



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 26 APRIL 2016 AT 1.02PM

Council Members >>

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

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Goals and 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 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.

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REPORT	COUNCIL MEETING
DATE	Tuesday 26 April 2016 at 1.02 pm
ITEMS	1 TO 25
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor P Jacob Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars Councillor L Walker

Opening of Meeting and Announcement of Visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.02pm.

Prayer

Reverend Peter Barber of the Presbyterian Church delivered the opening prayer.

Apologies and Leave of Absence

There were no apologies or leave of absence noted.

Request for leave of absence - Councillors A Greaney and R Cook

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

"that leave of absence be granted to Councillor A Greaney for the period 8 to 15 May 2016 and Councillor R Cook for the period 29 June to 5 July 2016."

CARRIED

Confirmation of Minutes of Previous Meetings:

It was MOVED by Councillor L Walker, SECONDED by Councillor C Doyle:

"that minutes of the Ordinary Council meeting of 23 February 2016, Post-Election Council meeting and Special Council meeting of 8 April 2016, be confirmed."

CARRIED UNANIMOUSLY

Correspondence

Nil

Petitions

There were no petitions.

Deputations

There were no deputations.

Notices of Motion

Nil

Presentations

There were no presentations.

Mayoral Minutes

Good morning everyone and welcome to the first council meeting of this term.

As new Councillors you have received your mandatory training and you have been working hard responding and resolving ratepayers' issues that you learned on the countless hours and kilometres you spent doorknocking your local areas.

Your efforts were obviously noticed by the community because you are all sitting in the council chambers today.

And today the real business starts. We have a large agenda to fulfil.

Today is where you need to step up and represent your constituents.

Before we start with the agenda I wish to present to the chamber two Mayoral Minutes.

Mayoral Minute 1 - Organisation Review

The first Mayoral Minute is to flag an organisation review of council management.

This resolution is to utilise support of the Local Government Association Queensland to seek out three tenders to conduct an organisational review of the Townsville City Council management.

Council needs to ensure it is doing its' very best to be operating as effectively as possible. And to be effective requires efficiency.

This review will make recommendation on how council can deliver better services to the community and cut every bit of waste that it possible can.

This review will be looking at the top and middle management structure to determine if operation savings can be made, where operational efficiencies can be gained and to review probity and culture.

I move that council endorse a review of council management with Terms of Reference to be determined by the Mayor and Chief Executive Officer.

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

"that Mayoral Minute 1 - Organisational Review be adopted."

CARRIED UNANIMOUSLY

Mayoral Minute 2 - Council's Openness and Transparency

My second Mayoral Minute will deal with openness and transparency of our council.

This council will be open and accountable to our community. This included declaring any conflict of interest.

Real or perceived, they all need to be declared.

The community must be assured that they are receiving full disclosure from their elected officials.

The list of all donors for myself and each Councillor is being finalised and will be submitted by Friday 6 May 2016. This information then will be on the Electoral Commission Queensland public website.

With this commitment to be accountable to the community, my second motion is to delegate authority to the Chief Executive Officer to decide council's response for agenda items 4, 22 and 25. Landel, JMac a wholly owned subsidiary of BMD, and McConaghy Properties have each contributed to the Team Hill campaign and now appear on our agenda.

While the *Local Government Act 2009* processes are underway that should deal with this sort of conflict issue in future meetings, until those processes have been completed it is only by referring matters to the CEO that we can properly discharge our responsibilities.

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

"that Mayoral Minute 2 - Openness and Transparency be adopted."

CARRIED UNANIMOUSLY

Disclosure of Interests - Council

- (i) Material Personal Interest – Councillor M Ryder declared a material personal interest in regards to item 23 on the agenda as Clean It is a sponsor for Julia Creek Dirt and Dust Festival that Councillor Ryder's business Madmaggies manages sponsorship.
- (ii) Material Personal Interest - Councillor P Jacob declared a conflict of interest in regards to item 23 on the agenda as Councillor Jacob's son is a shareholder with the Manager of NQAV.

Officers Reports

Infrastructure

1 Engineering Services - Permanent Road Closure - Part of Lothair Street, Pimlico

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 3009m², separating Lots 9 to 13 on RP703503, Lots 5 to 7 and 11 on RP707432, Lot 3 on RP747987 and Lot 12 on SP101842 (part of Lothair Street).

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 permanent closure and sale of the road reserve separating Lots 9 to 13 on RP703503, Lots 5 to 7 and 11 on RP707432, Lot 3 on RP747987 and Lot 12 on SP101842 subject to the following conditions:-

1. All existing adjoining land parcels owned by the applicant including the road reserve area be combined into a single lot; and
2. The applicant is to construct a cul-de-sac head beside Lot 16 on RP707432 to service the remaining residential lots on Lothair Street from the Park Street end; and
3. That the approval of the road closure does not imply that approval will be granted for any proposed development of the area.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

2 Engineering Services - Permanent Road Closure - Part of Wilson Street, West End

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 1160m², abutting Lot 707 on SP253232, Lot 5 on RP701541 and Lot 1 on RP717784 (part of Wilson Street).

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 permanent closure and sale of the road reserve abutting Lot 707 on SP253232, Lot 5 on RP701541 and Lot 1 on RP717784 subject to the following conditions:-

1. All existing adjoining land parcels owned by the applicant including the road reserve area be combined into a single lot;
2. Any stormwater overland flow paths across the road reserve are maintained and not jeopardised by any works carried out on the road reserve area; and
3. That the approval of the road closure does not imply that approval will be granted for any proposed development of the area.

Council Decision

"that this report be referred back to staff to conduct further consultation with the West End School Principal and Parents and Citizens Association , and to seek an extension to the application from Department of Natural Resources and Mines."

CARRIED UNANIMOUSLY

Planning and Development

3 P&D MI13/0040 Full Council Report, MCU (Impact) Extractive Industry, 2457 Granitevale Road, Pinnacles

Executive Summary

On 15 August 2013 the Port of Townsville Ltd (the applicant) lodged a development application seeking a Development Permit for Material Change of Use (Impact Assessable) for an Extractive Industry and ERA 16, on land described as 2457 Granitevale Road, Pinnacles. The proposed quarry will supply the Port with high quality marine armour stone required for future expansion works, the strengthening of existing walls and miscellaneous revetment works.

The application received five (5) Submissions during the Public Notification period and one (1) after. The key issues raised included: additional traffic on Granitevale Road; dust impacts from haulage routes; noise impacts; ground vibration; and property prices.

The assessment concluded that the proposal generally complies with the Thuringowa Planning Scheme (being the scheme in affect at the time the Application was lodged). All off-site impacts that may be caused by the proposed development in relation to noise, dust and ground vibration can be appropriately managed and remain within the prescribed criteria via condition specific controls around on-site operations, prescribed hours of operation and through the implementation of mitigation measures. The proposed development is considered to be consistent with, and has a nexus to, the surrounding rural area and does not detrimentally affect the rural amenity and landscape.

Officer's Recommendation

That council approve application MI13/0040 for a development permit for Extractive Industry and ERA 16 under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 1 RP 742612, Lot 4 EP 1485, Lot 12 E 124175, Lot 3 EP 1372, Lot 40 EP 1309 and Lot 10 SP 228126, more particularly 2457 Granitevale Road, Pinnacles QLD 4815 subject to the following conditions:

DEVELOPMENT PERMIT
MATERIAL CHANGE OF USE
(EXTRACTIVE INDUSTRY AND ERA 16)

MATERIAL CHANGE OF USE CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Revision No.	Plan/Revision Date
Revised Preliminary Site Layout	42-18602	A	2 November 2015
Proposed Haul Road	42-18602	A	15 September 2014
Associated Reports			
Noise Impact Assessment, Dated May 2015, Report No. 42/18602			

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

Reason

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

Timing

During the operation and life of the development.

2. Currency Period

Condition

The approved use for an Extractive Industry must cease once 1 million tonnes of rock has been extracted.

Reason

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

Timing

Valid until the total extraction quantity identified in the condition has been reached.

3. Defined Use

Condition

Within any 12 month period from the commencement of use, no more than 500,000 tonnes of material is to be extracted from the site.

Reason

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

Timing

During the operation and life of the development.

4. Site Based Management Plan

Condition

The developer is required to prepare a Site Based Management Plan for council approval for the construction phase and ongoing operation of the use.

Reason

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

Timing

Assessed as part of Compliance assessment and to be maintained for the life of the development.

5. Weed Management Plan

Condition

A detailed Weed Management Plan must be prepared and implemented to address appropriate land management and control measures to ensure the prevention of weed spread from the quarry site to all adjoining land parcels.

Reason

To ensure the development does not have a lasting detrimental effect on the environment in accordance with relevant code/s and policy direction.

Timing

Assessed as part of Compliance assessment and undertaken in accordance with the approved Weed Management Plan.

6. Property Numbering

Condition

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

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

Reason

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

Timing

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

7. Relocation of Services or facilities

Condition

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

Reason

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

Timing

Prior to the commencement of the use.

8. Bushfire Management Plan

Condition

The developer must prepare a Bushfire Management Plan in accordance with the Queensland Fire and Rescue Standards for council approval.

Reason

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

Timing

Assessed as part of Compliance assessment and to be maintained for the life of the development.

9. On-site Sewerage Disposal

Condition

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

Reason

Development is not located within a service area for a sewerage service under the Water Supply (Safety and Reliability) Act 2008 and must be appropriately serviced for the level of demand generated by the development.

Timing

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

10. On-site Water Supply

Condition

The development must be serviced and provided with a potable and general use water supply sufficient to service the projected future needs created by the development.

Reason

The development is not located within a service area for a reticulated water service and in accordance with the *Water Supply (Safety and Reliability) Act 2008* an appropriate water supply must be provided.

Timing

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

11. Electricity and Telecommunication

Condition

Provision must be made for sufficient telecommunication services. The premises must have access to an energy supply suitable for the proposed development.

Reason

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

Timing

As part of the Prior to the development achieving on maintenance.

12. Stormwater Drainage

Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that works on-site do not cause ponding on adjacent properties and do not impede the flow of water in any overland flow path.

Reason

To convey stormwater legally and in an environmentally responsible manner.

Timing

Assessed as part of Compliance assessment and to be maintained for the life of the development.

13. Stormwater Quality Management

Condition

A stormwater quality management plan (SQMP) for the construction phase of the project must be submitted to and be approved by council. The SQMP must be prepared by a suitably qualified person in accordance with Council's Water Sensitive Urban Design Guidelines.

The SQMP must be implemented in accordance with the guideline and incorporate any further reasonable requests from council.

Note: operational phase SQMP requirements are administered through the Environmental Authority attached to this approval.

Reason

To manage and to minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.

Timing

Assessed as part of Compliance assessment and maintained for the life of the development.

14. Roadworks and Traffic

Condition

- a) The developer must construct the new access driveways and crossovers from the property boundary to the road at the developer's expense generally in accordance with council's standard drawings.
- b) All internal haul routes and balance areas must be suitably treated to ensure that there is no dust nuisance experienced by other properties.

- c) The developer is responsible for the implementation of mitigation measures required to resolve all dust and noise complaints generated as a result of the proposed development.
- d) During the construction phase, any damages to the road reserve must be rectified by the developer in accordance with council's standards.
- e) At the finalisation of the use, the developer must rehabilitate (where applicable) all council roads used as a result of the proposed development.
- f) Unless otherwise agreed by council, during the operation of the use, the developer is responsible for maintenance that is required on council controlled roads used as a result of the development. A maintenance schedule is to be prepared and provided to council for approval.

Note: Should the developer prefer to enter into an Infrastructure Agreement in order to formalise arrangements around a monetary contribution in lieu of maintaining council controlled road reserves as outlined above, the Infrastructure Agreement must be signed prior to a Compliance Certificate being issued.

Reason

To ensure that the premises is appropriately serviced by connection to Council road infrastructure. Construction must be in accordance with relevant code/s and policy direction.

Timing

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

15. Car Parking

Condition

All car parking facilities, associated ramps and driveways must be provided in accordance with Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.

Reason

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

Timing

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

16. Limitation of Heavy Vehicle Access

Condition

To maintain the safety and efficiency of the adjoining road network/integrity of Council infrastructure, heavy vehicle access is only permitted via the haulage route as shown on the approved plan dated 15 September, 2015.

Reason

To address road safety in accordance with relevant code/s and policy direction and to ensure development does not adversely affect council infrastructure.

Timing

Prior to the commencement of construction and to be maintained at all times.

17. Hours of Operation

Condition

Unless otherwise approved by Council, the activities associated with the use must only be conducted during the following times:

- On-site activities between 7am and 6pm Monday to Friday and 8 am to 1 pm on Saturdays;
- Blasting activities between 9am and 3pm Monday to Friday; and
- Road haulage hours are subject to the Traffic Impact Assessment developed for each operation period in conjunction with the Department of Transport and Main Roads and Council.

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

Reason

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

Timing

At all times following the commencement of the use.

18. Soil Erosion Minimisation, Sediment Control and Dust Control

Condition

During the construction phase of this development the developer must be responsible for the installation and maintenance of adequate erosion and sediment control management and any dust control measures.

Note: Guidance on the contingent design, implementation and maintenance of measures can be found in the Townsville City Plan, specifically SC6.4.3.8.6 Development manual planning scheme policy.

Reason

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

Timing

Assessed as part of Compliance assessment and maintained for the life of the development.

19. Fire Fighting

Condition

The development is to be provided with an adequate and accessible supply of water for fire fighting purposes at all times. Specifically a concrete dam or holding tank with a capacity of 45,000L must be provided and fitted with a 50mm male camlock.

Reason

The site does not have access to a reticulated water supply. To protect development from bushfire hazards in accordance with relevant code/s and policy direction.

Timing

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

20. Vegetation Disposal

Condition

All felled trees and waste vegetation on the site must be removed from site, unless an alternative method of disposal, such as wood chipping, is approved by Council. This material must be transported to the nearest approved waste disposal facility. Burning or burying of waste vegetation on site is not permitted.

Reason

To ensure development occurs in accordance with relevant code/s and policy direction.

Timing

During construction and for the life and operation of the development.

REFERRAL AGENCY CONDITONS

Concurrence Agency Conditions – Department of Environment and Heritage Protection

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Environment and Heritage Protection advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use subject to the conditions, as attached.

Concurrence Agency Conditions – Department of State Development, Infrastructure and Planning

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of State Development, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use subject to the conditions, as attached.

Advice Agency – Powerlink

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Powerlink advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, as attached.

Advice Agency – Ergon Energy

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Ergon Energy advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, as attached.

Advice

1. Infrastructure Charges

Condition

An infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

2. Further Approvals Required

Condition

a) Compliance Assessment

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

Condition 4 – Site Based Management Plan

Condition 5 – Weed Management Plan

Condition 8 – Bushfire Management Plan
Condition 12 – Stormwater Drainage
Condition 13 – Stormwater Quality Management
Condition 14 – Roadworks and Traffic
Condition 18 – Soil Erosion, Sediment Control and Dust Control

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

b) **Building Works**

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

3. Storage of Materials and Machinery

Condition

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

4. Building Work Noise

Condition

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

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

5. Specifications and Drawings

Condition

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

6. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

7. Dilapidation Report

Condition

It is advisable that the developer undertake a dilapidation report, prior to the commencement of any works on the site to mitigate against any possible future legal action. The report is designed to document evidence of the existing condition of adjoining properties internally and externally prior to any rock breaking or construction work commencing. Hence the report should document and provide photographs that clearly depict any existing damage to neighbouring properties.

8. Flammable and Combustible Liquids

Condition

Where flammable and combustible liquids are stored or handled on site, advice regarding the requirements for storage and handling of Flammable and Combustible Liquids Must be obtained from the relevant administering authority.

Council Decision

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

"that MI13/0040 for a Material Change of Use (Impact) Extractive Industry at 2457 Granitevale Road, Pinnacles, be approved subject to the inclusion of an additional condition under 14 requiring the developer to place road-side signage limiting the use of exhaust breaking along section 3 of the haulage route."

CARRIED UNANIMOUSLY

4 P&D Appeal No. 44 of 2016, Fairfield Land Pty Ltd & Landel Pty Ltd v TCC, 2-30 Lakeside Drive, Idalia

Executive Summary

An appeal was filed in the Planning and Environment Court in Townsville on 18 February 2016 against a decision made by council officers, under delegation of authority, to issue a negotiated decision notice associated with a development application for a Development Permit – Material Change of Use (code) (MC14/0184) hotel, food and drink outlet and shopping centre at 2-30 Lakeside Drive, Idalia.

The appellants are seeking an order from the court that the development application is approved subject to lawful conditions and that the Adopted Infrastructure Charges Notice be amended.

Officer's Recommendation

1. That council resolve to defend the approval of the development application in Planning and Environment Court Appeal No. 44 of 2016.
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.

The Mayor had previously indicated in her Mayoral Minute 2 that Team Jenny Hill members had a conflict of interest in respect of this matter, and that the Chief Executive Officer was requested to act in council's place to decide this issue.

Chief Executive Officer's Decision

That the officer's recommendation be adopted.

5 P&D Outcome of Appeal No 1671 of 2015, Nadic Investments Pty Ltd v TCC & Stockland Development Pty Ltd, 33 Main Street, Burdell

Executive Summary

A Notice of Appeal was filed in the Planning and Environment Court in Brisbane by Nadic Investments Pty Ltd on 24 April 2015. The appeal was filed against a decision made by council officers, under delegation of authority, to approve Stockland Development Pty Ltd's development application for 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 matter proceeded to mediation on 10 February 2016 wherein council officers (under delegation of authority) and the effected parties agreed to amend the conditions relating to the dedication of a road reserve in order to resolve the appeal.

Officer's Recommendation

That council receive this report and note the outcome of Appeal No 1671 of 2015.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

6 P&D Outcome of Appeal No 401 of 2015, NEM Enterprises Pty Ltd v TCC, 2 Karanya Street, Mount Louisa

Executive Summary

An appeal was filed in the Planning and Environment Court in Townsville on 15 December 2015 against a decision made by council officers, under delegation of authority, to refuse a development application for Reconfiguring a Lot – Lot Creation – One into 72 Lots situated at 2 Karanya Street, Mount Louisa.

The appeal progressed to mediation on 9 February 2016 where, in order to resolve the appeal, council officers (under delegation of authority) agreed to consent to the development if the appellant amended the development concept and agreed to the imposition of reasonable and relevant conditions.

Officer's Recommendation

That council receive this report and note the outcome of Appeal No 401 of 2015.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

7 P&D Outcome of Appeal No 1897 of 2015, Stateland Pty Ltd v TCC, 40057 Bruce Highway, Deeragun

Executive Summary

An Originating Application was filed in the Planning and Environment Court by Stateland Pty Ltd on 11 May 2015. The Originating Application sought declarations that the applicant's development application for a Development Permit for the making of a Material Change of Use of premises for showrooms in respect of land situated at 40057 Bruce Highway, Deeragun was subject to code assessment and not impact assessment as determined by council officers. The Application also sought a declaration that the Acknowledgment Notice dated 26 March 2015 be declared invalid and of no effect; and that the Acknowledgement Notice be set aside.

The matter progressed through mediation with council officers (under delegation of authority) and a number of without prejudice discussions which led to a final judgment (by consent) and the issuing of a development approval.

Officer's Recommendation

That council receive this report and note the outcome of Appeal No 1897 of 2015.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

8 P&D Outcome of Appeal No 203 of 2015, 46 The Strand Pty Ltd v TCC, 46 Oxley Street, North Ward

Executive Summary

A Notice of Appeal was filed in the Planning and Environmental Court in Townsville by 46 The Strand Pty Ltd on 7 July 2015. The appeal was against a decision made by council officers, under delegation of authority, to refuse a development application for a development permit – Material Change of Use (Code) Multiple Dwelling Units (22 x 2 and 3 x 3 bedroom units) at 46 Oxley Street, North Ward.

The matter proceeded to a court ordered mediation on 3 December 2015, where council officers (under delegation of authority) agreed to consent to the development subject to significant design amendments and the imposition of reasonable and relevant conditions.

Officer's Recommendation

That council receive this report and note the outcome of Appeal No 203 of 2015.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

9 P&D Strategic Planning - City Planning Unit - Potential North Queensland Regional Plan (Further Consideration)

Executive Summary

Council received correspondence from the Deputy Premier on 8 April 2016 seeking confirmation that council supports the preparation of a North Queensland Regional Plan. It is considered that development of the plan represents a unique opportunity to capture matters beyond the scope of existing council plans, drive key regional outcomes and influence relevant State Government priorities and program delivery for the region.

Officer's Recommendation

That council write a letter to the Deputy Premier advising that council supports the preparation of a North Queensland Regional Plan, through a collaborative process with the State Government and regional stakeholders.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Community and Environment

10 Community Services - March 2016 Community Grants Program

Executive Summary

Townsville City Council recognises the vital contribution that community organisations make to the social, economic, community and cultural wellbeing of the Townsville Community. The council's Community Assistance Grants Program supports the creation, implementation, and delivery of community initiatives that align with council's corporate and community priorities, and that contribute to the wellbeing of the Townsville community.

This report presents for information the 2015-16 community grants that were signed-off by the CEO during the local government election caretaker period, and presents for Councils approval grant funding recommendations relating to:

- » 2016/2017, 2017/2018 and 2018/2019 applications received through the March 2016 round of the Community Assistance Grants Program: and
- » India Fest Townsville Inc. and Malayali Association of Townsville Inc. for the 2015/16 financial year, referred for discussion and approval by Council for support from the Community Grants Program.

Officer's Recommendation

- That council approve the issuing of Community Assistance Grants Program funding for 2016/17, 2017/18, and 2018/19 as detailed in the following table:

Recommendations for grant funding commencing in 2016/2017			
Organisation	Project title	Project Description	Recommendation (Excl. GST)
Grant Category: Community Capacity Building – Community Organisation Support			
Kith and Kin Association Ltd.	Kith & Kin Skills Development-Grant Writing.	Funding is to enable professional skills development training in tender/grant writing to be delivered to staff.	2016/2017 \$2,000
North Townsville Community Hub Inc.	NOTCH Volunteers Team Building Program.	Funding is to enable training to be provided to staff and volunteers at North Townsville Community Hub Inc.	2016/2017 \$4,500
Rollingstone & District Community Association Inc.	Rollingstone Skills Development - Tender Writing.	Funding is to enable professional skills development training in grant writing to be delivered to the Rollingstone and District Community Development Association Inc. and other local community organisations.	2016/2017 \$5,000
Grant Category: Community Capacity Building – Partnerships and Sponsorships			
Hear and Say - Centre for Deaf Children Limited.	Townsville Social Skills.	Funding is towards Hear and Say Townsville's COMET social skills program helps to develop the confidence and socialisation skills of children with hearing loss aged 8-13 years.	2016/2017 \$7,000
La Luna Youth Arts Association Inc.	Financial Operational Support.	Funding is towards the operational expenses of La Luna Youth Arts Association Inc.	2016/2017 \$40,000 2017/2018 \$40,000 2018/2019 \$40,000
North Queensland Ensembles Inc.	Barrier Reef Orchestra Operational Support and Sponsorship.	Funding is towards the operational expenses of North Queensland Ensembles Inc.	2016/2017 \$20,000 2017/2018 \$20,000 2018/2019 \$20,000
Shakespeare Under the Stars Inc.(trading as Theatre iNQ).	Northern Theatre Life.	Funding is towards the staging of the annual artistic seasons (except Shakespeare Under the Stars); the development and delivery of ThiNQ Ed, a theatre in education project; and the day-to-day operational expenses of TheatreiNQ, including the increased expense of additional staff and expenses of renting a commercial property.	2016/2017 Total of \$36,150 consisting of: \$30,000 and Waiver of venue hire fees up to the value of \$6,150 (Queens Gardens - \$3,000, and Riverway Arts Centre - \$3,150). 2017/2018 Total of \$36,150 consisting of:

			<p>\$30,000 and Waiver of venue hire fees up to the value of \$6,150 (Queens Gardens - \$3,000, and Riverway Arts Centre - \$3,150).</p> <p>2018/2019 Total of \$36,150 consisting of: \$30,000 and Waiver of venue hire fees up to the value of \$6,150 (Queens Gardens - \$3,000, and Riverway Arts Centre - \$3,150).</p>
Thuringowa Brass Band Inc.	Thuringowa Brass Band Operational Funding.	Funding is towards the operational expenses of the Thuringowa Brass Band Inc.	<p>2016/2017 \$6,500</p> <p>2017/2018 \$6,500</p> <p>2018/2019 \$6,500</p>
TOTTS Inc.	TOTTS Community Access.	Application is to waiver the venue hire fees for the Riverside Gardens Community Centre for the TOTTS Community Access program.	<p>2016/2017 Waiver of venue hire fees up to the value of \$1,368 (Riverside Gardens Community Centre).</p>
Townsville Community Broadcasting Company Limited.	Operational Expenses.	Funding is for operational expenses to assist the continuing operations of Community Radio TTT.	<p>2016/2017 \$6,000</p>
Townsville Community Music Centre Inc.	Townsville Community Music Centre.	Funding is towards the operational expenses of the Townsville Community Music Centre Inc.	<p>2016/2017 \$30,000</p>
Townsville Maritime Museum Limited.	Townsville Maritime Museum.	Funding is towards operational expenses to enable the advancement of education and culture by collecting, preserving and maintaining collections of maritime artefacts associated with Townsville and the North Queensland region.	<p>2016/2017 \$20,000</p>
Townsville Multicultural Support Group Inc.	Community Cultural Outreach Project.	Funding is towards the Community Cultural Outreach Project arranges for people of diverse cultures to exchange learning with children and young people in the Townsville community.	<p>2016/2017 \$10,000</p> <p>2017/2018 \$10,000</p>
Umbrella Studio Association Inc.	Umbrella - Working Studio.	Funding is to support operational costs of Umbrella Studio's - Working Studio, which provides access to artists for workshops, residencies, community development, cultural development and the creation of artworks.	<p>2016/2017 \$10,000</p> <p>2017/2018 \$10,000</p> <p>2018/2019 \$10,000</p>

Volunteering North Queensland Inc.	Delivery a Volunteering Community Skilling/Training Program.	Funding is towards the delivery of the Community Skilling/Training Program which provides skilling/training and professional development opportunities to volunteers, managers of volunteers and their organisations.	2016/2017 \$23,500 2017/2018 \$23,500 2018/2019 \$23,500
Grant Category: Festivals and Events			
Australian Festival of Chamber Music North Queensland Limited.	Australian Festival of Chamber Music.	Funding is towards the operational expenses of staging the Australian Festival of Chamber Music.	2016/2017 Total of \$139,450 consisting of: \$100,000 and Waiver of venue hire fees up to the value of \$39,450 (Reid Park) 2017/2018 Total of \$140,633 consisting of: \$100,000 and Waiver of venue hire fees up to the value of \$40,633 (Reid Park) 2018/2019 Total of \$141,852 consisting of: \$100,000 and Waiver of venue hire fees up to the value of \$41,852 (Reid Park)
Campervan and Motorhome Club of Australia Limited.	Motoco Dam Fine Rally.	Waiver of hire fees for Ross Dam Park for the Motoco Dam Fine Rally. This rally promotes Townsville and its environs by encouraging motorhomes to come and enjoy the local attractions.	2016/2017 Waiver of venue hire fees up to the value of \$1,500 (Ross Dam Park). 2017/2018 Waiver of venue hire fees up to the value of \$1,500 (Ross Dam Park). 2018/2019 Waiver of venue hire fees up to the value of \$1,500 (Ross Dam Park)
Filipino-Australian Affiliation of North Queensland Inc.	Filipino Festival.	Funding is towards operational costs for the Filipino Festival which will feature different Philippine Festivals and a series of activities. Cultural/religious presentation from the different regional festivals.	2016/2017 Total of \$6,000 consisting of: \$5,000 and Waiver of venue hire fees up to the value of \$1,000 (Riverway)
Foundation for Australian Literary	T150 Commemorating	Funding is towards staging costs of an event which celebrates Townsville and part the	2016/2017 \$12,935

Studies Limited.	Townsville and the Place of Australian Literature.	Foundation for Australian Literary Studies has played in the promotion of knowledge about Australian literature, by reacquainting community with this proud heritage.	
Kith and Kin Association Ltd.	Kith & Kin Community Garden Party.	Funding is towards holding a public Community Garden Party which will invite community members to help start the Kith and Kin Sustainable Garden.	2016/2017 \$5,100
Professional Bull Riders Australia Pty Ltd.	Iron Cowboy Townsville.	Funding is towards staging costs of the PBR Troy Dunn Invitational event - Real Men - Rank Bulls - Raw Sport.	2016/2017 \$25,000
Spirit of Africa Cultural Association Inc.	African Festival.	Funding is towards operational costs for African Festival which will showcase Africa, its cultures and traditions so that the Townsville community can better understand and welcome the African community to Townsville.	2016/2017 Total of \$10,300 Consisting of: \$10,000 and Waiver of venue hire fees up to the value of \$300 (Riverway)
The Townsville Motor Boat & Yacht Club Limited.	Sail Townsville / Magnetic Island Race Week.	Funding is towards staging the Magnetic Island Race Week which is a six day regatta for cruising and racing yachts.	2016/2017 Total of \$21,150 Consisting of: \$21,100 and Waiver of venue hire fees up to the value of \$50 (Picnic Bay Mall and foreshore). 2017/2018 Total of \$15,050 Consisting of: \$15,000 and Waiver of venue hire fees up to the value of \$50 (Picnic Bay Mall and foreshore). 2018/2019 Total of \$10,050 Consisting of: \$10,000 and Waiver of venue hire fees up to the value of \$50 (Picnic Bay Mall and foreshore).
Townsville Chess Club Inc.	North Queensland Open Chess Championship.	Funding is towards the costs of hosting the North Queensland Open Chess Championship. This is an annual feature chess tournament and one of the largest in North Queensland. Entry is open to all chess players Australia wide.	2016/2017 \$2,400

2. That council approve the issuing of Community Assistance Grants Program funding for India Fest Townsville Inc. and Malayali Association of Townsville Inc. for the 2015/16 financial year, as detailed in the following table;

Recommendations for grant funding in 2015/2016:			
Organisation	Project title	Project description	Recommendation (Excl. GST)
Grant Category: Festivals and Events			
India Fest Townsville Inc.	India Fest Townsville.	Funding is towards operational costs for India Fest Townsville. India Fest Townsville is a visual and astronomical treat that displays the depth of the cultural diversity of India.	2015/2016 Total of \$16,000 consisting of: \$15,000 and Waiver of venue hire fees up to the value of \$1,000 (Riverway).
Malayali Association of Townsville Inc.	India Fest NQ.	Funding is towards operational costs for India Fest Townsville which showcases the culture, heritage and diversity of India to the larger community as well as engaging and integrating the different cultures of the diverse community of Townsville.	2015/2016 Total of \$16,500 consisting of: \$15,000 and Waiver of venue hire fees up to the value of \$1,500 (Riverway).

Council Decision

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

"that officer's recommendations 1 and 2 be sent back for review with staff, the Chair of Community and Cultural Development Committee and the council Chair of FAEG Committee and that the review be brought back to the next Ordinary Council meeting."

CARRIED UNANIMOUSLY

11 Change to Standing Committee Meeting Schedule 2016

Executive Summary

In accordance with Section 277(1) of the *Local Government Regulation 2012*, council is required on an annual basis to publish in a newspaper circulating generally in its area a notice of the days and times when its ordinary meetings and standing committees will be held.

Council adopted its meeting schedule at its post-election meeting on 8 April 2016. Changes are required to the meeting schedule for the Townsville Water & Waste Committee and the Planning & Development Committee.

Officer's Recommendation

That in accordance with section 256(1) of the *Local Government Regulation 2012* the terms of reference for the following Standing Committees be amended to:

Planning and Development Committee

To commence on the Tuesday of the second week preceding the monthly Ordinary meeting at 11.00am

Townsville Water and Waste Committee

To commence on the Tuesday of the week preceding the monthly Ordinary meeting at 11.00am

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

12 Developing Northern Australia Conference 20-22 June 2016

Executive Summary

Registration is now open to attend the Developing Northern Australia Conference "*Above the Line – unleashing the north's potential*" to be held in Darwin from 20-22 June 2016. The Conference provides a platform for business, industry, academics, NGOs, special interest groups, Indigenous community and all levels of Government to participate in shaping Australia's future.

Officer's Recommendation

1. That council approve the attendance of any interested councillor/s to attend the Developing Northern Australia Conference "*Above the Line – unleashing the North's potential*" to be held in Darwin from 20-22 June 2016.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to the interested councillor/s from council to allow attendance at the "*Above the Line – unleashing the north's potential*" Conference to be held in Darwin from 20-22 June 2016.

Council Decision

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

1. That council approve the attendance of Councillors V Coombe and M Molachino to attend the Developing Northern Australia Conference "*Above the Line – unleashing the North's potential*" to be held in Darwin from 20-22 June 2016.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to Councillors V Coombe and M Molachino from council to allow attendance at the "*Above the Line – unleashing the north's potential*" Conference to be held in Darwin from 20-22 June 2016.

CARRIED UNANIMOUSLY

13 Treasury Report - March 2016

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 2016 and the information contained therein.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

14 2016 PIA Planning Congress - 11 to 13 May 2016 - Brisbane

Executive Summary

The Planning Institute Australia Congress is to be held in Brisbane from the 11 to 13 May 2016.

The Congress will provide opportunities for discussions that cover topics such as advances in technology, changes to legislation and shifts in community expectations.

Officer's Recommendation

1. That council approve the attendance of Councillor L Walker to attend the PIA Congress 11 - 13 May 2016 in Brisbane.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to Councillor L Walker from council to allow attendance at the PIA Congress 11 - 13 May 2016 in Brisbane.

Council Decision

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

1. That council approve the attendance of Councillors L Walker and M Soars to attend the PIA Congress 11 - 13 May 2016 in Brisbane.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to Councillors L Walker and M Soars from council to allow attendance at the PIA Congress 11 - 13 May 2016 in Brisbane.

CARRIED UNANIMOUSLY

15 2016 National General Assembly of Local Government (NGA) - Canberra - 19-22 June 2016

Executive Summary

Council is invited to attend the National General Assembly of Local Government (NGA) to be held in Canberra from 19-22 June 2016. The theme is *Partners in an Innovative and Prosperous Australia*. The focus will be on debating and discussing the role that Local Government can and does play in boosting productivity and showcasing innovation and best-practice. The NGA brings the local government sector together, providing a platform for thought-provoking discussion and the formation of policies on issues of national significance.

Officer's Recommendation

1. That council approve the attendance of the Mayor and/or interested councillor/s to attend the National General Assembly of Local Government on 19-22 June 2016 in Canberra.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to the interested councillor/s from council to allow attendance at the National General Assembly of Local Government 19-22 June 2016 in Canberra.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

16 Budget Variance Report - Whole of Council - March 2016

Executive Summary

On behalf of the Chief Executive Officer, the Director Corporate Services will present and discuss the Budget Variance Report for the whole of council for March 2016, pursuant to section 204 of the *Local Government Regulation 2012*.

The Director Corporate Services will circulate separately to the Agenda the Budget Variance Report for the whole of council for March 2016.

Officer's Recommendation

That council note the financial report for March 2016 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

17 Budget Variance Report - Whole of Council - February 2016

Executive Summary

On behalf of the Chief Executive Officer, the Director Corporate Services will present and discuss the Budget Variance Report for the whole of council for February 2016, pursuant to section 204 of the *Local Government Regulation 2012*.

The Director Corporate Services will circulate separately to the Agenda the Budget Variance Report for the whole of council for February 2016.

Officer's Recommendation

That council note the financial report for February 2016 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

18 Corporate Governance Audit Committee Minutes 1 March 2016

Executive Summary

Please find the minutes of the Audit Committee meeting held on 1 March 2016 attached to the agenda item.

Officer's Recommendation

That council receive the minutes of the Audit Committee meeting held on the 1 March 2016.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Council agreed to change the order of business to consider item 24 as the next item of business.

24 Australian and New Zealand Disaster and Emergency Management Conference - 30-31 May 2016

Executive Summary

The Australian and New Zealand Disaster and Emergency Management Conference will be held on the Gold Coast on 30-31 May 2016.

Officer's Recommendation

1. That council approve the attendance of Councillor K Rehbein at the Australian and New Zealand Disaster and Emergency Management Conference on the Gold Coast on 30-31 May 2016.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to Councillor K Rehbein from council to allow attendance at the Australian and New Zealand Disaster and Emergency Management Conference on the Gold Coast on 30-31 May 2016.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The order of business was resumed.

Confidential Items

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

"that council RESOLVE to close the meeting in accordance with Section 275 (c)(d)(e)(f) 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) (c) the local government's budget; (Items 20 and 21)
- Section 275(1) (d) rating concessions; (Item 19)
- Section 275(1) (e) contracts proposed to be made by it; (Items 21, 22 and 23)
- Section 275(1) (f) starting or defending legal proceedings involving it." (Items 20 and 25).

CARRIED UNANIMOUSLY

The council discussed the items.

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

"that council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

19 Business Management & Compliance Review of water concessions applied to Government owned properties

Executive Summary

With the adoption of the 2015/16 budget at the Special Budget meeting on 7 July 2015, council resolved to remove water volumetric concessions applied to sporting fields and other establishments that are owned or operated by State or Commonwealth departments and agencies.

In response to the removal of this 73% concession and the considerable impact that this change had on high water consumers, council has been requested by one of the government owned properties to reconsider the change to this concession.

Officer's Recommendation

1. That the report be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That the removal of water concessions to government owned properties from the 2015/16 financial year remains, and associated water charges applied to affected properties stand as levied.
3. That council approve the deferral of payment with no interest penalty for water consumption charges for property number: 20320 to 31 July 2016.
4. That council consider bringing forward the concession review for the 2017/18 financial year to be completed prior to the budget process which will allow time for notification of changes to be provided to affected customers.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

20 Audit Committee Governance Reports 1 March 2016

Executive Summary

Please find the Corporate Governance reports of the Audit Committee meeting held on the 1 March 2016 attached to the agenda item.

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 receive the Corporate Governance reports of the Audit Committee meeting held on the 1 March 2016.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

21 Townsville Water and Waste - Echlin Street Reservoir Siteworks

Executive Summary

The CBD Utilities Upgrade Project (*CBDUUP*) was initiated by Townsville Water and Waste due to numerous performance failures of the existing water supply network in the Townsville CBD.

As part of the *CBDUUP*, on 18 May 2015 council awarded a contract to Mendi Constructions Pty Ltd (*Mendi*) to undertake the site works required for the provision of two new reservoirs.

That work has been delayed because of significant instability issues in the rock face and surrounding slopes at the site. The most cost-effective response to that identified instability is to slightly relocate the reservoirs and adjust the blasting plan for the rock that is to be excavated from the site. That additional necessitates a reconsideration of the tendering process for the entire job.

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 Mendi Constructions Pty Ltd is the only supplier reasonably available to perform the amended scope of works, having regard to the cost and delays of demobilisation, processing a fresh request for tender and tender responses, and mobilisation.

3. That council resolve to increase the TCW00104 scope of works and budget works to \$9,500,000.00, including a contingencies allowance of \$500,000 associated with the works as part of the 2016/2017 FY budget and give direction to fund by re-phasing of existing CBD Utilities Project program of works.
4. That the Chief Executive Officer be delegated authority to approve construction and design variations and additional provisional items within the funding approval as detailed in this report.

Council Decision

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

1. "that the officer's recommendation 1,2 and 3 be adopted subject to an assessment of the risks arising from the amended scope of works, and the Chief Executive Officer being satisfied that the indemnities provided by, and insurance coverage held by, the contractor adequately protect council; and
2. that the Chief Executive Officer be delegated authority to approve construction and design variations and additional provisional items within the funding approval as detailed in this report."

CARRIED UNANIMOUSLY

22 Engineering Services - TCW00165 - Strand Waterpark Renewal Landscape

Executive Summary

Council's renewal program identified that the existing Strand waterpark had reached its end of service life and required renewal. Tender TCW00165 – Installation of Landscape is the second phase of a three (3) phased project that involves the design and installation of water play equipment and soft fall packages.

This report provides an analysis and evaluation of the tenders submitted, and council's recommendation for awarding TCW00165 - Strand Waterpark Renewal, Landscape.

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 the tender TCW00165 The Strand Waterpark Renewal – Landscape, be awarded to Jmac Constructions Pty Ltd for core contract works of \$ 487,189.10, excluding GST plus a contingencies allowance of \$ 50,000.00 associated with the works.
3. That the Chief Executive Officer be delegated for the approval of construction and design variations and additional provisional items within the funding approval as detailed in this report.

The Mayor had previously indicated in her Mayoral Minute 2 that Team Jenny Hill members had a conflict of interest in respect of this matter, and that the Chief Executive Officer was requested to act in council's place to decide this issue.

Chief Executive Officer's Decision

That the officer's recommendation be adopted.

In accordance with section 172 of the *Local Government Act 2009*, Councillor M Ryder declared a material personal interest in regards to item 23 .

(a) the nature of the material personal interest as described by the Councillor:

Councillor M Ryder

(b) how the Councillor dealt with the material personal interest:

Councillor M Ryder vacated the Chambers during discussion and voting on the item.

In accordance with section 172 of the *Local Government Act 2009*, Councillor P Jacob declared a material personal interest in regards to item 23 .

(a) the nature of the material personal interest as described by the Councillor:

Councillor P Jacob

(b) how the Councillor dealt with the material personal interest:

Councillor P Jacob vacated the Chambers during discussion and voting on the item.

23 Additional Sole Suppliers

Executive Summary

Council resolved at an ordinary council meeting on the 15 December 2015 that it was satisfied with a list of identified suppliers, as being suppliers who are sole suppliers and/or suppliers of specialised or confidential services for the 2016 calendar year. The executive summary in relation to the supporting report read (in part):

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

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

235 Other exceptions

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

(a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or

(b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders;

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

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

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

However since the resolution has been adopted, Maintenance Services, Engineering Services, Environmental Health, Community Services / Community Development, Library Services, and Integrated Sustainability Services have identified further suppliers that they believe should be added to the existing list.

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 resolves in accordance with section 235(a) and (b) of the *Local Government Regulation 2012* that it is satisfied that these suppliers as listed in Attachment 1 are additional sole suppliers and/or suppliers of specialised or confidential services for the 2016 calendar year.

Council Decision

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

"that this item be referred back to staff to provide more detail and then present back to council ."

CARRIED UNANIMOUSLY

24 Australian and New Zealand Disaster and Emergency Management Conference - 30-31 May 2016

Refer to council decision following item 18 of the Council Minutes (page 8793) where council agreed that the order of business be changed and that item 24 be considered after item 18.

Refer page 8793 of the Council Minutes for item 24 - Australian and New Zealand Disaster and Emergency Management Conference - 30-31 May 2016

25 P&D Appeal No 314 of 2016, McConaghy Properties Pty Ltd v TCC & Parkside Development Pty Ltd, 165 Hugh Street, Currajong

Executive Summary

At the Council meeting on 22 September 2015, council (by majority) voted 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. That approval was contrary to the officers' recommendation. At the time the development application was lodged the land was in the Greenspace Precinct under the City Plan 2005. At the time of the decision the land was in the Sport and Recreation Zone under the current Townsville City Plan.

A submitter appeal against the approval was filed in the Planning and Environment Court in Brisbane on 27 January 2016. The submitter argues that the application for the proposed development should be refused due to several conflicts with the provisions of City Plan 2005, Draft City Plan 2014 and City Plan 2014 together with unacceptable traffic impacts and matters of need.

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 not to defend council's approval of the development application in Planning and Environment Court Appeal No. 314 of 2016.

The Mayor had previously indicated in her Mayoral Minute 2 that Team Jenny Hill members had a conflict of interest in respect of this matter, and that the Chief Executive Officer was requested to act in council's place to decide this issue.

Chief Executive Officer's Decision

That the officer's recommendation be adopted.

General Business

(i) Request for Leave of Absence - Councillor L Walker

Overview

Councillor L Walker requested leave of absence for the period 10 to 14 May 2016 to attend the PIA Conference in Brisbane.

Council Decision

That leave of absence be granted to Councillor L Walker for the period 10 to 14 May 2016 to attend the PIA Conference in Brisbane.

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 3.15pm.

CONFIRMED this TWENTY FOURTH day of MAY 2016

MAYOR

ACTING CHIEF EXECUTIVE OFFICER