

REPORT OF THE COMMITTEE OF THE COUNCIL

TUESDAY, 6 DECEMBER 2011 AND WEDNESDAY, 7 DECEMBER 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 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)

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REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL

6 and 7 December 2011

Meeting Commenced: 9.02 a.m. on Tuesday, 6 December 2011
9.02 a.m. on Wednesday, 7 December 2011

PRESENT: His Worship the Mayor Councillor P.M. Taylor
(Chairperson) [Items 1 to 19]
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 Service) [Items 1 to 8 and 20 to 27]
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)

APOLOGY: **Wednesday, 7 December 2011**
His Worship the Mayor, Councillor P.M. Taylor

IN ATTENDANCE: Chief Executive Officer (Ken Gouldthorp)
[Items 1 to 27]
General Manager, Infrastructure Services (Mike Brady)
[Items 2 and 3]
General Manager, Environment and Community Services
(Brian Pidgeon) [Items 4 and 20-23]
General Manager, Finance and Business Strategies Services
(Arun Pratap) [Items 5 and 24]
General Manager, Planning and Development (Stewart Somers)
[Items 6, 7, 9 to 17]
General Manager, Water and Waste Services (Kevin Flanagan)
[Items 18 and 19]
Co-ordinator, Council Business (Angela O'Neil)
[Items 1 to 27]

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

1

REPORT TITLE Closing and Opening of Meeting to the Public
AUTHOR

Motion:

Moved by Cr. Ramia, seconded by Cr. Glasheen

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 seven items on the agenda:

- (a) **Item 2**
CONFIDENTIAL - NDRRA Principal Program Consultant Services - Flood Recovery Program - Contract No. PT13 - 11/12

Reason for Closed Meeting

To discuss a contract proposed to be made by Council and for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage (Section 72(1) (e) and (h) of the Local Government (Operations) Regulation 2010).

- (b) **Item 3**
CONFIDENTIAL - NDRRA Jellicoe Street Bridge Replacement - Contract No. PT16 - 11/12

Reason for Closed Meeting

To discuss a contract proposed to be made by Council and for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage (Section 72(1) (e) and (h) of the Local Government (Operations) Regulation 2010).

- (c) **Item 4**
CONFIDENTIAL - Partial Acquisition of Property Situated at 63-81 Wyreema Road, Toowoomba

Reason for Closed Meeting

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To discuss a matter of a commercial nature for which a public discussion 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).

- (d) **Item 5**
CONFIDENTIAL - After-Hours Emergency Telephone Service

Reason for Closed Meeting

To discuss a contract proposed to be made by Council and for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage (Section 72(1) (e) and (h) of the Local Government (Operations) Regulation 2010).

- (e) **Item 6**
CONFIDENTIAL - Acquisition of Easement at 495 Hume Street (Lot 2/RP115465) and 934 Ruthven Street (Lot 1/RP115465), Kearney's Spring, Toowoomba

Reason for Closed Meeting

To discuss a matter of a commercial nature for which a public discussion 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).

- (f) **Item 7**
CONFIDENTIAL - Development Assessment - Planning and Environment Appeals and Compensation Claims - November 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).

- (g) **Item 8**
CONFIDENTIAL - Staff Issue

Reason for Closed Meeting

To discuss a matter affecting the appointment, dismissal or discipline of employees; industrial matters affecting employees and/or starting or defending legal proceedings involving Council - Section 72(1) (a), (b) and (f).

Carried

The Meeting was closed to the public at 9.02 a.m. on Tuesday, 6 December 2011.

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL
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DECLARATION OF CONFLICT OF INTEREST

Councillor Cahill declared a conflict of interest in Item 6 as he is a member of the Christian Outreach Church. Councillor Cahill left the meeting at 10.09 a.m. for discussion on this matter. Councillor Cahill returned to the meeting at 10.34 a.m.

MOTION:

Moved by Cr. Antonio, seconded by Cr. Scotney

That the meeting be opened to the public.

Carried

The Meeting was opened to the public at 10.55 a.m. on Tuesday, 6 December 2011.

The Meeting adjourned at 10.56 a.m.

Councillor Glasheen left the Meeting at 10.56 a.m.

The Meeting resumed at 11.11 a.m.

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Portfolio: **ENGINEERING SERVICES**

2

REPORT TITLE CONFIDENTIAL - NDRRA Principal Program Consultant Services -
Flood Recovery Program - Contract No. PT13 - 11/12

AUTHOR General Manager, Infrastructure Services (Mike Brady) and Project
Manager, Flood Recovery (Chris Rubie) - 23 November 2011

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

COMMITTEE RECOMMENDATION

That Council note the status of the process to procure a Principal Program Consultant for the NDRRA Flood Recovery Program and that a final report will be provided to the Ordinary Meeting of Council on Tuesday, 13 December 2011 for consideration.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	M. Brady	Please refer final report to Ordinary Meeting of Council.	09/12/11

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

3

REPORT TITLE CONFIDENTIAL - NDRRA Jellicoe Street Bridge Replacement -
Contract No. PT16 - 11/12

AUTHOR General Manager, Infrastructure Services (Mike Brady) and
Manager, Project Services (David Pemberton) – 24 November 2011

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

COMMITTEE RECOMMENDATION

That Council note the status of the process to procure a contractor for the NDRRA Jellicoe Street Bridge Replacement project and that a final report will be provided to the Ordinary Meeting of Council on Tuesday, 13 December 2011 for consideration.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	M. Brady	Please refer final report to Ordinary Meeting of Council.	09/12/11

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Portfolio: CORPORATE SERVICES

4

REPORT TITLE CONFIDENTIAL - Partial Acquisition of Property Situated at 63-81
Wyreema Road, Toowoomba

AUTHOR Senior Property Officer (Steve Chapman) - 23 November 2011

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

COMMITTEE RECOMMENDATION

That consideration of this matter be deferred pending the holding of an information session for Councillors on the Westbrook Catchment Management Strategy.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	K. Wruck C. Theodosis	Please arrange information session for Councillors on the Westbrook Catchment Management Strategy.	29/02/12

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Portfolio: CUSTOMER SERVICE

5

REPORT TITLE CONFIDENTIAL - After-Hours Emergency Telephone Service
AUTHOR Manager, Customer Service (Malcolm Angell) - 22 November 2011

The following recommendation arising from the confidential report/closed meeting session was put following open debate.

COMMITTEE RECOMMENDATION

That no action be taken in this matter.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	M. Angell	Please note Council's decision.	23/12/11

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Portfolio: PLANNING AND DEVELOPMENT
SERVICES

6

REPORT TITLE CONFIDENTIAL - Acquisition of Easement at 495 Hume Street (Lot 2/RP115465) and 934 Ruthven Street (Lot 1/RP115465), Kearney's Spring, Toowoomba

AUTHOR Planner, Development Assessment (Wendy Hoadley) - 22 November 2011

DECLARATION OF CONFLICT OF INTEREST

Councillor Cahill declared a conflict of interest in Item 6 as he is a member of the Christian Outreach Church and left the meeting at 11.20 a.m.

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

COMMITTEE RECOMMENDATION

That Council proceed to issue a Notice of Intention to Resume over portions of 495 Hume Street (Lot 2 RP115465) and 934 Ruthven Street (Lot 1 RP 115465), in accordance with the *Acquisition of Land Act 1967* (QLD), and/or the *Sustainable Planning Act 2009* as shown on Attachment A of the confidential report dated 22 November 2011.

Councillor Cahill returned to the meeting at 11.21 a.m.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	D. Fitzpatrick W. Hoadley	Please instigate all action required by Council's decision.	29/02/12

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Portfolio: **PLANNING AND DEVELOPMENT SERVICES**

7

REPORT TITLE CONFIDENTIAL - Development Assessment - Planning and Environment Appeals and Compensation Claims - November 2011

AUTHOR General Manager, Planning and Development Services Group (Stewart Somers) - 22 November 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 November 2011 be noted by Council.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
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No further action required

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Portfolio: CORPORATE SERVICES

8

REPORT TITLE CONFIDENTIAL - Staff Issue
AUTHOR Chief Executive Officer (Ken Gouldthorp) - 2 December 2011

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

COMMITTEE RECOMMENDATION

That Council note the confidential staff report.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	K. Gouldthorp	Please note.	23/12/11

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Portfolio: **PLANNING AND DEVELOPMENT
SERVICES**

9

REPORT TITLE Draft Toowoomba Regional Planning Scheme - Consideration of Submissions

AUTHOR Principal Planner - Land Use and Community (Heath Martin) - 28 November 2011

PURPOSE OF REPORT

This report considers issues raised in three submissions to the draft *Toowoomba Regional Planning Scheme* that were not addressed when Council previously considered submissions.

CORPORATE PLAN REFERENCE

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

BACKGROUND

On 25 October, 2011 Council considered properly made submissions to the proposed *Toowoomba Regional Planning Scheme* and resolved to make a number of changes to the exhibited planning scheme in response to many of the issues raised in those submissions. Following that meeting it has been identified that issues raised in three submissions had not been properly addressed.

CONSULTATION UNDERTAKEN

The draft planning scheme was made available for public comment for 30 business days. During that period, the draft planning scheme was available for viewing on Council's website. Copies of the draft planning scheme were also made available for purchase on CD.

A letter was sent to all ratepayers advising them that the planning scheme was available for viewing and how they can make comment.

A number of public events were held during the exhibition period. These included:

- (a) Information meetings - a formal presentation on what a planning scheme is, how it has been developed and how it will direct development in the region. These were held in Toowoomba (3), Highfields, Oakey and Pittsworth.

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- (b) Open houses - Council offices visited a number of locations throughout the Council area and were available between 3.00 p.m. and 7.00 p.m. to meet with residents to answer their questions. Open houses were held in Cambooya, Clifton, Pittsworth, Millmerran, Cecil Plains, Oakey, Kingsthorpe, Goombungee, Highfields, Crows Nest and Yarraman.
- (c) Development Industry Workshops - three workshops were held with the development industry to provide industry representatives information and an opportunity for them to ask questions.

ISSUES AND RESPONSES

(a) Submission from Mr Branton Woodhead

On 5 August 2011, Mr Branton Woodhead made two submissions to Council, in the form of letters forwarded by separate email, sent approximately 20 minutes apart. Those submissions were both received by Council however, only one of the submissions was registered to Council's records management system and therefore only that submission was considered by Council. The *Statutory Guideline 02/09 Making and amending local planning instruments* requires that Council consider all properly made submissions. Both of Mr Woodhead's submissions were properly made and the second submission must therefore be considered.

The submitter is the owner of the Crows Nest Motel, which is located on the eastern side of the New England Highway at the southern end of Crows Nest. The submission notes that the site occupied by the motel is within the Tourist Zone under the Crows Nest Planning scheme and proposed to be included in the Rural Zone under the draft *Toowoomba Regional Planning Scheme* and requests that the zone be changed to one that would support the future expansion of the motel.

Motel, which is defined by the Queensland Planning Provisions (QPP) as 'Short Term Accommodation', is an impact assessable use in the Rural Zone but one which is considered consistent with the zone under certain circumstances. There are several other zones within the draft planning scheme that are more supportive of short term accommodation, making it a code assessable use. Those zones are the Residential Choice Zone, all of the centres zones, the Township Zone and Mixed Use Zone. None of these zones are considered appropriate for the subject site.

It is unusual for a site within an urban area to be included in the Rural Zone. Land to the south of the subject site is generally used for industrial purposes and has been included in the Medium Impact Industry Zone in the draft planning scheme. Adjoining land to the east is vacant but has been included in the Residential Choice Zone and is the main residential growth area within Crows Nest. Land to the north is also vacant and has also been included in the Rural Zone. That land, together with the subject site, has a total area of approximately 3.5 hectares. This land has been included within the Rural Zone for two reasons:

1. The planning scheme does not include an alternative zone that supports short term accommodation that is considered appropriate for the site. The QPP includes a Tourist Accommodation Zone however, that zone has not been included in the draft planning scheme and there is considered to be

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insufficient grounds to amend the planning scheme to incorporate it, particularly as it would only be applied to one site.

2. Both parcels of land are prominent sites at the entrance to Crows Nest. The most appropriate use of the vacant land to the north has not been determined. The Rural Zone will act as a 'holding zone' for the vacant land until its future has been identified.

It is therefore recommended that the subject land remain in the Rural Zone and that Council investigate whether the planning scheme should be amended after it comes into operation to include the Tourist Accommodation Zone, with that investigation to include the identification of other sites where the zone might be applied.

(b) Submission TRPS0269

Submission No. TRPS0269 was considered by Council on 25 October, 2011. That submission raised a number of issues relating to No. 56 Wallace Street, primarily relating to the Neighbourhood Character Overlay. One issue that the submission raised but which was not included in the material considered by Council on 25 October, was a request that No. 56 Wallace Street be removed from the Neighbourhood Character Overlay.

No. 56 Wallace Street is located on the south-east corner of Wallace and Holberton Street, Newtown. The site is occupied by a detached dwelling (see picture below).



Subject site - 56 Wallace Street, Newtown.

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The identification of this property as a neighbourhood character place has been reviewed. Nearby properties in Holberton Street that have been identified as character places are of timber construction and in a very different style to No. 56 Wallace Street (see below).



Character properties at 140 and 142 Holberton Street, Newton.

Properties listed in Wallace Street are also different in character to No. 56 Wallace Street but consistent with the character of the above properties in Holberton Street.

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Character property at 57 Wallace Street, Newtown

It is therefore recommended that proposed Planning Scheme Policy No.7 be amended to remove No. 56 Wallace Street, Newtown from the list of neighbourhood character places.

(c) Tom Doherty Park, Acland

Submission No. TRPS0426 raised a number of issues relating to Acland, including a request that Tom Doherty Park in Acland be identified as a heritage place. The information considered by Council on 25 October identified that the heritage significance of the park had been reviewed by Council's heritage advisor who had found that the park does have local heritage significance and should therefore be included in the list of heritage places in the draft *Toowoomba Regional Planning Scheme*. The report to Council however didn't include a formal recommendation on the heritage listing of the park.

The heritage advisor found that the significance of the park is based on the following (see a full copy of the heritage advisor's report attached):

- It is important for its association with events, developments or cultural phases which have had an important role in the occupation, evolution or pattern of development of the community;
- It is an example of rare, endangered or uncommon aspects of the life and work of the community;
- It has a strong association with the life or work of a person or group of people of importance to the community;

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- It is an important representative of the range of places which comprise the cultural heritage of the community;
- It has been influenced by an event, phase or activity that was important in the local history of the community;
- It is highly valued by the community for reasons of religious, spiritual, cultural, educational or social associations;
- It is recognised by the community as having public value or is held in high esteem for its associations with the whole or part of a community, whose history or culture it is interwoven with the history of the place.

Given the findings of the heritage advisor, it is recommended that the draft planning scheme be amended to include Tom Doherty Park within the Heritage Overlay and that proposed Planning Scheme Policy No.6 be amended to identify Tom Doherty Park as a heritage place.

RESOURCE IMPLICATIONS

Decisions made in relation to issues raised in submissions will not have resource implications.

CONCLUSION

Council considered properly made submissions to the proposed *Toowoomba Regional Planning Scheme* on 25 October 2011 and resolved to make a number of modifications to the exhibited planning scheme in response to many of the issues raised.

Matters have arisen in relation to the consideration of three submissions:

1. A properly made submission was not considered by Council on 25 October;
2. An issue raised in submission TRPS0269 was not considered; and
3. An issue raised in submission TRPS0426 was not considered.

Having now considered these issues it is recommended that:

1. the draft planning scheme be further amended to include Tom Doherty Park, Acland within the Heritage Overlay,
2. proposed Planning Scheme Policy No.7 be amended to remove No. 56 Wallace Street, Newtown from the list of neighbourhood character places, and
3. proposed Planning Scheme Policy No.6 be amended to Include Tom Doherty Park, Acland as a heritage place.

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It is also recommended that Council investigate whether the Tourist Accommodation Zone should be added to the planning scheme as an amendment after it comes into operation.

RECOMMENDATION

1. That, having reviewed the proposed changes to the exhibited planning scheme in accordance with *Statutory Guideline 02/09 Making and amending local planning instruments*, Part 1 Section 7.5, Council is satisfied that the changes would not result in the proposed planning scheme being significantly different to the version released for public consultation.
2. That the draft *Toowoomba Regional Planning Scheme* be amended to include Tom Doherty Park, Acland within the Heritage Overlay.
3. That proposed Planning Scheme Policy No.7 be amended to include Tom Doherty Park, Acland as a heritage place.
4. That proposed Planning Scheme Policy No.6 be amended to remove No. 56 Wallace Street, Newtown as a neighbourhood Character Place.
5. That the amended draft *Toowoomba Regional Planning Scheme*, be endorsed and the Minister for Local Government and Planning advised of the change made.
6. That a report be submitted to Council following the *Toowoomba Regional Planning Scheme* becoming operational, investigating whether the planning scheme should be amended to include the Tourist Accommodation Zone, including the identification of land where that zone might be applied.

REASONS FOR RECOMMENDATION

The recommendation is in line with the requirements of *Statutory Guideline 02/09 - Making and amending local planning instruments* and enables the development of the planning scheme to proceed to the next stage of the process in line with statutory requirements.

COMMITTEE RECOMMENDATION

1. That, having reviewed the proposed changes to the exhibited planning scheme in accordance with *Statutory Guideline 02/09 Making and amending local planning instruments*, Part 1 Section 7.5, Council is satisfied that the changes would not result in the proposed planning scheme being significantly different to the version released for public consultation.
2. That the draft *Toowoomba Regional Planning Scheme* be amended to include Tom Doherty Park, Acland within the Heritage Overlay.
3. That proposed Planning Scheme Policy No.7 be amended to include Tom Doherty Park, Acland as a heritage place.

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4. That proposed Planning Scheme Policy No.6 be amended to remove No. 56 Wallace Street, Newtown as a neighbourhood Character Place.
5. That the amended draft *Toowoomba Regional Planning Scheme*, be endorsed and the Minister for Local Government and Planning advised of the change made.
6. That a report be submitted to Council following the *Toowoomba Regional Planning Scheme* becoming operational, investigating whether the planning scheme should be amended to include the Tourist Accommodation Zone, including the identification of land where that zone might be applied.
7. That it be noted that Council questions some of the completeness and accuracy of the background information relating to Tom Doherty Park Acland.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
2. to 4.	H. Martin	Please make the necessary amendments in accordance with Council's decision.	28/02/12
5.	H. Martin	Please write to the Minister for Local Government and Planning advising of the proposed change to the endorsed draft planning scheme.	14/12/11
6.	H. Martin	Please submit a report to Council investigating whether the planning scheme should be amended to include the Tourist Accommodation Zone, including the identification of land where that zone might be applied.	25/05/12

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Portfolio: **STRATEGIC SERVICES**

10

REPORT TITLE Review of the Draft Strategic Cropping Land Bill 2011

AUTHOR Senior Environmental Planner (Alison Curtis) and Environmental
Planner (Kristy Dalton) - 23 November 2011

PURPOSE OF REPORT

To provide a summary of the draft *Strategic Cropping Land Bill 2011* introduced into Parliament on 25 October 2011. The report provides information on the latest version of the policy as it appears in the Bill.

CORPORATE PLAN REFERENCE

- 4.1 The Region has an accessible network of green spaces and its land and water assets are conserved and managed.
- 3.1 Planning and development for the regional growth and change is based on sustainability principles, cultural heritage and community engagement.

BACKGROUND

In early 2010, the State Government announced a framework for developing policy on Strategic Cropping Land (SCL) to protect the best cropping land in Queensland against competing land uses including resource developments and urban expansion. Toowoomba Regional Council (TRC) has made submissions to the State Government's Discussion Paper, the Policy Framework, the draft Regulatory Assessment Statement and the Draft State Planning Policy (SPP) for SCL.

The draft *Strategic Cropping Land Bill 2011* (the Bill) is the latest release in the framework and was introduced into Parliament on the 25 October 2011. The Environment, Agriculture, Energy and Resources Committee of the Queensland Parliament is to report to the Parliament later in November 2011. The Queensland Government anticipates enacting the legislation in January 2012.

CONSULTATION UNDERTAKEN

An officer is continuing to monitor the progress of this policy through its various statutory steps for any issues with may be relevant to Toowoomba Regional Council. Council will be kept informed on progress as part of the on-going consultation process.

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ISSUES AND RESPONSES

Strategic Cropping Land Bill 2011 - Key Points

The purpose of the Bill is to implement a legislative framework that recognises the State's SCL as a finite resource that must be protected against the impacts of development and preserved for future generations.

The Bill will:

- utilise planning and development powers to manage development impacts and, in identified areas, protect such land from developments that will have a permanent impact and diminish the productivity of the land.
- provide a consistent process for assessing and deciding whether developments are able to proceed on SCL, providing clarity and certainty for investment decisions by the agriculture, urban development and resources sectors.
- apply to statutory regional plans, local government planning schemes and development applications, outside areas identified for urban purposes, made assessable by local governments under the *Sustainable Planning Act 2009*.

Section 92 of the Bill requires that an SCL Protection Decision (a decision on a resource application) be made before a resource authority or environmental authority for the resource activity can be issued.

The SCL Bill specifically provides for:

- *The identification of SCL zones and areas.*
- *Validating whether land is SCL.*
- *Assessment of the development impacts on the land.*
- *Projects to be approved in exceptional circumstances.*
- *Mitigation of long-term impacts.*
- *Exempt developments such as critical infrastructure and key resources.*
- *Appeals against decisions made under the legislation.*
- *Transitional arrangements for resource developments that had achieved certain stages in the development assessment process as at 31 May 2011.*
- *Strategic Cropping Land Science and Technical Implementation Committee (STIC).*
- *Enforcement powers to enable the Act to be properly and effectively administered.*

Offences have been introduced to ensure that the framework can be effectively enforced and no compensation will be payable under the Act.

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Key implications for Council:

- Council may be responsible for identifying non-compliance to the SCL Bill and will need to establish a policy.
- Amendments to the draft Toowoomba Regional Planning Scheme will be required to accommodate SCL State Planning Policy (SPP).
- Potential implication on land values and therefore local economies however, this is difficult to predict at this time.
- Potential reduction in number of development applications and resource authority applications in affected areas. The validation requirements with respect to the land and costs of application fees and documentation (e.g. reporting from a qualified consultant) for uses on SCL land is likely to deter smaller scale uses and individuals from seeking development approvals.
- Greater number of enquiries and pre-application advice requests are likely to be made to Council due to the significant legislation change and uncertainty on the part of the public as to what the provisions mean.
- TRC's land holdings may be impacted by the legislation with respect to land value and future development rights.

In addition to the above points, this policy may also have the benefit of limiting the spread of mining activities into valuable agricultural area.

Council will need to integrate SCL information into databases and mapping systems to ensure a supply of up-to-date, accurate and detailed information is available internally.

RESOURCE IMPLICATIONS

Continued monitoring of the development of the SCL SPP and implementation into Toowoomba Regional Council systems as required.

CONCLUSION

Implications exist for Toowoomba Regional Council as the Strategic Cropping Land Bill and other policy are finalised and implemented. Council officers will need to continue to be key stakeholders as the final versions of the SCL Bill and SCL SPP are developed and released in early 2012.

A review of the final legislation will be required to determine the overall impact of the legislation on Toowoomba Regional Council.

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RECOMMENDATION

That Council note the report on the Draft Strategic Cropping Land Bill 2011.

REASONS FOR RECOMMENDATION

Toowoomba Regional Council recognises the values for agricultural and cropping production in the its area. The proposed Queensland Government policy and legislation for strategic cropping land proposes to strengthen the protection of these land resources. As a key regional stakeholder, Council will need to have ongoing input and review.

COMMITTEE RECOMMENDATION

That Council note the report on the Draft Strategic Cropping Land Bill 2011.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date

No further action required from this report.			

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Portfolio: **STRATEGIC SERVICES**

11

REPORT TITLE Development of a Mining and Gas Legal Resource Document

AUTHOR Principal Planner - Strategic Land Use (Jaqui Bohn) - 22 November 2011

PURPOSE OF REPORT

To determine Council's support of providing a contribution of \$5,000 towards development of a mining and gas legal resource supported by the Council of Mayors (SEQ).

CORPORATE PLAN REFERENCE

- 1.3 The Toowoomba Region has high quality environmental health standards.
- 3.1 Planning and development for regional growth and change is based on sustainability principals, cultural heritage and community engagement.

BACKGROUND

Toowoomba Regional Council (TRC) received a letter from the Council of Mayors (SEQ) (CoMSEQ) on 15 November 2011 (refer Attachment A in the agenda papers) regarding a proposal from the Environmental Defenders Office (EDO) to prepare a community handbook which will address the pressing need for an easy-to-read mining and gas legal resource about the Queensland assessment processes and community rights.

The proposed resource document aims to:

- Inform the community about the process for approving mines and coal seam gas and encouraging the community to engage in that process. Building the capacity of the community to engage as a key stakeholder alongside the mining industry and level the playing field by providing the community with free strategic advice and information that would not otherwise be available; and
- Encourage better environmental outcomes by ensuring that the community is able to place all relevant information before a decision maker and is able to utilise legal tools to ensure mines comply with their consents.

The EDO seeks funding of \$73,900 plus GST to complete the resource document and undertake associated workshops. CoM(SEQ) does not have the project budget to fully fund the proposal but acknowledges the benefit that such a resource would provide to councils and their communities. CoM(SEQ) is therefore seeking joint funding from alternate sources such as Government.

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CoM(SEQ) is requesting a contribution of \$5,000 from each of its member Councils towards the funding of the EDO reference document.

CONSULTATION UNDERTAKEN

In preparing this report, no consultation was required.

ISSUES AND RESPONSES

Mining and coal seam gas have continued to be contentious issues in the Toowoomba Regional Council (TRC) local government area. Development of such a resource document would provide guidance to business and the general public about the Queensland assessment processes and community rights, and would potentially be helpful in assisting the many enquiries received by Council on these matters.

The \$5,000 contribution towards development of this resource document would provide Council with a number of free copies of the document and allow Council to attend one of the six accompanying workshops based on the document.

The documents are proposed to be finalised by June 2012 and would then be sold for \$35 each, plus postage.

A common misinterpretation by the community is Council's role in approving mining and coal seam gas applications. Development of this document may aid Council in explaining to the community its level of involvement in the approval process and define the avenues available to the community with their concerns.

This initiative is seen as relevant to local government in that it will provide additional information for local communities when dealing with mining interests.

RESOURCE IMPLICATIONS

If Council agrees to provide the requested contribution, then the total financial cost will not exceed \$5,000. This cost is reasonable given the ability to save internal resources in repeatedly explaining to residents the process involved in mining applications across the region.

The Environmental Defenders Office has indicated that it will provide five free copies of the document and attendance at a workshop to each participating Council. Additional copies would be available for the price of \$35 each.

There are sufficient funds available in the Strategic Land Use budget allocation to cover this sum.

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CONCLUSION

CoM(SEQ) has received a proposal from the Environmental Defenders Office (EDO) to prepare a community handbook which will address the pressing need for an easy-to-read mining and gas legal resource about the Queensland assessment processes and community rights.

CoM(SEQ) is requesting a contribution of \$5,000 from each of its member Councils towards the funding of the EDO reference document.

A community handbook explaining the Queensland assessment processes and community rights in relation to the mining and gas applications and approvals may aid the community to gain a better undertaking of TRC's involvement in this process.

RECOMMENDATION

That Council provide a contribution of \$5,000 to Council of Mayors (SEQ) towards the development of a community handbook about the Queensland assessment processes and community rights in relation to mining and coal seam gas.

REASONS FOR RECOMMENDATION

To aid in the development of a community resource on a contentious issue affecting a large portion of the community in the TRC local government area.

COMMITTEE RECOMMENDATION

That no action be taken in this matter.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	J. Bohn	Please advise CoM(SEQ) of Council's decision.	23/12/11

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Portfolio: **PLANNING AND DEVELOPMENT
SERVICES**

12

REPORT TITLE Review of the Final Queensland Infrastructure Plan

AUTHOR Principal Planner - Strategic Land Use (Jaqui Bohn) - 23 November
2011

PURPOSE OF REPORT

To provide an overview of the finalised Queensland Infrastructure Plan prepared by the State Government

CORPORATE PLAN REFERENCE

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

BACKGROUND

COUNCIL DECISION - 16 AUGUST 2011 (Committee of the Council - 9 and 10 August 2011 - Item 7)

1. *That the issues and recommendations on the Queensland Infrastructure Plan listed in this report be provided to the State Government by the nominated consultation end date of 9 September 2011.*
2. *That a further report be presented to Council when the State Government has finalised the Queensland Infrastructure Plan.*
3.

The Queensland Government, through Growth Management Queensland (GMQ), has finalised the *Queensland Infrastructure Plan - Building Tomorrow's Queensland* (QIP) which was released on 3 November 2011.

Comments were provided by Toowoomba Regional Council (TRC) on the draft QIP on 23 August 2011 during the consultation period.

356 submissions were received during the consultation period and the State Government has stated that it will finalise the QIP in the following ways:

- refine regional narratives and ensure that the content aligns with community expectations and priorities.

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- identify additional projects that should be included in the program.
- expand the program from a four year to a 20 year horizon.
- inform discussions with local government and the private sector about projects that should be included in the program.
- confirm and strengthen the statewide priorities and directions that will be used to determine project sequencing.

CONSULTATION UNDERTAKEN

Comments were requested from members of the Strategic Land Use team and the Infrastructure Services Group.

ISSUES AND RESPONSES

Item 1

In the submission by TRC, clarification on the position of Toowoomba Statistical District (TSD) was sought as there was considerable confusion in the draft QIP around the physical location being identified within the South East Queensland planning region, yet all of the projects and assessments for the TSD fell within the Darling Downs and South West planning region.

GMQ Response:

Page 105 of the QIP provides the following Note:

Toowoomba Regional Council

For the purposes of the Queensland Regionalisation Strategy and the Queensland Infrastructure Plan, the entire Toowoomba Regional Council area is included in the Darling Downs South West.

However, for the purposes of statutory regional planning under the Sustainable Planning Act 2009, part of the Toowoomba Regional Council area (Toowoomba Statistical District, incorporating the former Toowoomba city area and surrounding settlements such as Highfields and Westbrook), is included within the South East Queensland Regional Plan 2009-2031. In addition, the entire Toowoomba Regional Council area is part of the non-statutory Surat Basin Regional Planning Framework.

Item 2

The draft QIP provided a State map of economic zones and TRC noted that the placement of Toowoomba should be reviewed.

GMQ Response:

The final QIP has not amended the location of Toowoomba shown on the State map (page 30) and Dalby is still incorrectly identified as Toowoomba.

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Item 3

The TRC submission highlighted concern about the significant reduction in planning horizons for infrastructure from 20-25 years to four. Additional concerns noted were the reduction in accuracy of indicative project costs.

GMQ Response:

A change in presentation has occurred in the final QIP showing expected timing over the next four years and then a five year horizon and an additional ten year horizon. A copy of the Darling Downs South West 20 year project pipeline is at Attachment A in the agenda papers.

Item 4

In the draft QIP, the Toowoomba Second Range Crossing had been listed as a planning project in the four year horizon with an investment of up to \$2M.

GMQ Response:

In the final QIP, the Toowoomba Second Range Crossing is now listed as a 'construction' project from 2011/12 to 2020/21 with a cost greater than \$1B. However, it is noted that the project is still shown as being subject to Federal funding.

Additional GMQ Responses:

Item 5

The final QIP lists a 4-stage project entitled Toowoomba Transit Network to do with public transport. The first stage is listed for 2011/12 to 2012/15 with a cost of less than \$10M. The second stage is listed to occur in 2015/16 to 2030/31 with a cost less than \$100M.

Item 6

The final QIP now shows the duplication of the Warrego Highway from Toowoomba to Charlton as Stage 1 of Toowoomba to Oakey, and there is now a Stage 2 project for 2015/16 to 2020/21 with a cost of less than \$500M.

Item 7

The final QIP now has a new project listed for Gore Highway upgrades (Toowoomba to Millmerran) for 2014/15 to 2020/21 with a cost of less than \$100M.

Item 8

The final QIP lists a new project for expansion of the Toowoomba Hospital for 2015/16 to 2030/31 with a cost of less than \$500M.

Item 9

The final QIP lists a Griffith University project entitled 'Clinical training facility at Toowoomba' with a cost less than \$10M.

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Many of the recommendations listed in Council's submission regarding the draft QIP have been received and a majority of concerns listed in the final QIP. While the planning horizons have been amended to provide a longer term view of infrastructure across Queensland, there is still lack of detail past four years as well as robust financial implications.

RESOURCE IMPLICATIONS

Nil.

CONCLUSION

The finalised *Queensland Infrastructure Plan - Building Tomorrow's Queensland* (QIP) was released by the Queensland Government on 3 November 2011.

For the purpose of the Queensland Infrastructure Plan, the entire Toowoomba Regional Council local government area is now considered to be part of the Darling Downs South West planning region.

Many of the recommendations listed in Council's submission regarding the draft QIP have been included and a majority of concerns listed in the final QIP.

RECOMMENDATION

That Council note the report on the Final Queensland Infrastructure Plan.

REASONS FOR RECOMMENDATION

To ensure that Council remains informed about the QIP and that Toowoomba Regional Council benefits from the overall plan.

COMMITTEE RECOMMENDATION

That Council note the report on the Final Queensland Infrastructure Plan.

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ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
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No further action required from this report.

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Portfolio: **STRATEGIC SERVICES**

13

REPORT TITLE Review of the 2011 'State of Australian Cities' Report

AUTHOR Graduate Planner - Strategic Land Use (Jeyan Chamanmah) - 22
November 2011

PURPOSE OF REPORT

To provide Council with information relevant to Toowoomba as contained in the 2011 'State of Australian Cities' Report.

CORPORATE PLAN REFERENCE

- 3.1 Planning and development growth and change is based on sustainability principles, cultural heritage and community engagement.
- 5.1 Toowoomba Region has a strong economy fostering innovation and diverse business opportunities recognising Toowoomba as the key regional service centre.

BACKGROUND

In 2010, the Australian Government released the inaugural 'State of Australian Cities' (SOAC) report under the Department of Infrastructure and Transport. The purpose of this report was to provide a 'data-based' snapshot of all Australian Cities with a population over 100,000 residents.

Toowoomba is included as one of the eighteen cities analysed in the 2011 report. The other seventeen cities include Sydney, Melbourne, Brisbane, Perth, Adelaide, Gold Coast/Tweed, Newcastle, Canberra, Wollongong, Sunshine Coast, Hobart, Geelong, Townsville, Cairns, Darwin, Launceston and Albury-Wodonga.

The findings of this report provide insights into current and future planning and development trends on a national, regional and local scale. The six key considerations of the report were: population; productivity; sustainability; liveability; social inclusion and governance.

Using additional data from a range of sources, the 2011 *State of Australian Cities* report provides further detail on many of the issues raised in the 2010 edition. Due to the publishers' methods of data collection, all information concerning Toowoomba is relevant only to its urban population rather than the entire region and its townships. Although this is the case, the trends identified through the data are applicable to the entire region and should therefore be used to inform future policy positions accordingly.

A full download version of the report is available by visiting <http://www.infrastructure.gov.au/infrastructure/mcu/soac.aspx>

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CONSULTATION UNDERTAKEN

Not required for this report.

ISSUES AND RESPONSES

Toowoomba is facing a number of emerging challenges. With rapid population growth projections, flow-on effects including congestion, provision of infrastructure services and housing supply and affordability will ensue. Understanding how these challenges affect Toowoomba city and dealing with them appropriately, is critical to the future success of Toowoomba as a liveable city.

Issue 1 - Population

- The population of Australia grew by 2,915,608 residents between 2001 and 2010. Of this growth, 81% was absorbed by major cities (refer to Attachment A in the agenda papers).
- Toowoomba's urban population grew from 109,449 in 2001 to 123,804 in 2007. By the year 2010, this number had reached 128,600. Projections in the report estimate Toowoomba's urban population will be 165,928 by the year 2027.
- Whilst Toowoomba's urban population is comparatively small, it is growing at a rate faster than eleven of the eighteen cities analysed in the report.

Issue 2 - Productivity

- Mining has now overtaken manufacturing as the industry contributing the second highest proportion of gross domestic product due to a significant recent increase in the terms of trade.
- Toowoomba is well positioned to benefit from the flow-on effects of this increase in mining productivity.
- In the June quarter of 2011, Toowoomba's unemployment rate was comparatively low and equal with Perth at 4.5%. Cairns had the highest unemployment rate at 8% (refer to Attachment B in the agenda papers).
- 16% of Toowoomba's working population is employed in the retail sector, with 13% in health, 12% in manufacturing and 10% in education. The property, agriculture and government sectors employ 7% respectively, with communication services hiring the lowest percentage of workers at only 1%.

Issue 3 - Sustainability

- About 70 per cent of energy is consumed indirectly in products and services used. For example, the energy embodied in the construction of a building is many times greater than the energy used within that building in a year. This outlines the emergence of sustainable construction methods as a key driver in the green economy.

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- Roughly 60 per cent of households in Toowoomba own a bicycle, which is comparatively low; however the National Cycling Participation Survey 2011 found that Toowoomba has the highest participation rate of regular (weekly) bicycle users.
- Since 2006, Australians have been consuming less energy per capita, particularly that generated by coal, recovering more waste from landfill per capita, producing less household waste, consuming less water and have cleaner air in their cities than they have done previously.

Issue 4 - Liveability

According to the report, key measures of a liveable city include:

- *Safety* - how safe the city is for people and their property.
- *Accessibility* - including access to healthcare, education and economic opportunities as well as an efficient road network and transport system.
- *Affordability* - an affordable place with a good standard of living and a range of quality affordable housing.
- *Health* - the city has a good climate, is clean, well-maintained and unpolluted, and there is a wide range of recreational opportunities such as playgrounds, cycle paths and parks.
- *Diversity* - there is a selection of cultural entertainment options and a diverse range of people who get along well.
- *Environmental sustainability* - good approaches to environmental sustainability and climate change are enacted.
- *Quality design and amenity* - the natural environment and the look and design of the city are attractive.

Toowoomba rates highly on all of the abovementioned criteria. With a crime rate that has been generally decreasing since the year 2000, Toowoomba boasts comparatively high levels of safety for its residents. Toowoomba also offers high levels of access to health, education and economic opportunities with three hospitals, one of the best education facilities to population ratios in the country and one of the lowest unemployment rates. Additionally, Toowoomba is known for its low levels of pollution and world class parks and gardens, an ethnically diverse community with a range of cultural influences and picturesque natural and built landscapes. Toowoomba is ideally positioned to benefit from mining activities in the region and will continue to prosper both economically and socially rendering it a highly desirable place to live for all demographics.

RESOURCE IMPLICATIONS

Nil.

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CONCLUSION

The 2011 'State of Australian Cities' report provides an insight into current and future planning and development trends in Australia's major cities. Toowoomba is one of the 18 major cities and is continuing to show ongoing growth and economic potential.

RECOMMENDATION

1. That Council note the outcomes for Toowoomba Region from the 2011 'State of Australian Cities' Report.
2. That the Toowoomba Regional Council community be informed, via appropriate means, of the general information contained in the 2011 'State of Australian Cities' Report prepared by the Federal Government.

REASONS FOR RECOMMENDATION

To advise Council and the community of the information contained in the Federal Government's report on the eighteen largest Australian cities and how Toowoomba compares with the other seventeen cities.

COMMITTEE RECOMMENDATION

1. That Council note the outcomes for Toowoomba Region from the 2011 'State of Australian Cities' Report.
2. That the Toowoomba Regional Council community be informed, via appropriate means, of the general information contained in the 2011 'State of Australian Cities' Report prepared by the Federal Government.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	J. Bohn	Please action Council's decision	23/12/11

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SERVICES**

14

REPORT TITLE Implications for TRC of the Australian Government Productivity Commission's Research Report: Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments (April 2011)

AUTHOR Infrastructure Project Officer (Megan Phillips) - 23 November 2011

PURPOSE OF REPORT

1. To provide an overview summary of the recently released Productivity Commission report into the effect on business competition of planning, zoning and development assessment processes across all state and local government jurisdictions in Australia.
2. To identify key implications for Toowoomba Regional Council with regard to the draft *Toowoomba Regional Planning Scheme*.

CORPORATE PLAN REFERENCE

- 1.4 A community that is safe, friendly, resilient and informed.
An organisation centred on good governance and community participation.
- 3.1 Planning and development for regional growth and change based on sustainability, principles, cultural heritage and community engagement.
- 3.3 Toowoomba Region's infrastructure networks and assets are developed and maintained in a coordinated and integrated manner.

BACKGROUND

In 2010, the Council of Australian Governments' (COAG) Business Regulation and Competition Working Group asked the Productivity Commission (the Commission) to undertake a performance benchmarking of States and Territories' planning, zoning systems and development assessment (DA) systems.

The assumption was that zoning systems administered by governments affect the location, quantity and use of land for specific purposes and can positively or negatively affect competition within local markets. The Commission was asked to specifically investigate the impacts of planning, zoning and development assessment systems on:

- Business compliance costs;
- Competition; and

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- The efficiency and effectiveness of the functioning of cities.

The study covered 175 local government areas in all Australian States and Territories and 24 cities of varying size with emphasis on capital, major and regional cities of over 50,000 in population including the City of Toowoomba. Toowoomba Regional Council (TRC) was one of 11 Queensland (Qld) local government respondents and 102 respondents from the Toowoomba Regional area were involved in community surveys.

Lack of comparable data and the high degree of variation and complexity in planning systems was a limitation of the study. The study did not take a triple bottom line approach, rather focussing on the business competition impacts of planning processes with limited consideration of environmental and social impacts or outcomes.

CONSULTATION UNDERTAKEN

Not required for this report.

ISSUES AND RESPONSES

The Commission's report outlined:

- The challenges and influence of land use planning and regulation in Australia.
- Measures and criteria to assess the efficient and effective functioning of cities.
- Benchmark findings comparing Australian States and Territories, local governments and cities looking at:
 - Urban land supply
 - Infrastructure
 - Compliance costs
 - Competition and retail markets
 - Governance of the planning system
 - Transparency, accountability and community involvement
 - Referral to State and Territory government departments and agencies.
- Nine leading practices being implemented across the different jurisdictions in Australia.

Implications of the Commission's Findings for TRC

There are a number of potential implications of the Commission's findings including:

- Understanding Queensland's, TRC's and Toowoomba City's performance against benchmark measures in comparison to other States and Territories, local governments and cities;
- Recognising achievements to date and continuing to implement leading practices in strategic land use and infrastructure planning and development assessment processes;

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- Maintaining or improving practices where appropriate.

Performance Against Benchmark Measures

The following highlights some of the Commission's findings.

Qld State

- Qld Councils ranked the highest (100% of Councils) for considering the viability of nearby centres as a major consideration in planning decisions (in NSW 79% of Councils did this).
- Qld Councils rank third highest, behind ACT and Vic, in enforcing an activity centres approach and in considering impacts on businesses in making planning decisions.

Toowoomba Regional Council (TRC)

- In June 2010, TRC's infrastructure charge per residential lot of \$23,952 was the fourth lowest out of 11 Qld local governments. Less than Redland City (\$40,319), Gold Coast City (\$32,146), Sunshine Coast Regional (\$26,089), Moreton Bay Regional (\$24,818), Townsville City (\$24,511) and Cairns (\$24,158).
- Approximately 21% of Toowoomba residents thought TRC was "effective", 56% only "somewhat effective" and 23% "not effective at all", in planning and zoning.
- <10% of Toowoomba residents thought TRC cared about their preferences in relation to planning with >40% believing the Council did not care. (N.B. this rating has not been rechecked following the intensive engagement undertaken during preparation of the draft planning scheme).

Toowoomba City

- In 2009, the lowest median population densities in Australia were in Toowoomba City, Geraldton-Greenough and Launceston.
- Toowoomba's population increased by 16% between 2001 and 2009 (tenth highest).
- 43% of respondents to survey from Toowoomba said they would not like population to increase with 80% citing concern about increased traffic congestion as the main reason.
- Toowoomba had the lowest median house price along with Mount Gambier and Launceston.
- The average median peak hour travel time in Toowoomba City is 15 minutes.

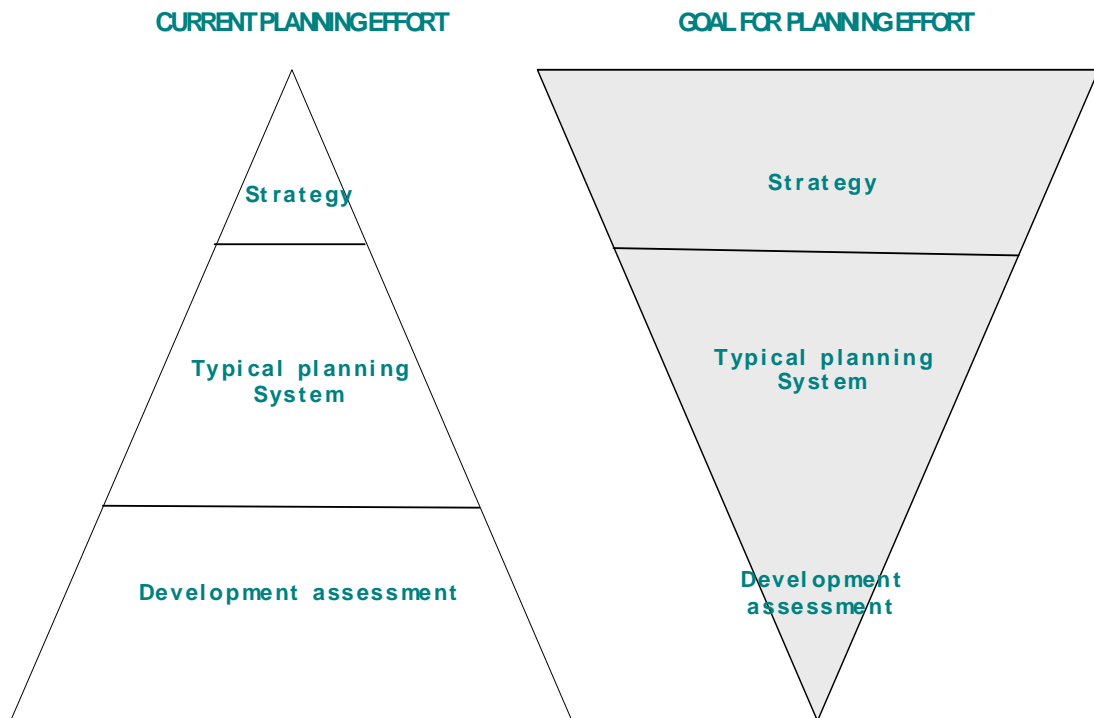
Performance Against Leading Practices

A recent economic impact assessment of the draft planning scheme (KPMG, April 2011) has found that TRC's draft planning scheme is consistent with the Commission's leading practices in:

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- Setting a “clear strategic intent”;
- Simplifying land use controls;
- Creating an effective link between land release and infrastructure networks;
- Reducing levels of assessment for certain types of development;
- Reducing development assessment timeframes.

Changing the focus of planning efforts



Further detail on TRC’s performance against leading practices is provided in Attachment A (refer to agenda papers for attachment).

Future Directions

The report provides a substantial body of material for further review and identification of future directions for TRC’s planning policies and processes. These may include:

- Minimising anti-competitive misuse of the DA appeal systems (“gaming”) by:
 - Avoiding alternative development assessment paths, and
 - Ensuring consistency in decision-making;
- Engaging with the community at all stages of the planning process and ensuring these processes are well-resourced;
- Improving community safety and perceptions of safety, i.e. unsafe streets at night.

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The original document can be found at:

<http://pc.gov.au/projects/study/regulationbenchmarking/planning/report>.

RESOURCE IMPLICATIONS

Nil. For information only.

CONCLUSION

The Productivity Commission's benchmark findings on planning, zoning and DA systems across Australia point to the extent to which Council's systems may positively or negatively affect business compliance costs, competition and the functioning of Toowoomba City. Council's planning, zoning and development assessment systems appear to be largely in line with leading practices across the State and country in this regard.

The report provides useful benchmark data to guide future land use planning, zoning and DA system policy decisions by TRC.

The report highlights that TRC's draft Regional Planning Scheme is consistent with the Commission's leading practices indicators in areas such as having a clear strategic intent, simplified land use controls; relating land release with infrastructure networks; reducing levels of assessment for certain types of development and reducing development assessment timeframes.

RECOMMENDATION

1. That Council note the report on the Australian Government Productivity Commission Research Report: Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments (April 2011) and the implications for Toowoomba Regional Council.
2. That Toowoomba Regional Council continue to support initiatives to align Council's planning, zoning and development assessment processes with the Australian Government Productivity Commission's findings.

REASONS FOR RECOMMENDATION

To ensure best practice is adopted by Toowoomba Regional Council in relation to planning, zoning and development assessment processes.

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COMMITTEE RECOMMENDATION

1. That Council note the report on the Australian Government Productivity Commission Research Report: Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments (April 2011) and the implications for Toowoomba Regional Council.
2. That Toowoomba Regional Council continue to support initiatives to align Council's planning, zoning and development assessment processes with the Australian Government Productivity Commission's findings.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
2	D Currie	Please ensure continuation of alignment of Council's processes with the Commission's findings.	Ongoing

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Portfolio: **PLANNING AND DEVELOPMENT
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15

REPORT TITLE The Australian Government's National Urban Policy (May 2011) and Implications for Toowoomba Regional Council

AUTHOR Infrastructure Project Officer (Megan Philips) - 23 November 2011

PURPOSE OF REPORT

To provide an overview summary of the Commonwealth Government's "*Our Cities, Our Future - A National Urban Policy for a productive, sustainable and liveable future*".

CORPORATE PLAN REFERENCE

- 3.1 Planning and development for regional growth and change based on sustainability principles, cultural heritage and community engagement.
- 3.3 Toowoomba Region's infrastructure networks and assets are developed and maintained in a co-ordinated and integrated manner.

BACKGROUND

The Commonwealth Government influences urban policy directly through:

- funding infrastructure,
- direction on structuring health and education services,
- direct investment in housing and social and economic infrastructure, and
- economic policy settings.

On 18 May 2011, the Commonwealth Minister for Infrastructure and Transport released *Our Cities, Our Future - A National Urban Policy for a productive, sustainable and liveable future* (the Policy).

The Policy sets out the Commonwealth Government's objectives and directions for Australian cities and recognises the critical roles that State, Territory and local governments, the private sector and individuals play in planning, managing and investing in cities. It also outlines Commonwealth Government decisions that impact upon urban Australia.

The Policy has been prepared in recognition of the complexity of issues facing major cities and the need for a national approach to:

1. Ensure cities support regional economic growth;

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2. Address long term productivity, sustainability and liveability;
3. Ensure the well-being of citizens is maintained.

Toowoomba City is one of eighteen cities with populations of over 100,000 at which the Policy is aimed. For the first time, it outlines the Commonwealth Government's overarching goals for the nation's cities and also includes actions to be implemented by the Commonwealth in cities with populations of over 100,000 people.

CONSULTATION UNDERTAKEN

Not required for this report.

ISSUES AND RESPONSES

The Policy includes:

- A policy framework set out under goals, principles and objectives; and
- An Action Plan containing Commonwealth Government actions.

The policy framework is at Attachment A in the agenda papers.

The Policy outlines actions the Commonwealth Government will take in conjunction with States, Territories and local governments such as:

- Encouraging the States and Territories in best practice use and delivery of *Public Private Partnerships* (PPPs) in infrastructure procurement.
- Working with partners to prepare a national *Urban Design Protocol* that will provide local governments, developers, industry, professionals and communities with a tool for designing, assessing and implementing better design and construction outcomes for cities.
- Continuing to provide funding to local government for community infrastructure.
- Supporting State, Territory and Local Governments in all major cities complete metropolitan plans that better deliver the COAG criteria, not just in capital cities but in all major cities across Australia.
- Facilitating a whole-of-government approach to improve outcomes in cities including engaging with local governments through forums such as the Australian Council of Local Governments (ACLG) and the National Growth Areas Alliance (NGAA).
- Streamlining administrative processes such as development assessment including implementing the Productivity Commission's review of *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments*.

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Specific actions outlined in the Action Plan to be undertaken by the Commonwealth Government include:

- Commission Infrastructure Australia to review how nationally significant transport, communication and energy corridors, sites and buffers in major cities can be better planned, protected and managed while minimising disruption to local communities. This will include identifying Commonwealth lands that could form part of economic infrastructure corridors/nodes and protect them from sale or incompatible alternate use.
- Align workforce availability to meet labour demand.
- Implement recommendations of the *Aviation White Paper*.
- Invest \$61.4 Million in a *National Managed Motorways Trial*.
- Monitor and progress carbon pricing.
- Continue to implement *Urban Waste Policy* and urban water reforms.
- Monitor protection of natural and built environments.
- Continue to implement the *Water for the Future* program.
- Continue to work with the States and Territories to mitigate and assess risk of climate change.
- Continue to monitor and progress actions to address housing supply and affordability.
- Monitor the long-term outcomes of the *Liveable Cities* program.
- Monitor and progress implementation of the *Australian Urban Design Protocol*.
- Monitor the implementation of city strategic planning system reforms.
- Annual update of the *State of Australian Cities* report.

Implications of the Urban Policy

The Policy is of relevance to TRC in directing urban policy affecting Toowoomba City and making clear the activities of the Commonwealth Government which may affect Toowoomba City. The Policy framework is relevant to the following functions of Council:

- Economic, environmental, social and governance policy development;
- Corporate planning;
- Land use and infrastructure planning and decisions such as during the next review of the planning scheme and other relevant plans, e.g. the City Centre Master Plan;
- Decisions about public and private investment.

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There may be opportunities for Toowoomba Regional Council to seek funding from and/or partner with the Commonwealth to advance Toowoomba City's interests in some of the initiatives described in the Policy including those outlined above.

The full document can be found at:

<http://www.infrastructure.gov.au/infrastructure/mcu/urbanpolicy/index.aspx>

RESOURCE IMPLICATIONS

Nil.

CONCLUSION

The National Urban Policy sets out the Commonwealth Government's policy and actions affecting cities to be referenced by TRC in policy development and decisions which affect Toowoomba City and the Region which it serves.

RECOMMENDATION

1. That Council note the report on the Australian Government's National Urban Policy (May 2011) and Implications for Toowoomba Regional Council
2. That Council ensure reference to the National Urban Policy when implementing policies relating to the economy, environment, community and governance.
3. That, when opportunities arise, Council seek funding from the Commonwealth, pursuant to its National Urban Policy.

REASONS FOR RECOMMENDATION

To ensure Toowoomba Regional Council's policies and practices are consistent with Commonwealth Government policy.

COMMITTEE RECOMMENDATION

1. That Council note the report on the Australian Government's National Urban Policy (May 2011) and Implications for Toowoomba Regional Council
2. That Council ensure reference to the National Urban Policy when implementing policies relating to the economy, environment, community and governance.
3. That, when opportunities arise, Council seek funding from the Commonwealth, pursuant to its National Urban Policy.

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ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
2.	D. Currie	Please ensure reference to the National Urban Policy.	23/12/11
3.	D. Currie	Please investigate funding opportunities when they arise.	On-going

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Portfolio: **PLANNING AND DEVELOPMENT
SERVICES**

16

REPORT TITLE Review of Sustainable Planning and Other Legislation Amendment Bill 2011

AUTHOR Principal Planner, Regional Economy and Major Projects (Ian McHugh) - 22 November 2011

PURPOSE OF REPORT

To inform Council of amendments proposed by the Sustainable Planning and Other Legislation Amendment Bill 2011 (the Bill) and identify any impacts to Toowoomba Regional Council.

CORPORATE PLAN REFERENCE

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

BACKGROUND

Introduced into Parliament on 11 October 2011, the Bill includes a wide range of amendments to a number of Acts currently in force.

Specifically, the Bill will amend the Animal Management (Cats and Dogs) Act 2008, the Building Act 1975, the Coastal Protection and Management Act 1995, the Local Government Act 2009, the Plumbing and Drainage Act 2002, the Sustainable Planning Act 2009 (SPA) and the Urban Land Development Authority Act 2007.

CONSULTATION UNDERTAKEN

Comments were sought from relevant branches within Council including Building and Compliance, Governance, Environmental Health Services and Strategic Land Use.

ISSUES AND RESPONSES

Relationship Between Local Planning Instruments and the Building Act

The proposed amendments to SPA and the Building Act 1975 are intended to clarify the relationship between the building assessment provisions and local planning instruments,

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local government resolutions and local laws. This is intended to ensure that the building assessment provisions are not overridden by other instruments and aims to avoid duplication of process. It also aims to provide clear guidance for stakeholders, as well as savings in costs and time for building development applications.

Specifically, the amendments will make it clear that a local planning instrument must not be inconsistent with the requirements of the Building Act - that is, it must not address matters already addressed by the building assessment provisions, unless permitted under the Building Act through provisions such as sections 32 and 33 (which includes for example, designating bushfire prone areas in a planning scheme). To the extent that a local planning instrument purports to deal with building work regulated under the building assessment provisions, it is of no force or effect. This will apply to existing and new local planning instruments where there is any inconsistency with the building assessment provisions.

Urban Encroachment

Proposed amendments seek to transition the current urban encroachment policy under the Planning (Urban Encroachment - Milton Brewery) Act 2009 to within SPA and extend the application of the policy State-wide. This continues the rollout of the planning reform agenda which seeks to consolidate matters impacting on planning and development within SPA itself.

In response to significant population and economic growth pressures, the Queensland Government has adopted policies of actively encouraging increased dwelling density, sustainable infill development and transit oriented development to maximise land use efficiencies and benefit the management of urban sprawl. However, in some cases, this greater utilisation of existing space may result in increased levels of conflict between lawfully operating existing uses and encroaching urban development. Urban encroachment could increase the risk of litigation from landowners and tenants who may be detrimentally affected by the lawful emission of aerosols, fumes, light, noise, odour, particles or smoke of the existing activity at particular premises.

The Milton Brewery Act provides protection of the Milton Brewery from amenity nuisance actions arising from encroaching urban development. The Bill proposes to transfer the existing protection to the SPA and deliver a State-wide expansion of the policy based on the model under the Milton Brewery Act. The State Government intends to keep a register of important industries that will be protected from encroachments.

These proposed amendments are considered to have limited applicability within the Toowoomba Regional Council area but, in any case, are supported as worthwhile amendments that will serve to protect the ongoing viability of significant industries that may come under threat from urban encroachment.

Infrastructure Charges

The Bill seeks to remove a legislative oversight that prevented a local government charging an amount "equal" to the maximum adopted charge stated in the State Planning Regulatory Provision - adopted charges. The Bill also clarifies that indexing of infrastructure charges by local governments is permitted after the issue of an adopted infrastructure charges notice and sets out the associated mechanisms for doing so.

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RESOURCE IMPLICATIONS

Nil

CONCLUSION

Amendments are proposed to the Sustainable Planning Act and other legislation under a bill introduced to Parliament on 11 October 2011.

A review of the proposed amendments has determined that they may be of a neutral or beneficial impact to Toowoomba Regional Council.

RECOMMENDATION

That Council note the report on amendments proposed by the Sustainable Planning and Other Legislation Amendment Bill 2011 and the impact to Toowoomba Regional Council.

REASONS FOR RECOMMENDATION

To inform Council of changes to legislation that may impact Toowoomba Regional Council.

COMMITTEE RECOMMENDATION

That Council note the report on amendments proposed by the Sustainable Planning and Other Legislation Amendment Bill 2011 and the impact to Toowoomba Regional Council.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
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No further action required from this report.

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Portfolio: **PLANNING AND DEVELOPMENT SERVICES**

17

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) - 22 November 2011

The following schedules are submitted for Council's information:

1. Applications lodged for the period 29 October 2011 to 18 November 2011.
2. Applications determined under delegation for the period between 29 October 2011 and 18 November 2011.
3. Status of material change of use (impact assessable) applications as at 18 November 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.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
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No further action required.

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Portfolio: **WATER SERVICES**

18

REPORT TITLE Environment Grant Applications - October 2011 Funding Round

AUTHOR Sustainability Awareness Project Officer (Candice Guillaumier) - 21 November 2011

PURPOSE OF REPORT

To seek Council's endorsement of applications for funding for environmental projects which were lodged in the October 2011 funding round.

CORPORATE PLAN REFERENCE

- 4.1 The region has an accessible network of green spaces and its land and water assets are conserved and managed.
- 4.2 The Toowoomba Region has safe and sustainable water networks.
- 4.3 The Toowoomba Region is climate change responsive.
- 4.4 The Toowoomba Region's environment is managed to minimise degradation.

BACKGROUND

Grant Objectives

The Environment Grant Program seeks to achieve the community's vision for a "*highly valued, diverse, liveable and sustainable environment*" by providing support for projects that aim to achieve one or more of the following:

- Protect and manage air, land and water quality.
- Advance water, waste and energy use efficiency.
- Encourage environmentally sustainable community facilities and spaces.
- Improve landscape amenity of community facilities and spaces.
- Encourage environmentally sustainable travel.
- Reduce community carbon footprints (greenhouse gas emissions).

Preference will be given to applications that:

- Demonstrate self help, commitment and triple bottom line sustainability (economic, social and environmental longevity).
- Establish community and/or environmental need.
- Demonstrate collaboration and partnership.
- Are not duplicating existing projects or activities.

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Grants and in-kind assistance will be given in an equitable, accountable and transparent manner that produces community benefits while complying with regulatory and reporting requirements.

Applications Received

Thirteen applications were submitted for consideration in the October 2011 funding round.

Application assessment process

The Environment Grant Assessment Panel was convened in accordance with the Environment Grant Guidelines to specifically assess these thirteen applications. The panel met on 14 November 2011 and consisted of:

<i>Cr Paul Antonio</i>	<i>Portfolio Leader</i>
<i>Cr Bill Cahill</i>	<i>Nominated Councillor</i>
<i>John Betts</i>	<i>Manager of the Environment Grant</i>
<i>Candice Guillaumier</i>	<i>Officer implementing the Environment Grant</i>
<i>Christine Steel</i>	<i>Community representative</i>
<i>Ann McCarthy</i>	<i>Administration Officer</i>

Each application was considered against the Environment Grant Guidelines. The Panel considered that eleven applications were consistent with the guidelines and recommends them for approval, this includes three applications being recommended for partial funding. The panel considered that two applications were not consistent with the policy guidelines and is not recommending them for approval.

Application Summary	
Total number of applications received	13
Number of recommended projects	11
Number of projects not recommended	2
Financial Summary	
Total funding requested by applicants	\$32,485.68
Proposed funding for Environment Grant October 2011 funding round	\$20,000.00
Total cost to Council in approving the eleven recommended applications in the October 2011 funding round	\$19,107.82

A list of applications and comments from the Panel can be found in **Attachment A**.

Copies of the original applications will be available at the Committee of the Council Meeting.

CONSULTATION UNDERTAKEN

The Panel considered all applications received in accordance with Policy Guidelines.

Council Branches who were requested to provide in-kind services were requested to provide estimates of the cost of their services.

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ISSUES AND RESPONSES

The Environment Grant Assessment Panel has formed the opinion that the eleven grant applications recommended for funding in Attachment A are consistent with the Environment Grant Guidelines.

Attachment A also includes the details of applications where funding has not been recommended by the Panel.

RESOURCE IMPLICATIONS

The October 2011 funding round is valued at \$20,000. The Panel recommends allocating \$19,107.82 to the applications which meet the Environment Grant Guidelines. The remaining \$853.18 will be rolled over into the February 2012 funding round.

Funding is to be administered by Council's Sustainability Awareness Project Officer and Water Services Financial Officer in partnership with the recipient organisations and subject to approved funding agreements.

CONCLUSION

The eleven grant applications recommended by the Environment Grant Assessment Panel reflect the objectives of the Environment Grant Guidelines and satisfy the October 2011 funding round.

RECOMMENDATION

1. That Council approve the applications for funding under the Environment Grant as recommended in Attachment A.
2. That the successful and unsuccessful grant applicants be advised accordingly.

REASONS FOR RECOMMENDATION

To comply with Section 138 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* and Council's Environment Grant Guidelines policy.

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COMMITTEE RECOMMENDATION

1. That Council approve the applications for funding under the Environment Grant as recommended in Attachment A.
2. That the successful and unsuccessful grant applicants be advised accordingly.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
1 - 2	C. Guillaumier	Please initiate all follow up action	30/12/11

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Portfolio: **WATER SERVICES**

19

REPORT TITLE Obligations Under the Clean Energy Act 2011

AUTHOR Manager, Strategy and Co-ordination (Water and Waste) (John Betts) - 18 November 2011

PURPOSE OF REPORT

To advise of Toowoomba Regional Council's obligations under the new *Clean Energy Act 2011*.

CORPORATE PLAN REFERENCE

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

BACKGROUND

The Federal Government's Clean Energy Legislation Package was recently passed by both Houses of Parliament. The key elements of the Clean Energy Legislation Package are a Carbon Pricing Mechanism and Related Clean Energy Future Programs. The central Act of the package is the *Clean Energy Act 2011* (Act), the obligations of which commence on 1 July 2012.

Council's Carbon Management Officer has undertaken a review of the Legislation and has compiled a Technical Report on Council's obligations under the Carbon Pricing Mechanism. A copy of this Technical Report can be found in Attachment A of the agenda papers.

The obligations identified in the Carbon Management Officer's report are summarised in this report.

CONSULTATION UNDERTAKEN

Council officers have attended information sessions and workshops organised by the Local Government Association of Queensland (LGAQ), the Australian Government Department of Climate Change and Energy Efficiency (DCCEE), and the Waste Management Association of Australia (WMAA). These information sessions/workshops were specifically addressing the impacts of the Carbon Price Mechanism on local governments, reporting under the carbon price, opportunities under the Carbon Farming Initiative and Low Carbon Communities as well as organisations managing Landfill facilities.

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ISSUES AND RESPONSES

Direct Impact

The Act will affect an entity that controls a facility with direct greenhouse gas emissions above 25,000 tonnes per annum. The Toowoomba Waste Management Centre (TWMC) at Bedford Street triggers this threshold. Council is therefore liable under the Act for the annual reporting of greenhouse gas emissions at the TWMC and to obtain and surrender sufficient carbon units to acquit those emissions annually.

As detailed in the Carbon Management Officer's report, Council's obligations with respect to greenhouse gas emissions from the TWMC will therefore be:

- Keep an accurate record of all waste buried at the landfill for each financial year - data must be kept for at least a seven year period and is subject to an audit by the Regulator.
- Make application to register on the National Greenhouse and Energy Register by 1 May 2013.
- Calculate the greenhouse gas emissions from the landfill for the 2012/2013 financial year and each subsequent year.
- Provide an annual report in line with the requirements of the National Greenhouse and Energy Reporting Act 2007 (NGERs) by 31 October 2013 and each subsequent year.
- Purchase one carbon unit (permit) for each tonne of emissions attributable to waste received after 1 July 2012.
- For the first reporting year (2012/2013 financial year) surrender 100% of the required number of permits by 1 February 2014.
- For subsequent reporting years, surrender 75% of the required number of permits by 15 June of each reporting year (i.e. 15 June 2014 for the 2013/2014 financial year).
- Surrender the remaining 25% of the required number of permits by 1 February of the following year (i.e. 1 February 2015 for the 2013/2014 financial year).
- Any deficiency in the number of units surrendered by 1 February each year will be subject to a shortfall charge (i.e. cost penalty).

Table 1 summarises these obligations for the first four reporting years commencing 2012/2013.

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Table 1 - Clean Energy Act 2011 Timeline

	First Year 2012/13	Second Year 2013/14	Third Year 2014/15	Fourth Year 2015/16
Cost of Carbon Units	\$23.00	\$24.15	\$25.40	Market Rate
TRC to apply for registration by	1 May 2013	NA	NA	NA
Surrender of 75% of due units	NA	15 June 2014	15 June 2015	15 June 2016
Submit NGERs report	31 October 2013	31 October 2014	31 October 2015	31 October 2016
Surrender 100% of due units	1 February 2014	NA	NA	NA
Surrender remaining 25% of due units	NA	1 February 2015	1 February 2016	1 February 2017

The rules that determine whether a facility triggers the 25,000 tonnes per annum threshold require all legacy emissions (emissions on all waste buried at the site) to be included in the calculation however, to determine the amount of carbon units required to be surrendered each year, only emissions attributed to waste buried after 1 July 2012 is used. As detailed in the Carbon Management Officer's report, the current calculation method is based on a mandatory use of Wet Tropic Climate Zone decay rates for all locations within Queensland. This climate zone is considered inappropriate for the Toowoomba Region. Proposed amendments to the NGER calculation methods will allow the more appropriate use of Dry Temperate Zone decay rates. As shown in Table 2, the proposed amendment will result in a substantial reduction in calculated emissions and subsequent reduction in costs.

Table 2 - Estimated Direct Costs Associated from Emissions from TWMC

Year	Estimated total emissions (Wet Tropic Zone) at TWMC (CO ₂ -e tonnes)	Estimated total emissions (Dry Temperate Zone) at TWMC (CO ₂ -e tonnes)	Carbon Price (\$/tonne)	Estimated cost (Wet Tropic Zone) (\$)	Estimated cost (Dry Temperate Zone) (\$)
2012/13	0	0	\$23.00	\$0	\$0
2013/14	9,203	2,416	\$24.15	\$222,252	\$58,346
2014/15	15,962	4,712	\$25.40	\$405,435	\$119,685
2015/16	21,027	6,894	\$26.67	\$560,790	\$183,863
2016/17	24,909	8,967	\$28.00	\$697,452	\$251,076
2017/18	27,953	10,937	\$29.40	\$821,818	\$321,548
2018/19	30,397	12,810	\$30.87	\$938,355	\$395,445
2019/20	32,404	14,590	\$32.41	\$1,050,214	\$472,862

Following discussions with representatives of DCCEE, it is understood that the proposed amendment to the NGER calculation method will be implemented and therefore Council's obligations/impacts are based on the lower emissions calculated using the Dry Temperate Zone decay rates.

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Indirect Impacts

The TWMC is the only facility that will be directly captured by the Act however, there will be indirect impacts associated with price increases in electricity and fuel. The greatest indirect impact will be in electricity costs. According to information provided by the Australian Treasury Office, electricity costs are anticipated to increase by 10% over and above any general annual cost increase. The largest use of electricity is by facilities operated by the Water and Waste Services Group and is mainly associated with pumping operations. The remaining electricity usage is grouped into Street Lights and Other (buildings, depots, parks, pools, etc). The estimated increase in electricity costs (based on the anticipated 10% increase and a business as usual growth rate and minimal operation of the Wivenhoe pipeline) for the three years commencing 2012/2013 is presented in Table 3.

Table 3 - Estimated Additional Annual Electricity Costs

Year	Water and Waste Services Group	Street Lights	Other	TRC Total
2012/13	\$724,154	\$157,756	\$219,579	\$1,101,489
2013/14	\$831,453	\$175,938	\$241,331	\$1,248,722
2014/15	\$954,896	\$196,214	\$265,237	\$1,347,324

Other indirect impacts have been identified as additional fuel costs of approximately \$50,000 per annum plus incidental cost increases for services and products that use fuel or electricity in their manufacture or delivery. The price impact of these incidental increases is unknown.

Minimising Impacts

The two major cost impacts on Council are direct costs associated with greenhouse gas emissions from the TWMC and indirect costs associated with increased electricity costs. Strategies to minimise these impacts have not been addressed in this report however, possible mitigation projects could be:

- gas collection and flaring and/or electricity generation at the TWMC.
- alternate power sources.
- carbon farming initiative.

RESOURCE IMPLICATIONS

The main resource implications are increased budget provisions to meet the additional direct and indirect costs as well as improvements to record-keeping processes and data management systems, particularly in fuel management and waste disposal, to meet NGER reporting obligations.

In total, Council can expect operating costs to increase by around \$1.1 million in 2012/2013 rising to a potential \$1.52 million in 2014/2015.

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CONCLUSION

The introduction of the *Clean Energy Act 2011* is expected to have significant implications on Council's operations. In order of impact, these include:

1. Increased electricity costs with all Council assets, but most particularly for water and wastewater assets.
2. Direct Carbon Price costs associated with greenhouse gas emissions from the TWMC.
3. Increased fuel costs associated with road construction activities.
4. Requirement to prepare and submit annual NGER greenhouse gas reports.
5. Improved record-keeping and data management.

RECOMMENDATION

That the report on the obligations of Toowoomba Regional Council under the *Clean Energy Act 2011* be noted.

REASONS FOR RECOMMENDATION

To advise of Toowoomba Regional Council's obligations under the new *Clean Energy Act 2011*.

COMMITTEE RECOMMENDATION

That the report on the obligations of Toowoomba Regional Council under the *Clean Energy Act 2011* be noted.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date

No action required from this report.			

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL
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The Meeting closed for the day at 12.29 p.m. on Tuesday, 6 December 2011 and resumed at 9.02 a.m. on Wednesday, 7 December 2011.

Councillor Antonio assumed the role of Chair of the Meeting on Wednesday, 7 December 2011 in the absence of the Mayor.

REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL
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Portfolio: CULTURAL HERITAGE AND
FACILITIES SERVICES

20

REPORT TITLE Empire Theatres Pty Ltd - Community Access Fund - First Round 2011/2012

AUTHOR Senior Administration Officer, Tourism and Events (Simon Underwood) - 24 October 2011

The Selection Panel formed to consider community access grants through Empire Theatres Pty Ltd recommends the following applications for approval.

In accordance with Council's agreement in respect of this funding scheme, Empire Theatres Pty Ltd must report quarterly to Council with a full acquittal of the grants/subsidies it has made and seek reimbursement.

The applications recommended for funding by Empire Theatres Pty Ltd are as follows.

Organisation/Group	Event	Type of Assistance	Value \$ (incl GST)
Safer Toowoomba Partnership - The Heights Community Centre	Various Empire Theatre Shows	Provision of tickets to enable disadvantaged persons to attend various shows	1,500
St Andrew's Hospital Toowoomba (Cardiac Rehabilitation Sub-group)	Menopause The Musical	Provision of tickets to enable disadvantaged persons (participants of the aged pensioners program) to attend Menopause The Musical	1,400
Toowoomba Police Citizens Youth Welfare Association	Child Protection Week Pantomime	Venue hire for Church Theatre	1,500
Toowoomba Choral Society	Annual Production - Joseph and the Amazing Technicolor Dreamcoat	Venue hire	1,500
City of Toowoomba Eisteddfod	Several activities over 3 weeks including Dance, Drama and Instrumental Sessions	Venue hire associated with the use of Church, Studio and Main Stage	1,500
Australian Pensioners & Superannuates League of Australia	Various Empire Theatre Shows	Provision of tickets to enable disadvantaged persons to attend various shows	1,500

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Toowoomba Hospital Foundation	Christmas Wish Concert	Venue hire	1,500
Kiyua Performing Arts	Concert	Venue hire	1,500
Oakey Reconciliation Group	Bangarra Mathina Performance	Provision of tickets to enable disadvantaged persons to attend the show	1,243
Centcare Toowoomba (Whaddup Youth Program)	Bangarra Mathina Performance	Provision of tickets to enable disadvantaged persons to attend the show	832
Harristown State High School	Bangarra Mathina Performance	Provision of tickets to enable disadvantaged persons to attend the show	375
St Saviour's College	Bangarra Mathina Performance	Provision of tickets to enable disadvantaged persons to attend the show	480
TOTAL			\$14,830

Council allocated \$38,000 to the Community Access Fund in 2011/2012.

Agreement Guidelines

The applications meet Council's agreement guidelines for appropriate community groups to access the Empire or Church Theatres.

COMMITTEE RECOMMENDATION

That Council note the following details of the first round of Community Access Grants administered by Empire Theatres Pty Ltd for the 2011/2012 financial year and reimburse Empire Theatres Pty Ltd the sum of \$14,830 (includes GST).

Organisation/Group	Event	Type of Assistance	Value \$ (incl GST)
Safer Toowoomba Partnership - The Heights Community Centre	Various Empire Theatre Shows	Provision of tickets to enable disadvantaged persons to attend various shows	1,500
St Andrew's Hospital Toowoomba (Cardiac Rehabilitation Sub-group)	Menopause The Musical	Provision of tickets to enable disadvantaged persons (participants of the aged pensioners program) to attend Menopause The Musical	1,400
Toowoomba Police Citizens Youth Welfare Association	Child Protection Week Pantomime	Venue hire for Church Theatre	1,500

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Toowoomba Choral Society	Annual Production - Joseph and the Amazing Technicolor Dreamcoat	Venue hire	1,500
City of Toowoomba Eisteddfod	Several activities over 3 weeks including Dance, Drama and Instrumental Sessions	Venue hire associated with the use of Church, Studio and Main Stage	1,500
Australian Pensioners & Superannuates League of Australia	Various Empire Theatre Shows	Provision of tickets to enable disadvantaged persons to attend various shows	1,500
Toowoomba Hospital Foundation	Christmas Wish Concert	Venue hire	1,500
Kiyua Performing Arts	Concert	Venue hire	1,500
Oakey Reconciliation Group	Bangarra Mathina Performance	Provision of tickets to enable disadvantaged persons to attend the show	1,243
Centcare Toowoomba (Whaddup Youth Program)	Bangarra Mathina Performance	Provision of tickets to enable disadvantaged persons to attend the show	832
Harristown State High School	Bangarra Mathina Performance	Provision of tickets to enable disadvantaged persons to attend the show	375
St Saviour's College	Bangarra Mathina Performance	Provision of tickets to enable disadvantaged persons to attend the show	480
TOTAL			\$14,830

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	S. Underwood	Please initiate all follow-up action	30/12/11

REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL
6 AND 7 DECEMBER 2011

Portfolio: **CULTURAL HERITAGE AND
FACILITIES SERVICES**

21

REPORT TITLE Public Access Arrangements for the Goombungee School Pool and the Quinalow School Pool

AUTHOR Manager, Community Development & Facilities (Paul Reynolds) - 22 November 2011

PURPOSE OF REPORT

To determine Council's position on providing financial support to the Goombungee State School Parents & Citizens Association and Quinalow State School Parents & Citizens Association for providing supervision during public opening hours of the Goombungee School Pool and the Quinalow School Pool.

CORPORATE PLAN REFERENCE

- 1.2.1 Strategically plan for and provide facilities that enable community participation in sport and recreation
- 1.2.2 Collaborate with external agencies to encourage physical activities in the community
- 3.3 Toowoomba Region's infrastructure networks and assets are developed and maintained in a co-ordinated and integrated manner.
- 3.3.4 Ensure that the provision and management of Council facilities (buildings, pools, cemeteries, child care and medical centres) meet the needs and priorities of the Council and the community.

BACKGROUND

The former Rosalie Shire Council entered into consistent yet independent contracts for the development of school based aquatic facilities at the Goombungee State School and the Quinalow State School. The agreements facilitated the joint funding between State and local governments of aquatic based facilities to be located on school grounds for the benefit of the school and the wider community.

The contracts relevant to the two facilities are as follows:

Goombungee State School Swimming Pool

- Agreement between Goombungee State School Parents & Citizens Association and Rosalie Shire Council - 29 June 1983
- Agreement between Education Queensland on behalf of Goombungee State School Parents & Citizens Association and Rosalie Shire Council 2 April 1984

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Quinalow State School Swimming Pool

- Agreement between Quinalow State School Parents & Citizens Association and Rosalie Shire Council - 30 June 1983
- Agreement between Education Queensland on behalf of Quinalow State School Parents & Citizens Association and Rosalie Shire Council - 23 March 1984

The aquatic facilities located at Goombungee State School and the Quinalow State School are not Council owned or controlled facilities.

Whilst it is acknowledged there are independent contracts relevant to Goombungee and Quinalow aquatic facilities - the terms, conditions, obligations, clause references etc are identical with the insertion of different contracted parties.

The Goombungee School Pool services Goombungee, Kulpi, Boudua and surrounding rural areas as well as meeting the needs of students at the Goombungee State School (up to Year 7). It provides aquatic based recreational activity for residents of all ages.

The Quinalow School Pool services Quinalow, Maclagan, Peranga and surrounding rural areas as well as meeting the needs of students at the Quinalow State School. It would appear that, without access to this facility, residents may need to travel significant distances for recreational swimming (up to 120 km return trip).

This report outlines the contracted obligations, identifies obligations which have not been satisfied, makes observations regarding the financial performance of each venue as well as outlines custom and practice of the former Rosalie Shire Council and current Toowoomba Regional Council.

Contractual Obligations of Parties to the Agreements

A review of the contracts indicates the following relationship between the documents:

- Contract between the Rosalie Shire Council and the respective Parents & Citizens Associations - initial confirmation of intent and overarching principals (one page agreement).
- Contract between the Rosalie Shire Council and the Department of Education (Trustee) – detailed roles, obligations, responsibilities (four page agreement).

Due to the consistent nature of the contract documentation, both Goombungee and Quinalow will be dealt with in a joint manner in this section of the report.

Readers of this report need to be aware only clauses of the contract/s where relevance to the determination of a Council decision regarding the level of financial support, if any, is provided herein. Note paraphrasing and interpretation is evident:

WHEREAS:

Clause 1 – Trustee agrees to allow construction of aquatic facility on school grounds “in order that a school swimming programme can be established”

Clause 2 – Council agrees to a capital contribution “subject to the facility being made available for use by members of the public in accordance with an agreement”

Clause 3 – Trustee “agreed to extend the use of the pool to the general public for community activities including instructional and recreational activities at those times when the swimming pool is not required for school purposes”

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Clause 4 – Council “resolved to contribute \$25,000 towards the construction of the swimming pool”

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

Clause 1 – Council shall contribute \$25,000 to the respective P&C Association towards the cost of construction of a swimming pool located on school grounds

Clause 2 – Trustee approves community use of the swimming pool for instructional or recreational activities to groups or individuals as approved by the respective Parents & Citizens Association, provided that such use is a minimum of 10 hours and a maximum of 20 hours per week, during the official swimming season.

Clause 3 – “The supervision, management and operation of the swimming pool is the responsibility of the Trustee through the” respective Parents & Citizens Association. Admission fees shall be set by the respective Parents & Citizens Association “to meet the costs of operation arising from such use”.

Clause 5 – The “arrangements for public use of the swimming pool must be approved by the Principal of the” respective school.

Clause 6 – “Maintenance of the swimming pool is to be carried out solely by the Department of Works in accordance with approved practice. The Council is not required to contribute or grant assistance in any form to the maintenance or operation of the pool unless it elects to do otherwise.”

As is evident in the contract clauses outlined above, there is no obligation for Council to provide financial support for the Goombungee or Quinalow facility beyond the initial capital contribution. In return for Council’s contribution, public access to the facility must be maintained in accordance with Clause 2. Information obtained from Goombungee Parents & Citizens Association and the Quinalow Parents & Citizens Association indicates the following public access arrangements:

Swimming Season/ Financial Year	Goombungee			Quinalow		
	Average Hours Per Week		General Public Swimming Attendance	Average Hours per Week		General Public Swimming Attendance
	School Term	School Holidays		School Term	School Holidays	
2009/10	6.75	12.75	832	3	3	4,688
2010/11	Not available	Not available	533	3	3	4,918

** Note General Public swimming includes Swimming Club use.*

As is evident from the table above, neither facility consistently complied with the minimum and maximum public access requirements as identified in Clause 2 of the contract, for the duration of the swimming season.

Financial Performance and attendance of the facilities

Information provided by the Goombungee and Quinalow Parents & Citizens Association’s indicate the following financial performance.

	Goombungee			Quinalow		
	2010/11	2009/10	2008/09	2010/11	2009/10	2008/09
Income #	5,082.00	5,082.0	2,541.00	Not available	Not available	Not available
Expenditure	6,018.73	4,392.68	1,856.49	Not available	Not available	Not available
Net Performance	-\$936.73	\$689.32	\$684.54	\$0.00	\$0.00	\$0.00

indicates no financial contribution from Council included in the analysis.

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The financial analysis of information provided by the Goombungee State School P&C Association indicates they have operated on a three year consolidated surplus, without including income provided through Council support funding.

It should be noted previous Council financial contributions far exceed the costs incurred by each Parents & Citizens Association for the level of supervision related to public swimming. e.g. Goombungee 2009/10 - Council Contribution \$6,000; Public Access supervision costs (labour) \$2,443.53

An extract from Clause 3 of the contract specifies "fees for admission of the members of the public to the swimming pool, such as to meet the costs of operation arising from such use, shall be determined by" the respective Parents & Citizens Association. Therefore, subject to attendance levels, the Parents & Citizens Association has the ability to determine their revenue generation.

Current Custom and Practice - Former Rosalie Shire Council / Toowoomba Regional Council

Whilst having no contractual obligation to do so, the former Rosalie Shire Council (and subsequent Toowoomba Regional Council) provided financial support to both facilities in accordance with the following table:

Financial Year	Goombungee	Quinalow	Entity
2000-2001	\$2,500	\$2,500	RSC
2001-2002	\$2,500	\$2,500	RSC
2002-2003	\$3,500	\$3,500	RSC
2003-2004	\$3,500	\$3,500	RSC
2004-2005	\$3,500	\$3,500	RSC
2005-2006	\$3,500	\$3,500	RSC
2006-2007	\$4,000	\$4,000	RSC
2007-2008	\$4,000	\$4,000	RSC
2008-2009	\$4,000	\$4,000	TRC
2009-2010	\$6,000	\$6,000	TRC
2010-2011	Awaiting Council Decision		
2011-2012	Awaiting Council Decision - temporary offer - effective 22/11/2011		

By providing financial support beyond the original capital contribution in the contract, Council has "elected to do otherwise" as outlined in Clause 6 of the contract.

The authorisation for payments by the former Rosalie Shire Council were made by including defined amounts to identified beneficiary organisations in the adopted Fees & Charges schedule. The amounts provided appear to be an arbitrary contribution which has no direct correlation to its intended purpose - providing supervision for public swimming.

Payments made to both the Goombungee State School Parents & Citizens Association and Quinalow State School Parents & Citizens Association have traditionally been funded from the 'community support - donations' budget allocation. Payments made by the Toowoomba Regional Council, prior to the adoption of the 'Community Support Grants Policy', appear to have been escalated without justification.

The 'Community Support Program Guidelines' (approved 20/4/2011) specifically identify 'Public and private educational institutions (primary, secondary and tertiary including Parents & Citizens and Parents & Friends Associations' as being ineligible for funding under the current policy. The Community Grants Policy is silent on ineligibility of Parents &

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Citizens Associations.

Neither the Goombungee State School Parents & Citizens Association nor the Quinalow State School Parents & Citizens Association have submitted applications under the Toowoomba Regional Council Community Support Grants Scheme.

Given the defined pattern of financial contribution to the Goombungee State School Parents & Citizens Association and Quinalow State School Parents & Citizens Associations, and likely impacts if support is withdrawn to a level defined in the contract; it may be warranted for Council to make an isolated decision which overrides the Community Support Grant Guidelines.

CONSULTATION UNDERTAKEN

Both the Goombungee State School Parents & Citizens Association and Quinalow State School Parents & Citizens Association have been consulted in relation to the issue before Council. Communication with the Goombungee State School P&C Association has been ongoing for a number of months and the Association is frustrated at the delay in achieving an outcome on the issue.

Council has been advised that, due to the matter continuing to be unresolved, the Goombungee State School Parents & Citizens Association would not be able to provide public swimming opportunities due to financial constraints. Should Council decide not to provide a mechanism for funding, the likely outcome would include a reduction or removal of public swimming opportunities at the facility and all parties involved being placed in a difficult situation should Council wish to enforce public swimming hours as identified in the original contract.

Until such time as a formal Council resolution on this issue is forthcoming, a consistent interim offer has been provided to the Goombungee State School Parents & Citizens Association and Quinalow State School Parents & Citizens Associations. The interim offer (as provided to the Goombungee State School Parents & Citizens Association) is as follows:

"Council will:

- reimburse the Goombungee State School P&C Association for direct costs (labour) associated with the supervision element of public swimming at the Goombungee School Pool from the period 22 November 2011 (date of offer) through until a formal Council decision is made regarding the future financial support provided to your association

Goombungee State School P&C Association will:

- issue Council with a compliant Tax Invoice for the amounts paid to individuals who are directly associated with the supervision of the general public during times the Goombungee School Pool is open for public access for general swimming - please be aware substantiation of these amounts is required (dates, times start and finish, name etc)
- ensure the general public swimming hours of the facility are maximised and where practical to a level which is outlined in the original funding agreement

Please be aware Council will reimburse you for costs associated with the supervision of the facility for public swimming only. Issues associated with liability, qualifications etc associated with the individuals you employ to supervise the venue during periods of supervision of general public swimming, remain the obligation / responsibility of the Goombungee State School P&C Association".

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ISSUES AND RESPONSES

As outlined in this report, there are a number of issues evident which require consideration and determination. A summary of the issues is as follows:

- Council has complied with the initial capital contribution - 1984.
- Since 2000/01, Council has gone beyond its obligations of the original agreement by providing consistent annual contributions to both Parents & Citizens Associations.
- The respective Parents & Citizens Associations have not met their obligation of providing public use access to the facility within the minimum and maximum hours constraints of the contract.
- Based on the information provided, it would appear respective Parents & Citizens Associations generate sufficient income relevant to swimming pool operations (user fees, grants and subsidies etc) to effectively operate their respective facilities to the current operational hours (note this does not meet the minimum hours specified in the contract documentation).
- The Toowoomba Regional Council - 'Community Support Grants Program Guidelines' specifically identify Parents & Citizens Associations as being ineligible for funding under the scheme.

Council has a number of options going forward:

OPTION A

Enforce the original funding agreement, thereby resulting in no financial support being provided and requiring the respective Parents & Citizens Associations to provide public swimming opportunities as per the original contract (min/max hours at their cost)

OPTION B

Make a standard alone decision to support the Goombungee State School Parents & Citizens Association and Quinalow State School Parents & Citizens Association to assist them with the costs for supervising public swimming at their pool facilities until such time as Council at its discretion decides otherwise, on the basis of:

- i. Only reimbursing the net costs incurred for the direct supervision of public swimming; or
- ii. A set amount as determined on an annual basis.

RESOURCE IMPLICATIONS

Depending on Council's decision in relation to the options identified above, the financial implications will differ however, neither is likely to cost more than the financial contributions previously provided.

Should the level of public access hours be increased to comply with the public access hours as defined in the contract, and Council implement a model of reimbursement of public access supervision costs (labour only) incurred, Council's support is unlikely to exceed previous levels of support, but will be proportional to the public access opportunities

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provided.

In the event public access hours remain consistent with current practice, Council's contribution under the 'reimbursement' model would reduce.

CONCLUSION

Whilst having no contractual obligation to do so, it is acknowledged there is a previous pattern of financial support provided annually to the Goombungee State School Parents & Citizens Association and Quinalow State School Parents & Citizens Association for the purpose of funding the supervision element of recreational/public swimming at the respective facilities.

The introduction of the 'Community Support Grants Program Guidelines' implemented a structure which makes Parents & Citizens Associations ineligible for funding under the scheme. Where Council considers that the particular circumstances warrant it, Council is at liberty to make a stand alone decision that is outside the adopted guidelines.

The services provided by the Goombungee State School Pool and the Quinalow State School pool provide a recreational service in those areas which would not exist if public access was terminated.

APPENDICES

Goombungee State School Swimming Pool

- Agreement between Goombungee State School Parents & Citizens Association and Rosalie Shire Council - 29 June 1983 (Attachment 1 - refer agenda papers).
- Agreement between Education Queensland on behalf of Goombungee State School Parents & Citizens Association and Rosalie Shire Council - 2 April 1984 (Attachment 2 - refer agenda papers).

Quinalow State School Swimming Pool

- Agreement between Quinalow State School Parents & Citizens Association and Rosalie Shire Council - 30 June 1983 (Attachment 3 - refer agenda papers).
- Agreement between Education Queensland on behalf of Quinalow State School Parents & Citizens Association and Rosalie Shire Council - 23 March 1984 (Attachment 4 - refer agenda papers).

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RECOMMENDATION

That Council provide annual funding to support the Goombungee State School Parents and Citizens Association and the Quinalow State School Parents and Citizens Association to assist them with the costs for supervising public swimming at their respective facilities subject to:

- (i) Council only reimbursing the direct costs for supervising public swimming over and above the amount recouped from public admission fees;
- (ii) The public admission fee not being less than the applicable fee for Council provided swimming pools;
- (iii) Opening hours, visitation numbers and entry fees for public swimming being reported annually to the Chief Executive Officer or his delegate;
- (iv) The arrangement being encapsulated within a three year legal funding agreement which includes reporting arrangements and public accountability to the satisfaction of the Chief Executive Officer, or his delegate.

REASONS FOR RECOMMENDATION

Whilst Council does not have a contractual obligation to financially support the operational or maintenance activities associated with the facility/s as clearly outlined in the original contract documentation, custom and practice demonstrates consistent support being provided from 2000 to 2010. The removal of this support has the likely outcome of reducing or ceasing the opportunities for public swimming at these venues and all parties involved being placed in a difficult situation should Council wish to enforce public swimming hours as identified in the original contract.

COMMITTEE RECOMMENDATION

That Council assist the Goombungee State School Parents and Citizens Association and the Quinalow State School Parents and Citizens Association with the costs for supervising public swimming at their respective facilities on the following terms:

- (i) Council paying the Goombungee State School Parents and Citizens Association and the Quinalow State School Parents and Citizens Association each the sum of \$4,000 per year for a period of three years, over and above the amount recouped from public admission fees.
- (ii) The public admission fee to each facility to be no less than the applicable fee for Council provided swimming pools.

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- (iii) Opening hours, visitation numbers and entry fees for public swimming to be reported annually to the Chief Executive Officer or his delegate.
- (iv) The arrangement to be encapsulated within a three year legal funding agreement which includes reporting arrangements and public accountability to the satisfaction of the Chief Executive Officer, or his delegate.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	Darryl Bates	Please instigate necessary actions.	21/12/11

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Portfolio: **STRATEGIC SERVICES**

22

REPORT TITLE Adoption of Local Disaster Management Plan

AUTHOR Manager, Property Services (Kevin Wruck) - 21 November 2011

PURPOSE OF REPORT

To seek approval for the revised Local Disaster Management Plan.

CORPORATE PLAN REFERENCE

1.4.2 Develop and deliver initiatives to enhance disaster management preparedness and capability.

BACKGROUND

In accordance with the *Disaster Management Act 2003*:

- Section 57 (1) A local government must prepare a local disaster management plan for its area.
- Section 57 (2) The plan must include provision for the following:
 - (a) the State group's strategic policy framework for disaster management for the State, and the local government's policies for disaster management;
 - (b) the roles and responsibilities of entities involved in disaster operations and disaster management in the area;
 - (c) the co-ordination of disaster operations and activities relating to disaster management performed by the entities mentioned in paragraph (b);
 - (d) events that are likely to happen in the area;
 - (e) strategies and priorities for disaster management for the area;
 - (f) the matters stated in the disaster management guidelines as matters to be included in the plan;
 - (g) other matters about disaster management in the area the local government considers appropriate.
- Section 58 (1) A local government may review, or renew, its local disaster management plan when the local government considers it appropriate.

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- Section 80 (1) The functions of a local government are as follows:
 - (a) to ensure it has a disaster response capability;
 - (b) to approve its local disaster management plan prepared under part 3;**
 - (c) to ensure information about an event or a disaster in its area is promptly given to the district disaster co-ordinator for the disaster district in which its area is situated;
 - (d) to perform other functions given to the local government under this Act.

Prepared under Part 3 refers back to section 57 (2) which outlines the contents or provisions of the Local Disaster Management Plan.

CONSULTATION UNDERTAKEN

Local Disaster Management Group; District Disaster Plan Review Team and Emergency Management Queensland Review Team.

ISSUES AND RESPONSES

To comply with the requirements of the *Disaster Management Act 2003*, the Council is required to have in place a Local Disaster Management Plan (LDMP) for the Toowoomba Regional Council area.

Council, at its meeting on 15 December 2009 (Committee of the Council - 8 and 9 December 2009 - Item 17), approved the LDMP dated 29 October 2009. Since this time, there have been a number of changes as a result of:

- EMQ and Queensland Police Service audits;
- changes to the Local Disaster Management Group members;
- written confirmation of the roles and responsibilities of the various agencies;
- legislative changes, for example, recognition of the roles and responsibilities of the Local Disaster Co-ordinator; and,
- the Queensland Flood Commission of Inquiry recommendations.

In addition, the LDMP risk assessment has been improved following the updating of the Natural Disaster Risk Management Plan for the TRC area and the LDMP has been amended to recognise the approved Council to Council (C2C) process for assistance.

The Local Disaster Management Committee endorsed, subject to minor changes, the attached LDMP on 27 October 2011.

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It is recognised that the LDMP will continually be undergoing changes over the next six months as further recommendations are handed down from the State as a result of the Flood Commission of Inquiry.

RESOURCE IMPLICATIONS

There are no resource implications.

CONCLUSION

1. To comply with the requirements of the *Disaster Management Act 2003*, the Council is required to have in place a Local Disaster Management Plan (LDMP) for the Toowoomba Regional Council area.
2. The LDMP has been reviewed following recent disaster events and requests for further information.
3. The Local Disaster Management Committee endorsed, subject to minor changes, the attached LDMP on 27 October 2011.

RECOMMENDATION

That Council approve the attached Local Disaster Management Plan for the Toowoomba Regional Council area.

REASONS FOR RECOMMENDATION

- The revised LDMP will assist Council in its preparation and response to a disaster situation.
- Comply with requirements of the *Disaster Management Act 2003* and to take into account the relevant Queensland Flood Commission of Inquiry recommendations.

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COMMITTEE RECOMMENDATION

That Council approve the Local Disaster Management Plan (as appended to the agenda papers) for the Toowoomba Regional Council area.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	N. Fry	Please post LDMP on Council's Website & circulate copy of plan to LDMG members	19/12/11

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL
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Portfolio: **ENVIRONMENTAL AND
COMMUNITY SERVICES**

23

REPORT TITLE Restoration of Cemetery Monuments and/or Memorials in Council Controlled Cemeteries

AUTHOR Manager, Community Development & Facilities (Paul Reynolds) - 18 November 2011

PURPOSE OF REPORT

To determine Council's position on restoring monuments and/or memorials in all Council controlled cemeteries which have been subjected to malicious damage.

CORPORATE PLAN REFERENCE

- 3.3 Toowoomba Region's infrastructure networks and assets are developed and maintained in a co-ordinated and integrated manner.
- 3.3.4 Ensure that the provision and management of Council facilities (buildings, pools, cemeteries, child care and medical centres) meet the needs and priorities of the Council and the community.

BACKGROUND

In November and December 2010, the Drayton and Toowoomba Cemetery experienced a prolonged period of vandalism resulting in approximately 100 memorial sites being maliciously damaged. Since that time, relatives have been in constant contact with Council to ascertain whether Council will assist with repair of the memorials. It is not uncommon for isolated and indiscriminate vandalism to occur at cemeteries.

The previous position for the Drayton and Toowoomba Cemetery (Toowoomba City Council resolution - 6 November 2001) now requires review. It is desirable to establish a consistent approach to dealing with issues of malicious damage to monuments and memorials at all Council controlled cemetery facilities.

In order to establish Council's intent in dealing with situations of malicious damage caused to monuments and memorial sites located within Council controlled cemeteries, research has been undertaken to determine issues of responsibility, ownership, tenure etc as well as identify current industry practice in relation to issues of this nature.

It should be noted this report only deals with malicious damage to monuments and memorials and it is also intended for a suite of operational policies and procedures to be developed on the various issues and activities relevant to Council controlled cemeteries (examples include tenure arrangement of interment sites; capacity of interment sites; backfilling and sinking of interment sites etc).

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Definitions and Current Custom and Practice

Memorials and monuments are defined as fixtures on an interment site which have a direct relevance and display information regarding the deceased person at the site.

Whilst memorial damage and/or degradation can result from various factors including but not limited to, structural failure or fatigue, environmental wear and tear (wind, rain, sun, and external force impacts), soil subsidence and volatility, vandalism and/or other external factors, this report specifically seeks to obtain Council's position relating to restoration of monuments and/or memorials maliciously damaged.

In order to gain an appreciation of current custom and practice relating to monuments and/or memorials, it is important to delineate between degraded structures and those which have been maliciously damaged.

Current practice at Council controlled cemeteries relevant to degraded monuments and/or memorials includes:

1. Straightening leaning memorials which present a risk to the public from toppling over.
2. Where memorials have toppled, placing the 'named' section of the memorial face up within the interment site to allow dignity and identification of the site.
3. In limited situations (pre-Queensland Heritage listing of Drayton and Toowoomba Cemetery) Council staff would piece together memorials and remediate memorials to a limited standard.

Where monuments and memorials pose a safety risk or are in need of repair or remediation works, Council attempts to make contact with the closest living relative or the next-of-kin and requests rectification of the memorial. Numerous factors such as difficulties in locating the next-of-kin, cost for rectification etc often result in limited to no remediation works being undertaken to these memorials by parties external to Council.

There is currently no consistent approach for dealing with malicious damage caused to monuments and/or memorials at Toowoomba Regional Council controlled cemeteries.

The purchase of a burial plot at a Council controlled cemetery includes perpetual maintenance of the burial plot (land maintenance) by Council but does not include repair or maintenance to any structure which may be constructed over the burial plot.

The former Toowoomba City Council's position in relation to Council assistance with the restoration of grave headstones etc at the Drayton & Toowoomba Cemetery, which had been subject to malicious damage, was adopted by Council on 6 November 2001 (Corporate Services - 30/10/01- Item 1.1) as follows:

That for incidents arising after 1 July 2001, Council contribute to the restoration of graves subjected to malicious damage at the Drayton & Toowoomba Cemetery as follows:-

1. 100% of the costs associated with grave identification and removal and rectification of hazards, where next of kin are unknown or unwilling to act, the amount to be expended on each grave to be assessed by the insurance

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officer prior to the commencement of repairs; and

2. 25% of costs associated with repairs undertaken up to a maximum amount of \$200 where living next of kin are known and willing to act provided -
 - a) such repairs include the removal of all hazards and work designed to identify the grave; and
 - b) proof of performance and payment of repairs undertaken is submitted to Council.

Whilst providing a minimal financial contribution towards maliciously damaged memorial structures, the former Toowoomba City Council policy does not provide any contribution from Council towards restoring memorials degraded or damaged from other factors.

CONSULTATION UNDERTAKEN

A number of local government controlled cemeteries have been contacted (Brisbane City Council, Mackay Regional Council, Townsville City Council, Rockhampton Regional Council and the City of Ballarat) to ascertain their approach in dealing with memorials and headstones which have been damaged as a result of malicious activity.

All local governments contacted do not have a clear, consistent or definitive approach in dealing with situations of this nature. It would appear each Council's response has dealt with issues on a case by case, inconsistent basis. Most of the Councils contacted on this issue are actively awaiting Toowoomba Regional Council's position in this regard.

Brisbane City Council experience - in recent years perhaps the most high profile occurrence of malicious damage to memorials/headstones occurred at the Toowong Cemetery (Brisbane City Council controlled) where approximately 90 memorials were vandalised in August 2009.

Whilst having no formal policy on the matter, their custom and practice for dealing with isolated and indiscriminate malicious damage is to provide no financial support to rehabilitate the memorial. Although not their normal approach, Brisbane City Council remediated all memorials damaged when the large act of vandalism occurred at the Toowong Cemetery in 2009. Rectification works were undertaken and all costs were borne by Brisbane City Council.

Ownership of Monument or Memorials Under Property Law

Articles present on land such as a plaque or a monument may be either chattels or fixtures. The essential character of a headstone or a plaque on a base that is concreted into the ground is its fixity. It is not part of their character to be removed or handed around to be appreciated. Accordingly, memorials are in their nature, fixtures.

Memorials that are installed by the customer on land owned by the Council become fixtures to the land and hence property of the Council. Fixtures on land owned by the State of Queensland become the property of the State. Where such State land is held in trust by Council, the fixtures become part of the property held in trust. This property interest in relation to fixtures arises as a consequence of a legal presumption in property law.

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Therefore, within the confines of 'Property Law', Council has a right to maintain and repair memorials as the memorials are the property of Council.

However, other legislation, the law of negligence, local law or a contract with Council may give a party other than Council a right or a duty to maintain and repair the memorials.

Council's Obligations under Toowoomba City Council's Local Law No. 43 (Cemeteries)

Section 23(2) of Council's Toowoomba City Council Local Law No. 43 (Cemeteries), states:

"The cemetery authority is not obliged to carry out maintenance or repair work on a memorial unless the cemetery authority has undertaken to do so under a maintenance contract."

Council does not have a maintenance contract in relation to maintenance of memorials but does have a contract with customers in relation to the maintenance of the grounds on which a plot is located.

Other Council Obligations

Council has a duty, as the owner (or trustee) and occupier of the cemetery land, to people entering the cemetery including visitors and workers to take reasonable precautions to minimise reasonable foreseeable risks to them.

Accordingly, Council undertakes works to ensure that damaged memorials do not cause a safety risk to people entering the cemetery.

As the cemetery is a workplace for Council workers, Council is required to ensure, under the Workplace Health and Safety Act 1995, that the cemetery is a safe workplace.

Accordingly, Council is required to ensure that memorials do not cause a safety risk to people entering the cemetery.

Damage Caused to Memorials from Acts of Vandalism

Since the last spate of vandalism at the Drayton & Toowoomba Cemetery, families of vandalised memorials have suggested that, because they paid the Council for a burial plot, Council should ensure that the plot is adequately protected from vandalism and Council should pay for the repair of vandalised (fixtures) and/or ornaments (chattels).

Council's position is that a memorial (fixture) vests in Council under property law and as such the property in question is Council's to manage as owner or trustee. Therefore, it is Council's responsibility and decision (potentially with the State's input if the property is owned by the State and held by Council in trust) as to whether any remedial action or repairs be carried out.

There is no legal responsibility for Council to redress the criminal actions of third parties. According to common law, an occupier of land is not liable for the consequences of criminal acts of others.

It is Council's understanding that, as the occupier of the land on which it operates the

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cemetery, it does not have a legal obligation to pay for or restore memorials damaged by criminal, unauthorised acts of a third party.

Summary of Council's Obligation

In relation to Council controlled cemeteries, Council has an obligation to ensure that the memorials are safe and do not cause harm to people entering the cemetery such as visitors and workers.

It is Council's position that it does not have a legal obligation to maintain and repair memorials that are damaged as a result of vandalism or wear and tear.

Council is not legally responsible for the criminal acts of third parties and accordingly, has no legal obligation to recompense the customer that purchased the memorial that is damaged as a result of vandalism.

Bearing this in mind, it is at Council's sole discretion to consider whether it wishes to contribute to or assist in the cost of restoring vandalised memorials other than to make them safe.

ISSUES AND RESPONSES

The remediation of monuments and/or memorials at Council controlled cemeteries as a result of environmental or physical influences is an extremely emotive issue.

When a client purchases a burial plot, the perpetual maintenance of the grounds is included in the purchase price but does not include repair or maintenance to any structure that may be subsequently constructed over a burial plot.

To ensure this position is appropriately communicated, officers are reviewing all cemetery services documentation to ensure these obligations are clearly articulated in layman's terms.

RESOURCE IMPLICATIONS

As the current custom and practice at Council controlled cemeteries deals primarily with addressing damaged memorials to ensure they do not pose a safety risk, the resource implications of meeting this obligation into the future are negligible. It should be noted however, thousands of monuments and memorials exist within Council controlled cemeteries where a significant proportion of them are of an advanced age and prone to structural failure.

The existing Toowoomba City Council policy which provides for a financial contribution towards the cost of remediating memorials that have been subjected to vandalism has not been applied since amalgamation. The likely financial implication of applying a similar policy position to all Toowoomba Regional Council controlled cemeteries is perceived to be insignificant.

There appears to be two options available to determine how Council can consistently deal with this matter.

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Option A

That Council not contribute to the restoration of permanent fixed monuments and memorials that have been maliciously damaged at Council controlled cemeteries other than to rectify hazards to meet workplace health and safety requirements.

Option B

Whilst having no obligation to do so, Council could decide to contribute towards the remediation (physical or financial) of memorials and/or monuments as a 'duty to the community'. The following position could be considered as a reasonable approach in this case:

1. That Council contribute to the restoration of permanent fixture monuments and memorials that have been maliciously damaged at Council controlled cemeteries as follows:
 - (a) 100% of the costs associated with grave identification and removal and rectification of hazards to meet minimum workplace health and safety requirements, where the next-of-kin and/or a descendant of the interment rights holder are unknown or unwilling to act; or
 - (b) 25% of costs associated with monument and memorials restoration up to a maximum amount of \$300 per interment site where a living next-of-kin and/or a descendant of the interment rights holder is known and willing to act provided:
 - (i) such restoration includes the removal of all hazards and work designed to identify the grave; and
 - (ii) proof of performance and payment of repairs undertaken is submitted to Council within 30 days of the completion of the work.
2. That the Regional Cemetery Services Co-ordinator ensure prior to the commencement of any works undertaken, that:
 - (a) a permit for memorials works is lodged and approved in accordance with standard processes; and
 - (b) the person undertaking such works holds the appropriate trade qualifications.

CONCLUSION

Council has an obligation to ensure that the memorials are safe and do not cause harm to people entering the cemetery such as visitors and workers. At the Drayton & Toowoomba Cemetery, Council does not have a legal obligation to maintain and repair memorials that are damaged as a result of vandalism or wear and tear.

Council is not legally responsible for the criminal acts of third parties and accordingly, has no legal obligation to recompense the customer that purchased the memorial that is damaged

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as a result of vandalism.

Although not obliged to do so, Council may consider whether it wishes to contribute to or assist in the cost of restoring maliciously damaged monuments and/or memorials at all Council controlled cemeteries.

RECOMMENDATION

1. That Council not contribute to the restoration of permanent fixed monuments and memorials that have been maliciously damaged at Council controlled cemeteries other than to rectify hazards to meet workplace health and safety requirements.
2. That all cemetery services documentation be reviewed to ensure roles and obligations of all parties in relation to the rectification and/or maintenance of monuments and/or memorials at Council controlled cemeteries is clearly articulated.

REASONS FOR RECOMMENDATION

To determine Council's position on contributing towards the restoration of maliciously damaged monuments and/or memorials at all Council controlled cemeteries.

COMMITTEE RECOMMENDATION

1. That Council contribute to the restoration of permanent fixture monuments and memorials that have been maliciously damaged at Council controlled cemeteries as follows:
 - (a) 100% of the costs associated with grave identification and removal and rectification of hazards to meet minimum workplace health and safety requirements, where the next-of-kin and/or a descendant of the interment rights holder are unknown or unwilling to act; or
 - (b) 25% of costs associated with monument and memorials restoration up to a maximum amount of \$300 per interment site where a living next-of-kin and/or a descendant of the interment rights holder is known and willing to act provided:
 - (i) such restoration includes the removal of all hazards and work designed to identify the grave; and
 - (ii) proof of performance and payment of repairs undertaken is submitted to Council within 30 days of the completion of the work.

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2. That the Regional Cemetery Services Co-ordinator ensure prior to the commencement of any works undertaken, that:
- (a) a permit for memorials works is lodged and approved in accordance with standard processes; and
 - (b) the person undertaking such works holds the appropriate trade qualifications.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
1 to 2	L. Rennie	Please instigate all necessary action.	31/01/12

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Portfolio: **STRATEGIC SERVICES**

24

REPORT TITLE 2010/11 Operational Plan Progress Summary

AUTHOR General Manager, Finance & Business Strategy (Arun Pratap) - 21 November 2011

PURPOSE OF REPORT

To present for Council's consideration a performance summary of the 2011/2012 Operational Plan.

CORPORATE PLAN REFERENCE

2.1.4 Continually review and enhance corporate and environmental performance to ensure achievement of corporate, legislative and community outcomes.

BACKGROUND

Council adopted the 2011/2012 Operational Plan on 19 August 2011 and it informed the preparation of Council's 2011/2012 Budget.

Section 122 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* sets out requirements for the preparation and adoption of an operational plan.

In summary:

- (1) Council is required to prepare and adopt an operational plan for each financial year;
- (2) The chief executive officer must present a written assessment of the Council's progress towards implementing the annual operational plan at intervals of not more than three months; and
- (3) The local government may, by resolution, amend its annual operational plan at any time before the end of the financial year.

CONSULTATION UNDERTAKEN

The 2010/2011 Operational Plan progress summary has been prepared by Managers.

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ISSUES AND RESPONSES

As previously reported to Council, performance reporting against the Operational Plan is based on two key elements:

- (i) Services; and
- (ii) Activities.

For **Services**, a traffic light approach has been used as a simple means of indicating the organisation's performance. Specifically, the traffic lights illustrate the following:

- Green light = Service progress is on target;
- Amber light = Service progress is within tolerance limits; and
- Red light = Service progress is behind target.

For **Activities**, a status category has been used to illustrate performance. The following status categories are as follows:

- Completed = Activity progress is completed;
- On target = Activity progress is on target;
- Ongoing = As activity is ongoing no targets are set;
- Behind schedule = Activity progress between 10% and 35% outside tolerance limits;
- Delayed = Activity progress is significantly (greater than 35%) outside tolerance limits;
- No target set = Activity performance measure has not been determined.

Operational Plan Progress Summary

The 2011/2012 Operational Plan Progress Summary is attached for Council's consideration.

Group Performance Measure Summary

Group	On Target (Green light)	Within Variance Range (Yellow light)	Not on Target (Red light)	Total
Environment & Community Services	61	6	36	103
Finance & Business Strategy	75	0	9	84
Infrastructure Services	5	0	9	14
Planning & Development	22	0	1	23
Water & Waste Services	60	2	20	82
TOTALS	223	8	75	306

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Organisational Activity Summary

Progress	Number	Percentage Total
Completed	10	4.5%
On Target	130	57.5%
Ongoing	37	16.4%
Behind schedule	12	5.3%
Delayed	34	15%
No Target Set	3	1.3%
TOTAL	226	100%

Activities by Group

Department	Completed	On Target	Ongoing	Behind Schedule	Delayed	No Target Set	Total
Environment and Community Services	5	46	5	5	10	1	72
Finance and Business Strategy	1	33	5	3	2	0	44
Infrastructure Services	1	10	2	2	2	2	19
Planning and Development	2	14	12	1	1	0	30
Water and Waste Services	1	27	13	1	19	0	61
TOTALS	10	130	37	12	34	3	226

2011/2012 Operational Plan

The following amendments have been made to further enhance the Operational Plan Progress Report by Branch:

- Activity and Performance summary (pie charts) included at the beginning of the report.
- The Operational Plan summary report has been amended to display activity comments. As requested, comments have been included for all activities that are shown as "Delayed".
- A new activity status category entitled "Completed" has been added.
- Archive field created to store previous period milestone comments.

Full details of the 2011/2012 Operational Plan progress report can be obtained from the relevant General Manager.

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL
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RESOURCE IMPLICATIONS

No resource implications have been identified.

CONCLUSION

The attached Operational Plan Progress Report represents Council's performance status as at 30 September 2011.

RECOMMENDATION

That Council note the organisational performance as outlined in the attached 2011/2012 Operational Plan.

REASONS FOR RECOMMENDATION

Legislative compliance requires the presentation of a written assessment of Council's performance against the annual operational plan. Further, this report presents an opportunity to advise Council of continuous improvements that are being made and are reflected in the attached amended Operational Plan.

COMMITTEE RECOMMENDATION

That Council note the organisational performance as outlined in the 2011/2012 Operational Plan (as appended to the agenda papers).

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date

No further action required.			

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Portfolio: **CORPORATE SERVICES**

25

REPORT TITLE 2012 Show Holidays - Amendment to Requested Dates
AUTHOR Manager, Governance (Norm Garsden) - 18 November 2011

PURPOSE OF REPORT

To amend the proposed Show Holiday within the Region for 2012 as it applies to the Crows Nest area.

CORPORATE PLAN REFERENCE

1.1.3 Community *"Facilitate equitable access to appropriate social and cultural activities to provide community interaction"*.

BACKGROUND

Council is approached annually by the Minister for Employment and Industrial Relations to provide dates for gazettal as a holiday under the *Holidays Act 1983* generally for the purpose of an annual agricultural, horticultural or industrial show, in its area.

On 16 August 2011 (Committee of the Council - 9 and 10 August 2011 - Item 16), Council resolved as follows:

Toowoomba Royal Agricultural Show - Thursday, 29 March 2012

Part of the Toowoomba Regional Council area, including:

- The whole of the former Toowoomba City, Cambooya, Clifton, Jondaryan, Millmerran and Pittsworth Shires; and
- Part of the former Rosalie Shire, excluding the Yarraman, Upper Yarraman and Cooyar areas; and
- Part of the former Crows Nest Shire, including the Highfields, Meringandan, Cabarlah, Geham and Haden areas.

Crows Nest AH & I Show - Friday, 11 May 2012

- Part of the former Crows Nest Shire, excluding Highfields, Meringandan, Cabarlah, Geham and Haden areas.

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Brisbane Royal Show - Monday, 13 August 2012

- Part of the former Rosalie Shire, including the Yarraman, Upper Yarraman and Cooyar areas

CONSULTATION UNDERTAKEN

Information provided by QLD Show Society in August indicated that Crows Nest AH&I Inc. were to hold a two day show on Friday, 11 May and Saturday, 12 May 2012.

ISSUES AND RESPONSES

Council received a letter from the Crows Nest AH & I Society Inc. on 2 November 2011 advising that the Society no longer requires a public holiday on Friday, 11 May 2012 due to its decision to conduct a one-day show only on Saturday, 12 May 2012.

As a result of this advice, it is proposed to seek the Minister's approval to change the show holiday for part of the former Crows Nest Shire to Thursday, 29 March 2012 to allow those residents to attend the Toowoomba Royal Agricultural Show.

RESOURCE IMPLICATIONS

There are no resource implications for Council.

CONCLUSION

Council should seek approval to amend the gazettal of show holidays to include the entire former Crows Nest Shire in the holiday date of Thursday, 29 March 2012 to cater for Toowoomba Royal Agricultural Show.

RECOMMENDATION

That the following amended dates be recommended to the Minister for Employment and Industrial Relations for gazettal as holidays under the *Holidays Act 1983*:

Toowoomba Royal Agricultural Show - Thursday, 29 March 2012

Part of the Toowoomba Regional Council area, including:

- The whole of the former Toowoomba City, Cambooya, Clifton, Crows Nest, Jondaryan, Millmerran and Pittsworth Shires; and

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL
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- Part of the former Rosalie Shire, excluding the Yarraman, Upper Yarraman and Cooyar areas; and

Brisbane Royal Show - Monday, 13 August 2012

- Part of the former Rosalie Shire, including the Yarraman, Upper Yarraman and Cooyar areas.

REASONS FOR RECOMMENDATION

1. To comply with the legislative requirements of the Minister in relation to the *Holidays Act 1983*.
2. To adjust the proposed Show Holiday in line with advice from the Crows Nest AH&I Society that they will not be conducting a two day show in 2012.

COMMITTEE RECOMMENDATION

That the following amended dates be recommended to the Minister for Employment and Industrial Relations for gazettal as holidays under the *Holidays Act 1983*:

Toowoomba Royal Agricultural Show - Thursday, 29 March 2012

Part of the Toowoomba Regional Council area, including:

- The whole of the former Toowoomba City, Cambooya, Clifton, Crows Nest, Jondaryan, Millmerran and Pittsworth Shires; and
- Part of the former Rosalie Shire, excluding the Yarraman, Upper Yarraman and Cooyar areas; and

Brisbane Royal Show - Monday, 13 August 2012

- Part of the former Rosalie Shire, including the Yarraman, Upper Yarraman and Cooyar areas.

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ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
	M. Grant	Please conduct review of show holiday dates during 2012, with a view to further rationalisation of show holiday dates throughout the region from 2013, and that the communities involved be formally consulted.	31/05/12
	N. Garsden	Please request change to the Show Holiday dates for Toowoomba Regional Council.	30/12/11

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Portfolio: CORPORATE SERVICES

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REPORT TITLE Report of the Audit Committee Meeting of 7 November 2011
AUTHOR Chief Executive Officer (Ken Gouldthorp) - 22 November 2011

A copy of the Report of the Audit Committee Meeting held on 7 November 2011 is tabled.

The following recommendation from the Audit Committee is submitted for Council's consideration:

4. RESIGNATION OF AUDIT COMMITTEE MEMBER - JOHN GOSPER

1. That it be recommended to Council that John Gosper's resignation be accepted and that Mr. Gosper be thanked for his contribution to the Audit Committee over the past four years.
2. That it be recommended to Council that, due to the impending local government election in early 2012 and as the remaining membership of the Audit Committee is within the parameters of the *Local Government Act 2009* and the *Local Government (Finance, Plans and Reporting) Regulation 2010*, no action be taken to fill the vacant position on the Audit Committee.

RECOMMENDATION

1. That John Gosper's resignation be accepted and Mr. Gosper be thanked for his contribution to the Audit Committee over the past four years.
2. That, due to the impending local government election in early 2012 and as the remaining membership of the Audit Committee is within the parameters of the *Local Government Act 2009* and the *Local Government (Finance, Plans and Reporting) Regulation 2010*, no action be taken to fill the vacant position on the Audit Committee.

COMMITTEE RECOMMENDATION

1. That John Gosper's resignation be accepted and Mr. Gosper be thanked for his contribution to the Audit Committee over the past four years.
2. That, due to the impending local government election in early 2012 and as the remaining membership of the Audit Committee is within the parameters of the *Local Government Act 2009* and the *Local Government (Finance, Plans and Reporting) Regulation 2010*, no action be taken to fill the vacant position on the Audit

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Committee.

ACTION TO BE TAKEN

Rec No.	Action Officer	Action	Nominated Achievement Date
1	N. Garsden	Please write to Mr Gosper in accordance with Council's decision.	30/12/11
2.	K. Gouldthorp N. Garsden A. O'Neil	Please note.	

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OTHER BUSINESS

**REPORT OF THE MEETING OF THE COMMITTEE OF THE COUNCIL
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Meeting Concluded: 9.51 a.m. on Wednesday, 7 December 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, 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)