

Minutes



SPECIAL MEETING OF COUNCIL

MINUTES

30 NOVEMBER 2022

UNCONFIRMED

TABLE OF CONTENTS

Item	Subject	Page No.
1.0	Meeting Opened.....	4
1.1	Acknowledgement of Country	4
2.0	Leave of Absence.....	4
3.0	Condolences/Get Well Wishes	4
4.0	Declaration of any Prescribed conflicts of interests/Declarable conflicts of interest by councillors.....	4
4.1	Declaration of Prescribed Conflict of Interest on any Item of Business	4
4.2	Declaration of Declarable Conflict of Interest on any Item of Business	4
5.0	Community and Regional Prosperity Reports.....	5
5.1	Endorsement of Draft Lockyer Valley Planning Scheme for State Interest Review	5
6.0	Meeting Closed.....	10

ATTENDANCE:

Councillors Present

- Cr Tanya Milligan (Mayor) (Chairperson)
- Cr Jason Cook (Deputy Mayor)
- Cr Brett Qualischefski
- Cr Janice Holstein
- Cr Chris Wilson
- Cr Michael Hagan
- Cr Rick Vela

Officers Present

- Ian Church, Chief Executive Officer
- Dan McPherson, Group Manager People, Customer & Corporate Services
- Amanda Pugh, Group Manager Community & Regional Prosperity
- Bella Greinke, Council Business Officer
- Lacey Martell, Media and Communications Officer
- Neil Williamson, Coordinator Engagement and Communications
- Kate Burns, Coordinator Growth and Policy
- Prudence Earle, Senior Strategic Planner
- Helen McCraw, Senior Economic Development Officer
- Tammie Van Bael, Acting Senior Planning Officer
- Annette Doherty, Manager Planning, Policy and Community Wellbeing
- Renee Sternberg, Senior Environmental Planner
- Scott Hambleton, Planning Officer
- Josh Leddy, Coordinator Decelopment Assessment
- Quentin Underwood, Senior Projects Engineer (part of meeting)

1.0 MEETING OPENED

The Mayor, Cr Milligan as Chairperson, opened the meeting at 11:05am and welcomed all present.

1.1 Acknowledgement of Country

The Chairperson acknowledged the traditional owners of the land on which the meeting is being held.

2.0 LEAVE OF ABSENCE

No Leave Of Absence.

3.0 CONDOLENCES/GET WELL WISHES

No Condolences/Get Well Wishes.

4.0 DECLARATION OF ANY PRESCRIBED CONFLICTS OF INTERESTS/DECLARABLE CONFLICTS OF INTEREST BY COUNCILLORS

4.1 Declaration of Prescribed Conflict of Interest on any Item of Business

Pursuant to Chapter 5B, Part 2 of the *Local Government Act 2009*, a councillor who has a prescribed conflict of interest in an issue to be considered at a meeting of a local government, or any of its committees must:

- (a) inform the meeting of the prescribed conflict of interest in the matter, including the following about the interest –
 - i. if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - ii. if it arises because of an application or submission, the subject of the application or submission
 - iii. the name of any entity other than the councillor that has an interest in the matter
 - iv. the nature of the councillor's relationship with the entity that has an interest in a matter
 - v. details of the councillor's and any other entity's 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 unless the subject councillor has written notice from the Minister to participate in the matter.

4.2 Declaration of Declarable Conflict of Interest on any Item of Business

Pursuant to Chapter 5B, Part 3 of the *Local Government Act 2009*, a councillor who has a declarable 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 personal interest in the matter, including the following particulars about the interests:

- (a) the nature of the interests
- (b) if it arises because of the councillor's relationship with a related party:
 - i. the name of the related party to the councillor
 - ii. the nature of the relationship of the related party to the councillor
 - iii. the nature of the related party's interest in the matter
- (c) if it arises because of a gift or loan from another person to the councillor or a related party:
 - i. the name of the other person
 - ii. the nature of the relationship of the other person to the councillor or related party
 - iii. the nature of the other person's interest in the matter

- iv. the value of the gift or loan and the date the gift or loan was made.
- (d) how the councillor intends to handle the matter i.e. leave the meeting or proposes to stay in a meeting.

No declarations of prescribed or declarable conflicts of interest were made at this time.

5.0 COMMUNITY AND REGIONAL PROSPERITY REPORTS

5.1 Endorsement of Draft Lockyer Valley Planning Scheme for State Interest Review

Author: Kate Burns, Acting Coordinator Growth and Policy
Responsible Officer: Amanda Pugh, Group Manager Community & Regional Prosperity

Purpose:

The purpose of this report is to seek Council's endorsement of the Draft Lockyer Valley Planning Scheme ('the Draft Scheme') for submission to the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) for the purpose of State Interest Check and the Chief Executives' notification to commence public notification and public consultation of the Draft Scheme.

Officer's Recommendation:

THAT, in accordance with the *Planning Act 2016*, the Minister's Guidelines and Rules and the notice from the Chief Executive dated 25 January 2018, Council endorse the submission of the Draft Lockyer Valley Planning Scheme to the Department of State Development, Infrastructure, Local Government and Planning for State Interest Review.

RESOLUTION

THAT, in accordance with the *Planning Act 2016*, the Minister's Guidelines and Rules and the notice from the Chief Executive dated 25 January 2018, Council endorse the submission of the Draft Lockyer Valley Planning Scheme to the Department of State Development, Infrastructure, Local Government and Planning for State Interest Review.

Moved By: Cr Vela

Seconded By:

Cr Cook

Resolution Number: 20-24/0691

CARRIED

7/0

Executive Summary

The Draft Lockyer Valley Planning Scheme ('the Draft Scheme') is to be resubmitted to the State government for State Interest Review consistent with Step 3 of the Tailored Process for the Lockyer Valley as approved by the Minister for State Development, Manufacturing, Infrastructure and Planning.

The Draft Scheme will remain a confidential document until public consultation commences.

Proposal

Council endorsed an earlier version of the Scheme at its 27 March 2019 Ordinary Meeting. The endorsed version of the Scheme was submitted to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) for the purpose of State Interest Review on 27 March 2019. During the State Interest Review, the Minister ‘stopped the clock’ on four occasions to request further information on various matters.

Matters of State Interest and Additional Matters

On 13 August 2019, the Chief Executive for DSDMIP responded to Council notifying that the Scheme needed to address eleven mandatory matters of State interest and 130 additional matters. The nature of the mandatory matters to be addressed under the 2019 version of the scheme warranted a fundamental review of the structure and functionality of the Scheme and supporting information.

Redrafting of the Scheme

The Chief Executive’s notification resulted in a significant investment by Council in supporting studies and officer hours to address the State Interests and completely review the document from the opening Strategic Framework through to the Planning Scheme Policies and supporting material.

In the time that has elapsed from receiving the notification, the redrafting of the Scheme has included:

- Structural review of the Draft Scheme from the Strategic Framework through to Use codes;
- Review of the Draft Scheme maps to be consistent with the State’s *Integrating State Interests in Planning Schemes – Guidance for Local government*, and *Delivery of State Interests Through the Planning Regulation 2017 – Guidance for Local Government*;
- Gatton MEIA Study;
- Plainland Structure Plan;
- Flood Hazard Risk Assessment;
- Bushfire Hazard Risk Assessment; and
- Steep land basic risk review.

Council engagement

The Growth and Policy Team has facilitated workshops with Councillors and provided electronic updates of the Draft Scheme material, where the content of the Draft Scheme was reviewed and feedback obtained to guide revisions. The matters that were addressed in these workshops are provided below.

Date	Content	
15 December 2020	Planning Scheme update.	Workshop
10 August 2021	Strategic Framework, Zones, Tables of Assessment, Community Engagement.	Workshop
21 September 2021	Renewable Energy Facility Code	Email update
26 October 2021	Transport Depot Code	Email update
9 November 2021	Flood Risk Assessment and Biodiversity and Habitat Overlay	Workshop
19 April 2022 28 April 2022 23 June 2022	Flood Hazard Risk Assessment workshop(s)	Workshop

The notice from the Chief Executive dated 13 August 2019, specifically recommended that Council provide a more detailed Communications Strategy which included information about how Aboriginal and Torres Strait Islander people will be engaged during consultation. To meet this requirement a revised Communication Strategy has been developed that makes specific reference to engagement with First Nations people. Council's Engagement and Communication Team has participated in the development of the revised Communications Strategy.

Submission for State Interest Review and Public Consultation

In accordance with the Chief Executive's noticed dated 25 January 2018, Council has prepared the submission of the Draft Scheme and supporting material as follows:

Requirement	Comments
1. An electronic copy of the draft planning scheme in the format identified by the department	The Draft Scheme is provided. The full set of maps for the proposed Scheme is provided.
2. A written statement addressing the state interests in the relevant regional plan and State Planning Policy (SPP) which includes: (a) how the state interests are integrated in the planning scheme; (b) reasons why any state interests have not been integrated in the planning scheme; and (c) any state interests that are not relevant.	The written statement addressing the state interests in the relevant regional plan and SPP is provided.
3. A written statement about how the key elements of a planning scheme mentioned in 16(1) of the Planning Act have been addressed and if the planning scheme is consistent with the regulated requirements.	The written statement about how the key elements of a planning scheme mentioned in 16(1) of the Planning Act have been addressed is provided.
4. A detailed communications strategy.	The Communications Strategy, including consultation with Aboriginal and Torres Strait Islander people, is provided.
5. Any background studies or reports that have informed the preparation of the planning scheme, including any study or report, or review required under section 25(1) of the Planning Act.	A list of all background studies or reports that have informed the preparation of the Scheme is provided.
6. Any natural hazards, risk and resilience evaluation report prepared having regard to the SPP.	Natural Hazard Risk Assessments for Flood and Bushfire have been undertaken by Meridian Urban on behalf of Council and provided.
7. Any draft feasible alternatives report prepared for a planning change made to reduce the risk of natural hazards, including details of the potentially affected premises and any relevant supporting information.	The Feasible Alternatives Assessment Report is provided.
8. Shapefiles of any mapping.	Shapefiles of all mapping for the Draft Scheme have been prepared and will be forwarded to the Chief Executive.

Requirement	Comments
9. A summary of consultation with state agencies and the outcome of the consultation.	A summary of consultation with State agencies and the outcome of the consultation are provided.
10. Any other information considered relevant by the local government.	A copy of minutes of this Council meeting where the Draft Scheme is endorsed for State Interest Review will be provided.

State Interest Review Process

The tailored process allows 60 business days (non-statutory) for the State Government to complete its review of the Draft Scheme. As a result of the review, conditions may be imposed by the Chief Executive or the Minister that must be addressed by Council before proceeding to public consultation of the Draft Scheme.

Council officers have agreed to have an online meeting with officers from the State Government who will be responsible for the State Interest Review. The meeting will allow Council officers to provide an overview of the changes to the Draft Scheme and seek feedback. During the State Interest Review, Council officers will work to resolve any issues that may be raised by the DSDILGP or other State agencies.

Public Consultation

Once the Chief Executive advises that Council may proceed to public consultation, Council is required to:

- Publish at least one public notice about the proposal to make the Scheme in a newspaper circulating in the local government area;
- Keep the Draft Scheme available for inspection and purchase for a consultation period of at least 40 business days after the day the public notice is published;
- Ensure that the notice states that any person may make a submission about the Draft Scheme during the consultation period;
- Consider all properly made submissions about the Draft Scheme;
- Notify submitters about how Council has dealt with the submissions; and
- Give the Minister a notice containing a summary of the matters raised in the properly made submissions and stating how Council dealt with the matters.

Options

1. Council resolves to endorse the Draft Planning Scheme for submission to the State for State Interest Review.
2. Council resolves to require change to the Draft Planning Scheme prior to submission to the State for State Interest Review.

Previous Council Resolutions

- 16 November 2017 – Resolution to make a planning scheme in accordance with section 18 of the *Planning Act 2016*
- 27 March 2019 – Endorsed the draft Lockyer Valley Planning Scheme 2019 for State Interest Review

Critical Dates

The indicative timeframe for the finalisation of the Planning Scheme is provided below. Note that the timeline indicated is the minimum that could be expected to be achieved and is dependent on matters which impact its achievement such as:

- the State government meeting its performance timeframes for State Interest Reviews;
- no issues arising during State Interest Review that require further work to be undertaken;
- the number of submissions received and the matters raised; and
- the ability to avoid any need to rectify the Draft Scheme (such as the extent of changes made in response to matters raised in submissions).

Action	Indicative Timeframe
Submit the Draft Scheme for State Interest Review	December 2022
State Interest Review – 60 business days - State finalises comments including any changes to the Draft Scheme or Communications Strategy - Council makes any required changes	End of March 2023
Chief Executive notifies Council to proceed to public consultation	April 2023
Preparation for public consultation - Printing of materials - Uploading of documents and maps to IsoVist	April 2023 – June 2023
Public consultation – 40 business days	July 2023 – October 2023
Consideration of submissions - Make changes in response to submissions - Prepare consultation report - Advise submitters	October 2023 – November 2023
Council resolves to progress and request the Ministers endorsement of the Draft Scheme	November 2023
Minister provides approval to adopt the Draft Scheme	January 2024
Council resolves to adopt the Planning Scheme	February 2024
Commencement	February 2024

Strategic Implications

Corporate Plan

4. Lockyer Planned – Finalise and adopt the Lockyer Valley Planning Scheme

Finance and Resource

Budget implications will continue to be addressed through existing allocations

Legislation and Policy

When adopted by Council, the Planning Scheme will be a statutory instrument regulating future land use and development in the Lockyer Valley Region.

Once the Draft Scheme is publicly notified, the Coty Principle will apply, meaning the policy intent for the Draft Scheme can be given weight in the determination of development applications.

Risk Management

Environment and Community (EC1) Environment and the community, including sustainable development, social and community wellbeing, community relationships, public health, recreation, regional profile and identity

Consultation

Portfolio Councillor Consultation

The Portfolio Councillor, Councillor Vela, has been consulted in relation to the preparation of the Draft Scheme at regular Councillor catchup sessions.

Internal Consultation

26 June 2021 Planning Scheme Communications Strategy – *Coordinator Engagement and Communications*

24 November 2021 Planning Scheme Communications Strategy – Mayor, Coordinator Engagement and Communications, Group Manager Community and Regional Prosperity, Manager Planning, Policy and Community Wellbeing

External Consultation

Council has undertaken significant external consultation with State agencies and stakeholders. As a result of this consultation, Council is aware of additional studies that will be required following the State Interest Review and for future amendments of the Lockyer Valley Planning Scheme including:

- Region-wide Cultural Heritage Study;
- Landscape-wide Biodiversity Strategy;
- Region-wide Tourism Planning Study;
- Local Growth Management Plan; and
- Local Government Infrastructure Plan Review.

Community Engagement

On endorsement of the Draft Scheme for submission for State Interest Review, and approval by the Minister to commence public consultation, a public notice will be issued by Council on its website and through local media channels.

Attachments

There are no attachments for this report.

6.0 MEETING CLOSED

There being no further business, the meeting closed at 11:29am.