



# **Toowoomba Regional Council**

## **Minutes of the Special Meeting of Council**

**held on**

**20 December 2011**

<p style="text-align: center;"><b>MINUTES OF THE SPECIAL MEETING OF TOOWOOMBA REGIONAL COUNCIL</b></p>
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**TUESDAY, 20 DECEMBER 2011**

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**MINUTES OF THE SPECIAL MEETING OF  
TOOWOOMBA REGIONAL COUNCIL  
HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CITY HALL,  
541 RUTHVEN STREET, TOOWOOMBA  
ON TUESDAY, 20 DECEMBER 2011 AT 9.33 A.M.**

**PRESENT:** 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.J. McVeigh  
Councillor J. Ramia  
Councillor N.L. Strohfeld  
Councillor C.E. Taylor  
Councillor M.A. Williams

**APOLOGY:** Councillor R.S. Scotney

**IN ATTENDANCE:** Chief Executive Officer Ken Gouldthorp  
General Manager, Environment and Community Services Brian Pidgeon  
General Manager, Finance and Business Strategy Arun Pratap  
General Manager, Infrastructure Services Mike Brady  
General Manager, Planning and Development Stewart Somers  
General Manager, Water and Waste Services Kevin Flanagan

**MINUTES:** Co-ordinator, Council Business Angela O'Neil

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**BUSINESS:**

**1.0 OPENING OF MEETING**

1.1 The meeting was opened at 9.33 a.m.

**2.0 ATTENDANCE INCLUDING APOLOGIES AND LEAVE OF ABSENCE**

2.1 All Councillors were present with the exception of Councillor Scotney who was an apology.

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3.0 **TOOWOOMBA REGIONAL PLANNING SCHEME - CONSIDERATION OF SECOND STATE INTEREST REVIEW COMMENTS**

**Acting Principal Planner Land Use & Community (Michelle Milton) and Principal Planner Infrastructure Planning (Chean-Piau Lau) - 15 December 2011**

**PURPOSE OF REPORT**

This report considers comments made by State agencies through the second State interest review of the *Toowoomba Regional Planning Scheme* and makes recommendations on how Council should respond to each issue.

**CORPORATE PLAN REFERENCE**

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

**BACKGROUND**

On 25 October 2011, Council resolved to amend the proposed *Toowoomba Regional Planning Scheme* in response to submissions, and resolved to write to the Minister for Infrastructure and Planning advising of the changes made and seeking approval to adopt the proposed planning scheme. This is a statutory requirement of the *Sustainable Planning Act 2009* which must be undertaken before Council can adopt the planning scheme. The purpose of advising the Minister is to ensure that the planning scheme is consistent with State policy, which may include a second State interest review.

A second State interest review was undertaken through the co-ordination of the Department of Local Government and Planning (DLGP). The State's formal comments on the proposed planning scheme are anticipated to be received by Council on 19 December 2011. On receipt, it will be circulated to Councillors as soon as possible together with recommendations to address the State's comments.

Comments made by the State are divided into two categories:

1. **Comments Concerning State Interests**

These are matters that must be satisfactorily addressed by Council before approval can be granted to proceed to public notification. They are matters where there is an adopted State policy and the planning scheme is considered to be inconsistent with that policy.

2. **Comments Providing Advice**

These include best practice and editorial matters that should be incorporated or considered by Council. However, it is not mandatory that Council make changes arising from advice comments.

Council is required to advise the Minister for Local Government of its response to each issue. Once the Minister is satisfied that each issue has been appropriately addressed, approval to adopt the planning scheme will be given, with or without conditions.

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## **CONSULTATION UNDERTAKEN**

Council officers have held discussions with various State agencies in the preparation of recommendations in order to better understand some of the issues raised and to gauge whether responses that may be different to those recommended by the agency were acceptable to the agency. Specifically, a combined meeting with Departments of Local Government and Planning, Environment and Resource Management, and Employment, Economic Development and Innovation was held on 15 December 2011 to discuss a key issue relating to the separation of sensitive uses from industry activity areas.

## **ISSUES AND RESPONSES**

The State Interest Review comments (to be circulated on receipt from DLGP) documents the issues and recommended responses to the comments made by State agencies. It is recommended that a significant proportion of the suggested changes suggested by the State be adopted, either as suggested or in a modified form.

## **FINANCIAL IMPLICATIONS**

Nil.

## **CONCLUSION**

The *Toowoomba Regional Planning Scheme* has been reviewed by the State Government to ensure it is consistent with State policy. That review has identified a number of issues that need to be resolved. Officers are considering each of the issues that have been raised and recommendations on how each should be addressed are included in the document to be circulated prior to the Council meeting.

It is recommended that Council adopt the recommendations and advise the Minister for Local Government of its response, seeking approval to adopt the proposed Toowoomba Regional Planning Scheme.

## **RECOMMENDATION**

1. That Council adopt the recommendations in the 'Council response' column of the document *New SPA/QPP planning scheme for Toowoomba Regional Council (TRC) Second State Interest Review - comments to Local Government*, as its response to issues raised in the State Interest Review.
2. That the proposed *Toowoomba Regional Planning Scheme*, incorporating the recommended changes, be endorsed and referred to the Minister for Local Government requesting approval to adopt the *Toowoomba Regional Planning Scheme*.

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**REASONS FOR RECOMMENDATION**

The recommendation is consistent with Council's legislative obligations for the preparation of the *Toowoomba Regional Planning Scheme* and statutory process for making a new local planning instrument in accordance with the Sustainable Planning Act 2009.

**MOTION:**

Moved by Cr. Marks, seconded by Cr. Glasheen

1. That Council adopt the recommendations in the 'Council response' column of the document *New SPA/QPP planning scheme for Toowoomba Regional Council (TRC) Second State Interest Review - comments to Local Government*, as its response to issues raised in the Second State Interest Review.
2. That the proposed *Toowoomba Regional Planning Scheme*, incorporating the recommended changes, be endorsed and referred to the Minister for Local Government requesting approval to adopt the *Toowoomba Regional Planning Scheme*.

**Carried**

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**4.0 CLOSING OF MEETING TO THE PUBLIC**

**MOTION:**

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

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

- (a) **Item 5.0**  
**CONFIDENTIAL - NDRRA Civil Contractor Services Expression Of Interest - Flood Recovery - Program Contract No. PT15 - 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 6.0**  
**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).

**Carried**

The meeting was closed to the public at 9.39 a.m.

Two confidential reports dated 13 and 15 December 2011 were discussed.

**OPENING OF MEETING TO THE PUBLIC**

**MOTION:**

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

That the meeting be opened to the public.

**Carried**

The meeting was opened to the public at 10.01 a.m.

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**5.0 CONFIDENTIAL - NDRRA CIVIL CONTRACTOR SERVICES EXPRESSION OF INTEREST - FLOOD RECOVERY - PROGRAM CONTRACT NO. PT15 - 11/12**

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

**MOTION:**

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

1. That Contract No. PT 15-11/12 - NDRRA - Flood Recovery Program - Civil Contractor Services Expression of Interest proceed to the Tender Stage.
2. That the following six Expressions of Interest Respondents be short-listed to proceed to the Tender Stage:

<b>Respondent</b>	<b>Location</b>
1. Ostwald Bros Pty Ltd	Dalby, QLD
2. Probuild Civil (QLD) Pty Ltd	Albion, QLD
3. Abigroup Contractors Pty Ltd	South Bank, QLD
4. Civil Mining & Construction Pty Ltd	Eagle Farm, QLD
5. FK Gardner and Sons Group Pty Ltd	Toowoomba, QLD
6. BMD Constructions Pty Ltd	Manly, QLD

**Carried**

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**6.0 CONFIDENTIAL - NDRRA JELlicOE STREET BRIDGE REPLACEMENT -  
CONTRACT NO. PT16 - 11/12**

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

**MOTION:**

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

1. That, subject to finalisation of legal agreement, Contract No. PT16-11/12 NDRRA Jellicoe Street Bridge Replacement project be awarded to FK Gardner and Sons Pty Ltd for a Risk Adjusted Maximum Sum (RAMP) of \$1,698,561.61.
2. That the Chief Executive Officer and/or delegate undertake final legal and commercial negotiations with FK Gardner and Sons Pty Ltd and that Council enter into a Collaborative Project Agreement with FK Gardner and Sons Pty Ltd.

**Carried**

Meeting concluded: 10.02 a.m.

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**CHAIRPERSON**