



Toowoomba Regional Council

Minutes of the Special Meeting of Council

held on

14 June 2011

<p style="text-align: center;">MINUTES OF THE SPECIAL MEETING OF TOOWOOMBA REGIONAL COUNCIL</p>
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TUESDAY, 14 JUNE 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, 14 JUNE 2011 AT 9.03 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 R.S. Scotney
Councillor N.L. Strohfeld
Councillor C.E. Taylor
Councillor M.A. Williams

IN ATTENDANCE: Chief Executive Officer Ken Gouldthorp
General Manager, Environment and Community Services Brian Pidgeon
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 9.03 a.m.

2.0 ATTENDANCE INCLUDING APOLOGIES AND LEAVE OF ABSENCE

2.1 All Councillors were present.

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

Principal Planner Land Use and Community (Heath Martin) and Principal
Planner Infrastructure Planning (Chean-Piau Lau) - 8 June 2011

PURPOSE OF REPORT

This report considers comments made by State agencies through the first 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 8 March 2011, Council endorsed the draft *Toowoomba Regional Planning Scheme* and resolved to write to the Minister for Infrastructure and Planning requesting a first State Interest Review of the planning scheme be undertaken. This is a statutory requirement of the *Sustainable Planning Act 2009* and must be undertaken before the planning scheme can be publicly exhibited. The purpose of the review is to ensure that the planning scheme is consistent with State policy.

The request was made to the Minister on 14 March 2011 and the review was undertaken through the co-ordination of the Department of Local Government and Planning. The State's comments on the planning scheme (excluding the Priority Infrastructure Plan) were received by Council on 20 May 2011. Comments on the PIP were received on 3 June 2011.

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.

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

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addressed, he will provide approval to proceed to the public notification of the planning scheme.

The advice received from the Department of Local Government and Planning includes the following:

1. State Interest Issues **70** (note that seven issues raised by DTRM were originally classified as 'advice' but later elevated to State interest issues).
2. Advice **222**

These comments have been reviewed by Council officers. The attached document (*New SPA/QPP planning scheme for Toowoomba Regional Council (TRC) First State interest review - comments to Local Government*) contains the comments made by the State and recommended responses from Council in relation to those comments. This is the document that will be forwarded to the State Government. Council's responses have therefore been drafted as though they have been adopted by Council to enable it to be forwarded without having to reword the text.

CONSULTATION UNDERTAKEN

Council officers have held discussions with various State agencies in the preparation of the 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.

Council is planning to commence public notification of the planning scheme from 25 July. Any delay in the resolution of State interest issues could delay the commencement of this public notification. Council officers have therefore met with representatives of the Department of Local Government and Planning to discuss those issues where Council may not adopt the State agency suggested change, in order to gauge whether such a position is likely to delay approval to publicly notify. No issues of significant concern arose from that discussion.

ISSUES AND RESPONSES

The attachment to this report documents the issues and recommended responses to the comments made by State agencies. It is recommended that a significant proportion of the changes suggested by the State be adopted, either as suggested or in a modified form.

RESOURCE 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

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number of issues that need to be resolved. Officers have considered each of the issues that have been raised and recommendations on how each should be addressed are included in the attached document.

RECOMMENDATION

That Council:

1. adopt the position identified in the 'Council response' column of the attached document *New SPA/QPP planning scheme for Toowoomba Regional Council (TRC) First State interest review - comments to Local Government.*
2. advise the Minister for Local Government of its position and request approval for the public notification of the *Toowoomba Regional Planning Scheme.*

REASONS FOR RECOMMENDATION

The recommendation is consistent with Council's legislative obligations for the preparation of the *Toowoomba Regional Planning Scheme* and enables the project to proceed.

MOTION:

Moved by Cr. Marks, seconded by Cr. Glasheen

That Council:

1. adopt the position identified in the 'Council response' column of the attached document *New SPA/QPP planning scheme for Toowoomba Regional Council (TRC) First State interest review - comments to Local Government.*
2. advise the Minister for Local Government of its position and request approval for the public notification of the *Toowoomba Regional Planning Scheme.*

Carried

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4.0 CLOSURE OF MEETING TO THE PUBLIC

MOTION:

Moved by Cr. McVeigh, seconded by Cr. Strohlfled

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 - Acquisition of Library and Car Park Reserve - Victoria Street, Toowoomba

Reason for Closed Meeting

To discuss a matter 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) (h) of the Local Government (Operations) Regulation 2010).

- (b) **Item 6.0**
CONFIDENTIAL - City Centre Master Plan - Council Land

Reason for Closed Meeting

To discuss a matter 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) (h) of the Local Government (Operations) Regulation 2010).

Carried

The meeting was closed to the public at 9.13 a.m.

Two confidential reports from the Strategic Property Officer (Chris Theodosis) dated 8 June 2011 were discussed.

OPENING OF MEETING TO THE PUBLIC

MOTION:

Moved by Cr. Scotney, seconded by Cr. McVeigh

That the meeting be opened to the public.

Carried

The Meeting was opened to the public at 10.22 a.m.

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**5.0 CONFIDENTIAL - ACQUISITION OF LIBRARY AND CAR PARK
RESERVE - VICTORIA STREET, TOOWOOMBA**

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

MOTION:

Moved by Cr. Glasheen, seconded by Cr. Strohfeld

1. That Council agree to the offer from the Department of Environment and Resource Management in its letter of 2 June 2011 for the acquisition of the reserve for library and car park described as part of Lot 1186 on AG4210.
2. That the Chief Executive Officer (or his delegate) be authorised to take all action necessary to finalise the transaction and maximise the land's potential.
3. That the acquisition of the reserve for library and car park be funded from the Development Reserve or other appropriate funding source with any future refund and/or sale proceeds to be reimbursed to that fund.

Carried

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6.0 CONFIDENTIAL - CITY CENTRE MASTER PLAN - COUNCIL LAND

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. Williams

1. That, as the owner/controller of the land, Council authorises Queensland Investment Corporation Limited to submit a development application on land described as:
 - 21-29 Duggan Street (Lot 6 and 7 on RP 82044)
 - 38 Victoria Street (Lot 1 on RP 850888)
 - 16 Lamb Street (Lot 5 on RP 82043)
 - 27 Victoria Street (Lot 1186 on AG 4210).

2. That Queensland Investment Corporation Limited be informed that Council's consent (as land owner) to the lodgment of a development application does not imply approval of the development application. It will be assessed on its merits and having regarded all information made available to Council.

Carried

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Meeting concluded: 10. 24 a.m.

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CHAIRPERSON