



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 22 MAY 2018 AT 1.03PM

Council Members >>

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

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

Corporate Plan >>

Goal 1 - A Prosperous City

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

Objectives that identify our strategic intent:

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

Goal 2 - A City for People

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

Objectives that identify our strategic intent:

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

Goal 3 - A Clean and Green City

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

Objectives that identify our strategic intent:

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

Goal 4 - A Simpler, Faster, Better Council

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

Objectives that identify our strategic intent:

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

ACKNOWLEDGEMENT OF COUNTRY

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

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REPORT COUNCIL MEETING

DATE Tuesday 22 May 2018 at 1.03pm

ITEMS 1 TO 18

PRESENT The Mayor, Councillor J Hill
 Councillor R Cook
 Councillor V Coombe
 Councillor A Greaney
 Councillor P Jacob
 Councillor M Molachino
 Councillor M Ryder
 Councillor M Soars
 Councillor L Walker

Opening of Meeting

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.03pm.

Acknowledgement to Country

The Chair acknowledged the traditional owners of the land, the Wulgurukaba of Gurambilbarra and Yunbenun and to the south of Galbidira the Bindal people, and paid respect to their cultures, their ancestors and their elders, past and present, and all future generations.

Announcement of Visitors

The Chair acknowledged the visitors from the Emerging Leaders Program.

Prayer

Bishop Bill Ray of the Anglican Church delivered the opening prayer.

Apologies and Leave of Absence

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

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

CARRIED UNANIMOUSLY

Confirmation of Minutes of Previous Meeting

It was **MOVED** by Councillor V Coombe, **SECONDED** by Councillor A Greaney:

"that the minutes of the Ordinary Council meeting of 24 April 2018 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of Interests

- (i) The Mayor, Councillor J Hill provided the following declaration:

"Yesterday, a number of changes to Local Government legislation received the Royal Assent and became law. In particular, the requirements for all Councillors around declaring material personal interests and real or perceived conflicts of interest at Council meetings have now changed.

As a result of these changes, I am proposing that two items on today's agenda be referred to the CEO under delegation in accordance with section 175E of this new legislation. I will also be writing to the Integrity Commissioner to obtain some clarification of how these changes will operate in practice.

The first item to be referred to the CEO under delegation is item 7 on the agenda as one of the tenderers is BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill Campaign and this may create a perceived conflict of interest on this item. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.

I would like to note that the approach now required under legislation for the Council to refer these matters under delegation to the CEO is the same approach that this Council had already adopted for matters where Team Jenny Hill had been a recipient of an electoral donation. We had been taking this approach well before the current legislative reforms had even been drafted.

The second item to be referred to the CEO under delegation is item 14, in Confidential, regarding a stadium activation update involving the Cowboys. As you are aware and as many of the community well know, the Council is a very proud sponsor of the Cowboys. Under this commercial sponsorship arrangement with the Cowboys, the Council is allocated a number of tickets to Cowboys matches and these are used by Councillors, our staff and community groups.

Because of the benefits flowing to Councillors from receiving these tickets under our sponsorship arrangement, it seems under the new legislative reforms enacted yesterday that this may create a perceived conflict of interest. I therefore propose that this Item also be referred to the CEO under delegation."

- (ii) Officer's Reports - Material personal interest - Item 14 - Councillor A Greaney - Councillor Greaney advised that, as disclosed on her statement of interests already, she is a Board member of the Cowboys Leagues Club. In addition to receiving Board fees for being a director of the Cowboys Leagues Club, the Cowboys Leagues Club may also benefit from the transaction proposed in item 14 relating to the Stadium Precinct.

Council considered items 7 and 14 as the first items of business.

Committee Item

Infrastructure Services Committee

In accordance with section 175E of the Local Government Act 2009, the Mayor, Councillor J Hill and Councillors R Cook, V Coombe, A Greaney, P Jacob, M Molachino, M Ryder, M Soars and L Walker declared a perceived conflict of interest in regards to item 7.

(a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;

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

(b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;

One of the tenderers is BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill Campaign.

(c) the decisions made under section 175E (4) and the reasons for the decisions;

Item 7 is referred to the Chief Executive Officer for consideration and decision.

(d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;

Item 7 is referred to the Chief Executive Officer for consideration and decision.

(e) if the councillor voted on the matter—how the councillor voted on the matter;

Item 7 is referred to the Chief Executive Officer for consideration and decision.

(f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.

Item 7 is referred to the Chief Executive Officer for consideration and decision.

7 Infrastructure Planning, Assets and Fleet - TCW00269 - Ingham Road / Webb Drive Intersection Upgrade Recommendation Report

Executive Summary

Council is undertaking the Ingham Road Intersections Upgrade Project to cater for increased traffic numbers, resolve traffic capacity issues and address key safety concerns within the Bohle industrial estate.

As part of the above project, this tender is for upgrade of the intersection of Ingham Road and Webb Drive by the installation of traffic signals and associated works.

Tenders were called for the contract, which is a lump sum contract for the works under the General Conditions of Contract AS4000 - 1997. The tender closed at 10am on 26 April 2018.

Four conforming tender submissions and one alternative tender were received.

A panel of three internal and external persons representing key stakeholders evaluated the submissions, and scored and ranked the submissions accordingly. This report and recommendation report, attached to the Report to Council, provides analysis, evaluation and recommendation for awarding TCW00269 – Ingham Road / Webb Drive Intersection Upgrade.

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 TCW00269 Ingham Road / Webb Drive Intersection Upgrade to BMD Constructions Pty Ltd for the lump sum price of \$3,948,610.32 (excluding GST).
3. That Council delegate authority to the Chief Executive Officer 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 this item be referred to the Chief Executive Officer for consideration and decision.

Council Decision

That the committee recommendation be adopted.

Officers' Report

Confidential Item

In accordance with section 175E of the *Local Government Act 2009*, the Mayor, Councillor J Hill and Councillors R Cook, V Coombe, A Greaney, P Jacob, M Molachino, M Ryder, M Soars and L Walker declared a perceived conflict of interest in regards to item 14.

(a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;

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

(b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;

Item 14 is in regards to a stadium activation update involving the Cowboys. The Council is a sponsor of the Cowboys. Under this commercial sponsorship arrangement with the Cowboys, the Council is allocated a number of tickets to Cowboys matches and these are used by Councillors, staff and community groups.

(c) the decisions made under section 175E (4) and the reasons for the decisions;

Item 14 is referred to the Chief Executive Officer for consideration and decision.

(d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;

Item 14 is referred to the Chief Executive Officer for consideration and decision.

(e) if the councillor voted on the matter—how the councillor voted on the matter;

Item 14 is referred to the Chief Executive Officer for consideration and decision.

(f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.

Item 14 is referred to the Chief Executive Officer for consideration and decision.

In accordance with section section 175C of the *Local Government Act 2009*, Councillor A Greaney declared a material personal interest in regards to item 14.

(a) the name of the councillor who has a material personal interest in the matter;

Councillor A Greaney.

(b) the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;

Councillor Greaney advised that she is a Board member of the Cowboys Leagues Club. In addition to receiving Board fees for being a director of the Cowboys Leagues Club, the Cowboys Leagues Club may also benefit from the transaction proposed in item 14 relating to the Stadium Precinct.

(c) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F .

Item 14 is referred to the Chief Executive Officer for consideration and decision.

14 Legal Services - Priority Development Area Activation

Executive Summary

This confidential report updates Council on current economic activation opportunities within the Priority Development Area (PDA) and associated contract negotiations and the steps required to be taken to activate the opportunities and any associated beneficial enterprises.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council note the information supplied in closed sessions and authorise the Chief Executive Officer to finalise negotiation with proponents regarding the economic activation opportunities discussed in closed session at this meeting and in this confidential report.

Council Decision

That this item be referred to the Chief Executive Officer for consideration and decision.

The order of business resumed.

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

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

"Councillors, community engagement is an essential part of the democratic process and the key to ensuring informed decision making by Council.

Council currently conducts a number of very successful community engagement activities, including Learning Communities Leadership Group, Street Art Working Group and a range of advisory committees.

These highly successful programs provide Council with invaluable feedback from specific groups within the Townsville community, however the time has now come to facilitate even wider community involvement in Council.

Today I am pleased to announce, with your endorsement, the establishment of the Community Council program, which represents the next stage of Council's commitment to community engagement.

Community Councils will take place at venues across Townsville on weekday evenings commencing at 5.30pm, with the first venue to be the Clubhouse on the Green at North Shore on 18 July 2018.

Council representatives in attendance will include the Mayor, committee chairs, the relevant divisional councillor, the Chief Executive Officer, all directors, customer service officers, community engagement staff and media officer if required.

To make best use of this opportunity, members of the community will be invited to submit questions prior to Community Council or request a formal delegation relating to a specific issue. This will allow most issues to be addressed at the meeting. Alternately, members of the community will have the opportunity to informally meet with committee chairs after the meeting. Any requests for action or information from Council could then be taken on notice and followed up after the Community Council.

I recommend that Council support the establishment of Council's Community Council program outlined in this minute, and further that it request the General Manager Community Engagement and Cultural Services to develop a detailed plan to bring the Community Council program to fruition."

Council Decision

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

"that Council support the establishment of Council's Community Council program outlined in this Mayoral Minute, and further that it request the General Manager Community Engagement and Cultural Services to develop a detailed plan to bring the Community Council program to fruition."

CARRIED UNANIMOUSLY

Committee Items

Governance and Finance Committee

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

"that the committee recommendations to items 1 to 4 be adopted."

CARRIED UNANIMOUSLY

1 Councillor Community Engagement - NQ Sports Foundation - Annual General Meeting, Board and Forum meeting and 2018 Sportstar Awards

Executive Summary

The NQ Sports Foundation Annual General Meeting, Board and Forum meeting will be held in Mission Beach on 26 October 2018 followed by the 2018 Sportstar Awards on 27 October 2018.

As Council's representative on the North Queensland Sports Foundation, Councillor M Soars has been invited to attend the meetings and awards ceremony.

Officer's Recommendation

1. That Council approve for Councillor M Soars to attend the NQ Sports Foundation Annual General Meeting, Board and Forum meeting and 2018 Sportstar Awards in Mission Beach on 26 and 27 October 2018.
2. That, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor Soars to allow his attendance at the NQ Sports Foundation Annual General Meeting, Board and Forum meeting and 2018 Sportstar Awards.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10017) where Council resolved that the committee recommendation be adopted.

2 Finance Services - Treasury Report - March 2018

Executive Summary

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

Officer's Recommendation

That Council note the treasury report for March 2018 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10017) where Council resolved that the committee recommendation be adopted.

3 Finance Services - Budget Variance Report - March 2018

Executive Summary

On behalf of the Chief Executive Officer, the Chief Financial Officer presented and discussed the Budget Variance Report for the whole of Council for March 2018, pursuant to section 204 of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note the financial report for March 2018 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 1 of the Council minutes (page 10017) where Council resolved that the committee recommendation be adopted.

4 Northern Alliance of Councils Inc 2018 Conference - Ingham - 21 to 23 August 2018

Executive Summary

Correspondence has been received from the Northern Alliance of Councils Incorporated advising of the Northern Alliance of Councils Inc 2018 conference being held in Ingham on 21 to 23 August 2018.

The inaugural Annual General Meeting of the Northern Alliance of Councils Inc will commence at 12 noon on 21 August and this will include the consideration of conference motions and future host Councils.

An 'expression of interest' form is enclosed with the abovementioned correspondence for completion and return by 22 June 2018 with regards to:

- a. submitting motions for the conference program; and / or
- b. hosting a Northern Alliance of Council conference at a future date.

Officer's Recommendation

1. That Council consider submitting motion/s for consideration at the inaugural Annual General Meeting of the Northern Alliance of Councils Inc on 21 August 2018.
2. That Council consider hosting a Northern Alliance of Council conference at a future date.
3. That Council approve the attendance of interested Councillor/s at the Northern Alliance of Councils Inc 2018 conference (including the Annual General Meeting) being held in Ingham on 21 to 23 August 2018.
4. That, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to the interested Councillor/s for the period 21 to 23 August 2018 to allow attendance at the Northern Alliance of Council conference (and Annual General Meeting).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10017) where Council resolved that the committee recommendation be adopted.

Townsville Water and Waste Committee

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

"that the committee recommendation to item 5 be adopted and that item 6 be dealt with separately."

CARRIED UNANIMOUSLY

Item 6 - Townsville Water and Waste - Tender Assessment TCW00226 Supply and Construction of Pump Station L1C including Rising Main and Gravity Sewer

Councillor P Jacob provided an overview of item 6.

Councillor R Cook provided the following statement:

"Residents through letters, emails, phone calls, individual meetings with residents and also a community meeting held in the park itself where over 20 residents attended all expressed their concerns.

These residents, who live in homes around and adjoining McConachy Park, have voiced their disapproval of this sewerage pump station being installed in the park itself.

While these residents acknowledge and accept the reasons for the sewerage pump station's installation their concerns are in the location being in a park that is regularly utilised by the residents and their families.

As the Councillor representing the residents in this area I take their concerns seriously and have been actively advocating for its installation to be investigated at possible other sites.

Four other locations were explored and while costings involved would have increased at each of these sites I feel that one site in particular Townsville City Council could have explored further with the view to these costings being reduced and possibly absorbed thereby allowing this installation to be done elsewhere other than McConachy Park."

Council discussed this item.

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

"that the committee recommendation to item 6 be adopted."

CARRIED

In accordance with Council's Meeting Procedures Policy where Council does not unanimously support an Officer's Recommendation or an alternative resolution Councillors are to have recorded their reasons for doing so.

For	Against
<i>The Mayor, Councillor J Hill</i>	<i>Councillor R Cook</i>
<i>Councillor V Coombe</i>	
<i>Councillor A Greaney</i>	
<i>Councillor P Jacob</i>	
<i>Councillor M Molachino</i>	
<i>Councillor M Ryder</i>	
<i>Councillor M Soars</i>	
<i>Councillor L Walker</i>	
Reasons Against	

Councillor R Cook voted against the recommendation for the following reason:

- he believes there is an alternate site that would be more suitable.*

5 Townsville Water and Waste - Customer and Business Reporting - Quarter 3 2017/18

Executive Summary

The following Customer and Business Reports are submitted for Quarter 3, 2017/18:

1. Townsville Water Customer Service Standard Report Card;
2. Townsville Water Business Scorecard;
3. Townsville Waste Services Customer Service Standard Report Card; and
4. 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 Customer Service Standard Report Cards and Business Scorecards for Townsville Water and Townsville Waste Services for Quarter 3, 2017/18.
2. That Council note the publication of the Customer Service Standard Report Cards for Townsville Water and Townsville Waste Services for Quarter 3, 2017/18, 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 5 of the Council minutes (page 10020) where Council resolved that the committee recommendation be adopted.

6 Townsville Water and Waste - Tender Assessment TCW00226 Supply and Construction of Pump Station L1C including Rising Main and Gravity Sewer

Executive Summary

Council has identified the need for a new sewage pump station, referred to as Pump Station L1C, a sewerage rising main and a gravity sewer in Cranbrook in order to service a proposed development and to address capacity issues within the Cranbrook sewer system.

The preliminary stages of the project incurred significant delays due to the public outcry from nearby residents. As a result a large amount of consultation was undertaken before the project could proceed to Council approval.

Tenders were invited for the supply and construction of an FRP Pump Station including connecting 250OD Polyethylene rising main and DN300 PVC gravity main with maintenance holes as well as an environmental overflow.

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 TCW00226 for the Supply and Construction of Pump Station L1C to NQ Excavations Pty Ltd for the price of \$1,489,734 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.
4. That Council resolve to make application to the State to acquire a minimal amount of recreational reserve for operational purposes to facilitate the construction of pump station L1C and delegate to the Chief Executive Officer authority to complete the acquisition on terms acceptable to the Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 5 of the Council minutes (page 10020) where Council resolved that the committee recommendation be adopted.

Infrastructure Services Committee

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

"that the committee recommendations to items 8 to 10 be adopted. "

CARRIED UNANIMOUSLY

Item 7 was dealt with separately.

7 Infrastructure Planning, Assets and Fleet - TCW00269 - Ingham Road / Webb Drive Intersection Upgrade Recommendation Report

Refer to page 10013 of the Council Minutes where Council considered items 7 and 14 as the first items of business.

Refer page 10013 of the Council Minutes for item 7 - Infrastructure Planning, Assets and Fleet - TCW00269 - Ingham Road / Webb Drive Intersection Upgrade Recommendation Report

8 Verbal Report - General Manager Construction, Maintenance and Operations - Rural Roads Program

Executive Summary

The General Manager Construction, Maintenance and Operations provided a verbal report on the proposed reforms for the Council's 2018/19 Rural Roads Program.

Committee Recommendation

That the Committee note the verbal report on the proposed reforms for the Council's 2018/19 Rural Roads Program.

Council Decision

Refer to resolution preceding item 7 of the Council minutes (page 10023) where Council resolved that the committee recommendation be adopted.

9 Verbal Report - General Manager Infrastructure Planning, Assets and Fleet - Black Spot Program

Executive Summary

The General Manager Infrastructure Planning, Assets and Fleet provided a verbal report on the Black Spot Program.

Committee Recommendation

That the Committee note the verbal report on the Black Spot Program.

Council Decision

Refer to resolution preceding item 7 of the Council minutes (page 10023) where Council resolved that the committee recommendation be adopted.

10 Verbal Report - General Manager Infrastructure Planning, Assets and Fleet - Basic Blitz Program

Executive Summary

The General Manager Infrastructure Planning, Assets and Fleet provided a verbal report on the Basic Blitz Program.

Committee Recommendation

That the Committee note the verbal report on the Basic Blitz Program.

Council Decision

Refer to resolution preceding item 7 of the Council minutes (page 10023) where Council resolved that the committee recommendation be adopted.

Planning and Development Committee

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

"that the committee recommendations to items 11 to 13 be adopted."

CARRIED UNANIMOUSLY

11 Planning Services - Outcome of Preliminary Point of Appeal, AP16/0006 Originating Application No. 333 of 2016, Parkside Development Ltd v Townsville City Council and Townsville Karting Club Inc.

Executive Summary

An application was filed in the Planning and Environment Court on 12 December 2016 by Parkside Development Pty Ltd (Parkside). Parkside sought orders for Townsville Karting Club Inc (Townsville Karting) to stop using land at Shaw Road, Bohle as a motor sport facility, except where the use is for Go-Kart racing or authorised by an effective development permit. Parkside contended the current development approval only authorised use of the land for Go-Kart racing, and that the absence of an effective permit adversely affected current residents in the nearby residential estate and the estate's future development.

The court was asked to determine, as a preliminary point, whether the Townsville Karting's current use of the land (for Go-Kart racing, driver training, motorcycle racing, car race track and other ancillary uses) was lawful. The court determined that use of the land other than for Go-Kart racing and Go-Kart practice sessions is outside the terms of the development approval and is unlawful.

Townsville Karting will likely seek development approval from Council for use of the land as a motor sport facility.

Officer's Recommendation

That Council receive this report and note the outcome of the preliminary point of Appeal No 333 of 2016.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 11 of the Council minutes (page 10025) where Council resolved that the committee recommendation be adopted.

12 Planning Services - Outcome of High Court decision Pike v Tighe, Nora Road, Black River, AP15/0002

Executive Summary

On 29 May 2009, Council approved the reconfiguration of land situated at Nora Road Black River (one lot into two lots). Condition 2 of the development approval required an access and services and utilities easement over Lot 1 for the benefit of Lot 2. The subsequently registered easement did not cover the services and utilities condition. Kym and Michael Tighe (the Tighes) became the owners of Lot 1 in 2011 and Joshua James Pike and Natalie Patricia Pike (the Pikes) became the owners of Lot 2 in 2012.

The Pikes sought compliance with Condition 2 but the Tighes refused. The Pikes then filed an application in the Planning and Environment Court on 13 February 2015 seeking a declaration that Condition 2 had been contravened and an enforcement order that the Tighes comply with this condition.

On 9 March 2016, the court determined that Condition 2 ran with Lot 1 and that the Tighes had contravened the condition. An order was made for the Tighes to comply with the condition. The decision was overturned on 23 December 2016 by the Court of Appeal, however, on 14 March 2018 the High Court affirmed the decision of the Planning and Environment Court.

The High Court decision confirms the position that a development approval for a reconfiguration binds future owners of the subdivided lots.

Officer's Recommendation

That Council receive this report and note the outcome of High Court decision.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 11 of the Council minutes (page 10025) where Council resolved that the committee recommendation be adopted.

13 Planning Services - Land Use and Urban Design - Townsville City Waterfront Priority Development Area Development Scheme - Endorsement of Draft Design Guideline for Public Consultation

Executive Summary

The Townsville City Waterfront Priority Development Area (PDA) Development Scheme was adopted by the State Government on 23 October 2015. As noted in Part 5 Implementation Strategy of the PDA Development Scheme, a strategic action to be undertaken was the development of a Design Guideline for the PDA.

A Draft Design Guideline and accompanying Inspiration Guideline has now been prepared in consultation with internal and State Government departments. The Draft Design Guideline provides additional design detail in relation to matters such as built form, footpath treatments, pedestrian connections, lighting and public art. The Inspiration Guideline illustrates the application of the principles within the Design Guidelines in a short visual form suitable for public appreciation. To ensure that appropriate external consultation occurs, it is proposed that the Draft Design Guideline and associated Draft Inspiration Guideline now undergo a 20 business day public notification period.

Officer's Recommendation

That Council resolve to endorse the Townsville City Waterfront Priority Development Area Draft Design Guideline and Draft Inspiration Guideline to undergo public notification for a period of 20 business days.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 11 of the Council minutes (page 10025) where Council resolved that the committee recommendation be adopted.

Officers' Reports

Confidential Item

14 Legal Services - Priority Development Area Activation

Refer to page 10013 of the Council Minutes where Council considered items 7 and 14 as the first items of business.

Refer page 10015 of the Council Minutes for item 14 - Legal Services - Priority Development Area Activation

Council agreed to change the order of business to consider items 16, 17 and 18 as the next items of business.

Infrastructure and Operations

16 LGAQ Waste Forum Attendance - Brisbane - 7 June 2018

Executive Summary

The LGAQ Waste Forum will be held in Brisbane at Local Government House on 7 June 2018.

Officer's Recommendation

1. That Council approve the attendance of Councillor L Walker to attend the LGAQ Waste Forum to be held in Brisbane on 7 June 2018.
2. That, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor L Walker to allow attendance at the LGAQ Waste Forum to be held in Brisbane on 7 June 2018.

Council Decision

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

- "1. that Council approve the attendance of the Chair of the Townsville Water and Waste Committee, Councillor P Jacob and Councillor L Walker, as Acting Mayor, to attend the LGAQ Waste Forum to be held in Brisbane on 7 June 2018; and
2. that, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor P Jacob and Councillor L Walker to allow attendance at the LGAQ Waste Forum to be held in Brisbane on 7 June 2018."

CARRIED UNANIMOUSLY

Business Services

17 Mayoral - Premier's Trade Delegation to USA

Executive Summary

The Queensland Premier has invited the Mayor to join the business delegation to BIO 2018 to be held in Boston USA in June 2018. The Premier will be leading a trade delegation to showcase Queensland, and Queensland Mayors have been invited to attend as the Local Government presence on the mission. There is also a proposal to visit a Battery Plant in New York prior to the Queensland Mission.

The Mayor has also been invited to join the Life Sciences Queensland delegation and program which commences on 31 May 2018 and precedes the Boston program. The delegation will fly out of Brisbane on 31 May and arrive back into Australia on 8 June.

Officer's Recommendation

1. That Council approve for the Mayor, Councillor J Hill to attend the Life Sciences Queensland delegation and program as well as the Premier's trade delegation to the USA from 31 May to 8 June 2018.
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 her attendance at the Life Sciences Queensland delegation and program as well as the Premier's trade delegation to the USA from 31 May to 8 June 2018.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

18 Business Services - Performance Management Report Quarter 3 2017/18

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 Corporate Performance Report for Quarter 3 2017/18 is presented.

Officer's Recommendation

That Council receive the Corporate Performance Report for Quarter 3 2017/18, being the period 1 January to 31 March 2018.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The order of business was resumed.

Confidential Item

It was MOVED by Councillor M Soars, SECONDED by Councillor R Cook:

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

Section 275 (e) contracts proposed to be made by it (item 15)."

CARRIED UNANIMOUSLY

The Council discussed the item.

It was MOVED by Councillor M Soars, SECONDED by Councillor R Cook:

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

15 Procurement Services - Library Services Tender Award

Executive Summary

Townsville City Council has an ongoing need to supply the three library branches, mobile library and home library service with a diverse range of reading material which includes traditional paper books, audio and digital material and disability friendly material. This includes the purchase of new releases, upkeep of existing material and supply of highly sought after material.

The budget is set by the State Library of Queensland Public Library Grant Funding and will be used to cater to a membership of 135,000.

This report provides information on the Evaluation Panel's assessment of Tenderers and the recommendation to award the Supply of Library Books and Materials to the most suitable Tenderers.

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 RPS00055 – Supply of Library Books and Materials to the below suppliers based on category capability for a period of two years with a 12 month option to extend. Commencement date to be 1 July 2018. Budget allocation for the first year up to \$576,000.

Monographs	1. James Bennett Pty Ltd 2. Peter Pal Library Supplier
Audio Books and Large Print	1. Ulverscroft Large Print Books 2. Bolinda Publishing 3. Wavesound Pty Ltd
DVDs and CDs	1. MDM Entertainment Pty Ltd 2. James Bennett Pty Ltd
Adhoc Books	1. Mary Who Book Store 2. Peter Pal Library Supplier

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor A Greaney congratulated Judith Jensen (Team Manager Libraries) and her team with regards to the above item.

16 LGAQ Waste Forum Attendance - Brisbane - 7 June 2018

Refer to resolution on page 10028 of the Council Minutes where Council agreed that items 16, 17 and 18 be considered as the next items of business (preceding item 15).

Refer page 10028 of the Council Minutes for item 16 - LGAQ Waste Forum Attendance - Brisbane - 7 June 2018

17 Mayoral - Premier's Trade Delegation to USA

Refer to resolution on page 10028 of the Council Minutes where Council agreed that items 16, 17 and 18 be considered as the next items of business (preceding item 15).

Refer page 10029 of the Council Minutes for item 17 - Mayoral - Premier's Trade Delegation to USA

18 Business Services - Performance Management Report Quarter 3 2017/18

Refer to resolution on page 10028 of the Council Minutes where Council agreed that items 16, 17 and 18 be considered as the next items of business (preceding item 15).

Refer page 10029 of the Council Minutes for item 18 - Business Services - Performance Management Report Quarter 3 2017/18

General Business

(i) LGAQ Annual Conference - Brisbane - 29 to 31 October 2018

Councillor M Molachino advised that the LGAQ Annual Conference will be held in Brisbane on 29 to 31 October 2018.

Council Decision

It was **MOVED** by Councillor M Molachino, **SECONDED** by Councillor R Cook:

1. "that Council approve the attendance of interested Councillors at the LGAQ Annual Conference in Brisbane on 29 to 31 October 2018; and
2. that, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to interested Councillors to allow attendance at the LGAQ Annual Conference in Brisbane on 29 to 31 October 2018."

CARRIED UNANIMOUSLY

(ii) Request for leave of absence - Councillor M Molachino

Councillor M Molachino requested leave of absence for the period 13 to 29 June 2018.

Council Decision

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

"that the request for leave of absence from Councillor M Molachino for the period 13 to 29 June 2018 be approved."

CARRIED UNANIMOUSLY

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 1.51pm.

CONFIRMED this TWENTY- SIXTH day of JUNE 2018

MAYOR

CHIEF EXECUTIVE OFFICER