



Toowoomba Regional Council

Minutes of the Ordinary Meeting of Council

held on

25 January 2011

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| <p style="text-align: center;">MINUTES OF THE ORDINARY MEETING OF TOOWOOMBA REGIONAL COUNCIL</p> |
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TUESDAY, 25 JANUARY 2011

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HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CITY HALL,
541 RUTHVEN STREET, TOOWOOMBA
ON TUESDAY, 25 JANUARY 2011 AT 9.05 A.M.**

BUSINESS:

1.0 OPENING OF MEETING

1.1 The meeting was opened at 9.05 a.m.

2.0 ATTENDANCE INCLUDING APOLOGIES AND LEAVE OF ABSENCE

2.1 All Councillors were present.

3.0 CONFIRMATION OF MINUTES

3.1 MOTION:

Moved by Cr. McVeigh, seconded by Cr. Marks

That the Minutes of the Ordinary Meeting of Council dated 14 December 2010 be confirmed.

Carried

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4.0 **CONSIDERATION OF CONFIDENTIAL MATTERS**

4.1 **CLOSING AND OPENING OF MEETING TO THE PUBLIC**

MOTION:

Moved by Cr. Strohfeld, 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 two items on the agenda:

- (a) **Item 4.2**
CONFIDENTIAL - Development Assessment - Planning and Environment Appeals and Compensation Claims - December 2010

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).

- (b) **Item 4.3**
CONFIDENTIAL - REPORT ON THE FLOOD EVENT OF 10 JANUARY 2011

Reason for Closed Meeting

To discuss matters relating to the Council's budget, contracts 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) (c), (e) and (h) of the Local Government (Operations) Regulation 2010).

Carried

The Meeting was closed to the public at 9.06 a.m.

OPENING OF MEETING TO THE PUBLIC

Motion:

Moved by Cr. Scotney, seconded by Cr. C. Taylor

That the meeting be opened to the public.

Carried

The Meeting was opened to the public at 10.43 a.m.

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Meeting Adjourned

The meeting adjourned at 10.43 a.m.

Meeting Resumed

The Meeting resumed at 10.50 a.m.

The following Councillors were present in the Council Chambers when the Meeting resumed:

His Worship the Mayor, Councillor P.M. Taylor (Chairperson)
Councillor R.P. Antonio
Councillor W.W. Cahill
Councillor A.C. Glasheen
Councillor P.C.T. Marks
Councillor J. Ramia
Councillor R.S. Scotney
Councillor C.E. Taylor

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4.2 **CONFIDENTIAL - DEVELOPMENT ASSESSMENT - PLANNING AND ENVIRONMENT APPEALS AND COMPENSATION CLAIMS - DECEMBER 2010**

The following resolution arising from the confidential report/closed meeting session was put without further debate.

MOTION:

Moved by Cr. Antonio, seconded by Cr. Scotney

That the confidential report on Planning and Environment Appeals and Compensation Claims for December 2010 be noted.

Carried

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4.3 CONFIDENTIAL - REPORT ON THE FLOOD EVENT OF 10 JANUARY 2011

The following resolution arising from the confidential report/closed meeting session was put without further debate.

MOTION:

Moved by Cr. C. Taylor, seconded by Cr. Glasheen

That the contents of the confidential report be noted and that further reports will be provided on a timely basis.

Carried

At 10.53 a.m., Councillors McVeigh, Strohfeld and Williams returned to the Meeting.

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5.0 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

5.1 No matters were raised.

6.0 PRESENTATION OF PETITIONS

6.1 No petitions were presented.

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7.0 **CONSIDERATION OF OFFICERS' REPORTS**

7.1 **DEVELOPMENT ASSESSMENT - REGIONAL DEVELOPMENT APPLICATIONS REPORT - NOVEMBER 2010**

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

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

RECOMMENDATION

That the report of the Director, Planning and Development Services on the Regional Development Applications for November 2010 be noted by Council.

MOTION:

Moved by Cr. Marks, seconded by Cr. Scotney

That the report of the Director, Planning and Development Services on the Regional Development Applications for November 2010 be noted.

Carried

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7.2 **DEVELOPMENT ASSESSMENT - NEW APPLICATIONS, DELEGATED DECISIONS AND PUBLICLY NOTIFIED MATERIAL CHANGE OF USE APPLICATIONS**

Director, Planning and Development Services (Stewart Somers) - 11 January 2011

The following schedules are submitted for Council's information:

1. Applications lodged for the period 22 November 2010 to 7 January 2011.
2. Applications determined under delegation for the period between 19 November 2010 and 10 January 2011.
3. Status of material change of use (impact assessable) applications as at 10 January 2011.

RECOMMENDATION

That the report of the Director, Planning and Development Services be noted by Council.

MOTION:

Moved by Cr. Antonio, seconded by Cr. Cahill

That the report of the Director, Planning and Development Services be noted.

Carried

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7.3 CROWS NEST COMMON EFFLUENT DRAINAGE (CED) SCHEME REVIEW

Manager, Water Project Services (Greg Dinsey) and Director, Water Services (Kevin Flanagan) - 18 January 2011

PURPOSE OF REPORT

To report to Council on the performance of the Crows Nest common effluent drainage (CED) scheme and to make recommendations for the ongoing operation, maintenance and infrastructure upgrades of the scheme.

CORPORATE PLAN REFERENCE

4.2.4 Provide and maintain high quality sewerage networks and treatment facilities.

BACKGROUND

An environmental incident in 2010 brought attention to the condition of the Crows Nest wastewater system. A subsequent review requested by Council explored the current state and prior history of the system including prior to amalgamation, and highlighted certain concerns.

- Following a rainfall event on 31 March 2010, which resulted in sewer discharges at two locations in Crows Nest, Council considered a report on the incident at its meeting of 20 April 2010, (Committee of the Council - 13 and 14 April 2010 - Item 4) and resolved as follows:

That -

1. *the confidential report of the Director, Water Services dated 7 April 2010 be noted and a further report presented following full investigation.*
 2. *in addition to the internal investigation aimed at identifying and implementing immediate remediation actions, a full independent investigation be commissioned on the historic establishment and maintenance of the existing CED Scheme, in addition to long term solutions.*
- In line with Recommendation 2 above, engineering consultants Cardno (Qld) Pty Ltd were engaged to undertake the review of the CED Scheme. The scope of their commission is detailed later in this report.
 - The March 2010 and subsequent overflow incidents were reported to the Department of Environment and Resource Management (DERM) in accordance with the requirements of Council's Development Approval WT0176. DERM has approved the interim works undertaken pending the finalisation the independent review and further TRC investigation. As a condition of that approval, DERM has requested that a copy of the study and Council decision be provided by 31 March 2011.

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- DERM has further advised that a similar incident involving overflow from the Bullocky's Rest SPS occurred in January 2005, resulting in the former Crows Nest Shire Council (CNSC) being issued with a Penalty Infringement Notice (PIN) and a request to provide a proposal about actions to be taken to prevent future incidents.
- In February 2005, DERM issued CNSC with a notice to conduct or commission an environmental evaluation on the operation of the CED scheme. The Evaluation, amongst other matters, was to include the operation and maintenance of sewer mains, pump stations and telemetry. In May 2005, CNSC submitted their evaluation to DERM. On 31 May 2005, DERM advised that the evaluation report was accepted.
- The evaluation report outlined the proposed maintenance, operating and reporting procedures that CNSC would adopt/follow to ensure compliance with their development approval. However, for reasons that are detailed later in this report, the level of adherence to the stated maintenance, operating and reporting practices/procedures has been less than optimum.
- Given the history of overflow events and lack of apparent improvement since 2005, it is likely that DERM will be closely monitoring the implementation of this report and its recommended actions.

This report will address the following:

- What is a CED scheme? (with particular reference to the Crows Nest Scheme);
- Recent Council inspections, observations and maintenance activities;
- Independent review of scheme - Cardno Report;
- Future Capital Works Programme; and
- Sewerage Infrastructure Charges.

CONSULTATION UNDERTAKEN

Investigations have involved staff from within the Water Services Department (Water Project Services Branch, Water Operations Branch and Water Infrastructure Asset Management Branch), Engineering Services Department (Construction and Maintenance - Urban Branch) and Crows Nest/Highfields Service Centre. Staff from within the Water Services Department have been involved in the reporting of the investigations.

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ISSUES AND RESPONSES

A Common Effluent Drainage (CED) scheme was established in Crows Nest in 1991/1992 which was then potentially adequate to community needs and was believed to have significant cost advantages over a conventional sewerage scheme, as explained below.

1.0 What is a CED scheme? (with particular reference to Crows Nest Scheme)

The Department of Environment and Natural Resources *Planning Guidelines for Water Supply and Sewerage* provide useful background information on the selection of sewerage systems. The *Guidelines* contain the following dialogue.

Common effluent drainage (CED) schemes (also referred to as combined effluent drainage schemes) comprise the treatment of wastewater on-site by means of septic tanks with effluent transported off-site for further treatment. On-site treatment reduces solids and the pipework can be laid at shallower grades. The effluent tends to be more septic. CED schemes are appropriate where:

- existing septic tanks are in good condition;
- low housing density with little growth anticipated;
- relatively flat terrain;
- rock is at shallow depths; and
- where cluster development in rural areas exist, particularly where soils are not suitable for on-site sewerage systems.

Advantages of CED schemes include:

- reduced costs for sewer reticulation in flat terrain or where rock exists at shallow depths;
- sewer gradients can be reduced, most manholes eliminated and inspection openings provided;
- lower maintenance costs due to fewer sewer and pump blockages; and
- suitable for schemes not provided with a reticulated water supply.

Disadvantages of CED schemes include:

- septic tanks may require desludging every 2 years;
- alteration to house drainage may make connection costs more expensive;
- may prevent economic upgrading to conventional sewerage at a later date;

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- when individual householder costs (e.g. septic tank capital and operation costs) are included with service provider costs, this option may not be significantly cheaper than a conventional sewerage scheme; and
- requires maintenance to be undertaken by the householder.

The decision to implement a CED scheme in Crows Nest would have been considered carefully, with cost factors having a primary impact in the decision making process. Subsidy funding would have been provided by the State Government for the treatment and effluent disposal elements of the project works. The Government Department responsible for project/subsidy approval would have approved the implementation of the Crows Nest CED scheme.

A critical factor in the success of CED schemes is the operation and maintenance of septic tank systems. These units provide the primary sewage treatment and the advantages and operational success of the CED scheme is contingent on a "liquid only" effluent being discharged into the effluent pipelines and oxidation lagoons. Under current arrangements, the responsibility for the operation and maintenance of septic tanks rests with the property owner/occupier.

Unfortunately, and unlike systems that are self-contained with absorption trenches contained within an individual's property, there is little incentive for property owners/occupiers to correctly maintain their septic tanks. The effluent, whether it is "good" or "poor" quality, simply discharges from the septic tank and into the scheme pipelines to become Council's responsibility. Regular desludging, every 2 to 5 years, of septic tanks to prevent carryover of solids into the scheme pipelines is an absolute minimum requirement for the success of a CED scheme.

Based on the above and with the knowledge of the capacity for growth in Crows Nest, it is considered that, if a decision were to be made today of the type of sewerage scheme for Crows Nest, the installation of a CED Scheme would be discounted.

Planning for a sewerage scheme to service the town of Crows Nest was undertaken by the former Crows Nest Shire Council prior to 1990. The Council decided to design and construct a CED scheme with the decision primarily based on economic considerations, with estimates at the time indicating that the cost of a conventional sewerage scheme would be twice that of the CED scheme.

The Crows Nest CED scheme was constructed in 1991/1992, with 20% State Government subsidy on treatment and effluent disposal works. Design and construction was undertaken by the former Crows Nest Shire Council and the scheme has been progressively extended to service existing and new development.

Scheme elements as planned/designed comprise:

- a system designed for 1,800 EP with oxidation lagoons with an ADWF of 315 kL/day and peak flow of $3 \times \text{ADWF} = 945 \text{ kL/day}$; and
- indicatively 1 x 11,340 kL primary and 4 x 2,200 kL secondary oxidation lagoons located on Council owned land adjacent to the south-west corner of the Crows Nest Golf Club and 6,000 kL of buffer lagoons located on the Crows Nest Golf

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Club. By agreement, the Crows Nest Golf Club utilises all the effluent for irrigation of the golf course.

Currently, there are over 630 connections with a serviced population of approximately 1,400 and 31km of effluent line and five pumping stations with 3km of pressure main.

The scheme has been significantly extended to the south to service the industrial area on the outskirts of the town with approvals in place for about 500 new connections, generally south of Charles Street.

2.0 Recent Council inspections, observations and maintenance activities

Deficiencies with the operation of the CED scheme have become apparent, some associated with its design and construction, and others with maintenance issues. Maintenance involves responsibilities for both residents and Council. The details follow:

As a result of the problems encountered with the CED scheme, an inspection program comprising smoke testing, CCTV inspections and visual sightings was instigated by the Water Infrastructure and Asset Management Branch in April 2010.

During 2010, problems with the operation of the scheme have become increasingly evident with surcharges from the reticulation system.

Smoke testing has been carried out in selected areas in the area south of Pumping Station No. 1 (Bullocky's Rest) with a total length of approximately 6,000m (about 20% of scheme effluent pipelines) tested to date.

Results/observations of the smoke testing include:

- septic tanks installed too low in the ground, or ground has built up since installation, which allows storm water runoff to enter the system;
- Inspection Opening (IO) caps missing or broken which allowed storm water runoff to enter the system;
- septic tank effluent above design level capacity which does not allow them to work efficiently;
- IO caps buried or covered with objects;
- storm water runoff from new roads directed overland to IO points with the potential for inflow/infiltration; and
- some high side properties have been installed with vent stack filters to minimise odours, most likely the result of failed septic systems, on adjoining properties.

CCTV inspections covering south of Pumping Station No. 1 and other selected sample areas have been carried out with a length of approximately 1,100m (~ 4% of scheme effluent pipelines) inspected to date. Most lines could not be inspected using a standard remote-controlled, self-propelled CCTV camera due to the small

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size of the pipes and IOs. Therefore, most inspections were carried out using a manual push camera system. The following observations have been made:

- over the years, pipes have become partially blocked in sagging sections with layered material due to incorrect pipe gradient;
- pipe sections were damaged during road construction activities with either poor rectification of the damage or no repairs carried out. This allowed direct storm water entry to the system. In one case identified by the CCTV inspection, a complete section of pipe approximately 1 metre in length had not been replaced.

Other general observations of the Scheme include:

- poor household connection practices;
- inadequate maintenance by property owners of septic and household waste treatment systems;
- overflows from the IOs (Inspection Openings) resulting in unauthorised releases to the environment; and
- carryover of solids from septic tanks into the effluent mains and to the CED lagoons.

Maintenance works undertaken by Council, both planned and reactive, south of Pumping Station No. 1 includes:

- location of all IOs and raising where required;
- pressure cleaning the lines in the affected area to ensure no future blockages (approximately 620m (~ 2% of scheme effluent pipelines) to date). In the absence of manholes, this has been done by excavating and removing a section of pipe to facilitate the cleaning and removal of debris and the restoration of the pipe section;
- removal/replacement of air intake vent cap units to assist the venting of the system;
- installation of 150mm diameter IOs on selected "Y" junctions to allow for future maintenance (i.e. pressure cleaning and CCTV inspections);
- raising of all IOs, with solid post protection, in low lying areas to 1 metre above ground to reduce the potential for storm water inflow;
- excavation and repair of damaged pipe sections in road crossings - 3 sections in Lee Court, Parkland Drive and Vicky Avenue;
- a 5.5m section of 100mm cast iron main was replaced in the Bullocky's Rest gravity main (lower end of Charles Street catchment, just upstream of Pumping Station No. 1) due to a blockage within the pipe that was identified through CCTV inspection;

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- property connection at 39 Charles Street was upgraded and re-laid to reduce the risk of surcharging; and
- notices issued to property owners (37) advising that rectification action was required, including the requirement to undertake regular maintenance of septic tanks and internal plumbing.

Development and implementation of long-term preventive inspection and maintenance programs for the Crows Nest CED scheme are in progress.

One significant issue that needs to be addressed is the regular maintenance and desludging of septic tanks. Whilst this is currently the responsibility of the property owner/occupier, the high importance of this for the success of CED scheme operations warrants the investigation of alternate arrangements such as Council undertaking this work with funding included in sewerage charges.

Septic tanks are now required to be fitted with outlet filters to prevent carry-over of solids to scheme pipelines. Blockage of the filters causes a “problem” for the property owner/ occupier and provides an incentive for the property owner/occupier to maintain their septic tank. For the Crows Nest CED scheme, it is understood that generally only properties south of Matthew Court are conditioned with this requirement.

There are two twin-pump pumping stations and three single-pump stations which form part of the reticulation network. The final pumping station delivers to the oxidation pond treatment system. Past performance of the pumping system has been acceptable although for most peak flow periods not all flow has been received at the major pumping stations due to outflows upstream.

The EPA licence standard set for the quality of the effluent exiting the oxidation ponds has rarely been achieved. This is primarily due to the inability to achieve the disinfection requirement which has been set in the licence.

Council operates another CED scheme for the township of Cambooya. Whilst this system does not appear to suffer the same problems as the Crows Nest scheme, the learnings from the problems experienced with the Crows Nest scheme should be beneficially applied to the Cambooya scheme.

3.0 Independent Review of Scheme

An independent review has shown that (1) in the 18 years since construction, flows in trunk sewers have exceeded capacity, (2) current levels of maintenance need improving, and (3) there are plans already approved for further expansion of demand, even without considering growth of development in the area in coming years.

To provide an independent assessment of the scheme, engineering consultant Cardno (Qld) Pty Ltd was engaged to undertake a review of the scheme encompassing the following tasks:

- undertake a review of the design parameters of the scheme, including the design parameters at the time of the Scheme’s inception and current design parameters for similar schemes;

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- determine if the scheme has been constructed in accordance with the design;
- determine if designed and/or actual extensions to the original scheme have resulted in design parameters being exceeded;
- review condition assessment data collected and reports prepared by Council, draw conclusions from the information, and make recommendations on the collection of additional condition assessment data;
- review the performance of the scheme CED lagoons, taking into consideration the findings of the investigations into the status of the reticulation network and current Department of Environment and Resource Management (EPA) requirements; and
- investigate options and make recommendations for future extension, operation and maintenance of the scheme including, for example, retention of the existing scheme, augmentation/replacement of under capacity or deteriorated infrastructure, maintenance recommendations; preliminary cost estimates and the like.

Cardno was instructed to base their review on Department of Environment and Resource Management (DERM) *Planning Guidelines for Water Supply and Sewerage* (earlier and latest editions) and the Water Services Association of Australia (WSA) *Sewerage Code of Australia WSA 02-2002* as the primary source of technical guidelines and standards.

Cardno (Qld) Pty Ltd has completed their review of the scheme incorporating advice from several Council officers. A copy of their report, *Crows Nest Common Effluent Drainage (CED) Scheme Review Final Report - January 2011*, will be made available to Councillors.

The findings of the review are summarised as follows.

3.1 Comparison of Scheme with current design standards

- current design flows are less than scheme design flows (approximately 27% reduction);
- outlets of septic tanks are now required to be fitted with a filter to prevent solids carry-over into the system. Maintenance of the filters by the householder is required;
- higher flows in pipes are permitted under current design standards before larger pipes are required. This balances the design flow differences detailed in the first dot point; and
- current design standards require more manholes than the scheme design standards.

3.2 Comparison of original scheme with original / as built scheme

- 100mm and 150mm pipe - similar lengths;

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- 225mm pipe - 1,525m in original design compared to only 300m constructed;
- manholes - 120 in Planning Report design compared to only four constructed. (It is understood that IOs replaced manholes as a cost saving measure. Further, PVC caps to IOs were fitted in lieu of cast iron covers as another cost saving measure.);
- pump stations - 3 in original design compared to 5 constructed (additional pump stations required for new "lower" areas); and
- pipe levels and grades - survey and inspection of sample areas indicates that pipelines are not at correct grades - e.g. adverse grade, shallow depth, sags.

3.3 Hydraulic capacity of scheme pipelines

- existing extensions to the scheme, notably south of Charles Street, have resulted in the design (and physical) capacity of the trunk pipelines being exceeded. Significant sections of the trunk network are 100mm diameter and undersized;
- future (approved) extensions to the scheme south of Charles Street will place further load on the already under capacity sections of the trunk pipelines;
- examples of upgrades to pipelines to provide adequate capacity for current and planned extensions to the original scheme include 400m of 300mm diameter to replace 100mm diameter; 250m of 225mm diameter to replace 100mm diameter; and 650m of 300mm diameter to replace 150mm diameter; and
- for improved access for maintenance, provision of manholes (1,050mm diameter) is preferred.

The review is restricted to providing information about the upgrading of the trunk infrastructure to achieve hydraulic capacity and does not extend to works that might be required to rectify other deficiencies in the scheme. Such deficiencies will only be identified with full inspection of the scheme and/or as the result of failures or abnormalities in the operation and maintenance of the scheme. Examples of scheme deficiencies are provided in the *Council Inspections, Observations and Maintenance* section of this report.

3.4 Increasing the hydraulic capacity of the scheme pipelines

The Report provides three options, with preliminary cost estimates, to upgrade hydraulic capacity of the existing trunk pipelines. The gravity trunk pipelines require upgrading generally from Lee Court to Pumping Station No. 1 and from William Street to Nielsen Street/ Pumping Station No. 4. The options are:

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- Existing scheme (with no allowance for future extensions to cater for growth): upgrade of 1,490m of pipeline and 22 manholes - \$550,230 (note: this is a base “reference” option only and would not be instituted as it does not cater for already approved development);
- Future extensions using existing scheme: upgrade of 3,850m of pipeline and 27 manholes - \$1,572,050 (note: includes 1,650m of 225mm pressure main from Pumping Station No. 4 to the effluent lagoons); and
- Future extensions using an alternate option: upgrade/new construction of 3,330m of pipeline and 8 manholes - \$1,131,460 (note: this alternate option provides for the diversion of flows from the area generally south of Albert Street or Charles Street using a new sewage pump station and dedicated pressure main (2,000m) to the effluent lagoons at an estimated cost of \$776,600. The proposed sewage pump station would be located near the New England Highway / Albert Street intersection with the pressure main following a westwards route via Albert Street, Railway Terrace and easements to the southern side of the effluent storage lagoons.).

Whilst the preliminary estimates contain a number of inconsistencies and require further development and review, they provide a guide to the relative cost of required capital works.

3.5 Scheme effluent oxidation lagoons

- the Report contains a comprehensive review of the effluent oxidation lagoons;
- chlorine disinfection as proposed in the original design is not currently present;
- the existing lagoon system has the capacity to treat the current loading;
- removal of settled sludge in the lagoons is recommended to avoid reduction of the lagoon volume;
- a number of maintenance and operational practices could be made to improve the operation of the lagoons;
- two options to cater for future loading are detailed – conversion of the existing primary lagoon into an aerated lagoon and duplication of the existing lagoons; and
- the existing lagoon system could treat inflow of up to 400 kL/d - the projected influent flow in 2018. Reduction in flow per EP, and other operation and maintenance activities, could extend the need for the upgrade of the lagoon system to 2028.

3.6 Future scheme extensions

Any further effluent lines should be designed and constructed on the basis of a conventional gravity sewerage system so that without modification they

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could be part of a conventional sewerage scheme should, at a future date, Council decide to convert the scheme to a conventional system. Additional upfront costs would be minimal, with significant long term cost advantages. In the interim, septic tank/household treatment systems would be required for each individual property.

(It is important to note that the existing effluent oxidation lagoons are neither designed nor capable of treating sewage. Accordingly, should a decision be made to abandon the CED scheme for a conventional sewerage system it will be necessary, amongst other things, to construct, operate and maintain a full wastewater treatment plant.)

3.7 Review recommendations

Section 11 of the Cardno Report details a number of recommendations which are summarised as follows:

- separate the southern part of the catchment by means of a new pump station and pressure main pumping directly to the effluent lagoons;
- replace a section of 150mm pressure main from Sewage Pump Station No. 4;
- install flow meters in the pressure mains from Sewage Pump Station No. 1 and Sewage Pump Station No. 4;
- desludge the existing effluent lagoons;
- install a chlorine disinfection system at the effluent lagoons;
- undertake operational and maintenance works at the effluent lagoons;
- development of a recycled water management plan for the golf course irrigation system. (Note the *Water Supply (Safety and Reliability) Act 2008* requires recycled water management plans for existing reuse systems to be approved before 1 July 2013. This recommendation will be addressed under the existing program to meet the legislated requirement); and
- review the physical capacity of the effluent lagoons in conjunction with more reliable influent flow data obtained from the flow meters recommended above.

4.0 Capital Works Program

Council's current 10 Year Capital Works Program contains the following allocations for work associated with the Crows Nest CED Scheme:

- 2010/2011 - Replace Section Rising Main SPS No. 4 to CED Lagoons - \$270,000 (this project is to replace 600m of the pressure main from the sewage pump station which has experienced numerous leaks and bursts over many years).

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- 2011/2012 - Crows Nest CED Lagoon Duplication - \$570,000 (first year funding).
- 2012/2013 - Crows Nest CED Lagoon Duplication - \$400,000 (second year funding).

As indicated in the *Scheme effluent oxidation lagoons* section of this report, upgrade of the effluent lagoons is not required in the short to medium term. Accordingly, funding listed for this work in 2011/2012 and 2012/2013 may be reallocated (and supplemented) as part of the budgetary process to essential, higher priority scheme infrastructure works.

The design and construction of works to augment the trunk pipelines from Vicky Avenue to Charles Street and Charles Street to Sewage Pump Station No. 1 (Bullocky's Rest) has the highest priority. Arrangements are in place for the design of this work from 2010/2011 funding allocated for the "Rising Main PS#4 to CED Lagoons Replacement" project.

5.0 Sewerage Infrastructure Charges

The Toowoomba Regional Council - *Crows Nest Planning Scheme Planning Scheme Policy No. ADPO4 - Infrastructure Contributions for Sewerage Network* details the mechanism for obtaining infrastructure contributions from developers to fund the augmentation of sewerage infrastructure in Crows Nest to satisfy the demands placed upon it by development. *Table 4.2 Schedule of works - Sewerage network* of the policy details the estimated cost and timing of proposed sewerage infrastructure. For the Crows Nest CED scheme, listed works are:

- CED Mains (\geq dia 150mm): \$94,160, estimated completion 2010;
- Crows Nest CED lagoons - land acquisition: \$250,000, estimated completion 2012; and
- Crows Nest CED lagoons - land acquisition: \$282,480, estimated completion 2012.

The current Crows Nest sewerage network contribution rate is \$2,456 per ET (Equivalent Tenement).

A brief review of Crows Nest development approvals indicates that prior to 2008 (sewered) developments were typically conditioned "The proposed lots shall be connected to Council's Common Effluent Drainage System (CED)", without sewerage infrastructure charges or network upgrade conditions being applied. The bulk of the area south of Charles Street is in this category.

It appears that the former Crows Nest Shire Council was not planning any upgrade/augmentation works, other than the effluent oxidation lagoons, to meet the demands of the existing scheme and critically, approved and proposed development to be connected to the scheme.

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RESOURCE IMPLICATIONS

Significant capital works of at least \$1.2 million will need to be undertaken to rectify identified deficiencies with the scheme.

Issues with the performance of the Crows Nest CED scheme will require ongoing reactive and preventative operation and maintenance activities to be undertaken on an annual basis. In this context, the annual sewerage charges at Crows Nest, currently \$178, may need to be reviewed and brought into alignment with charges across the Region (currently \$343 per annum in Toowoomba).

A program to desludge septic tanks will need to be introduced with consequent budgetary implications. A preliminary estimate of the first round of desludging, spread over five years, is \$200,000. Funding for these activities will need to be provided in the relevant recurrent programs.

Further, as the capacity of the existing infrastructure is reached, elements of the scheme (for example to effluent lagoons) will need to be upgraded/augmented to meet demand. These works will be listed for budgetary consideration as part of Council's 10 Year Capital Works and Annual budget process.

CONCLUSION

Conclusions based on incidents, inspections, operation and maintenance activities over the past twelve months and the independent review of the scheme are:

On the current and future adequacy of the CED scheme in Crows Nest:

- if a decision was required today on the type of sewerage scheme to be installed in Crows Nest, a CED scheme is unlikely to be favourably considered.
- Some trunk sewers are overloaded and upgrading is required to optimize operations.
- the scheme as built differs from the design in a number of key areas resulting in a reduction in scheme capacity and performance.
- components of the existing scheme are in a poor state of repair as a consequence of construction practice and financially constrained maintenance practices.
- elements of the scheme have been damaged by construction work associated with recent development work with no or sub-standard repairs.
- inflow and infiltration into the system was unchecked and was a consequence of either construction practice, limited maintenance and/or illegal practices of property owners / occupiers (either unknowingly or wilfully).
- the effluent oxidation lagoons have adequate capacity to 2018 and potentially 2028.

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Maintenance issues:

- no, or limited, tasks associated with the operation and maintenance of septic tanks by property owners/occupiers (for which property owners/occupiers are currently responsible for arranging and funding) results in carry-over of solids from the septic tanks into the effluent pipes.
- due to the importance of the operation and maintenance of septic tanks to the success of CED schemes, mechanisms need to be put in place to ensure septic tanks are adequately maintained by property owners/occupiers, or by alternate means such as by Council through sewerage charges.
- July and September 2010 overflows were reported to DERM as required under Council's Development Approval. Crows Nest Shire Council was issued with a PIN in January 2005 following a similar event. DERM is closely monitoring the effectiveness of planned corrective actions.
- a full systematic physical inspection, including smoke testing, CCTV inspection and potentially level survey, is required to fully document the extent of maintenance requirements.

Future increase in demand and expansion of the waste water system:

- the southern extension of the scheme (south of Charles Street) has been undertaken prior to any upgrading of the trunk pipelines to provide hydraulic capacity.
- existing development approvals will place additional hydraulic load on the already under capacity trunk pipelines.
- conditions of development approvals have historically required connection to the CED scheme without the application of infrastructure charges and/or the requirements to augment the scheme to meet the additional system demands.
- the trunk pipelines require significant upgrading to cater for design flows, with the preferred option to divert the southern part of the scheme directly to the effluent lagoons via a new sewage pump station and pressure main.

Resourcing the future requirements:

- the preliminary cost estimate, which is subject to further development and review, for the preferred option to divert the southern part of the scheme directly to the effluent lagoons via a new sewage pump station and pressure main is \$1.13 million.
- any further effluent lines should be designed and constructed on the basis of a conventional gravity sewerage system so that without modification, they could be part of a conventional sewerage scheme should Council decide to convert the scheme to a conventional system at a future date. In the interim, septic tank/household treatment systems would be required for each individual property. (It is important to note that the existing effluent oxidation lagoons are neither designed nor capable of treating sewage. Accordingly, should a decision be made to abandon the CED scheme for a conventional sewerage system it will be

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necessary, amongst other things, to construct, operate and maintain a full wastewater treatment plant.).

- a number of minor capital, operation and maintenance activities need to be undertaken within the system to improve system performance and data acquisition.

RECOMMENDATION

1. That Council note the report dated 12 January 2011 and the Cardno (Qld) Pty Ltd *Crows Nest Common Effluent Drainage (CED) Scheme Review Final Report - January 2011*.
2. That Council note that a full systematic inspection of the Crows Nest CED scheme will be undertaken as resources permit to determine the full extent of operation and maintenance tasks required by both Council and property owners/occupiers to bring the Crows Nest CED scheme to a fully functional state of operation and repair.
3. That Council undertake repairs and general maintenance works on its infrastructure and require property owners/occupiers to bring their drainage into compliance with the Plumbing and Drainage Act and Regulation to rectify defects identified by the systematic inspection detailed in Recommendation 2.
4. That investigations be undertaken and a further report prepared for Council's consideration on the responsibility for maintenance, including desludging of septic tanks.
5. That a number of minor capital, operation and maintenance activities detailed in the Cardno Report be undertaken to improve the performance of the CED scheme and for data acquisition.
6. That infrastructure works currently listed in Council's future capital works program be reviewed, and new infrastructure works to upgrade under-capacity elements of the Crows Nest CED scheme, including works to divert the southern part of the existing scheme directly to the effluent lagoons; trunk pipeline upgrades; effluent lagoon desludging; pressure main upgrades and final effluent chlorine disinfection be listed for budgetary consideration.
7. That any extensions of the Crows Nest CED scheme be designed and constructed to conventional gravity sewerage scheme standards, noting that each individual property owner/occupier will still be required to install and maintain a septic tank/household treatment system.
8. That the Department of Environment and Resource Management - Environmental Protection Agency be provided with a copy of this report and the Cardno (Qld) Pty Ltd *Crows Nest Common Effluent Drainage (CED) Scheme Review Final Report - January 2011* for their information.

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MOTION:

Moved by Cr. McVeigh, seconded by Cr. Antonio

1. That Council note the report dated 12 January 2011 and the Cardno (Qld) Pty Ltd *Crows Nest Common Effluent Drainage (CED) Scheme Review Final Report - January 2011*.
2. That Council note that a full systematic inspection of the Crows Nest CED scheme will be undertaken as resources permit to determine the full extent of operation and maintenance tasks required by both Council and property owners/ occupiers to bring the Crows Nest CED scheme to a fully functional state of operation and repair.
3. That Council undertake repairs and general maintenance works on its infrastructure and require property owners/occupiers to bring their drainage into compliance with the Plumbing and Drainage Act and Regulation to rectify defects identified by the systematic inspection detailed in Recommendation 2.
4. That investigations be undertaken and a further report prepared for Council's consideration on the responsibility for maintenance, including desludging of septic tanks.
5. That a number of minor capital, operation and maintenance activities detailed in the Cardno Report be undertaken to improve the performance of the CED scheme and for data acquisition.
6. That infrastructure works currently listed in Council's future capital works program be reviewed, and new infrastructure works to upgrade under-capacity elements of the Crows Nest CED scheme, including works to divert the southern part of the existing scheme directly to the effluent lagoons; trunk pipeline upgrades; effluent lagoon desludging; pressure main upgrades and final effluent chlorine disinfection be listed for budgetary consideration.
7. That any extensions of the Crows Nest CED scheme be designed and constructed to conventional gravity sewerage scheme standards, noting that each individual property owner/occupier will still be required to install and maintain a septic tank/household treatment system.
8. That the Department of Environment and Resource Management - Environmental Protection Agency be provided with a copy of this report and the Cardno (Qld) Pty Ltd *Crows Nest Common Effluent Drainage (CED) Scheme Review Final Report - January 2011* for their information.

Carried

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7.4 **COMMUNITY SUPPORT APPLICATION - TOOWOOMBA REPERTORY THEATRE SOCIETY**

**Senior Administration Officer, Economic Development, Tourism and Events
(Simon Underwood) - 10 December 2010**

PURPOSE OF REPORT

To seek approval to provide support to Toowoomba Repertory Theatre Society to fund planning approval fees for extensions to the Society's premises at 94 Margaret Street, Toowoomba.

CORPORATE PLAN REFERENCE

- 1.1.1. Identify and promote opportunities for creative expression.
- 1.1.3. Facilitate equitable access to appropriate social and cultural activities to promote community interaction.
- 1.2.2 Collaborate with external agencies to encourage physical activity in the community.
- 1.4.3 Strengthen social networks and provide appropriate social infrastructure to build resilience and connectivity of the community.
- 1.5.2 Encourage and support activities to achieve multicultural and intergenerational understanding and equity.
- 5.1.6. Promote the Region as a tourist destination.
- 5.1.7. Explore opportunities for the Region to host a variety of festivals and events.

BACKGROUND

The applicant is constructing a four metre wide extension to the rear of its theatre premises to provide for a workshop, heavy item storage area backstage and larger dressing rooms with new toilet facilities downstairs.

On 2 December 2010, an application was submitted to Council for planning approval for the extensions. The fee paid was \$1,502.25.

The applicant is seeking assistance in respect of these fees.

CONSULTATION UNDERTAKEN

This application has been lodged in accordance with Council's Community Support Scheme Policy in place at Toowoomba City Council at the time of amalgamation to form the Toowoomba Regional Council.

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ISSUES AND RESPONSES

| CRITERION | COMMENT |
|---|--|
| In Kind Support | The coverage of Council fees constitutes in-kind support. In accordance with the Community Support Policy, a maximum of \$1,000 can be made available to an applicant in a given financial year. |
| Local Not for Profit Community Organisation | The applicant is a local not for profit cultural organisation. |
| Legal Entity | Letters of Patent 11 March 1937 |
| Public Benefit | Improved health and safety of volunteers. Ensuring the ongoing viability of the theatre as an important and very long running community facility and venue for fund raising, by ensuring compliance with workplace health and safety standards. These include modern hygienic toilets and wash basins, minimisation of heavy carrying up and down stairs, adequate and easily maintained space for exits and fire extinguishers, provision of ramps for disabled and elderly patrons. |
| Economic Benefit To City | The Repertory Theatre is used by many local charities and clubs for fundraising. The holding of theatre nights is the main form of revenue for many of these organisations and the system developed for this purpose is so popular that available nights are usually sold out up to twelve months in advance. Approximately, \$50,000 is raised each year in the theatre by these clubs and charities. The project will ensure the viability of the theatre by enabling compliance with basic health and safety standards and with legislation requiring access by disabled persons. |
| Objectives | Presentation of theatrical productions, training for people in all aspects of theatre, fostering of young performers, provision of venue for fundraising for charities and provision of art gallery space for new and emerging artists. |
| Public Interest | The grant will be used for a purpose that is in the public interest, enhancement of facilities used by members of the public for cultural, entertainment and fundraising purposes. |

RESOURCE IMPLICATIONS

There is provision in the Community Support budget to provide support up to \$1,000.

CONCLUSION

It is recommended that the application be supported as it meets the requirement of the relevant Community Support Policy.

RECOMMENDATION

That Council provide financial assistance to the Toowoomba Repertory Theatre Society by meeting the development assessment fees associated with extensions to the Society's premises located at 94 Margaret Street, Toowoomba to the value of \$1,000 as a charge against the Community Support Program.

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Reason for Recommendation

The above proposal provides reasonable assistance within the Community Support Policy.

MOTION:

Moved by Cr. McVeigh, seconded by Cr. Marks

That Council provide financial assistance to the Toowoomba Repertory Theatre Society by meeting the development assessment fees associated with extensions to the Society's premises located at 94 Margaret Street, Toowoomba to the value of \$1,000 as a charge against the Community Support Program.

Carried

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**7.5 COMMUNITY SUPPORT - CRIME STOPPERS QUEENSLAND LIMITED,
DARLING DOWNS & SOUTH-WEST AREA COMMITTEE**

**Senior Administration Officer ,Economic Development, Tourism & Events
(Simon Underwood) - 10 December 2010**

PURPOSE OF REPORT

To advise of the activities of the Darling Downs and South-West Area Committee of Crime Stoppers Queensland Limited for the 2009/2010 financial year and the Committee's request for ongoing assistance for the 2010/2011 financial year.

CORPORATE PLAN REFERENCE

- 1.4.1 Support collaborative approaches to improve community safety.
- 1.4.3 Strengthen social networks and provide appropriate social infrastructure to build resilience and connectivity of the community.
- 1.4.4 Develop and effective community information and education program in collaboration with key community stakeholders.

BACKGROUND

Previous Council Support

Council has supported Crime Stoppers since 1996.

Accordingly, there is a \$5,000 allowance in the 2010/2011 budget to support corporate activities undertaken by Crime Stoppers Queensland Limited and regional activities undertaken by the Darling Downs and South-West Area Committee of this organisation.

The allocation of monies between the two elements of the organisation has been as follows:

- (a) \$2,000 credited to the corporate account towards the payment of rewards and corporate expenses, such as insurance costs; and,
- (b) \$3,000 credited to the Downs and South West Area Committee sub-account for use in local promotions.

Because the local committee is not an incorporated entity, the total sum of \$5,000 is allocated in the first instance to Crime Stoppers Queensland Limited. The local committee is then reimbursed by the parent body.

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Support for 2010/2011

The Chairman of the Darling Downs and South-West Area Committee of Crime Stoppers Queensland Limited has written seeking Council's continuation of its ongoing support for the organisation.

COMMUNITY CONSULTATION

Community representatives form the membership of Crime Stoppers Queensland Limited, Darling Downs and South-west Area Committee and Councillor Bill Cahill is Council's representative on this group.

This group conducts various initiatives of its own as well as initiatives in conjunction with established events and therefore, has a community presence. The area committee has a strong relationship with the community and strives to keep it a safer and better place for residents.

ISSUES AND RESPONSES

2009/2010 Activities

During the 2009/2010 financial year, the Darling Downs and South-West Area Committee of Crime Stoppers Queensland Limited conducted promotional activities in association with the following events/activities:

- Toowoomba Royal Show
- Regional Agricultural Shows
- Toowoomba Home Show
- Farmfest
- Ag Show
- Crime Prevention Trailer
- Volunteers in Police Uniforms
- Production and promotion associated with media awareness of Crime Stoppers
- Fund raising BBQ
- Crime Stoppers Week - Shopping Centre Displays
- Development and placement of Crime Stoppers Display boards throughout local shopping centres/cinemas
- Armed hold-up awareness
- Break-and-enter follow-up
- Seniors Expo at Hume Street Church of Christ
- Languages and Cultural Festival at Queen's Park
- Chamber of Commerce Breakfast
- Toowoomba Show
- Retirement villages
- Burglar Beware program
- Reunite Program.

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2010/2011 Activity Proposal

Activities proposed for 2010/2011 will generally be the same as for the 2009/2010 financial year. However, an additional initiative includes the development of a "Crime Stoppers Supporters Pack" which aims to promote the organisation in the region and in particular, further promote the 1800 333 000 Crime Stoppers 24 hour 7 days a week contact telephone number.

RESOURCE IMPLICATIONS

Officers made an allowance of \$5,000 within the 201/2011 budget to fund this request.

Acquittal - 2009/2010 Activities

The Darling Downs and South-West Area Committee of Crime Stoppers Queensland Limited has provided job transaction details evidencing expenditure in excess of the \$3,000 for local initiatives during the 2009/2010 financial year, and therefore acquitted Council's funding.

CONCLUSION

It is suggested that Council support Crime Stoppers Queensland Limited and the Darling Downs and South-West Area Committee of this organisation in the same manner as for the previous financial year and provide \$5,000 funding.

RECOMMENDATION

That funding in the sum of \$5,000 allocated in the 2010/2011 budget for Crime Stoppers Queensland Limited be paid to that company for application as follows:

- (a) the sum of \$2,000 to be credited to the corporate account towards the payment of rewards and corporate expenses, such as insurance costs; and
- (b) the sum of \$3,000 to be credited to the Darling Downs and South-West Area Committee of the above organisation for use in local promotions;

and that Crime Stoppers Queensland Limited be requested to forward to Council's Chief Executive Officer, expenditure details of the \$3,000 for local initiatives.

Reason for Recommendation

The Darling Downs and South-West Area Committee of Crime Stoppers Queensland Limited has provided Council with relevant information to enable monies allocated in the current budget to be disbursed.

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MOTION:

Moved by Cr. Cahill, seconded by Cr. C. Taylor

That funding in the sum of \$5,000 allocated in the 2010/2011 budget for Crime Stoppers Queensland Limited be paid to that company for application as follows:

- (a) the sum of \$2,000 to be credited to the corporate account towards the payment of rewards and corporate expenses, such as insurance costs; and
- (b) the sum of \$3,000 to be credited to the Darling Downs and South-West Area Committee of the above organisation for use in local promotions;

and that Crime Stoppers Queensland Limited be requested to forward to Council's Chief Executive Officer, expenditure details of the \$3,000 for local initiatives.

Carried

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7.6 **JONDARYAN WOOLSHED PTY LTD**

Director, Environmental & Community Services (Brian Pidgeon) and Manager, Economic Development, Tourism & Events (Debra Howe) - 12 January 2011

PURPOSE OF REPORT

This report is seeking endorsement of:

1. the Jondaryan Woolshed Pty Ltd's proposal for capital works expenditures at the Jondaryan Woolshed; and,
2. the appointment of two additional Directors to the Board of Jondaryan Woolshed Pty Ltd.

CORPORATE PLAN REFERENCE

- 1.1.2 Ensure cultural facilities and services, such as theatres, art galleries and museums, meet the needs of our growing and diverse community.

BACKGROUND

The Directors of Jondaryan Woolshed Pty Ltd submitted a letter dated 15 December 2010 requesting Council's formal approval of the Jondaryan Woolshed Pty Ltd Capital Works Plan and the appointment of two additional Directors.

The request seeking approval of the Jondaryan Woolshed Capital Works Plan is congruent with the Toowoomba Regional Council and Jondaryan Woolshed Operating Agreement March 2010, as outlined below:

Extracts from Toowoomba Regional Council and Jondaryan Woolshed Operating Agreement March 2010

Recitals:

- D. The Council intends to provide initial operational and capital funding for the Woolshed, subject to certain limits and controls with the intent that the Company progressively becomes self-sustaining.
- E. Council will consider its financial contributions annually during the budgetary process
- G. In the 2009/2010 financial year, an additional amount of \$402,500 was identified for capital expenditure; the final application of these funds needs to be approved by Council.

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The request seeking approval to appoint two additional Directors is also congruent with the Toowoomba Regional Council and Jondaryan Woolshed Operating Agreement March 2010 and the Constitution of Jondaryan Woolshed Pty Ltd, as outlined below:

Extracts from the Jondaryan Woolshed Pty Ltd Constitution

1. All of the replaceable rules in the Corporations Law apply notwithstanding they might otherwise not apply to the Company and those replaceable rules are only displaced or modified as contained in the following provisions of this Constitution.
2. The power of directors to appoint other directors as it is contained in Section 201H of the Corporations Law does not apply and the following is added:
 - (a) The Directors of the Company may make recommendations to the Members of the appointment or reappointment of Directors.
 - (b) The Directors shall make their recommendations regarding new appointments to the Members after consideration of any expressions of interest from suitably qualified persons normally resident or employed within the Local Government area of the Members.
 - (c) In making its recommendation to the Members regarding initial appointments, the Directors shall give consideration to the mix of skills appropriate to the governance of the Company, including the financial, strategic, business, artistic and communication skills crucial to the ongoing success of the business activities of the Company.
3. In addition to Section 201G of the Corporations Law, the number of Directors shall be not less than three (3) nor more than five (5).

CONSULTATION UNDERTAKEN

Consultation has occurred between members of the Board of Jondaryan Woolshed Pty Ltd and relevant Council Officers. The Chairman of the Board of Jondaryan Woolshed Pty Ltd has also consulted with the proposed two additional Directors.

At an information session held on 14 December 2010, the Chairman of the Board of the Jondaryan Woolshed Pty Ltd briefed Councillors on their proposed capital works plan and their recommendation to appoint two more Directors to the Board to join the two current members.

ISSUES AND RESPONSES

Jondaryan Woolshed Pty Ltd confirmed in its letter dated 15 December 2010 that a separate capital works bank account has been established and that monies will be deposited into this account. An extract from the letter sets out the works plan below and is in line with the Operating Agreement between Toowoomba Regional Council and Jondaryan Woolshed Pty Ltd.

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Proposed Jondaryan Woolshed Pty Ltd Capital Works Plan

Essential small capital works

| | |
|--|----------|
| Dining, catering & kitchen upgrades to meet WH&S issues | \$40,000 |
| Installation of caretaker's cottage (donated by Acland Coal) | \$55,000 |
| Installation of Point of Sales system including wireless network | \$18,000 |
| Office equipment upgrades | \$10,000 |
| Grounds maintenance equipment | \$20,000 |

Works to improve function & event capability

| | |
|--|------------------|
| Upgrade Woolshed catering facilities to allow efficient operation of Woolshed building as function venue Stage 1 | \$ 70,000 |
| Major refurbishment of amenities block (currently totally inadequate) | \$140,000 |
| Seal caravan park area | \$ 24,500 |
| Upgrade to Shearer's Quarters accommodation (internal fittings etc) | \$ 25,000 |
| Total | \$402,500 |

As required within the Operating Agreement, Council will receive regular reports on the operations and activities of Jondaryan Woolshed.

Appointment of Additional Board Members

The current Board of Jondaryan Woolshed Pty Ltd seeks Council's formal endorsement of their recommendation to appoint two additional Directors, Ms Ann-Marie Ryan and Mr David Greenwood, subject to the proposed Directors accepting these positions. Both of the proposed new Directors have the mix of skills appropriate to the governance of the Company, including the financial, strategic, business, facilities management, artistic and communication skills which are crucial to the ongoing success of the business. It should also be noted that the proposed new Directors skills are complementary to the skills of the current Board members, ensuring a strengthening of the leadership team of the Jondaryan Woolshed Pty Ltd.

RESOURCE IMPLICATIONS

In the 2009/2010 financial year, an amount of \$402,500 was identified for capital expenditure with the final application of these funds to be approved by Council. These funds have been carried over in the 2010/11 financial year to enable the transition of the operations of Jondaryan Woolshed to Jondaryan Woolshed Pty Ltd.

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CONCLUSION

This report is seeking endorsement of the recommendations as presented.

RECOMMENDATION

1. That Council endorse the proposed Jondaryan Woolshed Pty Ltd capital works plan for applying Council's budget allocation of \$402,500 and transfer the balance of these unexpended funds to Jondaryan Woolshed Pty Ltd.
2. That Council endorse the appointment of two additional Directors, Ms Ann-Marie Ryan and Mr David Greenwood, to the Board of Jondaryan Woolshed Pty Ltd.

Reasons for Recommendation

These recommendations ensure Council executes its duties under the Toowoomba Regional Council and Jondaryan Woolshed Pty Ltd Operating Agreement and Constitution of the Jondaryan Woolshed Pty Ltd.

MOTION:

Moved by Cr. Glasheen, seconded by Cr. Marks

1. That Council endorse the proposed Jondaryan Woolshed Pty Ltd capital works plan for applying Council's budget allocation of \$402,500 and transfer the balance of these unexpended funds to Jondaryan Woolshed Pty Ltd.
2. That Council endorse the appointment of two additional Directors, Ms Ann-Marie Ryan and Mr David Greenwood, to the Board of Jondaryan Woolshed Pty Ltd.

Carried

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7.7 USE OF COUNCIL LOGO BY ANOTHER ENTITY

Manager, Governance and Administration (Norm Garsden) - 23 December 2010

PURPOSE OF REPORT

To consider a request from the 'Toowoomba Food Co-operative' (auspiced by ACTS Care) to use Toowoomba Regional Council's logo on the Co-operative's new letterhead as a demonstration of Council's support.

CORPORATE PLAN REFERENCE

- 2.2.1 Continuously review and enhance service delivery to meet customer and community expectations.
- 2.2.2 Promote and provide services external to the organisation.
- 2.2.3 Ensure Council has a high profile, strong brand and excellent reputation.

BACKGROUND

ACTS Care (the auspicings body) has been operating the Toowoomba Foodbank since 1996. A group of people from various community organisations are forming a 'not-for-profit' food co-operative within the Toowoomba area with the view to help alleviate food insecurity for people within the region. They will operate a centralised collection and distribution point for food supplies to increase the capacity to support the needy in the community. The Co-operative is seeking:

- expressions of interest to join the co-operative and support their activities; and
- permission to use Council's logo as a demonstration of support.

A business plan and draft letterhead design for the co-operative has been provided.

CONSULTATION UNDERTAKEN

No internal consultation has been undertaken with respect to this request.

ISSUES AND RESPONSES

Council's draft policy on the 'Symbols of the Toowoomba Regional Council' states that the reproduction or use of Council's current logo by any other entity will be subject to written application. Use of the Logo is preferred where it:

- is associated with activities sponsored or endorsed by Council;
- is unlikely to reflect negatively on Council or bring it into disrepute;

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- is not to be used for a political or electoral purpose; and
- is used consistent with the Council's style guide.

It is noted that ACTS Care (the auspicing body) was recognised by the Mayor at the Mayoral Prayer Breakfast in July 2010 as providing food parcels to hundreds, and at times thousands, of people each week in the region. Assistance is provided to people on presentation of a health or pension card, centrelink card or a referral from a church or community organisation.

RESOURCE IMPLICATIONS

There are no financial implications to the organisation using Council's logo.

CONCLUSION

The Toowoomba Food Corporative appears worthy of support.

RECOMMENDATION

1. That the Toowoomba Food Co-operative be advised that Council supports the objectives of the organisation but is unable to provide financial assistance.
2. That permission be granted to the Toowoomba Food Co-operative (auspiced by ACTS Care) to use the Council's logo on their new letterhead, subject to the Toowoomba Food Co-operative:
 - ensuring that their activities do not reflect negatively on Council or bring it into disrepute;
 - not becoming involved in political or electoral activities; and
 - using the logo in accordance with Council's style guide.

MOTION:

Moved by Cr. McVeigh, seconded by Cr. Ramia

1. That the Toowoomba Food Co-operative be advised that Council supports the objectives of the organisation but is unable to provide financial assistance.
2. That permission be granted to the Toowoomba Food Co-operative (auspiced by ACTS Care) to use the Council's logo in the supported-by section on their new letterhead, subject to the Toowoomba Food Co-operative:
 - ensuring that their activities do not reflect negatively on Council or bring it into disrepute;
 - not becoming involved in political or electoral activities; and

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- using the logo in accordance with Council's style guide.
3. That it be noted that Council reserves its right to review the use of the logo at its discretion.

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7.8 COUNCILLOR REMUNERATION FOR 2011

Manager, Governance and Administration (Norm Garsden) - 10 December 2010

PURPOSE OF REPORT

To consider the Local Government Remuneration and Discipline Tribunal Report and the Tribunal's determination published in the Queensland Government Gazette on 10 December 2010.

CORPORATE PLAN REFERENCE

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

BACKGROUND

In accordance with Section 183 of the *Local Government Act 2009* (LGA 2009), the Local Government Remuneration Tribunal (the Tribunal) is charged with:

- establishing the categories of local governments; and
- deciding which category each local government belongs to; and
- deciding the remuneration that is payable to the councillors in each of those categories.

It is also noted that s 41 (5) of the *Local Government Operations Regulations 2010* (LGOR 2010) provides that the remuneration may include an additional amount for Councillors who are over 75 years paid in lieu of the superannuation contributions.

Councils have 90 days from the date of gazettal to consider the Tribunal's determination. It should be noted that it is still necessary for Councils to consider the Tribunal's determination and pass new resolutions even if it does not wish to change the remuneration level for its Councillors.

CONSULTATION UNDERTAKEN

The Remuneration and Discipline Tribunal undertook public consultation in this matter, as described in its Report to the Minister.

ISSUES AND RESPONSES

Toowoomba Regional Council (TRC) has been categorised by the Tribunal as a Category 6 Council together with Cairns, Mackay, Redland, Rockhampton and Townsville.

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Notwithstanding that the plain reading of the LGA 2009 appears to require the Tribunal to determine Councillor remuneration, it has continued its initial approach of setting bands. The Tribunal has indicated that it is taking this approach in order to allow limited discretion to reflect local circumstances including the different roles performed by different Councillors. For example, chairpersons of committees and the like. As TRC does not run committees and each Councillor has a nominated portfolio, it has not been necessary for TRC to differentiate remuneration levels within the sub-bands determined by the Tribunal.

As required by section 41 of the LGOR 2010, the Tribunal has determined the remuneration payable to Councillors and decided to increase remuneration levels by 2.5% from 1 January 2011. The tribunal observes that "the increase of 2.5% constitutes a moderate and affordable increase at a time of continuing financial uncertainty in many areas within the State. It also generally maintains the relative purchasing power of the remuneration levels determined by the former Remuneration Tribunal".

The remuneration for TRC Councillors includes an amalgamation loading. This applies to all amalgamated Councils and is not discretionary. In considering Councillors remuneration, and for full transparency, it is appropriate to consider the combined remuneration in the recommendation.

The Tribunal, in its report, also noted that:

- With respect to Councillors taking leave, the community is generally accepting of the circumstance that Councillors might, on occasions, be unable to participate in Council affairs because of illness or injury. In addition, the community would reasonably expect that Councillors can take some recreation leave on an annual basis. Reflecting normal community expectations, the Tribunal believes that Councillors should be able to take up to ten days sick leave each year as well as four weeks recreation leave without any such absences affecting their remuneration levels.
- In the Tribunal's view, Councils should not be expected to remunerate any Councillors who are absent on recreation leave for more than four weeks. Equally, unless there is a special resolution to this effect, a Council should not be expected to maintain the remuneration of a Councillor who is absent on sick leave for a longer period than the community might expect the Council to accommodate in the particular circumstances involved.

The Tribunal strongly recommends to all Councils that they formulate and implement a policy and procedure concerning sick leave and recreation leave provisions for Councillors.

With respect to Councillors obligations under section 171 of the LGA 2009 governing the use of confidential information, the Tribunal has taken the opportunity to record its preliminary views that section 171(3) does not relate solely to information discussed in "closed" sessions of Council meetings. Rather, Councillors should appreciate that other information made available to them during the course of fulfilling their role as a Councillor may be "information that is confidential to the Local Government".

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The Tribunal views the release of confidential information by Councillors as serious misconduct and noted that the Act imposes an absolute bar on the release of information that a Councillor knows, or should reasonably know, is confidential to the Local Government.

The Tribunal strongly recommended additional training for Councillors in relation to the issue of the use of information obtained by them during the course of performing their role as a Councillor, especially information obtained during the course of closed meetings of Council.

RESOURCE IMPLICATIONS

Adoption of the 2.5% increase will have little material effect on Council's finances in 2011, as the compulsory amalgamation loading will reduce on 1 July 2011 by a comparative amount.

CONCLUSION

The Tribunal is charged with determining Councillor remuneration, including that of the Mayor and Deputy Mayor. The Tribunal's determination for the 2011 calendar year was gazetted on the 10 December 2010 and, in accordance with the LGA 2009, Council is required to consider the determination within 90 days of its gazettal. The recommendation below provides for the 2.5% increase to Councillors' remuneration in accordance with the report of the Local Government Remuneration and Discipline Tribunal and schedule, as gazetted on 10 December 2010.

RECOMMENDATION

1. That, in accordance with the determination of the Remuneration and Discipline Tribunal and the *Local Government Act 2009* and *Local Government Operations Regulations 2010*, Council authorise the following remuneration and loading with effect from 1 January 2011:

| Remuneration | Rate | How Paid |
|---------------------|---------------------|------------------|
| Mayor | \$153,150 per annum | paid fortnightly |
| Deputy Mayor | \$103,700 per annum | paid fortnightly |
| Councillor | \$ 93,660 per annum | paid fortnightly |

| Amalgamation Loading | 01/01/2011 to 30/06/2011 | 01/07/2011 to 31/12/2011 |
|-----------------------------|---------------------------------|---------------------------------|
| Mayor | \$6,490 | \$3,240 |
| Deputy Mayor | \$4,590 | \$2,300 |
| Councillor | \$4,120 | \$2,060 |

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2. That superannuation payments be made as follows:

Superannuation

- (a) 12% of Councillors' base remuneration rate continue to be authorised on the condition that Councillors contribute 6%.
- (b) Councillors continue to be provided the opportunity to elect to contribute their superannuation contribution through salary sacrifice arrangements under section 226 of the *Local Government Act 2009* by making a formal request to Council (Councillors previous nominations of their preferred superannuation fund are to continue to apply, but where no nomination is made, payments be made to LG Super).
- (c) For Councillors who are over 75 years in age, their remuneration include an additional amount paid in lieu of the Council superannuation contributions.
3. That a policy and procedure be formulated concerning sick leave, recreation and other leave provisions for Councillors.
4. That additional training be arranged for all Councillors in relation to the issue of the use of information obtained by them during the course of performing their role as a Councillor.

Reason for Recommendation

Councils are required to consider the Local Government Remuneration and Discipline Tribunal's determination and authorise remuneration each year, within 90 days of the gazettal of the remuneration schedule.

MOTION:

Moved by Cr. McVeigh, seconded by Cr. Antonio

1. That, in accordance with the *Local Government Act 2009* and *Local Government Operations Regulations 2010*, the remuneration of the Mayor, Deputy Mayor and Councillors for 2011 be left unchanged from last year i.e.:

| Remuneration | Rate | How Paid |
|--------------|---------------------|------------------|
| Mayor | \$150,120 per annum | paid fortnightly |
| Deputy Mayor | \$101,170 per annum | paid fortnightly |
| Councillor | \$ 91,380 per annum | paid fortnightly |

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2. That it be noted that the amalgamation loading will continue to decrease with an approximate 50% reduction applying from 1 July 2011, i.e.:

| Amalgamation Loading | 01/01/2011 to 30/06/2011 | 01/07/2011 to 31/12/11 |
|-----------------------------|---------------------------------|-------------------------------|
| Mayor | \$6,490 | \$3,240 |
| Deputy Mayor | \$4,590 | \$2,300 |
| Councillor | \$4,120 | \$2,060 |

3. That superannuation payments continue to be made as follows:
- (a) 12% of a Councillor's remuneration be paid as Council's contribution, on the condition that Councillors contribute 6%, in accordance with the LGSuper Trust Deed and Commonwealth legislation.
 - (b) Councillors be provided the opportunity to elect to contribute their superannuation contribution through salary sacrifice arrangements under section 226 of the *Local Government Act 2009* by making a formal request to Council (Councillors previous nominations of their preferred superannuation fund are to continue to apply, but where no nomination is made, payments be made to LG Super).
 - (c) For Councillors who are over 75 years in age, their remuneration include an additional amount paid in lieu of the Council superannuation contributions.

Carried

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8.0 MONTHLY PERFORMANCE STATEMENT AS AT 2011

Director, Finance and Business Strategy (Arun Pratap) - 10 January 2011

PURPOSE OF THE REPORT

To present Council with the monthly Financial Performance Statement as required by s152 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

CORPORATE PLAN REFERENCE

2.1.2 Ensure sound financial management and procurement practices.

BACKGROUND

Section 152 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* prescribes that statements must be presented to a meeting of the Council at least on a monthly basis.

Attached please find the Consolidated Financial Performance Statement which clearly separates operating and capital outcomes including a variance result which is discussed in further detail in the body of this report.

A detailed Executive Financial Performance Report has been previously circulated to Councillors under separate cover.

ISSUES AND RESPONSES

Potential budget implications were identified as a result of the December monthly performance report.

- Wet Weather has resulted in reduced income from pool attendance and cafeteria sales; Carnival of Flowers income; delays in works carried out under the Road Maintenance Performance Contract, as well as plant hire usage.
- A number of variances will be included as part of the proposed December budget review. These include income from sale of properties; settlement of outdoor sporting fields at Kratzke Road, Highfields and Water Private Works income.

OPERATING

Recurrent Income (\$249,322 or 0% - below budget)

- *Grants, Subsidies, Contributions and Donations (\$1,357,761 or 20% ahead budget)*

The Financial Assistance Grant from the Commonwealth Government has been received for the first two quarters of the financial year. Alignment of budget to actual will occur as part of the December budget review.

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NDRRA Flood Damage claim and Trainees and Apprentices grant received in advance of budget predictions. Adjustments to be made in the December budget review.

- *Fees and Charges (\$2,915,322 or 13% below budget)*

Aquatic Facilities - Income is \$255,031 (or 23%) below budget. Attendance at the pool has been down due to wet weather conditions.

Private Works - District income is below expectation by \$2,134,632 or 34% due to unprocessed Road Maintenance Performance Contract invoices and major contracts which have not been claimed. Construction of major projects has been unable to proceed to schedule in recent months due to wet weather resulting in timing delays in realising income. In addition, the level of activity of regular private works operations have reduced compared to budget.

- *Interest Received (\$459,497 or 19% - ahead of budget)*

The periodic split of interest received is misaligned. This will be corrected for the January end of month statements. Total income expectations remain at \$6.1M.

Recurrent Expenditure (\$3,868,429 or 3% below budget)

- *Materials, Services and Other Expenditure (\$3,643,760 or 9% below budget)*

Major impacts include reduced expenditure to date for consultancies for Strategic Planning projects (\$1.4M); expenditure associated with Private Works (offset by reduced income) is \$0.6M; lower expenditure to date for Refuse Collection and Waste Management (\$1.6M) as well as reduced expenditure across various services compared to the year to date budget.

CAPITAL

Capital Income (Over budget expectations - \$504,715 or 9% ahead of budget)

- *Grants, Subsidies, Contributions and Donations (\$526,827 or 16% above budget)*

Payments received in advance of budget expectation. Budget phasing to be adjusted at the December budget review.

1. The first instalment of \$470,000 of the State Government contribution to the Toowoomba Aerodrome Upgrade Project.
2. Roads to Recovery funding of \$739,590 (or 316%) ahead of budget has been received in advance in the Roads Capital - Urban service.

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Capital Expenditure (\$19,535,171 or 38% below budget)

Engineering Services Department has commenced a detailed review of actual versus budgeted expenditure as the current YTD budget variance of 50% (or \$14M) may reflect incorrect budget phasing. Subsequent adjustments will occur in the December budget review.

Water Services Department reviewed the budget phasing at the September quarterly budget review and is showing a variance of 20% or \$1.3M below budget expectations. District fluoridation projects are on-hold pending clarification by Queensland Health of a number of operational issues identified during the concept design phase. A consultant has been engaged to undertake a water supply network analysis of the western Toowoomba area.

Parks Services projects are behind schedule due to wet weather whilst some land acquisition projects are in progress and still need to be finalised (\$1.5M)

RECOMMENDATION

That the Monthly Performance Statement as at 31 December 2010 be received.

MOTION:

Moved by Cr. Marks, seconded by Cr. Strohfeld

That the Monthly Performance Statement as at 31 December 2010 be received.

Carried

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9.0 **GENERAL BUSINESS**

9.1 **REVIEW OF 'FLOOD STUDIES ISSUES REPORT'**

MOTION:

Moved by Cr. Cahill, seconded by Cr. Ramia

That Council revisit the "Flood Studies Issues Report", presented to Council in July 2009 to determine how Council can be proactive in updating the flood mapping data, with the view to inform Toowoomba Regional Council of flood mitigation strategies on an ongoing basis.

Lost

9.2 **REQUEST FOR REPORT ON INVESTIGATION INTO WATER FLOWS IN VICINITY OF DEUBLE ROAD, WELLCAMP**

MOTION:

Moved by Cr. Glasheen, seconded by Cr. Scotney

That Council be provided with an in-house report to determine if the amount of water flowing in the area of Deuble Road, Wellcamp can be reduced, such report to take into account all the plans for contours, etc.

Carried

Meeting concluded: 12.05 p.m.

.....
CHAIRPERSON