



Toowoomba Regional Council

Minutes of the Special Meeting of Council

held on

25 October 2011

**MINUTES OF THE SPECIAL MEETING OF
TOOWOOMBA REGIONAL COUNCIL**

TUESDAY, 25 OCTOBER 2011

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TOOWOOMBA REGIONAL COUNCIL
HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CITY HALL,
541 RUTHVEN STREET, TOOWOOMBA
ON TUESDAY, 25 OCTOBER 2011 AT 11.30 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: Acting Chief Executive Officer Kevin Flanagan
General Manager, Infrastructure Services Mike Brady
General Manager, Planning and Development Stewart Somers
Principal Planner - Land Use & Community Heath Martin

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 11.30 a.m.

2.0 ATTENDANCE INCLUDING APOLOGIES AND LEAVE OF ABSENCE

2.1 All Councillors were present.

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3.0 **DRAFT TOOWOOMBA REGIONAL PLANNING SCHEME - CONSIDERATION OF SUBMISSIONS**

Principal Planner - Land Use and Community (Heath Martin) - 19 October 2011

PURPOSE OF REPORT

This report considers submissions received in relation to the draft Toowoomba Regional Planning Scheme during the public exhibition period and makes recommendations on how Council should respond to issues raised in those submissions, including proposed changes to the draft planning scheme.

CORPORATE PLAN REFERENCE

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

BACKGROUND

The draft *Toowoomba Regional Planning Scheme* was placed on public exhibition between Monday, 25 July and Friday, 2 September 2011, a period of 30 business days. During that period, 713 properly made submissions were received.

Statutory Guideline 02/09 - Making and amending local planning instruments sets down the process that must be following in the preparation of a planning scheme. The guideline requires that Council:

- (a) Consider all properly made submissions;
- (b) Decide whether the planning scheme should be modified in response to issues raised in submissions;
- (c) Decide whether any proposed change to the planning scheme would make it significantly different to the version that was released for public comment;
- (d) Repeat public exhibition of any part of the scheme that has been changed in a manner that is significantly different;
- (e) Advise submitters and the Minister for Local Government and Planning of how matters raised in submissions have been dealt with; and
- (f) Write to the Minister for Local Government and Planning seeking approval to adopt the planning scheme.

CONSULTATION UNDERTAKEN

The draft planning scheme was made available for public comment for 30 business days. During that period, the draft planning scheme was available for viewing on

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Council's website. Copies of the draft planning scheme were also made available for purchase on CD.

A letter was sent to all ratepayers advising them that the planning scheme was available for viewing and how they can make comment.

A number of public events were held during the exhibition period. These included:

- (a) Information meetings - a formal presentation on what a planning scheme is, how it has been developed and how it will direct development in the region. These were held in Toowoomba (3), Highfields, Oakey and Pittsworth.
- (b) Open houses - Council offices visited a number of locations throughout the Council area and were available between 3.00 p.m. and 7.00 p.m. to meet with residents to answer their questions. Open houses were held in Cambooya, Clifton, Pittsworth, Millmerran, Cecil Plains, Oakey, Kingsthorpe, Goombungee, Highfields, Crows Nest and Yarraman.
- (c) Development Industry Workshops - three workshops were held with the development industry to provide industry representatives information and an opportunity for them to ask questions.

ISSUES AND RESPONSES

Issues raised in submissions

The attachment *Draft Toowoomba Regional Planning Scheme – Consideration of Submissions, October 2011* identifies the issues raised in submissions and a recommendation on how Council should respond to each issue.

Changes that would make the draft planning scheme significantly different

As noted earlier, any change that Council makes to the draft planning scheme that would make it significantly different to the version released for public comment needs to be re-exhibited so that anyone affected has the opportunity to make a submission on the proposed change.

Statutory Guideline 02/09 – Making and amending local planning instruments states that Council must satisfy itself whether a proposed change is 'significant' and provides the following guidance:

"In determining whether the proposed planning scheme is significantly different to the version which was released for public consultation, the local government should consider the change in terms of its intent, extent and affect on both the land use outcomes as well as assessment requirements on individuals. In making the determination, the local government should consider the following:

- has the change affected a material planning issue, such as a policy position?

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- has the change affected a significant proportion of the area covered by the proposed planning scheme?
- has the change affected a significant proportion of land owners in the area covered by the proposed planning scheme?
- has the change affected a matter which is of widespread public interest throughout the local government area?
- has the change altered the level of assessment from that released for public consultation?
- could it be said that the proposed planning scheme is quite a different plan to that which was released for public consultation?

A change which affects any one person or a group of individuals' rights over land does not necessarily mean that the change is significant.”

All of the changes being recommended in the attached document are being reviewed to determine whether they would make the draft planning scheme significantly different. At the time of writing this report that review had not been completed. The results of the review will therefore be discussed at the Special Meeting of Council.

RESOURCE IMPLICATIONS

Decisions made in relation to issues raised in submissions will not have resource implications.

CONCLUSION

The draft *Toowoomba Regional Planning Scheme* has undergone a public exhibition period in accordance with the requirements of *Statutory Guideline 02/09 – Making and amending local planning instruments*. During the exhibition period, 713 properly made submissions were received and it is recommended that a number of changes be made to the draft planning scheme in response to those submissions.

All submitters will be advised of Council's decision in writing.

Consideration is being given to whether any of the proposed changes would make the planning scheme significantly different to the version that was exhibited. Further details of that review will be discussed at the Special Meeting of Council.

RECOMMENDATION

1. That the recommendations provided in the attachment *Draft Toowoomba Regional Planning Scheme – Consideration of Submissions, October 2011* be adopted as Council's responses to the issues raised in properly made submissions.

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2. That the draft *Toowoomba Regional Planning Scheme*, incorporating the modifications adopted under recommendation 1, be endorsed and referred to the Minister for Local Government and Planning seeking approval for Council to adopt the planning scheme.

REASONS FOR RECOMMENDATION

The recommendation is in line with the requirements of *Statutory Guideline 02/09 – Making and amending local planning instruments* and enables the development of the planning scheme to proceed to the next stage of the process in line with statutory requirements.

MOTION:

Moved by Cr. Marks, seconded by Cr. Glasheen

1. That, having reviewed the proposed changes to the exhibited planning scheme in accordance with *Statutory Guideline 02/09 Making and amending local planning instruments*, Part 1 Section 7.5, Council is satisfied that the changes would not result in the proposed planning scheme being significantly different to the version released for public consultation.
2. That Council adopt the recommendations provided in the attachment *Draft Toowoomba Regional Planning Scheme - Consideration of Submissions, October 2011* as its response to the issues raised in properly made submissions, except for those in relation to items 283 and 290.
3. That, in relation to items 283 and 290 in the attachment *Draft Toowoomba Regional Planning Scheme - Consideration of Submissions, October 2011*, the draft planning scheme be amended to include all land abutting Lorna Court, Toowoomba within the Residential Living Zone.
4. That the draft *Toowoomba Regional Planning Scheme*, incorporating the modifications adopted under recommendations 2 and 3, be endorsed and referred to the Minister for Local Government and Planning seeking approval for Council to adopt the planning scheme.

Carried

MOTION:

Moved by Cr. Ramia, seconded by Cr. Antonio

That, in respect to Item 320 in the attachment *Draft Toowoomba Regional Planning Scheme - Consideration of Submissions, October 2011*, Council review the zoning of the subject land with a view to protecting the current use right as part of the first amendment to the new planning scheme.

Carried

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Meeting concluded: 11.54 a.m.

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CHAIRPERSON