



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 11 DECEMBER 2018 AT 1.02PM

Council Members >>

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

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

Corporate Plan >>

Goal 1 - A Prosperous City

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

Objectives that identify our strategic intent:

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

Goal 2 - A City for People

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

Objectives that identify our strategic intent:

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

Goal 3 - A Clean and Green City

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

Objectives that identify our strategic intent:

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

Goal 4 - A Simpler, Faster, Better Council

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

Objectives that identify our strategic intent:

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

ACKNOWLEDGEMENT OF COUNTRY

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

PUBLIC MINUTES

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REPORT	COUNCIL MEETING
DATE	Tuesday 11 December 2018 at 1.02pm
ITEMS	1 TO 37
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor P Jacob 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 1.02pm.

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 Jeff Coop of the Anglican Church delivered the opening prayer.

Apologies and requests for leave of absence

Council was advised of an apology for the meeting from Councillor M Molachino.

On behalf of Councillor M Molachino, Councillor V Coombe requested leave of absence for Councillor M Molachino for the period 2 to 20 January 2019;
Councillor V Coombe requested leave of absence for the period 2 to 20 January 2019;
Councillor A Greaney requested leave of absence for the period 2 to 20 January 2019;
Councillor R Cook requested leave of absence for the period 24 December 2018 to 18 January 2019;
Councillor P Jacob requested leave of absence for the period 24 December 2018 to 21 January 2019;
Councillor M Ryder requested leave of absence for the period 24 December 2018 to 6 January 2019;
Councillor C Doyle requested leave of absence for the period 12 December 2018 to 14 January 2019;
Councillor K Rehbein requested leave of absence for the period 20 December 2018 to 6 January 2019; and
the Mayor, Councillor J Hill requested leave of absence for the period 14 to 19 December 2018 and 24 to 30 December 2018.

Council Decision

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

- "1. that the apology from Councillor M Molachino be received and that for the purposes of Section 162(1)(e) of the *Local Government Act 2009*, Councillor M Molachino be granted leave of absence from this meeting;
2. that leave of absence be approved as follows:

Councillor M Molachino - 2 to 20 January 2019;
Councillor V Coombe - 2 to 20 January 2019;
Councillor A Greaney - 2 to 20 January 2019;
Councillor R Cook - 24 December 2018 to 18 January 2019;
Councillor P Jacob - 24 December 2018 to 21 January 2019;
Councillor M Ryder - 24 December 2018 to 6 January 2019;
Councillor C Doyle - 12 December 2018 to 14 January 2019;
Councillor K Rehbein - 20 December 2018 to 6 January 2019; and
The Mayor, Councillor J Hill - 14 to 19 December 2018 and 24 to 30 December 2018."

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 27 November 2018 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of interests

- (i) Perceived conflict of interest - Item 12 - Councillor M Soars - Councillor M Soars is President of AFL Townsville. AFL Umpires work with the League to control football games.
- (ii) Perceived conflict of interest - Item 30 - Councillor M Soars - Councillor M Soars is President of AFL Townsville. The Thuringowa Bulldogs AFLC is associated in the Townsville League and while Councillor Soars has no control over their business their success is of interest.
- (iii) Real conflict of interest - Item 29 - Councillor M Ryder - Councillor M Ryder's company, Madmaggies Outback Promotions, does work or has done work for interested parties within Code Valley.
- (iv) Real conflict of interest - Item 31 - Councillor M Ryder - Councillor M Ryder's companies that she is involved with, being Madmaggies Outback Promotions and Rydweld Pty Ltd, are currently clients of these businesses or have recently done work for them.
- (v) Material personal interest - Item 29 - Councillor C Doyle -
 - 1. Councillor C Doyle's husband and herself own a commercial property and business within the Flinders Street East precinct of the PDA;
 - 2. their sons own a business within this property;and as such they stand to gain a benefit or suffer a loss depending upon the Council decision.
- (vi) Material personal interest - Item 36 - Councillor C Doyle -
 - 1. Councillor C Doyle's husband and herself own a commercial property and business within in the Flinders Street East precinct of the PDA;
 - 2. their sons own a business within this property;and as such they stand to gain a benefit or suffer a loss depending upon the Council decision.
- (vii) Perceived conflict of interest- Item 31 - Councillor C Doyle - A supplier of services on the list is a customer of Councillor C Doyle's husband's business – Doyle Star Motors.
- (viii) Perceived conflict of interest- Item 31 - Councillor V Coombe - As one of the entities on the sole suppliers is a client of Councillor V Coombe's business.
- (ix) Perceived conflict of interest - Item 13 - Councillor K Rehbein - Councillor K Rehbein is a patron of the Canine Obedience Club.
- (x) Material personal interest - Item 31 - Councillor K Rehbein - Councillor K Rehbein still holds a position as an employee with one of the government departments listed and may gain work as a result of this contract.
- (xi) Perceived conflict of interest - Item 31 - Councillor L Walker - Councillor L Walker has a small number of shares in one of the telecommunication providers.
- (xii) Perceived conflict of interest - Item 18 - Councillor P Jacob - A member of Wilson Security was put onto the panel and Councillor Jacob accepted hospitality at the V8's from Wilson Security.
- (xiii) Perceived conflict of interest - Item 13 - The Mayor, Councillor J Hill - The Mayor, Councillor J Hill is a patron of the Canine Obedience Club.

- (xiv) Perceived conflict of interest - Item 25 - The Mayor, Councillor J Hill and Councillors A Greaney, M Ryder, P Jacob, C Doyle, R Cook, K Rehbein, V Coombe, L Walker and M Soars
1. as one of the tenderers is JMac, a whole owned subsidiary of BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website; and
 2. as one of the tenderers Gabrielli Constructions Pty Ltd had donated \$1,000.00 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.

The Mayor, Councillor J Hill noted that the approach now required under legislation for the Council to refer these matters under delegation to the Chief Executive Officer.

- (xv) Perceived conflict of interest - Item 31 - The Mayor, Councillor J Hill - One of the companies listed, Agilent, employs Councillor J Hill's brother in Victoria.
- (xvi) Perceived conflict of interest - Item 23 - Councillor M Ryder - Councillor M Ryder's company is a third party supplier to these auto groups.
- (xvii) Perceived conflict of interest - Item 24 - Councillor M Ryder - Councillor M Ryder's company is a third party supplier to these auto groups.

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.

Correspondence

There was no correspondence.

Petitions

There were no petitions.

Deputations

(i) Proposed Queensland Rail Heritage Museum

Jack Hutton outlined a proposal for a Queensland Rail Heritage Museum.

Council Decision

That the Chief Executive Officer designate a staff member to work with Mr Hutton's group to investigate what support Council can provide.

Notices of motion

There were no notices of motion.

Presentations

(i) We love our libraries

The Team Manager Libraries provided a presentation on 'We love our libraries' community survey results.

(ii) LGAQ Zero Waste Study Tour

The Team Manager Waste Services provided a presentation on the LGAQ (Local Government Association of Queensland) Zero Waste Study Tour which included information on the following:

- LGAQ position –Zero waste future;
- LGAQ tour overview;
- technology options;
 - non-thermal;
 - thermal;
- anaerobic digestion;
- conventional thermal treatment;
- thermal EfW process;
- community acceptance;
- impact of waste levy;
- waste fractions
- EfW planning process;
- priorities for success; and
- issues to consider.

(iii) Recycled Water Re-use Scheme update

The Program Director - Water Security provided a presentation on an update of the Recycled Water Re-use Scheme which included information on the following:

- 3-point water security solution – recycled water;
- objectives;
- overview of the five main elements of the project;
- map of the proposed pipe network;
- progress to date;
- project works in progress; and
- next steps.

The Chief Executive Officer thanked the officers for their continuous level of hard work with regards to the above presentation items.

The Mayor, Councillor J Hill thanked the presenters as well as the Chief Executive Officer for his comments.

Mayoral Minutes

(i) Festival 2018 and Northern Australian Festival of Arts in 2019

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

"This year as part of the 2018 Commonwealth Games celebration Townsville conducted the largest and most successful arts and culture event in the City's history, of course, Festival 2018. Held at Queens Gardens, Strand Park and, of course, Jezzine parklands. We hosted more than 170 concerts and performances with more than 800 hours of entertainment, workshops, over 700 performers, mostly locals, and nearly 100,000 people who attended during those few weeks for those world class events over the 12 days in April. I had committed to many of you because that event had worked so well that we would look to see what we can do into the next few years. Today I am very pleased to announce we will see a festival again. Delivering on our Council's commitment to create an annual arts and culture festival I am announcing today that in the month of July in 2019 we will see the birth of a festival celebrating the arts in a size and scale that will stamp Townsville's true place as an arts, culture and events capital of Northern Australia. The Northern Australian Festival of Arts will build upon our already strong cultural Winter season which features things such as the Australian Festival of Chamber Music, the Australian Concerto and Vocal Competition and, of course, the bi-annual Strand Ephemera by embracing all forms of performing and visual arts, literary events, a writers festival and a short film competition. Science and arts will collide and feature strongly in the festival with music, digital and electronic art forms showcased for the first time. Obviously one of the most popular things of Festival 2018 was the Spiegeltent which will return for an extended season in the Queens Gardens. This is a fantastic 100 year-old structure that will host national and international touring shows from Melbourne and Sydney as well as allowing local performers and produce shows from our local companies to be showcased in the Spiegel tent. It is Council's ambition to grow to include a fringe festival, the northern fringe, similar to the long established Adelaide fringe festival to provide independent artists of all forms opportunities to participate in fringe events held in venues such as our galleries, theatres, our cafes, pubs, laneways and even footpaths. The northern fringe, like Adelaide, will provide a marketing and brand umbrella over these registered and proved performances. The month of July 2019 will be showcased nationally as a time when this City will host, not only our traditional sporting and social events, but a month long season of arts, culture and science. Again, the likes that this City, this region and the north has never seen before. This festival will be not only for visitors but for locals to celebrate the rich cultural life that does exist in Northern Queensland, Northern Australia but most importantly right here in Townsville. I commend the Northern Australian Festival of Arts to you and to our community today and look forward to sharing some of the exciting programming announcements in the new year."

The Mayor, Councillor J Hill thanked the work of the staff for keeping this project alive during some negotiations.

(ii) Adele Young

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

"I want to take this opportunity to thank, on behalf of Council and our community, the former CEO Adele Young for the work done to reform Townsville City Council. As many of you know Adele has since resigned from her position. Reforming an organisation is a difficult task and it's no secret that Townsville City Council needed a major overhaul of its priorities and processes. In August of 2016 Adele Young was hired to do just that; to implement the reform process that we had gone to the community as part of our election commitments. The change that Ms Young created in this organisation's culture and focus is one that I think we can be very proud of. Through Ms Young's hard work and persistence the organisation is now in a position to deliver on the key commitments and policies we made to the community during the last election. We are well on the way to delivering such things as our long term water security for our community by building stage one of the Haughton pipeline duplication and we have bipartisan commitment to fully federally fund stage two.

Ladies and gentlemen we have been able to secure nearly \$400,000,000 of funding to ensure the water security for Townsville. We have not had to borrow one cent for that. The Townsville 2020 masterplan will help us transform our City with key community projects such as The Strand lagoon, the development of the Stadium Precinct and of course the Riverway Water Park. Importantly, we've had a huge focus, particularly in this year's budget, on creating jobs through infrastructure spend; more than \$400,000,000. The reforms and red tape reduction that Ms Young was able to achieve in conjunction with many of the staff that are in this room will save Council \$90,000,000, which is why we've been able to spend more money in boosting front-line services and infrastructure projects. Our Council workforce is now set up for the future with more than 100 apprentices and trainees on our books; a record for any council. I want to note that Ms Young's record of achievements should be noted and I'd like to, on behalf of all of you, wish her well on her future endeavours."

Officers' Reports

Infrastructure and Operations

1 Infrastructure and Operations - Townsville Local Disaster Management Group - Minutes of Full Committee Meeting 18 July 2018

Executive Summary

The Townsville Local Disaster Management Group (TLDMG) Full Committee meets twice per year and includes core members, advisory members and deputies from the Council, Queensland Fire and Emergency Services (Emergency Management and Fire and Rescue), Queensland Police Service, Queensland Ambulance Service, State Emergency Service, Ergon, Townsville Hospital and Health Services, Townsville Enterprise Limited and a number of other agencies.

Attached to the Report to Council are the minutes of the meeting held on 18 July 2018.

Officer's Recommendation

That Council endorse the minutes of the Townsville Local Disaster Management Group Full Committee Meeting held on 18 July 2018.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

2 Infrastructure and Operations - Townsville Local Disaster Management Group - Minutes of Members' Meeting 17 October 2018

Executive Summary

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

Attached to the Report to Council are the minutes of the meeting held on 17 October 2018.

At this meeting, the TLDMG accepted the proposal to endorse the Public Cyclone Shelter MOU from Department of Education for signature by the council.

Officer's Recommendation

That Council endorse:

- the minutes of the Townsville Local Disaster Management Group Members' Meeting held on 17 October 2018; and
- the Townsville Local Disaster Management Group's acceptance of the proposal to endorse the Public Cyclone Shelter MOU from Department of Education for signature by the Townsville City Council.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

3 Construction, Maintenance and Operations - Forestry Road, Lynam

Executive Summary

Queensland Parks and Wildlife Service have brought to Council's attention that Forestry Road within the Paluma Range National Park does not currently align with the road reserve and are seeking Council's assistance to realign the survey plan of the road reserve to match the physical location of the road. This section of road is currently an unsealed road for approximately 6.7 km and serves a lease at the top of the range (currently held by the Department of Defence). This report recommends proceeding with a simultaneous road closure and opening for Forestry Road so that the physical road matches the road area on the cadastre.

Officer's Recommendation

1. That Council support:
 - opening and closing portions of Forestry Road within the Paluma Range National Park;
 - confirmation that Council will accept a new gazetted road corridor; and
 - agreement from Council that they are prepared to relinquish parts of the existing road corridor for inclusion in the national park estate.
2. That Council arrange and pay for the survey of the existing road alignment in preparation of a new registered plan

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

4 Townsville Water and Waste - Reef Councils Major Integrated Projects Proposal

Executive Summary

The Local Government Association of Queensland (LGAQ) coordinated the development of a Reef Councils Major Integrated Project proposal on behalf of all Reef region councils.

The Major Integrated Project proposes three key initiatives: Wastewater stewardship, Fish friendly councils and Best practice erosion and sediment control for unsealed roads. Implementation of these initiatives will help enable Councils to meet its obligations under both the Reef 2050 Water Quality Improvement Plan and the Reef 2050 Plan.

The Major Integrated Project is proposed as three-year period of pilots to trial, refine and develop capacity (\$12 million) followed by a four-year accelerated implementation program to roll out the finalised initiatives across the Reef catchment (\$44 million). Total cost over 7 years is \$56 million.

Once the proposed Major Integrated Project is endorsed by a majority of Reef region councils, the LGAQ will seek funding from a range of external sources, including the Queensland and Federal governments, the Great Barrier Reef Foundation, and philanthropic and industry investment.

Officer's Recommendation

1. That Council endorse the Reef Councils Major Integrated Project proposal as a prospectus for seeking external investment in priority collaborative actions by Queensland Reef region councils.
2. That Council resolve to allow the LGAQ to include its logo for the publication and promotion of the Reef Councils Major Integrated Project.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

5 Townsville Water and Waste - Expression of Interest for Water Allocation

Executive Summary

Townsville Water and Waste has held discussions with the proponents of the Burdekin Pipe Line project, who have expressed a firm interest in leasing a portion of Council annual water allocation.

Townsville Water and Waste consider the most appropriate way of testing the market under the existing purchasing policy is to seek an Expression of Interest (EOI) for potential buyers before proceeding to negotiation with any external organisations.

Townsville Water and Waste proposes to issue an Expression of Interest for a rolling 1-year lease over the forecasted surplus water allocation – under the express conditions that Council has termination rights and retains full access to this water.

Officer's Recommendation

That Council approve the initiation of an Expression of Interest process for the Lease of unused Council water allocation from the Burdekin Dam on an annual basis.

Council Decision

It was MOVED by Councillor R Cook, SECONDED by Councillor K Rehbein:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Planning and Community Engagement

6 Planning Services - New Appeal Laudham Developments Pty Ltd v TCC, No 251 of 2018, 1931 Riverway Drive, Pinnacles

Executive Summary

An appeal was filed in the Planning and Environment Court by Laudham Developments Pty Ltd (the applicant) on 23 October 2018 against a deemed refusal of a development application for preliminary approval for material change of use to facilitate rights in accordance with the Laudham Developments plan of development and development permit for reconfiguring a lot (stage 1 - six lots into 14 lots) situated at 1931 Riverway Drive, Pinnacles.

The applicant is seeking an order that the development application be approved.

Officer's Recommendation

1. That Council resolve to defend the deemed refusal of the development application in the Planning and Environment Court Appeal No 251 of 2018.
2. That Council, under Section 257(1)(b) of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, in the event that a mutually acceptable settlement emerges relating to the above matter.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

7 Planning Services - New Appeal AP18/0010 Ramm v Lion-Beer Spirits & Wine Pty Ltd and TCC, No. 260 of 2018 11 Anthony Street, South Townsville

Executive Summary

A submitter appeal was lodged in the Planning and Environment Court on 31 October 2018 by Carey John Ramm against Council's decision to approve the development permit – Material Change of Use – Micro Brewery and Taproom on land situated at 11 Anthony Street.

The appellant is seeking an order that the application be refused.

Officer's Recommendation

1. That Council resolve to defend the approval of the development application in the Planning and Environment Court Appeal No. 260 of 2018.
2. That Council, under Section 257(1)(b) of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal in the event that a mutually acceptable development emerges relating to the above matter.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

8 Planning Services - New Appeal No.239 of 2018, Gleeson v TCC, 2-8 Pollard Street, Horseshoe Bay

Executive Summary

An appeal was filed in the Planning and Environment Court by Paul Vincent Gleeson on 15 October 2018 against Council's decision to approve a development application for material change of use (impact) for short term accommodation – camping grounds, situated at 2-8 Pollard Street, Horseshoe Bay.

The appellant is seeking an order from the court that the development application for material change of use for short term accommodation – camping grounds be refused and that Council assess the development application for material change of use for eucalyptus plantation.

Officer's Recommendation

1. That Council resolve to defend the approval of the development application in Planning and Environment Court Appeal No. 239 of 2018.
2. That Council, under section 257(1)(b) of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal in the event that a mutually acceptable development emerges relating to the above matter.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

9 Planning Services - New Appeal Brown v TCC, No, 257 of 2018 29 Blackview Avenue, Black River

Executive Summary

An appeal was filed in the Planning and Environment Court in Townsville on 29 October 2018 against a decision by Council on 25 September 2018 to refuse a development application for Development Permit – Reconfiguring a Lot – Lot Creation – One (1) into Two (2) on land located at 29 Blackview Avenue, Black River.

The applicant is seeking an order from the court that the development application be approved.

Officer's Recommendation

1. That Council resolve to defend the refusal of a Development Permit dated 25 September 2018, in Planning and Environment Court Appeal No. 257 of 2018.
2. That Council, under Section 257 of the *Local Government Act 2009*, resolve to delegate to the Chief Executive Officer to settle the Planning and Environment Court Appeal., in the event that a mutually acceptable settlement emerges relating to the above matter.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

10 Planning Services – Material Change of Use - MI17/0020 - Kelly Street Development Code associated with RC17/0037

Executive Summary

The application relates to a Material Change of Use for a Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* to override the Planning Scheme in accordance with the Kelly Street Development Code. The application is also associated with a Reconfiguring of a Lot, for one into four lots and balance land. The subject site comprises 5.66ha located at 55-77 Kelly Street Nelly Bay, on Magnetic Island. The land is zoned Community facilities and adjoins Low Density Residential zoning to north, east and west, and Low Impact Industry zoning to the south.

The overall intent of the proposed Kelly Street Development Plan is to establish additional land parcels on Magnetic Island for the purposes of low impact industry uses. The proposal is to provide a Development Plan to encourage the establishment of low impact industry type uses, in a manner that is responsive and appropriate to the nearby sensitive uses.

The proposal also includes four new low impact industry lots fronting Kelly Street, with the balance land proposed to remain as Community facilities zone. The new lots will be created over two stages with lot sizes ranging from 1,000m²-1,560m² in Stage 1 and a single lot (Lot 4) of 2626m² in Stage 2. The existing Townsville Water and Waste Building and SES Building will be wholly accommodated within proposed lot 4, with no impact on their current operations.

The application is impact assessable and therefore required public notification. During the public notification period, 22 properly made submissions were received. The submissions were not supportive of the rezoning of the land for industrial purposes and raised concerns in regards to impacts on residential amenity and the need for further industrial land. All these matters have been considered in this report, and where necessary have been addressed by reasonable and relevant conditions.

It is important to note that through extensive engagement with the community the original industrial proposal has been substantially reduced to now provide a small portion (0.6235 ha) of Low impact industry zoned land with the balance (5.043 ha) remaining within the Community facilities zone. The original proposal included 4.099 ha of Low impact industry zoned land with the remaining open space portion of 1.567 ha.

In summary, the development is generally consistent with the Strategic intent of the Townsville City Plan and all relevant assessment benchmarks.

Officer's Recommendation

That Council approve application MI17/0020 and RC17/0037 for a Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* to override the Planning Scheme to allow for development in accordance with the Kelly Street Development Code associated with a Development Permit for Reconfiguring a Lot for Lot Creation - One (1) into Four (4) Lots and Balance Lot, under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 2 RP 715779, more particularly 55-77 Kelly Street Nelly Bay subject to the following conditions:

PRELIMINARY APPROVAL

MI17/0020 - PRELIMINARY APPROVAL UNDER SECTION 242 OF THE SUSTAINABLE PLANNING ACT 2009 TO OVERRIDE THE PLANNING SCHEME – KELLY STREET DEVELOPMENT PLAN

SCHEDULE OF CONDITIONS

1. Variation of the effect of the Local Planning Instrument

Condition

Development pertaining to the Kelly Street Development Plan, approved by the Preliminary Approval, varies the effect of the Townsville City Plan 2014 (and subsequent local planning instruments).

Reason

The Preliminary Approval varies the effect of the Local Planning Instrument, and gives effect to the Kelly Street Development Plan for subsequent applications for Development Permit over the subject land.

Timing

For all future applications for Development Permit to be completed within 20 years of the date of the approval taking effect or any longer period (or indefinitely) as determined by the *Sustainable Planning Act 2009* (or other relevant legislation).

SCHEDULE OF CONDITIONS

**RECONFIGURING A LOT
RC17/0037 – One (1) into Four (4) Lots and Balance**

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Drawing No.	Revision No.	Plan/Revision Date
Proposal Plan and Precinct Plan Kelly Street, Nelly Bay	134840-09	C	27 Sept 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 must be implemented prior to the signing of the Plan of Survey.

Reason

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

Timing

During the operation and life of the development.

2. Water Supply (Public System)

Condition

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

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

Reason

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

Timing

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

3. Sewerage Reticulation

Condition

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

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

Reason

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

Timing

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

4. 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.

5. Relocation of Utilities

Condition

Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at the developer's expense.

Reason

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

Timing

Prior to the release of the Plan of Survey.

6. Soil Erosion Minimisation, Sediment Control**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 Townsville City Plan.

Reason

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

Timing

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

7. Dust Management**Condition**

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

Reason

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

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

Timing

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

8. Electricity and Telecommunications**Condition**

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

Reason

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

Timing

Installation to be achieved prior to the release of the Plan of Survey. Where installation cannot be achieved, confirmation that supply can be provided must be obtained from the supplier.

9. Landscape Buffer Easement**Condition**

An easement for the purposes of a landscape buffer must be provided over Lot 1. The easement must be maintained by the land owner in accordance with the Kelly Street Development Plan.

Reason

To provide a landscape buffer to the adjoining residential properties in accordance with the Kelly Street Development Plan to ensure an appropriate level of amenity is achieved.

Timing

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

10. 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

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

11. Stormwater Quality Management**Condition**

A stormwater quality management plan (SQMP) must be submitted and approved by Council prior to the issuing of a Development Permit for Operational Work. The 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.

Timing

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

12. Roadworks Upgrade to Kelly Street

Condition

Kelly Street must be upgraded for the full length of the frontage for Stages 1 and 2 of the development (eastern side only). The upgrade must be from the centreline of the road towards the development including a pavement width of 5.2 metres from centreline to lip of kerb and channel (barrier kerb).

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

Reason

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

Timing

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

13. Street Trees

Condition

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

Reason

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

Timing

Tree planting details are to be submitted to Council as part of the application for Operational Work.

14. Noise Attenuation

Condition

- a) Noise attenuation measures to mitigate noise impacts in accordance with Part 9.3.4 Reconfiguring a lot code of the Townsville City Plan and the Kelly Street Development Plan must be adopted/constructed at each relevant stage of development; and
- b) A 2 metre high solid fence with a minimum mass of 12.5kg/m² must be provided to the side and rear boundary of Lot 1 and the rear boundary of Lots 2 and 3, unless otherwise approved by council.

Reason

To ensure appropriate levels of amenity are afforded to the community in accordance with relevant code/s and policy direction and the Kelly Street Development Plan.

Timing

Details of attenuation measures to be submitted to Council as part of an application for Operational Work and implemented prior to the release of the Plan of Survey unless otherwise approved by council.

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

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

Submission of "As constructed" documentation in the Operational Work stage of development must appropriately denote and differentiate future private and public assets.
- b) **Roadworks Approval**
A Roadworks Approval in accordance with Local Laws 4 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works must be obtained from council. The application must include the following:

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

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

4. Connection to Council Water Supply

Condition

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

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 and upon payment will schedule the works for connection.

6. Portable Long Service Leave Notification

Condition

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

7. Payment of Rates, Charges and Expenses

Condition

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

8. 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.

9. 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.

10. Specifications and Drawings

Condition

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

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor A Greaney and the Mayor, Councillor J Hill thanked staff with regards to the above item.

11 Planning Services - Land Use and Urban Design - Non-Commercial RV and Camping Site Operational Plan

Executive Summary

Rapid growth in the self-contained recreational vehicles (RV) market over the past decade has seen a substantial increase in demand for low-cost camping areas across Queensland. Council currently has six non-commercial (free) campsites, all located within the Northern Beaches area. Their unique character and locations within or next to well-maintained parks and proximity to natural water frontage (both ocean and creek), has made these sites popular destinations for self-contained drive visitors. These sites attract over 5000 visitors annually, leading to wider economic benefits for Townsville. Their popularity however also brings problems of management, and tensions with local residents.

Accordingly, there is the need to address management of these sites to improve the visitor experience and protect the amenity of surrounding residents. The proposed Non-Commercial RV and Camping Site Operational Plan proposes a number of recommendations around signage, amenities, management and regulation intended to improve the management of the sites and address any amenity impacts on adjoining residents.

Officer's Recommendation

That Council endorse the Non-Commercial RV and Camping Site Operational Plan and the recommendations outlined in the plan relating to signage, amenities, management and regulation to be implemented in the 2019/20 financial year.

Council Decision

It was MOVED by Councillor M Ryder, SECONDED by Councillor P Jacob:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor M Ryder thanked the Councillors for supporting the progress of changing a local law and the staff for the work they have done on the above report.

In accordance with section 175E of the *Local Government Act 2009*, Councillor M Soars declared a perceived conflict of interest in regards to item 12.

- (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 M Soars is President of AFL Townsville. AFL Umpires work with the League to control football games.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor M Soars vacated the meeting for item 12.
- (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 12.
- (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.

12 Community Engagement - Licence to Occupy (LTO) Renewals - Northern Beaches Cricket Club and AFL Townsville Umpires Association

Executive Summary

Northern Beaches Cricket Club (Kilcora Park) and AFL Townsville Umpires Association (Lakeside Park) have been operating at their designated spaces for a number of years without incident, and have maintained steady membership bases. Both clubs are seeking to renew their current tenure agreement (LTO).

Council has previously approved the establishment of a number of Licence to Occupy agreements with community groups in order to formalise their use of Council controlled spaces.

Licences to Occupy agreements formalise the conditions under which community groups are able to make use of these spaces.

Officer's Recommendation

That Council approve renewals to the Licence to Occupy (LTO) areas as outlined in the attachments for the following clubs:

Northern Beaches Cricket Club, Kilcora Park – 33 Kilcora Street, Mount Low 4818 (Part of Lot 71 RP808267)

AFL Townsville Umpires Association, Lakeside Park (John McKillop Oval) – 0 Golf Links Drive, Kirwan 4817 (Part of Lot 1 on RP909864)

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 175E of the *Local Government Act 2009*, Councillor K Rehbein declared a perceived conflict of interest in regards to item 13.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor K Rehbein
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor K Rehbein is a patron of the Canine Obedience Club.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor K Rehbein vacated the meeting for item 13.
- (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 13.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor K Rehbein did not vote on the matter.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted to adopt the officer's recommendation.

In accordance with section 175E of the *Local Government Act 2009*, the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 13.

- (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;**
The Mayor, Councillor J Hill is a patron of the Canine Obedience Club.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
The Mayor, Councillor J Hill vacated the meeting for item 13.
- (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 13.
- (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.

The Deputy Mayor, Councillor L Walker assumed the position of Chair for discussion and voting on item 13.

13 Community Engagement - Licence to Occupy (LTO) Renewals - Townsville Outdoor Agility Dogs Sports, Canine Obedience Club of Townsville

Executive Summary

Townsville Outdoor Agility Dogs Sports Club and Canine Obedience Club of Townsville have been long term users of Heatley Park and wish to both renew their current License to Occupy agreements which expire 31 December 2018. The new agreements are proposed to be in place for another five years.

Council has previously approved the establishment of a number of License to Occupy agreements with community groups in order to formalise their use of Council controlled spaces.

License to Occupy agreements formalise the conditions under which community groups are able to make use of these spaces.

Officer's Recommendation

That Council approve renewals to the License to Occupy (LTO) areas for the following clubs based in Heatley Park - surrounded by Lindeman Avenue, Finnerty Street, Mill Drive and Fulham Road, Heatley:

1. Townsville Outdoor Agility Dogs Sports Club; and
2. Canine Obedience Club of Townsville.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

14 Community Engagement - New Lease - Townsville Central Branch Little Athletics Centre Inc

Executive Summary

Townsville Central Little Athletics Club Inc is seeking a lease over part of Lot and Plan L.201 on SP126605. Townsville City Council is the Trustee over the land.

The club has been operating in Queens Park for almost thirty years; they currently have a Licence to Occupy agreement with Council.

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

The proposed lease will enable the club to install a shed that will have storage space for all of their equipment.

Officer's Recommendation

1. That Council approve the issuing of a lease to Townsville Central Athletics Club over the parcel of land located at Queens Park, 19-43 Paxton Street, North Ward 4810 (part of Lot and Plan L.201 on SP126605) 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 provided for the Association to be responsible for the following:
 - maintenance, repair, replacement of:
 - a) structural (Clause 6.1a)
 - b) services/pipes/conduits (clause 6.1 (b))
 - c) painting (clause 6.3)
 - d) minor maintenance (clause 6.6)

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

15 Community Engagement - New Lease - Townsville Target Archers Inc

Executive Summary

Townsville Target Archers Inc is seeking a lease over part of Lot and Plan RP718245/2 and RP711689/7-18. Townsville City Council is the Trustee over the land.

The club has been operating in Rosslea Park for almost forty nine years; they currently have a Licence to Occupy agreement with Council.

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

The proposed lease will enable the club to install a shed that will have storage space and a sheltered viewing deck for its members.

Officer's Recommendation

1. That Council approve the issuing of a lease to Townsville Target Archers Inc over the parcel of land located at Rosslea Park, 9 Welsh Street, Rosslea 4812 (part of Lot and Plan RP718245/2 and RP711689/7-18) 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 (clause 6.1 (b))
 - c) painting (clause 6.3)
 - d) minor maintenance (clause 6.6)

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

16 Future Cities - Inclusive Community Advisory Committee Reports (Minutes) - 8 October 2018

Executive Summary

Presenting to Council the Report of the Inclusive Community Advisory Committee meeting held on 8 October 2018.

Officer's Recommendation

That Council note the Report of the Inclusive Community Advisory Committee meeting held on 8 October 2018.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

17 Future Cities - Arts and Culture Advisory Committee Report (Minutes) - 4 October 2018

Executive Summary

Presenting to Council the Report of the Arts and Culture Advisory Committee meeting held on 4 October 2018.

Officer's Recommendation

1. That Council note the report of the Arts and Culture Advisory Committee meeting held on 4 October 2018.
2. That Council endorse membership application from Townsville Community Music Centre to join the Arts and Culture Advisory Committee for the remainder of the current term of membership.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 175E of the *Local Government Act 2009*, Councillor P Jacob 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 P Jacob
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
A member of Wilson Security was put onto the panel and Councillor Jacob accepted hospitality at the V8's from Wilson Security.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor P Jacob 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 P Jacob vacated the meeting for item 18.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor P Jacob 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.

18 Future Cities - Community Safety Advisory Committee Report (Minutes) - 24 October 2018

Executive Summary

Presenting to Council the Report of the Community Safety Advisory Committee meeting held on 24 October 2018.

Officer's Recommendation

1. That Council note the Report of the Community Safety Advisory Committee meeting held on 24 October 2018.
2. That Council endorse membership application from Wilson Security to join the Community Safety Advisory Committee for the remainder of the current term of membership.
3. That Council endorse membership application from the Townsville Stronger Communities Action Group to join the Community Safety Advisory Committee for the remainder of the current term of membership.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

19 Future Cities - Tropical Brain and Mind Foundation Partnership Update

Executive Summary

In 2017 Council committed support towards Tropical Brain and Mind Foundation project 'Townsville's – Australia's First Mentally Healthy City'. Council's commitment includes two year financial contribution (2018/19 and 2019/20); office space for three Tropical Brain and Mind Foundation project specific staff; and a Council officer to contribute as a member of the Mentally Healthy City Steering Committee.

This information report has been provided as an update on Council's partnership contributions.

Officer's Recommendation

That Council note the information provided within the report, as an update on Council's partnership contributions.

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

Councillor C Doyle congratulated the Mayor, Councillor J Hill for being the first mayor in Queensland and nationally to step up to the plate to commit our City to being a mentally healthy city. Councillor Doyle acknowledged Donna Jackson (Principal - Inclusive Communities) who is Council's representative on the Steering Committee and stated that she appreciates Council's commitment to endorsing such an amazing project.

Business Services

20 Finance – Budget Variance Report – October 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 October 2018, pursuant to section 204 of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note the financial report for October 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 L Walker:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

21 Finance - Treasury Agenda Report - October 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 October 2018 and the information contained therein.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

22 Business Services - Review of Policies

Executive Summary

Following endorsement by the Chief Executive Officer, Chief Financial Officer and Directors, the below updated policies are presented to Council for review and subsequent approval:

- » Procurement Policy; and
- » Information Management Policy.

Officer's Recommendation

1. That Council approve adoption of the updated Procurement Policy
2. That Council approve the adoption of the updated Information Management Policy

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Council agreed to consider item 35 as the next item of business.

35 Infrastructure Planning, Assets and Fleet - Revocation of a Public Reserve - Dan Gleeson Gardens

Executive Summary

This report recommends that Council not proceed with an application to the State to revoke the Reserve status over a portion of Dan Gleeson Gardens adjacent to the former Thuringowa Civic Centre.

Eastbrooke Centres Pty Ltd (*Eastbrooke*) has made application to buy the land from the State Government.

The State has offered to sell the land to Eastbrooke contingent upon the Council making application to relinquish trusteeship of that part of the Reserve Eastbrooke seeks to acquire. Council, as trustee of the land is required to undertake a public consultation as part of that process.

An initial call for public submissions regarding the proposed sale of the public reserve attracted no responses. A review of the consultation process revealed that there was confusion in regards to the question being asked. Council representatives have subsequently engaged with the community a second time to clarify the responses by asking if there is a requirement for the portion of land to remain a public reserve. Through the subsequent consultation process, it has been found there is significant opposition to the closure from residents and families that utilise the playgrounds within Dan Gleeson Gardens and the other various users of the Dan Gleeson Gardens and Thuringowa Sound Shell. The concerns for the most part relate to accessibility to these public facilities if the land is closed.

Officer's Recommendation

That Council resolve to oppose the revocation of the Reserve status of the portion of Dan Gleeson Gardens depicted in the Report to Council.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The order of business resumed.

Confidential Items

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

"in relation to items 23 to 34, 36 and 37, 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;
- (c) the local government's budget; and
- (d) rating concessions."

CARRIED UNANIMOUSLY

The Council discussed the items.

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

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

In accordance with section 175E of the *Local Government Act 2009*, Councillor M Ryder declared a perceived conflict of interest in regards to item 23.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor M Ryder
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor M Ryder's company is a third party supplier to these auto groups.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor M Ryder vacated the meeting for item 23.
- (d) 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 23.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor M Ryder 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.

23 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - RPS00070 - Supply and Delivery of Light Commercial Vehicles

Executive Summary

Public tender RPS00070 – Register of Prequalified Suppliers for the Supply and Delivery of Motor Vehicle and Light Commercial Vehicles was advertised following Council procurement guidelines to select suppliers of these services and closed on 12 October 2018.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award Tender RPS00070 to the below Suppliers for a period of 2 years with 3 x 12 month options. The allocated Capital Budget for FY17/18 is \$2,500,000.00.
 - AP Townsville Pty Ltd
 - Key Motors
 - Magnetic Motors Pty Ltd
 - Mike Carney Toyota
 - Pickerings Auto Group
 - Townsville Auto Group

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 175E of the *Local Government Act 2009*, Councillor M Ryder declared a perceived conflict of interest in regards to item 24.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor M Ryder
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor M Ryder's company is a third party supplier to these auto groups.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor M Ryder vacated the meeting for item 24.
- (d) 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 24.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor M Ryder 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.

24 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - RPS00072 - Supply and Delivery of Heavy Commercial Vehicles

Executive Summary

Public tender RPS00072 – Register of Prequalified Suppliers for the Supply and Delivery of Heavy Commercial Vehicles was advertised following Council procurement guidelines to select suppliers of these services and closed on 17 October 2018.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award Tender RPS00072 to the below Suppliers for a period of 2 years with 3 x 12 month options. The allocated Capital Budget for FY17/18 is \$3,800,000.00.
 - Honeycombes Sales & Services Ingham
 - RGM Maintenance Pty Ltd
 - Townsville Auto Group
 - AP Townsville Auto Group

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 175E of the *Local Government Act 2009*, the Mayor, Councillor J Hill and Councillors A Greaney, M Ryder, P Jacob, C Doyle, R Cook, K Rehbein, V Coombe, L Walker and M Soars declared a perceived conflict of interest in regards to item 25.

- (a) **the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
The Mayor, Councillor J Hill and Councillors A Greaney, M Ryder, P Jacob, C Doyle, R Cook, K Rehbein, V Coombe, L Walker and M Soars.
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
 1. As one of the tenderers is JMac, a whole owned subsidiary of BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website; and
 2. as one of the tenderers Gabrielli Constructions Pty Ltd had donated \$1,000.00 to the Team Jenny Hill election campaign. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Item 25 was referred to the Chief Executive Officer.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Item 25 was referred to the Chief Executive Officer.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Item 25 was referred to the Chief Executive Officer.
- (f) **how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
Item 25 was referred to the Chief Executive Officer.

25 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - TCW00314 2017 - 2019 Works for Queensland Program - Nathan Street Enhancement Project

Executive Summary

The 2017 – 2019 Works for Queensland Program – Nathan Street Enhancement Project is an urban renewal project revitalising the streetscape from Dalrymple Road to Charles Street on a key arterial road corridor in Townsville. The project will deliver employment opportunities and enhance the scenic vista for the community and road users.

A panel of three (3) internal and external persons representing key stakeholders closely evaluated, scored and ranked the submissions accordingly.

This report and attached recommendation report provides analysis, evaluation and Council's recommendation for awarding TCW00314 2017 – 2019 Works for Queensland Program – Nathan Street Enhancement Project.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award TCW00314 - 2017 – 2019 Works for Queensland Program – Nathan Street Enhancement Project to Transcape Enterprises Pty Ltd atf Dobson Family Trust trading as Transcape Constructions for the sum of \$1,559,917.97 excluding GST.
3. That Council delegate authority to the Chief Executive Officer or their delegate, to award variations up to the approved budget provided the variations are for the completion of work under the contract.

Council Decision

That this item be referred to the Chief Executive Officer.

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

Executive Summary

On the 23 October 2018 Council announced that the Water Smart Package would commence in the first quarter of 2019. Following that announcement, two key tender packages were issued to the market on 26 October 2018:

- TOW 00124 – WSP Products and Services with a closing date of 30 November 2018, and
- TOW 00125 – WSP Web Portal with a closing date of 3 December 2018.

This report seeks Council's approval to delegate the awarding of the above two tenders to the Chief Executive Officer, in order to meet the timeframe of the delivery of the Package by the end of the first quarter 2019.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. It is recommended in this instance that Council delegate authority to the Chief Executive Officer to approve the recommended contract awards for the TOW 00124 – WSP Products and Services and TOW 00125 – WSP Web Portal.

Council Decision

It was MOVED by Councillor P Jacob, SECONDED by Councillor M Ryder:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

27 CONFIDENTIAL REPORT - Townsville Water and Waste - Recycled Water Re-use Scheme

Executive Summary

As part of the 2018-19 Budget, Council allocated almost \$7 million to start work on a Recycled Water Re-Use Scheme as part of the 3-point water security solution. The recycled water will be used for non-potable water for irrigation and industrial customers. This is expected to reduce demand for potable water by up to 15ML per day and, potentially, defer other capital expenditure needs.

Council officers have been working to get the scheme up and running by the end of 2019. This report seeks Council's endorsement of a number of crucial elements required to keep the project moving forward, including:

- the commercial model for the scheme to enable negotiation on end user agreements with potential customers to be undertaken;
- approval to commence contract negotiations with the preferred supplier for construction of the recycled water plant at Cleveland Bay Purification Plant, and
- a Recycled Water Policy document.

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 decide otherwise by resolution.
2. That Council approve the proposed commercial model for the schemes' operation as outlined in the Report to council.
3. That Council note the Parallel Negotiation Report which was endorsed by the Chief Executive Officer on 29 November 2018 following Council's approval of the Tender Consideration Plan on the Cleveland Purification Plant at its meeting in July 2018.
4. That Council approve the preferred supplier for construction of the recycled water plant and for Council officers to commence formal contract negotiations with them.
5. That Council note officers will come back to Council when the contract negotiations with the preferred supplier are completed for final contract award.
6. That Council approve the Recycled Water Policy document.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

28 CONFIDENTIAL REPORT - Environmental Health and Regulatory Services - Animal Shelter Adoptions

Executive Summary

On 13 July 2018 Council invited Angel Paws and Townsville Fostering and Rehoming to submit a proposal for the rehoming of shelter animals (RFQ002114). The request for quotation closed on 8 August 2018 and both groups submitted proposals.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council endorse Option 3 of the officer's report.

Council Decision

It was **MOVED** by Councillor A Greaney, **SECONDED** by Councillor P Jacob:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Council agreed to consider item 36 as the next item of business.

In accordance with section 175C of the *Local Government Act 2009*, Councillor C Doyle declared a material personal interest in regards to item 36.

- (a) the name of the councillor who has a material personal interest in the matter;**
Councillor C Doyle.
- (b) the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;**
 1. Councillor C Doyle's husband and herself own a commercial property and business within in the Flinders Street East precinct of the PDA;
 2. their sons own a business within this property;

and as such they stand to gain a benefit or suffer a loss depending upon the Council decision.

- (c) 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 36.

36 CONFIDENTIAL REPORT - Future Cities - Townsville Marine Tourism Precinct

Executive Summary

This confidential report provides information and recommendations in relation to a request for concessions to Local Government fees and charges under section 120(1) of the *Local Government Regulation 2012*.

Council also considered the verbal presentation provided by the proponent at the meeting.

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 adopt Option 3.

Council Decision

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

- "1. that officer's recommendation 1 be adopted;
2. that Council support the proposed development and provide a letter of support;
3. that Council adopt option 3 subject to the following:
 - a. the proponent demonstrating a formal lease being entered into with a tertiary education provider;
 - b. the proponent providing Council with a schedule of works for the entire development; and
 - c. the proponent demonstrating to Council they are meeting critical milestones of the schedule of works as approved by Council."

CARRIED UNANIMOUSLY

The order of business resumed.

In accordance with section 175E of the *Local Government Act 2009*, Councillor M Ryder declared a real conflict of interest in regards to item 29.

- (a) **the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor M Ryder.
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor M Ryder's company, Madmaggies Outback Promotions, does work or has done work for interested parties within Code Valley.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor M Ryder vacated the meeting for item 29.
- (d) **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 29.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor M Ryder 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 175C of the *Local Government Act 2009*, Councillor C Doyle declared a material personal interest in regards to item 29.

- (a) **the name of the councillor who has a material personal interest in the matter;**
Councillor C Doyle.
- (b) **the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;**
 1. Councillor C Doyle's husband and herself own a commercial property and business within the Flinders Street East precinct of the PDA;
 2. their sons own a business within this property;and as such they stand to gain a benefit or suffer a loss depending upon the Council decision.
- (c) **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 29.

29 CONFIDENTIAL REPORT - Future Cities - Stadium Precinct Remaining Balance Land Update

Executive Summary

Future Cities is providing an update to Council regarding development of the remaining balance land within the Stadium Precinct.

Development of the Stadium Precinct is a key project derived from the Townsville 2020 Masterplan. The development of the precinct aims to attract commercial operators to stimulate economic growth and create an area that is more than just a space for the North Queensland Stadium.

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 approve the recommendations made at the conclusion of this report.

Council Decision

It was **MOVED** by Councillor P Jacob, **SECONDED** by Councillor A Greaney:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Council agreed to consider item 30 later in the meeting (last item).

30 CONFIDENTIAL REPORT – Procurement Services – Recommendation Report RPS00064

Refer to page 10344 (above) of the Council Minutes where Council agreed to consider item 30 later in the meeting (last item).

Refer page 10351 of the Council Minutes for item 30 - CONFIDENTIAL REPORT – Procurement Services – Recommendation Report RPS00064

The order of business resumed

In accordance with section 175E of the *Local Government Act 2009*, Councillor M Ryder declared a real conflict of interest in regards to item 31.

- (a) **the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor M Ryder.
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor M Ryder's companies that she is involved with, being Madmaggies Outback Promotions and Rydweld Pty Ltd, are currently clients of these businesses or have recently done work for them.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Item 31 was withdrawn.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Item 31 was withdrawn.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Item 31 was withdrawn.
- (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 Council decision.

In accordance with section 175E of the *Local Government Act 2009*, Councillor C Doyle declared a perceived conflict of interest in regards to item 31.

- (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 C Doyle's husband's business – Doyle Star Motors.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Item 31 was withdrawn.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Item 31 was withdrawn.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Item 31 was withdrawn.
- (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 Council decision.

In accordance with section 175E of the *Local Government Act 2009*, Councillor V Coombe declared a perceived conflict of interest in regards to item 31.

- (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;**
As one of the entities on the sole suppliers is a client of Councillor V Coombe's business.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Item 31 was withdrawn.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Item 31 was withdrawn.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Item 31 was withdrawn.
- (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 Council decision.

In accordance with section 175C of the *Local Government Act 2009*, Councillor K Rehbein declared a material personal interest in regards to item 31

- (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 K Rehbein still holds a position as an employee with one of the government departments listed and may gain work as a result of this contract.
- (c) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F.**
Item 31 was withdrawn.

In accordance with section 175E of the *Local Government Act 2009*, Councillor L Walker declared a perceived conflict of interest in regards to item 31.

- (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 L Walker has a small number of shares in one of the telecommunication providers.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Item 31 was withdrawn.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Item 31 was withdrawn.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Item 31 was withdrawn.
- (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 Council decision.

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 31.

- (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;**
One of the companies listed, Agilent, employs Councillor J Hill's brother in Victoria.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Item 31 was withdrawn.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Item 31 was withdrawn.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Item 31 was withdrawn.
- (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 Council decision.

31 CONFIDENTIAL REPORT - Procurement - Annual Sole Source Review

Council Decision

That this item be withdrawn.

32 CONFIDENTIAL REPORT - Procurement - Training and Development Services

Executive Summary

Council invited RPS00067 - Training and Development Services for Open Tender. Invitations were made by public advertisement in the Townsville Bulletin on Saturday the 4 August 2018.

Tender submissions closed on Wednesday the 28 August 2018 at 10:00am and were assessed by six (6) Tender Evaluation Panels members.

After a comprehensive evaluation of the responses it is recommended to award the supply of Training and Development Services to the suppliers outlined within the report for a period of 2 years with a further two (2) x twelve (12) month extension options.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award Tender RPS00067 - Training and Development Services to the below suppliers based on training capability for a period of 2 years with a further two (2) x twelve (12) month extension options. Commencement date to be 1 December 2018. Anticipated spend for the first year to be \$535,000.00

1. Corporate Protection Australia Group/ Baseline
2. Fire Safety Australia
3. Tafe QLD
4. TP Human Capital
5. Civil Safety
6. Worksafe Connect
7. Safety First Aid
8. Adventure Survival Fire Management
9. LGE Operating Company Pty Ltd
10. Tech NQ
11. Learning Partnerships
12. Primal Solutions
13. Major Training

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

33 CONFIDENTIAL REPORT - Procurement - Labour Hire Tender Recommendation

Executive Summary

Labour Hire involves the provision of short-term labour hire to support Council operations. The current contract will expire on 30 November 2018.

Council issued a public tender for RPS00061 - Labour Hire services in July 2018. The tender closed 8 August 2018. There were 15 responses received, 1 of which is the only local labour hire supplier in Townsville.

After a comprehensive evaluation of the responses it is recommended to award the supply of labour hire to five suppliers in a panel arrangement.

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award tender RPS00061 - Labour Hire services to the below suppliers for a period of 2 years with a further two (2) x twelve (12) month extension options.

Commencement date to be 1 December 2018 with a 6 week transition period. Anticipated spend for the first year to be \$3,317,556

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

34 CONFIDENTIAL REPORT - Business Services - Addition to Sole Supplier List

Executive Summary

Alteryx and Genesys are sole suppliers of specific software application that cannot be sourced from other vendors.

Alteryx was previously purchased from MIP, however following Alteryx USA acquisition of Alteryx ANZ the distributor in Australia has changed.

Genesys was previously listed in the sole supplier list as Interactive Intelligence; however it was removed. At that time the expectation was to decommission the Interactive Intelligence contact centre solution by March 2019. However, business requirements now indicate the Interactive Intelligence solution will be in use until June 2019 to support the contact centre prior to the replacement program going live.

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 the list of sole source suppliers be varied to include both Alteryx and Interactive Intelligence on the basis that they are a sole supplier or supplier of specialised or confidential services.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

35 Infrastructure Planning, Assets and Fleet – Revocation of a Public Reserve – Dan Gleeson Gardens

Refer to page 10335 of the Council Minutes where Council agreed to consider item 35 subsequent to item 22.

Refer page 10335 of the Council Minutes for item 35 - Infrastructure Planning, Assets and Fleet – Revocation of a Public Reserve – Dan Gleeson Gardens

36 CONFIDENTIAL REPORT – Future Cities – Townsville Marine Tourism Precinct

Refer to page 10341 of the Council Minutes where Council agreed to consider item 36 subsequent to item 28.

Refer page 10342 of the Council Minutes for item 36 - CONFIDENTIAL REPORT – Future Cities – Townsville Marine Tourism Precinct

37 CONFIDENTIAL REPORT - Business Services - Mid-Year Budget Review

Executive Summary

The mid-year budget review for the 2018/19 financial year is presented in accordance with section 170 of the *Local Government Regulation 2012*, considering financial results to the end of November 2018.

The mid-year budget review is consistent with the Corporate Plan 2014-2019. Council's financial policies, including rates and utility charges adopted in the 2018/19 budget, remain unchanged as a result of budget review, with the exception of the Debt Policy which was updated and adopted by Council on 28 August 2018.

A part of the mid-year budget review considerations it is recommended that Council resolve to adopt the Strategic Asset Management Plan for 2018/19 to 2027/28 in accordance with section 167 of the *Local Government Regulation 2012* and an updated Schedule for Fees and Charges for 2018/19.

The mid-year budget review with supporting documentation and commentary will be available to the public on Council's website following the full Council meeting.

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. **2018/19 Mid – Year Budget Review**
 - 2.1. That, pursuant to section 169 of the *Local Government Regulation 2012*, Council note the 2018/19 mid-year budget review is consistent with the corporate plan 2014-2019 (March 2017 update) adopted by Council on 4 April 2017;
 - 2.2. That, pursuant to section 170 of the *Local Government Regulation 2012*, Council adopt the mid-year budget review as set out in Tables 2-6 of Attachment 1.
 - 2.3. That, pursuant to section 171 of the *Local Government Regulation 2012*, Council adopt the reviewed long-term financial forecast as set out in Tables 7-9 of Attachment 1.
3. **Fees and Charges**
 - 3.1.1. That Council adopt changes to Fees and Charges as set out in Attachment 2 – Fees and Charges 2018/19 (December 2018 update),
4. **Strategic Asset Management Plan**
 - 4.1. That, pursuant to section 167 of the *Local Government Regulation 2012*, Council adopt the Strategic Asset Management Plan for the period of 2018/19 to 2027/28 as set out in Attachment 3.

Council Decision

It was **MOVED** by Councillor V Coombe, **SECONDED** by Councillor K Rehbein:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 175E of the *Local Government Act 2009*, Councillor M Soars declared a perceived conflict of interest in regards to item 30.

- (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 M Soars is President of AFL Townsville. The Thuringowa Bulldogs AFLC is associated in the Townsville League and while Councillor Soars has no control over their business their success is of interest.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor M Soars vacated the meeting for item 30.
- (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 30.
- (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 Council's decision.

30 CONFIDENTIAL REPORT - Procurement Services - Recommendation Report RPS00064

Executive Summary

Public tender RPS00064 – Food and Beverage Services at Riverway Stadium and Riverway Arts Centre was advertised following Council procurement guidelines to select suppliers of these services and closed on 3 October 2018.

The primary requirement of the panel will be to supply catering and beverage services at the Riverway Stadium and Riverway Arts Centre, however the panel may also be engaged to provide general catering services to other Council sites (excluding Townsville Civic Theatre and Townsville Stadium).

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

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award Tender RPS00064 to the Suppliers identified in Table 1 of the report, for a period of 2 years with 3 x 12 month options. The anticipated annual spend for General Council Catering (Including events) is \$145,000.00.

Council Decision

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

- "1. that officer's recommendation 1 adopted;
2. that Council award Tender RPS00064 to the Suppliers identified in Table 1 of the report, for a period of 2 years with 3 x 12 month options. The anticipated annual spend for General Council Catering (Including events) is \$145,000.00; and

that Michele's and Cuisine to Go be added to panel two."

CARRIED UNANIMOUSLY

General Business

(i) Donation of books to library

Councillor L Walker presented at the meeting the three books that have been donated to the library by Conrad Gorgett.

The Mayor, Councillor J Hill wished the Chief Executive Officer and staff a very merry Christmas and thanked them for their assistance, advice and support.

The Chief Executive Officer wished the Councillors and their families a wonderful and merry Christmas and happy new year. The Chief Executive Officer thanked the Councillors for their support through the year and advised that its been unbelievably well appreciated and that we all look forward to working with you again 2019.

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 5.49pm.

CONFIRMED this TWENTY-SECOND day of JANUARY 2019

MAYOR

ACTING CHIEF EXECUTIVE OFFICER