



**REGIONAL COUNCIL**

# **SPECIAL MEETING OF COUNCIL**

## **MINUTES**

**8 MAY 2018**



**SPECIAL MEETING OF  
ORDINARY COUNCIL  
MEETING MINUTES  
8 MAY 2018**

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**ATTENDANCE:**

**Councillors Present**

- Cr Tanya Milligan (Mayor) (Chairperson)
- Cr Jason Cook
- Cr Kathy McLean
- Cr Janice Holstein
- Cr Chris Wilson
- Cr Michael Hagan
- Cr Rick Vela

**Officers Present**

- Dan McPherson, Executive Manager  
Organisational Development & Planning
- David Lewis, Executive Manager Corporate &  
Community Services
- Myles Fairbairn, Executive Manager  
Infrastructure Works & Services
- Erin Carkeet, Governance & Strategy Officer
- Trevor Boheim, Manager Planning &  
Development
- Christopher Crowley, Coordinator Strategic  
Land Use Planning
- Seren McKenzie, Manager Infrastructure  
Planning & Design

**Apology**

- Ian Church, Chief Executive Officer

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## 1.0 MEETING OPEND

*The meeting commenced at 8.37 am*

## 2.0 LEAVE OF ABSENCE

*No Leave Of Absence*

## 3.0 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY COUNCILLORS AND SENIOR COUNCIL OFFICERS

### 3.1 3.1 Declaration of Material Personal Interest on any Item of Business

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor or senior council officer who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

### 3.2 Declaration of Conflict of Interest on any Item of Business

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor or senior council officer who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest in the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

## 4.0 ORGANISATIONAL DEVELOPMENT AND PLANNING REPORTS

### 4.1 Local Government Infrastructure Plans (Gatton and Laidley Planning Schemes) - Report on submissions

**Date:** 04 May 2018  
**Author:** Christopher Crowley, Coordinator Strategic Land Use Planning  
**Responsible Officer:** Dan McPherson, Executive Manager Organisational Development & Planning

### Summary:

At the Council meeting of 22nd November 2017, Council resolved to forward a draft Local Government Infrastructure Plan (LGIP) for the Gatton and Laidley planning schemes to the Minister to commence the first State review. On 7 March 2018, the Minister advised the first state review was complete and that Council could, in accordance with the Planning Act 2016, proceed to publicly notify the LGIP.

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This report provides a summary of any submissions received and seeks Council's endorsement to forward the draft LGIP for the second State review.

**Officer's Recommendation:**

**THAT Council, in accordance with the Planning Act 2016 and Chapter 5, Part 2 of the Minister's Guidelines and Rules (MGR) :**

- 1. Endorse the proposed Local Government Infrastructure Plan for the Gatton and Laidley planning schemes ('LGIP'), LGIP Checklist and LGIP SOW Excel Model.**
- 2. Resolves to comply with section 8 of the MGR and for this purpose authorises the Chief Executive Officer as Council's delegate to comply with section 8 of the MGR as follows:**

**For section 8.2 of the MGR, after making necessary amendments to the LGIP under section 7 of the MGR, engage an appointed reviewer to conduct a second compliance check of the proposed LGIP and give to the appointed reviewer, in accordance with the MGR:**

- (a) an electronic copy of the proposed LGIP or amendment that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the first state review;**
- (b) the Review checklist updated by the local government;**
- (c) if proceeding with changes under section 7.9(b), a summary of matters raised in the properly made submissions and how the local government dealt with the matters;**
- (d) confirmation that the local government does not consider the proposed LGIP or amendment is significantly different from a version which has undertaken public consultation;**
- (e) if the local government considers that the proposed LGIP or amendment is significantly different and that the public consultation process must be repeated, confirmation that public consultation has been repeated and details of the repeated public consultation undertaken;**
- (f) a copy of any condition as imposed by the Minister under the first state interest review, if applicable; and**
- (g) the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP or amendment.**

**For 8.5 of the MGR, after completion of the second compliance check, and receiving information under section 8.4 of the MGR:**

- (a) write to the Minister seeking approval to adopt the proposed LGIP; and**
- (b) give to the Minister:**
  - (i) an electronic copy of the proposed LGIP, that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the first state review;**
  - (ii) the updated Review checklist completed by the Appointed reviewer;**

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- (iii) the updated Appointed reviewer statement;
- (iv) if proceeding with changes to the proposed LGIP or amendment under section 7.9, a summary of matters raised in the properly made submissions and how the local government dealt with the matters;
- (v) the reasons why the local government does not consider the proposed LGIP or amendment is significantly different from a version which has undertaken public consultation;
- (vi) a copy of any condition as imposed by the Minister under the state review, if applicable; and
- (vii) the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP or amendment.

3. Delegates authority to the Chief Executive Officer, in accordance with the Local Government Act 2009, to consider and make amendments addressing any conditions imposed by the Minister at the second State Review.

**RESOLUTION**

THAT Council, in accordance with the Planning Act 2016 and Chapter 5, Part 2 of the Minister's Guidelines and Rules (MGR) :

1. Endorse the proposed Local Government Infrastructure Plan for the Gatton and Laidley planning schemes ('LGIP'), LGIP Checklist and LGIP SOW Excel Model.
2. Resolves to comply with section 8 of the MGR and for this purpose authorises the Chief Executive Officer as Council's delegate to comply with section 8 of the MGR as follows:

For section 8.2 of the MGR, after making necessary amendments to the LGIP under section 7 of the MGR, engage an appointed reviewer to conduct a second compliance check of the proposed LGIP and give to the appointed reviewer, in accordance with the MGR:

- (a) an electronic copy of the proposed LGIP or amendment that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the first state review;
- (b) the Review checklist updated by the local government;
- (c) if proceeding with changes under section 7.9(b), a summary of matters raised in the properly made submissions and how the local government dealt with the matters;
- (d) confirmation that the local government does not consider the proposed LGIP or amendment is significantly different from a version which has undertaken public consultation;
- (e) if the local government considers that the proposed LGIP or amendment is significantly different and that the public consultation process must be repeated, confirmation that public consultation has been repeated and details of the repeated public consultation undertaken;
- (f) a copy of any condition as imposed by the Minister under the first state interest

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review, if applicable; and

(g) the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP or amendment.

For 8.5 of the MGR, after completion of the second compliance check, and receiving information under section 8.4 of the MGR:

(a) write to the Minister seeking approval to adopt the proposed LGIP; and

(b) give to the Minister:

(i) an electronic copy of the proposed LGIP, that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the first state review;

(ii) the updated Review checklist completed by the Appointed reviewer;

(iii) the updated Appointed reviewer statement;

(iv) if proceeding with changes to the proposed LGIP or amendment under section 7.9, a summary of matters raised in the properly made submissions and how the local government dealt with the matters;

(v) the reasons why the local government does not consider the proposed LGIP or amendment is significantly different from a version which has undertaken public consultation;

(vi) a copy of any condition as imposed by the Minister under the state review, if applicable; and

(vii) the extrinsic material including background studies, reports, and supporting information that informed the preparation of the proposed LGIP or amendment.

3. Delegates authority to the Chief Executive Officer, in accordance with the Local Government Act 2009, to consider and make amendments addressing any conditions imposed by the Minister at the second State Review.

**Moved By: Cr McLean**

**Seconded By: Cr Wilson**

**Resolution Number: 16-20/0938**

**CARRIED**

**7/0**

## Report

### 1. Introduction

This report seeks Council's approval to forward a draft Local Government Infrastructure Plan (LGIP) that has been prepared for the Gatton and Laidley planning schemes to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) for the second state review, having completed public notification.

The draft LGIP is on a critical path to be adopted by Council on or before 30<sup>th</sup> June 2018, the State's deadline for preparing an LGIP.

### 2. Background

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An LGIP is an overarching strategic plan which sets out the local government's plans for the trunk infrastructure considered necessary to service future growth and development. It identifies required future roads, parks and land for community facilities and seeks to provide them in a coordinated, efficient and financially sustainable manner. An LGIP is required to:

- integrate infrastructure planning with the land use planning identified in the planning scheme
- provide transparency regarding a local government's intentions for the provision of trunk infrastructure
- enable a local government to estimate the cost of infrastructure provision to assist its long term financial planning
- ensure that trunk infrastructure is planned and provided in an efficient and orderly manner
- provide a basis for the imposition of conditions about infrastructure on development approvals.

The process for preparing an LGIP is administered under the Minister's rules for reviewing, making or amending a local government infrastructure plan (MGR).

In accordance with the MGR, on 22 November 2017 Council passed the following resolution in relation to a draft LGIP for the Gatton and Laidley planning schemes:

*'THAT Council, in accordance with Section 21 of the Planning Act 2016, resolve to:*

- (a) Make a Local Government Infrastructure Plan;*
- (b) Endorse the proposed Local Government Infrastructure Plan for submission to the Deputy Premier (as Minister for Infrastructure, Local Government and Planning) requesting a state review;*
- (c) Delegate authority to the Chief Executive Office, in accordance with the Local Government Act 2009, to consider and make amendments addressing any conditions imposed by the Minister at the first State Interest Review or as a result of submissions received during the Public Consultation; and*
- (d) Note a further report will be provided to Council prior to the second State interest review.'*

In accordance with this resolution the LGIP was immediately forwarded to the Minister for the first state interests review.

### **3. Report**

On 7 March 2018, the Minister advised that the first state interests review was complete and Council could proceed to publicly notify the draft LGIP.

Public notification requirements for a draft LGIP are set out at Chapter 5, Part 2 section 7 and Schedule 4 of the MGR. Councils must place a public notice in a local newspaper and have the proposed LGIP and its supporting documents available for inspection for a minimum of 30 business days.

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Arrangements for public notification were implemented within one week of receipt of the Minister's approval due to the need to adopt a LGIP for the Gatton and Laidley planning schemes before the State's deadline of 30 June, 2018.

Public notification occurred for 30 business days from 19 March 2018 to 3 May 2018. During this period, any person was able to view and download the proposed LGIP and supporting material via Council's website at: [www.lockyervalley.qld.gov.au](http://www.lockyervalley.qld.gov.au) or view and purchase a copy at the Gatton and Laidley customer service centres.

No submissions were received during the public notification period. As a consequence, no changes are deemed necessary to the LGIP at this time.

Under the MGR, the next steps in the process for preparing an LGIP are:

- (a) to engage a reviewer to conduct a second compliance check of the proposed LGIP; and
- (b) following the compliance check, return the LGIP to the Minister seeking a second state interest review and approval to adopt the proposed LGIP.

Once approved by the Minister, Council may then proceed to adopt the final LGIP.

A further report will be brought to Council at that stage in the process.

#### **4. Policy and Legal Implications**

In order to continue to levy infrastructure contributions and impose conditions for trunk infrastructure, Council is required to adopt an approved LGIP by 30 June 2018 ('the cut-off date').

The Minister for State Development, Manufacturing, Infrastructure and Planning wrote to Council on 13 April 2018 and stated: *'I confirm that if council wishes to continue to levy infrastructure charges, or impose conditions about trunk infrastructure past the cut-off date, the council will need to make sure it submits its LGIP to me for approval, and adopts it, before that date.'*

Council's consideration and acceptance of the recommendations of this report at the 8 May 2018 special meeting is sought in order to return the LGIP to the state for second state interest review and approval to adopt the LGIP at the earliest possible opportunity, towards adopting a final LGIP by the cut-off date.

#### **5. Financial and Resource Implications**

As identified in section 4, above, Council will lose its ability to levy infrastructure charges, or impose conditions about trunk infrastructure after 30 June 2018 unless it has adopted a Local Government Infrastructure Plan by that date.

The planning scheme review has sufficient funds allocated to implement the recommendations of this report.

#### **6. Delegations/Authorisations**

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This report seeks delegated authority to in accordance with the Local Government Act 2009, to consider and make amendments addressing any conditions imposed by the Minister at the second state interest review.

**7. Communication and Engagement**

This report updates Council on the public notification of a draft Local Government Infrastructure Plan.

**8. Conclusion**

A draft LGIP has been prepared for the Gatton and Laidley planning schemes. In order to continue to provide a means for Council to levy infrastructure contributions and impose conditions relating to trunk infrastructure, an LGIP is required to be adopted by Council by 30 June 2018.

Council's authority is required to engage an appointed reviewer to review the draft LGIP and refer it to the Minister for approval to adopt the final LGIP.

**9. Action/s**

That Council note the content of this report and resolve to engage an appointed reviewer to conduct a second compliance check of the proposed LGIP and endorse it for submission to the Minister for the second state interest review and delegate authority to the Chief Executive Officer to consider and make amendments addressing conditions imposed by the Minister at the second state interest review.



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**5.0 MEETING CLOSED**

*There being no further business, the meeting closed at 8:40am.*