



**ORDINARY COUNCIL**  
**PUBLIC MINUTES**  
TUESDAY 23 MAY 2017 AT 1.00PM

**Council Members >>**

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

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## Goals and Strategies of Townsville City Council >>

### Corporate Plan >>

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**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 economic and 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.
- 1.5 Provide and maintain water and sewage infrastructure to ensure a functioning network.
- 1.6 Provide and maintain a leading practice integrated transport network to facilitate the sustainable growth and efficient movement of Townsville.

**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.

### ACKNOWLEDGEMENT OF COUNTRY

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

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<b>REPORT</b>	<b>COUNCIL MEETING</b>
<b>DATE</b>	<b>Tuesday 23 May 2017 at 1.00pm</b>
<b>ITEMS</b>	<b>1 TO 25</b>
<b>PRESENT</b>	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor P Jacob Councillor M Molachino Councillor M Ryder Councillor M Soars Councillor L Walker

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

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

### **Prayer**

Reverend Jeff Coop of the Anglican Church delivered the opening prayer.

### **Acknowledgement to Country**

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

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

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

"that the apology from Councillor K Rehbein be received and that for the purposes of Section 162(1)(e) of the *Local Government Act 2009*, Councillor K Rehbein be granted leave of absence from this meeting."

**CARRIED UNANIMOUSLY**

### **Requests for Leave of Absence**

Councillor R Cook requested leave of absence for the period Saturday 17 June to Monday 26 June 2017 inclusive.

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

"that leave of absence be granted to Councillor R Cook for the period 17 June to 26 June 2017."

**CARRIED UNANIMOUSLY**

Councillor L Walker requested leave of absence for the period Monday 4 September to Monday 11 September 2017 inclusive;

Councillor M Molachino requested leave of absence for the period Thursday 25 May to Wednesday 31 May 2017 inclusive.

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

"that leave of absence be granted to Councillor L Walker for the period Monday 4 September to Monday 11 September 2017 inclusive; and Councillor M Molachino for the period Thursday 25 May to Wednesday 31 May 2017 inclusive."

**CARRIED UNANIMOUSLY**

**Confirmation of Minutes of Previous Meetings:**

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

"that the minutes of the Ordinary Council meeting of 26 April 2017 be confirmed."

**CARRIED UNANIMOUSLY**

**Disclosure of Interests**

- (i) Infrastructure Committee - Perceived conflict of interest – Item 2 – The Mayor Councillor J Hill, Councillors R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder, M Soars and L Walker – One of the tenderers donated to the Team Hill election campaign.
- (ii) Officer's Reports - Perceived conflict of interest - Item 25 - Councillors J Hill, Walker, Ryder, Jacob, Greaney, Molachino, Cook, Coombe, Soars, Doyle, declared a perceived conflict of interest for item 25 due to JMac Pty Ltd parent company BMD donating to Team Hill campaign, which is one of the companies listed as part of a tender.

**Correspondence**

There was no correspondence.

**Petitions**

There were no petitions.

**Deputations**

There were no deputations.

**Notices of Motion**

There were no notices of motion.

**Presentations**

There were no presentations.

**Mayoral Minute**

There was no Mayoral Minute.



## Committee Items

### Infrastructure Services Committee

***In accordance with section 173 of the Local Government Act 2009, The Mayor Councillor J Hill, Councillors R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder, M Soars and L Walker. declared a perceived conflict of interest in regards to item 2.***

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

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

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

*One of the tenderers donated to the Team Hill election campaign.*

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

*The Councillors dealt with the conflict by disclosing the perceived conflict of interest and referring officer's recommendations 2 and 3 to Ordinary Council for decision.*

**(d) *if the Councillors voted on the issue – how the Councillors 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 M Molachino, SECONDED by Councillor V Coombe:***

*"that the committee recommendations to items 1 to 3 be adopted."*

**CARRIED UNANIMOUSLY**

## **1 Infrastructure Committee Quarter 3 Corporate Performance Management Report 2016/17**

### **Executive Summary**

The Chief Executive Officer is required to provide a written assessment of council's Corporate and Operational Plans on a quarterly basis. The Infrastructure Committee Development section of the Corporate Performance Report, under separate cover, is presented.

### **Officer's Recommendation**

That council receive the Infrastructure Committee section of the Corporate Performance Report for the third quarter of 2016/17, being the period 1 January 2017 to 31 March 2017.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 9413) where council resolved that the committee recommendation be adopted.**

## **2 Engineering Services - TCW00196 Peggy Banfield Park Stage 2 Tender Recommendation**

### **Executive Summary**

Stage Two of the Peggy Banfield Park Master Plan provides further connectivity to the recently completed Stage One recreational activities and supports additional sporting groups establishing in the Bushland Beach community. State funding has provided financial assistance of \$1,500,000 to construct a multipurpose oval with irrigation, paths, two (2) multipurpose synpave courts, half-court basketball, an amenities block with storage and fitness circuit.

Tenderers were invited from suitably qualified contractors to construct Stage Two of the Peggy Banfield Park. Submissions closed 1 February 2017 at 10am. Three (3) lump sum submissions were received. The contract conditions are based on council's standard amended *General Conditions of Contract AS4000 - 1997*. The attached TCW00196 recommendation report provides an analysis, evaluation and recommendation of the tenders received for the 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 TCW00196 - Peggy Banfield Park Stage 2 construction to JMac Constructions Pty Ltd for their tender Lump Sum amount of - \$2,699,552.53 excluding GST.
3. That council delegate authority to the Chief Executive Officer, or her delegate, to award variations up to the approved project budget provided the variations are for the completion of the work under the contract, including the provision of recycled water should it be determined necessary.

### **Committee Recommendation**

1. That officer's recommendation 1 be adopted.
2. That officer's recommendations 2 and 3 be referred to Ordinary Council for decision.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 9413) where council resolved that the committee recommendation be adopted.**

## **3 Engineering Services - TCW00200 Mt Stuart Road Bridge Rehabilitation Tender Recommendation**

### **Executive Summary**

The existing bridge on the Mt Stuart Road is a vehicle and pedestrian bridge enabling access to the top of Mt Stuart, where there is telecommunication infrastructure and is also popular with tourists and recreational users. Heavy vehicles (i.e. Fire Trucks) cannot currently use the bridge due to degradation of its deck structure reducing its load carrying capacity.

The purpose of this project is to award a tender to upgrade the structural integrity of the bridge, enabling all required vehicles to utilise the bridge.

This project is part of the Work for Queensland (W4Q) program and is required to be delivered by 30 November 2017.

Tenders were called for a lump sum contract under General Conditions of Contract for Design and Construct AS4902-2000. The tender closed at 10am on 22 February 2017.

### **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 TCW00200 for the design and construction of Mt Stuart Road – Bridge Rehabilitation to CivilPlus Constructions, for the lump sum price of \$317,318.00 (excluding GST).
3. That council delegate authority to the Chief Executive Officer, or her delegate, to award variations up to the approved project budget provided the variations are for the completion of the work under the contract.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 9413) where council resolved that the committee recommendation be adopted.**

## Planning and Development Committee

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

*"that the committee recommendations to items 4 to 9 be adopted."*

**CARRIED UNANIMOUSLY**

### **4 New Appeal No 62 of 2017, Mervyn Hancock v TCC, 3 Hancock Road, Alligator Creek**

#### **Executive Summary**

An appeal was filed in the Planning and Environment Court in Townsville on 15 March 2017 against a decision made by council officers on 23 January 2017, under delegation of authority, to issue a decision notice for a Preliminary Approval – Reconfiguring a Lot (RC16/0066) (one into two lots) at 3 Hancock Road, Alligator Creek. The application received does not demonstrate adequate water supply necessary to satisfy City Plan requirements.

The appellant is seeking an order from the court that the appellant's application for Reconfiguring a Lot (one into three lots) be approved subject to conditions or, in the alternative, a development permit be issued for Reconfiguring a Lot (one into two lots) on the land.

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

1. That council resolve to defend the issue of the decision notice for a preliminary approval dated 23 January 2017 in Planning and Environment Court Appeal No. 62 of 2017.
2. That council, under *Section 257(1)(B) of the Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal 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 4 of the council minutes (page 9416) where council resolved that the committee recommendation be adopted.**

### **5 New Appeal No 63 of 2017, Mercy Community Services North Queensland Limited v TCC, 20-24 Fulham Road, Pimlico**

#### **Executive Summary**

An appeal was filed in the Planning and Environment Court in Townsville on 16 March 2017 against a decision made by council officers on 23 February 2017, under delegation of authority, to approve, subject to conditions, a Development Permit – Material Change of Use (Code) (MC16/0088) Extension to Residential Care Facility at 20-24 Fulham Road, Pimlico.

The appellant is seeking an order from the court that the appellant's application be approved subject to amended conditions.

### **Officer's Recommendation**

1. That council resolve to defend the issue of the decision notice for a development permit dated 23 February 2017 in Planning and Environment Court Appeal No. 63 of 2017.
2. That council, under *Section 257(1)(B)* of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal 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 4 of the council minutes (page 9416) where council resolved that the committee recommendation be adopted.**

## **6 Outcome of Appeal No 314 of 2016, McConaghy Properties Pty Ltd v TCC & Parkside Development Pty Ltd, 165 Hugh Street, Currajong**

### **Executive Summary**

A submitter appeal was filed in the Planning and Environment Court in Brisbane on 27 January 2016. The submitter appeal was against a decision made by council (by majority) at a council meeting on 22 September 2015 to approve a development application for a Material Change of Use for a shopping complex and fast food outlet on land at 165 Hugh Street, Currajong (also known as Hugh Street Rugby Ground). That approval was contrary to the officer's recommendation.

The matter progressed to trial in Brisbane and was heard on 15, 19, 20, 21, 22, 23 and 26 September 2016. The judgment was delivered on 10 March 2017 wherein the appeal was allowed and the development application was refused.

No further notices of appeal have been received within the required timeframe (28 days from date of judgment) so this matter is now at an end.

### **Officer's Recommendation**

That council receive this report and note the outcome of Appeal No 314 of 2016.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 4 of the council minutes (page 9416) where council resolved that the committee recommendation be adopted.**

## **7 Planning Services - Planning - Townsville City Plan Amendment Package 2016/01 - State Interest Review**

### **Executive Summary**

Council resolved to make a number of major amendments to the Townsville City Plan on 27 September 2016 as part of Amendment Package 2016/01. The proposed major amendment was then forwarded to the Minister for confirmation of state interests.

In March 2017, the Minister provided correspondence confirming that all relevant state interests have been identified and that council may proceed to prepare the amendment.

### **Officer's Recommendation**

1. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, council resolve to prepare the proposed major amendment to the Townsville City Plan in accordance with this report.
2. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, council resolve to write to the Minister requesting state interest review of the proposed major amendment.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 4 of the council minutes (page 9416) where council resolved that the committee recommendation be adopted.**

## **8 Planning Services - Heritage & Urban Planning Unit - Heritage Advisory Committee and Historical Working Group Membership**

### **Executive Summary**

The Townsville City Council Heritage Advisory Committee (HAC) and Museums and Historical Working Group are to be established in accordance with a previous council resolution. The HAC Terms of Reference were ratified by Full Council at its meeting of 28 February 2017. In line with the Terms of Reference, council has specific membership along with organisational nominated representatives and stakeholder members. Following an advertised call for nominations, a selection panel assessed and recommended the following.

### **Officer's Recommendation**

That council approve the membership of the Townsville City Council Heritage Advisory Committee and the Museums and Historical Working Group as follows:

#### **A Heritage Advisory Committee:**

- Councillor Kurt Rehbein (Chair)
- Councillor Les Walker
- TCC GM Planning or delegate (non-voting member)
- Ray Holyoak – National Trust of QLD
- Dr Shelly Greer – JCU
- Leigh Preston – Dept Aboriginal and Torres Strait Islander Partnerships
- Vacant – AIA
- Dr Dorothy Gibson-Wilde OAM – Individual
- Geoff Hansen – individual
- Sandi Robb – Individual

**B Museums and Historical Working Group**

- TCC City Libraries Local History Librarian (Chair)
- Trish Cronin – T'ville Museum and Historical Society
- John Leroy – RAAF Heritage Centre
- Peter Renton – Railway historical Society
- Zanita Davies – Magnetic Island Museum
- Wilf Harding – Family History Ass
- Heath Hatfield – Individual
- Ken Millard – Individual
- Sharyn Denyer – Individual Member

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 4 of the council minutes (page 9416) where council resolved that the committee recommendation be adopted.**

**9 Planning and Development Committee Quarter 3 Corporate Performance Management Report 2016/17**

**Executive Summary**

The Chief Executive Officer is required to provide a written assessment of council's Corporate and Operational Plans on a quarterly basis. The Planning and Development section of the Corporate Performance Report, under separate cover, is presented.

**Officer's Recommendation**

That council receive the Planning and Development section of the Corporate Performance Report for the third quarter of 2016/17, being the period 1 January 2017 to 31 March 2017.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 4 of the council minutes (page 9416) where council resolved that the committee recommendation be adopted.**

## Community and Cultural Development Committee

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

*"that the committee recommendations to items 10 to 13 be adopted."*

**CARRIED UNANIMOUSLY**

### **10 Community Engagement - New Lease - Wulguru Football Club - Wulguru Park**

#### **Executive Summary**

Wulguru Football Club is seeking a lease over part of the parcel of land located at Wulguru Park, 14 Edison Street Wulguru, Lot 1 RP742614, for the purpose of a Bore Pump Enclosure (approximately 16m<sup>2</sup>).

The lease documentation offered to the club will include a peppercorn lease rate; however the lease will also include a clause allowing the rent/cost of the lease to be reviewed by council on a yearly basis on the anniversary of the lease commencement date.

The club have been operating at the existing playing fields at Wulguru Park for the past 20 or more years. They currently have separate leases over the clubhouse and toilet block in the park as well as Licence to Occupy over the playing fields. The club are well established at this ground and have operated from this location successfully for more than 20 years.

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

1. That council approve the issuing of a lease to Wulguru Football Club over the parcel of land located at Wulguru Park, 14 Edison Street Wulguru, Lot 1 RP742614 for a term of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That council resolves that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation.*
3. That the lease provide for the Club to be responsible for the following:
  - a) Maintenance, Repair, Replacement of:
    - (i) Structural (Clause 6.1a)
    - (ii) Services/pipes/conduits (clause 6.1 (b))
    - (iii) Painting (clause 6.3)
    - (iv) Minor maintenance (clause 6.6)

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 10 of the council minutes (page 9420) where council resolved that the committee recommendation be adopted.**



## **11 Community Engagement - Report of Inclusive Community Advisory Committee - 4 April 2017**

### **Executive Summary**

Attached to the Report to Council is the Report of council's Inclusive Community Advisory Committee meeting held on 4 April 2017.

### **Officer's Recommendation**

That council note the Report of the Inclusive Community Advisory Committee meeting of 4 April 2017 including the following recommendations:

- a. that council consider the utilisation of interpreters (for people with a hearing disability) for significant council events / meetings; and
- b. that council review the Townsville Local Disaster Management Plan to consider including interpreters (for people with a hearing disability).

### **Committee Recommendation**

1. That the officer's recommendation 1(a) and (b) be adopted in principle; and
2. That a report be prepared and brought back to committee including framework, policy and costing for the provision of interpreters for significant council events.

### **Council Decision**

**Refer to resolution preceding item 10 of the council minutes (page 9420) where council resolved that the committee recommendation be adopted.**

## **12 Community Engagement - Report of Community Safety Advisory Committee - 22 March 2017**

### **Executive Summary**

The first meeting of the Community Safety Advisory Committee meeting was held on 22 March 2017 at Riverway Meeting Room, Riverway Arts Centre. The Report from the meeting is attached.

### **Officer's Recommendation**

That council note the Report of the Community Safety Advisory Committee meeting held on 22 March 2017.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 10 of the council minutes (page 9420) where council resolved that the committee recommendation be adopted.**

**13 Community and Cultural Development Committee Quarter 3 Corporate Performance Management Report 2016/17**

**Executive Summary**

The Chief Executive Officer is required to provide a written assessment of council's Corporate and Operational Plans on a quarterly basis. The Community and Cultural Development section of the Corporate Performance Report, under separate cover, is presented.

**Officer's Recommendation**

That council receive the Community and Cultural Development section of the Corporate Performance Report for the third quarter of 2016/17, being the period 1 January 2017 to 31 March 2017.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 10 of the council minutes (page 9420) where council resolved that the committee recommendation be adopted.**

## **Governance and Finance Committee**

***It was MOVED by Councillor V Coombe, SECONDED by Councillor P Jacob:***

*"that the committee recommendations to items 14 to 17 be adopted."*

**CARRIED UNANIMOUSLY**

*Item 15 - Community Engagement - Transitioning Regional Economies Conference 6-7 June 2017*

*Councillor V Coombe advised that the Transitioning Regional Economies Conference has been cancelled.*

### **14 Governance and Finance Committee Quarter 3 Corporate Performance Management Report 2016/17**

#### **Executive Summary**

The Chief Executive Officer is required to provide a written assessment of council's Corporate and Operational Plans on a quarterly basis. The Governance and Finance section of the Corporate Performance Report, under separate cover, is presented.

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

That council receive the Governance and Finance section of the Corporate Performance Report for the third quarter of 2016/17, being the period 1 January 2017 to 31 March 2017.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 9423) where council resolved that the committee recommendation be adopted.**

### **15 Community Engagement - Transitioning Regional Economies Conference 6-7 June 2017**

#### **Executive Summary**

The Mayor has been invited to attend and speak at the Transitioning Regional Economies Conference to be held in Melbourne from 6 -7 June 2017. The Mayor's session is scheduled for 7 June. The conference outline includes; an in-depth examination of how regional, rural and remote economies can embrace new strategies and policies to promote sustainable economic growth and prosperity in the wake of a growing economic gap between Australia's major cities and regional areas.

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

1. That council approve the attendance of the Mayor, Councillor J Hill at the Transitioning Regional Economies Conference to be held in Melbourne from 6-7 June 2017.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to the Mayor, Councillor J Hill to allow attendance at the Transitioning Regional Economies Conference to be held in Melbourne from 6-7 June 2017.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to the advice preceding item 14 of the council minutes (page 9423) where council noted the following:**

**That council note that the Transitioning Regional Economies Conference has been cancelled.**

## **16 Finance Services - Treasury Report - March 2017**

### **Executive Summary**

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

### **Officer's Recommendation**

That council note the treasury report for March 2017 and the information contained therein.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 9423) where council resolved that the committee recommendation be adopted.**

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

### **Executive Summary**

On behalf of the Chief Executive Officer, the Chief Financial Officer will present and discuss the Budget Variance Report for the whole of council for March 2017, pursuant to section 204 of the *Local Government Regulation 2012*.

### **Officer's Recommendation**

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

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 9423) where council resolved that the committee recommendation be adopted.**

## **Townsville Water and Waste Committee**

***It was MOVED by Councillor P Jacob, SECONDED by Councillor M Molachino:***

*"that the committee recommendations to items 18 to 23 be adopted."*

**CARRIED UNANIMOUSLY**

### **18 Townsville Water and Waste Committee Quarter 3 Corporate Performance Management Report 2016/17**

#### **Executive Summary**

The Chief Executive Officer is required to provide a written assessment of council's Corporate and Operational Plans on a quarterly basis. The Townsville Water and Waste section of the Corporate Performance Report, under separate cover, is presented.

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

That council receive the Townsville Water and Waste section of the Corporate Performance Report for the third quarter of 2016/17, being the period 1 January 2017 to 31 March 2017.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 18 of the council minutes (page 9425) where council resolved that the committee recommendation be adopted.**

### **19 Townsville Water and Waste - Severe Tropical Cyclone Debbie - Free Dumping**

#### **Executive Summary**

Council provided residents with free access to all council waste facilities on 25 - 27 March 2017 in preparation for Cyclone Debbie. This report summarises the event and the financial impacts.

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

That council approve the Community Service Obligation (CSO) of \$201,911 to be paid to Townsville Waste Services for the provision of free domestic disposal of waste from 25 - 27 March 2017.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 18 of the council minutes (page 9425) where council resolved that the committee recommendation be adopted.**

## **20 Townsville Water and Waste - Business and Customer Reports Quarter 3 - 2016/17**

### **Executive Summary**

The following Business and Customer Reports are submitted for Quarter 3, 2016/17:

- a. Townsville Water Customer Service Standard Report Card;
- b. Townsville Water Business Scorecard;
- c. Townsville Waste Services Customer Service Standard Report Card; and
- d. Townsville Waste Services Business Scorecard

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

### **Officer's Recommendation**

1. That council note the results of the Business Scorecards and Customer Service Standard Report Cards for Townsville Water and Townsville Waste Services for Quarter 3, 2016/17.
2. That council note the publication of the Customer Service Standard Report Cards for Townsville Water and Townsville Waste Services for Quarter 3, 2016/17, which will be published on council's public website as soon as practicable after noting.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 18 of the council minutes (page 9425) where council resolved that the committee recommendation be adopted.**

## **21 Townsville Water and Waste - PSA00061 Supply and Delivery of Submersible Flat Sheet Membranes**

### **Executive Summary**

Townsville Water and Waste's Wastewater Operations 16/17 financial year capital renewals program includes two projects to procure and replace the Kubota micro-filtration membranes installed at both the Magnetic Island Water Recycling facility (MIWR) and Horseshoe Bay Water Recycling Facility (HBWRF) due to the effects of irreversible membrane fouling.

Public tender PSA00061 Supply and Delivery of Submersible Flat Sheet Membranes was advertised following council procurement guidelines to select suitable providers of flat sheet membranes and closed on 15 March 2017. This report provides a summary of the outcomes of the tender evaluation and makes recommendations for the award of a membrane supply contract.

### **Committee Recommendation**

1. That this item be deferred to a future meeting.
2. That this document be reviewed, prior to it coming back to the committee meeting, by the Chief Procurement Officer.

## **Council Decision**

**Refer to resolution preceding item 18 of the council minutes (page 9425) where council resolved that the committee recommendation be adopted.**

## **22 Townsville Water and Waste - TCW00168 Construction of the Cleveland Bay Purification Plant Process Upgrades**

### **Executive Summary**

Council is progressing with the capacity upgrades of its Cleveland Bay Purification Plant pursuant to council resolution of 22 September 2015. The purpose of the upgrade is to increase the full hydraulic treatment capacity to 1,007 litres per second and increase the coarse screening capabilities to ensure all flows above the full hydraulic treatment flows. The upgrades ensure the Plant complies with environmental licence conditions in all scenarios and reduces total nutrient loads released to the Marine Park.

Pursuant to section 228(3)(a) of the *Local Government Regulations 2012* (QLD) council resolved to invite expressions of interest at its Full Council Meeting on 27 January 2016 and at its Full Council Meeting of 26 June 2016 delegated approval to the Chief Executive Officer to appoint three Early Tenderer Involvement Participants: Monadelphous Engineering, UGL Infrastructure and York Civil. At the completion of the Early Tenderer Involvement phase of the project the Participants were invited to submit a Tender for construction of the upgrade works.

Tenders closed on 22 March 2017 and this report comprises results and recommendation from the evaluation.

### **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 acknowledge Monadelphous Engineering Pty Ltd as the preferred tenderer.
3. That council delegate authority to the Chief Executive Officer to award contract TCW00168 Construction of the Cleveland Bay Purification Plant Process Upgrades subject to acceptable clarification and/or negotiated outcomes.
4. That council delegate authority to the Chief Executive Officer to approve project variations arising from contract TCW00168 where those variations remain within approved budgets.
5. That council approve an allocation of funds equivalent to 7.5% of the agreed contract sum as a risk contingency measure during the upgrade.
6. That council approve deferring the anaerobic digesters upgrades until all other work is complete, as the commencement of the anaerobic digesters upgrade work will be dependent on the capacity of the remaining budget and will be limited by the balance of project funds remaining.

### **Committee Recommendation**

That the officer's recommendation be adopted.

## **Council Decision**

**Refer to resolution preceding item 18 of the council minutes (page 9425) where council resolved that the committee recommendation be adopted.**

## **23 Townsville Water and Waste - Tender Assessment TCW00202 Hervey Range Landfill Leachate Extraction and Conveyance**

### **Executive Summary**

Council has identified the need for a leachate collection system for the Hervey Range Waste Facility to:

- collect leachate generated in the landfill;
- convey the collected leachate out of the landfill unit to an appropriate leachate storage facility; and
- restrict the height of the leachate above the landfill cell liner over the uppermost layer in the lining system.

Tenders from external contractors were invited for the supply and construction of the leachate extraction and collection system including pumps, pipework and electrical equipment. This report provides an analysis and evaluation of the tenders received for this project.

### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award Tender TCW00202 for Hervey Range Landfill Leachate Extraction and Conveyance to CES Pty Ltd at a lump sum price of \$263,546.00 (excluding GST).
3. That council delegate authority to the Chief Executive Officer, or her delegate, to award variations up to the approved project budget provided the variations are for the completion of the work under the contract.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 18 of the council minutes (page 9425) where council resolved that the committee recommendation be adopted.**



## Officers' Reports

### Planning and Community Engagement

#### 24 Community Health and Environment Committee Quarter 3 Corporate Performance Management Report 2016/17

##### Executive Summary

The Chief Executive Officer is required to provide a written assessment of council's Corporate and Operational Plans on a quarterly basis. The Community Health and Environment section of the Corporate Performance Report, under separate cover, is presented.

##### Officer's Recommendation

That council receive the Community Health and Environment section of the Corporate Performance Report for the third quarter of 2016/17, being the period 1 January 2017 to 31 March 2017.

##### Council Decision

**It was MOVED by Councillor A Greaney, SECONDED by Councillor R Cook:**

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

**In accordance with section 173 of the *Local Government Act 2009*, The Mayor Councillor J Hill, Councillors R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder, M Soars and L Walker declared a perceived conflict of interest in regards to item 25.**

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

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

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

JMac Pty Ltd parent company BMD donated to the Team Hill campaign, which is one of the companies listed as part of a tender.

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

The Mayor Councillor J Hill, Councillors R Cook, V Coombe, C Doyle, A Greaney, P Jacob, M Molachino, K Rehbein, M Ryder, M Soars and L Walker declared a perceived conflict of interest as defined by section 173 of the *Local Government Act 2009* for item 25 due to JMac Pty Ltd parent company BMD donating to the Team Hill campaign, as it is one of the companies listed as part of a tender. The Councillors proposed to remain in the meeting as they determined that this personal interest is not of sufficient significance that it will lead them to make a decision that is contrary to the public interest. The Councillors determined that they will best perform their responsibility of serving the overall public interest of the whole council's area by participating in the discussion and voting on this matter.

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

Officer's recommendation 1 - the Councillors voted as per the officer's recommendation.  
Officer's recommendation 2 and 3 - the Councillors voted as per the council decision.

**(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 council decision.

## Confidential Items

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

"that council RESOLVE to close the meeting in accordance with Section 275 (1)(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(1) (e) contracts proposed to be made by it."

**CARRIED UNANIMOUSLY**

The council discussed the item.

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

"that council RESOLVE to open the meeting."

**CARRIED UNANIMOUSLY**

## **25 Engineering Services - TCW00196 Peggy Banfield Park Stage 2 Tender Recommendation**

### **Executive Summary**

Stage Two of the Peggy Banfield Park Master Plan provides further connectivity to the recently completed Stage One recreational activities and supports additional sporting groups establishing in the Bushland Beach community. State funding has provided financial assistance of \$1,500,000 to construct a multipurpose oval with irrigation, paths, two (2) multipurpose synpave courts, half-court basketball, an amenities block with storage and fitness circuit.

Tenderers were invited from suitably qualified contractors to construct Stage Two of the Peggy Banfield Park. Submissions closed 1 February 2017 at 10am. Three (3) lump sum submissions were received. The contract conditions are based on council's standard amended *General Conditions of Contract AS4000 - 1997*. The attached TCW00196 recommendation report provides an analysis, evaluation and recommendation of the tenders received for the 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 TCW00196 - Peggy Banfield Park Stage 2 construction to JMac Constructions Pty Ltd for their tender Lump Sum amount of - \$2,699,552.53 excluding GST.
3. That council delegate authority to the Chief Executive Officer, or her delegate, to award variations up to the approved project budget provided the variations are for the completion of the work under the contract, including the provision of recycled water should it be determined necessary.

### **Council Decision**

**It was MOVED by Councillor P Jacob, SECONDED by Councillor M Molachino:**

1. That officer's recommendation 1 be adopted.
2. That council delegate authority to the Chief Executive Officer, to consider and award the TCW00196 - Peggy Banfield Park Stage 2 contract and variations up to the approved project

budget provided the variations are for the completion of the work under the contract, including the provision of recycled water should it be determined necessary.

**CARRIED UNANIMOUSLY**

**General Business**

There was no general business.

**Close of Meeting**

The Chair, Mayor Councillor J Hill, declared the meeting closed at 1.30pm.

**CONFIRMED this TWENTY-SEVENTH day of JUNE 2017**

**MAYOR**

**CHIEF EXECUTIVE OFFICER**