



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 15 DECEMBER 2015 AT 9.00 AM

Council Members >>

The Mayor, Councillor Jenny Hill
Councillor Suzanne Blom
Councillor Colleen Doyle
Councillor Gary Eddiehausen APM
Councillor Pat Ernst
Councillor Ray Gartrell
Councillor Jenny Lane
Councillor Anthony Parsons
Councillor Trevor Roberts
Councillor Vern Veitch
Councillor Les Walker

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Goals and Strategies of Townsville City Council >>

Corporate Plan >>

Goal 1: Economic Sustainability - A strong diverse economy which provides opportunities for business and investment with an integrated approach to long term planning where the city's assets meet the community needs.

- 1.1 Create economic opportunities for Townsville to drive community prosperity.
- 1.2 Maximise opportunities through engagement and partnership with stakeholder achieve a strong resilient economy.
- 1.3 Utilise the City Plan to inform the development of current and future infrastructure needs of Townsville.
- 1.4 Promote and market Townsville as a vibrant destination for commerce, entertainment and lifestyle.

Goal 2: Environmental Sustainability - A sustainable future where our environment is valued through the protection and enhancement of our unique, natural and built environment with a commitment to reducing our environmental impact.

- 2.1 Effective management, protection and conservation of our environment to ensure a balance between built infrastructure and areas of environmental significance.
- 2.2 Implement an effective integrated demand management approach to infrastructure planning and delivery.
- 2.3 Preserve our natural environment through active management, education and compliance activities.
- 2.4 Adopt urban design principles that create a distinct sense of place, enables and informs place creation, maximises efficiency, and enhances the built and natural environment.
- 2.5 Research and implement environmental solutions utilising innovative smart technology and encourage behaviour change.

Goal 3: Social Sustainability - A vibrant community that is accessible, safe, healthy, creative and knowledgeable, where we embrace diversity and our sense of community.

- 3.1 Encourage active and healthy lifestyles through accessible public facilities and community initiatives.
- 3.2 Support the community's access to and participation in a range of artistic, cultural and entertainment activities.
- 3.3 Enhance wellbeing and safety in the community.
- 3.4 Enhance a knowledgeable, inclusive and connected community that embraces growth and lifelong learning.
- 3.5 Provide community infrastructure and services that support growth and meets community needs.

Goal 4: Responsible Governance - A well-managed, transparent and effective organisation that gives the community confidence, demonstrates financial sustainability, where our customers are satisfied with our services and our employees are proud to work here.

- 4.1 Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for our community.
- 4.2 Deliver best value customer service to our community.
- 4.3 Enable innovation and technology capacity within council to drive organisational efficiencies.
- 4.4 Engage with the community to inform council decision making processes.
- 4.5 Provide inspirational leadership and contemporary management systems that drives a coordinated, motivated, highly effective and efficient organisation.
- 4.6 Commit to open transparent and accountable governance to ensure community confidence and trust in council.
- 4.7 Promote an organisational culture that values and empowers its workforce.

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REPORT	COUNCIL MEETING
DATE	Tuesday 15 December 2015 at 9.00am
ITEMS	1 TO 32
PRESENT	The Mayor, Councillor J Hill Councillor V Veitch Councillor S Blom Councillor C Doyle Councillor G Eddiehausen APM Councillor P Ernst Councillor R Gartrell Councillor J Lane Councillor A Parsons Councillor T Roberts Councillor L Walker

Opening of Meeting and Announcement of Visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 9.00am.

Prayer

Father Dave Lancini of the Catholic Church delivered the opening prayer.

Apologies and Leave of Absence

There were no apologies or leave of absence noted.

Confirmation of Minutes of Previous Meeting

It was MOVED by Councillor J Lane, SECONDED by Councillor T Roberts:

"that the minutes of the Ordinary Council meeting of 24 November 2015 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of Interests

- (i) Officers' Reports - Perceived conflict of interest - Item 27 - Councillors V Veitch, T Roberts, S Blom, J Lane, G Eddiehausen, A Parsons and R Gartrell - Urbex Pty Ltd donated to the Townsville First election campaign (Urbex is a subsidiary of BMD).
- (ii) Officers' Reports - Material personal interest - Item 30 - Councillor J Lane - Councillor Lane's husband is a casual employee of the James Cook University College of Law, Business and Governance.
- (iii) Officers' Reports - Perceived conflict of interest - Item 30 - Councillor V Veitch - Councillor Veitch's wife presently works on a part-time casual basis tutoring trainee mathematics teachers at James Cook University.
- (iv) Officers' Reports - Perceived conflict of interest - Item 30 - Councillors V Veitch, T Roberts, S Blom, J Lane, G Eddiehausen, A Parsons and R Gartrell - Key Motors, Pickerings and Tony Ireland Holden donated to the Townsville First election campaign.
- (v) Officers' Reports - Perceived conflict of interest - Item 31 - Councillors V Veitch, T Roberts, S Blom, J Lane, G Eddiehausen, A Parsons and R Gartrell - Gabrielli Constructions donated to the Townsville First election campaign.
- (vi) Officers' Reports - Perceived conflict of interest - Item 31 - Councillor P Ernst - Gabrielli Constructions donated to Councillor Ernst's election campaign.
- (vii) Officers' Reports - Perceived conflict of interest - Item 30 - The Mayor, Councillor J Hill - Councillor Hill has a family member that works for Agilent Australia in Victoria

Correspondence

There was no correspondence.

Petitions

There were no petitions.

Deputations

There were no deputations.

Presentations

There were no presentations.

Mayoral Minute

The following Mayoral Minute was provided at the meeting:

"Councillors, you are aware that the State Government has introduced to Parliament the Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015.

The Bill has been referred to the Parliament's Legal Affairs and Community Safety Committee for detailed consideration, which includes public submissions. The Committee will report to the Parliament by 8 February 2016.

Amongst a raft of changes are amendments to the service of alcohol and lockouts. For example:

- regular service hours for alcohol in licensed venues across Queensland would end at 2am unless the venue is located in a prescribed safe night precinct approved for 3am liquor trading in which case a 1am lock out will apply;
- the 1am lockout would apply to all licenced venues within prescribed safe night precincts approved for 3am trading, including those which cease trading at 2am; and
- high alcohol content and rapid consumption drinks could not be sold or supplied after midnight. The specific types and amounts of drinks would be prescribed by regulation following stakeholder consultation.

It is positive that the Government has watered down the extent of changes originally proposed in the legislation. This is something that I strongly supported in my discussions with our local State MPs.

For example, the Bill now has the support of organisations such as Clubs Queensland which represents local organisations such as the RSL and the Brothers Leagues Club.

However, the concern remains in our community from traders including groups such as the Townsville Liquor Accord. This group represents the interests of numerous traders, especially in the Flinders Street East entertainment area.

This group has done much over the past five years to improve the safe operations of local clubs and bars and has worked cooperatively with Police and other agencies.

Given the importance of the industry to Townsville - in terms of jobs and economic activity, but also the importance of public safety, it is right that Councillors take a strong interest in this issue.

With the support of Councillors I ask that the CEO prepare a report by Friday 15 January on the issue to help inform Councillors about the effect of changes on the local community.

The Parliamentary Committee will hold a public hearing on the issue in Townsville on Friday 22 January 2016.

I encourage Councillors to review the council report and form their own opinions that they can present to the public hearing in January.

I ask that the officer report seek through consultation the views of local stakeholders including traders and key local agencies such as the Police, Ambulance services and Taxi drivers, as well as other groups with a stated interest in economic development and community safety.

At a personal level I did not support the original legislation and I do not support a blanket State-wide solution that does not take into account local considerations, including the partnerships that exist here in Townville to reduce alcohol fuelled violence.

I will be making my own submission to the Committee and I urge Councillors with an interest in the issue to do the same."

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

"that council prepare a report outlining the traders and stakeholders view on lock-out times in licenced venues and to inform the Councillors of both the economic and social cost of the new legislation."

CARRIED UNANIMOUSLY

Committee Items

Infrastructure Committee

It was MOVED by Councillor T Roberts, SECONDED by Councillor A Parsons:

"that the committee recommendation to item 2 be adopted and that in respect to item 1 council resolve:

that council delegate power under the Local Government Act 2009 Section 257 (1) to the Chief Executive Officer to award contracts below major policy decision level for the period between the close of the February 2016 council meeting and the first ordinary council meeting after the 2016 local government election."

CARRIED UNANIMOUSLY

1 Engineering Services - CEO Delegation to Award Contracts through 2016 Local Government Election

Executive Summary

To ensure that the conduct of council business is not excessively interrupted by the 2016 Local Government election, council is asked to delegate to the Chief Executive Officer authority to award contracts in the period between the close of the February council meeting and the first ordinary council meeting after the election.

Officer's Recommendation

That council delegate power under the *Local Government Act 2009* Section 257 (1) to the Chief Executive Officer for the period between the close of the February 2016 council meeting and the first ordinary council meeting after the 2016 local government election.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 8556) where council resolved the following:

that council delegate power under the *Local Government Act 2009* Section 257 (1) to the Chief Executive Officer to award contracts below major policy decision level for the period between the close of the February 2016 council meeting and the first ordinary council meeting after the 2016 local government election.

2 Engineering Services - TCW00148 - Supply and Delivery of Two (2) New CCF Class 20 Excavators

Executive Summary

Tenders were invited for the supply and delivery of two new CCF Class 20 Excavators for allocation to Infrastructure Services – Operational Support Unit. This tender was called as part of the approved 2015/2016 Fleet New Capital Program.

This report provides detailed information on council's recommendation for awarding tender TCW00148 – Supply and Delivery of Two Only New CCF Class 20 Excavators.

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 Tender No TCW00148 - Supply and Delivery of two New CCF Class 20 Excavators be awarded to CJD Equipment for two only Volvo EC220D Excavators at a quoted price of \$235,000.00 each (excluding GST).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 8556) where council resolved that the committee recommendation be adopted.

Planning and Development Committee

It was MOVED by Councillor A Parsons, SECONDED by Councillor V Veitch:

"that the committee recommendations to items 3 to 7 be adopted."

CARRIED UNANIMOUSLY

3 MI15/0016 - Material Change of Use (Impact) Funeral Parlour and Crematorium, 47 Hugh Ryan Drive Garbutt

Executive Summary

The application seeks a Development Permit for a Material Change of Use for a Funeral Parlour and Crematorium at 47 Hugh Ryan Drive, Garbutt with a total land area of 1,045 square metres. The development is located in the Medium Impact Industry Zone under the Townsville City Plan and is Impact Assessable.

The proposal for a Funeral Parlour and Crematorium will use an existing building with a floor area of 307 square metres, with the cremator being 82 square metres. The cremator will be fully contained within an enclosed block room, located on the eastern side of the building. The operation of the cremator will not generate any dust or airborne particles and is fully automated whereby no emissions, smoke or particulates will be released. Therefore no exhaust flues will be required.

The proposed development is regarded as small scale in operation. The funeral parlour provides a lower scale service that meets the needs and essential services for the community. The development provides 11 carparking spaces, two of which are internal. The car parking numbers are considered satisfactory for the level of service provided as large funeral services are held at different venues off site.

The strategic intent for this zone encourages medium impact industrial uses and seeks to preserve the land for those activities. Consideration has been given to the specific use and the small scale of this particular proposed development and it is considered that given the size of this particular operation, would be appropriately located within this area.

One submission was received during the public notification period in relation to the proposal. The submission raised concerns in regards to a not properly made application, the strategic framework, the medium impact zone code, the transport impact, access and parking code and the airport environs overlay. The items have been discussed below and have been taken into consideration during the assessment of the application. Appropriate conditions have been applied to address the concerns and council have applied discretion with the car parking rates.

One submission was received outside the statutory Public Notification period, from the Department of Defence, and was given due consideration. The submission raised concerns in regards to aircraft noise, aircraft safety, dust and airborne particles, exhaust fumes, extraneous lighting and reflective surfaces and public safety. Appropriate conditions have been applied to address and mitigate these concerns.

Following an assessment of the proposed use against the purpose, performance outcomes and acceptable outcomes of the Townsville City Plan, the development is recommended for approval subject to reasonable and relevant conditions.

Officer's Recommendation

That council approve application MI15/0016 for a development permit for Funeral Parlour and Crematorium under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 46 RP 739509, more particularly 47 Hugh Ryan Drive, Garbutt approved subject to the following conditions –

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE (Funeral Parlour and Crematorium)

SCHEDULE OF CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Job/ Plan No.	Revision No.	Plan Date
Site Plan	28937/006	D	10 August 2015
Proposed Floor Plan	28937/001	E	10 August 2015
Elevations	14-449	Sheet 5	3/12/2014

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

Reason

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

Timing

During the operation and life of the development.

2. Building Materials

Condition

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

Reason

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

Timing

Prior to commencement of the use.

3. Property Numbering

Condition

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

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

Reason

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

Timing

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

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

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

Reason

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

Timing

Prior to the commencement of the use.

5. Car Parking**Condition**

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) The developer must provide a minimum of 11 car spaces including disabled parking on site in accordance with SC6.10 Parking rates planning scheme policy.

Reason

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

Timing

Details of parking and access arrangements to be provided with application for Compliance assessment.

6. Refuse Facilities**Condition**

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

- a) The owner/occupier of the premises is required to provide an adequate number of waste containers to manage the waste generated by the activities being undertaken onsite.
- b) The proprietor is to arrange for the removal of waste from the premises by a suitably licensed waste transport contractor approved by the local government to transport waste under section 369A of the *Environmental Protection Act*. Adequate provision must be made for the collection of the waste storage containers within the premises.

- c) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.

or

- d) The minimum overhead clearance required for refuse collection is 6500mm. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- e) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

Reason

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

Timing

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

7. Clinical/Medical Wastes

- a) This development has the potential to generate or handle clinical and regulated waste material. Clinical and medical related waste is to be handled in accordance with AS/NZS 3816:1998 "Australian Standard/New Zealand Standard – Management of clinical and related wastes".
- b) Where practicable, all loading and unloading must take place within the containment area (storage area). This area is to be constructed in such a way that any spills from loading or unloading are not permitted to escape to an area subject to storm water. No clinical and related wastes are to be disposed of via the stormwater drainage system.

Reason

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

Timing

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

8. Signage

Condition

The developer must submit to Council for approval plans of any signage to be associated with the use that is deemed to be assessable development in accordance with the assessment tables of Part 5.8.2 of the Planning Scheme. Signs must be designed in accordance with the Part 9.4.1 - Advertising Devices Code.

Approved signs must be maintained to the satisfaction of Council. To maintain amenity for adjoining properties, no illumination of the signage is to occur unless otherwise approved in writing by Council.

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

Reason

Signage not deemed either Exempt or Self Assessable development requires a Code Assessable Operational works development application to be lodged with Council in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use.

9. Protection of Operational Airspace

Condition

- a) Permanent or temporary physical obstructions must not adversely affect operational airspace such as activities associated with the proposed use or its construction, (including cranes) must not involve transient intrusions above 15 metres.
- b) Emissions must not significantly affect air turbulence, visibility or engine operation in operational airspace such as gaseous plume at a velocity exceeding 4.3 metres per second or smoke, dust, ash or steam.
- c) Any activity on the subject land must not emit anything that may interfere with current or proposed electronic air navigation or communications systems.
- d) Any proposed site lighting, including street lighting, car parking lighting and advertising or business sign lighting must be installed such that it does not project light spillage above the horizontal plane or beyond the subject site to protect the integrity of the Townsville Airport night lighting system and ensures that adjoining sites and roads are not affected.

Reason

To ensure the development does not have detrimental effect on the operation of airspace.

Timing

During the construction of the development and at all times following the commencement of the use.

10. Landscaping

Condition

- (a) A landscaping and irrigation design plan is required to be submitted to and be approved by Council. The landscape and irrigation design plans must be prepared in accordance with Part 9.4.3 Landscape code.
- (b) The landscape plans must include street trees. The prescribed street tree species for Hugh Ryan Drive is *Fraxinus griffithii*.

Reason

All works must be completed in accordance with the approved landscaping plan and constructed to a standard in accordance with relevant code/s and policy direction.

Timing

To be submitted and assessed as part of Compliance Assessment for the development. All landscaped areas must be maintained thereafter to the satisfaction of 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. Further Approvals Required

Condition

a) Compliance Assessment

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

Condition 5 – Car Parking

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

b) Plumbing and Drainage Works

The developer must obtain a Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

c) Building Works

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

3. Storage of Materials and Machinery

Condition

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

4. Building Work Noise

Condition

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

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

5. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Department of Natural Resources and Mines Petroleum Gas Inspectorate.

Construction must comply with relevant Legislation, Policies and Guidelines.

6. Defence Registration

Condition

The Cremator may require registration with the appropriate Civil Aviation and RAAF authorities. Please contact the Department of Defence on 02 6266 8486 or email DSRGIDEP.Executivesupport@defence.gov.au for further assistance.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 of the council minutes (page 8558) where council resolved that the committee recommendation be adopted.

4 Appeal No. 348 of 2015, Boag & Sanger v TCC and Townsville Christian Education Association Ltd - 104-156 Yolanda Drive, Annandale

Executive Summary

A submitter appeal was filed in the Planning and Environment Court in Townsville on 27 October 2015 against council's approval of a development application on 25 August 2015 for a Development Permit - Material Change of Use (Impact) Education Establishment – Stage 4 situated at 104-156 Yolanda Drive, Annandale (Annandale Christian School).

The submitters claim the application should be refused for amenity reasons or, in the alternative, the approved conditions should be amended to appropriately resolve the amenity issues they have raised in the appeal.

Officer's Recommendation

1. That council resolve to defend the approval of the development application in Planning and Environment Court Appeal No. 348 of 2015.
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, out of court, in the event that a mutually acceptable settlement emerges relating to the above matter.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 of the council minutes (page 8558) where council resolved that the committee recommendation be adopted.

5 Strategic Planning - City Planning - Proposed Amendments to Townsville City Plan and Planning Scheme Policies

Executive Summary

This report proposes the second round of amendments to the Townsville City Plan, in keeping with the ongoing maintenance of the planning scheme and planning scheme policies to reflect modern standards and practices.

Proposed amendments (including proposed administrative, minor and major amendments) are collectively addressed in the report in order to ensure a streamlined and efficient process of undertaking amendments to the Townsville City Plan and planning scheme policies.

Officer's Recommendation

1. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, council resolve to adopt the prepared administrative and minor amendments to the Townsville City Plan and planning scheme policies in accordance with this report.
2. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, council resolve to make major amendments to the Townsville City Plan and planning scheme policies in accordance with this report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 of the council minutes (page 8558) where council resolved that the committee recommendation be adopted.

6 Strategic Planning - Economic Development & Strategic Projects - Sale of council Property

Executive Summary

Council has been approached by a party requesting to purchase a portion of Property Assessment No. 0966006, West End which adjoins the party's existing property.

It is recommended that council reconfigure the land parcel, and sell a portion of the land to that party after applying the exemption to the requirement to go to public offer in Section 236(1)(c)(iv) of the *Local Government Regulation 2012*.

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 the council resolve to apply the exemption set out in section 236(1)(c)(iv) of the *Local Government Regulation 2012* to the sale of a portion of the land at Property Assessment No. 0966006, West End.
3. That the council obtain the relevant planning approvals for reconfiguration, and resolve to sell a portion of Property Assessment No. 0966006, West End.
4. That the council resolve to delegate to the Chief Executive Officer the authority to negotiate the sale of a portion of Property Assessment No. 0966006, West End, subject to agreement being reached about the terms of the sale including acceptance of a disposal value of at least of the amount determined by a market valuation performed by a registered valuer.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 3 of the council minutes (page 8558) where council resolved that the committee recommendation be adopted.

7 Strategic Planning - Economic Development & Strategic Projects - Amended Lease Conditions, Commercial Properties

Executive Summary

Council has been approached by several Lessees of council-owned properties who are prepared to take a greater role in managing and undertaking maintenance and capital works on the leased premises.

A component of amended lease conditions to be negotiated may involve an alteration to the term of lease which may be seen as a lease renewal. Section 236(1)(c)(iii) of the *Local Government Regulation 2012* exempts the council from having to call for tenders for the renewal of leases provided that:

1. the council first resolves to apply the exemption to the particular lease renewal; and
2. the rental payable for the new lease is at least the amount determined by a market valuation provided by a registered valuer.

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 grant authority to the Chief Executive Officer to renegotiate the lease conditions for Property Assessment Number 0404001, Rowes Bay, Property Assessment Number 4301411, North Ward and Property Assessment Number 4301410, North Ward, subject to favourable and commercial terms being negotiated.
3. That council resolve to apply the exemption set out in section 236(1)(c)(iii) of the *Local Government Regulation 2012* to the renewal of the lease for Property Assessment Number 0404001, Rowes Bay being an exemption from the requirement to call for tenders.
4. That the council resolve to renew the lease for Property Assessment Number 0404001, Rowes Bay subject to agreement being reached about the terms of each new lease and acceptance of rental payments at least of the amount determined by a market valuation performed by a registered valuer.

Committee Recommendation

That the officer's recommendation be adopted subject to further advice from council's Legal Officer regarding company directors and potential conflicts of interest.

Council Decision

Refer to resolution preceding item 3 of the council minutes (page 8558) where council resolved that the committee recommendation be adopted.

Sports Recreation and Parks Committee

It was MOVED by Councillor P Ernst, SECONDED by Councillor A Parsons:

"that the committee recommendations to items 8 to 14 be adopted and that item 15 be referred to the closed session of this meeting."

CARRIED

8 Community Services - Presentation- Cricket Australia

Executive Summary

Tony Ireland Stadium is only the tenth ICC (International Cricket Council) accredited venue in Australia due to the standard of the facilities and the field, and quality of the pitches prepared for national and international fixtures.

The reputation of the venue is very good as evidenced by the regular opportunities over the last several years for the facility to host a number of elite cricket matches. These have included Australia A series involving India, South Africa, Pakistan and Sri Lanka, as well as the 2012 Under 19 Cricket World Cup, Ryobi Cup one day domestic cricket, and a KFC Twenty/20 Big Bash to open the venue on New Year's Eve 2007.

Cricket Australia is interested in discussing with Council how Tony Ireland Stadium fits into the strategic direction of Cricket Australia. The following people will be presenting on this topic to the Sport, Recreation, and Parks Committee;

- Alex Wyatt (Executive General Manager of Strategy & Government - Cricket Australia)
- Sean Cary (Head of Cricket Operations - Cricket Australia)
- Grant Poulter (Head of Public Policy and Government Relations - Cricket Australia)
- Kate Dixon (Queensland Cricket)

Townsville is the preferred option for most Australia A International series as the 'off season' climate is favourable, for Papua New Guinea home fixtures and requirements, and potentially for significant ICC content such as the Under 19 World Cup, possible Queensland one day and Sheffield Shield fixtures, One Day Internationals and Test matches (men's and women's). However, sourcing such opportunities will be dependant on the ability to play at night, and be telecast, as this is imperative to be able to attract such fixtures.

Townsville has a rich cricket history that has included local players being successful on the world stage such as Mitchell Johnson who retired only a few days ago from International cricket and started playing cricket in Townsville for Wanderers.

As part of the discussion with Council, Cricket Australia would like to begin a conversation about the possibility of naming of the grandstand at Tony Ireland Stadium after Mitchell Johnson. If agreed to, this could be announced coinciding with the first international test match to be played at Tony Ireland Stadium which is proposed to occur in 2017 (Australia vs Bangladesh), subject to the facility meeting the required lighting standard.

Officer's Recommendation

That council note the Cricket Australia presentation, and the opportunity for Townsville to continue to grow to become one of the top locations and venues (Tony Ireland Stadium) for cricket from regional to national and international levels, due to its favourable climate and quality of facilities.

Committee Recommendation

That the Cricket Australia presentation to the Sports Recreation and Parks committee be noted.

Council Decision

Refer to resolution preceding item 8 of the council minutes (page 8568) where council resolved that the committee recommendation be adopted.

9 Community Services - Lease - Cleveland Tennis Club Inc.

Executive Summary

The Cleveland Tennis Club Inc. seeks to renew their lease, located at 19-21 Paxton Street, North Ward (Lease U on Lot 201 on SP126605) for a term of 10 years. Their current lease area only includes the clubhouse and not the two adjoining tennis courts. The club will be required to provide a survey to incorporate the two tennis courts into their new lease area.

Officer's Recommendation

1. That council approve the issuing of a lease to Cleveland Tennis Club Inc. over a clubhouse and two tennis courts at 19-21 Paxton St, North Ward (a portion of Lot 201 on SP126605) for a term of up to 10 years, for the rental fee of \$1.00 per year, exclusive of GST, if requested.

2. Council note that the group under the issued lease will be responsible for;

Maintenance, Repair, Replacement Obligations including:

- a) Structural (clause 6.1a)
- b) Services/pipes/conduits (clause 6.1b)
- c) Painting (clause 6.3)
- d) Minor maintenance (clause 6.6)

Landscaping Obligation (clause 5.8)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the council minutes (page 8568) where council resolved that the committee recommendation be adopted.

10 Community Services - Lease - Townsville Kayak Club Inc., - Nathan St, Cranbrook

Executive Summary

The Townsville Kayak Club Inc. (previously Townsville Canoe Club Inc.) seeks to renew their lease of their clubhouse located at 199 Nathan St, Cranbrook (Lease A – being part of Lot 1 on RP718847 and Lot 1 on RP720957) which is also the location of Council's Cranbrook Depot for a term of 10 years.

Officer's Recommendation

1. That council approve the issuing of a lease to Townsville Kayak Club Inc. over a clubhouse located at 199 Nathan St, Cranbrook (Lease A – being part of Lot 1 on RP718847 and Lot 1 on RP720957) for a term of up to 10 years, for the rental fee of \$1.00 per year, exclusive of GST, if requested.
2. That council note that the group under the issued lease will be responsible for;

Maintenance, Repair, Replacement Obligations including:

- a) Structural (clause 6.1a)
- b) Services/pipes/conduits (clause 6.1b)
- c) Painting (clause 6.3)
- d) Minor maintenance (clause 6.6)

Landscaping Obligation (clause 5.8)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the council minutes (page 8568) where council resolved that the committee recommendation be adopted.

11 Community Services - Lease - Townsville Western Suburbs Cricket and Vigoro Club, Cutheringa Park, West End

Executive Summary

Western Suburbs Cricket and Vigoro Club Inc. is seeking to renew their lease over part of the parcel of land located at 22 Harold Street, West End (part of Lot 13 on T11869).

Officer's Recommendation

That council approve the issuing of a lease to Townsville Western Suburbs Cricket and Vigoro Club Inc. over part of the parcel of land located 22 Harold Street, West End (part of Lot 13 T11869) for a term of 10 years, for the rental fee of \$1.00 per year, exclusive of GST, if requested.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the council minutes (page 8568) where council resolved that the committee recommendation be adopted.

12 Community Services - License to Occupy (LTO): AFL Townsville - Harold Phillips Park

Executive Summary

Council approval has previously been given for the establishment of a number of Licences to Occupy (LTO) with community groups in order to formalise their use of council controlled spaces.

Licences to Occupy formalise the conditions under which community groups are able to make use of these open spaces on a non-exclusive basis.

AFL Townsville is seeking a Licence to Occupy a portion of Harold Phillips Park located at 4 Hugh Street, Garbutt (part of Lot 32 on EP1533) for a term of five years for the purpose of playing Australian Rules Football (AFL).

This land is currently used for this purpose by the Townsville City Lions AFL Club, under this new LTO AFL Townsville will coordinate AFL's presence at Harold Phillips Park, the LTO will formalise this agreement with Council.

Officer's Recommendation

That council approve the issuing of a Licence to Occupy (LTO) to AFL Townsville over a portion of Harold Phillips Park, 4 Hugh Street, Garbutt (part of Lot 32 on EP1533) for the purpose of playing Australian Rules Football (AFL).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the council minutes (page 8568) where council resolved that the committee recommendation be adopted.

13 Community Services - Licence to Occupy (LTO): Townsville Cricket Association Inc. - Gill Park, Gulliver

Executive Summary

Council approval has previously been given for the establishment of a number of Licences to Occupy (LTO) with community groups in order to formalise their use of council controlled spaces.

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

Townsville Cricket Association Inc. is seeking a licence to occupy land located at Gill Park, 50 - 74 Palmerston Street Gulliver (part of Lot 1 on SP148260) for a term of five years for the purpose of playing Cricket. This land is currently used for this purpose by the Townsville Cricket Association Inc. to play junior cricket competition games, the LTO will formalise this agreement with Council.

Officer's Recommendation

That council approve the issuing of a Licence to Occupy (LTO) to Townsville Cricket Association Inc. over portion of Gill Park, 50 – 74 Palmerston Street, Gulliver (part of Lot 1 on SP148260) for the purpose playing cricket, and in particular junior cricket

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the council minutes (page 8568) where council resolved that the committee recommendation be adopted.

14 Engineering Services - Kirwan Sports Club, Joe Kirwan Park Upgrade Proposal

Executive Summary

Council has received written correspondence from the Kirwan Sports Club requesting permission to upgrade the car parking facilities at Joe Kirwan Park.

Included in the proposal the Kirwan Sports Club is also seeking permission to install a concrete footpath to improve accessibility through the park, via the car park on Corinthian Court.

This report provides detailed information on the Kirwan Sports Club proposal and council's recommendation to their request.

Officer's Recommendation

That the Kirwan Sports Club car park upgrade proposal be supported.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the council minutes (page 8568) where council resolved that the committee recommendation be adopted.

15 Community Services - Kokoda Pool Lease

Council resolved (refer to page 8568) to change the order of business to consider item 15 - Community Services - Kokoda Pool Lease in the closed session of this meeting (after item 32).

Refer to page (8587) of the Council Minutes for item 15 - Community Services - Kokoda Pool Lease

Community and Cultural Committee

It was MOVED by Councillor S Blom, SECONDED by Councillor C Doyle:

"that the committee recommendations to items 16 to 17 be adopted."

CARRIED UNANIMOUSLY

16 Community Services - Art Acquisition Working Group November 2015 - Minutes

Executive Summary

Attached to the Report to Council are the minutes of the Art Acquisition Working Group meeting held on 24 November 2015 for information.

Officer's Recommendation

That council receive the minutes and endorse the recommendations from the Art Acquisition Working Group meeting of 24 November 2015.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 16 of the council minutes (page 8573) where council resolved that the committee recommendation be adopted.

17 Community Services - Performing Arts and Events Strategy 2016-18

Executive Summary

This report presents the Performing Arts and Events Strategy to council for the calendar years 2016 – 2018.

This strategy is the guiding document that provides over-arching direction, priorities, and strategic actions for council's presentation and development in the areas of performing arts and events.

The strategy also identifies proposed programs of council delivered performances and events for the three years of 2016, 2017, and 2018.

Officer's Recommendation

That council approve the Performing Arts and Events Strategy 2016-2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 16 of the council minutes (page 8573) where council resolved that the committee recommendation be adopted.

Governance and Finance Committee

It was MOVED by Councillor J Lane, SECONDED by Councillor C Doyle:

"that the committee recommendations to items 18 to 21 be adopted."

CARRIED UNANIMOUSLY

18 Treasury Report - November 2015

Executive Summary

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

Officer's Recommendation

That council note the treasury report for November 2015 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 18 of the council minutes (page 8574) where council resolved that the committee recommendation be adopted.

19 Customer Service Standards Report

Executive Summary

In 2014, Townsville City Council's Customer Service Standards were published on our website.

In June 2015 Communication and Customer Relations commenced collating departmental results. These results were presented at the October Executive Management Team (EMT) meeting.

This report presents to Council the results of Townsville City Council's Customer Service Standards for 2014/2015.

The purpose of this report is to raise awareness of the Townsville City Council's Customer Service Standards and their results and seek council's endorsement for publicising the 2014/2015 results.

Officer's Recommendation

That council note the results of Townsville City Council's Customer Service Standards for 2014/2015 to be published on Townsville City Council's website.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 18 of the council minutes (page 8574) where council resolved that the committee recommendation be adopted.

20 Code of Conduct

Executive Summary

The *Public Sector Ethics Act 1994* requires that Queensland Government entities, which include local governments, have a Code of Conduct. The existing Code of Conduct for Staff has been revised in the main to reflect the recent introduction of the Fraud Management Framework, and to have those to whom the Code applies defined as “workers” (instead of “employees”). This change required to avoid issues that may arise through the creation and application of a definition of “employees” that is different to the legal definition of that term. The revised Code of Conduct for Staff, attached to the Report to Council, has been amended to reflect the above mentioned changes.

Officer's Recommendation

That council adopt the Code of Conduct attached to the Report to Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 18 of the council minutes (page 8574) where council resolved that the committee recommendation be adopted.

21 Bad Debt Write-Off December 2015

Executive Summary

Council arrears are monitored on a regular basis and pursued through standard collection processes. Continuing assessments are being made to ensure council is compliant with AASB 139 and receivables are impaired where objective evidence exists around their collectability.

A review of Townsville City Council accounts receivable has deemed commercial receivables of \$19,963.61 unrecoverable and it is recommended these balances are written off. As these receivables have been specifically provided for in prior periods the impact of their write-off will have no effect on Townsville City Council's current operating result.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with the *Local Government Regulation 2012* and that the document remain confidential unless council decides otherwise by resolution.
2. That council approve the write-off of \$19,963.61 in outstanding commercial receivables as detailed in the write-off list attached to the Report to Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 18 of the council minutes (page 8574) where council resolved that the committee recommendation be adopted.

Townsville Water and Waste Committee

It was MOVED by Councillor R Gartrell, SECONDED by Councillor V Veitch:

"that the committee recommendations to items 22 to 23 be adopted."

CARRIED UNANIMOUSLY

22 Program & Technical Support - Tender Evaluation Report - TCW00144 - Stuart Interface Liner Stage 2Bii

Executive Summary

The Stuart Landfill Site Development Plan (SDP) identifies the need for construction of an interface liner over unlined cells to allow continued placement of waste in this area. Construction of the interface liner will take place progressively over a number of stages; the first stage has been completed and the void has been filled with waste. The next two stages to be undertaken are combined and referred to as Interface Liner Stage 2Bii, scheduled for construction in the current financial year. This report provides an analysis and evaluation of the tenders received for this project.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award tender TCW00144 – Stuart Waste Facility Stage 2Bii Interface Liner to NQ Civil Contractors Pty Ltd for the lump sum price of \$1,939,990.00 (excluding GST).
3. That council delegate authority to the Chief Executive Officer or his delegate to approve variations not exceeding the approved project budget provided the variations are for work under contract TCW00144.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 22 of the council minutes (page 8576) where council resolved that the committee recommendation be adopted.

23 Business Management & Compliance - Monthly Report Card - November 2015

Executive Summary

Townsville Water and Townsville Waste's monthly report cards containing year to date operating results for 2015/16 are submitted for the month of November 2015.

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 note the report cards from Townsville Water and Townsville Waste for the month of November 2015.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 22 of the council minutes (page 8576) where council resolved that the committee recommendation be adopted.

Officers Reports

Corporate Services

24 Budget Variance Report - Whole of Council - November 2015

Executive Summary

On behalf of the Chief Executive Officer, the Director Corporate Services presented and discussed the Budget Variance Report for the whole of council for November 2015, pursuant to section 204 of the *Local Government Regulation 2012*.

The Director Corporate Services circulated separately to the Agenda the Budget Variance Report for the whole of council for November 2015.

Officer's Recommendation

That council note the financial report for November 2015 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

Council Decision

It was MOVED by Councillor J Lane, SECONDED by Councillor V Veitch:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

25 Corporate Plan 2014 - 2019 Review (December 2015)

Executive Summary

Section 165 (3) of the *Local Government Regulation 2012* states that a local government may, by resolution, amend its 5 Year Corporate Plan at any time. In March 2014, council adopted the Corporate Plan 2014 – 2019. For the past six years, council has maintained the practice of reviewing its Corporate Plan annually, in sufficient time before the Operational Planning and Budgeting process commences.

Officer's Recommendation

That council adopt the revised Corporate Plan 2014 – 2019 as per the itemised amendments in Attachment 1 of the Report to Council.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

26 Queensland Audit Office 2015 Final Management Report for Townsville City Council

Executive Summary

Pursuant to section 213 of the *Local Government Regulation 2012*, if the auditor-general gives the Mayor of a local government a copy of the auditor-general's observation report about an audit of the local government's financial statements, the Mayor must present a copy of the report at the next ordinary meeting of the local government.

The Final Management Report for Townsville City Council is presented for adoption.

The audited general purpose financial statements were presented to council on 24 November 2015 with the 2014/15 Annual Report. The general purpose financial statements for 2014/15 were certified without qualification. As at the date of certification of the Independent Auditors Report there were no material deficiency issues.

Officer's Recommendation

That, pursuant to section 213 of the *Local Government Regulation 2012*, council adopt the Final Management Report for Townsville City Council for the year ended 30 June 2015 as issued by the Queensland Audit Office.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor J Lane, the Mayor, Councillor J Hill and the Chief Executive Officer thanked the staff for their work on the audit process.

Confidential Items

It was MOVED by Councillor V Veitch, SECONDED by Councillor P Ernst:

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

Section 275 (e) contracts proposed to be made by it; and (Items 27 to 31 and 15)

Section 275 (d) rating concessions." (Item 32)

CARRIED UNANIMOUSLY

The council discussed the items.

It was MOVED by Councillor V Veitch, SECONDED by Councillor P Ernst:

"that council RESOLVE to open the meeting."

CARRIED

In accordance with section 173 of the *Local Government Act 2009*, Councillors V Veitch, T Roberts, S Blom, J Lane, G Eddiehausen, A Parsons and R Gartrell declared a perceived conflict of interest in regards to item 27.

- (a) the name of the councillors who have the perceived conflict of interest:**
Councillors V Veitch, T Roberts, S Blom, J Lane, G Eddiehausen, A Parsons and R Gartrell.
- (b) the nature of the conflict of interest as described by the Councillors:**
Urbex Pty Ltd donated to the Townsville First election campaign (Urbex is a subsidiary of BMD).
- (c) how the Councillors dealt with the perceived conflict of interest:**
The councillors dealt with the conflict by disclosing the perceived conflict of interest and proposing to exclude themselves from the meeting throughout consideration of the item, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the *Local Government Act 2009*, remained in the meeting and participated in the discussion about and voting upon the item.
- (d) if the Councillors voted on the issue – how the Councillors voted:**
The Councillors voted as per the officer's recommendation.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

27 Property Management - Leased Workshop Facility

Executive Summary

A high-level review of council's administrative and depot facilities has been undertaken to address options available to relocate Garbutt and Bamford Lane workshop facilities. The purpose of this report is to proceed with the construction of a leased workshop facility following the recent tender process.

This strategy considers council's financial position and recommends that operational funds be directed to the project replacing capital expenditure, in accordance with the scope outlined in the report.

The fundamental objective determined from the Facilities Master Plan project is to ensure Townsville City Council is appropriately positioned from facilities perspective in the short, medium and long term.

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 TOW00042 - Leased Workshop Facility to B.M. Webb for a yearly lease charge of \$383,000 plus outgoings which have been identified at \$61,300 for the first year with adjustments to be made each year relevant to council's rate increase and CPI.
3. That council determine if the proposed Leased Waste Facility is a viable option and should this be agreed on, award Separable Portion Two to B.M. Webb for the yearly lease charge of \$276,000 plus outgoings which have been identified at \$47,400 per year for the first year with adjustments to be made each year relevant to council's rate increase and CPI. If approved both projects would commence simultaneously with a construction time of 30 weeks.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED

Councillor P Ernst dissented from the above decision.

28 Property Management - Fire Services Contract PSA00011

Executive Summary

This preferred supplier arrangement process provides for comprehensive Fire Services. The scope of work incorporates scheduled preventative maintenance and reactive maintenance as well as planned maintenance, capital works, call out services and provision of materials on council assets.

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 contract PSA00011 - Fire Services to Premier Fire Pty Ltd at the value of \$188,830 (including GST).
3. That the contract is for a three year period with the optional provision for council to offer extensions on a two plus one yearly basis.

Council Decision

It was MOVED by Councillor V Veitch, SECONDED by Councillor A Parsons:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

29 Finance Services Procurement PSA00032 Supply of Premix Concrete

Executive Summary

Council issued tender number PSA00032 on 10 October 2015 for a Preferred Supplier Arrangement for the supply and delivery of Premix Concrete. The tender closed on 4 November 2015. Four submissions were received. Each tenderer declared no conflict of interest. The contract is for 12 months with the option for a further two (2) 12 month periods. The *Local Government Regulation 2012* requires the value of a large-size contractual arrangement is expected to be worth \$200,000 excluding GST or more in a financial year, or over the proposed 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 PSA00032 - Preferred Supplier Arrangement for Supply and Delivery of Pre-Mix Concrete to Holcim Australia Pty Ltd for 12 months with the option of two (2) 12-month extensions. The annual contract value is estimated to be in excess of \$400,000.00.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 172 of the *Local Government Act 2009*, Councillor J Lane declared a material personal interest in regards to item 30.

- (a) the nature of the material personal interest as described by the Councillor:**
Councillor Lane's husband is a casual employee of the James Cook University College of Law, Business and Governance.
- (b) how the Councillor dealt with the material personal interest:**
Councillor J Lane vacated the chambers during discussion and voting on the item.

In accordance with section 173 of the *Local Government Act 2009*, Councillor V Veitch declared a perceived conflict of interest in regards to item 30.

- (a) the name of the councillor who has the perceived conflict of interest:**
Councillor V Veitch
- (b) the nature of the conflict of interest as described by the Councillor:**
Councillor Veitch's wife presently works on a part-time casual basis tutoring trainee mathematics teachers at James Cook University.
- (c) how the Councillor dealt with the perceived conflict of interest:**
The Councillor determined that he had a real conflict of interest and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 173 of the *Local Government Act 2009*, Councillors V Veitch, T Roberts, S Blom, G Eddiehausen, A Parsons and R Gartrell declared a perceived conflict of interest in regards to item 30.

- (a) **the name of the councillors who have the perceived conflict of interest:**
Councillors V Veitch, T Roberts, S Blom, J Lane, G Eddiehausen, A Parsons and R Gartrell.
- (b) **the nature of the conflict of interest as described by the Councillors:**
Key Motors, Pickerings and Tony Ireland Holden donated to the Townsville First election campaign.
- (c) **how the Councillors dealt with the perceived conflict of interest:**
Councillors T Roberts, S Blom, G Eddiehausen, A Parsons and R Gartrell dealt with the conflict by disclosing the perceived conflict of interest and proposing to exclude themselves from the meeting throughout consideration of the item, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the *Local Government Act 2009*, remained in the meeting and participated in the discussion about and voting upon the item.
Councillors V Veitch and J Lane dealt with the conflict by disclosing the perceived conflict of interest and left the meeting and did not participate in debate or voting on the matter.
- (d) **if the Councillors voted on the issue – how the Councillors voted:**
Councillors T Roberts, S Blom, G Eddiehausen, A Parsons and R Gartrell voted as per the officer's recommendation.
Councillors V Veitch and J Lane vacated the Chambers during discussion and voting on this item.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 173 of the *Local Government Act 2009*, the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 30.

- (a) **the name of the councillor who has the perceived conflict of interest:**
The Mayor, Councillor J Hill
- (b) **the nature of the conflict of interest as described by the Councillor:**
Councillor Hill has a family member that works for Agilent Australia in Victoria.
- (c) **how the Councillor dealt with the perceived conflict of interest:**
The Councillor determined that she had a real conflict of interest and left the meeting and did not participate in debate or voting on the matter.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

Councillor A Parsons assumed the Chair for item 30.

30 Finance Services - Sole suppliers and/or suppliers of specialised or confidential services for 2016 calendar year

Executive Summary

It is a requirement of the *Local Government Regulation 2012* to invite written quotations or tenders where the carrying out of works or the supply of goods and services involves costs greater than \$15,000 or \$200,000 respectively. Additionally, council's Procurement Policy contains provisions regarding obtaining quotations for amounts less than \$15,000.

The Regulation acknowledges that there are instances where it will not always be possible to meet these criteria and provides a number of exceptions to manage these instances, including the following:

235 Other exceptions

A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if—

- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or*
- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders;*

To meet operational requirements it has been identified that there are a number of suppliers who are the only reasonable option from which council can obtain goods and services. This has created difficulties in meeting council's procurement requirements as there are no alternative suppliers to provide competitive quotes.

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

Relevant council officers have been asked to list and justify why this legislative exception should be considered for each nominated supplier and a summary of the supporting rationale is listed in Attachment 1 of the Report to Council.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council resolve, in accordance with section 235(a) and (b) of the *Local Government Regulation 2012*, that it is satisfied that these suppliers as listed in Attachment 1 of the Report to Council are sole suppliers and/or suppliers of specialised or confidential services for the 2016 calendar year.

Council Decision

It was MOVED by Councillor T Roberts, SECONDED by Councillor R Gartrell:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillors V Veitch, T Roberts, S Blom, J Lane, G Eddiehausen, A Parsons and R Gartrell declared a perceived conflict of interest in regards to item 31.

- (a) **the name of the councillors who have the perceived conflict of interest:**
Councillors V Veitch, T Roberts, S Blom, J Lane, G Eddiehausen, A Parsons and R Gartrell.
- (b) **the nature of the conflict of interest as described by the Councillors:**
Gabielli Constructions donated to the Townsville First election campaign.
- (c) **how the Councillors dealt with the perceived conflict of interest:**
The councillors dealt with the conflict by disclosing the perceived conflict of interest and proposing to exclude themselves from the meeting throughout consideration of the item, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the *Local Government Act 2009*, remained in the meeting and participated in the discussion about and voting upon the item.
- (d) **if the Councillors voted on the issue – how the Councillors voted:**
The Councillors voted as per the officer's recommendation.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 173 of the *Local Government Act 2009*, Councillor P Ernst declared a perceived conflict of interest in regards to item 31.

- (a) **the name of the councillor who has the perceived conflict of interest:**
Councillor P Ernst
- (b) **the nature of the conflict of interest as described by the Councillor:**
Gabielli Constructions donated to Councillor Ernst's election campaign.
- (c) **how the Councillor dealt with the perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The Councillor voted as per the officer's recommendation.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

31 TCW00152 - 103 Walker Street Roof Upgrade and Level 2 Refurbishment

Executive Summary

Townsville City Council's administration building situated at 103 Walker Street, is forty years old and requires a roof upgrade and refurbishment to the second level. A building contractor is required to undertake the project scope, by coordinating relevant trades to ensure minimal disruption during the contract period.

This report recommends the appointment of a builder for the 103 Walker Street Roof Upgrade and Level 2 Refurbishment Project.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award tender TCW00152 103 Walker Street Roof Upgrade and Level Two Refurbishment to Jackson Semler Pty Ltd at a cost of \$3,076,817.57 (excluding GST).
3. That a contingency budget of \$500,000 (excluding GST) be approved for the provision of approved variations under the contract by delegation to the Chief Executive Officer.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

32 Request for concession - property number 551380

Executive Summary

A request has been received for a concession for the general rate for property number 551380. The application has been made under council's concessions policy specifically in relation to a not-for-profit community organisation.

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 to grant a concession for the general rate for the property number 551380 and that the general rate concession to include general rates from the date of effect of the lease agreement 14 April 2015.
3. That council resolve that the concession will continue to be granted until such time that the land use changes, a change to the lease agreement for the property is recorded or council decides otherwise.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Council resolved (refer to page 8568) to change the order of business to consider item 15 in the closed session.

15 Community Services - Kokoda Pool Lease

Executive Summary

Personal Best Aquatics, the Council approved lessee of the Kokoda Memorial Swimming Pool, has proposed that they be granted a five (5) year lease extension with a five year option, in return for them making further capital contributions at the facility located at 41 Wellington Street, Mundingburra (Lot 2 on SP240084). The lease extension is proposed to commence from 1 January 2016, which is six months before the expiration of the current lease, and be at a rent of \$72,000 per year plus GST. This report provides an assessment of the proposal and recommends action in response to it.

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 accept the proposal to extend the term of the lease by Personal Best Aquatics (PBA) for the Kokoda Memorial Swimming Pool for a period of 5 years (from 1 July 2016 to 30 June 2021) in return for capital contribution to the value of \$52,100 plus GST for council approved projects at the facility to be expended within the first two years of the term of the lease, and rent of \$72,000 per year plus GST payable from the expiration of the current lease term (from 1 July 2016) with terms and conditions of the extended lease to be on the same terms as the current lease.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

It was MOVED by Councillor P Ernst, SECONDED by Councillor A Parsons:

"that the committee recommendation be adopted."

CARRIED UNANIMOUSLY

The order of business was resumed.

General Business

(i) Amendment to Code of Meeting Practice

It was MOVED by Councillor C Doyle, SECONDED by Councillor S Blom:

"that council amend the Code of Meeting Practice by repealing the existing section 5.9.5 Divisions and insert in its place a new section 5.9.5 Recording of Votes that states that "For all motions that are not carried unanimously the Minutes include a record of the names of those who voted for the motion and the names of those who voted against the motion."

Amendment

It was MOVED by Councillor J Lane, SECONDED by Councillor V Veitch:

"that council amend the Code of Meeting Practice by repealing the existing section 5.9.5 Divisions and insert in its place a new section 5.9.5 Recording of Votes that states that "For all motions that are not carried unanimously the Minutes include a record of the names of those who voted for the motion and the names of those who voted against the motion. That where a councillor has voted against the officer's or committee's recommendation, that the reason for that contrary vote be recorded in the minutes."

**The Amendment was CARRIED and became the Substantive Motion.
The Substantive Motion was put and CARRIED.**

Cr Eddiehausen dissented from the above decision.

(ii) Request for copy of council report on Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015

Councillor G Eddiehausen referred to the Mayoral Minute, tabled at the meeting, regarding Tackling Alcohol-fuelled Violence Legislation Amendment Bill 2015 and council's decision for a report to be prepared. Councillor Eddiehausen requested that as soon as the report is available that it be provided to the Councillors.

(iii) Overview of Fibercon EMesh recycled fibres product

Councillor V Veitch provided an overview of the Fibercon EMesh recycled fibres product which included the following information:

- the Fibercon Qld team, with the new Emesh fibres, have won the Australian Innovation Challenge for the construction, manufacturing and infrastructure category as it reduces carbon, poisons, water consumption, fossil fuel usage by over 90%, time and funds and performs just as well as the virgin plastic fibres;
- the Emesh fibres have undergone the most rigorist testing program at James Cook University with results meeting the performance needed to use as concrete reinforcement; and
- the product is Australian made and invented and developed in Townsville by local people at James Cook University.

(iv) Request for update on Rollingstone Bridge

Councillor S Blom requested an update on the Rollingstone Bridge.

The Director Infrastructure Services undertook to provide Councillor Blom and council with an update on the Rollingstone Bridge as soon as possible.

The Chair, Mayor J Hill thanked all the Councillors for their participation this year and also thanked the Chief Executive Officer and his staff for their support and guidance. Councillor Hill wished all in the Chambers a very Merry Christmas and a happy and safe new year. Councillor Hill advised that she looks forward to working with the Councillors and staff for the next few months before we go into the council elections.

On behalf of the management and staff, the Chief Executive Officer wished all the Councillors and their families all the best for Christmas and the new year.

Close of Meeting

The Chair, Mayor J Hill declared the meeting closed at 10.39am.

CONFIRMED this TWENTY SEVENTH day of JANUARY 2016

MAYOR

CHIEF EXECUTIVE OFFICER