



SPECIAL ORDINARY MEETING
FINAL MINUTES

28 June 2017

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44312	28.06.2017	Special Ordinary Meeting Minutes

Declaration of Potential Conflict of Interest

Nil.

SPECIAL ORDINARY MEETING **MINUTES**

1. ATTENDANCE:

His Worship the Mayor, Cr G R Williamson (Chairperson), Crs A J Camm, M J Bella, L G Bonaventura, K J Casey, J F Englert, R C Gee, F A Mann, K L May, A R Paton and R D Walker (part attendance) were in attendance at the commencement of the meeting. Also present was Mr C Doyle (Chief Executive Officer) and Mrs M Iliffe (Minute Secretary).

The meeting commenced at 1.11 pm.

2. ABSENT ON COUNCIL BUSINESS:

Nil

3. APOLOGIES:

Nil

4. CONFLICT OF INTEREST:

Nil

5. CORRESPONDENCE AND OFFICERS' REPORTS:

The Mayor advised that the Item 5.1 - *Proposed Mackay Region Planning Scheme - Considering Whether Adopt the Proposed Planning Scheme* was listed as confidential on the agenda due to planning scheme matters under the *Local Government Act* having the ability to be considered confidentially. In the adoption of Item 5.1 he does not feel there is any need for the item to be confidential and nor does he think there is any need to have any discussions around this report in a confidential matter.

The Mayor proposed, and the Councillors concurred, the confidentiality of Item 5.1 be dispensed with so that discussion can take place in open Council.

The Mayor noted former Councillor David Perkins who was also the former Portfolio Councillor for Planning was in the Public Gallery and acknowledged his work in the initial phases of development of the planning scheme under previous Councils.

As the final step in a very long process, the Mayor offered to the Director of Development Services, Manager Strategic Planning and the planning team his sincere congratulations for the professionalism in the way in which the deliberations were delivered on the Mackay Region Planning Scheme over the past 12 months in particular and for the work involved in reaching this point

1.14 pm - Cr Walker attended the Meeting Chamber.

5.1 **PROPOSED MACKAY REGION PLANNING SCHEME -
CONSIDERING WHETHER ADOPT THE PROPOSED PLANNING
SCHEME**

Author **Manager Strategic Planning**

Purpose

The purpose of this report is to:

- Consider whether to adopt the proposed Mackay Region Planning Scheme in accordance with Step 9.1 and 9A.2 of Statutory Guideline 01/16: Making and amending local planning instruments (Statutory Guideline 01/16).

Operational Plan Linkage

Corporate Plan 2015-20: Planning for Growth - Adopt a long term approach to the planning and delivery of public infrastructure and services to match the needs of our changing population in consultation with the community; and

Operational Plan 2016-2017: Action 6.8.1 - Prepare Planning Scheme.

Background/Discussion

At Council's Special Ordinary Meeting of 8 March 2017, Council resolved as follows:

Item 5.1

THAT in accordance with Step 7.5(b) of *Statutory Guideline 01/16: Making and amending local planning instruments*, Council:

- (a) decides to proceed with the proposed Mackay Region Planning Scheme with changes, a copy of which is attached as "Attachment 3" to this report; and

- (b) reasonably believes that any changes made to the planning scheme do not result in the proposed planning scheme being significantly different to the version released for public consultation.

AND THAT in accordance with Step 7.6 of *Statutory Guideline 01/16: Making and amending local planning instruments*, Council write to the Minister seeking approval to adopt the proposed planning scheme and proceed to Step 9.

In accordance with Step 7.6 of Statutory Guideline 01/16, Council wrote to the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning on 9 March 2017 to seek approval to adopt the proposed planning scheme and proceed to Step 9.

On the 5 June 2017, the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (the Minister) issued written notice to Council, in accordance with Step 8.2 of Statutory Guideline 01/16, advising that:

“in accordance with *Statutory guideline 01/16 Making and amending local planning instruments*, I am satisfied the relevant state interests have been appropriately integrated and coordinated. As such, the council may now adopt the version of the proposed planning scheme received by the Department of Infrastructure, Local Government and Planning (the department) on 14 March 2017”.

The Minister did not impose any conditions to be complied with. The advice from the Minister included confirmation that the State Planning Policy was considered to be integrated in the proposed planning scheme and that the planning scheme appropriately advances the Mackay Isaac Whitsunday Regional Plan 2012 and appropriately reflects the Queensland Planning Provisions. A copy of the letter is shown as Attachment 1.

Step 9 of Statutory Guideline 01/16

Having received the advice from the Minister that it may adopt the proposed planning scheme, Council must now decide under Stage 4 (Adoption), Step 9.1 of Statutory Guideline 01/16 whether to:

- (a) *adopt the proposed planning scheme, or*
- (b) *not proceed with the proposed planning scheme.*

If Council decides to adopt the proposed planning scheme, it must under Step 9A.2 of *Statutory Guideline 01/16*:

- (a) *comply with any conditions imposed by the Minister which must be undertaken prior to adoption* (as no conditions were imposed this action is not relevant),
- (b) *note in the planning scheme any relevant regional plan or SPP which are appropriately integrated in the proposed planning scheme* (as advised in the ‘Attachment 1’ letter from the Minister), *and*

- (c) *place a notice published in the gazette, a newspaper generally circulating in the local government area and on the local government's website (stating various information as prescribed by Step 9A.2(c) (i) – (v); and*

In addition, in accordance with Step 9.3 of *Statutory guideline 01/16*, Council must give the chief executive (of the Department Local Government and Planning) as soon as possible:

(a) *after adopting:*

- (i) *a copy of the notice under Step 9A.2(c), and*
(ii) *one electronic copy of the planning scheme, including associated maps, or*

(b) *after deciding not to proceed, a copy of the notice under step 9B.2.*

A copy of the following documents is attached to this Report:

1. Notice received from the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning dated 5 June 2017 ("Attachment 1")
2. The proposed Mackay Region Planning Scheme Version 1.0 showing as tracked changes the changes made since the proposed planning scheme was forwarded to the Minister on 9 March 2017 ("Attachment 2");
3. A clear copy of the proposed Mackay Region Planning Scheme Version 1.0 including changes made since the proposed planning scheme was forwarded to the Minister on 9 March 2017 ("Attachment 3"); and
4. A copy of the notice to be published in the gazette and local newspaper as required under Step 9A.2(c) ("Attachment 4").

The changes shown in Attachment 2 includes changes to reflect the advice from the Minister as required in terms of Step 9A.2(b) of *Statutory Guideline 01/16* and changes to the document and maps to identify it as the Mackay Region Planning Scheme 2017 Version 1.0.

Commencement date

Should Council decide to adopt the planning scheme, a date that the planning scheme commences (i.e. takes effect) must be nominated. The commencement date does not have to be the same day as adoption or gazettal.

The recommended commencement date for the new planning scheme is 24 July 2017. This means the period of time between adoption and commencement will be approximately 4 weeks.

Consultation and Communication

The proposed planning scheme has been subject to extensive consultation with both internal and external stakeholders at various stages of the preparation process. Consultation undertaken has exceeded the minimum requirements set by *Statutory Guideline 01/16* and previous versions of the Statutory Guideline which applied over the course of the planning scheme preparation process.

Further communication will be undertaken following this report to finalise the plan making process.

Resource Implications

Significant resources have been invested to prepare the proposed planning scheme.

Any further resources required for the adoption of the planning scheme will be funded from the current operational budget.

Risk Management Implications

Risk management implications related to completion of the proposed planning scheme, the timing of the Planning Act 2016, the Local Government Infrastructure Plan requirements, and economic drivers to implement the planning scheme is detailed in the previous Council reports.

Conclusion

On 5 June 2017 the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning wrote to Council advising that it may adopt the proposed Mackay Region Planning Scheme. No conditions were imposed.

Council has complied with all relevant steps of *Statutory Guideline 01/16*, where relevant in progressing the proposed planning scheme to this point.

Council must now decide under Step 9.1 of *Statutory Guideline 01/16* whether to adopt proposed planning scheme.

Should Council decide to proceed with the planning scheme in accordance with Step 9.1, it must undertake the actions in Step 9.A.2, where relevant associated with the adoption, and undertake Step 9.3.

It is recommended that the new planning scheme commences on the 24 July 2017.

Officer's Recommendation

THAT in accordance with Step 9.1 and Step 9A.2 of *Statutory Guideline 01/16: Making and amending local planning instruments*, Council decides:

- (a) to adopt the Mackay Region Planning Scheme 2017, a copy of which is attached as "Attachment 3" to this report; and
- (b) to undertake the relevant tasks prescribed in Step 9A.2 and Step 9.3 of *Statutory Guideline 01/16: Making and amending local planning instruments*.

AND THAT Council decides that the commencement date of the Mackay Region Planning Scheme 2017 is 24 July 2017.

Council Resolution

THAT the Officer's Recommendation be adopted.

Moved Cr Camm

Seconded Cr May

Cr Camm advised it is a rare moment in a Councillors time with local government to be able to adopt a planning scheme and it is quite a momentous occasion and the Councillors are very privileged to be part of it, also noting that many of her fellow Councillors have worked in prior terms of Council and progressed the vision which was one planning scheme post amalgamation. The constant since amalgamation has been the Council officers in relation to the scheme and they should be acknowledged for their efforts. Council considered from 2013/2014 and 2016 over 750 submissions to the planning scheme that aims to act as the single planning framework for the region with clear provisions and replaces the complexities across the previous three planning schemes.

Cr May endorsed Cr Camm's sentiment, furthering that from her prospective it is not very often you get to approve one planning scheme in your Council service but to actually approve two is a real honour and a privilege. In 2005 Sarina Shire Council endorsed their planning scheme of which she was part at that time, and between 2008 and 2012 being the first term of the amalgamated Councils there was a lot of work undertaken for this planning scheme and it is a great privilege to be part of a Council that endorses the Mackay Region Planning Scheme. It opens up investment in our region and addresses a whole range of opportunities that now work under one single planning scheme.

Cr Casey endorsed the Mayors congratulation to the Council Officers and the amount of work undertaken. He noted that in 2004 he was part of the then Mackay City Council that endorsed that Council's planning scheme, and then following amalgamation he was Chair of the Planning Committee with one of the topics discussed the aim of having one planning scheme to cover the whole region. He congratulated all of the Council officers for the great work undertaken from the concept to now.

Cr Mann (nee Fordham) congratulated the Council officers on how well they briefed the Councillors on the submissions received and provision of information to assist the Councillors in making the necessary decisions on the planning scheme, and that she is happy to be part of the Council who are endorsing the Mackay Region Planning Scheme.

Cr Bonaventura also recognised David Perkins, who was in the public gallery, for his contribution to the planning scheme as the former Portfolio Councillor for Planning.

The Mayor advised it was important to note that it is a rare occurrence for a planning scheme submitted to the State Government to be approved without any notations and the Mackay Region Planning Scheme was approved without any notations. He believes this is also reason for Council to congratulate the staff as it shows the professionalism with which the process was undertaken.

CARRIED

6. MEETING CLOSURE:

The meeting closed at 1.21 pm.

Confirmed on Wednesday 26 July 2017

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MAYOR

APPENDIX / ATTACHMENTS

- Due to the size of the attachments they will be saved and forwarded separately