety concerns in regards to the service received from Sunbus.

Council Decision

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

- "1. that the Chief Executive Officer prepare a report on public transport to come back to Council; and
2. that an offer be made to the three State members and to the Minister of the Department Transport and Main Roads to work with Council in dealing with Townsville's issues in regards to main roads."

CARRIED UNANIMOUSLY

Officers' Reports

Infrastructure and Operations

1 Infrastructure Planning, Assets & Fleet - Flood Improvements to Laura Court, Deeragun

Executive Summary

Properties in Laura Court, Deeragun has been subject to flooding for many years and numerous flood studies have been undertaken to assess the Saunders Creek flood levels. Upgrades to the local stormwater system were undertaken as part of the Coles Development in 2014 to improve the flooding issues for these properties but the rain event that occurred on the 24th and 25th February 2018 demonstrated that flooding is still occurring to a number of properties in Laura Court.

This report outlines a flood study undertaken to review both the local stormwater system in conjunction with the Saunders Creek flood levels as well as assess and recommend mitigation options to address the flooding for properties in Laura Court.

Officer's Recommendation

1. That Council acknowledge the Laura Court Flood Assessment study.
2. That Council resolve to include Option 1, extending the underground stormwater system outlet at the end of Hank Street and realigning the outlet to align with the direction of flow in Saunders Creek, within the 18/19 Capital Works Program.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The Chief Executive Officer thanked Danny Lynch (Acting Director Infrastructure and Operations) and his team for their work on the above item.

Planning and Community Engagement

2 Planning Services - Land Use and Urban Design - Adoption of Major Amendment at Burdell - Amendment Package 2017/04

Executive Summary

At its meeting held on 28 August 2018, Council resolved to proceed and seek approval from the Minister to adopt a major amendment to the Townsville City Plan in relation to land parcels that are identified in the North Shore Plan of Development at Burdell. The amendment seeks to include an additional precinct and associated provisions over part of the North Shore (Burdell) master planned community that is included in the Emerging community zone, to be known as the Burdell precinct.

On 19 November 2018, the Minister provided formal correspondence to Council advising that the proposed major amendment may now be considered for adoption.

Officer's Recommendation

That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, Council resolve to adopt the *Planning Act 2016* aligned version of the proposed major amendment at Burdell (Amendment Package 2017/04).

Council Decision

It was MOVED by Councillor L Walker, SECONDED by Councillor P Jacob:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

3 Planning Services - Land Use and Urban Design - City Image Advisory Committee Minutes 24 September 2018

Executive Summary

Attached to the Report to Council are the minutes of Council's City Image Advisory Committee meeting held on 24 September 2018. The Heritage Advisory Committee was invited to attend the meeting, for the Queensland Government Architect's presentation.

Officer's Recommendation

That Council note the minutes of the City Image Advisory Committee meeting held on 24 September 2018.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor A Greaney advised that she would like to call on the State Government to play a key role in the design of affordable public housing and to work with local professionals in Townsville.

4 Planning Services - Land Use and Urban Design - Heritage Advisory Committee Meeting Minutes 16 October 2018

Executive Summary

The Heritage Advisory Committee met on 16 October 2018. Draft minutes from that meeting are attached to the Report to Council.

Officer's Recommendation

1. That Council note the minutes of the Heritage Advisory Committee meeting held on 16 October 2018.

2. That future honorees added to the Townsville City Council Pioneers Walk represent a cross-section of people from various walks of life who have contributed to the physical or social development of Townsville, and that they be deceased.
3. That Council install an interpretive sign regarding Castle Hill, to be located near the iron artwork chairs at the intersection of Kennedy Street and The Strand.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor K Rehbein spoke in support of Councillor Greaney's comments in regards to public housing (item 3) and noted a lack of a Heritage Assessment Officer located in Townsville. Councillor Rehbein highlighted the importance of both the management and the design and consideration of future buildings in Townsville.

5 Planning Services - Material Change of Use MCU 18/0055 - Funeral Parlour and Mortuary

Executive Summary

An application seeking a Development Permit for Material Change of Use for the commencement of a Funeral Parlour and Mortuary, on land described as 1 – 3 Railway Avenue, Railway Estate, has been lodged with Council. The subject site is located in the Low impact industry zone of the Townsville City Plan and is located adjacent to the Boundary Street/ Railway Avenue intersection.

The Funeral Parlour and Mortuary are proposed within an existing building which will require internal building works and also the construction of formal car parking facilities. The application initially included a crematorium using a gas fired cremator. However, as the application was not supported by the appropriate reports specifically in relation to air quality, this component of the proposal was withdrawn and a change application was submitted. Accordingly, the removal of the crematorium is a reduction in the intensity of the development and presents a far more appropriate development as it reduces the impacts and perceived impacts on the adjacent residential development.

An assessment against the relevant provisions of the Townsville City Plan concludes that the proposal can achieve the outcomes of the planning scheme. The proposal is consistent with the Low impact industry zone and has been supported by the Department of Transport and Mains as Railway Avenue is a state controlled road. The application is recommended for approval with reasonable and relevant conditions.

Officer's Recommendation

That Council approve application MCU18/0055 for a development approval for Funeral Parlour and Mortuary under the *Planning Act 2016* on land described as Lot 1 RP 739065, more particularly 1-3 Railway Avenue, Railway Estate subject to the following 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.	Revision Date
Site Plan	WD01	B	05/07/2018
Proposed Floor Plan	WD02	C	31/07/2018

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

Reason

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

Timing

During the operation and life of the development.

2. Building Materials

Condition

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

Reason

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

Timing

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

3. Property Numbering

Condition

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

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

Reason

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

Timing

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

4. Relocation of Services or facilities

Condition

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

Reason

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

Timing

Prior to the commencement of use.

5. Dust Management**Condition**

- a) A dust management plan must be submitted for approval by Council in relation to works associated with the construction of the car park.
- 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.

6. 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

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

7. 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

The existing water connection is to be maintained for the development.

8. 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.

9. 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.

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.

10. 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.

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.

11. Roadworks and Traffic

Condition

- a) The existing vehicle access at the location shown on the approved plans must be removed and replaced with new kerb and channel. Where applicable the existing footpath must be reinstated in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- b) A 1.5 metre wide concrete footpath must be constructed along the railway Avenue Frontage in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.

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.

12. 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 twenty (26) 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.

13. Screen Fencing**Condition**

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

Reason

To address amenity and Crime Prevention through Environmental Design principles.

Timing

Details of the fencing are to be submitted to Council as part of the certificate of compliance and to be maintained for the life of the development.

14. 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.

15. Hours of Operation

Condition

Funeral services must not commence prior to 10.00am and must conclude by 3.30pm Monday to Friday inclusive.

The use is not to operate on weekends or Public Holidays.

Reason

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

Timing

At all times following the commencement of the use.

16. 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.

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 5 – Dust Management
 Condition 9 – Stormwater Drainage
 Condition 10 – Stormwater Quality Management
 Condition 11 – Roadworks and Traffic
 Condition 12 – Car parking
 Condition 14 – Landscaping
 Condition 16 – Signage

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 6 – Sewerage Reticulation
 Condition 13 – Screen Fencing

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 Development Application for a Compliance Permit.

Condition 2 – Building Materials

Condition 3 – Property Numbering

5. 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.

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. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

10. 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.

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, 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.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

6 Planning Services - Material Change of Use MCU18/0094 - Renewable Energy Facility - Solar Farm Associated with RAL18/0077 & OPW18/0094

Executive Summary

A combined application has been lodged for a Material Change of Use (Impact), Reconfiguring a Lot (Code), and Operational Works (Code) for a Renewable Energy Facility. This includes a 40 Year term lease and vegetation clearing over land located at 42272 Bruce Highway, Bluewater. The proposed development is for a solar farm over a leased area of 273 hectares that will generate up to 100MW of electricity. The proposal is anticipated to have a forty (40) year operational lifespan, and subsequently the term of the lease is to reflect this. The application has been assessed under the Townsville City Plan, whereby the subject site is designated as being within the Grazing Precinct of the Rural Zone. A Renewable Energy Facility within this zone is Impact Assessable against the planning scheme.

The application was publicly notified from 31 October 2018 to 22 November 2018. During this period, the application received one properly made submission against the proposed development. The submission listed the following grounds for objecting to the development:

- the proposal is not consistent with the provisions of the planning scheme,
- the subject land is not well suited to the proposed use,

- the proposal will result in amenity impacts; and
- the proposal will cause traffic impacts.

In addition to the one properly made submission, there was one objection letter sent directly to the applicant outside the statutory notification period. The letter was from the neighbouring land owner of 34 Setter Road, Bluewater, and raised concerns regarding perceived health risks from radiation, impacts on amenity, and inconsistency with the rural character of the area.

In response to these concerns, it is noted that the assessment of the proposal against the planning scheme has identified that it is consistent with the outcomes sought. In particular, the subject rural lot is considered to be a suitable location, as the proposed solar farm has a direct nexus with the natural environment and cannot be better located within an urban area. The use is not detrimental to the surrounding rural uses, and is to contain a 20 metre wide vegetation buffer along the site's road frontages to reduce views to the solar panels and visual amenity concerns. Further, the applicant has provided a Traffic Impact Assessment, demonstrating that the development maintains the safety, function and efficiency of the transport network in accordance with the relevant codes. In regard to perceived health risks from radiation, it is highlighted that the facility will be constructed in accordance with applicable Australian Standards. Moreover, the invertors used on site must be built to the appropriate electrical standards to minimise any risk to people and property.

Having regard to the provisions of the Townsville City Plan, and other relevant policies, the development is considered to achieve an acceptable outcome for the rural area, and accordingly it is recommended that Council approve the application subject to conditions.

Officer's Recommendation

That Council approve application MCU18/0094 for a development approval for a Material Change of Use, Reconfiguring a Lot, and Operational Works under the *Planning Act 2016* on land described as Lot 2 RP 742572, more particularly 42272 Bruce Highway, Bluewater subject to the following conditions:

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE (IMPACT) RENEWABLE ENERGY 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	Drawing No.	Revision No.	Plan Date
Project Layout Plan	0464875b_BWSF_G004_R2.mxd	-	04/10/2018
Metes & Bounds Plan of Subdivision	0464875b_BWSF_M&B_G001_RO.mxd	-	04/10/2018
Associated Reports			
<i>Glare Assessment Report, prepared by ERM, dated 10 August 2018, reference 0464875, as amended in red by SARA on 22 November 2018</i>			
<i>Bluewater Solar Farm Ecological Assessment Bruce Highway Townsville, prepared by ERM, dated August 2018, reference 0464875</i>			
<i>Proposed Bluewater Solar Farm Amended Traffic Impact Assessment Report, prepared by Cambray Consulting, dated 30 October 2018</i>			
<i>Site Based Stormwater Management Plan, prepared by ACOR Consultants (QLD) Pty Ltd, dated 13 August 2018, reference BR180196, as amended in red by SARA on 22 November 2018 (In concept only)</i>			

- 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 developer must implement the recommendations outlined in the above reports/s 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. Land Tenure

Condition

The development must have the reconfiguration approval registered by plan of survey including the lease requirements.

Reason

To ensure that the development proceed appropriately in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of construction unless varied by Council.

3. Decommissioning of Development**Condition**

- a) At the end of the operational lifespan of the development (40 years from commencement), the developer must decommission the use on the site and return the site to a rehabilitated rural state.
- b) A Decommissioning Plan prepared and certified by a suitably qualified person is required to be submitted to and be approved by Council as part of Compliance Assessment. The plan must include but is not limited to:
 - Identification of structures, including but not limited to all solar panels, the substation, the control and facility building and electrical infrastructure, including underground infrastructure to be removed, except where the substation, control room or overhead electricity lines are transferred to or in control of the local electricity network operator.
 - Measures to reduce impacts of the development on the environment and surrounding land uses.
 - Details of how the land will be rehabilitated back to its predevelopment condition, including slope and soil profile.

Reason

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

Timing

- a) The site must be decommissioned within 40 years of the commencement of the use, or after 12 months of the ceasing of the use/ operation, whichever occurs first.
- b) A Decommissioning Plan is to be submitted and assessed as part of an application for a Certificate of Compliance, and is to be implemented within 40 years of the commencement of the use, or after 12 months of the ceasing of the use/operation. The developer must submit to Council an updated Decommissioning and Rehabilitation Management Plan prepared and certified by a suitably qualified person at least 12 months prior to the decommissioning of the use.

4. Property Numbering**Condition**

Legible property numbers must be erected at the premises and must be maintained to the satisfaction of the Council.

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

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

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

Reason

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

Timing

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

6. On-site Sewerage Disposal

Condition

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

Note: On site sewerage 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 the issuing of a Hydraulics permit and prior to the development achieving final completion.

7. On-site Water Supply

Condition

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

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

8. Electricity and Telecommunication

Condition

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

Reason

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

Timing

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

9. Stormwater Drainage**Condition**

The Development 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. Development must not also adversely interfere with the existing hydrological regime of the adjoining properties or catchments.

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

Reason

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

Timing

To be submitted to Council as part of an application for Certificate of Compliance and to be maintained for the life of the development.

10. Car Parking and Internal Access**Condition**

- a) All car parking facilities and internal driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of 4 permanent 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) Solar farm access tracks must be constructed of compacted gravel to a suitable standard to sustain all construction and future maintenance traffic requirements. Pavement must be wide enough to allow two vehicles to safely pass or with provision made for localized widening. Where necessary culverts or suitable erosion protection measures must be made for stormwater drainage.

Reason

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

Timing

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

11. Vehicle Access

Condition

- a) The access driveway and crossover must be constructed from Setter Road to the property boundary in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan.
- b) During the construction phase, any damages to the road reserve must be replaced in accordance with Council's standards.

Reason

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

Timing

During the construction phase of the development.

12. Traffic Management Plan

Condition

The developer must provide a Traffic Management Plan prepared and certified by suitably qualified person. The Traffic Management Plan must include, but is not limited to, the provision of the following information:

- Details of how the construction of the project will be managed considering proximity of local and regional roads.
- Details of traffic routes for heavy vehicles, including any necessary route or timing restrictions for oversized loads.
- Details of how any potential safety hazards resulting from increased vehicle movements on Setter Road will be mitigated during the construction phase.
- Access both on and off site must be addressed.

Reason

To ensure that the development causes minimal disturbance to Council controlled road in accordance with relevant code/s and policy direction.

Timing

Prior to commencement of construction.

13. Landscaping

Condition

A Landscape Design Plan is required to be submitted to and be approved by Council.

A Landscape Design Plan must be prepared in accordance with Part 9.4.3 Landscape code, and include the following features;

- a) A 20 metre wide landscape buffer must be provided along the entirety of the Setter Road frontage. The first three (3) metres of the 20 metre wide buffer must include a variety of shrubs and low to medium height canopy trees layered to service the design intent of reducing views to the solar panels.
- b) Details of the plant species to be used, including the height and spread of plants at maturity and their suitability in terms of appropriateness for local conditions, plant numbers, and planting patterns.
- c) Details of site and soil preparation, and methods of planting, establishment, and maintenance including watering.

- d) A commitment to reinforcement planting for existing senescent vegetation likely to die within the project lifespan.

Note: - 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.

Reason

To ensure effective screening of the facility from the Setter road frontage.

Timing

To be submitted and assessed as part of an application for Operational Work, and to be maintained at all times following the commencement of the use.

14. 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 storm tide 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.

15. Soil Erosion Minimisation and Sediment Control

Condition

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

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

Reason

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

Timing

Soil Erosion Minimisation and Sediment Control Plans (SEMSC) to be submitted to Council for approval as part of an application for Certificate of Compliance and control measures to be maintained during the construction phase of the development.

16. Vegetation Disposal

Condition

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

Reason

Vegetation to be disposed of in an environmentally responsible manner in accordance with SC6.4 Development manual planning scheme policy - 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.

17. Refuse Facilities**Condition**

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Works Code and in particular:

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

Reason

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

Timing

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

18. Access Dust Control and Mitigation**Condition**

- a) All internal access roads must be suitably treated to ensure that there is no dust nuisance experienced by other properties.
- b) The developer must implement adequate measures to control dust within Setter Road from Bruce Highway/Setter Road intersection to the proposed access to the development site.

Reason

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

Timing

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

19. Fire Fighting**Condition**

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

20. Bushfire Management

Condition

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

Reason

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

Timing

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

21. Road Pavement

Condition

- a) The developer must undertake a dilapidation audit of the existing Council road network of Setter Road (bounded by the intersection of the Bruce Highway and Setter Road and the entrance to the lease area for the Renewable Energy Facility).
- b) The developer must undertake a second dilapidation audit of the road sections addressed in the pre-construction report above. This audit must clearly quantify any damage that has been caused as a result of this construction traffic. Any damage created by this development must be rectified (by roadworks) unless otherwise agreed by Council.

Reason

To ensure that the proposed development does not create excessive impacts on the road network.

Timing

- a) To be submitted to Council as part of an application for a Certificate of Compliance prior to the commencement of construction.
- b) Prior to the commencement of the use.

22. Lighting

Condition

Lighting must be provided in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.20 Public lighting and utility services of the Townsville City Plan.

Reason

For public safety and enhancement of public amenity.

Timing

To be maintained for the life of development.

23. Safety Fencing

Condition

- a) The developer must provide appropriate fencing surrounding the development boundaries, to ensure safety of people, vehicles and livestock in the vicinity of the site; and
- b) Appropriate signage must be installed at access points adjacent to public roadways advising that no public access is permitted (e.g. 'Private Property – No Access, Authorised Persons Only').

Reason

To address amenity, safety and Crime Prevention through Environmental Design principles.

Timing

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

24. Dust Management Plan**Condition**

- a) A Dust Management Plan prepared by a suitably qualified person, must be provided which details how dust will be managed throughout the construction and life of the project.
- b) The plan must include, but is not limited to, the following:
- A clearing strategy must be provided to demonstrate that the dust generated from clearing will be managed appropriately to avoid adverse impacts on nearby sensitive receptors.
 - Details of how all internal access roads are to be suitably treated to ensure that there is no dust nuisance experienced by other properties.
 - Adequate measures to control dust within Setter Road from Bruce Highway/Setter Road intersection to the proposed access of the development site.

Reason

To ensure that works are undertaken in a manner which does not cause unacceptable impacts on surrounding areas as a result of dust.

Timing

To be submitted to Council as part of an application for Certificate of Compliance prior to the commencement of any site works and maintained for the life of the development.

25. Detailed Plans**Condition**

Detailed Plans of the final layout of the development, including siting of solar panels and ancillary infrastructure, must be provided to Council.

Reason

To ensure that the layout of the development maintains community health, safety and amenity, whilst avoiding or minimising impacts on the natural environment.

Timing

To be submitted to Council as part of an application for Certificate of Compliance prior to the commencement of any site works.

26. Construction Environmental Management Plan**Condition**

- (a) An Environmental Management Plan prepared by a suitably qualified person must be provided, which details how potential impacts on the environment will be managed during the construction and operation of the development. The Environmental Management Plan must include, but is not limited to, the following details for the construction phase of the development:
- A description of all relevant activities to be undertaken on the site during construction including any staging for bulk earthworks.
 - Details of construction methods for all facets of the development and mitigation, monitoring, management and rehabilitation measures specific to the site.

- Statutory and other obligations that the applicant is required to fulfil during construction including approvals, consultation and agreements from other authorities and stakeholders.
- Details of environmental monitoring and performance.

(b) The mitigation measures stated within section 4.2 of the Ecological Assessment prepared by ERM, dated August 2018, must be included in the plan.

Reason

To ensure development avoids or minimises direct and indirect impacts on areas of environmental significance and their associated ecological functions and biophysical processes.

Timing

To be submitted to Council as part of an application for a Certificate of Compliance prior to the commencement of site works, and maintained for the life of the development.

27. Noise Management

Condition

A Noise Management Plan must be submitted to Council for approval demonstrating that the use does not cause a nuisance to nearby sensitive receptors.

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* Section 440.

Timing

Technical details are to be submitted to Council as part of an application for Certificate of Compliance.

Referral Agency Conditions

1. 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

2. Concurrence Agency Conditions – Powerlink Queensland

Pursuant to Section 56 of the *Planning Act 2016*, Powerlink Queensland 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. At no time will development permit conditions override any level of water restrictions in force;
- 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) Under such circumstances, bonding of landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. The use of "bonded fibre matrix" type hydro-mulch products or other suitable methods to stabilise disturbed sites can be carried out as alternatives to demonstrate compliance with water restrictions; and
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer.

3. Storage of Materials and Machinery

Condition

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

4. Specifications and Drawings

Condition

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

5. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

6. 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 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.

7. Lighting

Condition

Lighting must not cause a nuisance – Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting (or the current applicable standard) must be used as a guide. The activity must not exceed the acoustic quality objectives under Schedule 1 of the Environmental Protection (Noise) Policy 2008.

8. 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.

9. Further Approvals Required

Condition

a) Certificate of Compliance

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

Condition 3 – Decommissioning of Development
Condition 7 – On-site Water Supply
Condition 9 – Stormwater Drainage
Condition 10 – Car Parking and Internal Access
Condition 15 – Soil Erosion Minimisation and Sediment Control
Condition 20 – Bushfire Management
Condition 21 – Road Pavement
Condition 24 – Dust Management Plan
Condition 25 – Detailed Plans
Condition 26 – Construction Environmental Management Plan
Condition 27 – Noise Management

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

b) Plumbing and Drainage Works

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

c) 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 13 – 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.

d) Building Works

The developer must obtain a Development Permit for Building Works to carry out building works prior to works commencing on site.

10. 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.

SCHEDULE OF CONDITIONS

**RECONFIGURATION OF A LOT (CODE)
40 YEAR TERM LEASE**

RECONFIGURATION OF A LOT CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

- d) 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 Date
Project Layout Plan	0464875b_BWSF_G004_R2.mxd	-	04/10/2018
Metes & Bounds Plan of Subdivision	0464875b_BWSF_M&B_G001_RO.mxd	-	04/10/2018

- e) 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.
- f) The developer must implement the recommendations outlined in the above reports/s 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. Lease Period

Condition

The lease must cease at the end of the lease period.

Reason

To ensure the lease period is restricted appropriately.

Timing

The lease period must cease 40 years from the registration date of the Plan of Survey, unless otherwise agreed by Council.

3. Confirmation of Existing Services

Condition

The existing services for each lot must be contained within the individual allotments.

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.

4. 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.

5. Electricity and Telecommunications

Condition

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

Reason

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

Timing

Installation to be achieved prior to the development achieving "On Maintenance". Where installation cannot be achieved, confirmation that supply can be provided must be obtained from the supplier.

6. Property Numbering

Condition

Legible property numbers must be erected at the premises and must be maintained to the satisfaction of the Council.

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

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. On-Site Water Supply

Condition

The development must provide adequate on-site private water supply for both domestic and firefighting purposes in accordance with Part 9.3.4 Reconfiguring a lot code, Part 8.2.2 Bushfire hazard overlay code and Part 9.3.6 Works code of the Townsville City Plan.

Reason

To ensure that the development is appropriately serviced in accordance with relevant code/s and policy direction.

Timing

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

8. On-site Sewage Disposal

Condition

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

All private sanitary drainage and water supply works which require Council's permit and private stormwater drainage works must be carried out in strict accordance with AS/NZS 3500, *Plumbing and Drainage Act 2002* and *Plumbing and Drainage Regulations* to the complete satisfaction of the Plumbing and Drainage Inspector.

Note: Under the Plumbing and Drainage Act 2002, an application must be lodged with the Hydraulic Certification Unit, Townsville City Council before any building work or installation of an on-site treatment plant 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. 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.

Reason

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

Timing

To be maintained for the life of development

10. Minimum Lot Levels

Condition

Development proposed within flood hazard area must provide immunity to 1% AEP flood level.

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

If necessary, technical details are to be submitted to Council as part of an application for Operational Work.

11. Access

Condition

A new driveway crossover and access driveway for proposed 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

Prior to the signing of the Plan of Survey, or otherwise agreed by Council.

12. Soil Erosion Minimisation, Sediment Control

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

To be maintained during the construction phase.

Referral Agency Conditions

1. 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

2. Concurrence Agency Conditions – Powerlink Queensland

Pursuant to Section 56 of the *Planning Act 2016*, Powerlink Queensland 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. 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).

2. 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 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 –Minimum Lot Levels

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.

c) **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 7 – On-site Water Supply

d) 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.

3. 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 a mapping amendment until the 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.

4. 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.

5. Specifications and Drawings

Condition

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

6. 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 indemnify and save the Council harmless in respect of any claim so arising.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

7 Planning Services - Willows Presbyterian Church - MCU18/0098 - Material Change of Use for Expansion to an Existing Place of Worship - Administration and Hall Building

Executive Summary

The development seeks a Material Change of Use for an expansion to an existing Place of Worship (Administration and Hall Building) at 26 Carthew Street, Thuringowa Central, more specifically Lot 80 on SP 305755. The subject site is split-zoned between the Low Density Residential Zone and the Medium Density Residential Zone, and is affected by the Flood Hazard Overlay, Healthy Waters Code, Landscape Code, the Transport Impact, Access and Parking Code and the Works Code.

The development proposes an expansion to the existing operations of the Willows Presbyterian Church, in which a Material Change of Use will encompass new building work in the form of an administration and hall building to be located towards the North of the existing church. The primary use of the new building will be to accommodate a youth group program currently being held in the existing church. The youth group will utilise the new hall each Friday between the hours of 6:30pm-8:30pm. The existing administration team of staff will also reside within the new hall during Monday to Friday, between the hours of 9:00am and 5:00pm.

The application is impact assessable and therefore required public notification. The application received 5 submissions objecting to the proposed development. The key grounds for objection were based on:

- loss to amenity and lifestyle,
- transport impacts,
- out of character – Low Density Residential zone (scale and form),
- better placement of the proposal – Medium density residential zone,
- proposal does not support community,
- business dealings – Home based business and sales office,
- operation of church not clear,
- safety; and
- unsuitable design of administration and hall building.

The proposed development generally complies with the provisions of the Townsville City Plan. While the proposal does not meet all of the Assessment Benchmarks as prescribed by the Townsville City Plan, it is considered that the approval can be reasonably conditioned.

Officer's Recommendation

That Council approve application MCU18/0098 for the Impact Assessable Material Change of use for expansion to an existing Place of Worship – Administration and Hall Building under the *Planning Act 2016* on land described as Lot 80 SP 305755, more particularly 26 Carthew Street, Thuringowa Central subject to the following conditions:

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE

Extension to Place of Worship – Administration and Hall Building

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/Revision Date
Site Location	MCU	A	09/08/18
Floor Plan	S2	B	11/08/18
Elevations	S3	B	28/06/11

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

Reason

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

Timing

During the operation and life of the development.

2. Building Materials

Condition

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

Reason

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

Timing

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

3. Property Numbering

Condition

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

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

Reason

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

Timing

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

4. Relocation of Services or facilities

Condition

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

Reason

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

Timing

Prior to the commencement of use.

5. Water Supply

Condition

The development must connect to Council's water reticulation 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

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

6. Sewer Connection

Condition

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

Reason

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

Timing

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

7. 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.

8. 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.

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.

9. Screen Fencing**Condition**

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

Reason

To address amenity and Crime Prevention through Environmental Design principles.

Timing

Details of the fencing are to be submitted to Council as part of the certificate of compliance and to be maintained for the life of the development

10. 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.

11. 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.

12. 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.

13. Hours of Operation

Condition

a) Unless otherwise approved by Council, the activities associated with the use of the hall must only be conducted between 9am to 5pm Monday to Thursday, and Friday between 9.00am to 8:30pm. No activities are permitted on Saturday and Sunday.

b) The use of the hall building after 5.00pm on a Friday must not be operated concurrently with the operations of the existing church.

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.

14. 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.

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.

15. 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.

16. Noise Management

Condition

- a) A Noise Management Plan must be submitted to Council for approval by an appropriately qualified person. The noise management plan must demonstrate that all noise sources (including amplified music) can comply with the Environmental Protection Act in relation to nearby noise sensitive places.
- b) The building must include appropriate acoustic treatments to ensure there is no noise nuisance to nearby noise sensitive places. The acoustic treatment and internal design of the building (including recommendations) must be considered in the Noise Management Plan.
- c) Amplified music must not occur after 5:30pm between Monday and Thursday and after 8:30pm on Friday evenings and must comply with the Noise Management Plan.

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

Technical details are to be submitted to Council as part of an application for Certificate of Compliance and the noise management plan must be approved by Council (including carrying out any acoustic treatments to the building) prior to the issuing of the final building certificate of classification.

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 8 – Stormwater Drainage

Condition 14 - 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) **Plumbing and Drainage Works**

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

c) **Building Works**

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

d) **Road Works Permit**

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

e) **Operational 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 Development Application for a Compliance Permit.

Condition 9 – Screen fencing

Condition 12 – Landscaping

Condition 13 – Hours of operation

Condition 16 – Noise Management

5. Storage of Materials and Machinery

Condition

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

6. Building Over/Adjacent to Services

Condition

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

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. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

Council Decision

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

"that the officer's recommendation be adopted subject to the following amended conditions:

13. Hours of Operation

Condition

a) Unless otherwise approved by Council, the activities associated with the use of the hall must only be conducted between 9am to 5pm Monday to Thursday, and Friday between 9.00am to 8:30pm and 8.00am to 12.00 noon Sunday for Sunday School activities. No activities are permitted on Saturday.

b) The use of the hall building after 5.00pm on a Friday must not be operated concurrently with the operations of the existing church.

16. Noise Management

Condition

a) A Noise Management Plan must be submitted to Council for approval by an appropriately qualified person. The noise management plan must demonstrate that all noise sources (including amplified music) can comply with the Environmental Protection Act in relation to nearby noise sensitive places.

b) The building must include appropriate acoustic treatments to ensure there is no noise nuisance to nearby noise sensitive places. The acoustic treatment and internal design of the building (including recommendations) must be considered in the Noise Management Plan.

- c) Amplified music must not occur after 5:30pm between Monday and Thursday, after 8:30pm on Friday evenings, after 12.00 noon Sunday and must comply with the Noise Management Plan. Amplified music must not occur on Saturday."

CARRIED UNANIMOUSLY

8 Community Engagement - Lease Renewal - Townsville District Bowhunters Inc

Executive Summary

Townsville District Bowhunters is seeking to renew their lease over part of Lot 46 Crown Plan R926 EP2176/46; Townsville City Council is the Trustee over the land.

The club has been operating at this location for forty-seven years; they currently have a lease (due to expire on 9 April 2019) and a Licence to Occupy agreement with Council.

The lease documentation offered to the club will included a peppercorn lease rate; however, the lease will included 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.

The club has a substantial amount of buildings within the lease area that are integral to the club providing the essential services to its members.

Officer's Recommendation

1. That Council approve the renewal of Townsville District Bowhunters Inc lease over the parcel of land located on Bowhunters Road, Condon (part of Lot 46 Crown Plan EP2176/46) for a period of ten years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That Council resolve that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation.*
3. That the lease provide for the Association to be responsible for the following:
 - Maintenance, Repair, Replacement of:
 - a) Structural (Clause 6.1a)
 - b) Services/pipes/conduits (Claus 6.1 b)
 - c) Painting (Clause 6.3)
 - d) Minor maintenance (Clause 6.6)

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

9 Community Engagement - Regional Arts Development Fund (RADF) Recommended Grants - RADF Grant Round 1 - 2018/2019

Executive Summary

The first grant round of the 2018/2019 Regional Arts Development Fund (RADF) closed on 19 October 2018. The RADF Committee has assessed the applications received against the RADF Program Guidelines and eligibility requirements. The assessment outcome funding recommendations are presented for Council approval.

A total of \$90,000 is available for RADF grants in the 2018/19 financial year. This funding represents a joint arrangement between Arts Queensland and Townsville City Council as set out in the Regional Arts Development Fund 2018-2019 Funding Agreement.

There are two (2) RADF Grant funding rounds in the 2018/2019 financial year and \$45,000 was allocated for expenditure in this round.

The value of recommended grant funding for this round totals \$27,311.47. Unallocated funding from round 1 will be made available in RADF Grant Round 2 – 2018/2019.

Officer's Recommendation

That Council approve the grants as recommended by the Regional Arts Development Fund Committee as outlined in Table 1 in the Report to Council.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor M Ryder acknowledged the high calibre of applications received for RADF this round and urged all unsuccessful applicants to reapply.

10 2019 Taiwan Smart Cities Summit and Expo - 26 to 29 March 2019

Executive Summary

The Mayor, Councillor J Hill, has received an invitation from the Taipei Computer Association to attend the 2019 Smart City Summit & Expo in Taipei, Taiwan from 26 to 29 March 2019. This invitation is for the Mayor or her delegate.

The Taipei Computer Association will provide a complimentary delegate package to reimburse the round-trip Premium Economy airfare and provide 4 nights hotel accommodation for the Mayor and airfare for up to 5 accompanying delegates.

Officer's Recommendation

1. That Council approve the attendance of the Mayor, Councillor J Hill, or delegate to attend the 2019 Smart City Summit and Expo in Taipei from 26 to 29 March 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 delegate to allow attendance at the Smart City summit and Expo in Taipei from 26 to 29 March 2019.

Council Decision

It was MOVED by Councillor L Walker, SECONDED by Councillor K Rehbein:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Business Services

11 Finance Service - Budget Variance Report - November 2018

Executive Summary

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

Officer's Recommendation

That Council note the financial report for November 2018 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

12 Finance Services - Treasury Report - November 2018

Executive Summary

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

Officer's Recommendation

That Council note the treasury report for November 2018 and the information contained therein.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

13 Finance Services - Audit Committee

Executive Summary

Pursuant to Section 211.1(c) of the *Local Government Regulation 2012* the minutes of the Audit Committee meeting held on 22 November 2018 are attached to the Report to Council.

The final 2018 Management Report issued by Queensland Audit Office (QAO) was noted at the meeting on 22 November 2018. Pursuant to section 213.3 of the *Local Government Regulation 2012*, the document has been provided to Council for noting.

Officer's Recommendation

1. That Council receive the minutes of the Audit Committee meeting held on 22 November 2018.
2. That Council note the final 2018 Management Report issued by Queensland Audit Office.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The Chief Financial Officer recognised his Finance Team on producing first class financial statements for the Queensland Audit Office.

The Mayor, Councillor J Hill thanked the Chair of the Audit Committee, Geoff Habefeld, and staff for their work in regards to auditing of the organisation.

Confidential Items

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

"in relation to items 14 to 19, pursuant to Section 275 of the *Local Government Regulation 2012*, that this meeting be closed to the public so that Councillors can discuss:

- (e) contracts proposed to be made by Council; and
- (f) starting or defending legal proceeding involving it."

CARRIED UNANIMOUSLY

The Council discussed the items.

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

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

Confidential Items

14 CONFIDENTIAL REPORT - Infrastructure Planning, Assets & Fleet - TCW00285 Stuart Waste Facility Cell 2C Interface Liner

Executive Summary

Council operates the Stuart Landfill Facility. The need for an additional waste cell has been identified, as the currently operating cell (2B) will be reaching capacity within twelve months. Tenders were invited to provide submissions for the construction of the new cell 2C with the following scope:

- Prepare the area approximately 200m x 100m immediately north of the existing 2B cell
- Supply and install liners to the area
- Install pipework to connect to the existing leachate and gas systems on site

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 TCW00285 Stuart Waste Facility – 2C Interface Liner Project to Mendi Constructions Pty Ltd for the price of \$3,573,025.00 excluding GST.
3. That Council allocate \$1,930,000 in the budget 2019/20 for the completion of the installation of 2C Interface Liner at Stuart Landfill.
4. That Council delegate authority to the Chief Executive Officer or delegate to award variations up to the approved project budget provided the variations are for the completion of the work under the contract.
5. That Council delegate authority to the Chief Executive Officer or delegate to approve payment certificates under this contract.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

15 CONFIDENTIAL REPORT - Infrastructure Planning Assets and Fleet - Aitkenvale - St John Ambulance

Executive Summary

Council is the owner of land at 36 Fleming Street, Aitkenvale. St John Ambulance has been a tenant of the land since 1995 and has approached Council to purchase the land.

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 to negotiate the sale of land to St John Ambulance.

3. That Council resolve that section 236 (1)(b)(ii) of the *Local Government Regulation 2012* applies to the disposal of land to a community organisation.
4. That Council, under Section 257(1)(b) of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to negotiate with St John's Ambulance a mutually acceptable arrangement in regard to the sale of land.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

16 CONFIDENTIAL REPORT - Townsville Water and Waste - Water Smart Package

Executive Summary

At the Council meeting on 11 December 2018, Council agreed to delegate the awarding of contracts under TOW00124 – Water Smart Package Products and Services and TOW00125 – Water Smart Package Web Portal to the Chief Executive Officer in order to meet the timeframe for delivery of the Water Smart Package by the end of the first quarter 2019.

The tender evaluation and recommendation for award has now been completed and endorsed by the Chief Executive Officer. This report outlines the outcome of the tender processes for Council to note.

Officer's Recommendation

1. That the report/attachments 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 note the successful tenderers that have been selected under TOW00124 – Water Smart Package Products and Services and TOW00125 – Water Smart Package Web Portal.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

17 CONFIDENTIAL REPORT - Townsville Water and Waste - Proposed Acquisition of Easement within Property at (i) Lot 95 on SP143120 (Owens/Turner) and (ii) Lot 1 on SP105681 (Meehan)

Executive Summary

The Houghton Pipeline Duplication Project requires the construction of a new pump station at the Houghton Channel and construction of 36km of 1.8m diameter buried GRP pipeline that predominantly follows the existing pipeline from the Houghton Channel to the back of the Ross River Dam.

A Funding Deed was executed between the State of Queensland and Townsville City Council on 27 October, 2017.

The alignment of the pipeline has been located to reduce impact to land owners and where possible has been located within road reserve or directly adjacent the existing pipeline easement and predominantly within an existing Powerlink easement.

Consultation, negotiations and land access and easement agreements have been executed with three private land owners, Cox (Ch. 840m to 2600m), levers (Ch. 6400m to 10,700m) and Lyons (Ch. 12,750m to 17,400m) and negotiations remain unresolved with two private land owners, Owens / Turner (Ch. 2900m to 6400m) and Meehan (Ch. 10,700m to 12,750m).

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 compulsorily acquire an easement within Lot 95 on SP143120 (Owens/Turner) and an easement within Lot1 on SP105681 (Meehan) of sufficient width to enable the construction and maintenance of the new 1.8m diameter Haughton Pipeline and delegate to the Chief Executive Officer authority to effect that acquisition if necessary.
3. That Council resolve to issue Notices of Intention to resume land necessary for the construction and ongoing operation and maintenance of the new 1.8m diameter pipeline to the two land owners (Meehan and Owens/Turner) detailed above to commence the compulsory acquisition process.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 175C of the *Local Government Act 2009*, Councillor M Ryder declared a material personal interest in regards to item 18.

- (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;**
Councillor Ryder is the sole director of the company Madmaggies Outback promotions, where part of her business is to provide marketing and sponsorship requests to clients. Councillor Ryder has numerous clients on the sole supplier list, therefore she stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of these matters.
- (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 18.

In accordance with section 175C of the *Local Government Act 2009*, Councillor K Rehbein declared a material personal interest in regards to item 18.

- (a) the name of the councillor who has a material personal interest in the matter;**
Councillor K Rehbein.
- (b) the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;**
Councillor Rehbein is an employee of the Queensland Fire and Emergency Services.
- (c) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F.**
Councillor K Rehbein vacated the meeting for item 18.

In accordance with section 175E of the *Local Government Act 2009*, Councillor K Rehbein declared a perceived conflict of interest in regards to item 18.

- (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 past employee of Playland Constructions.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor K Rehbein vacated the meeting for item 18.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor K Rehbein vacated the meeting for item 18.
- (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*, Councillor L Walker declared a perceived conflict of interest in regards to item 18.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor L Walker.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor Walker and family members have shares in Telstra Corporation which is not a controlling interest.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor L Walker vacated the meeting for item 18.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor L Walker vacated the meeting for item 18.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor L Walker 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 declared a perceived conflict of interest in regards to item 18.

- (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.
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Robert Solazzo, Councillor Hill's brother, is a Regional Marketing Director for one of the sole suppliers, Agilent.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
The Mayor, Councillor J Hill vacated the meeting for item 18.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
The Mayor, Councillor J Hill vacated the meeting for item 18.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
The Mayor, Councillor J Hill 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.

Councillor R Cook assumed the position of Chair for discussion and voting on item 18.

18 CONFIDENTIAL REPORT - Procurement - Annual Sole Source Review - Part 1

Executive Summary

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

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

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

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

Officer's Recommendation

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

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 175C of the *Local Government Act 2009*, Councillor M Ryder declared a material personal interest in regards to item 19.

- (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;**
Councillor Ryder is the sole director of the company Madmaggies Outback promotions, where part of her business is to provide marketing and sponsorship requests to clients. Councillor Ryder has numerous clients on the sole supplier list, therefore she stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of these matters.
- (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 19.

In accordance with section 175E of the *Local Government Act 2009*, Councillor C Doyle declared a perceived conflict of interest in regards to item 19.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor C Doyle.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
A supplier of services on the list is a customer of Councillor Doyle's husband's business – Doyle Star Motors.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor C Doyle vacated the meeting for item 19.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor C Doyle vacated the meeting for item 19.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor C Doyle 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*, Councillor V Coombe declared a real conflict of interest in regards to item 19.

- (a) **the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor V Coombe.
- (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 proponents on the sole suppliers is a client of Councillor Coombe's business.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor V Coombe vacated the meeting for item 19.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor V Coombe vacated the meeting for item 19.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor V Coombe 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*, Councillor M Soars declared a perceived conflict of interest in regards to item 19.

- (a) **the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor M Soars.
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor Soars serves on the AFL Townsville Board with Michael Jones, CEO of the Ville Resort – Casino. Councillor Soars does not have any relationship with Michael Jones outside this board.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor M Soars vacated the meeting for item 19.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor M Soars vacated the meeting for item 19.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor M Soars 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*, Councillor M Soars declared a perceived conflict of interest in regards to item 19.

- (a) **the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor M Soars.
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
A Manager of Southern Cross Austereo, Shane Jurgens, is a committee member of one of the clubs that come under the control of AFL Townsville (Councillor Soars is the Director of AFL Townsville). Councillor Soars does not have any relationship with Shane Jurgens outside the administration of the code.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor M Soars vacated the meeting for item 19.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor M Soars vacated the meeting for item 19.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor M Soars 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.

19 CONFIDENTIAL REPORT - Procurement - Annual Sole Source Review - Part 1A

Executive Summary

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

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

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

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

Officer's Recommendation

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

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

General Business

(i) Get Active Expo

Councillor L Walker thanked the team of staff that put together the Get Active Expo at the Townsville Stadium and acknowledged the exceptional work and professionalism of the staff.

Councillor M Soars concurred with Councillor Walker's comments and highlighted the importance of these activities for our community. Councillor Soars suggested that due to popularity, the expo be held twice a year.

Councillor V Coombe concurred with Councillor Soars' comments and advised that this is a great sign-on opportunity for winter sports and it would be great to see a sign-on opportunity for summer sports also.

(ii) Chinese New Year Celebrations

Councillor A Greaney advised that, as Chair of the Sister City Committee, she would like to recognise the Chinese new year celebrations that will be commencing on Saturday 2 February and advised that the event highlights how big Chinese new year celebrations are in the City.

(iii) Cemetery Program

Councillor C Doyle acknowledged the Townsville City Council Cemetery Program and advised that it has been recognised by Reconciliation Australia this year as one of the top five programs nationally in supporting reconciliation. Councillor Doyle acknowledged staff including Helene James (Community Programs Officer) for their phenomenal work.

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 3.10pm.

CONFIRMED this TWENTY-SIXTH day of FEBRUARY 2019

MAYOR

ACTING CHIEF EXECUTIVE OFFICER