

ORDINARY COUNCIL PUBLIC MINUTES

TUESDAY 23 SEPTEMBER 2014 AT 9.00 AM

Council Members >>

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

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Further information may be found on council's website at www.townsville.qld.gov.au.

Goals and Strategies of Townsville City Council >>

Corporate Plan >>

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

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

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

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

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

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

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

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

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REPORT	COUNCIL MEETING
DATE	Tuesday 23 September 2014 at 9.00am
ITEMS	1 TO 46
PRESENT	The Mayor, Councillor J Hill Councillor V Veitch Councillor S Blom Councillor C Doyle Councillor G Eddiehausen APM Councillor P Ernst Councillor R Gartrell Councillor J Lane Councillor A Parsons Councillor T Roberts

Opening of Meeting

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

Prayer

Reverend Ann Harley of the Uniting Church delivered the opening prayer.

Apologies and Leave of Absence

It was MOVED by Councillor C Doyle, SECONDED by Councillor P Ernst:

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

CARRIED UNANIMOUSLY

Confirmation of Minutes of Previous Meeting

It was MOVED by Councillor G Eddiehausen, SECONDED by Councillor V Veitch:

"that the minutes of the Ordinary Council meeting of 26 August 2014 be confirmed. "

CARRIED UNANIMOUSLY

Request for Leave of Absence - Councillor S Blom and P Ernst.

Councillor S Blom requested leave of absence for 16 October 2014 and Councillor P Ernst requested leave of absence for the period 25 to 26 September 2014.

Disclosure of Interests

- (i) Infrastructure Committee - Perceived conflict of interest - Item 1 - Councillor T Roberts is a member of the Townsville Golf Club
- (ii) Infrastructure Committee - Perceived conflict of interest - Item 1 - Councillor P Ernst is the president of the Willows Golf Club
- (iii) Infrastructure Committee - Perceived conflict of interests - Item 4 Councillor V Veitch
 - (1) Councillor Veitch is a life member of Sunfish and
 - (2) Councillor Veitch is a member of the Townsville SportFishing Club
- (iv) Community and Cultural Committee - Perceived conflict of interests - Item 23 - Councillor T Roberts
 - (1) Councillor Roberts is a life member of Townsville Basketball Inc; and
 - (2) Councillor Roberts is a NBL game caller covering the Townsville Crocs games.
- (v) Community and Cultural Committee - Real conflict of interest - Item 23 - Councillor S Blom is vice president of the Northern Beaches Festival Association.
- (vi) Community and Cultural Committee - Perceived conflict of interests - Item 23 - Councillor V Veitch:
 - (1) Councillor Veitch is a supporter and car show judge for Cyclones Rob and Custom Club;
 - (2) Councillor Veitch is a member of Lions Club of Townsville Northern Suburbs;
 - (3) Councillor Veitch is an associate member of Magnetic Island RSL;
 - (4) Councillor Veitch is a life member (as ex-ARMY) of the North Queensland Royal Australian Regiment Association;
 - (5) Councillor Veitch is a car show judge at the Northern Beaches Festival Association;
 - (6) Councillor Veitch's wife is a Pyjama Angel for the Pyjama Foundation;
 - (7) Councillor Veitch is a supporter of the Sporting Wheelies and Disabled Association;
 - (8) Councillor Veitch is a supporter (and ex-Army) of Totally and Permanently Disabled;
 - (9) Councillor Veitch is a season ticket holder for the Townsville Fire Ltd;
 - (10) Councillor Veitch is a member of Sporting Shooters Association of Australia and Townsville Marksmen Rifle Club is a member club of the national organisation;
 - (11) Councillor Veitch is a member of the Townsville Museum and Historical Society; and
 - (12) Councillor Veitch is a support of Youth with a Mission.
- (vii) Community and Cultural Committee - Perceived conflict of interests - Item 23 – The Mayor, Councillor J Hill:
 - (1) Councillor Hill is a patron of the AFL Masters Townsville
 - (2) Councillor Hill is a patron of the AFL Townsville
 - (3) Councillor Hill is a patron of the Garbutt Bombers Junior Sporting and Cultural Association Inc
 - (4) Councillor Hill is a patron of the North Barrier Branch SLAQ
 - (5) Councillor Hill is a patron of the Surf Life Saving Queensland
 - (6) Councillor Hill is a patron of the Tennis Townsville
 - (7) Councillor Hill is a patron of the Totally and Permanently Disable Ex-Servicepersons Association
 - (8) Councillor Hill is a patron of the Townsville Basketball Incorporated
 - (9) Councillor Hill is a patron of the Townsville Castle Hill Touch Association
 - (10) Councillor Hill is a patron of the Townsville Touch Referees Association Inc
 - (11) Councillor Hill is a patron of the Townsville Choral Society Inc
 - (12) Councillor Hill is a patron of the Townsville Citizen's Band Association
 - (13) Councillor Hill is a patron of the Townsville Eisteddfod Incorporated
 - (14) Councillor Hill is a patron of the Townsville Senior Citizens Association Inc
 - (15) Councillor Hill is a patron of the Veterans Support Centre
 - (16) Councillor Hill is a patron of the Vietnam Veterans Townsville Sub-branch
- (viii) Community and Cultural Committee - Perceived conflict of interest - Item 23 - Councillor A Parsons is the judiciary chairman of Townsville Castle Hill Touch Association Inc.
- (ix) Community and Cultural Committee - Perceived conflict of interest - Item 23 - Councillor J Lane was a director of Dance North and resigned at the 2014 AGM.

- (x) Officers Reports - Perceived conflict of interest - Item 43 - Councillors V Veitch, G Eddiehausen, T Roberts, S Blom, J Lane, A Parsons and R Gartrell - Senior employee of Opteon Pty Ltd contributed to Townsville First election campaign.
- (xi) Townsville Water and Waste Committee - Perceived conflict of interest - Item 33 - Councillors R Gartrell, V Veitch, A Parsons, J Lane, T Roberts, S Blom and G Eddiehausen - NQ Excavations Pty Ltd donated to the Townsville First election campaign

Committee Items

Infrastructure Committee

In accordance with section 173 of the *Local Government Act 2009*, Councillor T Roberts declared a perceived conflict of interest in regards to item 1.

- (a) **the name of the councillors who have the real or perceived conflict of interest:**
Councillor T Roberts
- (b) **the nature of the conflict of interest as described by the Councillor:**
Councillor Roberts is a member of the Townsville Golf Club
- (c) **how the Councillors dealt with the real or perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The councillor voted as per the council decision.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the council decision.

In accordance with section 173 of the *Local Government Act 2009*, Councillor P Ernst declared a perceived conflict of interest in regards to item 1.

- (a) **the name of the councillors who have the real or perceived conflict of interest:**
Councillor P Ernst
- (b) **the nature of the conflict of interest as described by the Councillor:**
Councillor Ernst is the president of the Willows Golf Club
- (c) **how the Councillors dealt with the real or perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The councillor voted as per the council decision.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the council decision.

In accordance with section 173 of the *Local Government Act 2009*, Councillor V Veitch declared a perceived conflict of interest in regards to item 4.

- (a) **the name of the councillors who have the real or perceived conflict of interest:**
Councillor V Veitch
- (b) **the nature of the conflict of interest as described by the Councillor:**
 - (i) Councillor Veitch is a life member of Sunfish
 - (ii) Councillor Veitch is a member of the Townsville SportFishing Club.
- (c) **how the Councillors dealt with the real or perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The councillor voted as per the council decision.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the council decision.

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

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

CARRIED UNANIMOUSLY

1 Presentation - Ingenta - Golf Cart Use on Local Roads

PRESENTATION

Authorised by	Director Infrastructure Services
Department	Engineering Services
Committee	Infrastructure Committee
Date	1 September 2014

Executive Summary

Ingenta, Project Managers of the new residential estate, Fairways Estate at the Townsville Golf Club are seeking council's consideration for the use of golf carts on the local road network within the new development Fairways Estate.

Officer's Recommendation

That council note the Ingenta presentation.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 7438) where council resolved that the committee recommendation be adopted.

2 Engineering Services - Permanent Road Closure - Smail Street

REPORT TO COUNCIL

Authorised by Director Infrastructure Services

Department Engineering Services

Date 25 August 2014

Executive Summary

The Department of Natural Resources and Mines - State Land Asset Management Unit have requested, on behalf of an applicant (Aurizon), that council consider the permanent closure of two (2) sections of road reserve, referred to as Lots 1 & 2 on Drawing TSV2014-23, abutting Lot 6 on RP709257, Lot 13 on SP202774, Lot 14 on SP150799 and Lot 15 on SP198813.

This report outlines the investigation into the request and identifies the impact on adjacent land use, council assets and the road network 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 this lane subject to the following conditions:

1. That the newly created parcel/s of land not be created as a separate lot, but rather is to be consolidated with one of the adjoining properties; and
2. The sewer, located within section (B), will remain as an encumbrance on the title and any future alterations will be to council's requirements and at the owner's expense.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 7438) where council resolved that the committee recommendation be adopted.

3 Engineering Services - Adoption of Policy and Procedure - Use of Recreational Vehicles on Local Roads

REPORT TO COUNCIL

Authorised by Director Infrastructure Services
Department Engineering Services
Date 20 August 2014

Executive Summary

This report recommends the adoption of a new policy and procedure titled 'Use of Recreational Vehicles on Local Roads' to provide guidance when considering requests from residents and organisations for approval to operate recreational vehicles (e.g. golf buggies, quad bikes and utility off-road vehicles) on the local road network, in accordance with *Guideline for Conditionally Registered Vehicles in Queensland - Form 17*.

Officer's Recommendation

That council adopt the following policy and procedure:

- Use of Recreational Vehicles on Local Roads Policy
- Use of Recreational Vehicles on Local Roads Procedure

POLICY

INFRASTRUCTURE SERVICES

ENGINEERING SERVICES



USE OF RECREATIONAL VEHICLES ON LOCAL ROADS POLICY >>

1. POLICY STATEMENT >>

Council is committed to minimising the risks and maximising the safety of all road users on the local road network and recognises that some residents seek to operate recreational vehicles (eligible for conditional registration) on or across roads in the local government area. However, council believes that only a limited number of these recreational vehicles have a genuine need to access the road network to fulfil an operational task.

2. PRINCIPLES >>

Council fulfils its legal obligation as "road manager" of local roads, in accordance with the relevant legislation and guidelines related to conditional registration, minimising the risks and maximising the safety of all road users.

3. SCOPE >>

This policy applies to the operation of recreational vehicles (eligible for conditional registration) on local roads within road reserves in the local government area only when council, as the road manager, is required to approve use of these conditional registered vehicles on its local roads.

This policy does not apply to motorised wheelchairs, mobility scooters or devices known generically as "Segways".

4. RESPONSIBILITY >>

The Chief Executive Officer, Director Infrastructure Services, Executive Manager Engineering Services and Manager Technical Services are responsible for ensuring this policy is understood and adhered to by all council staff.

5. DEFINITIONS >>

Conditional registration - a registration scheme for non-standard vehicles that do not comply with the standard regulations for registration of vehicles in Queensland and have a genuine need to access the road network. Vehicles requiring conditional registration must comply with the conditions for use outlined in the *Guideline for Conditionally Registered Vehicles, Form 17* (in Queensland).

Local road – a road under the control of local government.

Operational task – work activity undertaken as part of an occupation.

Recreation vehicle - includes golf buggies, trike bikes, quad bikes, and utility – off-road, or other recreational vehicles as classified by the Department of Transport and Main Roads. These vehicles that are listed in the Non-complying Vehicle Catalogue available on the Department of Transport and Main Roads website at www.tmr.qld.gov.au.

Road - areas open to the public for use as a road and road-related areas.

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POLICY

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Road manager – the council officer responsible for the management of the road network and for authorising any approvals under this policy.

Road reserve - an area of land under the council's control, dedicated, notified or declared to be a road for public use. An area may be a road reserve even though it does not need to contain a formed road. The road reserve extends from the property boundary on one side to the property boundary on the other side.

Route specific – a specific road or roads.

6. POLICY >>

Council will assess applications for recreational vehicles (eligible for conditional registration), to travel on route specific local roads within road reserves in the local government area, in accordance with the *Guideline for Conditionally Registered Vehicles, Form 17* (in Queensland).

Council does not support applications for recreational vehicles (eligible for conditional registration) to travel on route specific local roads within road reserves in the local government area, except:

- 1) at Mystic Sands within Precinct 1 as shown on the plan titled Mystic Sands Golf Buggy Precinct Areas which is attached to the Use of Recreational Vehicles on Local Roads Procedure
- 2) if there is a demonstrated genuine need to access the road network to fulfil operational task
- 3) if the application supports a demonstrated cultural purpose.

7. LEGAL PARAMETERS >>

Guideline for Conditionally Registered Vehicles in Queensland Form 17.
Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation
Transport Operations (Road Use Management) Act 1995
Local Government Act 2009

8. ASSOCIATED DOCUMENTS >>

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
Plan titled Mystic Sands Golf Buggy Precinct Areas – Drawing No. D0100/07
Use of recreational vehicles on local roads procedure

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PROCEDURE

INFRASTRUCTURE SERVICES

ENGINEERING SERVICES



USE OF RECREATIONAL VEHICLES ON LOCAL ROADS PROCEDURE >>

1. PURPOSE >>

The purpose of this procedure is to provide the process for the assessment and administration of applications for the operation of recreational vehicles (eligible for conditional registration) to travel on route specific local roads.

2. SCOPE >>

This procedure applies to all council staff involved in the management of road reserves.

3. RESPONSIBILITY >>

The Chief Executive Officer, Director Infrastructure Services, Executive Manager Engineering Services and Manager Technical Services are responsible for ensuring this policy is understood and adhered to by all council staff.

4. DEFINITIONS >>

Application - a letter or email seeking council's authorisation for recreational vehicles (eligible for conditional registration) to travel on route specific local road or roads.

Conditional registration - a registration scheme for non-standard vehicles that do not comply with the standard regulations for registration of vehicles in Queensland and have a genuine need to access the road network. Vehicles requiring conditional registration must comply with the conditions for use outlined in the *Guideline for Conditionally Registered Vehicles, Form 17* (in Queensland).

Local road – a road under the control of local government.

Operational task – work activity undertaken as part of an occupation.

Recreation vehicle - includes golf buggies, trike bikes, quad bikes, and utility – off-road, or other recreational vehicles as classified by the Department of Transport and Main Roads. These vehicles that are listed in the Non-complying Vehicle Catalogue available on the Department of Transport and Main Roads website at www.tmr.qld.gov.au.

Road - areas open to the public for use as a road and road-related areas.

Road manager – Director Infrastructure Services, Executive Manager Engineering Services or Manager Technical Services as council officers responsible for the management of the road network and for authorising any approvals under the policy.

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Road reserve - an area of land under the council's control, dedicated, notified or declared to be a road for public use. An area may be a road reserve even though it does not need to contain a formed road. The road reserve extends from the property boundary on one side to the property boundary on the other side.

Route specific – a specific road or roads.

5. PROCEDURE >>

The list of recreational vehicles is found on the Department of Transport and Main Roads website at www.tmr.qld.gov.au

Guideline for Conditionally Registered Vehicles, Form 17 (in Queensland) is found on the Department of Transport and Main Roads website at www.tmr.qld.gov.au

A person who uses a conditionally registered vehicle must comply with all the conditions established for the vehicle. These conditions are explained in the Department of Transport and Main Roads' guideline titled *Guideline for Conditionally Registered Vehicles in Queensland - Form 17*.

In accordance with the guideline, council approval is required under Location Limitation condition code LO3 (to travel on council land) and Location Limitation condition code LO6(A) (a route specific approval issued by the authority responsible for the management of the road). The guideline also states that "*only vehicles with a genuine need to access the road network will be included in this scheme*". If there is a demonstrated genuine need to access the road network to fulfil an operational task or cultural activity, then further safety considerations will be considered including not allowing use on a road with a speed limit of 60 km/h or more.

Council is committed to minimising the risks to and maximising the safety of all road users on the local road network. Council is of the view that only a limited number of recreational vehicles have a genuine need to access the road network to fulfil an operational task.

The former Thuringowa City Council had approved the operation of golf buggies on roads at Mystic Sands, Balgal Beach. The approval allows a resident to drive their golf buggy from their residence to the Mystic Sands Golf Club and return. This approval has been continued to be honoured by the amalgamated Townsville City Council and is referenced in the *Use of Recreational Vehicles on Local Roads Policy*.

Council will only support applications for recreational vehicles (eligible for conditional registration) to travel on route specific local roads within road reserves in the local government area only under the following circumstances:

- 1) at Mystic Sands within Precinct 1 as shown on the attached plan titled Mystic Sands Golf Buggy Precinct Areas
- 2) at Mystic Sands within Precinct 2 as shown on the attached plan titled Mystic Sands Golf Buggy Precinct Areas, subject to a risk assessment finding with a classification of low risk.

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- 3) if the applicant is able to demonstrate a genuine need to access the road network to fulfil an operational task and the risk assessment finds a classification of low risk.
- 4) if the applicant is able to demonstrate that there is a genuine need to access the road network to fulfil a need of participation in a cultural activity, and the need cannot be reasonably addressed without the use of the recreational vehicle on the road network, and the risk assessment finds a classification of low risk.

If council supports an application, a letter of "no objection" will be issued with conditions. The owner of the vehicle must then obtain a Police Permit and conditional registration of the recreational vehicle from the Department of Transport and Main Roads.

If council does not support the application, because it does not comply with the Department of Transport and Main Roads' guideline titled *Guideline for Conditionally Registered Vehicles in Queensland - Form 17* or contravenes the *Use of Recreational Vehicles on Local Roads Policy*, then a letter objecting to travel on route specific local road or roads will be issued.

If the application does not require Location Limitation' condition code LO6(A) approval then a letter advising that council is not required to authorise travel on a route specific local road or roads will be issued.

Attached is a flowchart detailing this procedure and a map identifying Precincts 1 and 2 at Mystic Sands (Drg No. D0100/07).

6. LEGAL PARAMETERS >>

Guideline for Conditionally Registered Vehicles in Queensland Form 17
Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation
Transport Operations (Road Use Management) Act 1995
Local Government Act 2009

7. ASSOCIATED DOCUMENTS >>

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
Use of recreational vehicles on local roads policy
Appendix 1 - Plan titled Mystic Sands Golf Buggy Precinct Areas
Appendix 2 - Flowchart of Process for Use of Recreational Vehicles on Local Roads

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Document No. >> <Corporate Governance to Enter>

Authorised by >> <Enter Director>

Document Maintained by >> <Enter Operational area name>

Version No. <Enter Version>

Initial Date of Approval/Adoption >> <Insert date>

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PAGE >> 3 OF 5

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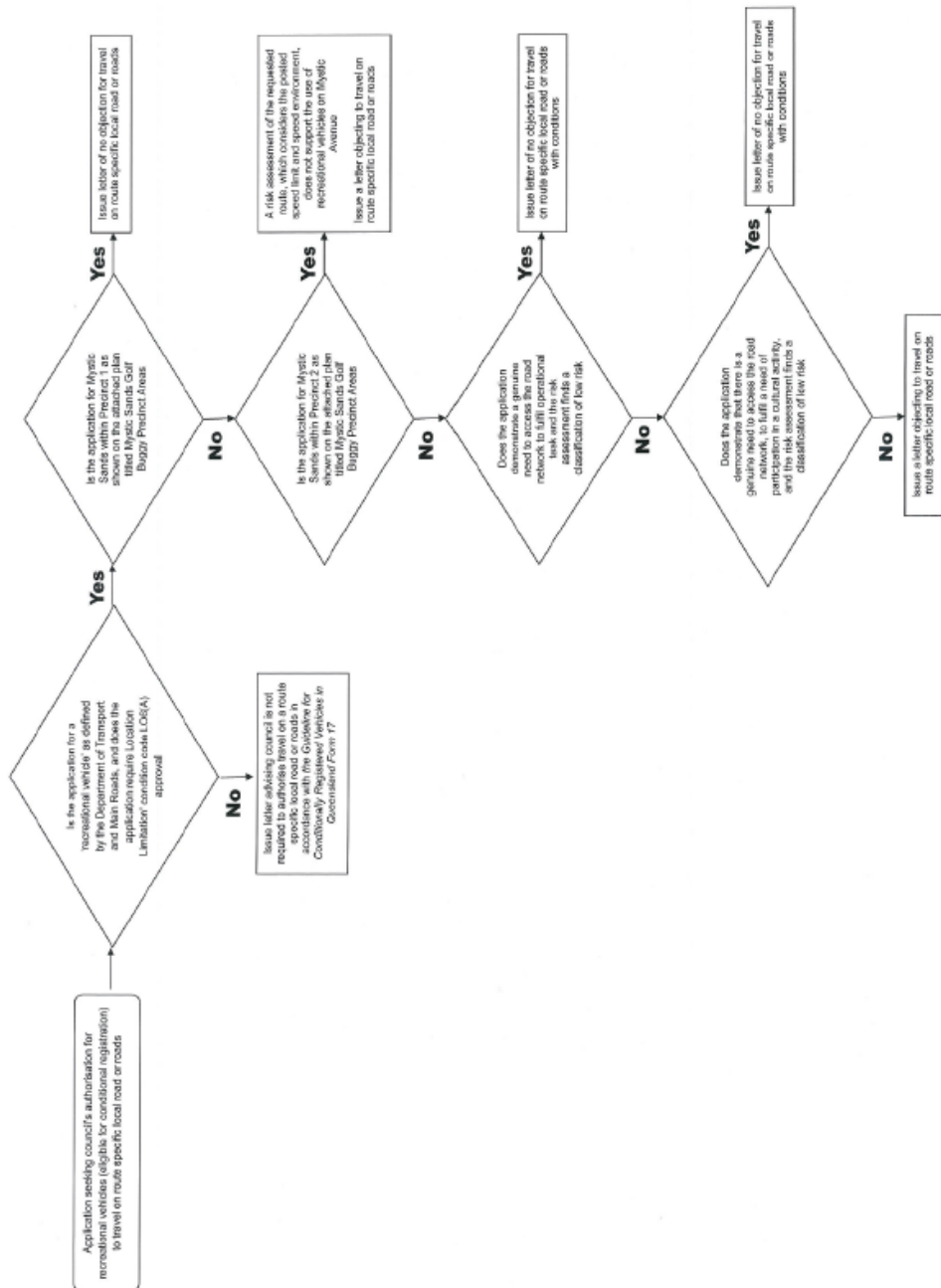
PROCEDURE

INFRASTRUCTURE SERVICES

ENGINEERING SERVICES



Appendix 2 - Flowchart of Process for Use of Recreational Vehicles on Local Roads



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Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 7438) where council resolved that the committee recommendation be adopted.

4 Engineering Services - Townsville Recreational Boat Park - Funding Regime

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Infrastructure Services

Department Engineering Services

Date 1 September 2014

Executive Summary

With delivery of the first two (2) boat ramps at the Townsville Recreational Boating Park (TRBP) scheduled to be completed in early 2015, a funding regime for the upkeep of the TRBP is required. To this end, a detailed analysis of the life cycle and recovery costs have been undertaken and a feasibility study report on this analysis prepared by Cardno.

The feasibility study by Cardno is considered to be appropriate for informing the funding regime options that could be applied to the TRBP. This report summarise the feasibility study findings and proposes Funding Regime principles and Level of Service (LOS) principles, from which a user-pay fee might be equitably applied and confirm the related infrastructure requirements for the first stage opening.

Based on the principles approved, a detailed fee structure proposal along with the required local law amendment proposal will be submitted for endorsement at a future council meeting.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. Receive the feasibility study by Cardno "*Townsville Recreational Boating Park Feasibility Study, Draft for Comment, Version 1.1, Dated June 2014*".
3. That council controls entry to and from the Townsville Recreational Boating Park via a boom gate and user-pay fee.
4. Funding Regime Principles Option B, as specified in this report, are applied to the Townsville Recreational Boating Park site.
5. Level of Service Principles Option 2, as specified in this report, are to be applied to the Townsville Recreational Boating Park site.
6. That a detailed entry fee structure and level of service schedule, based on the above principles and finalised feasibility report, be submitted for council adoption at a future council meeting.

Committee Recommendation

That the item be held over to the next Infrastructure Committee meeting to allow further information to be provided.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 7438) where council resolved that the committee recommendation be adopted.

Planning and Development Committee

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

"that the committee recommendations to items 5 to 7 be adopted."

CARRIED UNANIMOUSLY

5 Appeal No. 3117 of 2014, Dexus Wholesale Property Limited & Perpetual Trustee Company Limited v TCC, Stockland Development Pty Limited & Chief Executive Department of State Development, Infrastructure and Planning

REPORT TO COUNCIL

Authorised by Director Planning and Development
Department Development Governance
Date 19 August 2014

Executive Summary

A submitter appeal was filed in the Planning and Environment Court in Brisbane on 14 August 2014 by Dexus Wholesale Property Limited and Perpetual Trustee Company Limited against council's approval of a development application for a Development Permit for a Material Change of Use of Premises situated at 61-63 Elizabeth Street, 54-62 Patrick Street and 47-57 Alfred Street, Aitkenvale for Restaurant, Catering Shop, Indoor Recreation (Cinema and Gymnasium), Medical Centre and Car Park.

Officer's Recommendation

1. That council resolve to defend the approval of the development application in Planning and Environment Court Appeal No. 3117 of 2014.
2. That council, under *Section 257 (1)(b) of the Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, out of court, in the event that a mutually acceptable settlement emerges relating to the above matter.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 5 of the council minutes (page 7451) where council resolved that the committee recommendation be adopted.

6 Outcome of Appeal No. D552 of 2011, Grimaldi v TCC & Tropical Pet Resort & DTMR, 40961 Bruce Highway, Black River

REPORT TO COUNCIL

Authorised by Director Planning and Development
Department Development Governance
Date 27 August 2014

Executive Summary

An appeal was lodged on 9 September 2011 by a submitter in the Planning and Environment Court Townsville against council's decision to approve a development application for a development permit – Material Change of Use (Impact) Animal Husbandry Type 1 and Preliminary Approval – Building work with respect to land located at 40961 Bruce Highway, Black River. The appeal was lodged against council's decision to approve the development application.

The matter proceeded through a number of mediations and negotiations. In August 2014 the remaining issues were resolved between the parties which resulted in the Court issuing a Judgment (by consent) on 21 August 2014, reaffirming council's original decision to approve the development.

This matter is now at an end.

Officer's Recommendation

That council receive this report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 5 of the council minutes (page 7451) where council resolved that the committee recommendation be adopted.

7 MI11/0010 - Preliminary Approval Material Change of Use (Impact) to vary effects of Planning Scheme (S242 SPA) combined with Development Permit for Reconfiguring of a Lot

REPORT TO COUNCIL - PLANNING APPLICATION

Authorised by	Director Planning and Development
Department	Development Assessment
Date	28 April 2014
Address	Lot 7 RP 889756, Lot 6 on RP889760 and Lot 905 on SP234645 situated at 51-101 Everett Street Mount St John
Applicant/Owner	BM Webb Holdings Pty Ltd and Hamleigh Pastoral Pty Ltd
Description	Preliminary Approval for Material Change of Use to Vary the Effects of the Planning Scheme in accordance with Section 242 of the <i>Sustainable Planning Act 2009</i> to facilitate Use Rights in accordance with the Core Industry Precinct and Green Space Precinct combined with Development Permit for Reconfiguring a Lot – Lot Creation - Eight Core Industry Allotments associated with BM Webb Industrial Estate - Stage 6

Executive Summary

The application seeks a Preliminary Approval to vary the effects of the planning scheme by redesignating a parcel of vacant rural land for the purposes of future industrial development. A substantial portion of the allotment will be reserved for stormwater drainage purposes and formally recognised as such under a Green Space designation. The remainder of the site is proposed to be subdivided into eight industrial allotments referred to as Stage 6 of the BM Webb Industrial Estate. The site is situated within the established District 3 Core Industry precinct at 51-101 Everett Street, Mount St John. It should be noted that this parcel of land is designated as Medium Impact Industry in the Draft Planning Scheme.

One submission was received during the statutory notification period. The properly made submission was received by council in the form of signed letter from the Department of Defence. The submission received in respect to this proposal raised concerns in regards to Bohle River Remote Transmitter Site and the operations associated with the Department of Defence.

Officer's Recommendation

That council approve combined development application MI11/0010 for the Preliminary Approval for Material Change of Use to Vary the Effects of the Planning Scheme in accordance with Section 242 of the *Sustainable Planning Act 2009* to facilitate Use Rights in accordance with the Core Industry Precinct and Green Space Precinct combined with Development Permit for Reconfiguring a Lot – Lot Creation - Eight Core Industry Allotments associated with BM Webb Industrial Estate - Stage 6, subject to reasonable and relevant conditions as follows.

PRELIMINARY APPROVAL

MATERIAL CHANGE OF USE

**(DEVELOPMENT IN ACCORDANCE WITH THE CORE INDUSTRY PRECINCT,
CITY PLAN 2005)**

1. Site Layout

The proposed development must generally comply with plans as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING NO.	REVISION NO.	PLAN DATE
Existing Precincts/Proposed Precincts	WE4244/03	F	28 March 2011

Concurrence Agency Conditions – Department of Local Government and Planning

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Local Government and Planning advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use Development Permit for Reconfiguring a Lot, as attached dated 10 June 2011.

Concurrence Agency Conditions – Department of Transport and Main Roads

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Transport and Main Roads advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use and Development Permit for Reconfiguring a Lot subject to the conditions, as attached dated 5 March 2012.

Concurrence Agency Conditions – Department of Employment, Economic Development and Innovation

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Employment, Economic Development and Innovation advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use and Development Permit for Reconfiguring a Lot subject to the conditions, as attached dated 24 June 2011.

Concurrence Agency Conditions – Department of Natural Resources and Mines

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Natural Resources and Mines advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use and Development Permit for Reconfiguring a Lot subject to the conditions, as attached dated 2 August 2012.

Advice Agency – Department of Natural Resources and Mines

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Department of Natural Resources and Mines advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use and Development Permit for Reconfiguring a Lot, as attached dated 2 August 2012.

Advice Agency – Department of Environment and Heritage Protection

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Department of Environment and Heritage Protection advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use and Development Permit for Reconfiguring a Lot, as attached dated 29 August 2012.

DEVELOPMENT PERMIT

RECONFIGURING A LOT (RC11/0023)

LOT CREATION – EIGHT (8) CORE INDUSTRY ALLOTMENTS

1. Proposal Plans

- a) The proposed development must generally comply with the plan(s) 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 Date
Proposed Reconfiguration	WE4244/04	G	05 March 2014

- b) The proposed development must comply with all Planning Scheme requirements applying at the date of this application, except as otherwise specified by any condition of this approval.
- c) One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.

2. Street Trees

Street tree planting to beautify the neighbourhood is required so as to achieve Overall Outcome (a) of the *Reconfiguring Lots Code*. In particular:

Street trees must be planted along all street frontages in accordance with *City Plan Policy 2 – Development Standards, Section 5 – Street Trees*.

3. Stormwater Drainage Easements and Reserves

- a) The developer must at its cost, grant and cause to be registered on the title documents, all easements or reserves over all underground drains, constructed drainage works, improved drains and natural concentrated flow paths which are placed under the control of Council.
- b) The developer must at its cost, grant and cause to be registered on the title documents, all easements or reserves required by council or other public utility entity for access to or for the provision of essential services.
- c) The developer must at its cost cause to be registered surrenders of any existing easements and/or leases where necessary in connection with the subdivision.
- d) The extent and location of easements, reserves and surrenders required in (a) to (c) will, as far as possible, be determined prior to issue of the development permit for operational works or upon completion of works if subsequently found necessary.
- e) The land shown on the approved plans for drainage purposes must be transferred to the Crown as drainage reserve free of cost to council.

4. Water Supply (Public System)

The development must be serviced by the public water supply. In particular,

- a) A reticulated water supply must be provided to the frontage of each lot within the proposed development and connected to council's infrastructure prior to the signing of the survey plan. The water supply must be constructed in accordance with the standard design plans of council and must meet both the maximum design flow and emergency fireflow conditions.

- b) The points of connection for the supply of water from council's water supply system are the existing 200mm dia watermain in Webb Drive and the existing 300mm dia watermain in Everett Street.
- c) A network analysis of the proposed subdivision must be submitted to and approved by council to ensure that the reticulation network satisfies both the maximum hour design flow conditions and emergency fire flow conditions. It must be submitted with the application for Operational Works.
- d) The developer must provide a reticulated water supply, including service connection points from the point of connection to each lot in the subdivision.

NOTE: The developer has provided an interim water layout for the development. In the final Operational Works application, the proposed 200mm main in Robyn Drive should extend the full length between Webb Drive and Everett Street. One cross connection of Robyn Drive at both intersections of Robyn Dve/Rodney Cres could be removed.

5. Sewerage Reticulation

The development must be serviced by the public sewerage network, in particular:

- a) Each allotment must be provided with a single property service and must be connected directly and separately to council's sewer prior to signing the survey plan.
- b) All new property connections to be made directly to manholes, or as otherwise agreed by council.
- c) The point of connection for the sewerage system to council's sewerage infrastructure including all necessary pump stations and rising mains must be the nearest existing sewer manhole, or as otherwise agreed by council.

NOTE: The developer has provided an interim sewer layout for the proposed 6 lot development, and a further staged lot layout for a possible 28 lot development. A revised sewer layout has also been provided. Details on a suitable sewer layout must be submitted with the Operational Works application.

6. Confirmation of Existing Services

- a) The developer must ensure that the existing services for each lot are contained within the individual allotments; and/or
- b) Where the existing services are not contained within the individual lot then such services must be relocated or easement obtained. Such easements must be registered in accordance with the *Land Title Act 1994*, in conjunction with registration of the survey plan.

7. Relocation of Utilities

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

8. Soil Erosion Sediment Control Plan

Due to the potential for significant erosion and sediment discharge from this project soil erosion and sediment control must be provided. A detailed Soil Erosion and Sediment Control Plan in accordance with *City Plan Policy 1 - Supporting Information, Section 12 - Soil Erosion and Sediment Control* must be provided as part of the Operational Works for the development. The Soil Erosion Sediment Control Plan must include but not be limited to:

- * certified by a "suitably qualified person"
- * performance standards, hold points and end points
- * include maps, calculations, timing/staging and rainfall events/design criteria

- * include specifications and construction details
- * include soil and water management plans
- * contain supporting documentation
- * include a maintenance and monitoring program
- * including geotechnical advice relating to the stability of the site during and after works including details on revegetation and stabilisation of the site.

An appropriately qualified professional must design and certify the program which must comply with the Environmental Protection Act 1994 and all its subordinate legislation using appropriate principals and techniques detailed in the "Soil Erosion and Sediment Control – Engineering Guidelines for Queensland Construction Sites".

9. Stormwater Drainage

Certification by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) of the following requirements must be provided so as to achieve in particular:

- a) a "Hydraulic Study" in accordance with the AECOM *BMWebb Stage 6 Flood Study* dated 3 April 2014 and council stormwater drainage design requirements must be submitted that determines the required development levels as part of an application for Operational Works. Hydraulic calculations must be submitted, either in computer print out form or tabulated on a plan for council perusal. Tabulation on this plan must include all relevant detail to allow council the opportunity to review the submitted design.
- b) all external catchments discharging onto the development site must be accepted and accommodated within the development's stormwater drainage system design.
- c) the developer must provide an adequate drainage system for the development designed to accommodate runoff from a 1 in 50 year ARI storm event with the underground system able to accommodate runoff from a 1 in 5 year ARI storm event, as determined by using Council's relevant *"Handbook for Drainage Design Criteria"*. The developer should also consider the impact of the 1 in 100 year storm event.
- d) any open drains or surcharge paths necessary to convey to the point of lawful discharge must be designed to accommodate runoff from a 1 in 50 year ARI storm event, with the relevant freeboard required in Section D5.12 of Council's current *Stormwater Drainage Design D5*.
- e) Interallotment drainage must be provided for allotments which can not drain to the road reserve and must be designed to capture and disperse water runoff from 1 in 50 ARI year storm event.
- f) Road longitudinal grades and cross sections must result in all 1 in 50 year ARI storm event flows being contained within the road reserves.
- g) the nominated lawful points of discharge for all stormwater runoff previously running through and/or developed by this subdivision must be the proposed open drains along the southern and eastern sides of the proposed development, or as agreed upon by council.
- h) the developer must ensure that the post development discharge of stormwater from the subject land does not exceed pre-development peak flows and there is no concentration or increase in levels or velocities for storms of minor and major design events as defined in Aus-Spec Handbook where the stormwater crosses land owned by others downstream of the developers land.
- i) Where the discharge of stormwater from the proposed development is to be carried across the developers balance land the developer must provide Council with a drainage easement to allow the flow of stormwater to the lawful point of discharge.

10. Stormwater Quality Management

A revised stormwater quality management plan (SQMP) must be submitted to and be approved by council prior to the issue of a Development Permit for Operational Works. The C&R Consulting *Drainage Management Plan* dated 20 October 2010 only partially addresses this requirement. The SQMP must be prepared by a suitably qualified person*.

In particular, the SQMP must adopt the water quality strategy of council's Coastal Dry Tropics Water Sensitive Urban Design Technical Design Guidelines.

The SQMP must be implemented in accordance with the guideline and incorporate any further reasonable requests from council. All works must be carried out in accordance with council Development Specifications.

* Suitably Qualified Person as defined by the State Planning Policy 4/10 Healthy Waters.

11. Roadworks

The developer must design and construct roads, along all road frontages to each lot and any modification to existing roads as shown on Drawing Number WE4244/04G dated 5 March 2014, or as otherwise amended by council. In particular:

- a) The developer must design and construct all the roads in the subdivision and all the intersections to existing streets in accordance with Aus-Spec Development Design Specifications.
- b) A geotechnical survey/investigation must be submitted as part of the application for Operational Works and pavement designs must be submitted to and approved by council prior to the nominated subgrade inspection hold point being undertaken. The survey must identify ground water table levels, surface water paths, soil classification and stability (more likely on steep slope developments), unsuitable materials and existing nature of soil/rock and other relevant information that will facilitate proper design of all road elements such as subsurface drainage, pavement design and management of surface water run off and road geometric design.
- c) The road classifications must be in accordance with council's relevant current Standard Drawing "*Typical Road Cross Sections*", in particular:

Road Name	Designated Street/Road Type
Robynanne Drive	Industrial Collector Street (25.0m reserve, 14.0m carriageway)
Rodney Crescent	Industrial Access Street – 22.0m reserve, 11.0m carriageway

The design of the roads must be in accordance with the relevant council's adopted standards for those road types.

- d) An application for street names must be submitted to and approved by council prior to submission of any Operational Works application. Approved street names must be shown on all engineering drawings submitted for Operational Works.
- e) The developer must upgrade the width of the Everett Street carriageway between Titanium Place and Robynanne Drive to 14.0 m or demonstrate that carriageway is adequate to cater for a B-Double (or larger vehicle as expected to access the proposed development) to safely turn at intersections or into or from lots or as otherwise approved by Council.

12. Street Lighting

Overhead street lighting must be provided at the developer's cost and the following streets be in accordance with the categories shown as per Australian Standards, AS/NZS 1158 - Road Lighting.

Road	Lighting Category
Robyn Drive	V4
Rodney Crescent	V4

13. Electricity and Telecommunications

Electricity and telecommunications must be provided and in particular,

Electricity services must be provided to the frontage of each allotment, to the standards of the electricity authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to council prior to signing the survey plan.

Underground telecommunications fibre-ready passive infrastructure must be provided to the frontage of each allotment in all new developments in accordance with the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011 and standards of the telecommunications authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to Council prior to signing the survey plan.

Underground telecommunications must be provided to the frontage of each allotment, to the standards of the telecommunications authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to council prior to signing the survey plan.

14. Minimum Lot Levels

- a) The finished level on all new allotments created within the development site must be above the flood inundation level from a 1 in 50 year ARI storm/tide event. The developer must submit a hydraulic report that determines these levels prior to issue of a Development Permit to carry out Operational Work. The impacts of the 1 in 100 year storm event should also be considered.
- b) The proposed lots must be filled and compacted with approved material to a minimum level equal to the level of a 1 in 50 year ARI storm event, and must be evenly graded (to the road frontage or an approved inter-lot drainage system) at not less than 0.25% to ensure that the land is free draining.
- c) In residential, commercial and industrial areas that are impacted by storm tide, proposed lots must be filled to the higher of the 1 in 50 year ARI flood level OR the 1 in 100 year ARI storm tide level established by the Townsville-Thuringowa Storm Tide Study 2007.

15. Acid Sulphate Soils Management

Soil and groundwater investigations in accordance with council's *City Plan Policy 1 Section 4 – Acid Sulphate Soils Management* must be conducted to support the proposed earthworks. Such investigations must be certified by an appropriately qualified and experienced Registered Professional Engineer of Queensland and must be submitted to council as part of an Operational Works application.

Should the soil and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils the developer must prepare a comprehensive Acid Sulphate Soils Management Plan. The Acid Sulphate Soils Management Plan must particularly address the following, unless otherwise approved by Council:

- Acid sulphate soil materials must not be used as fill unless properly treated. The developer must provide adequate detail confirming that all materials to be used for filling are non-ASS, or ASS materials that have been fully treated and appropriately verified.
- Placement of fill must not result in any restriction or exclusion to normal ebb and flow (eg. bund walls or placement of fill within or across tidal waters). The developer must provide adequate details confirming that tidal water will not be restricted or excluded from land as a result of the filling.
- Placement of fill must not result in displacement and oxidation of underlying ASS. Hydraulic displacements (eg. Mud wave) and slippage failures are caused by excessive or inappropriate loading of soft sediments. The applicant is to provide adequate detail to the assessment manager confirming that loading forces on underlying sediments have been considered and are likely to result in failure and oxidation of ASS.

The management plan must be submitted and approved as part of an Operational Works application.

16. Landscaping

Prior to civil construction works commencing in Stage 6, amended landscape plans are required to be submitted as part of Operational Works. As part of the amended landscaping plans the following items are to be addressed:

- The street tree species for the whole of Rodney Crescent is to be changed from *Tabebuia pallida* to *Minusops elangi*;
- All street trees are to be planted parallel to the kerb in accordance with council's standard alignment, and not in the wave pattern as shown on the plans submitted. The trees in the garden beds can remain as shown on the plans provided they are planted clear of all underground services;
- Street trees must be planted in accordance with City Plan Policy 2 – Development Standards, Section 5 – Street Trees.

All works must be completed in accordance with the approved landscaping plan and constructed to a standard detailed within City Plan Policy 2 – Development Standards. Following the approval of the plan, with or without amendments, the developer must implement the plan prior to Council signing the Plan of Survey for Stage 101B.

Concurrence Agency Conditions – Department of Local Government and Planning

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Local Government and Planning advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use Development Permit for Reconfiguring a Lot, as attached dated 10 June 2011.

Concurrence Agency Conditions – Department of Transport and Main Roads

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Transport and Main Roads advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use and Development Permit for Reconfiguring a Lot subject to the conditions, as attached dated 5 March 2012.

Concurrence Agency Conditions – Department of Employment, Economic Development and Innovation

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Employment, Economic Development and Innovation advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use and Development Permit for Reconfiguring a Lot subject to the conditions, as attached dated 24 June 2011.

b) **Operational Works**

An Operational Works application must be submitted to council for approval prior to works commencing on site, unless otherwise approved by Council.

All engineering and landscaping designs/documentation associated with such an application must be prepared and where necessary, be certified by a suitably qualified/experienced person (RPEQ).

4. Connection to Council Water Supply

A copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to Council's water supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

5. Connection to Council Sewer

A copy of this permit and the approved sewer reticulation design must be submitted to Council with the appropriate application form for connection to Council's sewer supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

6. Portable Long Service Leave Notification

As per the Qleave – Building and Construction Industry Authority Guidelines, for works over \$150,000, council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to the issue of a Development Permit to carry out Operational Work.

7. Payment of Rates, Charges and Expenses

Prior to signing the survey plan, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.

8. Satisfaction of Approval Conditions

- a) Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to Council signing the survey plan.
- b) Council may, at its absolute discretion, agree to accept other forms of security to guarantee compliance with conditions to enable an early signing of a survey plan.

9. Limitation of Approval

The council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant.

The council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnity and save the council harmless in respect of any claim so arising.

10. Survey Control

Prior to Council signing any survey plans associated with the development, a minimum of two (2) Permanent Survey Marks must be located within the development and tied to the national MGA.

- a) Prior to Council signing any survey plans associated with the development, a minimum of two (2) Permanent Survey marks levelled to AHD must be located within the development or within 150m of the development.
- b) In addition, two (2) Permanent Survey marks located within the development or within 500m of the developments must be coordinated on MGA'94.
- c) All new and updated Permanent Survey Mark sketches must be forwarded to the Department of Environment and Resource Management to be added to the SCDB.
- d) Requirement for PSM'S coordinated on MGA'94 not required on small infill developments of five (5) lots or less.

11. Specifications and Drawings

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 5 of the council minutes (page 7451) where council resolved that the committee recommendation be adopted.

8 Community and Environmental Services - Townsville Local Disaster Management Group - Minutes of Members' Meeting 27 August 2014

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services

Department

Date 29 August 2014

Executive Summary

The Townsville Local Disaster Management Group (TLDMG) Members meet every second month with staff of the Townsville City Council, Area Coordinator – Emergency Management Queensland Fire and Emergency Services, State Emergency Service Local Controller and other agencies.

Attached are the minutes of the meeting held on 27 August 2014.

At this meeting, the TLDMG:

- accepted the updated Department of Education, Training and Employment (DETE) Memorandum of Agreement for use of the Heatley Public Cyclone Shelter; and
- accepted the minutes of the Exercise "Townsville Tag Team" Mass Evacuation Planning Workshop held on 23 July 2014.

Officer's Recommendation

1. That council endorse the minutes of the Townsville Local Disaster Management Group Members' Meeting held on 27 August 2014;
2. That council endorse the Townsville Local Disaster Management Group's acceptance of the updated Department of Education, Training and Employment (DETE) Memorandum of Agreement for use of the Heatley Public Cyclone Shelter; and
3. That council endorse the Townsville Local Disaster Management Group's acceptance of the minutes of the Exercise "Townsville Tag Team" Mass Evacuation Planning Workshop held on 23 July 2014.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

"that the committee recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor G Eddiehausen and the Mayor, Councillor J Hill congratulated the Local Disaster Controller (Gavin Hammond), Allen Morris (Manager Emergency Management Unit) and Wayne Preedy (Emergency Management Queensland) for their extensive experience and professionalism.

Smart City Sustainable Future Committee

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

"that the committee recommendations to items 9 to 11 be adopted."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill thanked the staff of Integrated Sustainability Services, particularly Greg Bruce (Executive Manager Integrated Sustainability Services,) for the work they have undertaken on the submission to the UNISDR Disaster Resilience score card.

9 Magnetic Island Thunbergia Control Update

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Integrated Sustainability Services
Date 20 August 2014

Executive Summary

Thunbergia is a major declared environmental weed and is of particular concern in the sensitive and environmentally valued magnetic island. Since March 2013 Integrated Sustainability Services Land Protection team have been running a targeted Thunbergia control program on Magnetic Island. In this time the extent of the infestations has been mapped and 22 sites treated, with the majority of sites treated in March 2014. There are 5 remaining known sites on private property that still require treatment.

Officer's Recommendation

That council continue to support this program on Magnetic Island.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 of the council minutes (page 7465) where council resolved that the committee recommendation be adopted.

10 Wild Dog Management 2013/2014

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services

Department Integrated Sustainability Services

Date 11 August 2014

Executive Summary

This report contains a summary of last financial year's wild dog management activities within the Townsville area in which a total 98 wild dogs were trapped under the program. The report outlines the achievements of the;

- Annual wild dog trapping program;
- Annual 1080 baiting activities; and
- Wild Dog Research activities (including a newly established tracking collar project).

The collaring project is providing staff with valuable information in the movement of urban wild dog populations.

Officer's Recommendation

That Councillors note the update report on wild dog trapping, baiting and research programs in Townsville (2013-14), with consideration given to:

- Potential need to expand wild dog trapping to effectively manage the growing peri urban areas of Townsville in the future; and
- Exploring opportunities to expand wild dog research in the Townsville region.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 of the council minutes (page 7465) where council resolved that the committee recommendation be adopted.

11 Submission of UNISDR Disaster Resilience Scorecard for Townsville City

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Integrated Sustainability Services
Date 27 August 2014

Executive Summary

This Report to Council has been developed with regards to consideration by Townsville City Council to undertake the recently released UNISDR Resilience Scorecard which was developed for the UN by IBM and AECOM. The Scorecard is based on the existing UNISDR 10 essential principles for disaster risk mitigation and builds a “*systems of systems*” approach into risk, disaster resilience and sustainability. The report includes recommendations on how to progress the submission and other linkages with resilient city building (including renewed opportunity to be awarded as one of the 100 Resilient City Centennial Challenge participants – 2014-15).

This new work builds the Townsville exemplar of proven Disaster Management, Risk Reduction/Mitigation and Recovery, and has potential to assist amplification of Townsville’s existing capacity in sustainability and resilience building – linked with other global and local initiatives. The proposal to engage further is centred on taking the next “*system-based*” steps to demonstrate, lead and implement city-wide resilience building through integrating sustainability on-ground (managing and protecting natural resources such as Great Barrier Reef/Wet Tropics, through critical economic and social dimensions and people/business and government capacity building). Building additional capacity and understanding of the interlinked concepts of “*Resilience and Sustainability*” Most especially the ground breaking and nationally significant work completed in fostering, innovating and trialling large scale and city-wide sustainable energy management approaches in Townsville.

Importantly the current approach ties in and aligns with previous council support for involvement in the Rockefeller Foundation’s global -100 Resilience City Centennial Challenge (council report dated 7 November 2013) and opportunity to re-submit an application to participate in the 100 RC project (submission due 10 September 2014).

The approaches are all complementary to councils processes both in excellence in disaster management and risk reduction from natural events (such as Cyclones) and the system based approaches of integrating sustainability and city-wide energy management and renewables.

The Discussion Paper highlights the advantages in participating in such a programme that may assist in the transformation Townsville City into a Resilient City that is prepared for the combined effects of climate change and potential natural disasters.

Officer's Recommendation

1. That council endorse the proposal to review and complete the UNISDR Resilience Scorecard from a “*systems of systems*” perspective linking “*resilience and sustainability*” with city-wide energy management, including:
 - a) Renew letter of support from Mayor of Townsville to undertake the Scorecard;
 - b) Developing an action plan to complete; and
 - c) Conduct a city-wide collaboration workshop linking “*resilience and sustainability*” with Councillors, relevant staff and experts based on this report and in support of commit to completion and submission of the UNISDR Resilience Scorecard for Townsville City.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 9 of the council minutes (page 7465) where council resolved that the committee recommendation be adopted.

Sports Recreation and Parks Committee

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

"that the committee recommendations to items 12, 13 and 14 be adopted and that items 15 and 16 be dealt with separately."

CARRIED UNANIMOUSLY

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

With regards to item 15:

"that council move forward with applying for funding through the Department of National Parks, Recreation, Sport and Racing for the redevelopment of Peggy Banfield Park and Illich Park."

CARRIED

It was *MOVED* by Councillor P Ernst, *SECONDED* by Councillor T Roberts:

With regards to item 16:

"that a report be brought to the Infrastructure Committee outlining the advantages and disadvantages of rubbish bins being installed at bus stops."

CARRIED UNANIMOUSLY

12 Community Services - Alligator Creek Pony Club Lease

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community Services
Date 7 August 2014

Executive Summary

The Alligator Creek Pony Club Inc. seeks a lease over part of the land at Alligator Creek Park, also known as Duggan Plains Park (part of Lot 69 on CP904077).

The club has been faced with the ongoing issue of a public laneway that cuts through the centre of the pony clubs proposed area of occupancy. This issue was identified as a significant safety concern for the club due to the high risk nature of the mixing public access with areas of sport activity, including public access to the club's horse arenas.

Due to land involved being public open space (although the boundary of it has already been fenced) the club requested council permission for the laneway access to the club's area to be closed permanently to the public and as an access alternative proposed a redirection of the laneway around the boundary of the property to mitigate the club's liability and reduce the risk to public safety.

Infrastructure Services has investigated the proposal and provided permission for the club to erect a fence inside the boundary of the park to redirect the public's connection from Apple Flat Court to Parkland Road around the proposed lease area. This will allow the club to restrict access to the clubs facility to club members.

Officer's Recommendation

That council approve the issuing of a lease to Alligator Creek Pony Club over part of the land at Alligator Creek Park (part of Lot 69 on CP904077) for the rental amount of \$1.00 per year excluding

GST, for a period of up to 10 years, on the condition that the club is responsible for the cost of all maintenance of the land and facilities within the leased area.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 12 of the council minutes (page 7468) where council resolved that the committee recommendation be adopted.

13 Community Services - Tony Ireland Stadium International Cricket Council accreditation and future international cricket matches

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community Service
Date 2 September 2014

Executive Summary

After opening in late 2007 and after the successful staging of a number of significant cricket events, including the ICC Under 19 World Cup in 2012, Tony Ireland Stadium is on the verge of receiving an International Cricket Council (ICC) venue accreditation inspection.

The official ICC venue inspection will occur in early October 2014, and if successfully inspected the venue will become one of only 10 accredited venues in Australia, and only the second in Queensland behind the world famous 'GABBA'. This will enable Townsville to be in contention for the hosting of significant cricketing events at national and international levels in the future.

Officer's Recommendation

That council note the ICC accreditation inspection of Tony Ireland Stadium and the potential future opportunities of hosting international cricket matches at the venue.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 12 of the council minutes (page 7468) where council resolved that the committee recommendation be adopted.

14 Community Services - Extension of Lease and Capital Improvement of Long Tan Pool

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Community and Environmental Services

Department Community Services

Date 2 September 2014

Executive Summary

Jakech Pty Ltd has requested a five (5) year extension to their current lease over Long Tan Pool located at 316 Fulham Road, Heatley (Lot 375 on RP723838 of Title Reference 20784205).

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 approve a five (5) year lease extension on the same commercial terms as the current lease over Long Tan Pool located at 316 Fulham Road, Heatley (Lot 375 on RP723838 of Title Reference 20784205) for Jaketech Pty Ltd, commencing the day after the expiry of current term of the current lease (to expire 30 June 2015), at the rent of \$45,000 per annum plus GST, on the condition that the lessee make an additional capital improvement investment of a minimum value of \$175,000 for the design and construction of a new enclosure of the 25m pool at the facility, with works to be completed by 30 September 2016.

Committee Recommendation

That this item be referred to the next ordinary council meeting.

Council Decision

Refer to resolution preceding item 12 of the council minutes (page 7468) where council resolved that the committee recommendation be adopted.

15 Sports and Recreation Queensland Grant Funding

GENERAL BUSINESS ITEM

Raised by	Executive Manager Community Services
Committee	Sports Recreation and Parks Committee
Date	11 September 2014

Overview

The Executive Manager Community Services, Don Gordon, advised the committee of the opening of Sports and Recreation Queensland grant funding.

Committee Recommendation

A Councillor workshop is to be arranged as soon as possible to discuss the Sports and Recreation Queensland funding submission.

Council Decision

Refer to resolution preceding item 12 of the council minutes (page 7468) where council resolved the following:

that council move forward with applying for funding through the Department of National Parks, Recreation, Sport and Racing for the redevelopment of Peggy Banfield Park and Illich Park.

16 Rubbish bins at bus stops

GENERAL BUSINESS ITEM

Raised by	Councillor P Ernst
Committee	Sports Parks and Recreation Committee
Date	11 September 2014

Overview

The Chair, Councillor P Ernst, requested that a report be produced outlining the advantages and disadvantages of rubbish bins being installed at bus stops.

Committee Recommendation

That a report be brought to the Sports Recreation and Parks Committee outlining the advantages and disadvantages of rubbish bins being installed at bus stops.

Council Decision

Refer to resolution preceding item 12 of the council minutes (page 7468) where council resolved the following:

that a report be brought to the Infrastructure Committee outlining the advantages and disadvantages of rubbish bins being installed at bus stops.

Community and Cultural Committee

In accordance with section 173 of the *Local Government Act 2009*, Councillor T Roberts declared a perceived conflict of interests in regards to item 23.

- (a) **the name of the councillor who have the real or perceived conflict of interest:**
Councillor T Roberts
- (b) **the nature of the conflict of interest as described by the Councillor:**
 - (1) Councillor Roberts is a life member of Townsville Basketball Inc.
 - (2) Councillor Roberts is a NBL game caller covering the Townsville Crocs games.
- (c) **how the Councillors dealt with the real or perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The Councillor voted as per the council decision.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the council decision.

In accordance with section 173 of the *Local Government Act 2009*, Councillor S Blom declared a real conflict of interest in regards to item 23.

- (a) **the name of the councillor who have the real or perceived conflict of interest:**
Councillor S Blom
- (b) **the nature of the conflict of interest as described by the Councillor:**
Councillor Blom is vice president of the Northern Beaches Festival Association.
- (c) **how the Councillors dealt with the real or perceived conflict of interest:**
The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered her position and was of the opinion that she could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The Councillor voted as per the council decision.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the council decision.

In accordance with section 173 of the *Local Government Act 2009*, Councillor V Veitch declared a perceived conflict of interests in regards to item 23.

- (a) **the name of the councillor who have the real or perceived conflict of interest:**
Councillor V Veitch
- (b) **the nature of the conflict of interest as described by the Councillor:**
 - (1) Councillor Veitch is a supporter and car show judge for Cyclones Rob and Custom Club.
 - (2) Councillor Veitch is a member of Lions Club of Townsville Northern Suburbs.
 - (3) Councillor Veitch is an associate member of Magnetic Island RSL.
 - (4) Councillor Veitch is a life member (as ex-ARMY) of the North Queensland Royal Australian Regiment Association.
 - (5) Councillor Veitch is a car show judge at the Northern Beaches Festival Association.
 - (6) Councillor Veitch's wife is a Pyjama Angel for the Pyjama Foundation.
 - (7) Councillor Veitch is a supporter of the Sporting Wheelies and Disabled Association.
 - (8) Councillor Veitch is a supporter (and ex-Army) of Totally and Permanently Disabled.
 - (9) Councillor Veitch is a season ticket holder for the Townsville Fire Ltd.
 - (10) Councillor Veitch is a member of Sporting Shooters Association of Australia and Townsville Marksmen Rifle Club is a member club of the national organisation.
 - (11) Councillor Veitch is a member of the Townsville Museum and Historical Society.
 - (12) Councillor Veitch is a support of Youth with a Mission.
- (c) **how the Councillors dealt with the real or perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The Councillor voted as per the council decision.

- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**

The majority of persons entitled to vote at the meeting voted as per the council decision.

In accordance with section 173 of the *Local Government Act 2009*, The Mayor, Councillor J Hill declared perceived conflict of interests in regards to item 23.

- (a) **the name of the councillors who have the real or perceived conflict of interest:**

The Mayor, Councillor J Hill

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

- (1) Councillor Hill is a patron of the AFL Masters Townsville
- (2) Councillor Hill is a patron of the AFL Townsville
- (3) Councillor Hill is a patron of the Garbutt Bombers Junior Sporting and Cultural Association Inc
- (4) Councillor Hill is a patron of the North Barrier Branch SLAQ
- (5) Councillor Hill is a patron of the Surf Life Saving Queensland
- (6) Councillor Hill is a patron of the Tennis Townsville
- (7) Councillor Hill is a patron of the Totally and Permanently Disable Ex-Servicepersons Association
- (8) Councillor Hill is a patron of the Townsville Basketball Incorporated
- (9) Councillor Hill is a patron of the Townsville Castle Hill Touch Association
- (10) Councillor Hill is a patron of the Townsville Touch Referees Association Inc
- (11) Councillor Hill is a patron of the Townsville Choral Society Inc
- (12) Councillor Hill is a patron of the Townsville Citizen's Band Association
- (13) Councillor Hill is a patron of the Townsville Eisteddfod Incorporated
- (14) Councillor Hill is a patron of the Townsville Senior Citizens Association Inc
- (15) Councillor Hill is a patron of the Veterans Support Centre
- (16) Councillor Hill is a patron of the Vietnam Veterans Townsville Sub-branch

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

The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered her position and was of the opinion that she could participate in debate and vote on the matter in the public interest.

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

The Councillor voted as per the council decision.

- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**

The majority of persons entitled to vote at the meeting voted as per the council decision.

In accordance with section 173 of the *Local Government Act 2009*, Councillor A Parsons declared a perceived conflict of interest in regards to item 23.

- (a) **the name of the councillor who have the real or perceived conflict of interest:**

Councillor A Parsons

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

Councillor Parsons is the judiciary chairman of Townsville Castle Hill Touch Association Inc.

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

The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he could participate in debate and vote on the matter in the public interest.

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

The Councillor voted as per the council decision.

- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**

The majority of persons entitled to vote at the meeting voted as per the council decision.

In accordance with section 173 of the *Local Government Act 2009*, Councillor J Lane declared a perceived conflict of interest in regards to item 23.

(a) **the name of the councillors who have the real or perceived conflict of interest:**

Councillor J Lane

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

Councillor Lane was a director of Dance North and resigned at the 2014 AGM.

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

The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered her position and was of the opinion that she could participate in debate and vote on the matter in the public interest.

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

The Councillor voted as per the council decision.

(e) **How the majority of persons who were entitled to vote at the meeting voted on the matter.**

The majority of persons entitled to vote at the meeting voted as per the council decision.

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

"that the committee recommendations to items 17 to 25 and 28 be adopted and that items 26 and 27 be dealt with separately."

CARRIED UNANIMOUSLY

It was MOVED by Councillor S Blom, SECONDED by Councillor T Roberts:

"that the committee recommendation to item 26 be adopted."

CARRIED

It was MOVED by Councillor S Blom, SECONDED by Councillor T Roberts:

"that the committee recommendation to item 27 be adopted."

CARRIED

17 CityLibraries Townsville Strategic Plan 2014-2017

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services

Department Library Services

Date 3 September 2014

Executive Summary

CityLibraries Townsville presents the Library's new Strategic Plan for 2014-2017. CityLibraries Townsville needs to maintain its well-used and well-respected traditional services while adding new services to meet new demands. Through this strategic plan, CityLibraries aim to address both these challenges. CityLibraries staff will require new skills to meet those demands up to and beyond 2017.

Officer's Recommendation

That council adopt the CityLibraries Townsville Strategic Plan 2014-2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

18 Community Services - Community Development Strategic Action Plans 2011-14

PRESENTATION

Authorised by	Director Community and Environmental Services
Department	Community Services
Committee	Community and Cultural Committee
Date	11 September 2014

Executive Summary

The purpose of this presentation is to inform Councillors of the key outcomes achieved and conclusion of the 2011-2014 Strategic Action Plans.

The Strategic Action Plans are aligned to the Townsville Community Plan (2011-2021), and provided a frame of reference for council to implement programs and activities in the following areas:

Aboriginal and Torres Strait Islander
Arts and Culture
Community Sport and Recreation
Community Safety
Disability Inclusion
Families
Multicultural
Seniors
Women's
Youth

These Strategic Action Plans were developed as a result of extensive community consultation and engagement. The outcomes achieved through 2011-2014 reflect the substantial work undertaken by the Community Development Section, in collaboration with community groups and networks. They also reflect council's success in developing partnerships, building capacity and responding to the identified needs of the Townsville community.

30 June 2014 sees the conclusion to the 2011-2014 Strategic Action Plans.

Officer's Recommendation

That council note the presentation Community Development Strategic Action Plans 2011-14.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

19 Community Services - Reconciliation Action Plan

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services

Department Community Services

Date 3 September 2014

Executive Summary

Council's initial Reconciliation Action Plan was endorsed by council and Reconciliation Australia for the 2013 and 2014 calendar years. This period is coming to an end, and consideration should be given to either ceasing involvement in the Reconciliation Action Plan framework, or to recommit via a new plan for another period of time.

Building on the continued commitment of reconciliation with Townsville's Aboriginal and Torres Strait Islander community, the framework of the Reconciliation Action Plan will enable Aboriginal and Torres Strait Islander issues to be considered and encourage positive relationships to be developed between local government and Aboriginal and Torres Strait Islander communities.

Officer's Recommendation

That council endorse the development a new Reconciliation Action Plan for the 2015 and 2016 calendar years in accordance with Reconciliation Australia's guidelines and the intent of the Council of Australian Government's "Closing the Gap" Agreement.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

20 Community Services - Events and Protocol Annual Report

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community Services
Date 30 August 2014

Executive Summary

This report presents the 2013/14 Annual Report for the Events and Protocol Unit of the Performing Arts, Events and Protocol section of the Community Services Department.

Officer's Recommendation

That council note the 2013/14 Annual Report for the Events and Protocol Unit.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

21 Community Services - Performing Arts Annual Report

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community Services
Date 30 August 2014

Executive Summary

This report presents the 2013/14 Annual Report for the Performing Arts Unit of the Performing Arts, Events and Protocol Section of the Community Services Department.

Officer's Recommendation

That council note the 2013/14 Annual Report for the Performing Arts Unit.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

22 Community Services - Community Development Annual Report 2013/2014

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community Services
Date 01 September 2014

Executive Summary

The purpose of this report is to present the Community Development Annual Report 2013/2014.

Officer's Recommendation

That council adopt the Annual Report of the Community Development Section of the Community Services Department for the year 2013/2014.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services

Department Community Services

Date 2 September

Executive Summary

The Community Services Department, through the Community Development Section, coordinates the Community Grants and Sponsorships Scheme. The aim of this program is to support local initiatives and pursuits of excellence that enhance community wellbeing and opportunity via the provision of financial assistance to individuals, community organisations and businesses who deliver activities and services that provide community benefits in Townsville.

The following report provides an overview and analysis of funds distributed through this program during the 2013/14 financial year.

In the period 1 July 2013 to 30 June 2014, council provided a total of 290 grants totalling \$1,841,921.36 (ex GST). The total amount budgeted for grant allocations in 2013/14 was \$1,869,731 (ex GST), a difference of \$27,809.

Officer's Recommendation

That council receive the report detailing funding allocated through the Community Grants and Sponsorships Scheme in 2013/14.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

24 Community Services - Arts & Culture Public Working Group

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community and Environment
Date 1 September 2014

Executive Summary

A public working group for the Arts and Cultural sector in Townsville has been formed to provide support to each other, and to engage with council about issues impacting on the sector.

The group has identified that there is a need for an Arts Hub in Townsville, and in particular a need for a concert hall with seating capacity of approximately 600, that allows for small choirs and orchestral performances.

The group has formed two working parties to pull together all of the documentation related to the investigation of an Arts Hub that has occurred during the last several years, and then to provide council with information about the need in the community for the development of an Arts Hub that is inclusive of a concert hall.

Officer's Recommendation

That council note the minutes of the Arts and Culture Public Working Group.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

25 Community Services - Art Acquisition Working Group - August 2014 Minutes

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community Services
Date 02 September 2014

Executive Summary

The minutes of the Art Acquisition Working Group meeting held on 26 August 2014 are presented for the information of council.

Officer's Recommendation

That council receive the minutes of the Art Acquisition Working Group meeting of 26 August 2014.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

26 Community Services - Urban Fun Object (UFO)

REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community Services
Date 3 September 2014

Executive Summary

This agenda item is being provided as additional information to the Community and Cultural Committee in regards to the Urban Fun Object (UFO) report that was presented at the July 2014 Community and Cultural Committee meeting seeking endorsement to dispose of this council asset by gifting it to a community organisation.

The UFO was introduced by council in 1997 as part of a diversionary crime reduction process and to provide activities to the remote area of the district, where access to recreation is limited. The UFO was purchased with funding from the Cowboys Community Fund, Gaming Machine Benefit Fund, Townsville City Council and other private donations.

A recent review was undertaken to examine whether organisational expectations were being met through the utilisation of this resource and identification of sustainable options to enable continuing access to this resource by the wider community.

Officer's Recommendation

That council approve the gifting of the Urban Fun Object (UFO) to a community organisation with the following conditions:

1. a transition plan be implemented to ensure minimal impact on existing community bookings;
2. the identified community organisation to be gifted the asset will continue to manage the resource in a similar manner as council, ensuring access to it remains available for community organisations and council to book and operate the UFO at events/activities; and
3. council be acknowledged for the gifting of this asset by way of continued signage on the UFO.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

27 Community Services - Lawn Mowing

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Community Services
Date 28 August 2014

Executive Summary

Council has been operating a lawn mowing service for many years. The purpose of the lawn mowing service is to assist eligible residents with the basic maintenance of their lawns and to keep the immediate surrounds of their home in a safe and habitable condition.

The service was originally supported by grant funding through the Home Services Program. Changes to that program in mid-2013 resulted in lawn mowing no longer being able to be funded by these grants. When that occurred council made the decision to continue the provision of the service using council funds of \$200,000 per annum. In order to minimise cost to council and build capacity in the community sector, it was proposed that the Lawn Mowing Program be outsourced for management and delivery by a not-for-profit community organisation under a Service Agreement.

A tender process was implemented in March 2014 to initiate the outsourcing of the service, however was unsuccessful in securing a suitable community group at that time. St John's Community Care wrote to Council on 8 August 2014 to consider the Lawn Mowing Program be administered and delivered through St John's Community Care. A follow up presentation was delivered to Councillors on 28 August 2014 to present the benefits and highlight the community outcomes if transitioned to St John's Community Care.

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 approve the engagement of St John's Community Care to deliver council's Lawn Mowing Program from 1 November 2014 to 30 June 2017, involving the allocation of \$120,000 per annum to operate the Lawn Mowing Program and a one-off payment of \$25,000 in 2014-15 to support the transition of the service.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

28 Regulatory Services - PSA00014 Preferred Supplier Arrangement for Vehicle Tow Away Services

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Community and Environmental Services
Department Finance – Procurement Contracts Unit
Date 1 September 2014

Executive Summary

Council issued tender number PSA00014 on 12 July 2014 for a preferred supplier arrangement for Vehicle Tow Away Services. The tender closed on 6 August 2014 and one submission was received. The contract is for 24 months with the option of a further 12 months.

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 PSA00014 Preferred Supplier Arrangement for Vehicle Tow Away Services to ABC Towing Services Pty Ltd for 24 months with the option of a further 12 months.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the council minutes (page 7475) where council resolved that the committee recommendation be adopted.

Governance and Finance Committee

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

"that the committee recommendations to items 29 to 30 be adopted."

CARRIED UNANIMOUSLY

29 Budget Variance Report - Whole of Council - August 2014

REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Financial Services

Date 08 August 2014

Executive Summary

On behalf of the Chief Executive Officer, the Director of Corporate Services will present and discuss the Budget Variance Report for the whole of council for August 2014, pursuant to section 204 of the *Local Government Regulation 2012*.

The Director of Corporate Services will circulate separately to the Agenda the Budget Variance Report for the whole of council for August 2014.

Officer's Recommendation

That council note the financial report for August 2014 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation*.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 29 of the council minutes (page 7488) where council resolved that the committee recommendation be adopted.

30 Christmas Closedown Proposal 2014/2015

REPORT TO COUNCIL

Authorised by Director Corporate Services
Department Human Resources – People Performance
Date 20 August 2014

Executive Summary

Each year council considers a close down period between Christmas and New Year. The intent of closedown of council operations has been communicated to the leadership team within council and consultation has occurred regarding which services need to remain operational, where and when during the proposed closedown period.

The input and result of that consultation with the leadership team is reflected in the table in this report. It is through this process that the recommendations have been generated in a transparent manner. The decision when made will be communicated to the community and staff.

Officer's Recommendation

That all areas of council (with the exception of those listed in the table in the attachment to "Report Information" section) participate in the Christmas/New Year closedown with council service points closing at 3.00pm on Wednesday 24 December 2014 and reopening on Monday 5 January 2015.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 29 of the council minutes (page 7488) where council resolved that the committee recommendation be adopted.

Townsville Water and Waste Committee

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

- (a) **the name of the councillors who have the real or perceived conflict of interest:**
Councillors R Gartrell, V Veitch, A Parsons, J Lane, T Roberts, S Blom and G Eddiehausen
- (b) **the nature of the conflict of interest as described by the Councillor:**
NQ Excavations Pty Ltd donated to the Townsville First election campaign.
- (c) **how the Councillors dealt with the real or perceived conflict of interest:**
The Councillors dealt with the conflict by disclosing the perceived conflict of interest and proposing to exclude themselves from the meeting throughout consideration of the item, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the *Local Government Act 2009*, remained in the meeting and participated in the discussion about and voting upon the item.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The Councillors voted as per the council decision.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the council decision.

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

"that the committee recommendations to items 31 to 34 be adopted."

CARRIED UNANIMOUSLY

31 Townsville Water & Waste - Cairns Townsville Mackay (CTM) Water Alliance - Meeting Minutes - July 2014

REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste
Department Townsville Water & Waste
Date 3 September 2014

Executive Summary

Townsville Water entered into a formal water alliance with Cairns and Mackay Regional Councils in December 2009. The objectives of the alliance are to achieve efficiencies through a combined approach to improve service levels, share resources and jointly meet the challenges of reform within the water industry.

The Cairns Townsville Mackay (CTM) Water Alliance Executive Committee meet three times a year and minutes from these meetings will be presented to the Townsville Water and Waste Committee for their information. The meeting minutes from the last CTM meeting on 29 July 2014 are attached to the Report to Council.

Officer's Recommendation

That council note the minutes of the Cairns Townsville Mackay (CTM) Water Alliance meeting held in Mackay on 29 July 2014.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 31 of the council minutes (page 7490) where council resolved that the committee recommendation be adopted.

32 Wastewater Operations - Investigation and closure of sewer maintenance holes located along and upstream of Wright Street, Wulguru

REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste
Department Townsville Water and Waste
Date 2 September 2014

Executive Summary

Following a request made by Councillor L Walker during the Townsville Water and Waste Committee meeting of 17 June 2014, council, at its meeting held on 24 June 2014, resolved to adopt the following committee recommendation:

That the Director Townsville Water and Waste investigate the request to weld closed the maintenance holes that are located along and upstream of Wright Street for the purpose of reducing stormwater infiltration into the sewer and subsequently reducing the surcharging of sewage at properties located further downstream in this sewer catchment.

This report provides information in relation to the investigation conducted and actions taken by Townsville Water's Wastewater Operations department.

Following the investigations Wastewater Operations sealed 14 maintenance hole lids along Wright Street using silicon in order to address the concerns regarding property owners and residents accessing these maintenance holes to drain their yard of stormwater.

Officer's Recommendation

That council note the summary of investigations and actions undertaken by Wastewater Operations to address the infiltration and inflow issues at Wulguru as a whole and specifically in the vicinity of Wright Street.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 31 of the council minutes (page 7490) where council resolved that the committee recommendation be adopted.

33 Programs & Technical Support - TCW00059 Supply and Construction of Pump Station PS9F and Pump Station PSK21 Rising Mains - Tender Evaluation Report

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste
Department Programs and Technical Support
Date 3 September 2014

Executive Summary

Tenders were invited by council for the Supply and Construction of Pump Station PS9F and Pump Station PSK21 Rising Mains. The tender was advertised on 24 May 2014 and 28 May 2014 in the Courier Mail and Townsville Bulletin. The tender closed at 10am on 18 June 2014 at the tender box located at Townsville City Council, Corporate Services, 103 Walker Street, Townsville. Six tenders were received. This report provides an analysis and an evaluation of the received tenders.

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 TCW00059 – Supply and Construction of Pump Station PS9F and Pump Station PSK21 Rising Mains, Separable Portion 1 and 2 to CES Civil NQ Pty Ltd for the lump sum of \$1,252,527.00 (excluding GST).
3. That council delegate authority to the Chief Executive Officer, or his delegate, to award variations up to the approved budget provided the variations are for the completion of the work under contract.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 31 of the council minutes (page 7490) where council resolved that the committee recommendation be adopted.

34 Business Management & Compliance - Monthly Report Card - August 2014

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste
Department Business Management & Compliance
Date 2 September 2014

Executive Summary

Townsville Water and Waste's monthly report card containing year to date operating results for 2014/15 is submitted for the month of August 2014.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council note the report card from Townsville Water and Waste for the month of August 2014.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 31 of the council minutes (page 7490) where council resolved that the committee recommendation be adopted.

Officers Reports

Corporate Services

35 2014 National Local Roads and Transport Congress - Tamworth - 12-14 November 2014

REPORT TO COUNCIL

Authorised by Director Corporate Services
Department Corporate Governance
Date 20 August 2014

Executive Summary

Correspondence dated 8 August 2014 from the Australian Local Government Association has been received inviting council to register for the 2014 National Local Roads and Transport Congress being held in Tamworth on 12-14 November 2014.

Officer's Recommendation

1. That council nominate an interested Councillor to attend the 2014 National Local Roads and Transport Congress being held in Tamworth on 12-14 November 2014.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* council grant leave of absence to the nominated Councillor for 12-14 November 2014.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED

REPORT TO COUNCIL

Authorised by Director Corporate Services
Department Corporate Governance
Date 23 September 2014

Executive Summary

The Women in Leadership Summit will be held in Brisbane 4 and 5 December 2014.

The Summit is an interactive 2 day forum designed for leaders, managers and entrepreneurs who want to advance their career or grow their business by proactively pursuing their own professional and personal development.

Officer's Recommendation

1. That council approve the attendance of interested councillor/s to attend the Women in Leadership Summit in Brisbane 4 and 5 December 2014.
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 to allow attendance at the Women in Leadership Summit in Brisbane 4 and 5 December 2014.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

37 Invitation to nominate Councillor representative to the Embracing 2018 - Commonwealth Games Committee

REPORT TO COUNCIL

Authorised by Director Corporate Services
Department Corporate Governance
Date Tuesday 2 September 2014

Executive Summary

An invitation has been received from Townsville Enterprise for council to nominate a representative Councillor for appointment to the Embracing 2018 – Commonwealth Games Committee.

The committee's objectives will be to maximise the destination marketing and economic development opportunities for Townsville North Queensland in relation to the 2018 Gold Coast Commonwealth Games.

Officer's Recommendation

That council nominate a representative Councillor for appointment to the Embracing 2018 – Commonwealth Games Committee.

Council Decision

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

"that council appoint Councillor P Ernst as the representative Councillor to the Embracing 2018 – Commonwealth Games Committee."

CARRIED UNANIMOUSLY

38 Reschedule of October Ordinary Meeting

REPORT TO COUNCIL

Authorised by Chief Executive Officer
Department Corporate Governance
Date 26/8/2014

Executive Summary

Councillors have a number of commitments during the month of October and to ensure that there will be a quorum for the Ordinary Meeting proposed for 30 October it is recommended that the Ordinary Meeting now be scheduled for 30 October 2014.

The change of meeting date will be publicly notified as required under the Local Government Act 2009.

Officer's Recommendation

That the council's ordinary meeting for the month of October be rescheduled to 30 October 2014.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

39 Amendments to the Local Government Electoral Act

REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Corporate Governance

Date 15 September 2014

Executive Summary

The *Local Government Legislation Amendment Bill 2014*, was passed in Parliament on 27 August 2014 and makes a number of significant changes to local government electoral arrangements.

The changes empower the chief executive officer of a local government to be the returning officer. It also empowers the Electoral Commission of Queensland to direct a Chief Executive Officer - returning officer and approve the Chief Executive Officer returning officer's election plan. Further changes to the legislation are detailed in the report information below.

Officer's Recommendation

That council note that the *Local Government Legislation Amendment Act 2014* appoints the Chief Executive Officer as the returning officer to conduct the Local Government 2016 elections and that the Chief Executive Officer may elect not to fulfil this role in which case the electoral commission will appoint a returning officer.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Planning and Development

40 Infrastructure Planning - Townsville Regional Water Supply Security Assessment

REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste
Department Strategic Planning
Date 15 September 2014

Executive Summary

The State Government's Department of Energy and Water Supply (DEWS) and Townsville City Council (TCC) have been working collaboratively to assess the Regional Water Supply Security relative to Townsville. It was recognised that both the state government and council needed to understand the long term demands to provide a safe, secure and reliable water supply. This report details the work that has been undertaken to understand the risks associated with Townsville's water sources (Paluma Dam, Ross Dam & Burdekin Falls Dam) during the dry periods.

This report follows Ms Kirsten Shelly's (Director of Water Strategies - DEWS) presentation to councillors that occurred on 16 September 2014.

Officer's Recommendation

1. That council receive the report, '*Department of Energy and Water Supply, Regional Water Supply Security Assessment – Townsville*' dated 12 September 2014.
2. That council approve the use of Townsville City Council's logo to be incorporated into the report in Recommendation 1.
3. That council support in principle the continuation of the work identified in the '*Department of Energy and Water Supply, Regional Water Supply Security Assessment – Townsville*' dated 12 September 2014 to improve the water supply security for Townsville in cooperation with the Queensland Government.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill commented on the excellent report and the work done by council staff, Department of Energy and Water Supply and the Local Government Association of Queensland.

Council agreed to change the order of business to consider item 45 as the next item of business.

45 EDA 2014 National Awards for Economic Development Excellence

REPORT TO COUNCIL

Authorised by Acting Director Corporate Services
Department Corporate Governance
Date 18 September 2014

Executive Summary

The Economic Development Australia 2014 National Awards for Economic Development Excellence will be held in Darwin on 29 October 2014.

The North Queensland Regional Organisation of Council's nomination for the North Queensland Regional Economic Development Plan 2014-2031 (NQ2031) has been selected as one of the finalist for the Economic Development Australia 2014 National Awards for Economic Development Excellence.

The winner will be announced at the Awards Presentation on Wednesday 29 October 2014 in Darwin. The Awards ceremony coincides with the Economic Development Australia National Conference 28 – 31 October.

Officer's Recommendation

1. That council nominate an interested Councillor to attend the Economic Development Australia 2014 National Awards for Economic Development Excellence being held in Darwin on 29 October 2014.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* council grant leave of absence to the nominated Councillor for 29 October 2014.

Council Decision

It was MOVED by Councillor V Veitch, SECONDED by Councillor G Eddiehausen:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Confidential Items

It was MOVED by Councillor V Veitch, SECONDED by Councillor G Eddiehausen:

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

Section 275(1) (c) the local government's budget. (Item 46)

Section 275(1) (e) contracts proposed to be made by it. (Item 41 to 44)

CARRIED UNANIMOUSLY

Council discussed the items.

It was MOVED by Councillor V Veitch, SECONDED by Councillor G Eddiehausen:

"that council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

41 Engineering Services - Riverway Precinct LED Luminaires Sole Provider - Pathway Lighting

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Infrastructure Services

Department Engineering Services

Date 9 September 2014

Executive Summary

Council has recently been granted funding under the Safer Streets Programme for the Riverway Drive Pathway Lighting Project. The project involves the installation of 1.3km of pathway lighting at Pioneer Park and is intended to provide a safer environment for the community's use for recreational and thoroughfare activities.

Council has already engaged a contractor to upgrade lighting within the Riverway Precinct under a separate contract (TCW00063). There are time, cost and product consistency opportunities available if the technical specification of TCW00063 is used and the same contractor is engaged to complete this new work under contract EXC00011 Itara Pathway LED Lighting Upgrade, Supply of lights and poles.

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 Australasian LED Pty Ltd as the only supplier reasonably available to extend the lighting infrastructure along the Itara pathway and maintain a constant and consistent level of illumination along the pathway in accordance with specification TCW00063.
3. That council resolves, pursuant to Local Government Regulation 2012, Chapter 6, Section 235(a) to enter into contract EXC00011 Itara Pathway LED Lighting Upgrade, Supply of Lights and Poles with Australasian LED Pty Ltd for a lump sum price of \$95,342.50 (GST excl), plus provisional sum \$9,534.25 (GST Excl) for latent conditions.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

42 Community Services - Extension of Lease and Capital Improvement of Long Tan Pool

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Community and Environmental Services

Department Community Services

Date 2 September 2014

Executive Summary

Jakech Pty Ltd has requested a five (5) year extension to their current lease over Long Tan Pool located at 316 Fulham Road, Heatley (Lot 375 on RP723838 of Title Reference 20784205).

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 approve a five (5) year lease extension on the same commercial terms as the current lease over Long Tan Pool located at 316 Fulham Road, Heatley (Lot 375 on RP723838 of Title Reference 20784205) for Jakotech Pty Ltd, commencing the day after the expiry of current term of the current lease (to expire 30 June 2015), at the rent of \$45,000 per annum plus GST, on the condition that the lessee make an additional capital improvement investment of a minimum value of \$175,000 for the design and construction of a new enclosure of the 25m pool at the facility, with works to be completed by 30 September 2016.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED

In accordance with section 173 of the *Local Government Act 2009*, Councillors V Veitch, G Eddiehausen, T Roberts, S Blom, J Lane, A Parsons and R Gartrell declared a perceived conflict of interest in regards to item 43.

- (a) **the name of the councillors who have the real or perceived conflict of interest:**
Councillors V Veitch G Eddiehausen, T Roberts, S Blom, J Lane, A Parsons and R Gartrell.
- (b) **the nature of the conflict of interest as described by the Councillors:**
Senior employee of Opteon Pty Ltd contributed to Townsville First election campaign.
- (c) **how the Councillors dealt with the real or perceived conflict of interest:**
The Councillors dealt with the conflict by disclosing the perceived conflict of interest and proposing to exclude themselves from the meeting throughout consideration of the item, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the *Local Government Act 2009*, remained in the meeting and participated in the discussion about and voting upon the item.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**
The Councillors voted as per the council decision.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the council decision.

43 Townsville Water & Waste - Allocation of Funds for Environmental Buffers

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste
Department Townsville Water & Waste
Date 10 September 2014

Executive Summary

Funds have been allocated in the 2014/15 Capital Works Budget for the purchase of land to provide suitable environmental buffers. This report details the need to increase the funds allocation at the four month budget review.

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 approves an increase in the existing allocation of capital funds provided for the purchase of land for use as environmental buffers from \$600,000 to \$780,000 with the necessary amendments to be included as part of the routine four month budget review.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Council agreed to change the order of business to consider item 46 (Officers Reports) as the next item of business.

46 Engineering Services - Recommendation Regarding Council's Commitment to the Dalrymple Road Upgrade Project for Australian Government Funding

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Infrastructure Services
Department Engineering Services
Date 17 September 2014

Executive Summary

The purpose of this report is to seek endorsement to commence the construction phase of the Dalrymple Road Upgrade (DRU) project.

The DRU project involves the construction of two (2) bridges and realignment of Dalrymple Road to meet current design standards. The Australian Government (AG) made an election commitment to provide \$20million contribution, under the "Infrastructure Investment Program", to the Dalrymple Road Upgrade Project in August 2013. The AG has expressed a desire to commence the project as soon as possible.

The AG has provided correspondence advising they wish for council to "get on with building the project as soon as possible". Accordingly, council has now completed the detailed design and is seeking endorsement to call tenders for the construction phase in accordance with the revised budget cash flow to accommodate the accelerated project time line and have the project completed in time for the 2015/16 wet season.

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 approve the revised budget cash flow and refer the additional capital funding required to the next Budget Review meeting.
3. That council endorse the calling of tenders for the construction phase of the project as soon as the Funding Agreement with the Australian Government has been received.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Chief Executive Officer
Department Corporate Governance
Date 11 September 2014

Executive Summary

Council's Chief Executive Officer Ray Burton is in his sixth year of employment with this Council having had his Employment Contract renewed in August last year. In accordance with that Contract a formal performance review was conducted on 21 July 2014. The Review Panel was made up of the Mayor, the Deputy Mayor and the Governance and Finance Committee Chair.

The Review Panel considered Mr Burton's performance against the responsibilities outlined in the Local Government Act, the Employment Contract and Role Statement the council adopted last year, and the 2013/14 Performance Plan as adopted by council in August last year.

As required under the contract a Performance Agreement has been prepared for the 2014/15 financial year against which Mr Burton's performance will be monitored for that period. A copy of that Performance Plan is attached and a copy of the performance report on the achievements against the key performance indicators in the 2013/14 Performance Plan is on the S drive for information of councillors.

Human Resource specialist firm Mercer is utilised under Council's remuneration strategy as the remuneration system for its contracted staff (staff at first, second and third levels of the Corporate Structure). Mercer has assessed the movement in executive remuneration for the 12 month period ended June 30 2014 and advised that at the 25th percentile for the applicable salary band the movement for 2013/14 was 3.4%. The Panel has supported this increment.

The Chief Executive Officer has raised concerns about an issue of inequity highlighted by the gap between the Chief Executive Officer's current remuneration against that identified by Mercer for positions at the Mid-point competent performer rating for executive positions at this level. This gap is equivalent to a 4.84% underpayment. The Panel was unable to reach unanimous agreement on addressing this discrepancy and has requested the matter be referred to Council for decision. Phasing the adjustment over two or three years has been suggested.

Council Decision

It was MOVED by Councillor V Veitch, SECONDED by Councillor G Eddiehausen:

- "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 and note the Chief Executive Officer's 2014/15 Performance Plan;
3. that council approve a 3.4% increment to the remuneration package of the Chief Executive Officer;
4. that Council approve an adjustment of 2.42%pa for 2013/14 and 2014/15 financial years to the Chief Executive Officer remuneration to reflect market levels; and
5. that the remuneration adjustments listed under point 2 and 3 above be applicable from 1 July 2014 as provided under the Chief Executive Officer's Employment Contract."

CARRIED

45 EDA 2014 National Awards for Economic Development Excellence

Refer to council decision preceding item 45 of the Council Minutes (7500) where council resolved that the order of business be changed and item 45 be considered after item 40.

Refer page 7500 of the Council Minutes for item 45 EDA 2014 National Awards for Economic Development Excellence

46 Engineering Services - Recommendation Regarding Council's Commitment to the Dalrymple Road Upgrade Project for Australian Government Funding

Refer to council decision preceding item 46 of the Council Minutes (7504) where council resolved that the order of business be changed and item 46 be considered after item 43.

Refer page 7504 of the Council Minutes for item 46 Engineering Services - Recommendation Regarding Council's Commitment to the Dalrymple Road Upgrade Project for Australian Government Funding

The order of business was resumed.

General Business

(i) Sand Erosion on Magnetic Island

GENERAL BUSINESS ITEM

Raised by	Councillor V Veitch
Committee	Ordinary Council
Date	23 September 2014

Overview

Councillor V Veitch provided details of a recent sand erosion event on Magnetic Island and proposed action to be taken.

Council Decision

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

"that machinery be redeployed from Nelly Bay on completion of Nelly Bay Beach restoration works to Horseshoe Bay to relocate sand to Horseshoe Bay beach in front of retail area subject to relevant State Government approvals and that costs incurred this year be paid from the Shoreline Erosion Management Plan (SEMP) and that council allocate funds in 2015/16 to meet costs necessary of SEMP to be completed that year."

CARRIED

(ii) September - Dementia Awareness Month

GENERAL BUSINESS ITEM

Raised by	Councillor G Eddiehausen
Committee	Ordinary Council
Date	23 September 2014

Overview

Councillor G Eddiehausen provided commentary on Dementia Awareness month which included the following information.

- World Alzheimer's Day on 21 September;
- this year's campaign focuses on creating dementia-friendly communities and initiatives to improve inclusiveness for people living with dementia, their careers, family and friends;
- Dementia is a condition that affects a person's thinking, their behaviour and ability to perform everyday tasks; and
- Alzheimer's disease - the most common form of dementia accounting for between 50% and 70% of all dementias.

Close of Meeting

The Chair, Mayor Councillor J Hill declared the meeting closed at 11.44am.

CONFIRMED this

day of

2014

MAYOR

CHIEF EXECUTIVE OFFICER