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Confirmed Minutes
Burke Shire Council Special Meeting
Thursday 4th August 2016
1.00pm Council Chambers

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01. Opening of Meeting

The Chair declared the meeting open at 1.09pm.

02. Record of Attendance

Cr Ernie Camp, Mayor - Chair
Cr Paul Poole, Deputy Mayor
Cr Tonya Murray – as indicated
Cr John Clarke
Cr John Yanner

Sharon Daishe, Chief Executive Officer – as indicated
Nils Hay, Deputy CEO
Madison Marshall, Executive Assistant (Minutes) – as indicated

Javier Samanes, Department of Infrastructure, Local Government and Planning (DILGP)
Graeme Kenna, Department of Infrastructure, Local Government and Planning (DILGP)

Absent

Chris Rohan, Works Manager
Brett Harris, Workshop Fleet Manager
Simbarashe Chimpaka, Finance Manager
Martin Powley, Executive Officer

Attendance

Madison Marshall entered the meeting at 1.11pm.

Sharon Daishe entered the meeting at 1.19pm.

Cr Murray entered the meeting from 1.27pm to 2.21pm.

Javier Samanes and Graeme Kenna (DILGP Representatives) left the meeting at 2.40pm.

03. Chief Executive Officer Reports

03.01 Burke Shire Council Draft Town Planning Scheme

DEPARTMENT:	Town Planning and Development
RESPONSIBLE OFFICER:	Nils Hay; Deputy Chief Executive Officer
FILE REF:	Special Meeting – Thursday 4 August 2016
DATE:	25 July 2016
LINK TO COUNCIL PLAN/S:	Corporate Plan 2014-2019 Section 5 Operational Plan 2016-2017 Section 5.2.2

1. PURPOSE (Executive Summary)

To endorse the draft Burke Shire Council Planning Scheme and undertake the formal statutory notification process (public consultation).

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

At the August 2014 Ordinary Council Meeting, Council made the following resolution:

09.01.05 New Burke Shire Council Town Planning Scheme

That Council resolves to prepare a new town planning scheme and notifies the Minister, in writing, of this resolution.

**Moved: Cr Camp
Seconded: Cr Poole**

Carried 14.140821 5/0

Council has been subsequently working with the Department of Local Government, Infrastructure and Planning (DILGP) who have been developing the new Burke Shire Planning Scheme as part of a so-called 'MALPI-lite' pilot project for small, remote Shires.

(MALPI refers to Statutory Guideline 04/14 Making and Amendment Local Planning Instruments.)

Councillors and Council staff have met several times with DILGP representatives in the past 18 months to further develop the scheme and adapt the MALPI-lite template to suit Burke Shire Council's unique requirements.

The Burke Shire Planning Scheme has now reached the Draft stage.

3. PROPOSAL

The draft Planning Scheme is attached. It is proposed that Council endorse this Draft Scheme and move to commence public consultation of this document.

This consultation can involve a range of elements, including:

- Public meetings to discuss the Draft Scheme
- Meetings with key local stakeholders/stakeholder groups to discuss the Draft Scheme
- Publication of the Draft Scheme on the Burke Shire Council website
- Making the Draft Scheme available for review at the Burke Shire Council Library and other locations
- Distributing electronic or hard copy submission request forms relating to the Draft Scheme
- Distributing FAQs/fact sheets about the MALPI process and planning schemes more generally
- Advertisement of all of the above via Council's public notice system, website and social media

- Publication of Council's proposal in a local newspaper (statutory requirement)

DILGP have indicated their willingness to assist Council with the consultation process with the provision of template submission forms, FAQs/fact sheets and – potentially – on-the-ground personnel.

4. FINANCIAL & RESOURCE IMPLICATIONS

Council has made a budget provision for the development of the new Planning Scheme through its Town Planning and Development budget.

In being part of the MALPI-lite pilot project, Council's scheme is being developed by the State Government and therefore avoiding the potentially significant costs (\$150,000 or more) of engaging a private firm to develop the Planning Scheme.

The costs associated with the consultation phase are expected to be small; generally relating to items like printing, catering and travel for community consultation sessions and wage costs for Council staff.

5. POLICY & LEGAL IMPLICATIONS

Section 117 of the Sustainable Planning Act 2009 states:

1. *For making or amending a planning scheme or planning scheme policy, a local government must follow the process stated in a guideline—*
 - (a) *made by the Minister; and*
 - (b) *prescribed under a regulation.*

Section 118 of the Sustainable Planning Act 2009 states:

1. *The guideline mentioned in section 117(1) must make provision for—*
 - a. *the local government to publish at least once in a newspaper circulating in the local government's area, notice about a proposal to make—*
 - i. *a planning scheme; or*
 - ii. *a planning scheme policy; and*
 - b. *the local government to carry out public consultation about a proposal mentioned in paragraph (a) for a period (the consultation period) of at least—*
 - i. *for a proposed planning scheme—30 business days; and*
 - ii. *for a proposed planning scheme policy—20 business days; and*
 - c. *if public consultation about a proposal mentioned in paragraph (a) must be carried out—*
 - i. *the local government to have available for inspection and purchase during all of the consultation period a copy of the proposed planning scheme or planning scheme policy; and*
 - ii. *members of the public to make submissions to the local government about the proposed planning scheme or planning scheme policy; and*
 - iii. *the local government to consider all properly made submissions about the proposed planning scheme or planning scheme policy; and*
 - iv. *the local government to advise persons who make a properly made submission about how the local government has dealt with the submission; and*
 - v. *the local government to give the Minister a notice containing a summary of matters raised in the properly made submissions and stating how the local government dealt with the matters; and*
 - d. *any proposed planning scheme to be approved by the Minister; and*
 - e. *the making of a proposed planning scheme, or amendment of a planning scheme, to be notified in the gazette; and*
 - f. *the making of a proposed planning scheme policy, or amendment of a planning scheme policy, to be notified in a newspaper circulating generally in the local government's area.*

Section 5 of the Sustainable Planning Regulation 2009 states that:

For section 117(1)(b) of the Act, the guideline for making or amending a planning scheme or planning scheme policy is contained in the document called 'Statutory guideline 04/14—Making and amending local planning instruments', dated 9 October 2014 and published by the department.

An excerpt from 04/14 Statutory Guideline: Making and Amending Planning Scheme Instruments is copied below. The full Guideline is attached:

Stage 3 — Public consultation

Step 6. Local government commences public consultation of a proposed planning scheme

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> Planning scheme Major amendment 	<p>6.1 Before publicly consulting on the proposed planning scheme the local government must comply with any condition imposed by the Minister under Step 5.3(b).</p> <p>6.2 The local government must carry out public consultation about the proposed planning scheme, including in accordance any proposed communication strategy required under Step 4.1(d)(ii), for a period (consultation period) of at least 30 business days.</p> <p>6.3 The local government must notify the public that the proposed planning scheme is available for public consultation by, at a minimum, placing a notice in a newspaper circulating generally in the local government's area and on the local government's website, stating:</p> <p>(a) the name of the local government</p> <p>(b) the title of the proposed planning</p>	45 business days (incorporating a 30 business day consultation period)

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>scheme</p> <p>(c) for a proposed major amendment:</p> <p>(i) the purpose and general effect of the amendment, and</p> <p>(ii) the location details of the area where it applies, if it only relates to part of the local government area</p> <p>(d) where the proposed planning scheme is available for inspection and purchase</p> <p>(e) that written submissions about any aspect of the proposed planning scheme may be made to the local government by any person</p> <p>(f) the consultation period during which a submission may be made</p> <p>(g) the requirements for making a properly made submission</p> <p>(h) a contact telephone number for information about the proposed planning scheme, and</p> <p>(i) a proposed communication strategy is required to be implemented by the local government in certain circumstances. The absence of a communication strategy does not mean that the proposed planning scheme or amendment will not result in adverse effects upon individual members of the public. It remains the responsibility of the public to satisfy themselves as to the effect of the proposed planning scheme or amendment.</p> <p>6.4 During the consultation period, the local government must display a copy of the notice in an obvious place in the local government's public office and have a copy of the proposed planning scheme available for inspection and purchase.</p> <p>6.5 The notice and proposed planning scheme must also be available for download on the local government's website.</p>	

6. CRITICAL DATES & IMPLEMENTATION

The public consultation period must last for at least 30 business days. Council may resolve to commence this consultation period on any given date.

Assuming that Council are satisfied with the Draft Planning Scheme, the Special Council Meeting on 4 August 2016 would be an appropriate time to nominate a timeframe for community consultation on the Draft Planning Scheme.

To progress the development of the Planning Scheme, in a timely fashion, it is recommended that community consultation commence as soon as practicable.

7. CONSULTATION

In the development of this report, the Deputy CEO has consulted with DILGP representatives and members of Council's executive management team.

Council's executive management team, along with Councillors, have consulted with DILGP representatives throughout the process of developing the Draft Planning Scheme.

8. CONCLUSION

As Burke Shire is poised to undergo an unprecedented amount of new development, in the wake of the Burketown Indigenous Land Use Agreement and in anticipation of a similar future agreement in Gregory, it is imperative that the Shire's Planning Scheme is updated to manage these new opportunities and reflect the aims of Council and the community.

As part of this process, it is critical that meaningful consultation with the community occur with regards to the Draft Planning Scheme that has been developed. In addition to meeting Council's statutory requirements, identifying and addressing potential issues at this stage will improve the usability of the final document and strengthen Council's planning framework.

9. OFFICER'S RECOMMENDATION

- a. That Council notes the contents of this report; and
- b. Pursuant to Section 117(1), Part 5, Chapter 3, of the Sustainable Planning Act 2009; Section 5, Part 2 of the Sustainable Planning Regulation 2009 and Statutory guideline 04/14 Making and amending local planning instruments, dated 9 October 2014:
 - a. Council endorses the Burke Shire Council Draft Planning Scheme attached to this report (Attachment 1) and undertakes public consultation of the Draft Planning Scheme; and
 - b. Council commences a 30 business day public consultation period on Monday 15 August 2016; and
 - c. Public forums are to be held in Burketown and Gregory during the public consultation period.

03.01 Burke Shire Council Draft Town Planning Scheme

- a. That Council notes the contents of this report; and
- b. Pursuant to Section 117(1), Part 5, Chapter 3, of the Sustainable Planning Act 2009; Section 5, Part 2 of the Sustainable Planning Regulation 2009 and Statutory guideline 04/14 Making and amending local planning instruments, dated 9 October 2014, Council endorses the Burke Shire Council Draft Planning Scheme attached to this report (Attachment 1) with the following amendments:
 1. Council clarifies its strategic intent regarding Tourist Parks
 2. Council requires that Tourist Parks be treated as impact assessable
 3. The Township Zone is to be extended further south in Gregory as far as the Wills Developmental Road
 4. The area of the Bidunggu DOGIT (Deed of Grant in Trust) (L13 onCP855144) currently marked as Residential be amended to Township Zone
 5. Mapping be amended to accurately reflect changes made following the Burketown ILUA (Indigenous Land Use Agreement), in particular light industrial land on the outskirts of Burketown
 6. It be noted that Council's preference is for Rural Residential land not to be sub-dividable
 7. Strategic intent is provided regarding the treatment of:
 - a. Container/Shed-based housing
 - b. Off-grid power for residential, commercial and industrial developments
 8. The register of local Cultural Heritage Buildings and Places be reviewed with a view to:
 - a. Removing the Church (Burketown) L77 on B1364
 - b. Removing the Old Police Lockup (Gregory (L1 on BK1))
 9. Review Dwelling House level of assessment to incorporate Building Code-certified floor height requirements and make provision for self-assessment
 10. Review operational works level of assessment regarding volume of fill used on a lot
 11. Any other administrative amendments as a consequence of the above
- c. Council delegates authority to the Mayor and CEO to:
 - a. Satisfy the amendments listed in section b.1.; and
 - b. Request the Minister's approval to proceed to public consultation; and
- d. Council commits to holding a public forum in Burketown and Gregory during the public consultation period.

Moved: Cr Yanner

Seconded: Cr Clarke

Carried 160804.01 4/0

04. Closed Session Reports

That Council move into closed session to discuss confidential items as stated in the *Local Government Regulation 2012* in Chapter 8 Administration, Part 2 Local government meetings and committees, under *Sections 275 (1) (e)*.

(e) contracts proposed to be made by it.

Council moved into closed session at.

Moved: Cr Camp

Seconded: Cr Poole

Carried 160804.02 4/0

Attendance

Meg Macaulay from Economic Development Queensland phoned into the meeting from 3.03pm to 4.05pm.
Cr Murray entered the meeting at 3.36pm.

Move into Open Session

That the meeting resume in open session to consider recommendations arising out of the closed session.

Council resumed open session at 4.21pm.

Moved: Cr Camp

Seconded: Cr Murray

Carried 160804.03 5/0

04.01 Confidential - Burke Shire Council Partnership with Economic Development Queensland

1. That Council notes the contents of this report; and
2. That the report/attachment be deemed a confidential document and be treated as such in accordance with Local Government Regulation 2012 in Chapter 8 Administration, Part 2 Local Government meetings and committees, under Sections 275 (1) and that the document remain confidential unless council decides otherwise by resolution; and
3. That Council expresses its preference that EDQ funding be prioritised as follows:

Item	Priority
Burketown North/Crimson Edge (Lots 22-39 on B13610) Survey/Planning/Civil Construction Headworks/Marketing/Sale of Lots	1
Erosion Control Project (Lot 122 on PC12 and Lot 75 on PC26) civil works	2
Burketown South Survey/Master Planning and Council retains the option to engage EDQ for the Civil Construction/Marketing/Sale of Lots (currently described as Lots 6-9 on B1363; Lots 1-5, 12-13, 52 and 68-70 on B1365; Lots 52 and 66-67 on B1368)	3
Filling of Beames Street Commercial Lots (Lots 313 & 314 on B1361)	Not a priority
EDQ funded off-grid componentry for Council-built houses	5
Burketown Light Industrial Survey/Master Planning	4

and;

4. That Council delegates authority to the Burketown Development Committee and Chief Executive Officer to negotiate the terms and conditions of the Development Management Agreement (DMA); and
5. That Council delegates authority to the Burketown Development Committee and Chief Executive Officer to negotiate the terms and conditions of any Transaction Documents required by the Development Management Agreement, including leases and sale of land documents; and
6. That Council delegates authority to the Burketown Development Committee, Chief Executive Officer and representatives of Economic Development Queensland to negotiate the marketing plan and sales strategy (including per/lot sale price and system of prioritizing expressions of interest) for the Burketown North/Crimson Edge Development and other developments arising out of the Development Management Agreement; and
7. That Council delegates authority to the Mayor and Chief Executive Officer to sign the Development Management Agreement; and
8. That Council delegates authority to the Chief Executive Officer to sign Transaction Documents required by the Development Management Agreement, including leases, sales contracts and the like.

Moved: Cr Yanner

Seconded: Cr Clarke

Carried 160804.04 5/0

05. Closure of meeting

The Chair declared the meeting closed at 4.23pm.

I hereby certify that these pages numbered 1 to 10 - constitute the Confirmed Special Meeting minutes of the Council Meeting of Burke Shire Council held on Thursday 4th August 2016.

Mayor Cr Ernie Camp