

## REPORT OF THE COMMITTEE OF THE COUNCIL

TUESDAY, 12 JULY 2011 AND 13 JULY 2011

His Worship the Mayor Councillor P.M. Taylor  
(Chairperson)  
Councillor R.P. Antonio  
(Portfolio Leader: Water Services)  
Councillor W.W. Cahill  
(Portfolio Leader: Environmental and Community Services)  
Councillor A.C. Glasheen  
(Portfolio Leader: Customer Services)  
Councillor P.C.T. Marks  
(Portfolio Leader: Planning and Development Services)  
Councillor J.J. McVeigh  
(Portfolio Leader: Corporate Services)  
Councillor J. Ramia  
(Portfolio Leader: Tourism Events and Parks Services)  
Councillor R.S. Scotney  
(Portfolio Leader: Cultural Heritage and Facilities Services)  
Councillor N.L. Strohfeld  
(Portfolio Leader: Strategic Services)  
Councillor C.E. Taylor  
(Portfolio Leader: Engineering Services)  
Councillor M.A. Williams  
(Portfolio Leader: Financial and Sporting Services)

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**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL**

12 and 13 July 2011

Meeting Commenced: 9.02 a.m. on Tuesday, 12 July 2011  
9.01 a.m. on Wednesday, 13 July 2011

**PRESENT:** His Worship the Mayor Councillor P.M. Taylor  
(Chairperson)  
Councillor R.P. Antonio  
(Portfolio Leader: Water Services) [Items 1 to 14]  
Councillor W.W. Cahill  
(Portfolio Leader: Environmental and Community Services)  
Councillor A.C. Glasheen  
(Portfolio Leader: Customer Service)  
Councillor P.C.T. Marks  
(Portfolio Leader: Planning and Development Services)  
Councillor J.J. McVeigh  
(Portfolio Leader: Corporate Services)  
Councillor J. Ramia  
(Portfolio Leader: Tourism Events and Parks Services)  
Councillor R.S. Scotney  
(Portfolio Leader: Cultural Heritage and Facilities Services)  
Councillor N.L. Strohfeld  
(Portfolio Leader: Strategic Services)  
Councillor C.E. Taylor  
(Portfolio Leader: Engineering Services)  
Councillor M.A. Williams  
(Portfolio Leader: Financial and Sporting Services)

**IN ATTENDANCE:** Chief Executive Officer (Ken Gouldthorp)  
[Items 1 to 16.2]  
General Manager, Environment and Community Services (Brian Pidgeon)  
[Items 2 to 4 and 11 to 14]  
General Manager, Planning and Development (Stewart Somers)  
[Items 5 to 9]  
Manager, Stakeholder Engagement and Communications  
(Matthew Grant) [Item 15]  
Co-ordinator, Council Business (Angela O'Neil)  
[Items 1 to 16.2]

**BY INVITATION:**  
Mr Glen McCracken, Clewett Lawyers was present for Item 3.

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Portfolio: CORPORATE SERVICES

1

**REPORT TITLE** Closing of Meeting to the Public  
**AUTHOR**

### CLOSING THE MEETING TO THE PUBLIC

**Motion:**

Moved by Cr. Strohfeld, seconded by Cr. Antonio

That the meeting be closed to the public in accordance with Section 72(1) of the Local Government (Operations) Regulation 2010 to consider the following five items on the agenda:

- (a) **Item 2**  
**CONFIDENTIAL - Update Report on the Acquisition of Land at Pittsworth from Vines Estate for Sporting Facilities (Pittsworth Leagues Club) - 36 Vine Street, Pittsworth**

**Reason for Closed Meeting**

To discuss a matter which would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage (Section 72(1) (h) of the Local Government (Operations) Regulation 2010).

- (b) **Item 3**  
**CONFIDENTIAL - Toowoomba Regional Council Economic Development Board Transition to Independent Economic Development Organisation**

**Reason for Closed Meeting**

To discuss matters relating to Council's budget and which would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage (Section 72(1) (c) and (h) of the Local Government (Operations) Regulation 2010).

- (c) **Item 4**  
**CONFIDENTIAL - Medical Centres**

**Reason for Closed Meeting**

To discuss a matter which would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage (Section 72(1) (h) of the Local Government (Operations) Regulation 2010).

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- (d) **Item 5**  
**CONFIDENTIAL - South East Queensland (SEQ) Regional Environmental Offsets Framework and Framework Report**

**Reason for Closed Meeting**

To discuss a matter which would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage (Section 72(1) (h) of the Local Government (Operations) Regulation 2010).

- (e) **Item 6**  
**CONFIDENTIAL - Development Assessment - Planning and Environment Appeals and Compensation Claims - June 2011**

**Reason for Closed Meeting**

To discuss starting or defending legal proceedings involving Council and/or actions to be taken by the Council under the Integrated Planning Act 1997 (Section 72(1) (f) and (g) of the Local Government (Operations) Regulation 2010).

**Carried**

**The meeting was closed to the public at 9.03 a.m. on Tuesday, 12 July 2011.**

**OPENING OF MEETING TO THE PUBLIC**

**MOTION:**

Moved by Cr. Marks, seconded by Cr. McVeigh

That the meeting be opened to the public.

**Carried**

**The Meeting was opened to the public at 11.19 a.m. on Tuesday, 12 July 2011.**

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Portfolio: CORPORATE SERVICES

2

**REPORT TITLE** CONFIDENTIAL - Update Report on the Acquisition of Land at Pittsworth from Vines Estate for Sporting Facilities - 36 Vine Street, Pittsworth

**AUTHOR** Senior Property Officer (Steve Chapman) - 27 June 2011

The following recommendation arising from the confidential report/closed meeting session was put without discussion or debate.

**COMMITTEE RECOMMENDATION**

That the previous offer by Council for 6,214 m<sup>2</sup> of land described as part of Lot 80 on SP210624 remain current and negotiations continue on that basis.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 2)**

Committee Report adopted by Council at its meeting of 19 July 2011

**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
	C. Theodosis	Please instigate all follow-up action.	31/08/11

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Portfolio: **STRATEGIC SERVICES**

**3**

**REPORT TITLE** CONFIDENTIAL - Toowoomba Regional Council Economic Development Board Transition to Independent Economic Development Organisation

**AUTHOR** General Manager, Environment and Community Services Group (Brian Pidgeon) and Senior Economic Development Officer (Shamus Garmany) - 20 June 2011

The following recommendation arising from the confidential report/closed meeting session was put without discussion or debate.

**COMMITTEE RECOMMENDATION**

1. That, for the purpose of conducting a beneficial enterprise in terms of the Local Government Act 2009 being an enterprise which Council considers is directed to benefiting, and can reasonably be expected to benefit the Toowoomba region, Council form a company to be known as Toowoomba Regional Enterprise Pty Ltd to act as the lead economic development agency in the Toowoomba region and, to that end, Council proceed to incorporate a private company with share capital in accordance with the principles outlined in the attached Constitution and Funding Agreement.
2. That the new company be named "Toowoomba Regional Enterprise" and adopt the Constitution of Toowoomba Regional Enterprise as attached.
3. That Council appoint existing Advisory Board Members namely, Mrs Bobbie Brazil, Mr John Dornbusch, Mr Bob McCarthy, Mr John McCormack, Mr John Minz and Mr John Wagner as the initial directors of Toowoomba Regional Enterprise.
4. That, upon formation of Toowoomba Regional Enterprise and approval of funding in the 2011/2012 budget, the Chief Executive Officer be authorised to enter into a Funding Agreement between Toowoomba Regional Council and Toowoomba Regional Enterprise as attached.
5. That the Chief Executive Officer be authorised to take necessary action to establish Toowoomba Regional Enterprise as outlined within the confidential report, including applying for registration under the Queensland Regional Development Initiative.

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**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011  
- Item 3)**

Committee Report adopted by Council at its meeting of 19 July 2011

**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
	B. Pidgeon S. Garmany	Please instigate all follow-up action.	30/09/11



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**Portfolio: CULTURAL HERITAGE AND  
FACILITIES SERVICES**

**4**

**REPORT TITLE** CONFIDENTIAL - Medical Centres  
**AUTHOR** Manager, Community Services (Paul Reynolds) and Strategic  
Property Officer (Chris Theodosis) - 4 July 2011

The following recommendation arising from the confidential report/closed meeting session was put without discussion or debate.

**COMMITTEE RECOMMENDATION**

1. That, in relation to Kingsthorpe Family Practice,
  - (a) Council immediately implement Option A as outlined in the confidential report.
  - (b) written approval be obtained from the Department of Health and Ageing to enable Council to lease the facility.
  - (c) Council invite tenders for the lease of the Kingsthorpe Medical Centre located at 20a North Street, Kingsthorpe and described as part of Lot 15 on SP177911.
2. That, in relation to the Crows Nest Medical Centre,
  - (a) Council seek an exemption under Section 185 of the Local Government Regulations (Finance, Plans and Reporting) to deal in priority for the renewal of the lease of the Crows Nest Medical Centre located at Curnow Street, Crows Nest and described as Lot 5 on SP131016.
  - (b) should the exemption referred to in recommendation (a) not be approved, then Council call tenders for the lease of the Crows Nest Medical Centre.
  - (c) once a lease is in place, Council seek tenders for the sale of the premises.
3. That the Chief Executive Officer be authorised to sign all documentation necessary to confirm agreement to both leases.

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**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011  
- Item 4)**

Committee Report adopted by Council at its meeting of 19 July 2011

**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
	C. Theodosis	Please instigate all follow-up action.	31/08/11

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Portfolio: **STRATEGIC SERVICES**

**5**

**REPORT TITLE**            CONFIDENTIAL - South East Queensland (SEQ) Regional  
Environmental Offsets Framework and Framework Report  
**AUTHOR**                    Senior Environmental Planning (Alison Curtis) - 10 June 2011

The following recommendation arising from the confidential report/closed meeting session was put without discussion or debate.

**COMMITTEE RECOMMENDATION**

That Council endorse the SEQ Regional Environmental Offsets Framework and future actions in the Consultation Draft Framework Report.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 5)**

Committee Report adopted by Council at its meeting of 19 July 2011

**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
	A. Curtis	Please advise COM(SEQ) of Council's endorsement of the Framework	28/07/11

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**Portfolio: PLANNING AND DEVELOPMENT  
SERVICES**

**6**

**REPORT TITLE**            CONFIDENTIAL - Development Assessment - Planning and  
Environment Appeals and Compensation Claims - June 2011  
**AUTHOR**                    General Manager, Planning and Development Group (Stewart  
Somers) - 27 June 2011

The following recommendation arising from the confidential report/closed meeting session was put without discussion or debate.

**COMMITTEE RECOMMENDATION**

That the confidential report on Planning and Environment Appeals and Compensation Claims for June 2011 be noted by Council.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 6)**

Committee Report adopted by Council at its meeting of 19 July 2011

**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
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No further action required  
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Portfolio: **PLANNING AND DEVELOPMENT  
SERVICES**

7

**REPORT TITLE** Toowoomba Regional Planning Scheme - Proposed Planning Scheme Policies  
**AUTHOR** Principal Planner Land Use and Community (Heath Martin) - 20 June 2011

### PURPOSE OF REPORT

This report considers new planning scheme policies developed to support the new *Toowoomba Regional Planning Scheme* and recommends that Council endorse the policies for public exhibition.

### CORPORATE PLAN REFERENCE

3.1 Planning and development for regional growth and change are based on sustainability principles, cultural heritage and community engagement.

### BACKGROUND

The *Sustainable Planning Act 2009* (SPA) provides for the creation of planning scheme policies (PSPs) to support the administration of planning schemes. PSPs can do one or more of the following:

- (a) state information a local government may request for a development application.
- (b) state the consultation the local government may carry out under section 256 (SPA enables Council to seek third party advice throughout the IDAS process and a PSP may identify when Council would seek such advice).
- (c) state actions a local government may take to support the process for making or amending its planning scheme.
- (d) contain standards identified in a code.
- (e) include guidelines or advice about satisfying assessment criteria in the planning scheme.

The following eight PSPs have been developed to support the new *Toowoomba Regional Planning Scheme* and it is proposed that these policies be exhibited together with the planning scheme (full copies of each policy have previously been provided to Councillors).

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PSP No.	Title	Description
1	Development Application Requirements	<p>Throughout the planning scheme reference is made to particular outcomes that an application must demonstrate it will achieve, e.g. the Bushfire Hazard Overlay requires that an application for development within a bushfire hazard area demonstrate that the safety of people and property are maintained. The PSP states that in order to demonstrate that this outcome has been achieved the applicant should include a bushfire hazard assessment and/or bushfire management plan with their application.</p> <p>It should be noted that an applicant cannot be made to submit the additional information required by the PSP however the PSP makes Council's expectations clear to any applicant.</p> <p>The PSP also identifies the minimum standards that need to be met in terms of the documentation that is submitted with an application, e.g scale of plans, documenting existing site conditions, etc.</p>
2	Engineering Standards - Roads and Drainage Infrastructure	<p>This PSP provides the standards and procedures for the planning, design, construction and maintenance of road and drainage infrastructure where proposed as part of a new development.</p>
3	Engineering Standards - Water and Waste Water Infrastructure	<p>This PSP provides the standards and procedures for the planning, design, construction and maintenance of water and waste water infrastructure where proposed as part of a new development.</p> <p>This policy contains the requirements of the Water Infrastructure and Waste Water Infrastructure policies adopted by Council at its Ordinary Meeting of 17 August 2010.</p>
4	Development Near Utility Services	<p>This PSP identifies the measures that must be taken where development is proposed in proximity to Council utility services, e.g. waste water, water and drainage infrastructure, in order to ensure those services are protected.</p>
5	Car Parking Construction Standards	<p>This PSP identifies standards that need to be met in the construction of car parking areas, including the surfacing of car parks, line marking, access, etc.</p>
6	Heritage Places	<p>This PSP identifies properties that are designated as 'heritage places' in the planning scheme. Each property is listed by street address and lot on plan description. The policy identifies whether the property is also on the state heritage register.</p>
7	Neighbourhood Character Places	<p>This PSP identifies properties that are designated as 'neighbourhood character places' in the planning scheme. Each property is listed by street address and lot on plan description.</p>
8	Street Trees and Landscaping	<p>This PSP identifies the standards that must be met where the planting of street trees or other forms of landscaping is required in relation to new development, e.g. planting method for street trees.</p>

The *Statutory Guideline 02/09 - Making or Amending Planning Instruments* identifies the process that Council must follow to make a planning scheme policy. That process consists of three stages:

Stage 1 - Council proposes to prepare a planning scheme policy and the policy is prepared.

Stage 2 - The policy is made available for public comment for at least 20 business days and considers any comments made.

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Stage 3 - After considering any submissions, Council decides whether it will adopt the policy as exhibited, adopt the policy with changes or that it will not adopt the policy.

**CONSULTATION UNDERTAKEN**

Consultation has been undertaken with both internal stakeholders and local engineering consultants during the development of PSP No.2. This policy has also been the subject of an independent peer review.

PSP No.3 contains the requirements of the Water Infrastructure and Waste Water Infrastructure policies adopted by Council at its Meeting of 17 August 2010 (Committee of the Council - 10 and 11 August 2010 - Item 9). Consultation was undertaken with internal stakeholders during the development of these policies.

PSP Nos.6 and 7 include sites recommended by the *Heritage and Urban Character Study* undertaken by Council in 2009/2010. This study included the opportunity for residents to identify properties they considered should be designated as being of heritage or character significance. The owners of properties included on these lists will have the opportunity to comment on their inclusion during the public notification period.

**ISSUES AND RESPONSES**

Every effort has been made to consider all relevant issues during the development of these policies. During the public notification period, members of the public will have an opportunity to comment on the policy content and those comments will be considered by Council before the policies are adopted.

**RESOURCE IMPLICATIONS**

Documenting Council's expectations on information that should be submitted with development applications makes those expectations clear to applicants and reduces the potential for time and resources to be extended by Council having to request additional information after an application is lodged.

While engineering standards relating to water and waste water infrastructure were aligned across the region in August 2010 different road and drainage standards still exist between districts. Administering these standards has negative resource implications for both Council and the development industry.

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**CONCLUSION**

Eight planning scheme policies have been developed to support the new *Toowoomba Regional Planning Scheme*. These policies will identify Council's standards in relation to a range of infrastructure, expectations of information that should be included with development applications and the identification of places of heritage and neighbourhood character significance. Given the relationship between these policies and the new planning scheme, it is proposed that they be made available for public comment at the same time as the new planning scheme.

**RECOMMENDATION**

1. That in accordance with *Statutory Guideline 02/09 - Making or Amending Planning Instruments*, Part 2, Stage 1, Council propose to prepare the following planning scheme policies:

PSP No.1	Development Application Requirements
PSP No.2	Engineering Standards - Roads and Drainage Infrastructure
PSP No.3	Engineering Standards - Water and Waste Water Infrastructure
PSP No.4	Development Near Utility Services
PSP No.5	Car Parking Construction Standards
PSP No.6	Heritage Places
PSP No.7	Neighbourhood Character Places
PSP No.8	Street Trees and Landscaping.

2. That Council endorse the following planning scheme policies and make them available for public comment at the time the proposed *Toowoomba Regional Planning Scheme* is on public exhibition:

PSP No.1	Development Application Requirements
PSP No.2	Engineering Standards - Roads and Drainage Infrastructure
PSP No.3	Engineering Standards - Water and Waste Water Infrastructure
PSP No.4	Development Near Utility Services
PSP No.5	Car Parking Construction Standards
PSP No.6	Heritage Places
PSP No.7	Neighbourhood Character Places
PSP No.8	Street Trees and Landscaping.

**REASONS FOR RECOMMENDATION**

The recommendation is consistent with the statutory requirements for the preparation of planning scheme policies.



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**COMMITTEE RECOMMENDATION**

1. That in accordance with *Statutory Guideline 02/09 - Making or Amending Planning Instruments*, Part 2, Stage 1, Council propose to prepare the following planning scheme policies:

PSP No.1	Development Application Requirements
PSP No.2	Engineering Standards - Roads and Drainage Infrastructure
PSP No.3	Engineering Standards - Water and Waste Water Infrastructure
PSP No.4	Development Near Utility Services
PSP No.5	Car Parking Construction Standards
PSP No.6	Heritage Places
PSP No.7	Neighbourhood Character Places
PSP No.8	Street Trees and Landscaping.

2. That Council endorse the following planning scheme policies and make them available for public comment at the time the proposed *Toowoomba Regional Planning Scheme* is on public exhibition:

PSP No.1	Development Application Requirements
PSP No.2	Engineering Standards - Roads and Drainage Infrastructure
PSP No.3	Engineering Standards - Water and Waste Water Infrastructure
PSP No.4	Development Near Utility Services
PSP No.5	Car Parking Construction Standards
PSP No.6	Heritage Places
PSP No.7	Neighbourhood Character Places
PSP No.8	Street Trees and Landscaping.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011  
- Item 7)**

Committee Report adopted by Council at its meeting of 19 July 2011

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**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
1. and 2.	H. Martin	Please prepare planning scheme policies and make available for public comment.	23/07/11

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**Portfolio: PLANNING AND DEVELOPMENT  
SERVICES**

**8**

**REPORT TITLE** Development Assessment - Regional Development Applications Report - May 2011  
**AUTHOR** General Manager, Planning and Development Group (Stewart Somers) - 27 June 2011

The purpose of this report is to inform Council of the development application trends for the region and provide statistical detail of development applications. Details are attached.

Data across the region will continue to be monitored over time to identify trends in the building and development industry within the region.

**RECOMMENDATION**

That the report of the General Manager, Planning and Development Group on the Regional Development Applications for May 2011 be noted by Council.

**COMMITTEE RECOMMENDATION**

That the report of the General Manager, Planning and Development Group on the Regional Development Applications for May 2011 be noted by Council.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 8)**

Committee Report adopted by Council at its meeting of 19 July 2011

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<b>ACTION TO BE TAKEN</b>
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<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
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No further action required			
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**Portfolio: PLANNING AND DEVELOPMENT  
SERVICES**

**9**

**REPORT TITLE** Development Assessment - New Applications, Delegated Decisions and Publicly Notified Material Change of Use Applications  
**AUTHOR** General Manager, Planning and Development Group (Stewart Somers) - 28 June 2011

The following schedules are submitted for Council's information:

1. Applications lodged for the period 1 June 2011 to 24 June 2011.
2. Applications determined under delegation for the period between 30 May 2011 and 24 June 2011.
3. Status of material change of use (impact assessable) applications as at 24 June 2011.

**RECOMMENDATION**

That the report of the General Manager, Planning and Development Group be noted by Council.

**COMMITTEE RECOMMENDATION**

That the report of the General Manager, Planning and Development Group be noted by Council.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 9)**

Committee Report adopted by Council at its meeting of 19 July 2011

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<b>ACTION TO BE TAKEN</b>
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<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
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No further action required.  
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Portfolio: **ENGINEERING SERVICES**

10

**REPORT TITLE** Contract Variations Report - PT03-10/11 Oakey Pool Modifications  
**AUTHOR** Manager, Project Management Branch (David Pemberton) - 28 June 2011

**PURPOSE OF REPORT**

In accordance with Council's Register of Delegations (Delegation A3), Council is to be advised of all variations to contracts where the additional cost to Council exceeds 10% of the original cost. Project PT03-10/11 Oakey Pool Modifications is being managed by the Infrastructure Group Project Management Branch on behalf of the Community Services Branch.

**ISSUES AND RESPONSES**

Project PT03-10/11 Oakey Pool Modifications was approved in the 2010/2011 Budget. The approved budget estimate was \$720,000. Tenders were called for a Design and Construct contract for the Oakey Pool Modifications with the contract being offered to and accepted by Poollink for \$624,100 excluding GST.

Since commencement of the Project, the following additional items have been identified as requiring the issue of some variations. The total variations submitted to date amount to 10.3%.

Variations Submitted For Noting	Value	Comment
New main pump and lint filter	\$21,850	Increase in pump capacity to meet the industry guidelines
Supply new starting blocks	\$8,400	Blocks in poor condition. Aesthetic reasons for replacement
Supply and install tie down anchors for pool blankets	\$64	Wind issues associated with wet deck configuration - Operational Improvement
Install Hartford loop to filters	\$3,000	Siphon point to stop water leaking from filters when power failures to site occur - Operational Improvement
Apply coloured coating to concrete	\$14,885	Aesthetic reason - gives a continuous surface treatment to the concourse
Solar heating for Tot's pool	\$13,940	Independent heat supply to Tot's leisure and learn to swim area - Operational Improvement
Chlorine store pump out sump and replace lining to bund	\$1,251	Health and Safety improvements - Operational Improvement
Electrical work in Plant Room	\$900	Workplace safety and operational improvements
<b>Total</b>	<b>\$64,290 or 10.3%</b>	

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One additional item that has been identified and will need to be addressed is the failure of one of the sand filters that occurred after the contract was called and awarded. To replace a damaged pipe and filter sand is likely to cost in the order of \$5,000 to \$8,000.

**RESOURCE IMPLICATIONS**

Funds are available from within the Budget program to undertake the works identified.

**RECOMMENDATION**

That Council note the contract variations for Project PT03-10/11 Oakey Pool Modifications and that budget funds are available to fund the variations.

**COMMITTEE RECOMMENDATION**

That Council note the contract variations for Project PT03-10/11 Oakey Pool Modifications and that budget funds are available to fund the variations.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 10)**

Committee Report adopted by Council at its meeting of 19 July 2011

**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
-----			
No action required.			
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**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
12 AND 13 JULY 2011**

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**The Meeting closed for the day at 12.01 p.m. on Tuesday, 12 July 2011 and recommenced at 9.01 a.m. on Wednesday, 13 July 2011.**

REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
12 AND 13 JULY 2011

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Portfolio: **CULTURAL HERITAGE AND  
FACILITIES SERVICES**

11

**REPORT TITLE** Corrections to Adopted Fees and Charges 2011/2012 - Community Facilities  
**AUTHOR** Manager, Community Services (Paul Reynolds) - 29 June 2011

**PURPOSE OF REPORT**

To correct the fees and charges schedule for Milne Bay Aquatic Centre, Highfields Fitness and Recreation Centre, Oakey Cultural Centre, the Highfields Cultural Centre and the Drayton and Toowoomba Cemetery for the 2011/2012 financial year.

**CORPORATE PLAN REFERENCE**

- 2.1.2 Ensure sound financial management and procurement practices.
- 2.1.5 Review and ensure compliance with policies, standards, codes and other legislative requirements.

**BACKGROUND**

Since the Schedule of Fees and Charges for 2011/2012 were adopted by Council in April 2011, it has been discovered that a number of errors were made in the transposition of data.

**CONSULTATION UNDERTAKEN**

Nil.

**ISSUES AND RESPONSES**

Applying incorrect fees and charges will have significant implications on the financial performance of these facilities.

The following table shows the corrections that are required to the Schedule of Fees and Charges 2011/2012:

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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<b>Aquatic &amp; Fitness Centre - Milne Bay Aquatic Centre</b>	<b>Adopted Fee April 2011 (GST inclusive)</b>	<b>Proposed Amended Fee (GST inclusive)</b>	<b>Basis / Reason</b>
Full Membership Fee (d) Suspension	\$15	\$10	To remain consistent with current pricing. 2010/11 fee - \$10
Multi Passes (c) Gymnasium (includes free swim/sauna/spa) 10 Pass Child/pensioner/Student/concession	\$72	\$75	To achieve fair market rate 2010/11 fee - \$65
Program Pool Hire - Hydrotherapy pool Whole Pool Hire - Permanent pool booking	\$60 per hour	\$63 per hour	Error in original data entry 2010/11 fee - \$60
Waves Swim School - Learn to Swim Half hour lesson - First child Half hour lesson - second child in family Half hour Lesson - Third child in family	\$9.50 \$9.00 \$8.50	\$10.50 \$9.50 \$9.00	Current prices indicates a decrease in fees 2010/11 fee - First \$10; Second \$9; Third \$8
<b>Sporting Facilities - Highfields Fitness and Recreation Centre</b>			
Full Membership Fees (non reciprocal rights) (b) Concession 12 Months Fortnightly - Members	\$525 \$22	\$550 \$25	To reflect the fee structure being charged to clients during 2010/11
Sports Hall Hire (e) Room Only - Off Peak (open to 3.30pm) per hour	\$40	\$30	Error in original data entry 2010/11 fee - \$20
<b>Oakey Cultural Centre</b>			
(vi) Bar/Lounge/Courtyard & Kitchen Hire - Weddings, Private Functions	Not identified	\$300	Fee was not included in the proposed 2011/12 schedule 2010/11 Fee - \$250
<b>Highfields Cultural Centre (notes section of the Fees &amp; Charges)</b>			
Additional \$5 per person if number is over 60 people to maximum of \$650.00	In Notes	Remove from Notes	Remove, this statement is no longer accurate
Bonds (removed section on bonds)	In Notes	Remove from Notes	Function bonds are not used at this facility as all functions have Council staff onsite. Terms and Conditions of use identify damage costs are borne by hirer

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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Reference to tea and coffee included in duration of event (this is no longer accurate).	In Notes	Remove from Notes (DM3421144 and 4647509)	Remove, this statement is not accurate. Charges may apply.
<b>Cemetery Burial Services - Drayton &amp; Toowoomba Cemetery</b>			
Council staff placement of privately purchased plaque	\$180	\$180	Correction of description
Permit to make modifications to an existing memorial <i>(This is an application fee for an external party eg. customer, stone mason etc to modify, renew and/or repair an existing memorial)</i>	Not identified	\$40	Fee was not included in the proposed 2011/12 schedule

Only the fees identified in the schedule contained in this report are being recommended to be considered for amendment. All other adopted fees and charges relevant to these facilities remain unchanged.

**RESOURCE IMPLICATIONS**

Nil.

**CONCLUSION**

The proposed fees and charges will support the provision of relevant services and form part of the 2011/2012 budget.

<b>RECOMMENDATION</b>
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That the Schedule of Fees and Charges for the 2011/2012 Financial Year be amended as follows:

<b>Aquatic &amp; Fitness Centre – Milne Bay Aquatic Centre</b>	<b>Adopted Fee April 2011 (GST inclusive)</b>	<b>Proposed Amended Fee (GST inclusive)</b>	<b>Basis / Reason</b>
Full Membership Fee (d) Suspension	\$15	\$10	To remain consistent with current pricing. 2010/11 fee - \$10
Multi Passes (c) Gymnasium (includes free swim/sauna/spa) 10 Pass Child/pensioner/Student/concession	\$72	\$75	To achieve fair market rate 2010/11 fee - \$65

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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Program Pool Hire - Hydrotherapy pool Whole Pool Hire - Permanent pool booking	\$60 per hour	\$63 per hour	Error in original data entry 2010/11 fee - \$60
Waves Swim School - Learn to Swim Half hour lesson - First child Half hour lesson - second child in family Half hour Lesson - Third child in family	\$9.50 \$9.00 \$8.50	\$10.50 \$9.50 \$9.00	Current prices indicates a decrease in fees 2010/11 fee - First \$10; Second \$9; Third \$8
<b>Sporting Facilities - Highfields Fitness and Recreation Centre</b>			
Full Membership Fees (non reciprocal rights) (b) Concession 12 Months Fortnightly - Members	\$525 \$22	\$550 \$25	To reflect the fee structure being charged to clients during 2010/11
Sports Hall Hire (e) Room Only - Off Peak (open to 3.30pm) per hour	\$40	\$30	Error in original data entry 2010/11 fee - \$20
<b>Oakey Cultural Centre</b>			
(vi) Bar/Lounge/Courtyard & Kitchen Hire - Weddings, Private Functions	Not identified	\$300	Fee was not included in the proposed 2011/12 schedule 2010/11 Fee - \$250
<b>Highfields Cultural Centre (notes section of the Fees &amp; Charges)</b>			
Additional \$5 per person if number is over 60 people to maximum of \$650.00	In Notes	Remove from Notes	Remove, this statement is no longer accurate
Bonds (removed section on bonds)	In Notes	Remove from Notes	Function bonds are not used at this facility as all functions have Council staff onsite. Terms and Conditions of use identify damage costs are borne by hirer
Reference to tea and coffee included in duration of event (this is no longer accurate).	In Notes	Remove from Notes (DM3421144 and 4647509)	Remove, this statement is not accurate. Charges may apply.
<b>Cemetery Burial Services - Drayton &amp; Toowoomba Cemetery</b>			
Council staff placement of privately purchased plaque	\$180	\$180	Correction of description
Permit to make modifications to an existing memorial <i>(This is an application fee for an external party eg. customer, stone mason etc to modify, renew and/or repair an existing memorial)</i>	Not identified	\$40	Fee was not included in the proposed 2011/12 schedule

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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**REASONS FOR RECOMMENDATION**

To allow for financial sustainability in the operation of these venues.

<b>COMMITTEE RECOMMENDATION</b>
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That the Schedule of Fees and Charges for the 2011/2012 Financial Year be amended as follows:

<b>Aquatic &amp; Fitness Centre – Milne Bay Aquatic Centre</b>	<b>Adopted Fee April 2011 (GST inclusive)</b>	<b>Proposed Amended Fee (GST inclusive)</b>	<b>Basis / Reason</b>
Full Membership Fee (d) Suspension	\$15	\$10	To remain consistent with current pricing. 2010/11 fee - \$10
Multi Passes (c) Gymnasium (includes free swim/sauna/spa) 10 Pass Child/pensioner/Student/concession	\$72	\$75	To achieve fair market rate 2010/11 fee - \$65
Program Pool Hire - Hydrotherapy pool Whole Pool Hire - Permanent pool booking	\$60 per hour	\$63 per hour	Error in original data entry 2010/11 fee - \$60
Waves Swim School - Learn to Swim Half hour lesson - First child Half hour lesson - second child in family Half hour Lesson - Third child in family	\$9.50 \$9.00 \$8.50	\$10.50 \$9.50 \$9.00	Current prices indicates a decrease in fees 2010/11 fee - First \$10; Second \$9; Third \$8
<b>Sporting Facilities - Highfields Fitness and Recreation Centre</b>			
Full Membership Fees (non reciprocal rights) (b) Concession 12 Months Fortnightly - Members	\$525 \$22	\$550 \$25	To reflect the fee structure being charged to clients during 2010/11
Sports Hall Hire (e) Room Only - Off Peak (open to 3.30pm) per hour	\$40	\$30	Error in original data entry 2010/11 fee - \$20
<b>Oakey Cultural Centre</b>			
(vi) Bar/Lounge/Courtyard & Kitchen Hire - Weddings, Private Functions	Not identified	\$300	Fee was not included in the proposed 2011/12 schedule 2010/11 Fee - \$250

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<b>Highfields Cultural Centre (notes section of the Fees &amp; Charges)</b>			
Additional \$5 per person if number is over 60 people to maximum of \$650.00	In Notes	Remove from Notes	Remove, this statement is no longer accurate
Bonds (removed section on bonds)	In Notes	Remove from Notes	Function bonds are not used at this facility as all functions have Council staff onsite. Terms and Conditions of use identify damage costs are borne by hirer
Reference to tea and coffee included in duration of event (this is no longer accurate).	In Notes	Remove from Notes (DM3421144 and 4647509)	Remove, this statement is not accurate. Charges may apply.
<b>Cemetery Burial Services - Drayton &amp; Toowoomba Cemetery</b>			
Council staff placement of privately purchased plaque	\$180	\$180	Correction of description
Permit to make modifications to an existing memorial <i>(This is an application fee for an external party eg. customer, stone mason etc to modify, renew and/or repair an existing memorial)</i>	Not identified	\$40	Fee was not included in the proposed 2011/12 schedule

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 11)**

Committee Report adopted by Council at its meeting of 19 July 2011

<b>ACTION TO BE TAKEN</b>
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<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
	P. Reynolds A. Betts	Please note and amend Fees and Charges Schedule for 2011/2012.	22/07/11

REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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Portfolio: **STRATEGIC SERVICES**

12

**REPORT TITLE** Proposal to Make Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011  
**AUTHOR** Risk and Local Laws Management Co-ordinator (Alan Milton) and Regional Solicitor (Pradeepa Jayawardena York) - 29 June 2011

**PURPOSE OF REPORT**

To consider the proposal to make Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011.

**CORPORATE PLAN REFERENCE**

2.1.5 Review and ensure compliance with policies, standards, codes and other legislative requirements.

**BACKGROUND**

On 15 March 2011, Council resolved to propose to adopt a number of Model Local Laws as its Local Laws and to make Toowoomba Regional Council Local Law (Repealing) Local Law (No. 1) 2011 to repeal a number of Local Laws.

A Model Local Law in relation to Aerodromes is not in existence and could not be considered by Council for proposed adoption. Accordingly, it was necessary to retain the following five Local Laws and two Subordinate Local Laws in relation to Aerodromes:

*Clifton Shire Council (Aerodromes) Local Law No. 22*

*Jondaryan Shire Council (Aerodromes) Local Law No. 22*

*Millmerran Shire Council (Aerodromes) Local Law No. 22*

*Millmerran Shire Council Local Law Policy No. 22 (Aerodromes)*

*Pittsworth Shire Council (Aerodromes) Local Law No. 22*

*Pittsworth Shire Council Local Law Policy No. 22 (Aerodromes)*

*Local Law No. 39 (Public Aerodromes) of Toowoomba City Council.*

The above Local Laws and Subordinate Local Laws (Attachment A) in relation to Aerodromes will be retained until the sunset date (31 December 2011) after which time they will be automatically repealed by the operation of the law. Accordingly, Council will need to, before the sunset date, decide on new laws (if any) to replace them.

Alternatively, section 13(2) of the *Local Government Reform Implementation Regulation 2008* provides that a local government may, by local law, apply a local law to the whole of its



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local government area. If Council applies a Local Law without changes to the whole of the Toowoomba Regional Council area, State interest check requirements of the *Local Government Act 2009* do not apply.

### **CONSULTATION UNDERTAKEN**

The need for an Aerodrome Local Law was initially identified during the Local Law workshops undertaken in July 2010. Further discussions have taken place with the Manager, Transport and Drainage and officers associated with the aerodromes. The outcome of these discussions was to apply the Toowoomba City Council *Local Law No. 39 (Public Aerodromes)* across the Toowoomba Regional Council area.

Following receipt of advise from King and Company, a report was presented to the Executive Management Team and an information session held with Councillors.

Public consultation will be undertaken as part of the law making process.

### **ISSUES AND RESPONSES**

#### **Aerodromes Local Law**

Currently, each of the Council controlled Aerodromes in Clifton, Jondaryan, Millmerran, Pittsworth and Toowoomba are governed by individual local laws inherited from the former Council of the region in which they are situated.

A Local Law is needed in order to regulate the use of these Council controlled Aerodromes in Clifton, Jondaryan, Millmerran, Pittsworth and Toowoomba. Such a law is needed in order to direct the conduct of persons at the Aerodromes; to regulate and ensure the safety and security of airside and landside activities; and to set fees and charges for entry and use of the Aerodromes.

It is proposed that the local law currently governing the Toowoomba Aerodrome be applied to the whole of the Toowoomba Regional Council area, taking the place of the current local laws governing the Aerodromes individually. The law governing the Toowoomba Aerodrome, Toowoomba City Council *Local Law No. 39 (Public Aerodromes)* is best suited to provide the basis of this new law as it provides a wider scope and addresses more issues than Local Laws currently governing the other Aerodromes in the Toowoomba region.

Accordingly, it is proposed that the attached Toowoomba Regional Council's Toowoomba City Council *Local Law No. 39 (Public Aerodromes)* be applied to the whole of the Toowoomba Regional Council area from 1 January 2012. In order to provide for this Local Law to be applied to the whole of the Toowoomba Regional Council area, it is necessary to make another Local Law, that is Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011 (Attachment B).

The Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011 does not contain any anti-competitive provisions.

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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**Law Making Process**

Section 29(1) of the *Local Government Act 2009* provides that each local government may decide its own process for making a Local Law. However, the process decided by each local government must satisfy a number of legislative requirements.

Council resolved on 15 March 2011 to adopt processes for adopting a Model Local Law, making a Subordinate Local Law and making the Repealing Local Law. However, Council has not decided on a process for making other Local Laws.

The process as set out in Schedule A (Attachment C) is based on the process provided by the Department of Local Government and Planning under the *Local Government Act 1993*, and that has proved satisfactory. This process remains useful under the *Local Government Act 2009*.

Accordingly, it is proposed that the process as set out in Schedule A be adopted by Council for the making of Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011.

**Risk Assessment**

If Council has not introduced a new Local Law on Public Aerodromes by 31 December 2011, the Toowoomba region will not have effective laws to manage Council controlled Aerodromes after 31 December 2011. In accordance with Council's Enterprise Risk Management Framework, the assessment of the risks associated with the delivery of this project is currently classified as "moderate".

**RESOURCE IMPLICATIONS**

Funding is required for legal and advertising costs associated with the law making process.

**CONCLUSION**

The five Local Laws and two Subordinate Local Laws that currently exist to regulate Aerodromes in the Toowoomba region will be retained until the sunset date (31 December 2011) after which time they will be automatically repealed by the operation of the law.

To ensure the safety and security of airside and landside activities and operations at Council-controlled Aerodromes, it is proposed to apply the Toowoomba Regional Council's Toowoomba City Council *Local Law No. 39 (Public Aerodromes)* to the whole of the Toowoomba Regional Council area under Section 13(2) of the *Local Government Reform Implementation Regulation 2008*.

The purpose of this report is to seek the appropriate resolutions of Council to commence the formal law making process.

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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**RECOMMENDATION**

1. That Council resolve to propose to make Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011.
2. That Council resolve to adopt, for the purposes of section 29(1) of the *Local Government Act 2009*, the process set out in Schedule A for making Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011.

**REASONS FOR RECOMMENDATION**

To provide a Local Law to regulate Council controlled Aerodromes in the Toowoomba Regional Council area to commence on 1 January 2012.

**COMMITTEE RECOMMENDATION**

1. That Council resolve to propose to make Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011.
2. That Council resolve to adopt, for the purposes of section 29(1) of the *Local Government Act 2009*, the process set out in Schedule A for making Toowoomba Regional Council Public Aerodromes (Application of Continuing Local Law) Local Law 2011.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011  
- Item 12)**

Committee Report adopted by Council at its meeting of 19 July 2011

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**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
	A. Milton	Please proceed with the making of the Local Law.	30/09/11

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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Portfolio: **CORPORATE SERVICES**

13

**REPORT TITLE** Proposed Use of Communication Tower - Skyline Drive, Glenvale  
**AUTHOR** Strategic Property Officer (Chris Theodosis) - 15 June 2011

**PURPOSE OF REPORT**

To consider a request for the placement of a Vodafone communication infrastructure on the communication tower at Skyline Drive, Glenvale.

**CORPORATE PLAN REFERENCE**

3.3.1 Facilitate coordination with infrastructure providers to deliver well planned integrated infrastructure.

**BACKGROUND**

Council leases two sites to Vodafone Network Pty Ltd (Vodafone) for the placement of telecommunication infrastructure for communications purposes.

A letter has been received from Total Communications Infrastructure Pty Ltd (TCI) acting for Vodafone requesting permission from Council as landowner to place mobile phone infrastructure on the reservoir site at Skyline Drive, Glenvale. The purpose of the request is to enhance its network coverage in the Glenvale region.

Currently, infrastructure on the site includes a Council owned and operated reservoir, telecommunications infrastructure and equipment hut owned by Optus under lease with Council. Vodafone is wishing to build an equipment hut and associated infrastructure adjacent to the reservoir, and panel antennae on top of the existing reservoir. The layout of the proposed facility would be adjacent to the existing Optus lease area. Unrestricted access to the site is via an easement in favour of Council.

In order to consolidate utilities infrastructure in the area, the Property Section has recommended that this site is best suited for Vodafone's requirements.

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**CONSULTATION UNDERTAKEN**

Comments were sought from Manager, Water Operations and Engineer Water Services who have no objection to the proposal stating that it poses little or no impact on any future infrastructure requirements. It is a standard requirement that any introduced telecommunications facility on Council owned or controlled land must not create interference in frequency to other facilities on the site.

**ISSUES AND RESPONSES**

**Infrastructure**

Vodafone proposes to co-locate on the existing water tower located on Skyline Drive, Glenvale and construct an associated equipment hut. It is proposed for the hut to be located adjacent to the existing Optus lease area. The proposed antennae will be a maximum height of 2.2 metres from the top of the reservoir.

**Lease Conditions Offered by Vodafone**

TCI has submitted an offer to lease under the two main heads of lease conditions -

Term: 20 years (in the form of 4 consecutive 5 year leases).

Rent: \$8,358.37 per annum with annual rental increases to the lesser of 3% or the CPI.

Legals: Both parties to pay for own legal costs.

**Officer Comment**

The lease term and rental is not comparative with the other communication leases Council has with other service providers in the Toowoomba area. A valuation was undertaken on 2 June 2011 for the proposed lease area and was assessed at \$13,000 per annum plus GST. Full legals are payable on other leases by the Lessee. Vodafone should be advised of this through a counter-offer.

**Town Planning**

As the proposal is simply an antennae on existing infrastructure and is co-located with another telecommunications facility, it is defined as "low impact" under the Telecommunications Act 1997 and therefore is 'exempt development' under the Planning Scheme.

**Legislation / Policy**

Tenure Policy

The land is owned freehold by Toowoomba Regional Council and is used for the purpose of water supply, recreation and drainage and its highest and best use is in line with its current 'Rural Residential' zoning. The proposed use is subject to Council approval and considered complementary to highest and best use. Under the Property Tenure Guidelines, the lease will be identified as a communication site and will therefore be classified as a Category 6.1 -

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Commercial Communication Sites.

As such the following will apply:

Category		Use	Rental (per annum)	Minimum Rent
6	Communications Sites			
	6.1	Commercial Communications Sites	Commercial / Market (plus CPI after the first year)	Valuation
	6.2	Non Commercial Communications Sites (eg: Community Service Organisations)	5% of UV	\$1 per year if demanded

Rates

The proposed lease will require the Lessee to pay rates.

Tenure Length

As the lessee will not have a substantial capital cost i.e. will not be constructing an actual communications tower, the tenure length will be limited to 10 years.

Maintenance Responsibilities

The lessee will be responsible for the general maintenance of the premises. Council will undertake regular inspections of the premises to ensure the lessee is acting in accordance with the terms of the lease.

**RESOURCE IMPLICATIONS**

The main service providers have accelerated the need to improve their network and compete for business accordingly. The proposed lease rental will add to the growing income received from these service providers.

**CONCLUSION**

This is an opportunity to gain income from a small area of a Council land asset with no increase on the current impact.



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**RECOMMENDATION**

1. That Total Communications Infrastructure Pty Ltd be advised that Council is prepared to offer Vodafone Network Pty Ltd a lease of approximately 27m<sup>2</sup> of land located adjacent to the Glenvale water reservoir and described at Lot 142 on RP190448 subject to the following terms and conditions:
  - (a) Initial rent to be \$13,000 per annum plus GST.
  - (b) Term of lease to be ten years.
  - (c) Annual rental adjustment of 5%.
  - (d) Lessee to pay all costs of forming any required access and supplying power to the facility.
  - (e) The Lessee to be responsible for all outgoings directly pertaining to the site (i.e rates, electricity).
  - (f) The final location of the tower and equipment hut to be to the satisfaction of the Manager Project Services Water.
  - (g) Town Planning and Building approvals to be obtained from Council's Development Assessment Branch.
2. That the Chief Executive Officer be authorised to sign the necessary documentation to secure the new lease.

**REASONS FOR RECOMMENDATION**

The proposal will create income on the land asset and improve communication access to users within the area.

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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**COMMITTEE RECOMMENDATION**

1. That Total Communications Infrastructure Pty Ltd be advised that Council is prepared to offer Vodafone Network Pty Ltd a lease of approximately 27m<sup>2</sup> of land located adjacent to the Glenvale water reservoir and described at Lot 142 on RP190448 subject to the following terms and conditions:
  - (a) Initial rent to be \$13,000 per annum plus GST.
  - (b) Term of lease to be ten years.
  - (c) Annual rental adjustment of 5%.
  - (d) Lessee to pay all costs of forming any required access and supplying power to the facility.
  - (e) The Lessee to be responsible for all outgoings directly pertaining to the site (i.e rates, electricity).
  - (f) The final location of the tower and equipment hut to be to the satisfaction of the Manager Project Services Water.
  - (g) Town Planning and Building approvals to be obtained from Council's Development Assessment Branch.
2. That the Chief Executive Officer be authorised to sign the necessary documentation to secure the new lease.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 13)**

Committee Report adopted by Council at its meeting of 19 July 2011

**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
-----	C. Theodosis	Please implement Council's decision.	29/07/11
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**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL  
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Portfolio: **FINANCIAL AND SPORTING  
SERVICES**

**14**

**REPORT TITLE** Sport and Recreation Grant Program  
**AUTHOR** Sport & Recreation Development Officer (Paul Knight) - 7 July 2011

**PURPOSE OF REPORT**

To seek Council's endorsement of projects assessed under the Sport and Recreation Grant Program 2011.

**CORPORATE PLAN REFERENCE**

- 1.2.1. Strategically plan for and provide facilities that enable community participation in sport and recreation activities.
- 1.2.2. Collaborate with external agencies to encourage physical activity in the community.

**BACKGROUND**

**COUNCIL DECISION - 20 APRIL 2011 (Committee of the Council - 12 and 13 April 2011 - Item 14)**

1. That the attached guidelines entitled "Sport and Recreation Grant Program Guidelines" be adopted.
2. That funding from the Matching Active Recreation Grants Program (Parks and Recreation Services, Outdoor Sport and Recreation Facilities) be reallocated to fund the Sport and Recreation Grant Program.
3. That Council advertise and call for applications to the Sport and Recreation Grant Program as soon as practical.
4. That Council consider allocating incremental increases in the Sport and Recreation Grant Program annual budget.

Council recognises the important contribution sport and recreation community organisations make in planning, developing and maintaining sport and recreation facilities and programs in their communities. Council has funded a Sport and Recreation Grant Program to provide funding and/or in-kind assistance, to support community organisations to develop facilities and programs that are of benefit to the community.

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**PROGRAM OBJECTIVES**

The Sport and Recreation Grant Program seeks to achieve Council's objective of "A safe, healthy and equitable community, enjoying a quality lifestyle" by providing support for projects that aim to achieve one or more of the following:

- Upgrading facilities to meet standards, regulations and changing community needs and expectations.
- Promoting healthy and socially inclusive communities through investing in the development of accessible sport and recreation facilities.
- Increasing opportunities to groups with inequitable access to sport and recreation activities and infrastructure.
- Facilitating well-planned, infrastructure projects that meet community needs developed through collaborative approaches to increasing participation in sport and recreation activities.
- Encouraging sustainability in the design, development and management of sport and recreation facilities and spaces.

Preference will be given to applications that:

- Are identified within the Toowoomba Regional Council Sport and Recreation Plan.
- Demonstrate self-help, commitment and future sustainability.
- Demonstrate collaboration and partnerships between community organisations.
- Do not duplicate existing projects or activities.
- Embrace innovation and forward thinking.

The Sport and Recreation Grant Program opened 11 June 2011 and closed 1 July 2011. All applications received were assessed by the Assessment Panel on 6 July 2011.

The Assessment Panel consisted of the following members:

- Councillor Williams (TRC) - Chairperson
- Councillor Ramia (TRC)
- Manager, Parks and Recreation (TRC)
- Sport and Recreation Development Co-ordinator (TRC)
- Tanya Pauli-Myler (Community Representative).

The applications recommended for approval are consistent with the policy guidelines.

**CONSULTATION UNDERTAKEN**

Not applicable.

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**ISSUES AND RESPONSES**

The following is a snapshot of the program applications received and assessed.

<b>Application Summary</b>	
Total number of applications received	24
Number of recommended projects	19
Number of projects not recommended	5
<b>Financial Summary</b>	
	<b>\$</b>
Total Project Costs	1,841,522.22
Club / Association contribution	716,392.10
Other funding sources	1,197,088.00
Council funding requested	394,074.03
Council funding recommended	294,621.02

Attached to this report is a detailed list of projects assessed and recommendations. Whilst some projects were not approved, Council's Sport and Recreation Officers will provide advice and assistance to these organisations for subsequent funding rounds within Council and other funding schemes.

**RESOURCE IMPLICATIONS**

The Sport and Recreation Infrastructure Program administered by the State Department of Communities Sport and Recreation has called for applications and will close on 27 July 2011.

The State Program is a major funding source for most of the applications within this report and in these cases Council grants are subject to the organisation also obtaining a State Grant.

An amount of \$154,499 remains in the 2010/2011 budget for allocation to the Sport and Recreation Grant Program. It is intended to seek to carry-over these funds and to have additional funds amounting to \$300,000\* allocated to the Sport and Recreation Grant Program in the 2011/2012 budget. Council is not obliged to provide funding to applications under this program beyond its 2011/2012 budget allocations.

\* **Note:** The 2011/2012 budget request will be subject to a review of past carry-over amounts and Council's overall budget deliberations.

**CONCLUSION**

The Sport and Recreation Grants approved will enable Council to provide funding and/or in-kind assistance to support community organisation to develop facilities that are of benefit to the community - new facilities and upgrades.

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**RECOMMENDATION**

That Council support the applications for funding under the Sport and Recreation Grant Program as recommended in Attachment A, subject to funds being provided in the 2011/2012 Budget and, where stated, the organisation obtaining funding under the Sport and Recreation Infrastructure Program administered by the State Department of Communities Sport and Recreation.

**REASONS FOR RECOMMENDATION**

To assist non-profit sport and recreation clubs to deliver facility development projects in accordance with the adopted Toowoomba Regional Council Strategic Sport and Recreation Plan and to achieve statutory compliance required under Section 138 of the Local Government (Finance, Plans and Reporting) Regulation 2010.

To provide the capital needed to initiate and promote community partnerships as an effective and valuable means of delivering community sport and recreation infrastructure.

**DECLARATION OF MATERIAL PERSONAL INTEREST**

Councillor Ramia declared a material personal interest in relation to two applications for funding under the 2011 Sport and Recreation Community Grants namely, Charlton Raceway Inc. of which he is Committee Member and the West Wanderers United Soccer Sporting Club Inc. of which he is the Patron. Councillor Ramia left the meeting at 9.13 a.m. and was absent for discussion on this matter.

**DECLARATION OF CONFLICT OF INTEREST**

Councillor Williams declared a conflict of interest in relation to the application from Toowoomba and District Show Jumping for funding under the 2011 Sport and Recreation Community Grants as his wife is a member of the Club. Councillor Williams left the meeting at 9.14 a.m. and was absent for discussion on this matter.

**COMMITTEE RECOMMENDATION**

That Council support the applications for funding under the Sport and Recreation Grant Program as recommended in Attachment A, subject to funds being provided in the 2011/2012 Budget and, where stated, the organisation obtaining funding under the Sport and Recreation Infrastructure Program administered by the State Department of Communities Sport and Recreation.

**Councillors Ramia and Williams returned to the meeting at 9.19 a.m.**

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**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011  
- Item 14)**

**Declaration of Material Personal Interest**

Councillor Ramia declared a material personal interest in relation to two applications for funding under the 2011 Sport and Recreation Community Grants namely, Charlton Raceway Inc. of which he is Committee Member and the West Wanderers United Soccer Sporting Club Inc. of which he is the Patron. Councillor Ramia left the meeting at 9.12 a.m. and was absent for voting on this matter.

**Declaration of Conflict of Interest**

Councillor Williams declared a conflict of interest in relation to the application from Toowoomba and District Show Jumping for funding under the 2011 Sport and Recreation Community Grants as his wife is a member of the Club. Councillor Williams left the meeting at 9.12 a.m. and was absent for voting on this matter.

**MOTION:**

Moved by Cr. Antonio, seconded by Cr. McVeigh

That Council support the applications for funding under the Sport and Recreation Grant Program as recommended in Attachment A, subject to funds being provided in the 2011/2012 Budget and, where stated, the organisation obtaining funding under the Sport and Recreation Infrastructure Program administered by the State Department of Communities Sport and Recreation.

**Carried**

Councillors Ramia and Williams returned to the meeting at 9.13 a.m.

**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
	N. Hauser P. Knight	Please advise the successful and unsuccessful applicants of the outcome of their submissions.	29/07/11

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Portfolio: **STRATEGIC SERVICES**

15

**REPORT TITLE** Toowoomba Regional Council's Submissions in Respect of Mining and Resource Developments  
**AUTHOR** Manager, Stakeholder Engagement and Communications (Matthew Grant) - 8 July 2011

**PURPOSE OF REPORT**

To inform Council of submissions made to-date regarding mining and resource development within the Toowoomba Regional Council area.

**CORPORATE PLAN REFERENCE**

3.1 Planning and Development for regional growth and change is based on sustainability principles and centred on community engagement.

**BACKGROUND**

Toowoomba Regional Council has made submissions to the State Government on a number of occasions in regard to mining and resource development within the region. These submissions are referred to below, with relevant excerpts quoted for context.

Throughout all correspondence, and in making public comment, the Mayor and the Toowoomba Regional Council have maintained Council's stance that it is not opposed to mining within the region, but is opposed to mining near urban communities, and on prime agricultural land.

Since 2008, Toowoomba Regional Council has been a member of the Downs and Surat Basin Alliance of Councils (DaSBAC). On 16 December 2008, a letter was written to Premier Anna Bligh from the five regional Councils making up DaSBAC (Western Downs, Southern Downs, Warrego, Goondiwindi and Toowoomba Regional Councils).

In this letter, the allied Councils drew the Premier's attention to their concerns over the scale of mining expansion, bringing "unprecedented, unplanned and, in some locations, unsupported growth".

While acknowledging that projects of State significance must undertake Environmental Impact Assessment, the letter noted that the Environmental Impact Statements were undertaken individually, without providing "full recognition to the cumulative and longer term impacts".

Finally, this letter acknowledged state planning policy and its role in protecting good agricultural land, however noted "other state legislations clearly override this state policy" and states "our prime agricultural lands are a very finite and fragile resource which in our opinion and personal experience can never be replaced or reinstated to their current



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production capacity”.

Toowoomba Regional Council is also a foundation member of NEXTEP, a body seeking to provide community and regional leadership to assist economic prosperity and community well-being. Since NEXTEP's formation in 2008, Council has worked with other partners to promote four key themes of water, energy, education and human capital as essential to the sustainable economic development of the Surat Basin.

Also of note, on 17 November 2009, Council adopted a report “*Procedure for Environmental Impact Statements and Terms of Reference for State Significance Projects*” to provide an organisational procedure that ensures major resource projects potentially impacting on the Council area are adequately addressed, with Council playing a proactive role.

On 19 March 2010, the Mayor wrote to the University of Southern Queensland concerning the Surat Basin Future Directions Statement, in which he reiterated the stance taken by the five Mayors and Councils in their correspondence with the Premier on 16 December 2008.

The Mayor also raised as issues the challenges associated with future development within the Surat Basin linked with the natural resource sector, particularly noting “..significant pressure on social infrastructure, housing availability and affordability, education facilities, social support services and community facilities, as well as pressure on infrastructure such as roads, rail, power, water and waste treatment”.

The Mayor further advised the Chancellor that Council will participate in seven working groups covering the key issues of Planning, Housing, Strategic Cropping Land, Economic Development, Workforce Development, Water and Social Impacts.

On 15 February this year, the Mayor wrote to the Honourable Stephen Robertson, the then Minister for Natural Resources, Mines and Energy on behalf of Council regarding an application by Australian Pacific Coal for an exploration permit northwest of Toowoomba, in an area encompassing Kingsthorpe, Gowrie Junction and elements within the vicinity of Highfields.

The letter referred to the application as “highly incompatible with existing and proposed future uses of this land” and mentions the “widespread concern” of local residents, while noting Council support for residents in this matter, and urging the Minister to reconsider.

The letter also informed the Minister of Council's stance on prime agricultural land, stating “Future food security is of vital importance with limited amounts of prime agricultural land available for future production. These lands should be protected from development.”

On 23 May 2011, the Mayor called a media conference at City Hall to announce Council's call “for the State Government to amend the Mining Resources Act to protect homes and prime agricultural land, and to establish greater dialogue between industry, legislative bodies and residents.”

During this media conference, and in the accompanying media release, Council called for the State Government to “extinguish existing prospecting and mining leases close to townships”.

Council also called for the Mining Act to be updated.

A response was received from the present Minister for Natural Resources, Mines and

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Energy, the Honourable Stirling Hinchcliffe on 31 May 2011 regarding Exploration Permit for Coal 1979 located northwest of Toowoomba. In his letter the Minister emphasised the fact that “an Exploration Permit does **not** give a company the right to establish a mine”.

The Minister also stated the belief that, historically speaking, once an Exploration Permit is granted it is very rare for that land to ever be mined, with less than one percent of land explored for mining having a mining lease placed over it.

Since 2008, the Mayor and Councillors have met privately and publicly with the Queensland Premier to discuss mining and resource development in the region, including Community Cabinets held in both Toowoomba and Oakey.

The Mayor has also previously raised this issue within a Council of Mayors (SEQ) meeting in Brisbane resulting in a deputation being heard by senior State Government Ministers on the matter.

In addition to engaging with State Government officials, the Mayor and Councillors have each met individually and in groups with community members to listen to and discuss their concerns.

A reply from the Queensland Premier to Council was received on 6 July 2011 in which Premier Bligh acknowledged concerns raised with her by the Mayor and Deputy Mayor over Ambre Energy’s proposal for an open-cut coal mine and coal-to-liquids plant in the Felton Valley.

The Premier noted the requirement for a new Environmental Impact Statement process to be followed, and acknowledged the concerns of some members of the community over the need to again make submissions. In this letter, the Premier also stated this process is “a necessary part of any large mining proposal, as it gives any party, including regional Councils, the opportunity to submit their views on the possible impacts of the project”.

The Premier also noted the EIS is one of a number of assessments needing to be satisfied before any final decision is made, and encouraged Toowoomba Regional Council to review and comment on any forthcoming EIS “so that the Council’s views may be fully considered in the decision-making process”.

### **CONSULTATION UNDERTAKEN**

The Mayor, Deputy Mayor and Councillors have independently and as a group attended a variety of public meetings in locations including Felton, Cecil Plains, Oakey, Kingsthorpe, Highfields and Toowoomba, as well as engaging in numerous private meetings to listen to and discuss the communities’ concerns.

### **ISSUES AND RESPONSES**

Council may consider addressing a misconception in the public realm concerning the role local government has in the application of the Mineral Resources Act, and Petroleum Resources Act.

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While Council will continue to listen to the community, and provide input to State Government on the effects of mining and resource development in its region, the overarching nature of the Mineral Resources Act over local planning schemes should be recognised.

Council has embarked on a community engagement program incorporating continued attendance at public meetings and forums, business seminars and expos to continue listening to community concerns and to provide well informed advocacy of those issues to the State Government.

### **RESOURCE IMPLICATIONS**

There are no resource implications

### **CONCLUSION**

The regulation of mining and resource development within the Toowoomba Regional Council area rests with the State Government. Council, and individual Councillors, have privately and publicly stated their views and will continue to advocate on behalf of the region to the State Government in order to advance the interests of the regional community. In order to inform any discussion on this topic, it is necessary to adopt a common understanding of the submissions made to date on this issue.

<b>RECOMMENDATION</b>
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1. That Council endorse the contents of this report as a record of submissions in respect of mining and resource developments within the Council area since December 2008.
2. That Council reaffirm its previously declared stance on mining and resource development, specifically;
  - That Council calls on the Queensland Government to amend the Mineral Resources Act and the Petroleum Resources Act to prevent the issuing of prospecting and mining leases for locations that are:
    - (a) On prime agricultural land, or;
    - (b) Near urban communities
  - That Council calls on the Queensland Government to extinguish existing prospecting and mining leases on or near urban communities, or on prime agricultural land.
3. That Council continue to engage stakeholders, including community groups within the region, with an aim of increasing its understanding of relevant issues and community concerns.

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**REASONS FOR RECOMMENDATION**

To provide the context for future deliberation on matters pertaining to this issue.

**Councillor Antonio left the Meeting at 9.32 a.m.**

<b>COMMITTEE RECOMMENDATION</b>
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**COMMITTEE RECOMMENDATION 1**

1. That Council endorse the contents of this report as a record of submissions in respect of mining and resource developments within the Council area since December 2008.
2. That Council reaffirm its previously declared stance on mining and resource development, specifically;
  - That Council calls on the Queensland Government to amend the Mineral Resources Act and the Petroleum Resources Act to prevent the issuing of prospecting and mining leases for locations that are:
    - (a) On prime agricultural land, or;
    - (b) Near urban communities
  - That Council calls on the Queensland Government to extinguish existing prospecting and mining leases on or near urban communities, or on prime agricultural land.
3. That Toowoomba Regional Council continue to lobby the State Government to:
  - (a) exempt prime agricultural land and urban communities from the negative impacts of mining activity in the Toowoomba Regional Council area.
  - (b) provide buffer zones around strategic prime cropping lands and urban communities to minimise the effects of mining impacts on the health and the lifestyles of adjacent urban and rural communities and such legislation must also minimise the impact on prime agricultural land thereby recognising the importance of maintaining the region's clean green food reputation.
4. That Toowoomba Regional Council lobby the State Government to provide resources into the ongoing investigations of the impacts of the Coal Seam Gas industry on the underground aquifers and also the impact of wells being developed on highly developed agricultural land.
5. That Council continue to engage stakeholders, including community groups within the region and mining industry representatives with an aim of increasing understanding of relevant issues and community concerns.

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**COMMITTEE RECOMMENDATION 2**

***Declaration of Conflict of Interest***

*Councillor Cahill declared a conflict of interest in this recommendation as he is the Chair of Regional Development Australia - Darling Downs and South West Inc. Councillor Cahill left the meeting at 9.47 a.m. and was absent during discussion on this matter.*

That Council approach the Federal Government, through Regional Development Australia, to ensure a greater portion of the resource tax is returned to the region to address the impact from resource development and provide essential infrastructure such as the proposed new range crossing.

Councillor Cahill returned to the meeting at 9.52 a.m.

**COMMITTEE RECOMMENDATION 3**

That the Mayor request (through Local Member Kerry Shine MP) the Minister for Main Roads, the Hon. Craig Wallace MP, to lead a delegation to Canberra reinforcing the Premier's commitment to address the range crossing as a key priority of the recently released Queensland State Government Infrastructure Plan.

**COUNCIL DECISION - 19 JULY 2011 (Committee of the Council - 12 and 13 July 2011 - Item 15)**

**Declaration of Conflict of Interest**

Councillor Cahill declared a conflict of interest as he is the Chair of Regional Development Australia - Darling Downs and South West Inc. Councillor Cahill left the meeting at 9.14 a.m. and was absent for voting on this matter.

**MOVED BY CR. MARKS, SECONDED BY CR. SCOTNEY**

**Motion 1**

1. That Council endorse the contents of this report as a record of submissions in respect of mining and resource developments within the Council area since December 2008.
2. That Council reaffirm its previously declared stance on mining and resource development, specifically;
  - That Council calls on the Queensland Government to amend the Mineral Resources Act, the Petroleum Resources Act and any other relevant legislation to prevent the issuing of prospecting and mining leases for locations that are:

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- (a) On prime agricultural land as outlined in the State Planning Policy (SPP) 1/92 Development and Conservation of Good Quality Agricultural Land, or
  - (b) Near existing urban communities.
- That Council calls on the Queensland Government to extinguish existing prospecting and mining leases on or near urban communities, or on prime agricultural land.
3. That Toowoomba Regional Council continue to lobby the State Government to:
- (a) exempt prime agricultural land and urban communities from the negative impacts of mining activity in the Toowoomba Regional Council area.
  - (b) provide and enforce adequate buffer zones around strategic prime cropping lands and urban communities to minimise the effects of mining impacts on the health and the lifestyles of adjacent urban and rural communities.
  - (c) ensure such legislation must also minimise the impact on prime agricultural land thereby recognising the importance of maintaining the region's clean green food reputation.
  - (d) provide resources into the ongoing investigations of the impacts of the Coal Seam Gas industry on the underground aquifers and also the impact of wells being developed on highly developed agricultural land.
4. That Council continue to engage stakeholders, including community groups within the region and mining industry representatives with an aim of increasing Council's understanding of relevant issues and community concerns.

**Motion 2**

That Council approach the Federal Government, through Regional Development Australia, to ensure a greater portion of the resource tax is returned to the region to address the impact from resource development and provide essential infrastructure such as the proposed new range crossing.

**Motion 3**

That the Mayor request (through Local Member Kerry Shine MP) the Minister for Main Roads, the Hon. Craig Wallace MP, to lead a delegation to Canberra reinforcing the Premier's commitment to address the range crossing as a key priority of the recently released Queensland State Government Infrastructure Plan.

**Carried**

Councillor Cahill returned to the meeting at 9.22 a.m.

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**ACTION TO BE TAKEN**

<b>Rec No.</b>	<b>Action Officer</b>	<b>Action</b>	<b>Nominated Achievement Date</b>
	M. Grant	Committee Recommendation 1 - Please instigate all follow-up action.	31/08/11
	K. Gouldthorp	Committee Recommendation 2 - Please instigate all follow-up action.	19/08/11
	K. Gouldthorp	Committee Recommendation 3 - Please instigate all follow-up action.	31/08/11

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**OTHER BUSINESS**



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Meeting Concluded: 10.00 a.m. on Wednesday, 13 July 2011

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**HIS WORSHIP THE MAYOR, COUNCILLOR P.M. TAYLOR - CHAIRPERSON**

.....  
**COUNCILLOR R.P. ANTONIO (PORTFOLIO LEADER, WATER SERVICES)**

.....  
**COUNCILLOR W.W. CAHILL (PORTFOLIO LEADER, ENVIRONMENTAL AND COMMUNITY SERVICES)**

.....  
**COUNCILLOR A.C. GLASHEEN (PORTFOLIO LEADER, DISTRICT SERVICES)**

.....  
**COUNCILLOR P.C.T. MARKS (PORTFOLIO LEADER, PLANNING AND DEVELOPMENT SERVICES)**

.....  
**COUNCILLOR J.J. McVEIGH (PORTFOLIO LEADER, CORPORATE SERVICES)**

.....  
**COUNCILLOR J. RAMIA (PORTFOLIO LEADER, TOURISM EVENTS AND PARKS SERVICES)**

.....  
**COUNCILLOR R.S. SCOTNEY (PORTFOLIO LEADER, CULTURAL HERITAGE AND FACILITIES SERVICES)**

.....  
**COUNCILLOR N.L. STROHFELD (PORTFOLIO LEADER, STRATEGIC SERVICES)**

.....  
**COUNCILLOR C.E. TAYLOR (PORTFOLIO LEADER, ENGINEERING SERVICES)**

.....  
**COUNCILLOR M.A. WILLIAMS (PORTFOLIO LEADER, FINANCIAL AND SPORTING SERVICES)**