

ORDINARY COUNCIL PUBLIC MINUTES

TUESDAY 23 JUNE 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.

MINUTES

	Page
Petitions	
(i) Petition to request council give consideration to maintaining the integrity of existing Ross River corridor by not selling off historic vacant lots	8182
Mayoral Minute	
(i) Seeking support to ensure that council protects and preserves the corridor of parkland and open space known as the Ross River Parkway	8183
Committee Items	
Infrastructure Committee	
1 Engineering Services - Temporary Partial Road Closure - Round Mountain Road	8184
2 Engineering Services - Permanent Road Closure - Hogan Street	8185
3 Engineering Services - Bus Stop Disability Compliance (DDA) Upgrade Program	8186
4 Engineering Services - Fees and Charges, CBD Parking Tariff	8187
5 Property Management - Provision of toilet facilities in Flinders Street East	8189
Planning and Development Committee	
6 Planning and Environment Court Appeal No. 128 of 2015 - Stella Zaglas -v- Townsville City Council and AE Tapiolas and L Bailey - Appeal against Councils decision to approve a Preliminary Approval for a Material Change of Use - RC13/0104 & MI13/0045	8191
7 P&E Court Appeal No. 1671 of 2015- Nadic Investments Pty Ltd v TCC & Stockland Developments Pty Ltd - Appeal against council's decision to grant development approval for a Preliminary Approval for a Material Change of Use to override the North Shore Plan	8192
8 Originating Application No 1897 of 2015 - Stateland Pty Ltd v Townsville City Council - Originating Application Seeking Declaration that Lot 1 RP747112 is Subject to Code Assessment - 40057 Bruce Highway - MC14/0092	8193
9 MI14/0011- Full Council Preliminary Approval for Development in accordance with a Plan of Development for Residential Land Use - 127 Allambie Lane Rasmussen	8194
10 Strategic Planning - Infrastructure Charges - Resolution to make a Local Government Infrastructure Plan	8197
11 Strategic Planning - Infrastructure Charges - Infrastructure Charges Resolution	8198
Sports Recreation and Parks Committee	
12 Community Services - North Queensland Sports Foundation	8211
13 Engineering Services - Adoption of Policy - Memorials and Commemorative Items within the Open Space Network	8212
14 Community Services-PSA00020 'Provision of Lifeguard Services'	8216

Community and Cultural Committee

15	Community Services - National Trust of Australia, Queensland Ltd - 5 Castling St, West End - Lease Renewal	8217
16	Community Services - Black River Rural Fire Brigade - New Lease	8218
17	Community Services - Community Grants Program 2015-2016	8219
18	Community Services - City of Townsville Art Collection Policy - 2015	8220
19	Community Services - Proposed Cultural Gift to City of Townsville Art Collection - June 2015	8229

Governance and Finance Committee

20	Budget Variance Report - Whole of Council - May 2015	8230
21	Treasury Report - May 2015	8231
22	Amendment to Meter Reading Anniversary Date	8231
23	Finance - Revised Procurement Policy	8232
24	Corporate Asset Management - Asset Management Policy	8236
25	Rescind Study Assistance Policy	8240
26	Request for concession - property number 109440	8241

Townsville Water and Waste Committee

27	Programs & Technical Support - Reservoir Site Acquisition	8242
28	Business Management & Compliance - Monthly Report Card - May 2015	8243

Officers Reports

Infrastructure

29	Engineering Services - Rollingstone Creek Bridge Renewal	8244
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Corporate Services

30	Safe Cities Conference - Melbourne - 8 July 2015	8245
31	Corporate Governance - Code of Meeting Practice Amendment	8245

Planning and Development

32	Strategic Planning - Economic Development and Strategic Projects - CBD Development Incentives Request for Extension	8248
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Confidential Items

33	Engineering Services - Peggy Banfield Park - TCW00119 Design Consultancy Services	8250
34	TCW00117 Civic Theatre Major Refurbishment - Architectural Services	8251

General Business

(i)	International Walking Visionaries Award - Planning and Design to Jezzine Barracks	8252
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REPORT	COUNCIL MEETING
DATE	Tuesday 23 June 2015 at 9.00am
ITEMS	1 TO 34

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
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Opening of Meeting and Announcement of Visitors

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

Prayer

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

Apologies and Leave of Absence

There were no apologies or leave of absence.

Confirmation of Minutes of Previous Meetings

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

"that the minutes of the Ordinary Council meeting of 26 May 2015 be confirmed; and that the minutes of the Special Council meeting of 10 June 2015 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of Interests

- (i) Sports Recreation and Parks Committee - Perceived conflict of interest - Item 12 - Councillor P Ernst - Councillor P Ernst is council's appointed representative and elected President of the North Queensland Sports Foundation.
- (ii) Townsville Water and Waste Committee - Perceived conflict of interest - Item 27 Councillors R Gartrell, S Blom, G Eddiehausen, J Lane, A Parsons, T Roberts and V Veitch - Geoff Eales (Opteon was formerly Collins and Eales) donated to the Townsville First election campaign.
- (iii) Officers Reports - Perceived conflict of interest - Item 33 - Councillors J Lane, S Blom, G Eddiehausen, R Gartrell, A Parsons, T Roberts and V Veitch - UDP Consulting Engineers Pty Ltd donated to the Townsville First election campaign.
- (iv) Officers Reports - Perceived conflict of interest - Item 32 - Councillors J Lane, S Blom, G Eddiehausen, R Gartrell, A Parsons, T Roberts and V Veitch - Reelaw Pty Ltd donated to the Townsville First election campaign.
- (v) Officers Reports - Perceived conflict of interest - Item 33 - The Mayor, Councillor J Hill and Councillors L Walker and C Doyle - UDP Consulting Engineers Pty Ltd donated to the Team Hill election campaign.

Petitions

- (i) **Petition to request council give consideration to maintaining the integrity of existing Ross River corridor by not selling off historic vacant lots**

Overview

Councillor R Gartrell tabled a petition requesting council give consideration to maintaining the integrity of the existing Ross River corridor by not selling off historic vacant lots as any development of these will adversely affect the amenity and impact use of public open space which is extensively and frequently used by the public.

Council Decision

That the petition be referred to the relevant Division for consideration.

Mayoral Minute

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

"Today I rise to seek support from Councillors. The support I seek is to ensure that this council protects and preserves the corridor of parkland and open space known to our community as the Ross River Parkway.

From the mouth of Ross River to our Dam, the network of pathways and parks has created an oasis in our suburbia, an area that in many ways rivals The Strand in terms of community use.

However, a council policy places much of this area at risk. Council is the largest property owner along the banks of Ross River.

Council in the 70's sought to sell land at Cranbrook and Aitkenvale, property along the river. That council of the day did not survive the next election.

But Councillors I am not here just to talk about the past but I seek your support in protecting our community into the future.

In February 2015 council resolved to support a policy that allowed staff to review and present property to council that was owned by council for sale. This included land zoned park and recreation along this precious, community corridor.

In order to ensure the ongoing protection of this land, and to show this council's support for this community asset I move the following:"

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

"that council direct the Chief Executive Officer to ensure that surplus land identified by the Strategic Land Management Group exclude all property owned by Townsville City Council along the Ross River corridor zoned Parks and Recreation and that the Chief Executive Officer amend council policy as required to ensure that this area is protected and that the amended policy be brought to council for endorsement."

Amendment

It was MOVED by Councillor V Veitch, SECONDED by Councillor T Roberts:

"that all land presently zoned Green Space or Public Open Space be removed from the Strategic Land Management Policy for potential land sale."

The Amendment was LOST.

Amendment

It was MOVED by Councillor J Lane:

"that this matter be deferred for consideration following a council workshop."

The Mayor, Councillor J Hill withdrew the Substantive Motion on the proviso that council has a workshop before the next council meeting in July to clarify this situation and the other public open space areas around the City. The amendment was not considered.

Committee Items

Infrastructure Committee

It was MOVED by Councillor T Roberts, SECONDED by Councillor G Eddiehausen

"that the committee recommendations to items 1 to 5 be adopted."

CARRIED UNANIMOUSLY

1 Engineering Services - Temporary Partial Road Closure - Round Mountain Road

Executive Summary

The Department of Natural Resources and Mines - State Land Asset Management Unit have requested, on behalf of an applicant, council to consider the temporary closure of a partial section of the Round Mountain Road, area approximately 11,250m² and length 750 metres for half the width of the road reserve.

This report outlines the investigation into the request and identifies the impact on adjacent land use, council assets and the road networks in the area.

Officer's Recommendation

That council advise The Department of Natural Resources and Mines - State Land Asset Management Unit that it offers no objection to the temporary partial closure of the Round Mountain Road adjacent to Lot 1 SP132604 with the area of interest commencing 900m south of Kelso Drive and extending south for 750 metres and being half the width of the road reserve, approximately 15 metres wide.

Committee Recommendation

That the report be held over to the next Infrastructure Committee meeting.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 8184) where council resolved that the committee recommendation be adopted.

2 Engineering Services - Permanent Road Closure - Hogan Street

Executive Summary

The Department of Natural Resources and Mines – State Land Asset management Unit have requested, on behalf of an applicant, council to consider the permanent closure of a road reserve, area approximately 451m², separating Lot 1 on RP717281 and Lot 84 on SP211259 (Hogan Street, Stuart).

This report outlines the investigations into the request and identifies the impact on adjacent land use, council assets and the road networks in the area.

Officer's Recommendation

That council advise The Department of Natural Resources and Mines - State Land Asset Management Unit that it offers no objection to the permanent closure and sale of the road reserve separating Lot 1 on RP717281 and Lot 84 on SP211259 subject to the following conditions:

1. that the newly created parcel of land not be created as a separate lot, but rather is to be consolidated with either one of the adjoining properties; and
2. that the applicant be conditioned to relocate the existing water meter to the property frontage near the intersection of Smail Street and Hogan Street, at their expense.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 8184) where council resolved that the committee recommendation be adopted.

3 Engineering Services - Bus Stop Disability Compliance (DDA) Upgrade Program

Executive Summary

Currently, council has approximately 648 existing public transport facilities: bus stops throughout the city of Townsville which are required to be upgraded to meet disability compliance. The legislation has set milestone targets to assist with meeting the requirements and the State Government currently provides funding to meet half the costs of the bus stops upgrades until 2022 when full compliance is required.

The purpose of this report is to respond to a request from State Government requesting council to commit to meeting the Federal Government legislative requirements under the Disability Discrimination Act 1992 as set down by the Australian Human Rights Commission for full compliance by 2022. Direction is sought from council in terms of the approach that council wishes to take in detailing their funding commitment to meet compliance between 2016/17 and 2021/22.

Officer's Recommendation

That Council commit to complying with the Federal legislative requirements under the *Disability Discrimination Act 1992* to upgrade existing public transport facilities (bus stops) throughout the city of Townsville and advise the State Government by submitting a Methods of Works program.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 8184) where council resolved that the committee recommendation be adopted.

4 Engineering Services - Fees and Charges, CBD Parking Tariff

Executive Summary

The purpose of this report is to set the 2015/16 fees and charges for Regulated Parking, and identify the need to investigate the future direction of fee payment parking for Townsville's Central Business District (CBD).

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 the 2015/16 fees and charges for Regulated Parking as set out in Schedule 1 below.
3. That council agree to the investigation of CBD car parking fee schedule for future financial years to account for the delivery of car parking infrastructure required to meet projected growth in the CBD area.

Schedule 1 - Townsville City Council – Schedule of Fees and Charges 2015/16

Description	Fee Charge Type	Unit	New Base Charge (exc GST)	GST	New Total Fee 2015/2016	Previous Fee 2014 - 2015	\$ Change	% Change	New fee applies from	New fee applies to	Legislative Authority	Provision of the Local Govt Act the charge is raised under	Committee Fee Approved at	Date of meeting
REGULATED PARKING														
Parking Fee (Hourly Charge)	Service	Each	\$1.00	\$0.00	\$1.00	\$1.00	\$0.00	0.00%	01/07/2015	30/06/2016	Transport Operations (Road Use Management) Act 1995, Section 103 (6) a & b	Local Government Act 2009 S.262(3)(c)		
Regulated Parking - Daily charge (9 am – 5 pm)	Service	Each	\$6.00	\$0.00	\$6.00	\$6.00	\$0.00	0.00%	01/07/2015	30/06/2016	Transport Operations (Road Use Management) Act 1995, Section 103 (6) a & b	Local Government Act 2009 S.262(3)(c)		

Committee Recommendation

1. That the officer's recommendation be adopted.
2. That a report be provided to the committee outlining CBD car parking fee schedule options for the future.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 8184) where council resolved that the committee recommendation be adopted.

5 Property Management - Provision of toilet facilities in Flinders Street East

Executive Summary

Council had previously considered a new toilet facility for Flinders Street East in the 2015/16 budget and to continue providing portable toilets until 30 June 2015. The capital provision to construct a new toilet facility in the nightclub precinct has not been approved. A toilet facility is however being considered in the Townsville City Waterfront Priority Development Area (PDA) project however, scope and costing is currently under review.

A decision is required to continue with the temporary toilet facilities until design, schedule and costing associated with the PDA is approved. If temporary facilities are to be continued, operational funds in 2015/16 would need to be allocated to this service. The alternative is to abandon the temporary arrangement altogether which would likely impair service delivery by police and community organisations.

Officer's Recommendation

That council continue the provision of portable toilets in Flinders Street East until certainty with the Townsville City Waterfront Priority Development Area is advanced.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 8184) where council resolved that the committee recommendation be adopted.

Planning and Development Committee

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

"that the committee recommendations to items 6 to 8 and 10 and 11 be adopted and that item 9 be dealt with separately."

CARRIED UNANIMOUSLY

Item 9 127 Allambie Lane

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

1. *"that council intends to approve the application MI14/0011 involving a preliminary approval for development in accordance with a Plan of Development for residential land use pursuant to section 242 of the Sustainable Planning Act 2009 (Qld) on land described as Lot 61 on SP120855 and situated at 127 Allambie Lane, Rasmussen at the July 2015 meeting subject to it receiving further advice in a report from council officers which:*
 - (a) *confirms that an infrastructure agreement has been executed between council and the developer;*
 - (b) *confirms the sufficient grounds of approval, including but not limited to the attached draft grounds for approval;*
 - (c) *outlines what reasonable and relevant conditions are to be imposed by council on any approval which is issued; and*
2. *that council delegate to the Chief Executive Officer the authority to negotiate and finalise an infrastructure agreement between council and the developer on terms acceptable to the Chief Executive Officer.*

Draft Grounds of Approval

Notwithstanding the fact that council's decision to approve the development application would be in conflict with the City of Thuringowa Planning Scheme 2003, the following are sufficient grounds for the purposes of section 329(1)(b) of the Sustainable Planning Act 2009 (Qld) to justify the decision, despite the conflict:

1. *the locational attributes of the subject land situated at 127 Allambie Lane, Rasmussen (Site) in close proximity to an existing urban community results in the following community benefits in the public interest upon approval of the development application:*
 - (a) *co-location of urban uses;*
 - (b) *integration with an existing urban community, thereby creating a more compact urban development form;*
 - (c) *improvements in access and connectivity due to the Site's proximate location to the arterial road network;*
 - (d) *efficient delivery and maintenance of infrastructure by minimising augmentation work and costs through utilisation of existing and planned infrastructure;*
 - (e) *enhancement of the long-term sustainability of established commercial, educational and recreational facilities and services within the proximate existing urban community in circumstances where future residents of the Site (as developed) will logically utilise those facilities and services;*

2. *the creation of a net gain from an environmental and community perspective resulting in the following positive outcomes for the Site which do not presently exist in its undeveloped state:*
 - (a) *preservation of ecological and drainage corridors;*
 - (b) *connectivity to areas adjacent to the Bohle River which will be able to be accessed by members of the public who are not currently able to do so;*
 - (c) *through the contributions to be provided by the Applicant in the Wingate Communities Infrastructure Agreement involving:*
 - (i) *revegetation works along the Bohle River corridor;*
 - (ii) *the provision of a skate park for the benefit of future residents of the Site (as developed) and other local residents;*
3. *the creation of a net gain from an environmental and community perspective resulting in positive outcomes for areas beyond the boundaries of the Site through the contributions to be provided by the Applicant in the Wingate Communities Infrastructure Agreement, such as:*
 - (a) *the provision of stormwater and floodwater improvements within the local catchment;*
 - (b) *the provision of improved road and intersection upgrades within the catchment; and*
4. *the site is not good quality agricultural land."*

CARRIED UNANIMOUSLY

6 Planning and Environment Court Appeal No. 128 of 2015 - Stella Zaglas -v- Townsville City Council and AE Tapiolas and L Bailey - Appeal against Councils decision to approve a Preliminary Approval for a Material Change of Use - RC13/0104 & MI13/0045

Executive Summary

An Appeal was filed in the Planning and Environment Court by Stella Zaglas on 4 May 2015. The Appeal was filed against council's decision to approve a Development Application for Preliminary Approval for a Material Change of Use to affect the Planning Scheme to facilitate Residential Development in accordance with the Park Residential Planning and Development Permit (RC13/0101) located at 47 and 55 Texas Road, Jensen. The application was made by the Co-Respondents, Adrian Tapiolas and Leighanne Bailey.

Officer's Recommendation

1. That council resolve to defend the Applicant's Appeal in the Planning and Environment Court Appeal No. 57 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 6 of the council minutes (page 8190) where council resolved that the committee recommendation be adopted.

7 P&E Court Appeal No. 1671 of 2015- Nadic Investments Pty Ltd v TCC & Stockland Developments Pty Ltd - Appeal against council's decision to grant development approval for a Preliminary Approval for a Material Change of Use to override the North Shore Plan

Executive Summary

A Notice of Appeal was filed in the Planning and Environment Court by Nadic Investments Pty Ltd on 24 April 2015. The Appeal was filed against council's decision to grant Stockland Developments Pty Ltd a Development Approval for a Preliminary Approval for a Material Change of Use (Mi14/0008) to override the North Shore Plan of Development in respect of land located at 33 Main Street Burdell.

The Notice of Appeal seeks an Order that the Development Application made by Stockland Developments be refused or alternatively that the provisions of the Development Approval be changed, including making provision for dedicated road reserves at appropriate and identifiable time.

Officer's Recommendation

1. That council resolve to defend the Applicant's Appeal in the Planning and Environment Court Appeal No. 57 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 6 of the council minutes (page 8190) where council resolved that the committee recommendation be adopted.

8 Originating Application No 1897 of 2015 - Stateland Pty Ltd v Townsville City Council - Originating Application Seeking Declaration that Lot 1 RP747112 is Subject to Code Assessment - 40057 Bruce Highway - MC14/0092

Executive Summary

An Originating Application was filed in the Planning and Environment Court by Stateland Pty Ltd ACN 010 941 161 (Stateland) on 11 May 2015. The Originating Application was filed seeking declarations that:

The Applicant's Development Application for a Development Permit or the making of a Material Change of Use of premises for showrooms in respect of land described as Lot 1 on RP747112 and situated at 40067 Bruce Highway, Deeragun, is subject to code assessment. The Application also sought a declaration that the Acknowledgment Notice dated 26 March 2015 is invalid and of no effect and the Acknowledgment Notice be set aside.

Both parties have filed appearances in this matter with preliminary orders relating to last action taken under section 297(1) of the *Sustainable Planning Act 2009*, without prejudice conferences and review having been made on 20 May 2015.

Officer's Recommendation

1. That council resolve to defend the Originating Application in the Planning and Environment Court Originating Application No. 46 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 Originating Application 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 6 of the council minutes (page 8190) where council resolved that the committee recommendation be adopted.

9 MI14/0011- Full Council Preliminary Approval for Development in accordance with a Plan of Development for Residential Land Use - 127 Allambie Lane Rasmussen

Executive Summary

On 11 April 2014 Wingate Communities Pty Ltd (the applicant) lodged a development application seeking a Preliminary Approval under section 242 of the *Sustainable Planning Act 2009* to override or vary the City of Thuringowa Planning Scheme 2003. The development application sought to carry out building work, operational work, reconfiguring a lot and material change of use in accordance with a Plan of Development for Residential Land Use over land situated at 127 Allambie Lane, Rasmussen formally described as Lot 61 on SP120855 ("the site").

The proposal has been assessed on its merits against the now superseded City of Thuringowa Planning Scheme 2003 (Thuringowa Planning Scheme), which was the current planning scheme that had force and effect when the application was lodged. In accordance with section 317 of the *Sustainable Planning Act 2009*, the assessment manager has also given weight to the Draft Townsville City Plan (released for consultation from 2 September to 25 November 2013) and the Townsville City Plan 2014 (commenced on 27 October 2014) which came into effect after the application was made but before the day the decision stage started on 29 January 2015.

The assessment manager considers that the proposal conflicts with the Thuringowa Planning Scheme and compromises the achievement of the Desired Environmental Outcomes (DEOs), particularly DEO 5 and 6. The proposal also conflicts with the City Wide Codes, in particular 5.6 Urban Growth Boundaries Code and the Rural Planning Area and Rural Planning Area Code. It also conflicts with the Strategic Framework and Rural Zone provisions included in the Townsville City Plan 2014.

Despite the conflict with the Thuringowa Planning Scheme 2003 and Townsville City Plan 2014 it is considered that the applicant has not satisfactorily demonstrated a need for the proposal. The issue of need has been extensively researched in the Townsville Residential Land Use Study (Urbis, 2011). This study has concluded that within the City of Thuringowa Scheme area and the wider Townsville Local Government Area, there is a surplus of residential land for the next 25 years and beyond.

Given that the proposal is in serious conflict with the Thuringowa Planning Scheme 2003 and the Townsville City Plan 2014 and that there is no need or other planning grounds demonstrated that might justify approval despite the conflicts, it is recommended that council refuse the application to override or vary the effect of the Thuringowa Planning Scheme 2003.

Officer's Recommendation

That council refuse the application MI14/0011 for a development permit for Preliminary Approval for Development in accordance with a Plan of Development for Residential Land Use under section 242 of the *Sustainable Planning Act 2009* on land described as Lot 61 SP 120855, more particularly 127 Allambie Lane Rasmussen on the following reasons -

- (i) the proposed preliminary approval would compromise the achievement of Desired Environmental Outcome DEO5 (Economy) – 2.5.2 (b) (iii) of the City of Thuringowa Planning Scheme;
- (ii) the proposed preliminary approval would compromise the achievement of Desired Environmental Outcome DEO5 (Economy) – 2.5.2 (c) of the City of Thuringowa Planning Scheme;
- (iii) the proposed preliminary approval would compromise the achievement of Desired Environmental Outcome DEO6 (Land Use Patterns) – 2.6.2 (c) of the City of Thuringowa Planning Scheme;
- (iv) the proposed preliminary approval conflicts with the City Wide Codes, in particular section 5.6 (Urban Growth Boundaries) of the City of Thuringowa Planning Scheme;
- (v) the proposed preliminary approval conflicts with the Rural Planning Area - 3.1 and the Rural Planning Area Code - 3.1.3 of the City of Thuringowa Planning Scheme;
- (vi) the proposed preliminary approval conflicts with the Strategic Framework – Part 3 of the Townsville City Plan 2014;
- (vii) the proposed preliminary approval conflicts with the Rural zone code – 6.6.1 of the Townsville City Plan 2014; and
- (viii) the above reasons demonstrate that there are insufficient grounds to vary the effect of the Planning Scheme as per section 326(1)(b) of the *Sustainable Planning Act 2009*.

Committee Recommendation

That council approve the application MI14/0011 for a development permit for Preliminary Approval for Development in accordance with a Plan of Development for Residential Land Use under section 242 of the *Sustainable Planning Act 2009* on land described as Lot 61 SP 120855, more particularly 127 Allambie Lane Rasmussen subject to appropriate community benefit and reasonable and relevant conditions. This can lawfully include a requirement for an Infrastructure Agreement that confirms external works requirements.

Council Decision

Refer to resolution preceding item 6 of the council minutes (pages 8190 and 8191) where council resolved the following:

1. that council intends to approve the application MI14/0011 involving a preliminary approval for development in accordance with a Plan of Development for residential land use pursuant to section 242 of the Sustainable Planning Act 2009 (Qld) on land described as Lot 61 on SP120855 and situated at 127 Allambie Lane, Rasmussen at the July 2015 meeting subject to it receiving further advice in a report from council officers which:
 - (a) confirms that an infrastructure agreement has been executed between council and the developer;
 - (b) confirms the sufficient grounds of approval, including but not limited to the attached draft grounds for approval;
 - (c) outlines what reasonable and relevant conditions are to be imposed by council on any approval which is issued; and
2. that council delegate to the Chief Executive Officer the authority to negotiate and finalise an infrastructure agreement between council and the developer on terms acceptable to the Chief Executive Officer.

Draft Grounds of Approval

Notwithstanding the fact that council's decision to approve the development application would be in conflict with the City of Thuringowa Planning Scheme 2003, the following are sufficient grounds for the purposes of section 329(1)(b) of the Sustainable Planning Act 2009 (Qld) to justify the decision, despite the conflict:

1. the locational attributes of the subject land situated at 127 Allambie Lane, Rasmussen (Site) in close proximity to an existing urban community results in the following community benefits in the public interest upon approval of the development application:
 - (a) co-location of urban uses;
 - (b) integration with an existing urban community, thereby creating a more compact urban development form;
 - (c) improvements in access and connectivity due to the Site's proximate location to the arterial road network;
 - (d) efficient delivery and maintenance of infrastructure by minimising augmentation work and costs through utilisation of existing and planned infrastructure;
 - (e) enhancement of the long-term sustainability of established commercial, educational and recreational facilities and services within the proximate existing urban community in circumstances where future residents of the Site (as developed) will logically utilise those facilities and services;
2. the creation of a net gain from an environmental and community perspective resulting in the following positive outcomes for the Site which do not presently exist in its undeveloped state:
 - (a) preservation of ecological and drainage corridors;
 - (b) connectivity to areas adjacent to the Bohle River which will be able to be accessed by members of the public who are not currently able to do so;

- (c) through the contributions to be provided by the Applicant in the Wingate Communities Infrastructure Agreement involving:
 - (i) revegetation works along the Bohle River corridor;
 - (ii) the provision of a skate park for the benefit of future residents of the Site (as developed) and other local residents;
- 3. the creation of a net gain from an environmental and community perspective resulting in positive outcomes for areas beyond the boundaries of the Site through the contributions to be provided by the Applicant in the Wingate Communities Infrastructure Agreement, such as:
 - (a) the provision of stormwater and floodwater improvements within the local catchment;
 - (b) the provision of improved road and intersection upgrades within the catchment; and
- 4. the site is not good quality agricultural land.

10 Strategic Planning - Infrastructure Charges - Resolution to make a Local Government Infrastructure Plan

Executive Summary

Due to legislation changes, a resolution is proposed to make a new Local Government Infrastructure Plan (LGIP) for the Planning Scheme. The new LGIP will be compliant with new statutory guidelines for infrastructure planning, and needs to be in place and effective before 1 July 2016.

Officer's Recommendation

That council resolve to make a Local Government Infrastructure Plan as an amendment to the Planning Scheme and pursuant to section 117 of the *Sustainable Planning Act 2009*

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 6 of the council minutes (page 8190) where council resolved that the committee recommendation be adopted.

11 Strategic Planning - Infrastructure Charges - Infrastructure Charges Resolution

Executive Summary

Council previously adopted an infrastructure charges resolution in October 2014. It was to be formally commenced pending agreement with the State Government regarding providing grants and Priority Development Infrastructure (PDI) funding to council to the satisfaction of the Chief Executive Officer.

The State Government has not made a formal decision on council's PDI funding request and have advised that no decision will be made before 1 July 2015, being the legislative cut-off date to have the resolution in place to allow the recovery of infrastructure charges. To commence the previous resolution would put council at risk of reducing infrastructure charges below the statutory cap without any formal decision on the financial incentives of the PDI funding loan that would offset this shortfall in infrastructure funds.

Accordingly, council must now adopt another infrastructure charges resolution which would have effect on new development commencing on 1 July 2015.

Officer's Recommendation

1. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that this infrastructure charges resolution applies to the Townsville City Council Local Government Area for all locations where the levying of infrastructure charges are not otherwise restricted by particular legislation.
2. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that the infrastructure charges as detailed in accordance with resolution 3 have effect on and from 1 July 2015 until superseded by the commencement of another charges resolution, with the exception of development permit applications properly made before 1 July 2015, whereby the charges as per the previous charge resolution dated 12 June 2014 apply where they are lower.
3. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that the Infrastructure charges apply to:
 - Material Change of Use - all material change of use development;
 - Reconfiguration of Lot – where additional allotments are created. Charges shall be relevant to the land use on the allotment. For vacant allotments:
 - residential and emerging communities zonings are the equivalent of a Dwelling House (3 bedroom) on the relevant lot size, and;
 - other zonings are the equivalent of a Caretaker's accommodation (3 bedroom, detached dwelling) on the relevant site area;
 - Building Works - for self-assessable or exempt land uses and zonings:
 - as identified in Schedule 1, or;
 - relative to the existing land use (or equivalent use for a vacant allotment, as specified above), it proposes a moderate-to-high increase of demand on the infrastructure network.

The applicable infrastructure charge will be the amount determined by applying the location factor of Schedule 2 to the base charge of Schedule 3 and the size of the development.

4. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that in calculating the net charge to be levied on a development, resolution 3 above is to be applied such that the applicable charge for the proposed land use is reduced by the applicable charge for a 'credit' land use, being:
- an existing use on the premises if the use is lawful and already taking place on the premises;
 - a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out;
 - other development on the premises if the development may be lawfully carried out without the need for a further development permit.
5. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that the applicable charge for the proposed land use and the 'credit' land use be indexed after the charge is levied and before it is paid to council.

The indexation must be calculated:

- (i) In accordance with the 3-year moving average quarterly percentage change of the Australian Bureau of Statistics, Road and Bridge Construction Index (Queensland series) forecast by council for the December quarter of the financial year of the charge payment.
 - (ii) But is not to result in an increase that is more than the difference between the levied charge and the State Planning Regulatory Provision (SPRP) maximum charge.
6. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that the method used to recalculate the establishment cost when an application is made under section 657 of the *Sustainable Planning Act 2009* be as follows:
- (i) The value of the trunk infrastructure be determined in accordance with the quotation and tender requirements of s5.5 to s5.10 of council's procurement policy (document no. 3027, version 3, dated 15/3/13); and
 - (ii) The value of the trunk infrastructure be submitted to the Director, Planning and Development Services to facilitate approval of the valuation, in accordance with council's financial delegations.
7. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that conversion criteria used for making a decision on a conversion application made under section 659 of the *Sustainable Planning Act 2009* be as follows:
- (i) The infrastructure has capacity to service other developments in the area;
 - (ii) The function and purpose of the infrastructure is consistent with other trunk infrastructure identified in the Local Government Infrastructure Plan (LGIP). To be clear, it must provide the assumed growth in the LGIP with the associated desired standards of service and be consistent with the definitions of trunk infrastructure used in mapping the plans for trunk infrastructure.
 - (iii) The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with s665 of SPA;
 - (iv) The type, size and location of the infrastructure is the most cost effective option for servicing multiple users in the area. A definition of cost effectiveness as it relates to trunk infrastructure is provided below:

- Most cost effective option – means the least cost option based upon the life cycle cost of the infrastructure required to service the future urban development in the area at the desired standard of service.

8. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that the words and terms used in this resolution have the meaning given in Sustainable Planning Act 2009 or the Queensland Planning Provisions version 3.1.

If a word or term used in this resolution is not defined in Sustainable Planning Act 2009 or the Queensland Planning Provisions version 3.1, it has the meaning given in the planning scheme.

9. That pursuant to section 630 of the *Sustainable Planning Act 2009* council resolve that council adopt the following schedules:

Schedule 1 – Building works subject to infrastructure charges

Schedule 2 – Charge areas and location factors

Schedule 3 – Base charges

Schedule 1 – Building works subject to infrastructure charges

(Y = self-assessable or exempt land use development which are candidate for charges at building works)

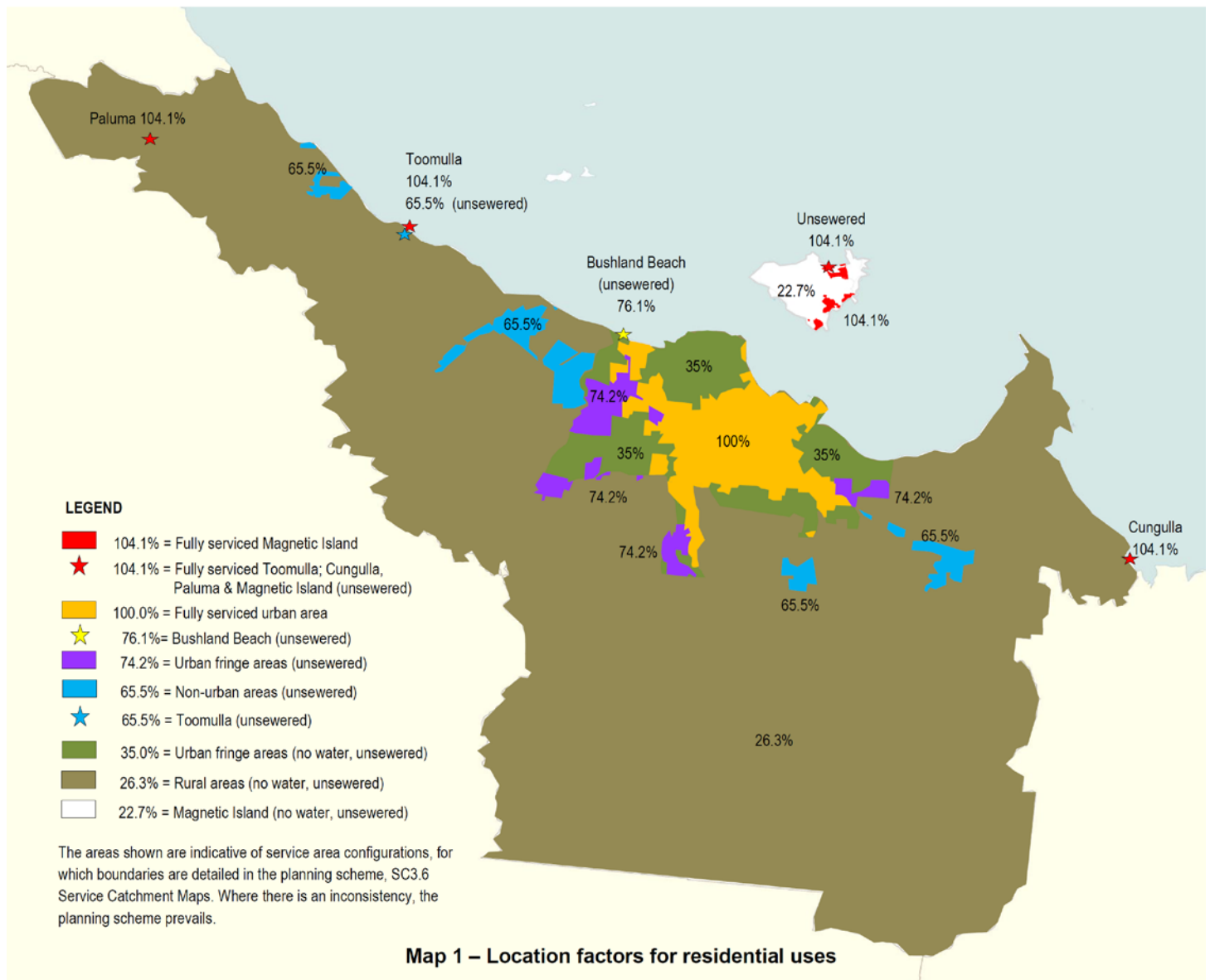
QPP land use (associated building works)	Land use zone																				
	LDR	MDR	HDR	RR	CR	NC	LC	DC	MC	PC	SC	MU	SR	OS	CF	CON	LII	MII	HII	RUR	EC
Animal husbandry																					Y
Animal keeping	Y			Y																	
Bar								Y	Y	Y		Y									
Car wash								Y	Y												
Caretaker's accommodation	Y																				
Child care centre						Y	Y	Y	Y	Y	Y	Y									
Community care centre															Y						
Community residence	Y	Y	Y	Y	Y										Y					Y	
Community use													Y		Y						
Cropping				Y																	Y
Dual occupancy	Y	Y	Y		Y								Y								
Dwelling house													Y								
Dwelling unit	Y	Y	Y							Y											
Educational establishment			Y	Y			Y	Y	Y	Y		Y									
Food and drink outlet																	Y	Y	Y		
Home based business						Y	Y	Y	Y	Y	Y	Y								Y	
Hotel								Y	Y												

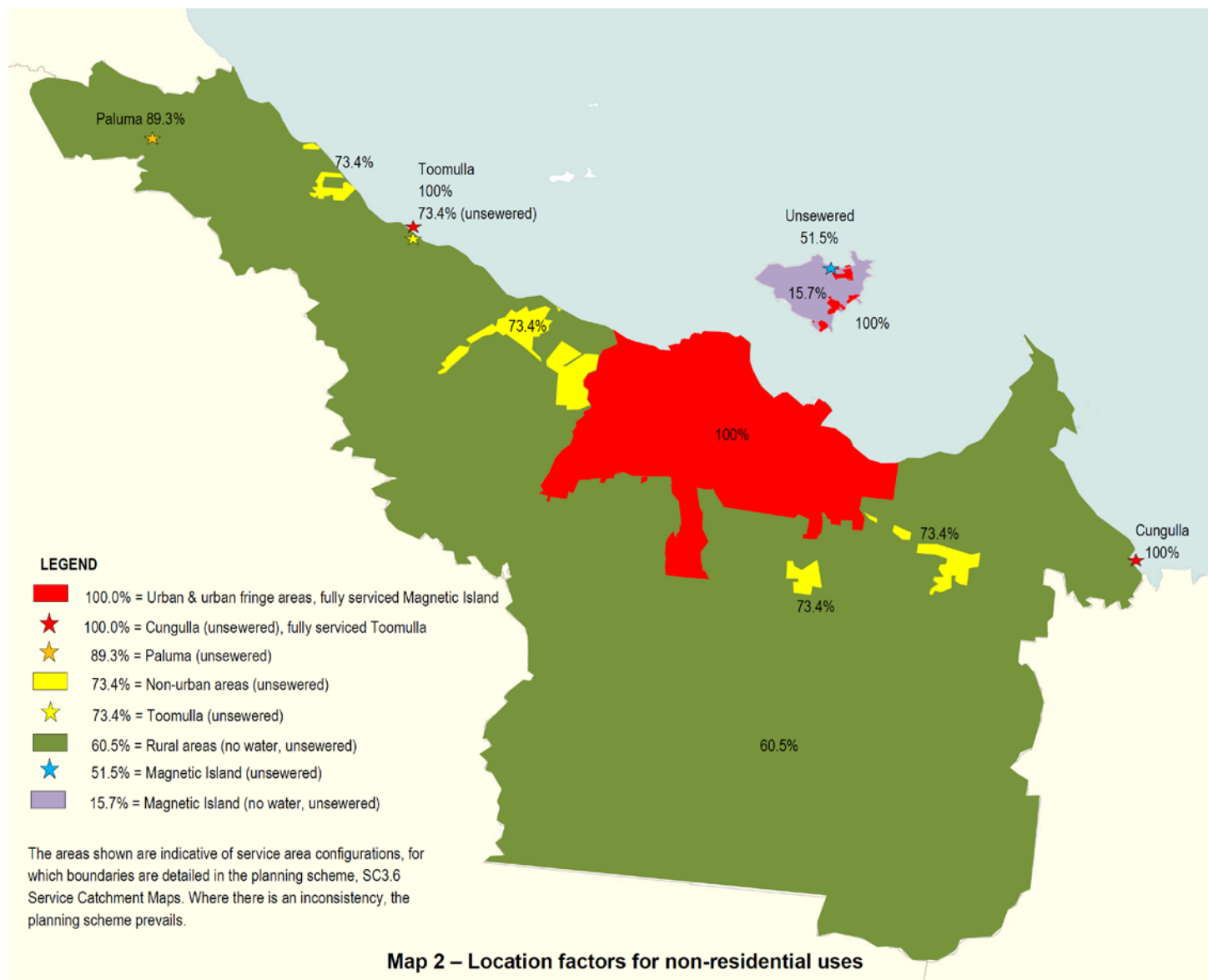
QPP land use (associated building works)	Land use zone																				
	LDR	MDR	HDR	RR	CR	NC	LC	DC	MC	PC	SC	MU	SR	OS	CF	CON	LII	MII	HII	RUR	EC
Indoor sport and recreation							Y	Y	Y	Y	Y	Y									
Intensive horticulture																				Y	
Landing	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Low impact industry																	Y	Y			
Medium impact industry																		Y	Y		
Multiple dwelling							Y	Y	Y			Y									
Nightclub entertainment facility										Y											
Park	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Research and technology industry																		Y	Y		
Retirement facility								Y	Y			Y									
Roadside stall				Y																Y	
Rooming accommodation							Y	Y	Y	Y		Y									
Rural industry																				Y	
Service industry																	Y				
Service station								Y	Y												
Short-term accommodation							Y	Y	Y			Y									
Theatre									Y	Y											
Warehouse																			Y		

Zoning legend

Abbreviation	Zone
LDR	Low density residential
MDR	Medium density residential
HDR	High density residential
RR	Rural residential
CR	Character residential
NC	Neighbourhood centre
LC	Local centre
DC	District centre
MC	Major centre
PC	Principle centre
SC	Sub-regional centre
MU	Mixed use
SR	Sport and recreation
OS	Open space
CF	Community facilities
CON	Conservation
LII	Low impact industry
MII	Medium impact industry
HII	High impact industry
RUR	Rural
EC	Emerging communities

Schedule 2 – Charge areas and location factors





Schedule 3 – Base charges

Table 1 – Base charges for residential uses

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
Residential	Dwelling house	1 or 2 bedroom dwelling	17,300
		3 or more bedroom dwelling	
		on lots < 200m ²	21,980
		on lots 201m ² -299m ²	24,530
		on lots 300m ² -399m ²	25,720
		on lots 400m ² and greater	26,900
	Dwelling unit	1 bedroom dwelling	11,670
		2 bedroom dwelling	16,530
		3 or more bedroom dwelling	23,340
	Caretaker's accommodation (attached dwelling)	1 bedroom dwelling	11,670
		2 bedroom dwelling	16,530
		3 or more bedroom dwelling	23,340
	Caretaker's accommodation (detached dwelling)	1 or 2 bedroom dwelling	17,300
		3 or more bedroom dwelling	
		on lots < 200m ²	21,980
		on lots 201m ² -299m ²	24,530
		on lots 300m ² -399m ²	25,720
		on lots 400m ² and greater	26,900
	Multiple dwelling	1 bedroom dwelling	11,670
		2 bedroom dwelling	16,530
		3 or more bedroom dwelling	23,340
	Dual occupancy	1 bedroom dwelling	11,670
		2 bedroom dwelling	16,530
		3 or more bedroom dwelling	23,340
Accommodation (short term)	Hotel	1 bedroom (non-suite)	7,230
		1 bedroom (suite)	7,230
		2 bedroom suite	9,510
		3 or more bedroom suite	13,450
	Short-term accommodation	1 bedroom (non-suite, < 6 beds)	9,610
		1 bedroom (non-suite, 6 or more beds)	*
		1 bedroom suite	6,280
		2 bedroom suite	8,870
		3 or more bedroom suite	12,510
	Tourist park	Caravan/tent (group of 1 or 2 sites)	9,610
		Caravan/tent (group of 3 sites)	13,450
		Cabin (1 or 2 bedroom)	9,610
		Cabin (3 or more bedrooms)	13,450

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
Accommodation (long term)	Community residence	1 bedroom (non-suite)	13,750
		1 bedroom suite	13,750
		2 bedroom suite	17,810
		3 or more bedroom suite	26,900
	Rooming accommodation	1 bedroom (non-suite, < 6 beds)	14,470
		1 bedroom (non-suite, 6 or more beds)	*
		1 bedroom suite	7,790
		2 bedroom suite	10,470
		3 or more bedroom suite	14,470
	Relocatable home park	1 bedroom dwelling site	11,670
		2 bedroom dwelling site	16,530
		3 or more bedroom dwelling site	23,340
	Retirement facility	1 bedroom (non-suite)	8,120
		1 bedroom suite	11,670
		2 bedroom suite	16,530
		3 or more bedroom suite	23,340
Other Uses *	A use not otherwise listed above.	The charge is the charge in column 3 and 4 for a use category (in column 2) that appropriately reflects the use at the time of assessment. Where these are not appropriate, the charge is to be based on first principles, determined at the time of assessment.	

Table 2 – Base charges for non-residential uses

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
Places of assembly	Club	m2 GFA	70
	Community use	m2 GFA	70
	Function facility	m2 GFA	70
	Funeral parlour	m2 GFA	70
	Place of worship	m2 GFA	70
Commercial (bulk goods)	Agricultural supplies store	m2 GFA	80
	Bulk landscape supplies	m2 GFA	140
	Garden centre	m2 GFA	140
	Hardware and trade supplies	m2 GFA	140
	Outdoor sales	m2 GFA	100
	Showroom	m2 GFA	120
Commercial (retail)	Adult store	m2 GFA	180
	Food and drink outlet	m2 GFA	180
	Service industry	m2 GFA	140
	Service station (fuel pumps)	Nil	Nil
	Service station (shop component)	m2 GFA	180
	Service station (vehicle repair shop)	m2 GFA	50
	Service station (food and drink outlet)	m2 GFA	180
	Shop	m2 GFA	180
	Shopping centre	m2 GFA	180
Commercial (office)	Office	m2 GFA	140
	Sales office	m2 GFA	140
Education facility	Childcare centre	m2 GFA	140
	Community care centre	m2 GFA	*
	Educational establishment (Primary)	m2 GFA	140
	Educational establishment (Secondary)	m2 GFA	140
	Educational establishment (Flying Start for Qld Children program)	Nil	Nil
	Educational establishment (Tertiary)	m2 GFA	140
Entertainment	Bar	m2 GFA	200
	Hotel (Non-accommodation)	m2 GFA	200
	Nightclub	m2 GFA	200
	Theatre	m2 GFA	200
Indoor sport and recreation	Indoor sport and recreation (court areas)	m2 GFA	*
	Indoor sport and recreation (non-court areas)	m2 GFA	*
Industry	Low impact industry	m2 GFA	50
	Marine industry	m2 GFA	50
	Medium impact industry	m2 GFA	50
	Research and technology industry	m2 GFA	50
	Rural industry	As for Other Uses (Column 1)	*

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
	Transport depot	As for Other Uses (Column 1)	*
	Warehouse (self-storage facility)	m2 GFA	30
	Warehouse (Other warehouse)	m2 GFA	30
High impact industry	High impact industry	As for Other Uses (Column 1)	*
	Special industry	As for Other Uses (Column 1)	*
Low impact rural	Animal husbandry	Nil	Nil
	Cropping	Nil	Nil
	Permanent plantation	Nil	Nil
High impact rural	Aquaculture	As for Other Uses (Column 1)	*
	Intensive animal husbandry	As for Other Uses (Column 1)	*
	Intensive horticulture	As for Other Uses (Column 1)	*
	Wholesale nursery	As for Other Uses (Column 1)	*
	Winery	As for Other Uses (Column 1)	*
Essential services	Detention facility	m2 GFA	*
	Emergency services	m2 GFA	*
	Health care services	m2 GFA	140
	Hospital	m2 GFA	*
	Residential care facility	m2 GFA	80
	Veterinary services	m2 GFA	140
Specialised uses	Air services	As for Other Uses (Column 1)	*
	Animal keeping	As for Other Uses (Column 1)	*
	Brothel	As for Other Uses (Column 1)	*
	Parking station	As for Other Uses (Column 1)	*
	Crematorium	As for Other Uses (Column 1)	*
	Extractive industry	As for Other Uses (Column 1)	*
	Major sport, recreation and entertainment facility	As for Other Uses (Column 1)	*
	Motor sport facility	As for Other Uses (Column 1)	*
	Non-resident workforce accommodation	As for Other Uses (Column 1)	*
	Outdoor sport and recreation	As for Other Uses (Column 1)	*
	Port services	As for Other Uses (Column 1)	*
	Tourist attraction	As for Other Uses (Column 1)	*
	Utility installation	As for Other Uses (Column 1)	*
Minor uses	Cemetery	Nil	Nil
	Home based business	Nil	Nil
	Landing	Nil	Nil
	Market	Nil	Nil
	Park	Nil	Nil
	Roadside stall	Nil	Nil

(1) Use category	(2) Use	(3) Charge category	(4) Base charge (\$)
	Substation	Nil	Nil
	Telecommunications facility	Nil	Nil
Other Uses *	A use not otherwise listed above.	The charge is the charge in column 3 and 4 for a use category (in column 2) that appropriately reflects the use at the time of assessment. Where these are not appropriate, the charge is to be based on first principles, determined at the time of assessment.	

Notes

* For the base charge, refer to Other Uses *

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 6 of the council minutes (page 8190) where council resolved that the committee recommendation be adopted.

Sports Recreation and Parks Committee

In accordance with section 173 of the Local Government Act 2009, Councillor P Ernst declared a perceived conflict of interest in regards to item 12.

- (a) the name of the councillors who have the real or perceived conflict of interest:***
Councillor P Ernst
- (b) the nature of the conflict of interest as described by the Councillor:***
Councillor P Ernst is council's appointed representative and elected President of the North Queensland Sports Foundation.
- (c) how the Councillors dealt with the real or 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 committee 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 committee recommendation.

It was MOVED by Councillor P Ernst, SECONDED by Councillor G Eddiehausen

"that the committee recommendations to items 12 to 14 be adopted."

CARRIED UNANIMOUSLY

Councillor P Ernst commended staff on the Memorials and Commemorative Items Policy.

12 Community Services - North Queensland Sports Foundation

Executive Summary

The North Queensland Sports Foundation (NQSF), formed in 1983, is an independent body formed by and representing local governments in North Queensland, with the purpose of developing sport and sporting events in North Queensland.

The NQSF delivers the North Queensland Games (NQ Games) in every second year and the Western Games in the years in between, as well as sport development programs such as "sport tours" that bring sport development workshops to remote communities.

Each member local government contributes an annual levy the amount of which is calculated using a per capita formula, to finance NQSF initiatives, as well as organisational operation and management. On the 28 March 2015 the NQSF met for their annual board meeting in Hughenden. Two key issues were raised at this meeting.

1. LGA Contribution – The board agreed to an increase in Council levies paid to the NQSF. The levies were increased in-line with CPI from 22.14c per capita up to 22.52c per capita (1.7% increase). Council's total levy for the 2015-16 financial year will be \$43,217.73 (inc. GST)
2. NQSF Board – The new seven person board was elected including Cr Pat Ernst as Chairperson and Mr Dan Jackson from Townsville, as representative for non-local authority members. The full board members are as follows;
Cr Pat Ernst – Townsville City Council – Chairperson
Cr Jessie Richardson – Cairns Regional Council
Cr Paul Steindl – Mackay Regional Council
Mr Tony Vaccaro – Burdekin Shire Council
Cr Nipper Brown – Mareeba Shire Council
Cr Sean O'Neill – Flinders Shire Council
Mr Dan Jackson – Townsville City Council

Officer's Recommendation

1. That council note the elected board members.
2. That council approve the increase in TCC's levy contribution in-line with CPI totalling \$43,217.73.

Committee Recommendation

1. That the officer's recommendation be adopted.
2. That council also note that Mark Tyrell and Colin Ferguson (non-local government members) have also been appointed as full board members of the North Queensland Sports Foundation.

Council Decision

Refer to resolution preceding item 12 of the council minutes (page 8211) where council resolved that the committee recommendation be adopted.

13 Engineering Services - Adoption of Policy - Memorials and Commemorative Items within the Open Space Network

Executive Summary

This report recommends the adoption of a new policy titled 'Memorials and Commemorative Items Policy' to provide guidance when considering requests from residents and organisations for approval to install a memorial or to donate a commemorative item that would reside within the council controlled open space network.

Officer's Recommendation

That council adopt the Memorials and Commemorative Items Policy, as outlined below.

POLICY

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES



MEMORIALS AND COMMEMORATIVE ITEMS POLICY>>

1. POLICY STATEMENT >>

The council will assess requests to establish memorials and accept donated commemorative items under this policy.

2. PRINCIPLES >>

The installation of public memorials imposes initial and recurrent costs upon the community, and will be permitted by council only when:

- The installation of the memorial is appropriate having regard to the outstanding significance to the community of the person, group or event that is to be commemorated;
- There is broad community support for the commemoration; and
- The location and nature of the memorial is appropriate, sensitive to the environment, and does not impose an unacceptable maintenance burden upon the community.

3. SCOPE >>

This policy applies to all requests to establish a memorial, or for the council to accept the donation of a commemorative item within public areas under the council's control.

4. RESPONSIBILITY >>

The Chief Executive Officer, Directors, Executive Managers and Managers are responsible for ensuring that this policy is understood and adhered to by all relevant staff.

5. DEFINITIONS >>

Commemorative Item – a small metallic sign placed upon outdoor tables and chairs within a park to commemorate a significant person/s, organisation or event; or a tree planted to commemorate a significant person/s, organisation or event, which has a small metallic sign installed on a concrete block at the base of the tree. All commemorative trees will be selected from council's nominated tree specimen lists.

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PAGE >> 1 OF 3

Memorials, Plaques, Donation of Commemorative Park Furniture and Commemorative Tree Policy

POLICY

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES



Memorial – an object, including a monument, plaque or other signage, established to commemorate a person, group or event.

Park Facility – any structure or feature located within a park such as gazebos, playgrounds, lookouts, individual ovals, playing fields or courts.

6. POLICY >>

Council discourages the installation of memorials in public places under the council's control, and will generally only approve installations that:

- relate to a person or group with lengthy and distinguished civic service, or an event that is of outstanding cultural significance; and
- In respect of which there is a high level of demonstrated community support.

The council will not agree to the placement of memorials (excluding war memorials) on any park facility.

Because of the nature and usage of Regional Recreation Parks and the high cost associated with the purchase and maintenance of embellishments within those parks, the council is unlikely to permit the installation of memorials or commemorative items within council's Regional Recreation Parks.

In other public places, Council will consider accepting donated Commemorative Items only when:

- The person, group or event to be commemorated is linked to and appropriate to the nominated place;
- The council accepts that having a commemorative item is appropriate for that place;
- The commemorative item is suitable for the requested park; and
- The commemorative item will require minimum ongoing maintenance and have a long asset life suitable for the climatic conditions of the Townsville region.

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PAGE >> 2 OF 3

Memorials, Plaques, Donation of Commemorative Park Furniture and Commemorative Tree Policy

POLICY

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES



If a memorial or commemorative item is approved and installed, council will become the owner of the asset. Council will maintain the memorial or commemorative item in accordance with its current maintenance standards. Council will hold all memorials in perpetuity until reasonable maintenance, restoration and reconstruction cannot restore the memorial.

All commemorative items will be removed at the end of their asset life span and will be replaced with a similar item, which will not contain a metallic sign unless otherwise agreed. Council will maintain these commemorative items for a minimum of 10 years. If vandalism of the item does occur over this period, the item will be repaired or replaced with the metallic sign at no cost to the original applicant.

7. LEGAL PARAMETERS >>

- Local Government Act 2009

8. ASSOCIATED DOCUMENTS >>

- Public Art Policy
- Naming of Parks, Reserves and Park Facilities Policy
- Memorials and Commemorative Items Procedure
- The Burra Charter 2013 – (The Australian Incorporated International council on Monuments and Sites) Places of Cultural Significance

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PAGE >> 3 OF 3

Memorials, Plaques, Donation of Commemorative Park Furniture and Commemorative Tree Policy

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 12 of the council minutes (page 8211) where council resolved that the committee recommendation be adopted.

14 Community Services-PSA00020 'Provision of Lifeguard Services'

Executive Summary

Townsville City Council issued a tender for Provision of Lifeguard Services on 18 April, 2015 (Tender number – PSA00020). The Lifeguard Services will be for Townsville beaches, Magnetic Island beaches and the Riverway Lagoons.

The contract involved will be for a period of 3 years, with an option to extend for a further 24 months.

The price is a lump sum for requested services and an hourly rate for any additional services.

Council invited tenders by public advertisement in the Townsville Bulletin. Submissions closed on 13 May, 2015 at 10am.

Surf Life Saving Queensland was the only submission received through the tender box on the day and time nominated in the tender documents.

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 PSA00020 'Lifeguard Services' to Surf Life Saving Queensland at a contract figure of \$916,830 per annum for Public Beaches and \$300,000 per annum for Riverway Lagoons.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 12 of the council minutes (page 8211) where council resolved that the committee recommendation be adopted.

Community and Cultural Committee

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

"that the committee recommendations to items 15 to 19 be adopted."

CARRIED UNANIMOUSLY

Councillor S Blom referred to the proposed cultural gift to the City of Townsville and congratulated staff on the terrific outcome.

15 Community Services - National Trust of Australia, Queensland Ltd - 5 Castling St, West End - Lease Renewal

Executive Summary

The National Trust of Australia, Queensland Ltd has requested the renewal of a lease for an existing facility at 5 Castling Street, West End – Lot 191 on EP 1742. The permitted use of the lease area is for a historical museum and the authentic restoration and maintenance of three buildings.

The Heritage Centre has occupied the site at 5 Castling Street, West End since the 1970s and is seeking to renew their lease.

The subject site is listed on the State Heritage register and is home to the National Trust Heritage Centre. The site contains a villa residence (Currajong), a workers dwelling and a 1920s farmhouse. The buildings are owned by the Lessee and are situated on State owned land that council is trustee of (Local Government/Historical), located on Lot 191 on EP 1742. A survey plan is not required as the lease is over a whole of the parcel of land.

The Lessee has been advised that any agreement with council in regards to a rate concession will end when the current lease expires, and that if they wish to receive a concession in regards to a renewed concession they will be required to re-apply via council's Rates Department.

Officer's Recommendation

1. That council approve issuing/renewal of lease to The National Trust of Australia, Queensland Ltd for the purpose of a historical museum and the authentic restoration and maintenance of three buildings, for a period of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested. This lease will be granted on the condition that the organisation is responsible for all minor (and structural if organisation owns the building) maintenance of the lease area and its improvements.
2. That council note that the National Trust of Australia, Queensland Ltd under the issued lease will also be responsible for:
 - i) maintenance, repair, replacement obligations of lessee:
 - a) structural (Clause 6.1a);
 - b) services/pipes/conduits (clause 6.1 (b));
 - c) painting (clause 6.3); and
 - d) minor maintenance (clause 6.6).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the council minutes (page 8217) where council resolved that the committee recommendation be adopted.

16 Community Services - Black River Rural Fire Brigade - New Lease

Executive Summary

The Black River Rural Fire Brigade has requested that council support an extension to the current leased area at 40830 Bruce Highway, formally described as Lot 123 on SP 204816.

The lease request specifically pertains to a five metre extension to the eastern side of the current lease area. The extended lease area will legitimise a newly built training facility that currently sits over the existing lease boundary. The training facility cannot be legally certified given that it does not wholly sit within the lease area.

Officer's Recommendation

1. That council approve issuing of a lease to Black River Rural Fire Brigade for the purpose of an emergency vehicle operations facility, for a period of up to 10 years, for the fee of \$1.00 per year exclusive of GST, if requested.
2. That council note the Black River Rural Fire Brigade under the issued lease will be responsible for;
 - (i) maintenance, repair, replacement obligations of lessee
 - a) structural (Clause 6.1a));
 - b) services/pipes/conduits (clause 6.1 (b));
 - c) painting (clause 6.3);
 - d) minor maintenance (clause 6.6);
 - e) landscaping obligation (clause 5.8); and
 - (ii) the provision of a survey plan.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the council minutes (page 8217) where council resolved that the committee recommendation be adopted.

17 Community Services - Community Grants Program 2015-2016

Executive Summary

In 2014, the Community Grants Unit staff conducted an on-line community engagement survey to seek feedback from the community on the existing Townsville City Council Community Assistance Grants Program and reviewed feedback from grant recipients received through outcome reports.

The data collected has been used to inform and enhance understanding and knowledge of current community funding needs and to develop a proposed structure for the Community Assistance Grants Program in 2015-2016.

In addition, during this learning process, the development of a Community Grants Strategy has been identified as needed to better inform and enable a strategic approach in future years.

Officer's Recommendation

1. That council endorse the proposed Community Assistance Grants Program structure for 2015-2016.
2. That council endorse the development of a Community Grants Strategy to inform and enable a strategic approach to be implemented in the financial years 2016/2017 - 2019/2020.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the council minutes (page 8217) where council resolved that the committee recommendation be adopted.

18 Community Services - City of Townsville Art Collection Policy - 2015

Executive Summary

The reviewed and updated City of Townsville Art Collection Policy is presented for endorsement by the Community and Cultural Committee.

Officer's Recommendation

That council receive and endorse the City of Townsville Art Collection Policy as follows:

POLICY

COMMUNITY AND ENVIRONMENT

COMMUNITY SERVICES



CITY OF TOWNSVILLE ART COLLECTION POLICY >>

1. POLICY STATEMENT >>

The City of Townsville Art Collection is recognised as a significant cultural resource of the city, primarily representing the development of art and craft in Australia. It is a source of knowledge and is to be developed and managed as a cultural heritage collection to benefit, engage, educate and inspire the community and visitors within the region. Council is committed to the development, conservation and promotion of its Collection of art, craft and cultural material.

As a collecting institution representing the diversity of North Queensland communities and environment, it is the Council's responsibility to contribute to the conservation of the local history and heritage of the region. Council will shape the Collection through this policy and will increase the standing of the Collection by creating networks and relationships with professionals within creative arts sector, and governmental bodies locally, nationally, and internationally.

2. PRINCIPLES >>

The following principles underpin this policy:

-The City of Townsville Art Collection belongs to the people of Townsville, is managed by Townsville City Council, and is part of the region's cultural identity.

-Council will take a strategic approach to the development of the City of Townsville Art Collection as expressed by the Collecting Priorities.

-Council will maintain an Art Acquisition Working Group to provide oversight of the implementation of this policy, and provide recommendations to Council in relation to the acquisition, deaccession, and disposal of art, craft, and cultural material.

-Council will be the decision making body in relations to acquisition, deaccessioning, and disposal of art, craft, and cultural material from the City of Townsville Art Collection.

3. SCOPE >>

This policy is intended to address all aspects of the acquisition, deaccession, and disposal of art, craft, and cultural material from the City of Townsville Art Collection and applies to all council officers and Councillors responsible for these functions.

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Document Maintained by >> Gallery Services

Version No.1
Initial Date of Adoption >> <Insert date>
Next Review Date>> <Insert date>

POLICY

COMMUNITY AND ENVIRONMENT

COMMUNITY SERVICES



4. RESPONSIBILITY >>

The Manager, Gallery Services is responsible for ensuring that this policy is understood and adhered to by all Council officers and Councillors.

5. POLICY >>

Council will maintain, develop, exhibit and conserve the City of Townsville Art Collection as a cultural resource of the city, representing the development of art, craft, and culture in Townsville, North Queensland, and Australia, as a source of knowledge, and as a cultural heritage collection to benefit, engage, educate, and inspire the community and visitors to the region.

5.1 COLLECTING PRIORITIES >>

Council recognises that the protection, restoration, conservation, exhibition, and the interpretation of arts, crafts, and cultural material in the Collection are significant to the understanding and respect for the city's and region's communities and culture.

The Council will enhance the City of Townsville Art Collection by the acquisition, preservation, conservation, and exhibition of materials relevant to North Queensland's art history, cognisant of the need to broaden the Collection to reflect the city's growth, place in the national and international scene, and cultural diversity.

For the purpose of this policy, the Collection is divided into two Major Collection Areas, with eight Sub-Collection Areas. The Major Collection Areas identify the broad area of focus for the Collection. The Sub-Collection Areas reflect significant themes and priorities within the Major Collection Areas.

Major and Sub-Collection Areas

5.1.1 AUSTRALIAN ART

5.1.1.1 Art of North Queensland

This Sub-Collection Area focuses on art created in North Queensland including: historical, modern, and contemporary art, craft, and cultural material. This part of the collection will comprise of objects created by artists both indigenous and non-indigenous who live, or have lived, in North Queensland, or those who produced work during a visit to North Queensland, or work about North Queensland. All media will be collected.

5.1.1.2 Aboriginal and Torres Strait Islander Art

The Aboriginal and Torres Strait Islander people are one of the world's oldest surviving cultures. The arts and craft created by this culture is unique and diverse and Council will collect works both traditional and contemporary art, craft, and artefacts from all regions across all media, styles, and themes, particularly focusing

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Document No. >> <Corporate Governance to Enter>
Authorised by >> Director Community and Environment
Document Maintained by >> Gallery Services

Version No.1
Initial Date of Adoption >> <Insert date>
Next Review Date>> <Insert date>

POLICY

COMMUNITY AND ENVIRONMENT

COMMUNITY SERVICES



on art created by Aboriginal and Torres Strait Islander from the North Queensland region or about the North Queensland region.

Although contemporary art by Aboriginal or Torres Strait Islander people is fully integrated into the sections of the Collection, it will be identified as distinct from other contemporary art. The Gallery will keep abreast of contemporary developments across all traditions, media, and styles.

5.1.1.3 Australian Colonial and Historical Art

The Collection currently holds numerous artworks and artefacts, which reflect the colonisation, history, cultural traditions, and development of Australia, particularly Townsville and the surrounding region, across all media including artefacts, drawings, maps, paintings, photographs and prints. Council will continue to develop this Sub-Collection Area to ensure that there is a strong representation of our developmental history and influences, which inform who we are today.

5.1.1.4 Australian Modern and Contemporary Art

Since the shift from the European influence in favour of a distinctly Australian painting tradition in the late 1800's, Australian Modern and Contemporary Art has embedded itself into the popular consciousness within and outside of the art world. This Sub-Collection Area comprises the majority of the works held within the Collection and showcases various themes such as War Art, Portraiture, Landscapes, Flora, Fauna and Contemporaneous society across a diverse range of media. The Gallery will keep abreast of contemporary developments across all disciplines, media and styles and will continue to grow this substantial body of works.

5.1.2 INTERNATIONAL ART

A small but significant growth area of the Collection has been the acquisition of various international artworks that showcase the cultures and art movements of societies from around the world.

In line with Townsville's vision and standing as the major metropolitan centre in Northern Australia, this Major Collection Area plays a vital role in the future growth and diversity of the Collection.

Recent donations to the Collection have seen the representation of significant artists and artworks from the United Kingdom, Europe, Americas and Central Asia. These works alongside the holdings of art from Asia, Melanesia and Polynesia combine to form an invaluable cultural asset and resource, increasing the appreciation of art and craft from culturally and linguistically diverse peoples.

Council will continue to develop this Major Collection Area by exploring opportunities for growth through initiatives such as Sister City relationships and project specific partnerships.

This Major Collection Area is categorised into four Sub-Collection Areas:

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Document No. >> <Corporate Governance to Enter>
Authorised by >> Director Community and Environment
Document Maintained by >> Gallery Services

Version No.1
Initial Date of Adoption >> <Insert date>
Next Review Date>> <Insert date>
Current Version Adopted>> < Corporate Governance to Enter>

POLICY

COMMUNITY AND ENVIRONMENT

COMMUNITY SERVICES



- 5.1.2.1 American Art
- 5.1.1.2 Asian Art
- 5.1.1.3 European Art
- 5.1.1.4 Pacific Arts (including Melanesia, Micronesia, Polynesia)

5.2 ACQUISITION OF ART, CRAFT AND CULTURAL MATERIAL >>

Council complies with the Australian Government's *Protection of Movable Cultural Heritage Act 1986*.

All proposed acquisitions, by means of purchase (from private individuals, dealers, or at auction), acquisitive prize, transfer, exchange, bequest, donation, or by gift through the Taxation Incentives for the Arts Scheme, will be presented to the Art Acquisition Working Group by the Manager, Gallery Services and must be supported by a written report. The Art Acquisition Working Group will not consider any potential acquisition that has not been formally proposed in this manner.

All art, craft, and cultural material acquired by any means, should only be acquired (by any means) if authenticity is evident and valid title is held. Due diligence investigations must be carried out to establish (as far as possible) the full history of the object since discovery or production, to ensure the object has not been illegally obtained in, or exported from its country of origin or any intermediate country in which it might have been owned legally.

The Gallery is to require vendors, donors and their representatives to provide all available evidence and documentation of a work of art offered for acquisition, regarding its origins and provenance. If the Gallery is unfamiliar with the source of an acquisition it must, where practicable, consult with colleagues who have had prior dealings with the source or contact in question.

Council takes into consideration cultural sensitivities in its collecting and display of the objects. Sensitive material of sacred significance should be acquired only if it can be housed securely and cared for respectfully. This must be accomplished in a manner consistent with professional standards and the interests and beliefs of members of the community, ethnic or religious groups from which the objects originated, where these are known.

Complete records must be kept by Gallery Services of all acquisition decisions.

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Document No. >> <Corporate Governance to Enter>
Authorised by >> Director Community and Environment
Document Maintained by >> Gallery Services

Version No.1
Initial Date of Adoption >> <Insert date>
Next Review Date>> <Insert date>
Current Version Adopted>> <Corporate Governance to Enter>

PAGE >> 4 OF 8

GALLERY ACQUISITION POLICY

POLICY

COMMUNITY AND ENVIRONMENT

COMMUNITY SERVICES



5.3 DEACCESSIONING OF ART, CRAFT AND CULTURAL MATERIAL >>

The decision to deaccession any object from the Collection must only be undertaken with the full understanding of the significance of the object, its character, legal standing and any loss of public trust that might result from such action.

All art, craft and cultural material proposed for deaccession will be presented to the Art Acquisition Working Group by the Manager, Gallery Services and must be supported by a written report. The Art Acquisition Working Group will not consider any potential deaccession that has not been formally proposed in this manner.

Deaccessioning will be an open and ethical process. In the case of donated art, craft and cultural material. Gallery Services must contact the living relatives to discuss the deaccession process.

Deaccessioning of an object is to occur only in the following instances:

- Lack of relevance to the Collection
- No evidence of clear legal title
- Theft or loss
- Damage or serious deterioration in condition
- Inferior workmanship
- Repatriation of cultural property
- Duplication

Complete records must be kept by Gallery Services of all deaccession decisions.

5.4 DISPOSAL OF ART, CRAFT, AND CULTURAL MATERIAL >>

All art, craft and cultural material proposed for disposal will be presented to the Art Acquisition Working Group by the Manager, Gallery Services and must be supported by a written report. The Art Acquisition Working Group will not consider any potential disposal that has not been formally proposed in this manner.

The decision to dispose of any unwanted or deaccessioned object from the Collection must only be undertaken with the full understanding of the significance of the object. Council has an ethical and moral responsibility to donors and the community to ensure that unwanted or deaccessioned objects are disposed of ethically, and in accordance with the donor's instructions.

When disposing of unwanted or deaccessioned objects the following priorities must be applied:

- Return the object to the source if possible, unless otherwise instructed by the donor
- Offer the object to another museum or collecting organisation

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Document No. >> <Corporate Governance to Enter>
Authorised by >> Director Community and Environment
Document Maintained by >> Gallery Services

Version No.1
Initial Date of Adoption >> <Insert date>
Next Review Date>> <Insert date>
Current Version Adopted>> <Corporate Governance to Enter>

PAGE >> 5 OF 8

GALLERY ACQUISITION POLICY

POLICY

COMMUNITY AND ENVIRONMENT

COMMUNITY SERVICES



- Sell the object, by auction or tender. If the object was received by the council through a gift or bequest, then the proceeds of the sale of the object must be applied to the acquisition of alternative objects for the Collection, in all other cases the proceeds of a sale are to be applied to the acquisition of alternative objects for the Collection unless the council otherwise directs.
- Destruction of the item

Complete records must be kept by Gallery Services of all disposal decisions.

6. ACCESS TO THE COLLECTION >>

The City of Townsville Art Collection will be stored and documented in a manner that is inline with national standards for museums and galleries, which enables access for exhibition, education, and research. The Collection records will be able to be accessed via an electronic database that is searchable by the public through the Council's website.

7. DEFINITIONS >>

Acquisition – The collection of art, craft and cultural material whether by purchase (from private individuals, dealers, at auction), acquisitive prize, transfer, exchange, bequest, donation, by gift through the Taxation Incentives for the Arts Scheme or other method, is accepted into either Collection resulting in the transfer of the legal ownership, custody or control of Townsville City Council.

Art Acquisition Working Group – an advisory group established by Council and comprised of the relevant Councillors, Council officers, and community representatives.

Art, Craft, and Cultural Material – All types of objects that can be created for an internal or external environment, including but not limited to: artefacts, art built-in, artist's books, carvings, ceramics, community art, drawings, ephemeral art, film, fountains, memorials, monuments, mosaics, multimedia, murals, paintings, photomedia, photographs, prints, public art, sculpture, street art, terrazzo, textiles and war memorial.

Authenticity – Having undisputed proof of origin that is supported by tangible evidence.

Collection – means the collection of objects to which the Townsville City Council holds legal title and which have been formally accepted as comprising part of the City of Townsville Art Collection.

Collecting Priorities – Outlines the Major Collection Areas of art, craft, and cultural material for the City of Townsville Art Collection.

Community – A social group of any size whose members may reside in a specific locality, share government, or have a common ethnic, cultural, or historical heritage. The term includes those who have common interests or form professional communities,.

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Document No. >> <Corporate Governance to Enter>
Authorised by >> Director Community and Environment
Document Maintained by >> Gallery Services

Version No.1
Initial Date of Adoption >> <Insert date>
Next Review Date>> <Insert date>
Current Version Adopted>> <Corporate Governance to Enter>

PAGE >> 6 OF 8

GALLERY ACQUISITION POLICY

POLICY

COMMUNITY AND ENVIRONMENT

COMMUNITY SERVICES



Conservation – Includes all the processes involved in the care of an object or collection to retain its cultural significance.

Cultural Significance – All aspects of significance, also termed heritage significance, or cultural heritage values, especially used in the Burra Charter. This includes scientific and natural history collections.

Deaccession – The process by which an object is permanently removed from a Collection.

Disposal – The process by which any unwanted or deaccessioned object is disposed of from a Collection.

Due Diligence – The requirement that every endeavour is made to establish the facts of a case before deciding a course of action, particularly in identifying the source and history of an object offered for acquisition or use before acquiring it.

Documentation – The process of record keeping for each object in a collection. Documentation includes accessioning, registration, cataloguing, digitising and research notes.

Gallery/Museum – A non-profit, permanent institution in the service of society and of its development, and open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment. For the purposes of this policy, the Gallery Services section of the Community Services Department of Townsville City Council performs this function.

Preservation – All actions taken to retard deterioration of or prevent damage to cultural material. Preservation involves controlling the environment and conditions of use, and may include treatment to maintain an object, as nearly as possible, in an unchanging state. Preservation also includes activities taken to prevent or delay material becoming damaged i.e. preventive conservation.

Provenance – The full history and ownership of an object from the time of its discovery or creation to the present day, through which authenticity and ownership are determined.

Restoration – Actions taken to modify the existing material and structure of an object to represent a known earlier state.

Significance – The meaning and values of an object or collection, or what makes it important. Significance is the historic, aesthetic, scientific and social values that an item or collection has for past, present and future generations.

Valid Title – Indisputable right to ownership of property, supported by full provenance of the object since discovery or production.

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Document No. >> <Corporate Governance to Enter>

Version No.1

POLICY

COMMUNITY AND ENVIRONMENT

COMMUNITY SERVICES



9. LEGAL PARAMETERS >>

- *Protection of Movable Cultural Heritage Act 1986* – Australian Government (1986)
- *Income Tax Assessment Act 1997* – Australian Government (1997)
- *Local Government Act 2009* – Queensland Government (2009)

10. ASSOCIATED DOCUMENTS >>

- *Gallery Services: Visual Arts Strategy >> 2013-2016*
- *Gallery Services: Street Art Activation Framework >> 2015-2018*
- *Gallery Services: Art In Public Spaces Framework >> 2015-2018*
- *Australian Best Practice Guide to Collecting Cultural Material* – Ministry for the Arts, Australian Government (2014)
- *Code of Ethics* – Museums Australia (1999)
- *Code of Ethics for Museums* – International Council of Museums (ICOM) (2013)
- *Continuous Cultures, Ongoing Responsibilities: Principles and guidelines for Australian museums working with Aboriginal and Torres Strait Islander cultural heritage* – Museums Australia (2005)
- *Australia Institute for Conservation of Cultural Material: Code of Ethics and Code of Practice* – Australia Institute for Conservation of Cultural Material (11 October 2002)
- *National Standard for Australia Museums and Galleries: Version 1.4 - The National Standards Taskforce*, Museums Australia (October 2014)
- *City of Townsville Art Collection Asset Management Plan*
- *City of Townsville Art Collection Asset Register*

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Document No. >> <Corporate Governance to Enter>
Authorised by >> Director Community and Environment
Document Maintained by >> Gallery Services

Version No.1
Initial Date of Adoption >> <Insert date>
Next Review Date>> <Insert date>

Current Version Adopted>> < Corporate Governance to Enter>

PAGE >> 8 OF 8

GALLERY ACQUISITION POLICY

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the council minutes (page 8217) where council resolved that the committee recommendation be adopted.

19 Community Services - Proposed Cultural Gift to City of Townsville Art Collection - June 2015

Executive Summary

A significant cultural gift of work by renowned and celebrated Australian artist Tim Storrier has been proposed. The work has been proposed as a gift to the City of Townsville Art Collection by Philip Bacon AM.

Philip Bacon has long supported with regional cultural development and annually presents the Philip Bacon Guest Lecture in Townsville. On 1 June 2015 whilst attending the *World of Wearable Art* launch and exhibition he was so impressed by the cultural sophistication of Townsville, and the initiative shown by our region to secure such a unique exhibition, Philip has kindly offered to gift this major work to the Collection.

Officer's Recommendation

That council endorse the Art Acquisition Working Group's recommendation to accept the proposed cultural gift by Philip Bacon AM of work by Australian artist Tim Storrier to the City of Townsville Art Collection.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the council minutes (page 8217) 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 20 to 22 and 24 to 26 be adopted and item 23 be dealt with separately."

CARRIED UNANIMOUSLY

It was MOVED by Councillor J Lane, SECONDED by Councillor S Blom:

"that the committee recommendation to item 23 be adopted."

CARRIED UNANIMOUSLY

20 Budget Variance Report - Whole of Council - May 2015

Executive Summary

On behalf of the Chief Executive Officer, the Director of Corporate Services presented and discussed the Budget Variance Report for the whole of council for May 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 May 2015.

Officer's Recommendation

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the council minutes (page 8230) where council resolved that the committee recommendation be adopted.

21 Treasury Report - May 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 May 2015 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the council minutes (page 8230) where council resolved that the committee recommendation be adopted.

22 Amendment to Meter Reading Anniversary Date

Executive Summary

Over the last eight years there has been a steady increase in the number of water meters connected to new properties in Townsville due to property growth, which has taken the Townsville City Council active water meter fleet to over 80,000. Each of these meters are read quarterly by a meter reading resource pool of six full time staff.

In order to manage the growing demand and time constraints to meet the end of year reading cycle deadline, the bringing forward the anniversary dates for all meter reading routes and increasing the 'deemed' reading date tolerance level is proposed.

Officer's Recommendation

That council resolve to approve the bringing forward of the anniversary dates for all meter reading routes by five working days and furthermore, resolve that meter readings taken within seven working days before or seven working days after the anniversary date, be 'deemed' to have been read on the anniversary date in accordance with Chapter 4 Part 7 Section 102 of the Local Government Regulation.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the council minutes (page 8230) where council resolved that the committee recommendation be adopted.

23 Finance - Revised Procurement Policy

Executive Summary

The current Procurement Policy was adopted by council at the Ordinary Council meeting on the 17 December 2013 and is due for review.

Since the adoption of the policy, significant work continues to be undertaken as a result of the Executive Management Team endorsing a Procurement Strategy. The vast majority of the work is related to the process and systems used within the procurement framework resulting in significant improvements and changes to the Procurement Procedure. This has resulted in a review of the current Procurement Policy.

This review has been completed and the revised policy is presented for council for consideration.

Officer's Recommendation

That council resolve to adopt the revised Procurement Policy: Document Number 1030 as follows:

POLICY
CORPORATE SERVICES
Finance



PROCUREMENT POLICY >>

1. POLICY STATEMENT >>

This policy records the Townsville City Council's approach to the procurement of goods and services, and the disposal of assets including land.

2. PRINCIPLES >>

By conducting procurement activities in compliance with this policy Council aims to:

- a) Add value by assisting the council to achieve the its goals and objectives outlined in its corporate and operational plans;
- b) Demonstrate that procurement decisions are environmentally, socially and economically responsible;
- c) Procure environmentally preferred products whenever they perform satisfactorily, are of similar quality and are available on a value for money basis;
- d) Support economic development within the local government area;
- e) Ensure fairness, integrity, transparency and competition;
- f) Ensure the organisation is fulfilling its safety obligations;
- g) Ensure best value for money.

3. SCOPE >>

This policy covers all procurement activity irrespective of funding source and acquisition process. The principles outlined in this policy and associated procedure will be followed by all employees (full time, part time, temporary and casual) as well as all consultants and contractors engaged by Council.

4. RESPONSIBILITY >>

The Chief Executive Officer, Directors, Executive Managers and Managers are responsible for ensuring the policy is understood and adhered to by council staff.

The Procurement Manager is responsible for collating information to assist in monitoring procurement activity.

5. DEFINITIONS >>

Consultant - a professional (or business) that provides professional or expert advice in a particular area or specialised field.

Contractor - an individual (or business) that contracts with Council to provide goods, services and/or construction activity under terms specified in a contract.

Employee - a person who is hired to provide services to Council on a regular basis in exchange for compensation and who does not provide these services as part of an independent business.

Goods - an inherently useful and tangible item (article, commodity, material, merchandise)

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Document No. >> <Corporate Governance to Enter>

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Version No.<Enter Version>

Initial Date of Adoption >> <Insert date>

Current Version Adopted>> <Corporate Governance to Enter>

Next Review Date>> <Insert date>

PAGE >> 1 OF 3

<ENTER POLICY TITLE>

POLICY

CORPORATE SERVICES

Finance



Procurement - is the acquisition of goods and services and it commonly involves purchase planning, standards determination, specifications development, supplier research and selection, value analysis, supply contract administration, inventory control and stores and disposals and related functions.

Services - include intangible products such as accounting, banking, cleaning, consultancy, education, expertise, medical treatment and transportation.

6. POLICY >>

When carrying out procurement activities the council will:

- a) act ethically and in full compliance with applicable laws;
- b) exercise responsible financial management, including by identifying and managing risk associated with procurement;
- c) assess value over the whole of the operational life of the goods or services;
- d) be focused on achieving the council's financial, social, local economic and environmental objectives;
- e) establish procedures that ensure fair, open and effective competition that deliver value for money and are easy to use;
- f) foster relationships with suppliers, consultants and contractors in a manner that is ethical, efficient, effective, fair and transparent;
- g) support the establishment of a diverse supply chain with particular focus on entities that deliver and/or have the potential to deliver social, economic and environmental benefit to the Townsville region;
- h) support Australia-based manufacturers and Australian-owned suppliers, consultants and contractors where possible focusing on those in the Townsville Region; and
- i) establish performance agreements with key suppliers, consultants and contractors and monitor their performance over time;

7. LEGAL PARAMETERS >>

Local Government Act 2009

Local Government Regulation 2012

8. ASSOCIATED DOCUMENTS >>

Procurement Procedure

Code of Conduct for Staff

Corporate Plan

Operational Plan

Electronic version current uncontrolled copy valid only at time of printing.

Document No. >> <Corporate Governance to Enter>

Authorised by >> <Enter Director>

Document Maintained by >> <Enter Operational area name>

Version No.<Enter Version>

Initial Date of Adoption >> <Insert date>

Current Version Adopted>> <Corporate Governance to Enter>

Next Review Date>> <Insert date>

PAGE >> 2 OF 3

<ENTER POLICY TITLE>

POLICY
CORPORATE SERVICES
Finance



Register of Financial Delegations
Delegations Register

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Document No. >> <Corporate Governance to Enter>
Authorised by >> <Enter Director>
Document Maintained by >> <Enter Operational area name>

Version No. <Enter Version>
Initial Date of Adoption >> <Insert date>
Current Version Adopted >> <Corporate Governance to Enter>
Next Review Date >> <Insert date>

PAGE >> 3 OF 3 <ENTER POLICY TITLE>

Committee Recommendation

1. That the officer's recommendation be adopted.
2. That a workshop be held to discuss the Procurement Procedure and contract documents.

Council Decision

Refer to resolution preceding item 20 of the council minutes (page 8230) where council resolved that the committee recommendation be adopted.

24 Corporate Asset Management - Asset Management Policy

Executive Summary

Townsville City Council's Asset Management Policy has been reviewed according to council's policy review process.

Approval is now sought from council for adoption of this policy.

Officer's Recommendation

That council adopt the Asset Management Policy.

POLICY

CORPORATE SERVICES

CORPORATE ASSETS MANAGEMENT AND SYSTEMS



ASSET MANAGEMENT POLICY >>

1. POLICY STATEMENT >>

The Townsville City Council will responsibly manage council-owned assets.

2. PRINCIPLES >>

Council makes operational and financial decisions to optimise council's long term financial position while delivering sustainable services and reducing the risk exposure to an acceptable level through the management of assets for present and future communities.

Council is committed to the asset management fundamentals of value, alignment, leadership, and assurance for;

- Long term financial sustainability
- Improved financial performance
- Informed asset investment decisions
- Managed risk
- Improved services and costs
- Demonstrated social responsibility
- Demonstrated compliance
- Enhanced reputation
- Improved sustainability

3. SCOPE >>

This policy applies to all council activities and services, including business units, asset custodians, enabling services and service delivery units.

4. RESPONSIBILITY >>

The Chief Executive Officer, Directors, Executive Managers, Managers, Asset Management Steering Group, Asset Management Group and Enabling Services are responsible for ensuring this policy and associated documents are understood and adhered to by all staff.

5. DEFINITIONS >>

Asset: An asset is an item or thing that has potential or actual value to council and community.

Value: Assets exists to provide tangible, non-tangible, financial or non-financial benefits to council and community in accordance with council objectives.

Asset Management: A coordinated activity of council to realise its values from assets.

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Document No. >> 1600
Authorised by >> Director, Infrastructure Services
Document Maintained by >> Corporate Assets Systems

Version No.3
Date of Adoption (Version 1)>> 25.11.08
Current Revised Version Adopted>>19.11.13
Next Review Date>> 24.05.15

POLICY

CORPORATE SERVICES

CORPORATE ASSETS MANAGEMENT AND SYSTEMS



Strategic Asset and Service Management Plan: Documented information that specifies the road map of how council objectives are to be converted into asset and service management objectives.

Asset and Service Management Plan: Documented information specifies the management of one or more infrastructure assets and services that combines multi-disciplinary management techniques (including financial and technical), resources, activities, and time scale over the life cycle of the asset in the most cost effective manner to provide a specified level of service. A significant component of the plan is a long-term financially informed projection of the activities and objectives.

Asset Management System: A System forms an integrated part of council's management of mission, corporate plan, policies, objectives, asset and service management plans, operational plans, supporting activities, control activities, and other relevant processes.

Business Case/Planning Report: A Business Case demonstrates the advantage and value of a new service/asset and a Planning Report details the alternative delivery methods and the recommended option.

Lifecycle Cost: The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, depreciation, rehabilitation, and disposal costs.

6. POLICY >>

Council will manage assets through informed, demonstrated and improved financial performance and asset investment and risk management decisions, to provide services to the level and at the cost decided by the council

The management of assets and service potential will be achieved by:

- developing and maintaining long-term Strategic Asset Management Plan and Strategic Service Management Plan and Asset Management Plans;
- preparing Business Case, Planning Reports, and Evidence Modeling prior to the introduction of a new service or the procurement of a new asset or for rehabilitation or renewal of existing assets;
- Integrating customer experience, strategy planning, financial affordability and capital works planning;
- maintaining a long term financial plan which demonstrates that the full costs of an asset are borne equitably by all users (including future users) of the asset, including using the utility delivered to customers as the basis for allocating depreciation and obsolescence;
- ensuring that the lowest lifecycle cost of an asset is achieved while maintaining agreed levels of services and an acceptable risk exposure level;
- annually prioritising capital investment plan and reviewing asset management strategies and plans;

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Document No. >> 1600
Authorised by >> Director, Infrastructure Services
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Date of Adoption (Version 1)>> 25.11.08
Current Revised Version Adopted>>19.11.13
Next Review Date>> 24.05.15

PAGE >> 2 OF 3

ASSET MANAGEMENT POLICY

POLICY

CORPORATE SERVICES

CORPORATE ASSETS MANAGEMENT AND SYSTEMS



- measure, monitor and review, asset and service management values and performance;
- ensuring consistency through the use of corporate systems, internal audits, business processes; and governance requirements;
- ensuring a corporate approach to asset management;
- Improve through leadership, cross functional integration, effective communication, and culture; and
- Assure ISO55000 alignment as minimum requirement for asset management practices.

7. LEGAL PARAMETERS >>

Local Government Act 2009

Local Government (Finance Plans and Reporting) Regulation 2010

ISO55001 International Standard

8. ASSOCIATED DOCUMENTS >>

Asset Management Plans

Asset Management Strategy Plan

Strategic Service Management Plan

Long Term Financial Plan

Electronic version current uncontrolled copy valid only at time of printing.

Document No. >> 1600

Authorised by >> Director, Infrastructure Services

Document Maintained by >> Corporate Assets Systems

Version No.3

Date of Adoption (Version 1)>> 25.11.08

Current Revised Version Adopted>>19.11.13

Next Review Date>> 24.05.15

PAGE >> 3 OF 3

ASSET MANAGEMENT POLICY

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the council minutes (page 8230) where council resolved that the committee recommendation be adopted.

25 Rescind Study Assistance Policy

Executive Summary

This report is to rescind the 'Study Assistance Policy' and implement an Administrative Directive and Procedure to bring the management of this initiative into alignment with current council management and approval practices.

Council will provide assistance to employees engaging in studies to attain qualifications that will equip them with the knowledge, expertise and capabilities to perform more effectively in their current and future roles within the organisation.

Officer's Recommendation

That council rescind the Study Assistance Policy.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the council minutes (page 8230) where council resolved that the committee recommendation be adopted.

26 Request for concession - property number 109440

Executive Summary

A request has been received from for a concession for the general rate for property number 109440. 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 109440 and that the concession include general rates dating back to the 1 of January 2015.
3. That council resolve that the concession will continue to be granted until such time that the land use changes or change of ownership for the property is recorded or council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 20 of the council minutes (page 8230) where council resolved that the committee recommendation be adopted.

Townsville Water and Waste Committee

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

- (a) *the name of the councillors who have the real or perceived conflict of interest:***
Councillors R Gartrell, S Blom, G Eddiehausen, J Lane, A Parsons, T Roberts and V Veitch.
- (b) *the nature of the conflict of interest as described by the Councillor:***
Geoff Eales (Opteon was formerly Collins and Eales) donated to the Townsville First election campaign.
- (c) *how the Councillors dealt with the real or 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 Councillor voted on the issue – how the Councillor voted:***
The Councillors voted as per the committee 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 committee recommendation.

It was MOVED by Councillor R Gartrell, SECONDED by Councillor P Ernst

"that the committee recommendations to items 27 to 28 be adopted."

CARRIED UNANIMOUSLY

27 Programs & Technical Support - Reservoir Site Acquisition

Executive Summary

Council's regional water strategy has identified the need for a major reservoir site on the eastern foothills of Mt Innes. The regional reservoir site will ultimately contain 4 x 40 ML water reservoirs that will service a future population of 130,000 post 2050 in the northern supply area. This report proposes the acquisition of a specific reservoir site including levelling works.

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 that under section 235(a) of the *Local Government Regulation 2012* council is satisfied that there is only one supplier who is reasonably available to make the supply of the land and requisite works in the required location for the Northern Reservoir site.
3. That council approve the acquisition of the Northern Reservoir site being part of Lot 2 on EP2209 and requisite works from Holcim for a lump sum of \$3,885,000.
4. That council delegate authority to the Chief Executive Officer, or his delegate, to sign the land purchase contract for the Northern Reservoir site and approve any contract variations up to the approved project budget, provided the variations are for completion of the work under contract.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 27 of the council minutes (page 8242) where council resolved that the committee recommendation be adopted.

28 Business Management & Compliance - Monthly Report Card - May 2015

Executive Summary

Townsville Water and Waste's monthly report card containing year to date operating results for 2014/15 for the month of May 2015 was tabled 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 note the report card from Townsville Water and Waste for the month of May 2015.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 27 of the council minutes (page 8242) where council resolved that the committee recommendation be adopted.

Officers Reports

Infrastructure

29 Engineering Services - Rollingstone Creek Bridge Renewal

Executive Summary

The purpose of this report is to establish a strategy to address the current structural issues with the lower Rollingstone Creek Bridge (adjacent to the Bruce Highway). Recently following a routine level 2 bridge inspection the bridge was found to be in poor structural condition and therefore potentially at risk of failure under its own weight.

The report discusses a number of options that have been identified to address the structural issues and provides comments and recommendations on both a long term and interim solution for the lower Rollingstone Creek Bridge.

Officer's Recommendation

1. That council receive this report for information.
2. That subject to a positive Level 3 assessment of the bridge piers and abutments, the Rollingstone Creek Bridge superstructure and deck is replaced, to return it to its current single-lane level of service.
3. That a temporary scaffolded pedestrian (and bicycle) bridge be installed for the period interim to the bridge restoration works being commenced and the costs associated with this be addressed at the 4 month budget review.

Council Decision

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

"that officer's recommendations 1 and 2 be adopted."

CARRIED UNANIMOUSLY

Corporate Services

30 Safe Cities Conference - Melbourne - 8 July 2015

Executive Summary

The Safe Cities conference is being held on 8 July at Pullman, Melbourne. The one day conference provides an opportunity for a diverse range of safety professionals to come together to discuss ideas and concepts to improve safety in our communities.

Officer's Recommendation

1. That council approve the attendance of Councillor G Eddiehausen to attend the Safe Cities Conference on 8 July 2015 in Melbourne.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to Councillor G Eddiehausen from council to allow attendance at the Safe Cities Conference on 8 July 2015 in Melbourne.

Council Decision

It was MOVED by Councillor J Lane, SECONDED by Councillor A Parsons:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

31 Corporate Governance - Code of Meeting Practice Amendment

Executive Summary

The purpose of this report is to adopt minor amendments to council's Code of Meeting Practice to ensure that it is consistent with *Section 262 of the Local Government Regulations 2012*. The proposed amendments relate to clauses 5.2, 5.4, 5.4.2 (j) and 5.15.

Officer's Recommendation

That the following amendments to clauses 5.2, 5.4, 5.4.2(j) and 5.15 of the Code of Meeting Practice be adopted by council as follows:

5.2 NOTICE OF MEETINGS

The dates and times of Council's Ordinary meetings and meetings of its Standing Committees must be published at least once a year, and this will be done in the Townsville Bulletin.

Written notice must be given to each Councillor at least two days before the meeting, unless it is impracticable to give that notice. The notice must state the day and time of the meeting. If written notice of a rescission motion has been given in accordance with 5.15 then each councillor must be given at least five days notice before the meeting.

A notice under this section may be in electronic form where Councillors have the facilities to access the notice, agenda and business paper in that form.

5.4 AGENDA FOR MEETINGS

The notice of meeting given to Councillors must include an agenda of the items to be discussed at the meeting.

A Councillor, who wants an item of business included on the agenda for a particular meeting, must give written notice of the nature of the business to the Chief Executive Officer at least seven days before notice of the meeting is given. [Items for consideration may include questions on notice, rescission motions or a notice of motion].

Business not on the agenda or arising from the agenda must not be considered at the meeting unless council agrees to admit such business at the meeting.

Note, however that at a Special Meeting of Council only those matters listed on the agenda may be considered.

5.4.2 ORDINARY MEETINGS

The order of business for ordinary meetings will generally be:

- a) Opening of meeting
- b) Prayer
- c) Apologies and Leave of Absence
- d) Confirmation of Minutes of previous meetings
- e) Declarations of Material Personal Interests and Conflicts of Interests – Ordinary Council
- f) Declarations of Material Personal Interests and Conflicts of Interest – Standing Committees
- g) Mayoral Minute
- h) Petitions
- i) Deputations
- j) Notices of Motion
- k) Consideration of Reports of Standing Committee Meetings
- l) Officers' Reports
- m) General Business
- n) Close of meeting

5.15 RESCINDING OR ALTERING RESOLUTIONS

A resolution of council is effective from the moment it is passed and it is the function and duty of the Chief Executive Officer to give effect to such resolution.

To rescind a resolution of council the following must occur:

- written notice must be signed by at least three Councillors and provided to the Chief Executive Officer, in accordance with clause 5.4 above, and will be considered at the next Ordinary meeting (prior to confirmation of the minutes);
- if a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with;

Notice of the rescission motion must be given to councillors at least five days before the meeting at which it will be considered. [refer clause 5.2]

The Chairperson must put the rescission motion to the meeting for determination.

If the motion has been negated by a council, a motion having the same effect must not be considered within three months.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillors J Lane, S Blom, G Eddiehausen, R Gartrell, A Parsons, T Roberts and V Veitch declared a perceived conflict of interest in regards to item 32.

- (a) the name of the councillors who have the perceived conflict of interest:**
Councillors J Lane, S Blom, G Eddiehausen, R Gartrell, A Parsons, T Roberts and V Veitch.
- (b) the nature of the conflict of interest as described by the Councillor:**
Reelaw Pty Ltd 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 Councillor voted on the issue – how the Councillor 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.

Planning and Development

32 Strategic Planning - Economic Development and Strategic Projects - CBD Development Incentives Request for Extension

Executive Summary

The CBD Development Incentives Program will cease on 30 June 2015, and to be eligible for concessions under the program, projects must be complete by that date. However, there are two projects that are not expected to be fully completed until July 2015.

As this is very soon after the date of program close, it is recommended that the CBD Development Incentives Program be extended for these two specific projects, and that the concessions that have already been allocated to these projects be granted according to the terms of the program.

Officer's Recommendation

That the CBD Development Incentives Program be extended to 31 July 2015 for the projects under final construction at Assessment No 0106016, 23-25 Melton Terrace and Assessment No 0108022, 31 Blackwood Street so the remaining concessions can be granted.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillors J Lane, S Blom, G Eddiehausen, R Gartrell, A Parsons, T Roberts and V Veitch declared a perceived conflict of interest in regards to item 33.

- (a) the name of the councillors who have the perceived conflict of interest:**
Councillors J Lane, S Blom, G Eddiehausen, R Gartrell, A Parsons, T Roberts and V Veitch.
- (b) the nature of the conflict of interest as described by the Councillor:**
UDP Consulting Engineers Pty Ltd donated to the Townsville First 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 Councillor voted on the issue – how the Councillor 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*, the Mayor, Councillor J Hill and Councillors C Doyle and L Walker declared a perceived conflict of interest in regards to item 33.

- (a) **the name of the councillors who have the perceived conflict of interest:**
The Mayor, Councillor J Hill and Councillors C Doyle and L Walker.
- (b) **the nature of the conflict of interest as described by the Councillors:**
UDP Consulting Engineers Pty Ltd donated to the Team Hill election campaign.
- (c) **how the Councillors dealt with the perceived conflict of interest:**
The Councillors determined that they could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered their position and were of the opinion that they could participate in debate and vote on the matter in the public interest.
- (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.

Confidential Items

It was MOVED by Councillor G Eddiehausent, SECONDED by Councillor C Doyle:

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

Section 275 (e) contracts proposed to be made by it." (Items 33 and 34)

CARRIED UNANIMOUSLY

The council discussed the items.

It was MOVED by Councillor G Eddiehausen SECONDED by Councillor C Doyle:

"that council RESOLVE to open the meeting."

CARRIED

33 Engineering Services - Peggy Banfield Park - TCW00119 Design Consultancy Services

Executive Summary

The rapid growth of the Northern Beaches area of Townsville has meant there is a shortfall in community infrastructure available for use to the local community. There are especially large gaps in the available sport and recreation infrastructure for organised sport but also for unstructured recreation. To accommodate these gaps, the council is proposing to undertake a significant upgrade to Peggy Banfield Park.

Tenders have been called for TCW00119 Design Consultancy Services – Peggy Banfield Park to enable council to be in a position to commence construction such that council's funding commitment can be adhered to. This report provides information on the tenders received and council's recommendation for awarding tender TCW00119 Design Consultancy Services – Peggy Banfield Park.

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 TCW00119 Design Consultancy Services – Peggy Banfield Park to RPS Pty Ltd for the amount of \$326,529.55 (excluding GST).

Council Decision

It was MOVED by Councillor S Blom, SECONDED by Councillor L Walker:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

34 TCW00117 Civic Theatre Major Refurbishment - Architectural Services

Executive Summary

Townsville Civic Theatre is an iconic community building for performing arts attracting 100,000 patrons annually. The original building constructed in the 1970s requires major refurbishment. A capital budget for 2018 has been proposed however substantial design and specification is required prior to undertaking building work.

Architectural services are necessary to enable the development of conceptual design together with the coordination of sub-consultant drawings and specifications. A significant body of work is required prior to project delivery in 2018. This report recommends the appointment of a contractor to provide architectural services for the Civic Theatre 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 TCW00117 Civic Theatre Major Refurbishment – Architectural Services to PDT Architects at a cost of \$278,400 (including GST).
3. That a contingency budget of \$55,680 (including 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 Councillor S Blom, SECONDED by Councillor R Gartrell:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

General Business

(i) International Walking Visionaries Award - Planning and Design to Jezzine Barracks

Overview

Councillor L Walker congratulated everyone involved with regards to Jezzine Barracks winning the International Walking Visionaries Award - Planning and Design.

The Mayor, Councillor J Hill also congratulated everyone involved and indicated that this is an excellent outcome.

Councillor V Veitch acknowledged the Jezzine Barracks Community Trust for their contribution.

Close of Meeting

The Chair, Mayor J Hill declared the meeting closed at 10.15am.

CONFIRMED this TWENTY- EIGHTH day of JULY 2015

MAYOR

CHIEF EXECUTIVE OFFICER