



Redland
CITY COUNCIL

MINUTES

GENERAL MEETING

Wednesday, 19 December 2012

The Council Chambers
35 Bloomfield Street
CLEVELAND QLD

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1 DECLARATION OF OPENING

The Mayor declared the meeting open at 10.04am and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meets.

The Mayor also paid Council's respect to their elders, past and present, and extended that respect to other indigenous Australians who are present.

2 DEVOTIONAL SEGMENT

Pastor Richard Kingham, Cleveland Baptist Church and member of the Ministers' Fellowship, led Council in a brief devotional segment.

3 RECOGNITION OF ACHIEVEMENT

3.1 REDLANDS WINS NATIONAL ENVIRONMENTAL INNOVATION AWARD

Redland City Council has won the Environmental Innovation and Protection category at the Australian Sustainable Cities Awards.

Redland City Mayor Karen Williams accepted the Keep Australia Beautiful award for Environmental Innovation and Protection at an awards ceremony in Sydney yesterday.

"While Redland City Council has been judged Queensland's Most Sustainable City, this is the first time we have won a national award," Cr Williams said.

"The award is recognition of Council's sustainability achievements and strong focus on working in partnership with the community.

"I want to thank the residents and community groups of the Redlands for their involvement in Council programs and their enthusiasm in protecting our environment.

"It is these partnerships that achieve great outcomes for our community, but the job is not done. We must not rest on our laurels and continue to work together."

The awards celebrate local sustainability achievements of urban communities across Australia and recognise efforts.

Seven finalists from around the country were in attendance at the national awards after winning state categories in September.

Cr Williams said Council was committed to delivering positive environmental, social and economic outcomes for the Redlands community.

"It is all about balance. Council works with the community and local interest groups to deliver a number of innovative projects and it is great to see this hard work recognised," she said.

"There are four Council programs – Land for Wildlife, Rural Support, Waterways Extension and Your Backyard Garden – that provide technical and financial support to 79 landholders in agreement and more than 300 more informally.

“In addition, we have 44 dedicated Bushcare groups with more than 300 participants across the city.

“Community and Council programs have resulted in over 20,000 native plants being planted around the Redlands in the last financial year.

“The real success of these programs is the participation of our residents who would not consider themselves to be 'green', but who do want to manage their land well and leave an appropriate legacy to those that follow.”

4 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

MEMBERS PRESENT:

Cr K Williams	Mayor
Cr A Beard	Deputy Mayor & Councillor Division 8
Cr W Boglary	Councillor Division 1
Cr C Ogilvie	Councillor Division 2
Cr K Hardman	Councillor Division 3
Cr L Hewlett	Councillor Division 4
Cr M Edwards	Councillor Division 5
Cr M Elliott	Councillor Division 7
Cr P Gleeson	Councillor Division 9
Cr P Bishop	Councillor Division 10

EXECUTIVE LEADERSHIP GROUP:

Mr B Lyon	Chief Executive Officer
Mr N Clarke	General Manager Governance
Mrs T Averay	General Manager Environment Planning & Development
Mr M Drydale	General Manager Corporate Services
Mrs L Rusan	General Manager City Services
Mr B Taylor	Acting General Manager Redland Water and RedWaste

MINUTES:

Mrs J Parfitt	Team Leader Corporate Meetings & Registers
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APOLOGY

Cr J Talty, Councillor Division 6

5 RECEIPT AND CONFIRMATION OF MINUTES

5.1 GENERAL MEETING MINUTES 28 NOVEMBER 2012

Moved by: Cr P Bishop
Seconded by: Cr M Edwards

That the minutes of the General Meeting of Council held on 28 November 2012 be confirmed.

[General Meeting Minutes 28 November 2012](#)

CARRIED

5.2 SPECIAL MEETING MINUTES 17 DECEMBER 2012

Moved by: Cr P Gleeson
Seconded by: Cr M Edwards

That the minutes of the Special Meeting of Council held on 17 December 2012 be confirmed.

[Special Meeting Minutes 17 December 2012](#)

CARRIED

6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES

The Chief Executive Officer presented the following items for noting:

6.1. APPEAL TO RAISE FUNDS TO PURCHASE A PIANO FOR RPAC

At the General Meeting on 14 December 2011 Council resolved that a report be prepared and presented to Council on how to establish such an appeal.

A report addressing this matter will be presented at an ensuing Corporate Services & Governance Committee.

6.2. PETITION (DIVISION 4) REQUEST FOR COUNCIL TO PUT CONTRACT WITH SCAPE SHAPE ON HOLD IMMEDIATELY UNTIL FURTHER DISCUSSION TAKES PLACE REGARDING CURRENT POSITION OF STEPS AND RAMP AT ORANA ESPLANADE

At the General Meeting on 25 January 2012 Council resolved that the petition, which reads as follows, be received and referred to a Committee or officer for consideration and a report to the local government and that the current works be suspended and deferred pending the outcome of the report and decision of Council:

“Petition from residents requesting that Council put the contract with Scape Shape on hold immediately until further discussion takes place regarding correct position of steps and ramp. Correct position of steps at GPS co-ordination – 27.34.204 and 153.18.455.

A report addressing was presented to the 4 December 2012 City Services Committee meeting.

6.3. PETITION (DIVISION 3) REQUEST THAT COUNCIL UPGRADE WILLIAM STUART PARK IN THORNLANDS

At the General Meeting on 29 August 2012 Council resolved that the petition, which reads as follows, be received and referred to a Committee or officer for consideration and a report to the local government and that the principal petitioner be advised in writing accordingly.

“Petition from residents requesting that Council upgrade William Stuart Park in Thornlands by adding a family recreational area with some BBQ’s, more tables and chairs, better and younger play equipment for littler children, for example slides, merry-go-round, a better and safer see-saw and swings. Upgrade could also include a full-time surveillance camera.”

A report addressing this matter was presented to the 4 December 2012 City Services Committee meeting.

6.4. PETITION (DIVISION 5) REQUEST FOR REMOVAL OF TREES IN HASLINGDEN DRIVE, REDLAND BAY

At the General Meeting on 31 October 2012 Council resolved that the petition, which reads as follows,

1. Be received and referred to a Committee or officer for consideration and a report to the local government; and
2. That the Principal Petitioner be advised in writing.

“Petition from residents regarding trees planted on foreshore in Haslingden Drive, Redland Bay.”

A report addressing this matter will be presented to an ensuing City Services Committee meeting.

7 PUBLIC PARTICIPATION**MOTION TO ADJOURN MEETING**

Moved by: Cr P Gleeson

Seconded by: Cr P Bishop

That Council adjourn the meeting for a 15 minute public participation segment.

CARRIED

1. Mr K Mather of Thorneside, addressed Council in relation to privacy issues resulting from discussions with Council officers.
2. Mrs T Bowler of Sheldon, addressed Council and presented a petition in relation to the Biomass Power Plant Development at Mt Cotton.
3. Ms K Murphy of Thornlands, addressed Council and congratulated Council for their conduct at Council meetings and Council’s consultative decisions.
4. Ms B Goring of Mt Cotton, addressed Council in relation to the Biomass Power Plant Development at Mt Cotton.
5. Mrs A Nielson of Mt Cotton, addressed Council in relation to the Biomass Power Plant Development at Mt Cotton.

Moved by: Cr W Boglary

Seconded by: Cr P Gleeson

That the public participation segment be extended.

CARRIED

6. Mr R Nielson of Mt Cotton, addressed Council in relation to the Biomass Power Plant Development at Mt Cotton.

MOTION TO RESUME MEETING

Moved by: Cr W Boglary

Seconded by: Cr M Elliott

That the meeting proceedings resume.

CARRIED

8 PETITIONS AND PRESENTATIONS**8.1 PETITION (DIVISION 5) BITUMEN SEALING, WITH KERB AND CHANNELLING, OF ORANA STREET, MACLEAY ISLAND****COUNCIL RESOLUTION**

Moved by: Cr M Edwards

Seconded by: Cr P Gleeson

That the petition, which reads as follows, be acknowledged and that:

1. Council will take no further action as the matter is being dealt with in the review being undertaken on criteria to determine the priority order to seal roads on SMBI; and
2. The principal Petitioner to be advised.

“Petition from residents requesting Council provide bitumen sealing, with kerb and channelling of Orana Street, Macleay Island.”

CARRIED

9 MOTION TO ALTER THE ORDER OF BUSINESS

It was noted that Item 18.2.1 (as listed on the Agenda) Notice of Motion – Cr Hewlett had been withdrawn.

10 DECLARATION OF MATERIAL PERSONAL INTEREST OR CONFLICT OF INTEREST ON ANY ITEMS OF BUSINESS

Nil

11 CITY SERVICES COMMITTEE 4 DECEMBER 2012

Moved by: Cr W Boglary
Seconded by: Cr P Bishop

That the City Services Committee Minutes of 4 December 2012 be received.

[City Services Committee Minutes 4 December 2012](#)

CARRIED

11.1 CITY SERVICES**11.1.1 PETITION (DIV 4) - REQUEST THAT THE PROPOSED FOOTPATH BE CONSTRUCTED ON THE WESTERN SIDE OF POINT O'HALLORAN ROAD – TRUNK CYCLING & PEDESTRIAN NETWORK PLANNING**

Datworks Filename: RTT: Design & Construction - Bikeways and Footpaths

Attachments: [Attachment 1: Moreton Bay Cycleway - Point Halloran & Victoria Point North](#)
[Attachment 2: Moreton Bay Cycleway – Lakefield Drive Alignment Options Plan](#)
[Attachment 3: Group Letter Submission – Lakefield Drive Residents](#)
[Attachment 4: Orana Street – Point O’Halloran Road Alignment](#)
[Attachment 5: Group Letter Submission – Orana Street Residents](#)
[Attachment 6: Consultation Summary Table – Orana Street & Point O’Halloran Road](#)
[Attachment 7: Lambert Court – Aspect Drive Alignment Options](#)

Responsible Officer: Murray Erbs
Group Manager City Infrastructure

Author: Jonathan Lamb
Advisor Cycling & Public Transport

EXECUTIVE SUMMARY

The Moreton Bay Cycleway is a strategic cycleway which runs through coastal areas of Redland City.

This report responds to a community petition concerning a proposed path associated with the Moreton Bay Cycleway on Point O’Halloran Road.

The report also provides additional information on network planning for adjoining links in Victoria Point, including a community consultation process with property owners along the cycleway corridor concerning alignment options.

PURPOSE

The purpose of this report is twofold. It is to advise Council on a petition request from residents in Division 4 concerning a proposed footpath/cycleway alignment on Point

O'Halloran Road in Victoria Point. In addition to this, the report is also to advise Council on the community consultation process with residents from Lakefield Drive, Orana Street, Point O'Halloran Road, Aspect Drive and Lambert Court concerning the alignment of the Moreton Bay Cycleway (MBC).

The report makes recommendations concerning the alignment of the MBC through Victoria Point to Point Halloran. The recommendations will influence future capital works projects in the area (proposed for construction 2013/14 and 2014/15) and associated trunk cycling and pedestrian planning, including the type of cycling and pedestrian facilities provided on Point O'Halloran Road.

BACKGROUND

The MBC is part of Redland City's Cycleway Trunk Network. It also forms part of the State Government's Principal Cycle Network for South East Queensland. Sections of the MBC are being progressively completed by various local governments abutting Moreton Bay. On completion the MBC will be approximately 150km in length and extend from Redcliffe through to Redland Bay, providing an iconic cycleway of regional and national significance.

Previous network planning through Redland City identified corridors for the MBC alignment. The City Infrastructure Group has assessed alignment options through these corridors, including consultation with community stakeholders and others. The MBC attracts state funding through the SEQ Principal Cycle Network Program and occasionally through other State and Federal government funding streams.

When the missing links in the MBC between Thornlands and Victoria Point are delivered through the Capital Works Program and developer contributions (over the next 3 to 5 years), this will complete the MBC between Cleveland and Victoria Point. In doing so, the cycleway will provide important recreational and commuter links for new and established residential areas to schools, parks, shopping centres, community facilities and transport hubs.

Point O'Halloran Road

A section of the MBC is proposed along Point O'Halloran Road, connecting the path network at the northern end (Orana Esplanade/Point Halloran) with existing linkages that start at the Erapah Creek crossing further south (near Cameron Court) (**Attachment 1**).

Point O'Halloran Road is a 20m wide road with an unsealed shoulder on the western side that adjoins wetlands and the Moreton Bay Marine Park. This shoulder is constrained by vegetation and a steep batter/drop-off to the wetlands (in some locations the functional width of the gravel shoulder/verge is 3m or less). Initial assessment of this section determined that the strip along the western side of Point O'Halloran Road was not wide enough to accommodate both cyclists and pedestrians and meet minimum design standards and safety requirements.

It was considered possible, however, to provide a dedicated cycling facility on the western side of Point O'Halloran Road with a separate path for pedestrians constructed on the eastern side. A 2m wide footpath on the eastern side of Point O'Halloran Road was proposed in the 2011/12 Capital Works budget as the first stage in works along the Point O'Halloran Road corridor. Residents living on Point O'Halloran Road objected to the path being located on the eastern side of the road,

citing safety and connectivity concerns. At an on-site meeting with residents on 13 February 2012 it was requested that the path be built on the western side of Point O'Halloran Road. A subsequent petition was made to Council.

At the General Meeting held on 29 February 2012 (Item 8.1.1), Council resolved as follows:

That the petition, which read as follows, be received and:

1. That no further works be undertaken on the construction of the project and that the project shall be the subject of a future report to Committee to determine the viability of the option of a path on the western side; and
2. That the principal petitioner be advised in writing accordingly.

"Petition from Ratepayers of Redland City and Electors of Division 4 request that Council for safety reasons we ask that the proposed footpath be constructed on the western side of Pt Halloran"

Lakefield Drive

Concurrent with the planning for Point O'Halloran Road, the City Infrastructure Group have been consulting with residents on Lakefield Drive concerning alignment options for the MBC. This process commenced in December 2011 and initially two alignment options were proposed for discussion with residents (**Attachment 2**).

In response to written concerns about the proposed options and the consultation process (**Attachment 3**), a series of meetings with residents have been held over the course of 2012. These meetings have helped clarify residents' concerns and assisted with informing them on the proposed cycleway and its function.

In summary, the main resident concerns/comments with the two proposed options include:

- Concerns regarding anti-social behaviour, including problems 'migrating' up Lakefield Drive from nearby Point O'Halloran Reserve and potential criminal acts (Option A & B);
- Concerns over cyclist and pedestrian safety with corners and constrained/narrow verge (Option B);
- Concerns over environmental impacts, including loss of street trees and impact upon native fauna (Option A & B);
- Loss of amenity in a quiet suburban street (Option A & B);
- That consideration be given to lowering the speed limit on Lakefield Drive to 40km, with other treatments to make it more cyclist and pedestrian friendly.

Residents also suggested that consideration be given to taking an alignment for the cycleway along Orana Street and connect with Point O'Halloran Road.

Orana Street/Point O'Halloran Road

More detailed assessment of alignment options via Orana Street, and then along the western side of Point O'Halloran Road, were undertaken by City Infrastructure over

the latter half of 2012. This included a consultation with residents regarding this option in September-October (**Attachment 4**).

The northern side of the Orana Street road reserve has a 7m wide verge, providing a suitable location for a cycleway/shared-path. The western side of Point O'Halloran Road, from the intersection, with Orana Street, is 4m wide. This section is more constrained than Orana Street, though is still capable of supporting a facility. When the subdivision in this location was approved, there was a financial contribution from the developer for a path to be constructed by Council.

The investigation of this alignment has been deemed to be viable for the location of the cycleway link. A number of residents have expressed concerns and opposition to this option, citing concerns of safety, amenity and functionality. More detailed responses to these concerns have been noted in the Consultation Summary (**Attachments 5 & 6**).

Aspect Drive/Lambert Court

A concurrent consultation with residents living on Lambert Court and the northern end of Aspect Drive was held over September-October 2012 regarding alignment options for the MBC. Two options were proposed and the feedback from residents strongly favoured the option which continued through open space land behind adjoining properties (**Attachment 7**).

ISSUES

The alignment options from Aspect Drive/Lambert Court through to Lakefield Drive / Orana Street to Point O'Halloran Road have a bearing on the cohesion and connectivity of the cycling and pedestrian network, the type of infrastructure provided and compliance with State and Federal legislation concerning environmentally sensitive coastal areas (Moreton Bay Marine Park).

Petition from Division 4 residents

With respect to the petition from residents in Division 4, further design assessment has been made by City Infrastructure and the Project Delivery Group since residents raised their concerns. It is considered possible to construct a facility along the western side of Point O'Halloran Road that can adequately cater for both cyclists and pedestrians. This will require modifications to the unsealed shoulder (extension of the asphalt) and parking restrictions (western side of the road) to allow for a 3.5 - 4m wide, two-way cycleway. A section of boardwalk will be required at the northern end of Point O'Halloran Road due to the narrowing of the verge.

MBC Alignment via Lakefield Drive/Orana Street & Point O'Halloran Road

The 7m wide verge on the northern side of Orana Street provides ample width and clearance for a cycleway/shared path facility. This report recommends that this alignment be taken in preference to the options proposed via Lakefield Drive. Although the verge narrows to 4m on Point O'Halloran Road, the design can allow for constraints and safety concerns highlighted by residents (as noted in the Consultation Summary).

MBC Alignment via Aspect Drive/Lambert Court

The preferred option by local property owners on Aspect Drive/Lambert Court is strongly in favour of the cycleway following the alignment through the open space areas at the rear of properties. This will include sections of path at grade and boardwalk. A connection will still be made to Lambert Court and a short connection off Aspect Drive is also being considered for improved safety/CPTED (Crime Prevention Through Environmental Design). This section of the cycleway will connect to the gravel trail and boardwalk along the unformed part of the School Road road reserve, which is also proposed to be upgraded to meet minimum standards.

Permits and State/Federal Government legislative requirements

The proposed cycleway alignment along the western side of Point O'Halloran Road and through the open space areas behind properties on Aspect Drive/Lambert Court will require Council to lodge various permits with the State and Federal Governments to allow construction to take place. This can be a lengthy process (3-6 months minimum) across multiple departments.

RELATIONSHIP TO CORPORATE PLAN

5. Wise planning and design

We will carefully manage population pressures and use land sustainably while advocating and taking steps to determine limits of growth and carrying capacity on a local and national basis, recognising environmental sensitivities and the distinctive character, heritage and atmosphere of local communities. A well-planned network of urban, rural and bushland areas and responsive infrastructure and transport systems will support strong, healthy communities.

5.8 Plan and advocate to connect the city's communities with improved public transport including a road, ferry, cycling and walking network that provides safe and efficient movement within the city and the region and supports physical activity; and promote efficient and environmentally responsible private transport

FINANCIAL IMPLICATIONS

There are no financial implications or changes to the current year's budget impacting Council as a result of this report.

PLANNING SCHEME IMPLICATIONS

The City Planning & Environment Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

- Mr Peter Hayward – Principal Petitioner, Point O'Halloran Road
 - Local property owners/residents
 - Mr John Crane – Community representative, Lakefield Drive
 - The Divisional Councillor – Cr Lance Hewlett
 - Design Services Manager, Project Delivery Group
 - Strategic Advisor Reserve Management, City Planning & Environment Group
 - Senior Advisor Landscape Design, City Spaces
 - Trees & Landscape Services Officer, City Spaces
-

OPTIONS**PREFERRED**

That Council resolve to:

1. Endorse the construction of a cycleway facility as part of the Moreton Bay Cycleway (to cater for both cyclist and pedestrians) along the western side of Point O'Halloran Road and advise the Principal Petitioner in writing;
2. Endorse the alignment of the Moreton Bay Cycleway along Orana Street and then Point O'Halloran Road (as opposed to via Lakefield Drive);
3. Endorse the alignment of the Moreton Bay Cycleway through the open space areas behind the properties on Lambert Court and Aspect Drive;

ALTERNATIVE

No alternative is suggested.

OFFICER'S RECOMMENDATION

That Council resolve to:

1. Endorse the construction of a cycleway facility as part of the Moreton Bay Cycleway (to cater for both cyclist and pedestrians) along the western side of Point O'Halloran Road and advise the Principal Petitioner in writing;
2. Endorse the alignment of the Moreton Bay Cycleway along Orana Street and then Point O'Halloran Road (as opposed to via Lakefield Drive); and
3. Endorse the alignment of the Moreton Bay Cycleway through the open space areas behind the properties on Lambert Court and Aspect Drive.

**COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr L Hewlett
Seconded by: Cr M Edwards

That Council resolve as follows:

1. To endorse the construction of a cycleway facility as part of the Moreton Bay Cycleway (to cater for both cyclist and pedestrians) along the western side of Point O'Halloran Road and advise the Principal Petitioner in writing;
2. Subject to consultation with the Orana Street residents, endorse the alignment of the Moreton Bay Cycleway along Orana Street and then Point O'Halloran Road (as opposed to via Lakefield Drive); and
3. To endorse the alignment of the Moreton Bay Cycleway through the open space areas behind the properties on Lambert Court and Aspect Drive.

CARRIED

**11.1.2 PETITION (DIV 4) - REQUEST FOR COUNCIL TO PUT CONTRACT WITH
SCAPE SHAPE ON HOLD IMMEDIATELY UNTIL FURTHER DISCUSSION
TAKES PLACE REGARDING CURRENT POSITION OF STEPS AND RAMP
AT ORANA ESPLANADE****Datworks Filename:** RTT: Planning Marine General**Attachments:** [Attachment 1 – Ramp Concept Plan](#)
[Attachment 2 – Ramp Concept Plan Option 2](#)**Responsible Officer:** Murray Erbs
Manager City Infrastructure**Author:** Rodney Powell
Senior Adviser Infrastructure Project

EXECUTIVE SUMMARY

At the General Meeting 25 January 2012, Item 15.2.1, Council resolved as follows:

- 1. That the current project be suspended to allow for further consultation with local residents;*
- 2. That the remaining budget for the 2011/12 stairs construction project is allocated for design works and permitting for the ramp to commence; and*
- 3. That consideration in budget discussions is given to bring forward the ramp construction project from 2013/14 to 2012/13 to allow construction subject to the relevant approvals being obtained.*

It was agreed at a community meeting held 20 May 2012 that the stairs would no longer be required if an all abilities access ramp was to be installed. Therefore it is recommended that project number 42269 Orana Esplanade South – Foreshore Access Stairs be cancelled and remaining funds rolled over into project number 42344 Orana Esplanade Foreshore Access Ramp. A plan showing the proposed location of the ramp (Attachment 1) was submitted to the next meeting of the Cleveland No 6 Neighbourhood Watch meeting. The meeting voted to accept the plan.

On 23 August 2012 a resident, Mr Palmer, who had not been at the meetings but had seen the newsletter, complained that the proposed site would be unsafe due to the narrow nature strip at the location.

After investigating this complaint a revised plan (Attachment 2) has been prepared to enable further discussion to take place regarding the final position of the ramp at Orana Esplanade. A copy of the revised plan has been sent to the secretary of the Neighbourhood Watch group, Mr Duncan the chief petitioner, and Mr Palmer for their comments. These discussions will continue with the members of the Neighbourhood Watch group and others. The Cleveland No 6 Neighbourhood Watch group includes the chief petitioner John Duncan.

The next meeting of the neighbourhood watch group will be 5 December 2012 and the committee will notify Council if the new plan is acceptable after that meeting.

PURPOSE

The purpose of this report is to inform the Council of the outcome of these discussions and to recommend a revised approach.

BACKGROUND

At the general meeting 30 March 2011 Council resolved:

1. To construct a set of stairs in front of 38 Orana Esplanade;
2. That the beach access ramp be constructed as planned in 2013/14 financial year;
3. That consultation be undertaken with local residents and other stakeholders prior to the design and location of the proposed ramp to ensure that the ramp location and design satisfy the community needs; and
4. To upgrade the stairs at 24 Orana Esplanade with a new hand rail to comply with Building Code of Australia (BCA)

The report proposed an alternative

1. As above, but leave the existing structure at 38 Orana Esplanade in place for watercraft access;
2. Proceed as requested by the petitioners to relocate the foreshore Access Stairs at 38 Orana Esplanade to the front of 36 Orana Esplanade and install a ramp at 38 Orana Esplanade.

This alternative was based upon the public feedback during community engagement but was not accepted by Council based on advice from Risk and Liability group.

A petition was subsequently received requesting that Council put the project on hold until further discussions take place regarding the correct position of the ramp and to place a hand rail on the old ramp as a temporary measure.

In response to the petition Council resolved that the current works be suspended and deferred pending the outcome of the report.

The project has been suspended and further community engagement has taken place. A new concept plan has been developed from the community engagement which will no longer require the construction of the foreshore stairs. The new concept provides an all purpose all abilities access ramp to the beach. (Attachment 1)

ISSUES

There have been two objections received during the community engagement process:

1. Mr Fontyne of 24 Orana Esplanade objects to placing hand rails on the stairs at number 24 Orana Esplanade due to access issues when carrying watercraft. This submission is not supported as the hand rails are required to comply with the Building Code of Australia as resolved at the General Meeting 30 March 2011.
2. Mr Palmer of 42 Orana Esplanade objects to the proposed position of the new ramp in front of number 42 Orana Esplanade citing traffic safety concerns. Mr Palmer has suggested that the ramp be relocated to a site adjacent to Bayswater Drive.

This submission is supported in part. The suggested site near Bayswater was considered in the initial discussions with the community but this site was rejected due to the distance from the on street parking to the access point. To alleviate the traffic concerns it is proposed to shift the ramp further north to be in front of number 38 Orana Esplanade. This will still provide a reasonably short access path to the ramp whilst being in a less restricted area for unloading water craft and passengers.

This site has a disadvantage in that the existing unauthorised access point (stairs) will need to be removed during construction.

RELATIONSHIP TO CORPORATE PLAN

3. Embracing the bay

The benefits of the unique ecosystems, visual beauty, spiritual nourishment and coastal lifestyle provided by the islands, beaches, foreshores and water catchments of Moreton Bay will be valued, protected and celebrated.

3.2 Better manage our foreshores through coordinated planning with a special focus on resilience to the impacts of flooding and storm tides

FINANCIAL IMPLICATIONS

This recommendation requires that JN 42269 is cancelled and remaining funds are rolled over into JN 42344. The necessary quarterly review documents have been submitted to Financial Services.

PLANNING SCHEME IMPLICATIONS

It is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

The Councillor for Division 4 and local residents have been consulted concerning this project. Consultation is continuing to determine the final location for the ramp.

OPTIONS

PREFERRED

1. Continue the community engagement concerning the design and location of the foreshore access ramp until an agreement has been reached for a final design 2012/13 for delivery of the project in 2013/14;
2. Cancel the foreshore access stairs project JN 42269 which was to install stairs in front of number 38 Orana Esplanade subject to community engagement outcomes;
3. Cancel the separable portion of the contract (Orana Street and Wilson Street) for Orana Street with Scape Shape for construction of the foreshore access stairs. This contract was officially suspended on 18 January 2012. The costs incurred for the project up until the time of suspension was \$7,320.35 (establishment and preliminary works);
4. Finalise all financial transactions associated with project JN42269 including all monies owing to Scape Shape for cancellation of the contract and roll over

remaining funds to JN42344 the Beach Access Ramp project due for delivery in 2013/14 Financial Year;

5. Continue with the upgrade of the stairs at 24 Orana Esplanade with a new hand rail to comply with Building Code of Australia (BCA) as planned; and
6. Advise the Principal Petitioner of the Council resolution.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr W Boglary
Seconded by: Cr M Edwards

That Council resolve to:

1. Continue the community engagement concerning the design and location of the foreshore access ramp until an agreement has been reached for a final design 2012/13 for delivery of the project in 2013/14;
2. Cancel the foreshore access stairs project JN 42269 which was to install stairs in front of number 38 Orana Esplanade subject to community engagement outcomes;
3. Cancel the separable portion of the contract (Orana Street and Wilson Street) for Orana Street with Scape Shape for construction of the foreshore access stairs. This contract was officially suspended on 18 January 2012. The costs incurred for the project up until the time of suspension was \$7,320.35 (establishment and preliminary works);
4. Finalise all financial transactions associated with project JN42269 including all monies owing to Scape Shape for cancellation of the contract and roll over remaining funds to JN42344 the Beach Access Ramp project due for delivery in 2013/14 Financial Year;
5. Continue with the upgrade of the stairs at 24 Orana Esplanade with a new hand rail to comply with Building Code of Australia (BCA) as planned; and
6. Advise the Principal Petitioner of the Council resolution.

CARRIED (en-bloc)

**11.1.3 RESPONSE TO PETITION (DIV 3) WILLIAM STEWART PARK,
THORNLANDS**

Dataworks Filename: GOV Petitions

Responsible Officer: Lex Smith
Group Manager City Spaces

Author: Meg Warnock
Service Manager Public Place Projects

EXECUTIVE SUMMARY

A petition was received by Council in August 2012, signed by 63 petitioners requesting that Council upgrade William Stewart Park in Thornlands.

This report responds to Council's resolution that the petition be received and referred to a Committee or officer for consideration and a report to the local government and that the principal petitioner be advised in writing accordingly.

PURPOSE

The purpose of this report is to inform Council that the petition process is complete and to seek Council approval to refer the request for an upgrade to William Stewart Park to a future 10 year capital works budget review process, for Council's consideration and prioritisation against other project proposals.

BACKGROUND

At the General Meeting on 29 August 2012 Council resolved that the petition, which reads as follows, be received and referred to a Committee or officer for consideration and a report to the local government and that the principal petitioner be advised in writing accordingly.

"Petition from residents requesting that Council upgrade William Stuart Park in Thornlands by adding a family recreational area with some BBQ's, more tables and chairs, better and younger play equipment for littler children, for example slides, merry-go-round, a better and safer see-saw and swings. Upgrade could also include a full-time surveillance camera."

The Division 3 Councillor and Council officers met with the principal petitioners on site on 18th October to discuss their requests which included:

- *Improved family recreational area with BBQ's, tables and chairs,*
- *New play equipment for younger children*
- *Camera surveillance to improve public safety*

The Service Manager Public Place Projects Unit advised the Principal Petitioners of Council's capital budget review process and advised that she would present the project to a future 10 year capital works budget review process, for Council's consideration and prioritisation against other project proposals.

The principal petitioners were advised that it is not usual practice for Council to install surveillance cameras in recreation parks and as such it would be unlikely that this component of the request would be realised.

There were play equipment maintenance and safety fencing requests made by the Principal Petitioners; these have since been referred to the appropriate officers.

ISSUES

- The variety of existing playground equipment does not meet the expectations of the petitioners, however it is in good condition and not due for renewal, with the exception of a spring toy that is already listed for renewal as part of the 13/14 Parks Asset Renewal and Upgrade Program.
- An upgrade to William Stewart Park has not been identified for an upgrade previously and is not listed in the 10 year capital works program.
- This project would need to be considered and prioritised along with other projects to be included in the 10 year capital works program in the future.
- William Stewart Park is listed in the Draft Redland Open Space Strategy as a Catchment Level Recreation Park; this park serves the recreation needs of Catchment 4.
- Catchment 4 makes up the southern mainland suburbs - Thornlands, Victoria Point and Redland Bay.
- The population of the Catchment, in 2006, was 36,681. Redland Bay and Thornlands are experiencing significant growth in younger families and Victoria Point is home to longer-term, older residents.
- Expected population growth between 2006 and 2026 is 16,218 people. Most of the population growth will occur in Thornlands (9,088) and about 43% of these people are expected to live in medium density style accommodation.

RELATIONSHIP TO CORPORATE PLAN

5. Wise planning and design

5.6 Manage the built environment in a way that creates accessible and user friendly spaces and maintains our local character and identity, ensuring all new developments use high quality design that reflects our sub-tropical climate, promotes health, community harmony and wellbeing

FINANCIAL IMPLICATIONS

A park upgrade that included a variety of play equipment for various ages and additional picnic and barbecue facilities, if endorsed by Council would cost in the vicinity of \$200,000.

PLANNING SCHEME IMPLICATIONS

There are no implications under the Redlands Planning Scheme.

CONSULTATION

The Public Place Projects Unit Service Manager has consulted with the principal petitioners, Divisional 3 Councillor, the Youth and Community Development Officer and Community Safety Officer.

OPTIONS**PREFERRED**

That Council resolve as follows:

1. To refer the request for an upgrade to William Stewart Park to a future 10 year capital works budget review process, for Council's consideration and prioritisation against other project proposals; and
2. That the Principal Petitioners be advised in writing accordingly.

ALTERNATIVE

1. That Council does not approve the request to upgrade William Stewart Reserve; and
2. That the Principal Petitioners are advised in writing accordingly.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr W Boglary
Seconded by: Cr M Edwards

That Council resolve as follows:

1. To refer the request for an upgrade to William Stewart Park to a future 10 year capital works budget review process, for Council's consideration and prioritisation against other project proposals; and
2. That the Principal Petitioners be advised in writing accordingly.

CARRIED (en-bloc)

12 ENVIRONMENT & PLANNING COMMITTEE – 5 DECEMBER 2012

Moved by: Cr A Beard
Seconded by: Cr M Edwards

That the Environment & Planning Committee Minutes of 5 December 2012 be received.

[Environment & Planning Minutes 5 December 2012](#)

CARRIED

12.1 CITY PLANNING AND ENVIRONMENT**12.1.1 REDLAND OPEN SPACE STRATEGY 2026**

Datworks Filename: P&R Open Space Strategy 2026

Attachments: [Redland Open Space Strategy 2026](#)
[Public Open Space Policy POL-3110](#)

Responsible Officer: Gary Photinos
Manager City Planning and Environment

Author: Angela Wright
Principal Advisor Open Space Planning

EXECUTIVE SUMMARY

A new Open Space Strategy is presented to Council for adoption.

The drafting of the Strategy commenced with a series of engagement workshops with key stakeholders and an analysis of the information collected from Redland Residents during the preparation of Redland 2030 Community Plan.

Once a set of open space values had been developed by stakeholders the Strategy moved into an analysis phase. The city's open space system was viewed from the level of walkable neighbourhoods, groups of suburbs and then the city as a whole. The most popular recreation activities within the Redlands were established as the baseline level of service for what could be provided in each neighbourhood and suburban catchment.

Officers then set about determining if these activities were already present in each neighbourhood and if not where would be the best location to provide them over the next 14 years and beyond. This information forms the basis of the Strategy along with other city wide recommendations for the development of sporting, community, outdoor recreation and tourism activities.

The analysis also determined that in some neighbourhoods there are too many of exactly the same activity and that when it comes time to replace the facilities that support the activity, then either they are removed altogether or they are replaced with a different facility. For example if a neighbourhood has 8 toddler playgrounds and no playgrounds suitable for primary aged children then at renewal time a toddler playground would be replaced with primary play activities. If a neighbourhood has 8

toddler playgrounds and all the other activities outlined in the level of service then some of those playgrounds may not be replaced at renewal time.

The levels of service and the open space values and recommendations in the Strategy will form the basis of the future Planning Scheme amendments regarding open space including the Priority Infrastructure Plan and future amendments to the Open Space Asset Management Plan. These subsequent plans all impact on the capital and operational works program.

PURPOSE

The Redland Open Space Strategy 2026 has been prepared for use in the preparation of the Redland Planning Scheme 2015; and to update the Open Space Priority Infrastructure Plan and the Open Space Asset and Services Management Plan.

The purpose of this report is to recommend to Council the adoption of the Redland Open Space Strategy 2026 (the Strategy) for these planning purposes acknowledging that all implementation actions with financial implications will be subject to further budgetary consideration at the appropriate time.

Additionally this report recommends the adoption of an Open Space Policy.

BACKGROUND

The review of the Redland Open Space Plan 2004-2016 has primarily been undertaken to meet three statutory requirements, being the preparation of a Planning Scheme, the update of the Open Space Infrastructure Charges Schedule for inclusion in a future Priority Infrastructure Plan and to underpin the Open Space Asset and Services Management Plan.

The draft strategy was approved for a public review period commencing 1 March 2012 and concluding on 30 June 2012. The engagement process included: information and documents uploaded to Council's website, radio interviews and twenty presentations to internal and external groups, workshops, displays, interviews, walkability audits and Walk and Talk events. Statistics on the number of direct feedback submissions received by Council include:

- 255 internal and external written submissions
- 28 walkability checklists were completed

A summary of community feedback is included in the Strategy. The Strategy has been updated to take into consideration this feedback. For example, proposed future activities within neighbourhood parks have been amended to reflect local neighbourhood feedback such as the location of dog off leash areas.

The detailed feedback from the Walkability Checklists will be outlined in the Open Space Strategy mapping (currently being updated in Council's mapping system) and will be considered by City Infrastructure in a future pedestrian and cycling plans and capital works programs.

ISSUES

Open Space Plan 2004 – 2016 and the PIP/ICS

- The desired standards of service (DSS) for the current PIP were first developed in 2002 during the preparation of the Redland Open Space Plan 2004 – 2016.
- The current application of the DSS has led to a one size fits all approach in the provision of recreation activity and parks infrastructure.
- The current DSS does not take a “fit for purpose” approach to park uses, it is only after a design is prepared for a park that Council applies a fit for purpose approach,
- The current standards have greatly reduced the diversity of activities and facilities provided in parks and open spaces.
- The current infrastructure charges schedule is costed on the assumption that a full suite of facilities should be provided in every park type and this does not need to be the case.
- The current infrastructure charges schedule is outdated in terms of its standards of service, costing regime, size and scale and actual costs.

Open Space Strategy 2026 and the PIP/ICS

The Open Space Strategy 2026 takes a fit for purpose approach rather than a one size fits all approach. The new Strategy identifies and matches the needs within a given neighbourhood and costs it appropriately. The Strategy will deliver more affordable infrastructure planning and standards. The Strategy will scale down the cost projections within the Infrastructure Charges Schedule by;

- amending the hierarchy of a number of parks - meaning a reduction in the number of regional and district parks
- decreasing the number of local parks by recommending areas which could be re-assigned to other functions including; conservation, corridors, community purpose or for consideration for sale,
- reducing the “open ended” service standards (embellishments listed in the ICS) to these parks and will reduce the ICS overall forecast.

Open Space Asset and Services Management Plan’s - levels of service

The current Open Space Asset and Services Management Plan (AMP) indicates that Redland City Council is committed to providing facilities, services and programs which best meet the needs the Redland community.

The service levels and provision levels in the AMP have been sourced from the Open Space Plan 2004 – 2016 (OSP 04-16). The development of the OSP 04-16 was based on limited community engagement and a one size fits all rather than targeted community need.

Since the OSP 04-16 was adopted in 2004 Council has undertaken extensive customer consultation and community engagement through the community planning process, customer surveys and the community feedback on the draft Open Space Strategy. Legislative changes have been addressed.

A key objective of asset management planning is to document and apply service levels balanced against Council's ability to fund these needs over the long-term.

In summary the AMP requires updating for the following reasons:

- The Redland 2030 Community Plan was developed after the OSP 04-16 and the associated extensive discussions with the community around parks and recreation conducted at that time;
- The Asset Management Framework has been introduced since the 2004 Open Space Plan which did not incorporate an asset renewal and upgrade approach;
- The 2011 Census figures have been released which show where the future demand for services and facilities will be in the Redlands.

Open Space Strategy 2026 and the Open Space Asset and Services Management Plan

- The Strategy has been written to be directly translated into the framework of Asset Management and Service delivery.
- Further extensive community consultation and additional intercept surveys have been undertaken to provide recent and up to date feedback from the Redland community about what they value about their parks and open space system.
- The Strategy assists open space asset managers to make better informed and more timely recommendations relating to asset renewal and upgrade.
- Open space recommendations are more targeted while at the same enabling an equal distribution of activities and facilities over time when and where demand requires.

Parks and recreation capital works planning

- The Strategy will assist parks and open space Asset and Project Managers responsible for the development of the annual and 10 year capital works program to make better informed and more timely recommendations,
- The Strategy has been written to translate directly into an Infrastructure Charges Schedule and Asset and Services Management Plan – both of which will form the basis of the 10 year capital works program for open space. The strategy addresses the future network demands of a growing population and asset replacement and renewal within budget constraints.
- The timing of delivery of parks infrastructure will depend on the available budget over the next 14 plus years.

Public partnerships and participation

The Strategy supports developing an approach of public private partnerships and public participation in delivering park activities, services and infrastructure. It recommends thorough investigation into processes that enable and facilitate public participation in realising some of the Strategy's recommendations and ideas. It is also understood that when the community gets involved, the Strategy's recommendations and ideas may evolve. The Strategy can be used as a starting point for future conversations and place making activities.

The document – Redland Open Space Strategy 2026 - A blue print for the city's open spaces for the next 14 years

The Strategy is presented in the following format:

Redland's Community and Corporate Vision

- Definition of open space, Redland's open space values, the Strategy's purpose, Benefits of open space, Drivers for providing open space, Guiding Principles for designing and providing open space
- Executive Summary and Recommendations
- Planning and policy framework, State and regional planning instruments
- Redlands at a glance, Political framework, The city, The people, Areas of open space
- Engaging stakeholders, Redland Community, Community feedback
- Planning units
- Recreation use of urban parks, Activity definitions and description
- Desired Standards of Service, Planning for open space, Park Function and Type, Secondary use of trust land, Sporting open space, Community purposes land, Park and asset management service standards
- Rural Redlands, Recreation and tourism use of rural lands, Landscape character and scenic amenity, Rural tourism, Outdoor recreation settings, Outdoor recreation activities
- Implementing the strategy, Asset management planning, Financial planning
- Suburb Catchment Area assessments
- Neighbourhood assessments
- Appendix
 - Reports and studies
 - Open space functions
 - Indicative open space embellishments
 - Activity and facility shortfalls
 - Commercial use assessments
 - Open space system on SMB
 - Community feedback overview
 - *Draft Public Open Space Policy*

Public Open Space Policy

Currently a policy statement on open space is encapsulated within the Corporate Environment Policy POL-2644.

This report recommends adopting a separate Public Open Space Policy.

A draft of the policy is attached and is recommended for adoption as part of this report.

What the Open Space Strategy doesn't do

The following elements of parks planning and design have not been dealt with in the Strategy:

- It doesn't specify design standards for specific types of parks infrastructure.
 - Design standards will be finalised as part of the preparation of the Redland Planning Scheme or done on a park by park basis (fit for purpose) by the City Spaces Group.
- It doesn't provide a priority order for the delivery of trunk and non-trunk infrastructure into parks, for recreation, sporting or community purposes.
 - The prioritisation process will occur during the development of an updated Infrastructure Charges Schedule, during the update of the AMP taking into consideration asset condition and the asset renewal program, and in the preparation of each 10 year and annual capital works program.

The Strategy recommends criteria for determining priority order of works and recommends taking into consideration population growth and demand in both infill and greenfield areas, areas of medium density housing, asset age and condition and ongoing maintenance costs.

- It doesn't provide a priority order for the implementation of landscape master plans / park plans.
 - The Strategy recommends criteria for determining priority order of works taking into consideration population growth and demand in both infill and greenfield areas, areas of medium density housing, asset age and condition and ongoing maintenance costs.
- It doesn't indicate how many hectares of open space per 1000 people is required per suburb.
- The Strategy takes a far more targeted approach as to when and why new parkland area is required.
- The Strategy recommends better utilisation of the existing open space network for a specified suite of recreation activities.
- Where a significant number (3 or more) activities are missing from a neighbourhood or suburb catchment area, new land is recommended for acquisition.
- In greenfield areas where there are currently no parks, specific park characteristics are recommended (size, slope, constraints) to accommodate the future activities to be provided within a neighbourhood.
- Neighbourhoods have been identified in all current urban areas and all have been assessed for future recreation activities and parkland requirements. The Strategy's recommendations for the location of new parks will be put in the Open Space ICS and Redland Planning Scheme 2015.

Land for reassignment

- As an outcome of the development of the Open Space Plan, a small number of lots currently zoned open space have been identified as surplus to requirement for parks and recreation purpose.

- These lots should be considered for reassignment and rezoning to enable use for other purposes. A separate report will be presented to Council on this issue next year.

RELATIONSHIP TO CORPORATE PLAN

5. Wise planning and design

We will carefully manage population pressures and use land sustainably while advocating and taking steps to determine limits of growth and carrying capacity on a local and national basis, recognising environmental sensitivities and the distinctive character, heritage and atmosphere of local communities. A well-planned network of urban, rural and bushland areas and responsive infrastructure and transport systems will support strong, healthy communities.

5.13 Enhance the city's liveability and enable people to enjoy outdoor activities, social gatherings and community events through planning, providing and managing high quality parks and open spaces

7. Strong and connected communities

Our health, wellbeing and strong community spirit will be supported by a full range of services, programs, organisations and facilities, and our values of caring and respect will extend to people of all ages, cultures, abilities and needs

7.5 Increase the physical activity participation of residents and deliver programs and incentives that strengthen opportunities for sport and recreation

FINANCIAL IMPLICATIONS

This recommendation does not require any change to the current year's budget as funds have already been allocated.

The Strategy will be used to inform recommendations made in future budgets through the Open Space Asset and Services Management Plan and the Open Space Priority Infrastructure Charges Schedule. If approved this will result in amendments to Council's 10 year capital program, Infrastructure Charges Schedule and Priority Infrastructure Planning which will reduce the cost of future open space infrastructure as detailed in the following table:

Open Space Strategy 2016 (PIP)		Open Space Strategy 2026	
Total nominal land cost (future only)	Total nominal embellishment costs (future only)	Total nominal land cost (future only)	Total nominal embellishment costs (future only)
\$97,500,000	\$100,152,049	\$20,925,000	\$58,808,550

PLANNING SCHEME IMPLICATIONS

The City Planning and Environment Group was consulted and it is considered that the outcome of recommendations in this report will result in some future amendments

to the Redlands Planning Scheme such as changes of open space zoned lots to other uses including community purpose and residential.

CONSULTATION

External

Community members were invited on the 1st March 2012 to read and test the Strategy for themselves and provide a submission, answer a questionnaire or complete the Walkability Checklist in their neighbourhood.

Over 180 individual submissions were made.

28 Heart Foundation Walkability Checklists were completed and returned to Council. Some of the submissions were very detailed and have provided Council with a unique insight into where people walk.

All information given by the community to Council has been considered in this final report. The community's input has resulted in many changes to the neighbourhood maps and other sections of the Strategy.

Internal

The following units and groups of Council have been involved in the preparation and consultation of the Strategy:

- 1) City Planning and Environment
- 2) Sustainable Assessment
- 3) City Futures
- 4) Strengthening Community
- 5) City Spaces
- 6) City Services
- 7) Project Delivery
- 8) City Infrastructure

The Councillors of the previous administration attended three workshops on the Open Space Strategy and two one on one meetings with officers.

The General Manager Corporate Finance advised that the future open space network should be costed and as such a preliminary infrastructure charges schedule has been prepared for review by the Strategic Finance Unit.

OPTIONS

PREFERRED

It is recommended Council resolve to:

1. Adopt the Redland Open Space Strategy 2026 for planning purposes; and
2. Adopt the Redland Public Open Space Policy (POL-3110).

ALTERNATIVE

Alternatively, Council could resolve to:

1. Not adopt the Redland Open Space Strategy 2026 for planning purposes but commence using it as an internal planning tool; and
2. Not adopt a Redland Open Space Policy and leave open space and parkland to be covered by the Environment Policy.

OFFICER'S RECOMMENDATION

1. Adopt the Redland Open Space Strategy 2026 for planning purposes; and
2. Adopt the Redland Open Space Policy (POL-3110).

**COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr C Ogilvie

Seconded by: Cr P Bishop

That Council resolve to:

1. **Adopt the Redland Open Space Strategy 2026 for planning purposes; and**
2. **Adopt the Redland Open Space Policy (POL-3110), with the inclusion of specific reference to the provision of public access to foreshore open space and recreation areas.**

CARRIED

12.1.2 REDLANDS PLANNING SCHEME - AMENDMENT PACKAGE 3A**Dataworks Filename:** LUP Redlands Planning Scheme Amendment 3A**Attachments:** [Draft 3A Amendment Package](#)
[3A Major Amendments for Adoption](#)
[3A Minor Amendments for Future Consideration](#)
[Mapping Changes \(Zone Changes\) Minor Amendments for Adoption](#)**Responsible Officer:** Gary Photinos
Manager City Planning & Environment**Author:** Martin Hunt
Principal Adviser City Wide Planning

EXECUTIVE SUMMARY

In accordance with the requirements of the *Sustainable Planning Act 2009*, as amended (SPA), the proposed amendments to the Redlands Planning Scheme (RPS) are presented to Council for adoption and approval to forward to the Deputy Premier and Minister for State Development, Infrastructure and Planning.

Under the current *Statutory Guideline 01/12 – Making or amending local planning instruments* (Statutory Guideline 01/12) instituted through section 117 of SPA, amendments to Planning Schemes are categorised into three categories, being:

- Administrative amendments
- Minor amendments
- Major amendments

Each type of amendment has its own definition and process for amending the planning scheme. The 3A amendment package contains both minor and major amendments.

It is recommended that Council propose to amend the Redlands Planning Scheme and adopt amendment 3(A) for referral to the Deputy Premier and Minister for State Development, Infrastructure and Planning to undertake a first State Interest Review.

PURPOSE

To prepare an amendment to the Redlands Planning Scheme in accordance with Section 117 of SPA and Statutory Guideline 01/12 and forward to the Deputy Premier and Minister for State Development, Infrastructure and Planning for consideration of State interests.

BACKGROUND

The Redlands Planning Scheme (the scheme) commenced and took effect from 30 March 2006. Since this time, specific matters have been identified as an amendment priority to improve the effectiveness and efficiency of the scheme as a planning instrument. The latest version of the planning scheme, version 5 (RPS V.5.0) and took effect on the 31st August 2012. Another package of amendments (2A) is

currently with the Deputy Premier and Minister for State Development, Infrastructure and Planning awaiting approval for public notification.

ISSUES

This package of amendments has been prepared to address operational issues identified within the RPS. The purpose of the majority of these amendments is therefore to increase efficiencies and reduce unnecessary regulation.

Current amendments to the planning scheme in the package to be considered by Council include:

1) Queensland Development Code (QDC) changes:

- i. RPS is progressively becoming compliant with QDC as part of working towards a standardised planning scheme for the Redlands*
- ii. Defer to QDC triggers for assessment (for example for dwellings built to boundary)*
- iii. Defer to QDC requirements for building setbacks and building heights where relevant*
- iv. Realignment of lot sizes to match up with the Building Code of Australia (BCA). Small lots move from 400m² to 500m² to between 350m² and 449m² and standard lots move from a minimum of 500m² to 450m²*
- v. Introduction of Self-assessable criteria for small lot houses in the Urban Residential and Medium Density Residential zones where compliant with the QDC*
- vi. Remove any provisions that duplicate/conflict with the QDC*

2) Implementing the policy directives of Council by:

- i. Dwelling Houses and Small Lot Houses proposed to be self-assessable instead of Code Assessable on the Southern Moreton Bay Islands in the SMBI Residential Code*
- ii. Amending the Bushfire Hazard Overlay Code in line with the recommendations of the North Stradbroke Island Bushfire Report and including notation on Bushfire Hazard Overlay maps to indicate that areas identified as medium bushfire hazard areas are 'designated bushfire prone areas'*

3) Implementing the Redland Bay Foreshore Master Plan

- i. Amending relevant zoning maps to upgrade of the Redland Bay Neighbourhood Centre to a District Centre in line with the recommendations of the Redland Bay Centres and Foreshore Masterplan*

4) Modification of various provisions by:

- i. Making the scheme increasingly consistent with other Queensland Planning Schemes – for example by aligning definitions and assessment criteria*
- ii. Rationalising a number of domestic activity codes (e.g. small lot house, domestic outbuilding, private swimming pools)*

-
- iii. *Reduction or removal of planning assessment criteria in the Domestic Outbuildings and Domestic Additions Codes.*
 - iv. *Domestic Additions and Domestic Outbuildings are now exempt from planning requirements in the Urban Residential and Medium Density Residential zones.*
 - v. *Upgrading 'notes' to Specific Outcome or Acceptable Solution (where appropriate) to give greater legislative affect*
 - vi. *Removal of requirement for Code assessment where simply replacing a building within the Poultry Protection Overlay or Bushland Habitat Overlay*
 - vii. *Private Swimming Pools are now exempt from planning requirements in all zones and the Private Swimming Pool Code to be deleted from the scheme.*
 - viii. *Changes to the Major Centres zone code to make more uses Self-Assessable and to increased height limits in certain circumstances*
 - ix. *Changes to Major Centres zone code to make changes of tenancies within the major centres self assessable for eligible uses*
 - x. *Introduction of a Private Waterfront Structures Overlay to assess development within 9 metres of a canal revetment wall – Potential to save Council and the community tens of millions of dollars in canal wall repairs*
 - xi. *Amendments to a number of codes to ensure that development is able to provide for storm water management through a regional stormwater solution identified in the Priority Infrastructure Plan (PIP)*
 - xii. *Amendments to parking standards and commercial parking rates in the Centre Activities Zone when tenancy changes. This will allow greater flexibility for tenancy changes in Centres and will result in less need to meet higher parking requirements for simple change of commercial tenancies*
 - xiii. *Updating the Street Trees List schedule*
 - xiv. *Clarifying the position on gated communities in the scheme*
- 5) Inclusion or amendment of definitions for improved clarity and meaning in the application of the RPS
- i. *Where relevant, administrative and use definitions have been amended to ensure correct use. Generally, the definitions used are in accordance with the Queensland Planning Provisions v3.0 (draft).*
 - ii. *New definitions have also been included where required, and are also generally in accordance with the Queensland Planning Provisions v3.0 (draft)*

These matters are detailed in Attachment 1 – Redlands Planning Scheme – Summary of Amendments 3(A).

Reporting protocol to the Department of State Development, Infrastructure and Planning requires presentation of all amendments. This requirement results in substantial documentation as one amendment may occur across all 24 zone codes, for example. The detailed amendments are contained in the Models in Attachment 2 – Redlands Planning Scheme – Amendment 3(A).

RELATIONSHIP TO CORPORATE PLAN

5. Wise planning and design

We will carefully manage population pressures and use land sustainably while advocating and taking steps to determine limits of growth and carrying capacity on a local and national basis, recognising environmental sensitivities and the distinctive character, heritage and atmosphere of local communities. A well-planned network of urban, rural and bushland areas and responsive infrastructure and transport systems will support strong, healthy communities.

- 5.1 Prepare and put in place a new planning scheme for the Redlands that reflects the aspirations and expectations outlined in the Community Plan, state interests, recognised in the SEQ Regional Plan and the legal obligations of the Sustainable Planning Act

FINANCIAL IMPLICATIONS

This recommendation does not require any change to the current year's budget as funds have already been allocated to account number 342-11505-70603

PLANNING SCHEME IMPLICATIONS

The outcome of recommendations in this report will result in some future amendments to the Redlands Planning Scheme, as detailed in the attachments to this report.

CONSULTATION

A workshop was conducted with Councillors and Executive Officers on Monday 21st August 2012.

The amendments have been discussed with:

- Environment, Planning and Development Groups
- City Infrastructure Group
- Officers within the Department of State Development, Infrastructure and Planning.

OFFICER'S/COMMITTEE RECOMMENDATION

That Council resolve to:

1. Prepare a planning scheme amendment in accordance with Stage 1 of Statutory Guideline 01/12 – Making or Amending local planning instruments;
2. Adopt Amendment 3(A) as detailed in Attachments 1 and 2, in accordance with Section 117 of SPA and Statutory Guideline 01/12 – Making or Amending local planning instruments, for referral to the Minister for State Development, Infrastructure and Planning to undertake a first State interest review; and
3. Write to the Minister for State Development, Infrastructure and Planning to request a first state interest review of the planning scheme amendment and the Minister's agreement to publicly notify the planning scheme amendments.

COUNCIL RESOLUTION

Moved by: Cr J Talty
Seconded by: Cr M Elliott

That Council resolve to defer this item to the Environment and Planning Committee meeting scheduled for 5th December 2012 to allow Council time to consider amendments currently proposed to be made to the Redlands Planning Scheme and categorize them as administrative, minor or major in accordance with the new Statutory Guideline: *02/12 Making and amending local planning instruments*.

CARRIED

ADDENDUM FOR ENVIRONMENT AND PLANNING COMMITTEE 5 DECEMBER 2012

At the General meeting of 28 November 2012, Council resolved as follows:

That Council resolve to defer this item to the Environment and Planning Committee meeting scheduled for 5th December 2012 to allow Council time to consider amendments currently proposed to be made to the Redlands Planning Scheme and categorize them as administrative, minor or major in accordance with the new Statutory Guideline: *02/12 Making and amending local planning instruments*.

NEW STATE GOVERNMENT STATUTORY GUIDELINES 02/12 MAKING AND AMENDING LOCAL PLANNING INSTRUMENTS

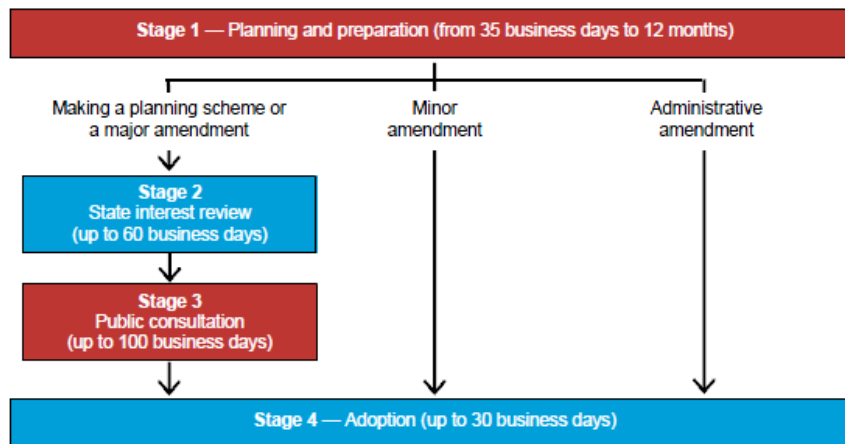
Since the presentation of the original Report to Council, significant changes have been made to the *Sustainable Planning Act 2009* to simplify the amendment process. Under the previous *Statutory Guideline 01/12 – Making or amending local planning instruments*, minor and major amendments to Planning Schemes were required to be submitted for State Interest Review.

On the 19th of November 2012 the State Government released a new *Statutory Guideline 02/12 - Making or Amending Local Planning Instruments*. One of the changes to the 02/12 Guideline is that councils are **no longer required** to submit minor planning scheme amendments for State Interest Review (see Figure 1).

The new Guideline is the relevant version for making amendments to the Redlands Planning Scheme regardless of whether the process was commenced or progressed under a previous version of the guidelines. This has resulted in a profound change to the amendment process Council is currently undertaking with the 3A amendment package.

Where amendments in the current package can be identified as being “Minor” in nature, then Council is empowered to make the changes to the planning scheme by adopting the changes by resolutions and then placing a notice in the Gazette and a locally circulating newspaper and on the local government’s website. Currently minor and major amendments under the previous Guideline 01/12 were required to be submitted to the State Government and then publically advertised. This process could take over 12 months to complete, as depicted in the following chart.

Figure 1: Process for making or amending (major, minor or administrative) a planning scheme



(Queensland Government Nov 2012, *Statutory Guideline 02/12 - Making or Amending Local Planning Instruments* p. 5)

The change in process means that Council can make substantial changes to its planning scheme in a much shorter timeframe – effectively approving and adopting a variety of scheme changes almost immediately.

3A MAJOR AMENDMENTS FOR ADOPTION

The 3A amendment package has now been separated into the two categories. The division of “3A Major Amendments” and “3A Minor Amendments” is attached. The major amendments include:

Major Amendments
Part 04 – Zones, Division 12 – Major Centres Zone (<i>CBD Height Changes</i>)
Part 04 – Zones, Division 15 – Neighbourhood Centre Zone (<i>Redland Bay – Neighbourhood Centre to District Centre</i>)
Part 05 – Overlays, Division 03 – Bushfire Hazard Overlay
Part 05 – Overlays, Division 16 – Canal and Lakeside Structures Overlay
Mapping Changes - Proposed Major Land Rezonings (<i>not as a result of development approvals</i>)

It is proposed that these “3A Major Amendments” be approved now for the purpose of first State Interest Review. The State Government has indicated that in accordance with the new Guideline this State interest review will be completed within 60 business days. Once Council receives State Government approval, these major amendments will be subject to public consultation and the community will be able to make submissions. Council will then consider these submissions and subsequently resolve to adopt these amendments, with or without further changes.

3A MINOR AMENDMENTS FOR FURTHER CONSIDERATION

The “3A Minor amendments for future consideration” list has been created from the balance of the original amendment package as follows:

Minor Amendments for Deferral
Part 04 – Zones, Division 01 – Commercial Industry Zone
Part 04 – Zones, Division 02 – Community Purpose Zone
Part 04 – Zones, Division 03 – Conservation Zone
Part 04 – Zones, Division 05 – Emerging Urban Community Zone
Part 04 – Zones, Division 07 – General Industry Zone
Part 04 – Zones, Division 13 – Marine Activity Zone
Part 04 – Zones, Division 14 – Medium Density Residential Zone
Part 04 – Zones, Division 23 – SMBI Residential Zone
Part 04 – Zones, Division 24 – Urban Residential Zone
Part 05 – Overlays, Division 7 – Habitat Protection Overlays
Part 05 – Overlays, Division 9 – Poultry Industry Overlay
Part 05 – Overlays, Division 10 – Road and Rail Impacts Overlay
Part 05 – Overlays, Division 11 – Water Supply Catchments Overlays
Part 05 – Overlays, Division 12 – Waterways, wetlands and Moreton Bay Overlay
Part 05 – Overlays, Division 14 – South East Thornlands Structure Plan Overlay
Part 06 – Use Codes, Division 11 – Dwelling House
Part 06 – Use Codes, Division 12 – Estate Sales
Part 06 – Use Codes, Division 13 – Extractive Industry
Part 06 – Use Codes, Division 25 – Small Lot House
Part 06 – Use Codes, Division 26 – Telecommunications Facility
Part 07 – Other Development Codes, Division 03 – Domestic Additions
Part 07 – Other Development Codes, Division 04 – Domestic Driveway Crossover
Part 07 – Other Development Codes, Division 05 – Domestic Outbuilding
Part 07 – Other Development Codes, Division 06 – Excavation and Fill
Part 07 – Other Development Codes, Division 08 – Private Swimming Pool
Part 07 – Other Development Codes, Division 11 – Reconfiguration
Part 08 – General Codes, Division 02 – Centre Activity Code
Part 08 – General Codes, Division 04 – Commercial Industry Activity
Part 08 – General Codes, Division 09 – Stormwater Management
Part 09 – Schedules, Division 01 – Access and Parking
Part 09 – Schedules, Division 03.02 – Administrative Terms
Part 09 – Schedules, Division 03.03 – Dictionary – Use Terms
Part 09 – Schedules, Division 09 – Street Trees

Council has now been empowered to make these amendments without State Government approval. It is proposed that this list of minor amendments be deferred to the first Committee meeting in 2013. This deferral will allow additional time for officers within the City Planning and Environment Group and Sustainable Assessment Group to consider further minor amendments that can be made. A final list will be presented to Council at the first opportunity in the new year.

The deferral will also provide an opportunity to finalise changes to Part 11 –Planning Scheme Policy 9- Infrastructure Works – Chapter 9 – Street Lighting and Electrical Reticulation. The current Policy requires all new lots created through reconfiguration with access off an existing road to provide underground electrical reticulation. Proposed changes to the Policy will ensure that in circumstances where no more than two (2) new lots are created with access from an existing road the existing overhead electrical reticulation may be extended to service the newly created lots, including those containing an existing dwelling provided that, no new power poles are erected within the road reserve or private land and that no “flying fox” extensions are required.

Small reconfigurations (1 into 2) are increasingly important for increasing housing choice and affordability while providing benefits to small landowners. Requiring electrical undergrounding can add significant financial costs to this form of development in many cases prejudicing its viability. The proposed changes to the Policy will address this matter.

Under the provisions of the previous State Government Guidelines minor amendments would have taken up to 12 months to effect. The deferral of the minor amendment package until February 2013 will still enable Council to progress these amendments rapidly.

MAPPING CHANGES (ZONE CHANGES) MINOR AMENDMENTS FOR ADOPTION

In addition, since the last Environment and Planning Committee meeting, officers have identified 37 minor mapping changes (zone and consequent overlay changes) as a result of development approvals previously issued by Council. These appear in the attachment - Mapping Changes (Zone Changes) Minor Amendments for Adoption. The adoption of these mapping changes will bring the scheme mapping up to date to the 26th of November 2012.

It is proposed that these minor mapping changes to the Planning Scheme be adopted now to remove impediments to development for the landowners where development approvals have already been issued.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. To approve Major amendments for the purpose of First State Interest Review as detailed in the attachment titled 3A Major Amendments for Adoption;
2. To defer the Minor amendments titled 3A Minor Amendments for further consideration to the first Committee meeting of 2013 allowing for additional minor amendments to be identified including:

- a. Changes to Part 11 – Planning Scheme Policy 9 - Infrastructure Works – Chapter 9 – Street Lighting and Electrical Reticulation, to ensure that in circumstances where no more than two (2) new lots are created with access from an existing road the existing overhead electrical reticulation may be extended to service the newly created lots; and
3. That the Mapping Changes (Zone Changes) as attached are considered minor in nature and are adopted as amendments to the Redlands Planning Scheme.

**COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr W Boglary

Seconded by: Cr A Beard

That Council resolve as follows:

1. **To approve Major amendments for the purpose of First State Interest Review as detailed in the attachment titled 3A Major Amendments for Adoption;**
2. **To defer the Minor amendments titled 3A Minor Amendments for further consideration to the first Committee meeting of 2013 allowing for additional minor amendments to be identified including:**
 - b. **Changes to Part 11 – Planning Scheme Policy 9 - Infrastructure Works – Chapter 9 – Street Lighting and Electrical Reticulation, to ensure that in circumstances where no more than two (2) new lots are created with access from an existing road the existing overhead electrical reticulation may be extended to service the newly created lots; and**
3. **That the Mapping Changes (Zone Changes) as attached are considered minor in nature and are adopted as amendments to the Redlands Planning Scheme, to be effective from 31 January 2013.**

CARRIED

13 CORPORATE SERVICES & GOVERNANCE COMMITTEE – 11 DECEMBER 2012

Moved by: Cr M Edwards
Seconded by: Cr P Gleeson

That the Corporate Services & Governance Committee Minutes of 11 December 2012 be received.

[Corporate Services & Governance Minutes 11 December 2012](#)

CARRIED

13.1 CORPORATE SERVICES

13.1.1 RESERVE TRANSFERS FOR 2012-2013

Datworks Filename: FM Corporate Budget

**Responsible Officer: Martin Drydale
General Manager Corporate Services**

**Author: Sandra Bridgeman
Manager Financial Reporting**

EXECUTIVE SUMMARY

Section 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* governs the framework for the establishment of and transfers to and from reserves.

The purpose of this report is to provide an update of Redland City Council reserve appropriations for the 2012-2013 financial year for the Sovereign Waters Maintenance Reserve. The Sovereign Waters Maintenance Reserve balance will increase by a total of \$53,159 – this amount comprises the general rate component plus Council contribution of 30% and is consistent with the approach taken in 2011-2012.

PURPOSE

The purpose of this report is to provide an update of Redland City Council reserve appropriations for the 2012-2013 financial year with respect to the Sovereign Waters Maintenance Reserve. This is a requirement under sections 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

BACKGROUND

The 2012-2013 budget was developed to include the transfers to and from reserves in accordance with sections 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*. During the finalisation of the budget process prior to adoption on 12 July 2012, general rate take from Sovereign Waters' properties was modelled using the same methodology as the 2011-2012 financial year and this revenue (along with the 30% Council contribution) needs to be appropriated to the maintenance reserve.

ISSUES

A local government may establish a reserve in the operating fund by including the reserve in its annual budget or by resolution. Section 148(2) of the *Local Government (Finance, Plans and Reporting) Regulation 2010* states that the purpose of the reserve must be stated in:

- a) The annual budget or an amendment of the annual budget;
- b) The resolution that adopts or amends the annual budget; or
- c) The resolution.

Transfer to and from reserves are covered in section 149 of *Local Government (Finance, Plans and Reporting) Regulation 2010*. Section 149(2) states that a local government may make a transfer to or from a reserve in the operating fund only if it:

- a) resolves to make the transfer; or
- b) Includes the transfer in its annual budget.

Local governments must provide transparency over transfers that are for a purpose that is not the purpose of the reserve. Additionally, subsection (4) of section 149 permits councils to close reserves where the purpose of the reserve no longer exists.

The recommendation contained in this report is to ensure consistency of approach to reserve appropriations in line with the approach taken in the previous financial year as a result of Council moving away from raising the required revenue as a Special Charge to collecting it through general rates.

RELATIONSHIP TO CORPORATE PLAN

9. An efficient and effective organisation

Council is well respected and seen as an excellent organisation which manages resources in an efficient and effective way

9.5 Ensure robust long term financial planning is in place to protect the financial sustainability of Council

FINANCIAL IMPLICATIONS

The Sovereign Waters Maintenance Reserve balance will increase by a total of \$53,159 which can be explained as follows

- General rate as collected through the 2012-2013 rate notices: \$37,211
- 30% Council contribution (same percentage as in 2011-2012): \$15,948

This reserve movement outlined above is a transfer within community equity and does not impact operating surplus, net result or total community equity. The \$37,211 is operating revenue and will be transferred into the Sovereign Waters Maintenance Reserve to be consistent with the approach taken in 2011-2012.

PLANNING SCHEME IMPLICATIONS

It is considered that the outcome of recommendations in this report will not result in future amendments to the Redlands Planning Scheme.

CONSULTATION

Consultation has taken place between Financial Services officers, Division One Councillor and the General Manager Corporate Services.

OPTIONS**PREFERRED**

That Council resolves to adopt, in accordance with sections 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*, the revised 2012-2013 transfer to the Sovereign Waters Maintenance Reserve as outlined above.

ALTERNATIVE

That Council requests further information.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Edwards

Seconded by: Cr P Gleeson

That Council resolve to adopt, in accordance with sections 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*, the revised 2012-2013 transfer to the Sovereign Waters Maintenance Reserve as outlined in this report.

CARRIED (en-bloc)

13.1.2 DIRECT DEBIT PAYMENTS

Dataworks Filename: R&V Direct Debit

Responsible Officer: Gavin Holdway
Manager Financial Services

Author: Noela Barton
Service Manager Revenue and Recovery

EXECUTIVE SUMMARY

Council resolved 28 March 2012 to introduce Direct Debit as a payment option in the 2012/13 financial year. The three main benefits of this facility are considered to be that it is convenient, cost effective and payment is not left to chance.

The Direct Debit which will commence from 1 January 2013. Ratepayers will be able to request payments are deducted on a Thursday, either weekly, fortnightly, or on the 5th day monthly, or nearest business day, or in full on the due date. Research has indicated selecting one key day in the week to process direct debits reduces the level of administration.

Advertising will be conducted in January on the Redland City Council website and in the Redland Snapshot section of the Bayside Bulletin. A higher level marketing campaign will be undertaken from April 2012 with the long-term prospect of migrating ratepayers away from the more costly payment channels of Australia Post and Customer Service centres onto Direct Debit.

Research also indicates there is a moderate to high risk of dishonour. ANZ has advised a dishonour fee will be charged to Redland City Council on a Direct Debit of \$2.50 per dishonour. As a procedure it appears standard, and reasonable, to cancel the Direct Debit facility if payments dishonour on 2 separate occasions as the facility is not suited to the customer.

In order to achieve full cost recovery of the dishonour fee it is the officer's recommendation that Council adopt a fee for the 2012/13 financial year of \$2.50 per Direct Debit dishonour with the fee to be reviewed annually.

PURPOSE

The purpose of this report is to provide information on Direct Debit payments and to request Council adopt a dishonour fee for the 2012/13 financial year for Direct Debit dishonours.

BACKGROUND

28 March 2012 – Council Resolution

1. Initiate Direct Debit facilities for payment of rates; and
2. Provide the necessary processes and framework as soon as practical in the financial year 2012/13.

ISSUES

Research indicates there is a moderate to high risk of dishonour. ANZ has advised a dishonour fee will be charged to Redland City Council on a Direct Debit of \$2.50 per dishonour. As a procedure it appears standard, and reasonable, to cancel the Direct Debit facility if payments dishonour on 2 separate occasions as the facility is not suited to the customer.

RELATIONSHIP TO CORPORATE PLAN

9. An efficient and effective organisation

Council is well respected and seen as an excellent organisation which manages resources in an efficient and effective way

9.5 Ensure robust long term financial planning is in place to protect the financial sustainability of Council

FINANCIAL IMPLICATIONS

There are no financial implications impacting Council as a result of this report.

OPTIONS

PREFERRED

That Council resolve to adopt for the 2012/13 financial year a fee of \$2.50 per Direct Debit dishonour for inclusion on the Fees and Charges Schedule with a review of the fee conducted annually.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr P Bishop
Seconded by: Cr A Beard

That Council resolve to adopt for the 2012/13 financial year a fee of \$2.50 per Direct Debit dishonour for inclusion on the Fees and Charges Schedule with a review of the fee conducted annually.

CARRIED

13.1.3 ACQUISITION OF VALUELESS LAND FOR OVERDUE RATES AND CHARGES

Datworks Filename:	FM Valueless Land
Attachment:	<u>Schedule 60</u>
Responsible Officer:	Gavin Holdway Manager Financial Services
Author:	Noela Barton Service Manager Revenue and Recovery

EXECUTIVE SUMMARY

Rate notices are issued on a quarterly basis to the owners of the parcels of land identified in the attached 'Schedule 60'. Officers recommend the land be acquired for overdue rates and charges under section 83 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* (Regulation) as collection activity is unable to yield payment and legal action is not considered reasonable due to the site value and zoning of the land. All properties meet the criteria stated in section 81 of the Regulation for the acquisition of land considered to be valueless for overdue rates and charges, namely:

1. The liability to pay the overdue rates or charges is not the subject of court proceedings; and
2. Some of the overdue rates or charges have been overdue for at least 3 years; and
3. The person who is liable to pay the overdue rates or charges has an interest in the land that a corporation is not prohibited from holding; and
4. Either of the following applies—
 - i) The total of the overdue rates or charges is more than the value of the land and the land is considered to be:
 - a. valueless; or
 - b. of so little value that, if it were sold, the proceeds of the sale would be less than the amount of the overdue rates or charges;
 - ii) The total amount of the overdue rates or charges is more than the market value of the land.

PURPOSE

To request Council resolve to acquire the land identified in the attached 'Schedule 60' for overdue rates and charges.

BACKGROUND

Rate notices are issued on a quarterly basis to the owners of the parcels of land identified in the attached 'Schedule 60'. Officers recommend the land be acquired for overdue rates and charges as collection activity is unable to yield payment and

further recovery action (i.e. legal action) is not considered reasonable due to the site value and zoning of the land.

ISSUES

The land identified in the attached 'Schedule 60' is put forward for resolution to acquire as valueless land for overdue rates and charges because:

- Collection activity is unable to yield payment.
- Further recovery action (i.e. legal action) is not considered reasonable due to the site value and zoning of the land.
- All parcels of land are zoned conservation with a sub-zone of CN1. As per Council resolution 26 October 2005 this land is not considered acceptable for sale of land for overdue rates and charges but is acceptable for acquisition as valueless land.
- Each property has a site value of \$500.
- All properties meet the criteria stated for the acquisition of land for overdue rates and charges stated in section 81 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

A brief summary of each property identified in the attached Schedule 60 follows:

Property Number	Comments
14190	No returned mail. Property purchased 1987. Payments ceased May 2008.
19974	Returned mail. Property inherited Nov 2004. Payments ceased Jul 2009.
21346	No returned mail. Property purchased 2003. Payments ceased Dec 2009.
24044	No returned mail. Property purchased 1991. Payments ceased Jul 2009. Owner sought information on Voluntary Transfer of land in Aug 2011.
35383	Returned mail. Property purchased 1999. Payments ceased Feb 2009.
35435	No returned mail. Property purchased 2005. Payments ceased May 2009.
35723	No returned mail. Property purchased 1982. Payments ceased Sept 2009.
35739	No returned mail. Property purchased 2005. Payments ceased Dec 2010.
35902	No returned mail. Property purchased 2005. Payments ceased May 2009.
37851	Returned mail. Property purchased 1983. Payments ceased Mar 2009. Mother of owner investigated voluntary transfer of land in May 2009.
37853	Returned mail. Property purchased 1983. Payments ceased Mar 2009. Mother of owner investigated voluntary transfer of land in May 2009.
38477	Returned mail. Property purchased 1997. Payments ceased prior to Jul 2001.
44339	No returned mail. Property purchased 1988. Payments ceased Feb 2009.

Property Number	Comments
44343	No returned mail. Property purchased 1988. Payments ceased Feb 2009.
44997	No returned mail. Property purchased 1988. Payments ceased Sept 2009.

RELATIONSHIP TO CORPORATE PLAN

9. An efficient and effective organisation

Council is well respected and seen as an excellent organisation which manages resources in an efficient and effective way

9.5 Ensure robust long term financial planning is in place to protect the financial sustainability of Council

FINANCIAL IMPLICATIONS

The estimated financial implications impacting Council as a result of this report are:

Estimated One-off Costs	
Cost of substitute service	\$3,500
Cost to transfer ownership of the land to Council	\$2,714
Cost of fire break installation:	\$8,134
Cost of tree removal:	\$4,000
Sub-total	\$18,348
Estimated Annual Costs	
Cost of on-going annual maintenance:	\$8,470
Total	\$26,818

PLANNING SCHEME IMPLICATIONS

The City Planning and Environment Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

- City Planning & Environment Group
- Property Services
- City Spaces Unit

OPTIONS

PREFERRED

That Council resolve to acquire the land identified in the attached 'Schedule 60' under section 83 of the Local Government (Finance, Plans and Reporting) Regulation 2010 (Regulation) for overdue rates and charges, which meet the criteria outlined in section 81 of the same Regulation.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Edwards
Seconded by: Cr P Gleeson

That Council resolve to acquire the land identified in the attached 'Schedule 60' for overdue rates and charges under section 83 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

CARRIED (en-bloc)

13.1.4 NOVEMBER 2012 MONTHLY FINANCIAL REPORT**Dataworks Filename:** FM Monthly Financial Reports to Committee**Attachment:** [Monthly Financial Report November 2012](#)**Responsible Officer:** Martin Drydale
General Manager Corporate Services**Author:** Sandra Bridgeman
Financial Reporting Manager

EXECUTIVE SUMMARY

Section 152(2) of the *Local Government (Finance Plans & Reporting) Regulation 2010* requires the Chief Executive Officer to present the financial report to a monthly meeting and accordingly the November 2012 financial reports are now presented to Council for noting.

The November 2012 financial performance report provides indication of financial outcomes at the end of November 2012. Trends will have been noted by the Executive Leadership Group and relevant officers who can provide further clarification and advice around actual to budget variances.

The revised budget presented in the attached report reflects the first quarter budget review adopted by Council in October 2012. The second quarter budget review is expected to further address any material variances between budget and actuals following the results from the first six months of the financial year.

The following adopted 2012-2013 Key Financial Stability and Sustainability Ratios were either achieved or favourably exceeded by Council as at the end of November 2012:

- Ability to pay our bills – current ratio;
- Ability to repay our debt – debt servicing ratio;
- Cash balance;
- Cash balances – cash capacity in months;
- Longer term financial stability – debt to assets ratio;
- Operating performance;
- Operating surplus ratio;
- Net financial liabilities;
- Interest cover ratio; and
- Asset Consumption ratio.

However, the following indicator was marginally unfavourable by 0.4% and therefore outside of Council's target range:

- Level of dependence on general rate revenue;

PURPOSE

The purpose is to present the November 2012 financial report to Council and explain the content and analysis of the report. Section 152(2) of the *Local Government (Finance, Plans & Reporting) Regulation 2010* requires the Chief Executive Officer of a local government to present statements of its accounts to the local government. The financials also provide Council with regular analysis of performance against budget; variances can then be identified on a monthly basis and subsequently addressed if required via budget submissions through the quarterly budget review process.

BACKGROUND

The Corporate Plan contains a strategic priority to support the organisation's capacity to deliver services to the community by building a skilled, motivated and continually learning workforce, ensuring assets and finances are well managed, corporate knowledge is captured and used to best advantage, and that services are marketed and communicated effectively.

ISSUES

Please refer to the attached Monthly Financial Performance Report.

RELATIONSHIP TO CORPORATE PLAN

8. Inclusive and ethical governance

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals

- 8.7 Ensure Council resource allocation is sustainable and delivers on Council and community priorities
- 8.8 Provide clear information to citizens about how rates, fees and charges are set and how Council intends to finance the delivery of the Community Plan and Corporate Plan

FINANCIAL IMPLICATIONS

Please refer to the attached Monthly Financial Performance Report.

PLANNING SCHEME IMPLICATIONS

It is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

Consultation has taken place amongst Council departmental officers, Financial Services Group officers and the Executive Leadership Group.

OPTIONS**PREFERRED**

That Council resolve to note the End of Month Financial Reports for November 2012 and explanations as presented in the attached Monthly Financial Performance Report.

ALTERNATIVE

That Council requests additional information.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Edwards

Seconded by: Cr P Gleeson

That Council resolve to note the End of Month Financial Reports for November 2012 and explanations as presented in the attached Monthly Financial Performance Report.

CARRIED (en-bloc)

13.2 GOVERNANCE

13.2.1 ACCESS TO INFORMATION POLICY

Dataworks Filename: GOV – Administrative/Corporate/Statutory Policy Documentation

Attachment: [Access to Information Policy POL-3126](#)

Responsible Officer: Nick Clarke
General Manager Governance

Author: Jo Jones
Services Manager Corporate Planning and Performance

EXECUTIVE SUMMARY

Council holds a wide range of documents and information. The *Right to Information Act 2009* (RTI Act) and the *Information Privacy Act 2009* (IP Act) provide the public with a right to access these documents.

Although there is a process within the legislation for the public to apply for access to documents, Council is encouraged to publish and make available as much information as possible, unless there is identified public interest harm. The legislation encourages a 'push' model where information is made available unless there is a reason under the legislation why it should not be released.

An internal audit review completed in March this year recommended that Council develop and adopt a policy to cover the arrangements for accessing information held by Council.

PURPOSE

The purpose of this report is to recommend the Access to Information Policy (POL-3126) for adoption by Council at the General Meeting on 19 December 2012.

BACKGROUND

Under the RTI Act and the IP Act, individuals can apply to access any documents held by Council. Documents include reports, plans, photographs, recordings, hand written notes and other forms of information. An individual must complete a state government form and may, depending on the type of application, have to pay fees and charges. Council is encouraged under the legislation to publish as much information as possible and RTI and IP applications should be seen as a last resort once other options have been ruled out.

RTI and IP applications are processed by Council's Corporate Governance Group. In the last few years, Council has seen a significant increase (followed by a decline) in the number of applications received. In 2010/11 Council processed 58 applications and considered 20,589 pages. In 2011/12 Council processed 51 applications and considered 2,935 pages. There are no fees payable for applications under the IP Act. There is a \$40.50 application fee for applications made under the RTI Act and there may be processing fees if the application takes more than five hours to process. Concession card holders do not pay any processing fees.

	2009/10	2010/11	2011/12
Number of RTI & IP applications	60	58	51
Number of pages considered	10,747	20,589	2,935
Income from fees & charges	\$2043	\$3371	\$2983

Council is required to have a publication scheme on its website which outlines key documents held by Council within particular categories. Council is also required to publish a disclosure log which includes documents released under the RTI Act which do not contain personal information.

Where Council has other methods of access, individuals must use this method of access. They cannot use the RTI or IP process to avoid higher fees and charges for other methods of access such as building or planning searches.

A supporting guideline is being developed for employees to provide information about the implementation of the Access to Information Policy. Council has also established an internal network of staff, with representatives from every area of Council to assist with effective implementation of this policy and Council's Information Privacy Policy POL-3103.

ISSUES

Council's internal audit review completed in March 2012, identified the need for a new Policy and Guideline for access to information. Council's Information Privacy Policy (POL-3103) and Guideline (GL-3103-001) covers the way Council protects and manages personal information but it was recommended that a policy and guideline be developed and approved to cover the way Council deals with access to documents. The attached policy has been developed in line with both the RTI Act and the IP Act and provides a framework for Council to manage publication and release of documents.

RELATIONSHIP TO CORPORATE PLAN

8. Inclusive and ethical governance

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals.

8.2 Provide accessible information through different media to let residents know about local issues and how to get involved in programs and make a positive contribution to their community

FINANCIAL IMPLICATIONS

There are no financial implications impacting Council as a result of this report.

CONSULTATION

The policy has been developed in consultation with relevant staff and managers.

OPTIONS**PREFERRED**

That Council adopt the Access to Information Policy (POL-3126).

ALTERNATIVE

Council requests further information and amendments to the Access to Information Policy (POL-3126) and requests a new draft be presented to Council at the General Meeting on 19 December 2012.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Edwards

Seconded by: Cr P Gleeson

That Council resolve to adopt the Access to Information Policy (POL-3126).

CARRIED (en-bloc)

13.3 CLOSED SESSION**13.3.1 SPONSORSHIP APPLICATION - REDLANDS EASTER FAMILY FESTIVAL 2013**

Dataworks Filename: CR Sponsorship - Outgoing

Responsible Officer: Nick Clarke
General Manager Governance

Author: Tracey Walker
Group Manager Communications

EXECUTIVE SUMMARY

A confidential report from General Manager Governance was presented to Committee for consideration.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Edwards
Seconded by: Cr P Gleeson

That Council resolve as follows:

- 1. To accept the assessment panel's Option 1; and**
- 2. That this report remains confidential pending advice to the applicant.**

CARRIED (en-bloc)

14 REDLAND WATER AND REDWASTE COMMITTEE – 11 DECEMBER 2012

Moved by: Cr L Hewlett
Seconded by: Cr W Boglary

That the Redland Water and RedWaste Committee Minutes of 11 December 2012 be received.

[Redland Water and RedWaste Committee Minutes 11 December 2012](#)

CARRIED

14.1 REDLAND WATER & REDWASTE**14.1.1 SOLE SUPPLIER - MACLEAY ISLAND EFFLUENT DISPOSAL**

Datworks Filename: WW Monitoring – WW Onsite Sewage Disposal

**Responsible Officer: Bradley Taylor
Group Manager Infrastructure and Planning**

**Author: Pamela Ring
Engineer**

EXECUTIVE SUMMARY

Due to issues with the existing Biowater effluent disposal system on the Bay Island Golf Course, Redland Water is proposing to install a new effluent disposal system – the Advanced Enviro-Septic (AES) system.

This system will dispose of the effluent from the existing 17 residential properties that are already on the scheme via the sub-surface at the golf course.

PURPOSE

Chankar Environmental Pty. Ltd. is the sole supplier of the AES system in Australia. Approval is sought to gain sole supplier status for Chankar Environmental Pty. Ltd. to provide the Advanced Enviro-Septic system to Redland Water, in accordance with s.184 *Local Government (Finance, Plans and Reporting) Regulation 2010*:

(b) because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

BACKGROUND

The Biowater Scheme involved the treatment of raw sewage produced by 17 residential properties and one commercial property using on-site Biolytix units. At present the treated effluent is transported via a low-pressure reticulation line into two, 23Kl each, holding tanks on the Bay Island Golf Course. The effluent is used for sub-surface irrigation on some parts of the fairway. The system was installed in 2004 and has been in operation since 2005.

Redland Water has made a number of improvements to the discharge system at the golf club, however there has been continued failure of the system to adequately

discharge all effluent. Consequently there have been nuisance overflows around the storage tanks.

ISSUES

A feasibility to improve the reliability of the system has been prepared. Two options were considered:

- disconnect the Biolytix units at houses and replace with on-property evapotranspiration trenches (costing approx. \$150,000);
- improve the reliability of discharge at the Bay Island Golf Club by installing the AES system (costing approx. \$45,000).

Investigations found that it was not possible to construct trenches in all properties. It is more feasible and much less expensive to install the AES system at the golf club and remove the storage tanks.

There is an urgency to remediate the system as there are on-going tankering costs and environmental and health risks. Council's Plumbing Department are supportive of the recommendation.

The AES system has been successfully installed and used for the past 20 years in America. It has been approved by SAI Global as meeting the requirements of the *Queensland Plumbing and Wastewater Code, 2011*. This verification was based on data from a testing regime conducted in Canada. Recently, the AES system was installed at the Girl Guides Association, Kindilan.

RELATIONSHIP TO CORPORATE PLAN

2. Green living

Our green living choices will improve our quality of life and our children's lives, through our sustainable and energy efficient use of resources, transport and infrastructure, and our well informed responses to risks such as climate change.

2.1 Achieve sustainability through strong leadership and innovation, and by effective planning and managing our services, assets and resources

8. Inclusive and ethical governance

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals

8.5 Be transparent and consistent in the way we manage the organisation, its risks and obligations and ensure we are delivering against our priorities

9. An efficient and effective organisation

Council is well respected and seen as an excellent organisation which manages resources in an efficient and effective way

9.6 Implement long term asset management planning that supports innovation and sustainability of service delivery, taking into account the community's aspirations and capacity to pay for desired service levels

9.7 Develop our procurement practices to increase value for money within an effective governance framework

FINANCIAL IMPLICATIONS

This recommendation does not require any change to the current year's budget as funds have already been allocated to account number 53013.194.0034.821601.

PLANNING SCHEME IMPLICATIONS

The City Planning and Environment Group was consulted and the outcome of recommendations in this report will not result in any changes to the Redlands Planning Scheme.

CONSULTATION

Consultation has been undertaken with:

- General Manager, Redland Water & RedWaste;
- Group Manager, Infrastructure & Planning, Redland Water & RedWaste;
- Service Manager Plumbing Services, Environment, Planning and Development;
- Team Leader Services, Environment, Planning and Development;
- Senior Environmental Officer, DEHP;
- Group Manager, Legal Services Group, Governance
- Team Leader Environment Assessment, Environment, Planning and Development

OPTIONS

PREFERRED

That Council resolve to award sole supplier status to Chankar Environmental Pty. Ltd. to provide the AES system to Redland City Council, in accordance with s.184 *Local Government (Finance, Plans and Reporting) Regulation 2010*:

(b) because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr L Hewlett

Seconded by: Cr P Bishop

That Council resolve to award sole supplier status to Chankar Environmental Pty. Ltd. to provide the AES system to Redland City Council, in accordance with s.184 *Local Government (Finance, Plans and Reporting) Regulation 2010*:

(b) because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

CARRIED (en-bloc)

14.1.2 REDLAND WATER BUSINESS UNIT REPORT - NOVEMBER 2012

Dataworks Filename: WW Redland Water & RedWaste Committee
WS Redland Water & RedWaste Committee

Attachment: [Redland Water Business Unit Monthly Report November 2012](#)

Responsible Officer: Gary Soutar
General Manager Redland Water & RedWaste

Author: Shelley Thompson
PA to General Manager Redland Water & RedWaste

EXECUTIVE SUMMARY

The Redland Water (RW) business unit report is presented to Council for noting. The report provides the business unit's performance for the month of November 2012 and covers financial and non-financial indicators for water and wastewater.

It is expected that, most of the time the report findings will be "business as usual". Where exceptions occur, these will be highlighted.

The report provides a regular opportunity for Council to consider RW's performance and to respond to any exceptional reporting.

Council is provided with the option to accept the report or, accept it and request additional information or a review of performance.

PURPOSE

To report on the ongoing performance of the business unit against key performance indicators (KPIs).

BACKGROUND

RW's performance plan identifies KPIs for which performance targets have been agreed with Council. Reporting is done each month through the Redland Water & RedWaste committee.

ISSUES

The report is provided to Council as a means of monitoring the performance of RW for the activities of water and wastewater.

The first part of the report comprises a "snapshot" of the business unit's achievement in meeting KPIs (year-to-date) and the financial report card.

The report then provides specific financial reports and commentary, capital expenditure (graphically) and a detailed customer overview.

The main body of the report focuses on actual levels of achievement against the KPIs for the month. Where exceptions have occurred and targets not met, an explanation is given as well as action taken to improve performance.

The report closes with a summary of the major issues for each group during the month.

RELATIONSHIP TO CORPORATE PLAN

8. Inclusive and ethical governance

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals

8.5 Be transparent and consistent in the way we manage the organisation, its risks and obligations and ensure we are delivering against our priorities

FINANCIAL IMPLICATIONS

There are no direct financial implications impacting Council as a result of this report.

Financial implications may result where Council requests a performance review or requests an increase in performance standards.

PLANNING SCHEME IMPLICATIONS

The City Planning & Environment group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

Consultation has occurred with:

- Manager Distribution & Treatment Services – Redland Water & RedWaste;
- Manager Customer & Retail Services – Redland Water & RedWaste;
- Manager Infrastructure & Planning – Redland Water & RedWaste;
- Management Accountant - Commercial Finance Unit; and
- Senior Accountant Commercial Businesses.

OPTIONS

PREFERRED

That Council resolve to accept the Redland Water business unit report for November 2012 as presented in the attachment.

ALTERNATIVE

That Council resolve to accept the Redland Water business unit report for November 2012 as presented in the attachment and requests additional information or a review of performance.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr L Hewlett

Seconded by: Cr P Bishop

That Council resolve to accept the Redland Water Business Unit report for November 2012 as presented in the attachment.

CARRIED (en-bloc)

14.1.3 REDWASTE BUSINESS UNIT REPORT - NOVEMBER 2012

Datworks Filename: WM - Waste Monthly Reports to Committee
WM – Redland Water & RedWaste Committee

Attachment: [RedWaste Business Unit Monthly Report – November 2012](#)

Responsible Officer: Tony King
Group Manager Customer & Retail Services

Author: Shelley Thompson
PA to General Manager Redland Water & RedWaste

EXECUTIVE SUMMARY

The RedWaste business unit report is presented to Council for noting. This report provides details relating to the business unit's performance for November 2012 and covers financial and non-financial indicators for waste, as outlined in the 2012/13 Annual Performance Plan (APP), which was adopted by Council in July 2012.

The report provides a regular opportunity for Council to consider the performance of the RedWaste business unit and to respond to any exceptional reporting. Most of the report findings will be "business as usual". Where exceptions occur, these will be highlighted.

PURPOSE

To report on RedWaste's performance against key performance indicators (KPIs) outlined in its 2012-2013 annual performance plan for November 2012.

BACKGROUND

The RedWaste Business Unit APP identifies KPIs for which performance targets have been agreed with Council.

ISSUES

The report is provided to Council as a means of monitoring the performance of RedWaste's activities. The first part of the attached report comprises a "snapshot" of the business unit's achievement in meeting KPIs (year-to-date) and financial report card.

The report then provides a specific financial report and commentary, capital expenditure (graphically) and a detailed customer overview. The main body of the report focuses on actual levels of achievement against the KPIs for each of the months, year to date. Where exceptions have occurred and targets not met, an explanation is given as well as action taken to improve performance.

RELATIONSHIP TO CORPORATE PLAN

2. Green living

Our green living choices will improve our quality of life and our children's lives, through our sustainable and energy efficient use of resources, transport and infrastructure, and our well informed responses to risks such as climate change.

2.2 Promote, support and encourage commitment to green living in our community by improving residents' understanding of climate change and achieving greater water, energy and waste conservation and efficiency

2.8 Implement Council's waste management strategy by applying best practice principles in pricing, public awareness, resource management, recycling and recovery

FINANCIAL IMPLICATIONS

There are no financial implications impacting Council as a result of this report.

PLANNING SCHEME IMPLICATIONS

The City Planning & Environment Group was not consulted as it is considered that the outcome of recommendations in this report will not result in amendments to the Redlands Planning Scheme.

CONSULTATION

Consultation has occurred with:

- General Manager – Redland Water & RedWaste;
- Group Manager, Customer & Retail Services – Redland Water & RedWaste;
- Service Manager – RedWaste;
- Management Accountant - Commercial Finance Unit; and
- Senior Accountant Commercial Businesses.

OPTIONS

PREFERRED

That Council resolve to note the RedWaste Business Unit Report for November 2012, as presented in the attachment.

ALTERNATIVE

That Council accepts the report and requests additional information or a review of performance.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr L Hewlett

Seconded by: Cr P Bishop

That Council resolve to accept the RedWaste Business Unit Report for November 2012, as presented in the attachment.

CARRIED (en-bloc)

15 DEVELOPMENT ASSESSMENT & COMMUNITY STANDARDS COMMITTEE – 12 DECEMBER 2012

Moved by: Cr M Elliott
Seconded by: Cr W Boglary

That the Development Assessment & Community Standards Committee Minutes of 12 December 2012 be received.

[Development Assessment & Community Standards Minutes 12 December 2012](#)

CARRIED

15.1 ENVIRONMENT PLANNING & DEVELOPMENT

15.1.1 CATEGORY 1 - MINOR COMPLYING CODE ASSESSMENTS AND ASSOCIATED ADMINISTRATIVE MATTERS, INCLUDING CORRESPONDENCE ASSOCIATED WITH THE ROUTINE MANAGEMENT OF ALL DEVELOPMENT APPLICATIONS

Datworks Filename: GOV - Development and Community Standards – Delegated Items

**Responsible Officer: Bruce Macnee
Group Manager, Sustainable Assessment**

**Author: Kerri Lee
Business Support Officer, Sustainable Assessment**

EXECUTIVE SUMMARY

At the General Meeting of 27 July, 2011, Council resolved that development assessments be classified into the following four Categories:

Category 1 – Minor Complying Code Assessments & associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments & Minor Impact Assessments;

Category 3 – Moderately Complex Code & Impact Assessments;

Category 4 – Major and Significant Assessments.

The applications detailed in this report have been assessed under Category 1 criteria - defined as complying code assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature.

PURPOSE

The purpose of this report is for Council to note that the following decisions were made under delegated authority – Category 1 – Minor Complying Code Assessments and associated administrative matters, including correspondence associated with the routine management of all development applications.

1. Development Permit issued on 23 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 24 Cumming Parade, Point Lookout. DBR Building Certification. (BWP001629)
2. Development Permit issued on 23 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 5 Agate Court, Alexandra Hills. Sanadee Enterprise Pty Ltd. (BWP001626)
3. Development Permit issued on 21 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 363 Redland Bay Road, Capalaba. Brisbane Sheds and Garages. (BWP001623)
4. Development Permit issued on 16 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 41 Monterey Avenue, Thornlands. The Certifier Pty Ltd. (BWP001605)
5. Development Permit issued on 12 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 33-35 Woodlands Drive, Thornlands. Sanadee Enterprise Pty Ltd. (BWP001599)
6. Development Permit issued on 7 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 24 Birkdale Road, Birkdale. Sanadee Enterprise Pty Ltd. (BWP001581)
7. Development Permit issued on 8 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 30 Malcomia Street, Redland Bay. Strickland Certification Pty Ltd. (BWP001615)
8. Development Permit issued on 2 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 7 Kent Court, Alexandra Hills. The Certifier Pty Ltd. (BWP001589)
9. Development Permit issued on 2 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 5 Plover Drive, Thornlands. Sanadee Enterprise Pty Ltd. (BWP001561)
10. Development Permit issued on 1 November, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 9 Allen Street, Victoria Point. Mr G. Rust. (BWP001613)
11. Development Permit issued on 31 October, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 5 Allamanda Place, Ormiston. Mrs D.K. Kolomeitz. (BWP001601)
12. Development Permit issued on 31 October, 2012 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 49 Masthead Drive, Cleveland. Yuri Stevens Architect. (BWP001565)
13. Development Permit issued on 16 November, 2012 for building works approval assessed against the Redlands Planning Scheme for domestic additions at 99 Tramican Street, Point Lookout. Ms H. Tkacz. (BWP001604)
14. Development Permit issued on 14 November, 2012 for building works approval assessed against the Redlands Planning Scheme for domestic additions at 73 Whitehall Avenue, Birkdale. The Certifier Pty Ltd. (BWP001595)
15. Development Permit issued on 12 November, 2012 for building works approval assessed against the Redlands Planning Scheme for domestic additions at 835-839 West Mount Cotton Road, Sheldon. Mr K.W. Murie. (BWP001603)
16. Development Permit issued on 8 November, 2012 for building works approval assessed against the Redlands Planning Scheme for domestic additions at 10 Bagoon Road, Point Lookout. Ms H. Tkacz. (BWP001587)
17. Development Permit issued on 31 October, 2012 for building works approval assessed against the Redlands Planning Scheme for domestic additions at 16 Agnes Street, Birkdale. The Certifier Pty Ltd. (BWP001592)

18. Development Permit issued on 23 November, 2012 for a material change of use for a dwelling house at 14 Leanne Street, Macleay Island. Bay Island Designs. (MCU012983)
19. Development Permit issued on 21 November, 2012 for a material change of use for a dwelling house at 17 Natone Terrace, Macleay Island. Noosa Building Certifiers. (MCU012968)
20. Development Permit issued on 14 November, 2012 for a material change of use for a dwelling house at 17 Coffea Street, Macleay Island. Mr M.F. Tungate. (MCU012932)
21. Development Permit issued on 12 November, 2012 for a material change of use for a dwelling house at 42 The Esplanade, Karragarra Island. Westland Modular Homes. (MCU012961)
22. Development Permit issued on 14 November, 2012 for a material change of use for the construction of a private swimming pool at 1 Bates Drive, Birkdale. Queensland Pool Approvals. (BWP001606)
23. Development Permit issued on 6 November, 2012 for operational works for an advertising device at 20 Loraine Street, Capalaba. Cerebral Palsy League of Queensland (Capalaba). (OPW001380)
24. Concurrence Agency Response issued on 13 November, 2012 for a dwelling house at 59-61 Taylor Street, Russell Island. Ms Karen A. Komel. (BWP001619)
25. Concurrence Agency Response issued on 8 November, 2012 for a dwelling house at 68 Tramican Street, Point Lookout. Building Surveying Professionals (South Brisbane). (BWP001614)
26. Concurrence Agency Response issued on 12 November, 2012 for a dwelling house at 17 Kevin Street, Macleay Island. Kelder Architects. (BWP001621)
27. Concurrence Agency Response issued on 12 November, 2012 for a dwelling house at 10 Kim Crescent, Macleay Island. Mr Keith Fox. (BWP001612)
28. A Notice agreeing to extend the relevant period of an existing development approval was issued on 22 November, 2012 for a material change of use for a dwelling house at 46 Seacrest Court, Cleveland. Ben Thomas Architects. (MC011290)

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Elliott
Seconded by: Cr P Gleeson

That the report be noted.

CARRIED (en-bloc)

15.1.2 CATEGORY 2 - COMPLYING CODE ASSESSMENT AND MINOR IMPACT ASSESSMENTS

Datworks Filename: GOV - Development and Community Standards – Delegated Items

Responsible Officer: Bruce Macnee
Group Manager, Sustainable Assessment

Author: Kerri Lee
Business Support Officer, Sustainable Assessment

EXECUTIVE SUMMARY

At the General Meeting of 27 July, 2011, Council resolved that development assessments be classified into the following four Categories:

Category 1 – Minor Complying Code Assessments & associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments & Minor Impact Assessments;

Category 3 – Moderately Complex Code & Impact Assessments; and

Category 4 – Major and Significant Assessments.

The applications detailed in this report have been assessed under Category 2 criteria - defined as complying code assessable and compliance assessable applications, including operational works, and Impact Assessable applications without submissions of objection. Also includes a number of process related delegations, including issuing planning certificates, approval of works on and off maintenance and the release of bonds, and all other delegations not otherwise listed.

PURPOSE

The purpose of this report is for Council to note that the following decisions were made under delegated authority – Category 2 – Complying Code Assessments and Minor Impact Assessments. (Category 2 Report)

1. Development Permit issued on 26 November, 2012 for a material change of use for a dwelling house at 26 Pamphlet Street, Dunwich. Levitch Design Associates Pty Ltd. (MCU012974)
 2. Development Permit issued on 15 November, 2012 for a material change of use for a dwelling house at 37-39 Pinecone Place, Thornlands. Ausbuild Plus Pty Ltd. (MCU012970)
 3. Development Permit issued on 8 November, 2012 for a material change of use for a dwelling house at 75 Coondooropa Drive, Macleay Island. Bay Island Designs. (MCU012873)
 4. Development Permit issued on 6 November, 2012 for a material change of use for a dwelling house at 24 Laurel Street, Russell Island. Bay Island Designs. (MCU012927)
-

5. Development Permit issued on 16 November, 2012 for a material change of use to operate a home business at Eastbourne, 6/21 Fitzroy Street, Cleveland. Ms F.M. Corkery. (MCU012908)
6. Development Permit issued on 5 November, 2012 for a material change of use to operate a home business at 6 Kerder Street, Thornlands. Mr J.M. Hale and Mrs T.M. Hale. (MCU012946)
7. Development Permit issued on 21 November, 2012 for a material change of use to construct a dual occupancy at 33 Keith Street, Capalaba. Mr S.A. Bould. (MCU012842)
8. Development Permit issued on 14 November, 2012 for a material change of use to construct a dual occupancy at 48 Cambridge Drive, Alexandra Hills. The Certifier Pty Ltd. (MCU012952)
9. Development Permit issued on 2 November, 2012 for a material change of use to construct a dual occupancy at 15 Midjimberly Road, Point Lookout. P.L. Architects Pty Ltd. (MCU012945)
10. Development Permit issued on 2 November, 2012 for a material change of use to construct a dual occupancy at 42 Riley Peter Place, Cleveland. Javica Pty Ltd. (MCU012942)
11. Development Permit issued on 31 October, 2012 for a material change of use to construct a dual occupancy at 1 Riley Peter Place, Cleveland. Javica Pty Ltd. (MCU012941)
12. Development Permit issued on 14 November, 2012 for a material change of use to construct a Multiple Dwelling (28 units) at 192 Delancey Street and 90 Sturgeon Street, Ormiston. Bartley Burns Certifiers and Planners. (MCU012785)
13. Development Permit issued on 14 November, 2012 for a material change of use to construct a Multiple Dwelling (x 4) at 12 Moore Street, Victoria Point. Approveit Building Certification Pty Ltd. (MCU012955)
14. Development Permit issued on 27 November, 2012 for a material change of use for a community facility at 55-57 Degen Road, Capalaba. Lions Club of Capalaba. (MCU012914)
15. Development Permit issued on 9 November, 2012 for a material change of use for the purpose of an indoor recreation facility and operational works for an illuminated advertising device at 1-7 Finucane Road, Capalaba. Milestone (Aust) Pty Limited. (MCU012877)
16. Development Permit issued on 2 November, 2012 for a material change of use for the purpose of aged care and special needs housing at 62 and 1-3 / 62 Collingwood Road, Birkdale. Paynter Dixon Queensland Pty Ltd. (MCU012870)
17. Development Permit issued on 26 November, 2012 for building works approval assessed against the Redlands Planning Scheme for domestic additions at 8 Keith Street, Macleay Island. Bay Island Designs. (BWP001532)

18. Development Permit issued on 16 November, 2012 for operational works for an advertising device at 1 Grant Street, Cleveland. Collins Restaurants Qld Pty Ltd. (OPW001371)
19. Development Permit issued on 22 November, 2012 for reconfiguration of lots (one into two lots) at 12 Carlton Court, Birkdale. Mr S. Micallef, Mrs R.A. Knight and Mr E.J. Knight. (ROL005607)
20. A Notice agreeing to a change of approval was issued on 16 November, 2012 for an operational works – advertising device at 34-40 Shore Street West, Ormiston. Programmed Property Services. (OPW001189)
21. A Notice agreeing to a change of approval was issued on 2 November, 2012 for a reconfiguration of lots at 847-897 German Church Road, Redland Bay. Wolter Consulting Group. (SB004975)
22. A Notice agreeing to a change of approval was issued on 2 November, 2012 for a home business at 363 Redland Bay Road, Capalaba. Mr B.C. Key and Mrs R. Key. (MC011019)
23. A Notice agreeing to a change of approval was issued on 2 November, 2012 for a dwelling house and domestic outbuilding at 363 Redland Bay Road, Capalaba. Mr B.C. Key and Mrs R. Key. (MC011018)
24. A Notice agreeing to a change of approval was issued on 2 November, 2012 for a reconfiguration of lots at 108-116 Bunker Road, Victoria Point. G.W. Clegg & Company. (SB005313)
25. A Notice agreeing to a change of approval was issued on 1 November, 2012 for a reconfiguration of lots at 630-636 Main Road and 8 Nelson Road, Wellington Point. G.W. Clegg & Company. (SB005229 and SB005485)
26. A Notice agreeing to a change of approval was issued on 9 November, 2012 for a dwelling house at 53 Makaha Drive, Birkdale. Bartley Burns Certifiers and Planners. (MC011789)

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Elliott
Seconded by: Cr P Gleeson

That the report be noted.

CARRIED (en-bloc)

15.1.3 CATEGORY 3 - MODERATELY COMPLEX CODE AND IMPACT ASSESSMENTS

Dataworks Filename: GOV - Development and Community Standards – Delegated Items

Responsible Officer: Bruce Macnee
Group Manager, Sustainable Assessment

Author: Kerri Lee
Business Support Officer, Sustainable Assessment

EXECUTIVE SUMMARY

At the General Meeting of 27 July, 2011, Council resolved that development assessments be classified into the following four Categories:

Category 1 – Minor Complying Code Assessments & associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments & Minor Impact Assessments;

Category 3 – Moderately Complex Code & Impact Assessments;

Category 4 – Major and Significant Assessments

The applications detailed in this report have been assessed under Category 3 criteria that are defined as applications of a moderately complex nature, generally mainstream impact assessable applications and code assessable applications of a higher level of complexity. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Both may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the Planning Scheme. Applications seeking approval of a plan of survey are included in this category. Applications can be referred to Development and Community Standards Committee for a decision.

PURPOSE

The purpose of this report is for Council to note that the following decisions were made under delegated authority - Category 3 – Moderately Complex Code & Impact Assessments. (Category 3 Report)

1. Development Permit issued on 9 November, 2012 for a material change of use for a multiple dwelling at 35 Weinam Street, Redland Bay. Redland Bay Leisure Life Pty Ltd. (MCU012805)

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Elliott
Seconded by: Cr P Gleeson

That the report be noted.

CARRIED (en-bloc)

15.1.4 APPEALS LIST CURRENT AS AT 3 DECEMBER, 2012

Datworks Filename: GOV - Development and Community Standards – Current Appeals

Responsible Officer: Bruce Macnee
Group Manager, Sustainable Assessment

Author: Daniel Zilli
Service Manager, Design and Co-ordination

EXECUTIVE SUMMARY

1.	File Number:	Appeal 1880 of 2008 (SB004758.1A SB004758.1B MC007588)
Applicant:		Heritage Properties P/L
Application Details:		Material Change of Use (residential development) and Reconfiguring a Lot (1 into 35 lots (1A)) and Preliminary Approval affecting a Planning Instrument 268, 278, 296, 310, 332 & 344 Cleveland-Redland Bay Road, Thornlands
Appeal Details:		Applicant appeal against deemed refusal.
Current Status:		Conditions are being reviewed by appellants and Infrastructure Agreements are being finalised.
Hearing Date:		Judgment 12 April 2011. Appeal allowed. Adjourned to 5 December 2012.

2.	File Number:	Appeal 1963 of 2009 (MC010715)
Applicant:		JT George Nominees P/L
Application Details:		Preliminary Approval for MCU for neighbourhood centre, open space and residential uses (concept master plan). Cnr Taylor Rd & Woodlands Dve, Thornlands.
Appeal Details:		Applicant Appeal against refusal.
Hearing Date:		Adjourned for further review 21 March 2013.

3.	File Number:	Appeal 2675 of 2009. (MC010624)
Applicant:		L M Wigan
Application Details:		Material Change of Use for residential development (Res A & Res B) and preliminary approval for operational works 84-122 Taylor Road, Thornlands
Appeal Details:		Applicant Appeal against refusal.
Current Status:		Directions Order 18 October 2012 sets out dates for confirming dispute issues, nomination of experts, mediation, etc.
Hearing Date:		Listed for review 13 March 2013, set down for hearing April 2013 pool (5 days).

4.	File Number:	Appeal 2894 of 2011. (SB004896)
Applicant:		M & D Power
Application Details:		Reconfiguring a Lot (1 into 10 Lots) 18 Mainsail Street, Birkdale
Appeal Details:		Compensation Claim in relation to Council's refusal.
Current Status:		Further negotiations are underway.
Hearing Date:		Adjourned for further review 7 December 2012.

5.	File Number:	Appeal 3788 of 2011. (MC010623)
Applicant:		Karreman Resources P/L
Application Details:		Request to Change Development Approval for Extractive Industry 616-632 West Mt Cotton Rd, Mt Cotton
Appeal Details:		Applicant appeal against part refusal of request for Permissible Change.
Current Status:		Without prejudice negotiations underway and nearing completion.
Hearing Date:		Adjourned to 7 December 2012.

6.	File Number:	Appeal 4947 of 2011 (MC011057)
	Applicant:	Mulder
	Application Details:	Material Change of Use for a Dwelling House 8 Edgewater Place, Lamb Island
	Appeal Details:	Applicant appeal against deemed refusal.
	Current Status:	Without prejudice meetings held. Clarification of issues in dispute. Appellant considering alternative design options and seeking engineering report.
	Hearing Date:	Adjourned to 14 December 2012.

7.	File Number:	Appeal 5192 of 2011 (MC008414)
	Applicant:	Cleveland Power Pty Ltd
	Application Details:	Request to Extend Relevant Period for Bio-mass Power Plant and ERA # 17 70-96 Hillview Rd, Mt Cotton
	Appeal Details:	Applicant appeal against refusal.
	Current Status:	Appeal is adjourned to allow a permissible change to be lodged and considered by the Court.
	Hearing Date:	Adjourned to 13 December 2012.

8.	File Number:	Appeal 342 of 2012 (BWP001388)
	Applicant:	Seymour
	Application Details:	Building Works for Domestic Outbuilding 309 Esplanade, Redland Bay
	Appeal Details:	Applicant appeal against refusal.
	Current Status:	Applicant appeal against refusal.
	Hearing Date:	Consent Order issued on 9 November 2012.

9.	File Number:	Appeal 4205 of 2012 (MCU012446)
Applicant:		East Coast Surveys Pty Ltd & Jendale Pty Ltd
Application Details:		Material Change of Use for Reconfiguration (1 into 8 lots) and preliminary approval varying the effect of local planning instrument. 306-308 Bloomfield Street, Cleveland
Appeal Details:		Applicant appeal against conditions relating to Adopted Infrastructure Charges.
Current Status:		Mediation held 16 November 2012.
Hearing Date:		Adjourned to date to be fixed.

10.	File Number:	Appeal 4577 of 2012 (SB005419)
Applicant:		Craig SM Lambert
Application Details:		Reconfiguration of Lots (9 residential lots) 39-41 Serpentine Creek Road, Redland Bay On behalf of P & D Schmidt
Appeal Details:		Applicant appeal against conditions of development permit.
Current Status:		Applicant appeal against conditions.
Hearing Date:		No date set. WOP scheduled for 6 December 2012.

11.	File Number:	Originating Application 4491 of 2012 (SB004850.1, SB004850.2, SB004850.3, SB004850.4, SB004850.5, SB004850.6, SB004850.7, SB004850.8, SB004850.9, SB004850.10)
Applicant:		Yarrum Equities Pty Ltd
Application Details:		Reconfiguration of Lots (9 residential lots) 299-351 Heinemann Road, Redland Bay
Appeal Details:		Applicant appeal seeking permissible change to development permit (Consent Order) to reconfigure 1 into 384 standard format lots over 10 stages.
Current Status:		Applicant application for permissible change to Consent Order under Appeal 101 of 2005. Officers considering change.
Hearing Date:		Directions hearing 6 December 2012.

Information on appeals may be found as follows:

1. Planning and Environment Court

- a) Information on current appeals and declarations with the Planning and Environment Court involving Redland City Council can be found at the District Court web site using the "Search civil files (eCourts) Party Search" service: <http://www.courts.qld.gov.au/esearching/party.asp>
- b) Judgements of the Planning and Environment Court can be viewed via the Supreme Court of Queensland Library web site under the Planning and Environment Court link: <http://www.sclqld.org.au/qjudgment/>

2. Redland City Council

The lodgement of an appeal is acknowledged with the Application details on the Councils "Planning and Development On Line - Development - Application Inquiry" site. Some Appeal documents will also be available (note: legal privilege applies to some documents). All judgements and settlements will be reflected in the Council Decision Notice documents:

<http://www.redland.qld.gov.au/PlanningandBuilding/PDOnline/Pages/default.aspx>

3. Department of State Development, Infrastructure and Planning (SDIP)

The DSDIP provides a Database of Appeals (<http://services.dip.qld.gov.au/appeals/>) that may be searched for past appeals and declarations heard by the Planning and Environment Court.

The database contains:

- A consolidated list of all appeals and declarations lodged in the Planning and Environment Courts across Queensland of which the Chief Executive has been notified.
- Information about the appeal or declaration, including the appeal number, name and year, the site address and local government.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr M Elliott
Seconded by: Cr P Gleeson

That the report be noted.

CARRIED (en-bloc)

15.1.5 NEGOTIATED DECISION NOTICE FOR A PLACE OF WORSHIP AT 3 BAILEY ROAD, BIRKDALE

Dataworks Filename: MCU012808

Attachment: [Locality Map](#)

Responsible Officer: Bruce Macnee
Group Manager, Sustainable Assessment

Author: David Jeanes
Service Manager, Planning Assessment

Application Type	Impact Assessment
Proposed Use	Place of Worship
Property Description	Lot 7 RP 198394
Location	3 Bailey Road Birkdale QLD 4159
Land Area	824 Square Metres
Zoning	UR - Urban Residential
Designated Community Infrastructure	
Overlays	Acid Sulfate Soils Overlay Road and Rail Noise Impact Overlay Urban Footprint
SEQ Regional Plan 2009-2031 - Land Use Category	
No. of Public Submissions	79
Applicant	I3 Consulting Pty Ltd
Land Owner	DR W P Hurley
Properly Made Date	04/04/2012
Start Decision Stage	10/07/2012
Statutory Decision Date	06/08/2012
Application Coordinator	Lawrence Roache
Manager	David Jeanes – Service Manager Planning Assessment
Officer's Recommendation	Development Permit

PURPOSE

This negotiated decision request is referred to the Development and Community Standards Committee for determination.

EXECUTIVE SUMMARY

A development permit was given for a material change of use for a Place of Worship. An adopted infrastructure charges notice (AICN) was given at the same time. The applicant has made representations regarding the condition relating to operating hours on a Sunday morning and the contribution for trunk infrastructure required by the AICN. The applicant's representations have been considered.

The key issue in relation to operating hours is noise. An independent peer review of the applicant's acoustic assessment finds that the use is generally acceptable, noting that current noise levels exceed sleep disturbance limits. Consequently, the request

to amend condition no.4 to allow the use to commence at 6:00am on Sunday should be agreed to.

Despite this the expert suggests it is appropriate to give consideration to practical measures to mitigate noise. It is considered appropriate that an acoustic fence is provided to the southern boundary, in accordance with the earlier noise assessment. This is required by the existing conditions. Additionally, a condition to require that windows and doors on the southern boundary are closed during the operation of the use is appropriate and this is recommended.

It also concluded that no infrastructure charges are required. It is therefore recommended that AICN is withdrawn.

BACKGROUND

The application is for a material change of use for a Place of Worship. The existing dwelling is to be retained, with only minor changes to the interior of the building. The building has a GFA of 82m² which includes the garage. The building height is 3.77m above natural ground level and the site coverage is 14%. Vehicular entry is provided from Nottingham Street with exit only onto Bailey Road and a total of 12 car parking spaces provided on site.

The expected number attending the Place of Worship is 20-30 people, with an average of 9-10 vehicles. The applicant has stated that the meeting rooms are predominately used Sunday morning, Sunday afternoon, Monday evening and Friday evening. No music is proposed.

The application site is approximately 40m from Old Cleveland Road East (a Declared Main Road) on Bailey Road, which is a local collector road. The site has an area of 804m² and is currently improved by a single dwelling. The neighbourhood surrounding the site is an established low density residential area. However, across the road to the north is 24 hour service station and a recently developed multi-unit complex.

The application was decided by the Development and Community Standards Committee on 12 September 2012. The committee resolved to approve the application, with one change to the officer recommendation relating to hours of operation on Sunday mornings. Officers recommended that the use could commence at 6:00am as requested by the applicant. The Committee resolved that the start time be amended to 8:00am, due to concerns regarding noise impacts.

A development permit and AICN were subsequently issued. The AICN levied a charge of \$12,381.00.

REPRESENTATIONS

The applicant has made representations on two matters. The first relates to the operating hours on a Sunday morning (condition no.4) and the second relates to the AICN.

Hours of Operation (Condition no.4)

The current condition states:

Operate the approved use only between the hours of 7:30am to 7:00pm with the following exceptions:

- Sunday 8am – to 6pm is permitted;
- Monday 6:30pm to 7:10pm is permitted; and
- Friday 7pm – 8pm permitted.

The applicant's representations state:

'The church requires the hours of operation to be amended to allow a communication service to be undertaken at 6am on Sunday mornings as requested in the application documents. The Sunday morning service is an integral part of the church with over 45,000 people across 20 countries gathering to celebrate the Lords Supper or break bread [communication] as answering to the Lord Jesus' request [John 14] at 6.00am each Sunday. This is a basic tenet of the applicant's faith [Mary and the disciples going to the tomb of Jesus in the morning while it was still dark-John 20]. The current condition does not allow the members to fully practice their religion at this site which was the intention of the application.

In addition, an Acoustic Report had been prepared by Noise Measurement Services in accordance with Councils adopted Division 10 – Road and Rail Noise Overlay Code and which specifically addressed the requirements of the Redland Planning Scheme Policy 5 – Environmental Emissions. This Acoustic Report identified that the proposal will not have a detrimental impact on the adjoining dwellings and included reference specifically to car door closures at 6am on Sunday morning. This noise report has taken into account the existing background noise levels at this locality and proposed that an acoustic fence be installed along the southern and western boundaries. An acoustic fence approximately 6dB(A) of attenuation to the neighbouring property.

Given the use of the site is only proposed at four times during a week and will have minimal impact on adjoining neighbours as identified in the Acoustic Report and Councils own town planning assessment, it is requested Council amend Condition 4 to the following

...Operate the approved use only between the hours of 7:30am to 7:00pm with the following exceptions:

- *Sunday **6am** – to 6pm is permitted;*
- *Monday 6:30pm to 7:10pm is permitted; and*
- *Friday 7pm – 8pm permitted'.*

AICN

The applicant states that no charge should apply, noting that in accordance with Council's Adopted Infrastructure Charges Resolution a credit should be given for the existing lawful use being a dwelling house. This credit is greater than the charge for the place of worship and consequently no contributions should be payable.

ASSESSMENT

Hours of Operation (Condition no.4)

The key issue to be considered in relation to operating hours on a Sunday morning is noise. There are no other concerns relating to operating hours and the use is appropriate in this location, as noted in the original assessment of the proposal.

The crucial planning scheme criterion in respect of noise is provided by Probable Solution P3.8 of the Urban Residential Zone Code which states:

'The use or other development does not generate noise, measured as the $L_{Amax,adj, T}$ parameter, at the boundary of the lot or premises, greater than –

- a) *5dB(A) above the background noise level between 7am to 10pm; or*
- b) *3 dB(A) above the background noise level between 10pm to 7am.'*

This probable solution seeks to ensure that *'Noise generated by the use or other development is compatible with that experienced in a residential environment'*. The applicant provided an acoustic report which concluded that the use would not generate unacceptable noise, subject to mitigation measures.

The applicant's report was reviewed by Council's Health and Environment Team and it was concluded that the use would comply with Probable Solution P3.8, inclusive of the critical period between 6am – 8am on Sundays. The proposal was conditioned to prohibit amplified sound and to provide acoustic barriers and building attenuation in accordance with the acoustic report. The applicant's consultant concluded that there are already numerous events, significantly louder than those predicted, already occurring in the locality. Consequently, it was recommended that the use could operate on a Sunday from 6:00am.

Upon receipt of the applicant's representations and noting the concerns of the committee in relation to noise, an independent acoustic expert was engaged to undertake a peer review of the applicant's acoustic report. This was to impartially determine whether the level of noise emissions expected to be generated by activities associated with Place of Worship is within acceptable bounds, with the period between 6:00am and 8:00am on Sunday the critical time.

The expert peer review has largely agreed with the findings of the original acoustic report. The consultant generally prefers the use of sleep disturbance criteria to assess the impacts, rather than that provided by Probable Solution P3.8. The relevant planning scheme sleep disturbance objective is 45dBA $L_{Amax,T}$ measured inside the affected residence. *Environmental Protection (Noise) Policy 2008* also has relevance, providing a criteria of 40dBA $LA_{01,T}$, also to be measured inside the affected residence. In considering these matters the consultant notes that two new parking spaces were provided along the southern boundary that were not considered in the original noise assessment.

The consultant calculates that the noise generated by through movements on the new driveway are likely to comply with the 40dBA $LA_{01,T}$ limit, but the 45dBA

L_{Amax,T} limit is likely to be exceeded. However, the consultant also states that the current ambient noise levels in the period from 6:00am to 8:00am have been measured to be as follows:

- L_{Amax,T}: 66-74dBA
- L_{A01,T}: 60-62dBA

Therefore, the expert states that *'...the current ambient noise levels are well in excess of both the limit set by [the planning scheme] and the acoustical quality objective of EPP-N 2008.'*

The consultant agrees with the previous report findings, that noise emissions can be minimised by the provision of an acoustic fence to the boundaries. He goes on to say that *'To remedy the exceedance of the limits by through movements, it would be necessary to raise the height of acoustic fence to at least 2.4m.'* However, it is not suggested that a 2.4m acoustic fence should be provided, noting the ambient noise levels are already high.

In closing, the expert review finds that *'...the level of noise generated by the noise sources other than on-site motor movements is expected to be within acceptable bounds. By contract, the noise of on-site motorcar movements is likely to exceed the relevant sleep disturbance limits. Even so, the current noise levels also exceed the same sleep disturbance limits.'* In light of this the current condition that limits the use to an 8:00am start on Sunday can be amended to 6:00am as requested by the applicant.

Despite his findings, the consultant suggests it appropriate to give consideration to practical measures, such as removing parking spaces close to the southern boundary, providing an acoustic fence on this boundary and removing windows and doors on the southern elevation of the building.

Removing parking spaces is not preferred, as this may displace cars onto the street. The applicant is agreeable to conditions that require a 2.4m acoustic barrier and removal of doors and windows, if Council considers this necessary. However, it is concluded that these measures would not be a reasonable imposition in this case, noting existing ambient noise levels. It is considered appropriate that an acoustic fence to a height of 1.8m is provided to the southern boundary, in accordance with the earlier noise assessment. Additionally, a condition to require that windows and doors on the southern boundary are closed during the operation of the use is appropriate.

With these mitigation measures it is found that the use can operate within acceptable noise limits between the hours of 6:00am and 8:00am on Sundays.

AICN

The AICN does not include a credit for the existing lawful use. A credit can be applied in accordance with Council's Adopted Infrastructure Charges Resolution. The current lawful use is a 3 bedroom dwelling which provides a credit of \$28,000. This is greater than the \$12,381.00 charge for the proposed use. Therefore no charges should apply in this case and the AICN should be withdrawn.

CONCLUSION

The applicant's representations in respect of the condition relating to operating hours and contribution required by the AICN have been considered.

The key issue in relation to operating hours is noise. An independent peer review of the applicant's acoustic assessment finds that the use is generally acceptable, noting that current noise levels exceed sleep disturbance limits. Consequently, the request to amend condition no.4 to allow the use to commence at 6:00am on Sunday should be agreed.

Despite this the expert suggests it is appropriate to give consideration to practical measures to mitigate noise. It is considered appropriate that a 1.8m acoustic fence is provided to the southern boundary, in accordance with the earlier noise assessment. This is required by the existing conditions. Additionally, a condition to require that windows and doors on the southern boundary are closed during the operation of the use is appropriate.

In relation to infrastructure charges, it also concluded that a credit for the existing lawful use should be given. This credit exceeds the charge for the proposed use. It is therefore recommended that then AICN is withdrawn.

OFFICER'S/COMMITTEE RECOMMENDATION

1. That a negotiated decision notice be given for the approved material change of use for a Place of Worship on land described as 3 Bailey Road, Birkdale, subject to existing conditions as amended by the following:

Hours of Operation

- ~~4. Operate the approved use only between the hours of 7:00am to 7:00pm with the following exceptions:~~
 - ~~• Sunday 8am to 6pm is permitted;~~
 - ~~• Monday 6:30pm to 7:10pm is permitted; and~~
 - ~~• Friday 7pm – 8pm is permitted.~~

Hours of Operation

4. Operate the approved use only between the hours of 7:00am to 7:00pm with the following exceptions:
 - Sunday 6am-to 6pm is permitted;
 - Monday 6:30pm to 7:10pm is permitted; and
 - Friday 7pm – 8pm is permitted.

Building Attenuation

- ~~16. Incorporate acoustic attenuation into the development as specified in Appendix B of Acoustic Report – Proposed Place of Worship 3 Bailey Road Birkdale, prepared by Noise Measurement Services Pty Ltd, Report No 2071-1, dated 3 May 2012.~~

Building Attenuation

16. Incorporate acoustic attenuation into the development as specified in Appendix B of Acoustic Report – Proposed Place of Worship 3 Bailey
-

Road Birkdale, prepared by Noise Measurement Services Pty Ltd, Report No 2071-1, dated 3 May 2012.

Keep doors and windows on the southern facade of the building closed at all times during the operation of the use.

2. That the Adopted Infrastructure Charges Notice, dated 18 September 2012, is withdrawn and the applicant advised in writing.

COUNCIL RESOLUTION

Moved by: Cr A Beard
Seconded by: Cr C Ogilvie

1. That a negotiated decision notice be given for the approved material change of use for a Place of Worship on land described as 3 Bailey Road, Birkdale, subject to existing conditions as amended by the following:

Hours of Operation

- ~~4. Operate the approved use only between the hours of 7:00am to 7:00pm with the following exceptions:~~

- ~~• Sunday 8am to 6pm is permitted;~~
- ~~• Monday 6:30pm to 7:10pm is permitted; and~~
- ~~• Friday 7pm – 8pm is permitted.~~

Hours of Operation

4. Operate the approved use only between the hours of 7:00am to 7:00pm with the following exceptions:

- Sunday 6am to 6pm is permitted;
- Monday 6:30pm to 7:10pm is permitted; and
- Friday 7pm – 8pm is permitted.

Building Attenuation

- ~~16. Incorporate acoustic attenuation into the development as specified in Appendix B of *Acoustic Report – Proposed Place of Worship 3 Bailey Road Birkdale, prepared by Noise Measurement Services Pty Ltd, Report No 2071-1, dated 3 May 2012.*~~

Building Attenuation

16. Incorporate acoustic attenuation into the development as specified in Appendix B of *Acoustic Report – Proposed Place of Worship 3 Bailey Road Birkdale, prepared by Noise Measurement Services Pty Ltd, Report No 2071-1, dated 3 May 2012.*

Keep doors and windows on the southern facade of the building closed at all times during the operation of the use.

2. That the Adopted Infrastructure Charges Notice, dated 18 September 2012, is withdrawn and the applicant advised in writing; and

3. That condition No.15 of the decision notice be amended to provide for a 2m high acoustic fence as follows:

Acoustic Barriers

- ~~15. Construct a 1.8, metre high acoustic barrier as recommended in *Acoustic Report – Proposed Place of Worship 3 Bailey Road Birkdale*, prepared by *Noise Measurement Services Pty Ltd*, dated 3 May 2012. Construct the acoustic barrier to achieve a minimum standard that attains a superficial mass of not less than 12.5kg/m² and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in Appendix A of *Acoustic Report – Proposed Place of Worship 3 Bailey Road Birkdale*, prepared by *Noise Measurement Services Pty Ltd*, dated 3 May 2012.~~

Acoustic Barriers

15. Construct a 2.0 metre high acoustic barrier as recommended in *Acoustic Report – Proposed Place of Worship 3 Bailey Road Birkdale*, prepared by *Noise Measurement Services Pty Ltd*, dated 3 May 2012. Construct the acoustic barrier to achieve a minimum standard that attains a superficial mass of not less than 12.5kg/m² and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in Appendix A of *Acoustic Report – Proposed Place of Worship 3 Bailey Road Birkdale*, prepared by *Noise Measurement Services Pty Ltd*, dated 3 May 2012.

CARRIED

DIVISION

FOR: Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Bishop and Williams.

AGAINST: Crs Beard and Gleeson

Cr Talty was absent from the meeting.

15.1.6 NEGOTIATED ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR EXTENSION TO SHOPPING CENTRE AT VICTORIA POINT SHOPPING CENTRE, 2-34 BUNKER ROAD, VICTORIA POINT

Datworks Filename: MCU012617

Attachment: [Locality Map](#)

Responsible Officer: Bruce Macnee
Group Manager, Sustainable Assessment

Author: Adam Webb
Senior Planner, Planning Assessment

EXECUTIVE SUMMARY

Application Type associated with AICN	Code Assessment
Proposed Use	Shopping Centre extension (Shop 9113m ² and Refreshment Establishment 290m ²)
Property Description	Lot 20 on SP142200
Location	Victoria Point Shopping Centre 2-34 Bunker Road Victoria Point QLD 4165
Redlands Planning Scheme Zoning	MC - Major Centre - SubArea MC12
Overlays	Acid Sulfate Soils Overlay Flood Storm and Drainage Constrained Land Overlay Landslide Hazard Overlay Road and Rail Noise Impact Overlay Waterways Wetlands and Moreton Bay Overlay
Applicant Land Owner	Allan Keast Lipoma Pty Ltd As Trustee
Date of Issue of AICN	26/10/2012
Date Representations Received	08/11/2012
Application Coordinator Manager	Adam Webb David Jeanes – Service Manager Planning Assessment
Officer's Recommendation	Agreement in part

PURPOSE

This application is referred to the Development Assessment and Community Standards Committee for determination.

EXECUTIVE SUMMARY

An Adopted Infrastructure Charges Notice (AICN) was issued in association with a Material Change of Use permit for a Shopping Centre extension. The applicant has made representations regarding the contributions for trunk infrastructure required by the notice.

It is recommended that the \$135,300.00 stormwater contribution be removed. A stormwater treatment system will be provided to ensure that the quality of the stormwater leaving the site is in accordance with the relevant standards.

The balance of the charge being \$1,692,540.00 is recommended to be retained. The charges are considered reasonable and correctly levied and generally consistent with other SEQ Councils

It is recommended that a negotiated AICN be issued for the approved development in accordance with the above.

BACKGROUND

An AICN, dated 26 October 2012, was issued in association with an approved Material Change of Use application for a Shopping Centre extension (Shop 9113m² and Refreshment Establishment 290m²). The following charges were levied in the AICN:

GFA:	9,403m ² x \$180/m ² GFA	\$1,692,540.00
Stormwater:	13,530m ² x \$10/imp m ²	\$135,300.00

The total charge amount on the AICN: \$1,827,840.00

The contributions are imposed to enable Council to provide trunk infrastructure in accordance with the Priority Infrastructure Plan (PIP). This infrastructure is necessary to allow development to occur within the City.

An applicant's appeal rights in relation to contributions levied by an AICN are established by s.478 and s.535 of the SPA. S.535 allows an appeal to the Building and Dispute Resolution Committee about an error in the calculation and is not relevant in this case.

S.478(4) provides that:

'An appeal under this section may only be about—

(a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or

(b) an error in the calculation of the charge.

S.478(5) goes on to state that:

'To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.'

Noting the above, the matter to consider is whether the charge is so unreasonable that no other local government could have imposed it. An appeal will have to be made on those grounds and the following is relevant in relation to this.

ASSESSMENT

The Applicant has made representations about the abovementioned AICN, in accordance with the *Sustainable Planning Act 2009 (SPA) Chapter 8 Part 4*, on three grounds.

1. The applicant states that they believed they were not liable for any charges and that this had been raised during the assessment process.

The applicant should have been aware that infrastructure charges were applicable to new development for the following reasons:

- Infrastructure delivery is a key component of the SPA,
- Infrastructure contributions associated with development are not new,
- Charges generally apply to an expanded use to cater for the increased demand upon infrastructure networks,
- The applicant used the services of a professional Town Planning consultant,
- The applicant has built many shopping centres in southeast Queensland,
- The applicant has advised that they are currently appealing contributions levied by other Councils. Consequently, it is considered that they are aware that infrastructure charges are applicable to development,
- The State Government's capped charges are available on the State Government's website and Council's Adopted Infrastructure Charges Resolution is available on Council's website,
- Prior to lodgement, Council provided the developer with an estimate of infrastructure charges, on 8 October 2010. This outlined the infrastructure charges applicable at that time.

Accordingly, the argument for a negotiated AICN with reduced charges on these grounds is not considered justified.

2. The applicant states that the charges proposed are unreasonable and that the project is marginal, being undertaken to respond to community demand.

The charges imposed are considered reasonable for the following reasons:

- The cost to Council to deliver infrastructure is significant. Development cannot proceed without trunk infrastructure and Council is compelled to deliver infrastructure, should developers wish to develop.
- The proposal includes a second discount department store (DDS). The Redlands Planning Scheme seeks to have one DDS at Victoria Point and one DDS at Cleveland. As part of the applicant's justification to approve a second DDS at Victoria Point (despite Cleveland not having one), they provided a Social and Economic Needs Assessment. This assessment stated that all community, demographic and market factors indicate need for the proposal and that there is a growing population driving demand in the area. Consequently, the application was approved having regard to this need and growing demand.

- It is considered that the applicant's statement that the proposal is marginal, is in direct conflict with the specialised report submitted with the application which states that there is a need and a growing demand.
- The adopted infrastructure charges are a State Government imposed capped charge. These capped charges provide [overall] only 40% recovery of the cost to provide trunk infrastructure set out in the PIP. That is, Council's cost to provide the infrastructure has effectively already been discounted 60%.
- Waiving contributions will reduce Council's ability to deliver infrastructure unless alternative funds are raised from other sources (such as but not limited to rates).
- The contributions are consistent with the State Government capped charges.
- Adopted infrastructure charges for retail development in the following Local Government Areas (LGAs) in the region are consistent with those of RCC.
 - Moreton Bay Regional Council;
 - Logan City Council;
 - Gold Coast City Council;
 - Brisbane City Council;
 - Sunshine Coast Regional Council;
 - Toowoomba Regional Council;
 - Lockyer Valley Regional Council;
 - Somerset Regional Council; and
 - Scenic Rim Regional Council.
- Only Ipswich has a different contribution rate, estimated at \$1,106,967.10.
- The estimated charge under the previous Planning Scheme Policy (PSP) would have been approximately \$1,456,266.00.
- Had the State Government not imposed capped charges, the contribution under the proposed, but not enacted Infrastructure Charges Schedule in the PIP would have been \$3,387,862.00, as calculated below.



REDLAND CITY COUNCIL

PIP charge quote - MCU012617 Shopping Centre extension (Shop 9113m2 and Refreshment Establishment 290m2)
2012/13\$

Charge rates	2009\$	2009\$	2006\$	2007\$	2007\$	base\$	2006\$	\$
	EP	EP	EP	EP	EP	Cost per EP	\$543/trip end	PIP-RICS x1 unit/400m2
CATCHMENT	Water	Sewer	Cycling	Parks	Community		Local Roads	Stormwater
Heinemann	897							
Victoria Point		2,707						
VP SLA			0	0	0	3,604	543	2,000
2012/13\$	ET	ET	ET	ET	ET	ET		
	\$2,708	\$8,173	\$0	\$0	\$0	\$10,881	\$738	\$2,000

MCU012617 LAND USE	DEMAND GENERATION					Sub total	Local Roads	Stormwater	PIP CHARGE 12/13\$ \$3,387,862
	Water	Sewer	Cycling	Parks	Community				
Shop	\$103,655	\$424,552				\$528,207	\$2,689,928	\$45,565	
Refreshment Est.	\$16,100	\$68,026				\$84,126	\$85,601	\$1,450	
Totals	\$119,755	\$492,578	\$0	\$0	\$0	\$612,333	\$2,775,529	\$0	

CREDITED

Accordingly, the argument for a negotiated AICN, with reduced charges, on these grounds is not considered justified.

3. The applicant states that the charges have been calculated incorrectly relating to the pervious area.

It is considered that the stormwater contribution can be removed for the following reasons:

- The applicant did not provide details of how stormwater quality will be achieved on site. However, it is considered that there is adequate room on site to construct a stormwater quality system that will treat the stormwater to the required standard; and
- The extension is proposed over an existing car park, which is mostly impervious.

It is considered that the charge for treatment of stormwater in a trunk facility should be removed. The future Compliance Assessment application will ensure that stormwater is treated to the required standard.

CONCLUSION

The applicant’s representations about the AICN have been considered. It is considered that the \$135,300.00 stormwater contribution can be removed. A stormwater treatment system will be provided to ensure that the quality of the stormwater leaving the site is in accordance with the relevant standards. It is recommended that the balance of the charge, being \$1,692,540.00 be retained. The charges are considered reasonable and correctly levied.

It is recommended that a negotiated AICN should be issued for the approved development in accordance with the above discussion.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

**Moved by: Cr M Elliott
Seconded by: Cr P Gleeson**

That Council resolve that a negotiated AICN be issued for the approved material change of use for a shopping centre extension (Shop 9113m² and Refreshment Establishment 290m²) at Victoria Point Shopping Centre for the amount of \$1,692,540.00.

CARRIED (en-bloc)

15.2 CLOSED SESSION AT COMMITTEE

The Committee meeting was closed to the public under section 72(1) of the *Local Government (Operations) Regulation 2010* to discuss the following items, and following deliberation on these matters, the Committee meeting was again opened to the public.

PROCEDURAL MOTION AT COMMITTEE

Moved by: Cr P Gleeson

Seconded by: Cr P Bishop

That a non-member, Mr Colin Beard, participate in discussion on the following item (as per Local Law No. 5 s.10(1)).

CARRIED

15.2.1 PERMISSIBLE CHANGE FOR A MULTIPLE DWELLING (43 UNITS) AT 95-97 MOUNT COTTON ROAD, CAPALABA

Datworks Filename: MCU012691

Attachment: [Locality Map](#)

Responsible Officer: Bruce Macnee
Group Manager, Sustainable Assessment

Author: Eskinder Ukubamichael
Planning Officer, Planning Assessment

EXECUTIVE SUMMARY

A decision notice was issued by Council granting a Development Permit on 16 August 2012 for a Material Change of Use for *43 Multiple Dwellings* on land at 95-99 Mount Cotton Road. The approved development included access to and egress from Morne Street and egress only from Mount Cotton Road.

The Applicant has now lodged a request to change the development approval to provide left in access off Mount Cotton Road and to remove the entry/exit to/from Morne Street.

The proposed changes have been reviewed by Planning Assessment and other relevant internal teams in Council. The proposed changes are found to be in conflict with the Redlands Planning Scheme (RPS) on the grounds of safety and road function and it is recommended that the request to change the approval, in its current form, be refused.

BACKGROUND

A development permit for 43 multiple dwellings was granted, subject to conditions, on 16 August 2012.

The site is occupied by a sales office and is predominantly cleared of vegetation, though some mature trees remain along Mount Cotton Road and near south east corner of the site. The site falls towards the north of the site by approximately 1.5m. A sewer pipe traverses from west to east towards the middle of the site.

The site has frontage of 40m to Mount Cotton Road and 15m to Morne Street. Mount Cotton Road is a two lane sub-arterial road. However the Priority Infrastructure Plan provides for four lanes, in the period 2016-2021. Morne Street is an access street.

Adjacent and nearby allotments are zoned Urban Residential and Medium Density Residential:

- North side – Urban Residential lots predominantly with single dwelling houses and one multiple dwelling unit (X 3) along Mount Cotton Road.
- West side – Urban Residential with single dwelling houses.
- East side – Medium Density Residential lots predominantly with multiple dwellings houses across Mount Cotton Road.
- South side – Medium Density Residential lots predominantly with multiple dwelling units and some single dwelling units.

In the broader context, the area is within walking distance of the Capalaba shopping centres, Capalaba regional park, the Capalaba CBD area (with a master-planning process currently being undertaken to guide future development of the CBD area) and the existing bus station in Redland Bay Road (intended for upgrading as part of the future Eastern Busway Project).

Request to Change Development Approval

On 13 October 2012 the applicant lodged a permissible change request to remove the entry/exit on to Morne Street and provide only left in and left out access to/from Mount Cotton Road.

Pedestrian access would be provided to Morne Street and two additional car parking spaces provided. Construction access is proposed to be maintained from Morne Street and closed upon finalisation of the development.

The request is supported by a traffic impact assessment of the proposed changes to the access arrangements, prepared by CRG Traffic Pty Ltd. The consultant states that the altered access will provide a safe and equitable outcome for vehicles using the site and does not undermine the long term hierarchy of Mount Cotton Road.

Two peer reviews of the initial report have been undertaken, both commissioned by CRG Traffic Pty Ltd. The traffic consultants support the alterations to the access arrangements.

Assessment of Request

Sustainable Planning Act 2009

This application has been made in accordance with Chapter 6 (Integrated Development Assessment System, IDAS) of the *Sustainable Planning Act 2009* (SPA) and constitutes a request to change a development approval. The request must comply with the definition of a permissible change under Section 367 of SPA and be assessed against the criteria in Section 374.

Permissible Change Test (s367 of SPA)

Pursuant to section 367 of SPA, a permissible change for a development approval is a change to the approval that would not:

- (a) *Result in a substantially different development; or*
- (b) *If the application for the approval were remade including the change—*
 - (i) *Require referral to additional concurrence agencies; or*
 - (ii) *For an approval for assessable development that previously did not require impact assessment—require impact assessment; or*
- (c) *For an approval for assessable development that previously required impact assessment—be likely, in the responsible entity's opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or*
- (d) *Cause development to which the approval relates to include any prohibited development.*

In relation to Section 367(a) of the SPA, the following table analyses the request against the criteria for determining substantially different development in accordance with *Statutory Guideline 06/09 - Substantially different development when changing applications*.

Guideline Criteria	Proposal
Involves a new use with different or additional impacts.	The change does not involve a new use.
Results in the application applying to a new parcel of land.	The same parcel of land applies.
Dramatically changes the built form in terms of scale, bulk and appearance.	The change does not dramatically change the built form.
Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.	The proposal will be operate as intended as a multiple dwelling.
Removes a component that is integral to the operation of the development.	The proposal will be able to operate as intended as multiple dwelling.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	There will be no increase in traffic, although the proposed changes would result in changes to traffic flows on local streets.
Introduces new impacts or increases the severity of known impacts.	The changes are not considered to introduce new impacts or increase the severity of impacts.
Removes an incentive or offset component that would have balanced the negative impact of the development.	The changes do not remove any offset component.
Impacts on infrastructure provision from a location or demand.	The change still permits the provision of infrastructure.

It is considered that the request does not result in substantially different development

In relation to Section 367(b) of the SPA, the proposed changes do not trigger any new concurrence agencies, nor would the proposed changes result in the application becoming impact assessable if it were to be remade.

In relation to Section 367(c) of the SPA, the original approval required code assessment (as would a new application for the proposal) and as such, public notification was not required and no submissions were received.

In respect to Section 367 (d) of the SPA, the proposal does not include any prohibited development.

In summary, it is considered that the request does comprise a permissible change.

Other Assessment Criteria (s374 of SPA)

Section 374 states that the request must be assessed as follows:

“To the extent relevant, the responsible entity must assess the request having regard to—

- (a) the information the person making the request included with the request; and*
- (b) the matters the responsible entity would have regard to if the request were a development application; and*
- (c) if submissions were made about the original application—the submissions; and*
- (d) any notice about the request given under section 373 to the entity; and*
- (e) any pre-request response notice about the request given to the entity.*

For subsection (1)(b), the responsible entity must have regard to the planning instruments, plans, codes, laws or policies applying when the original application was made, but may give the weight it considers appropriate to the planning instruments, plans, codes, laws or policies applying when the request was made.”

Points (a) and (b) are discussed below. Point (c) is not applicable in this instance, as the original application was subject to code assessment, and therefore received no properly made submissions. Points (d) and (e) are not applicable in this instance, as there are no referral agencies.

In terms of points (a) and (b), the issues in this case relate to traffic safety and the function of the road hierarchy assessed against the planning scheme.

The overall outcomes of the Access and Parking Code provide the key assessment criteria in this case. Relevant to the consideration of this request, the code seeks to ensure:

- Provision of safe and convenient vehicular access to development
- Efficiency of vehicle movements in the movement network is maintained

Pursuant to this Specific Outcome S3.1 provides that:

- (1) Driveways are located having regard to the following -*
 - (a) optimising public safety and convenience;*
-

-
- (b) *characteristics of the frontage road including -*
- (i) *road type;*
 - (ii) *road target speed;*
 - (iii) *traffic volumes;*
 - (iv) *vertical and horizontal geometry;*
 - (v) *queue and turn lane lengths;*
- (c) *where the site is bounded by more than one street frontage, the secondary street provides the main vehicle entry/exit point;*
- (d) *location of existing utility infrastructure, such as power poles, street lighting, gully pits and the like;*
- (e) *location of existing bus stops, taxi ranks, traffic control devices;*
- (f) *pedestrian and cycle paths and crossings;*
- (g) *maintaining on-street parking;*
- (h) *ensuring adequate visibility between vehicles on a driveway and pedestrians on the verge;*
- (i) *reconfiguration, whether or not including a community management statement, allows for lots to be truncated at accessways and on corner lots and fencing and landscaping reduced in these truncated areas to ensure clear visibility between driveways and the verge;*
- (j) *location of street trees existing in the road reserve;*
- (2) *The maximum number of driveways accessing a lot or premises is one, unless it can be shown that multiple driveways will improve ingress/egress, internal traffic operation, and pedestrian safety.'*

The key point to note is that, where the site is bounded by more than one street frontage, the secondary street provides the main vehicle entry/exit point in accordance with (c) above. The secondary street in this case is Morne Street. Additionally, one driveway should be provided from the lot, to Morne Street in accordance with (2) above.

This criteria corresponds with and refers to the movement network and road design criteria set out in Schedule 6 of the planning scheme. Mount Cotton Road is a sub-arterial road, as defined in the schedule and is intended for:

- Transport of people and goods across suburbs
- Connect arterial roads to areas of development

Residential frontage access is to be restricted to sub-arterial roads, although the scheme notes provide that they *'May provide access to major developments such as educational facilities, shopping centres and larger industrial sites depending on proposed access treatments.'*

Specific Outcome S3.2 of the code does provide that *'Access to trunk collector, subarterial and arterial roads is restricted to optimise the function and efficiency of those roads through...restricting access to subarterial and arterial roads to left in/left out traffic movements through construction of a raised centre median that limits right turns in/out of the site...'*

Whilst the scheme might anticipate left in/left out access in some circumstances, this provision cannot be considered in isolation from the balance of the code. There is a clear intent that prefers the use of lower order or secondary roads where available.

Noting the issues raised in this case, officers sought independent expert advice from a traffic consultant. The traffic expert provided the advice below. This advice must be viewed in the context of the planning scheme provisions noted above.

'Key Principles

Two competing principles are seen as relevant to this decision.

First, based primarily on traffic safety considerations, access to residential developments should always be via residential streets rather than arterial routes such as Mt Cotton Road. The relevant road planning design guides are unanimous on this – the Redland planning Scheme, Queensland Streets, the Australian Standard AS/NZS2890, the DTMR Road Planning and Design Manual, etc.

Second, Council decisions of this type should be consistent. A series of decisions in the past have approved direct access driveways on Mt Cotton Road for a considerable number of detached houses and townhouse developments. Some of these were unavoidable because of historical lot layouts, but others could have been avoided, but the access was approved anyway. Naturally, this is seen by the applicant as a compelling reason to approve Mt Cotton Road access for this development also. However, even accepting that, where possible Council has consistently sought alternative access to the residential streets to supplement the Mt Cotton Road access wherever that was possible.

Traffic Safety Considerations

There are no traffic safety issues associated with access via Morne and Kilkenny Streets.

The various safety issues arising in respect of Mt Cotton Road access need to be discussed separately.

First, there is no particular issue with left turn egress from the site – sight distances are adequate and the egress would be unexceptional – consequently, it has been approved.

Right turn ingress and egress will not be possible in the longer term because a continuous median is proposed. In the interim, such turns would be relatively hazardous because of the high traffic volumes on Mt Cotton Road and the location of the proposed driveway immediately adjacent to the Holland Crescent (south) signalised intersection. In particular, the driveway would be located well within the southbound queue area for the signals, introducing additional hazards. Although originally proposed by the applicant, this has now been abandoned. In my opinion, it never deserved serious consideration.

Left turn ingress is proposed by the applicant and is the primary point of contention. The driveway would be immediately downstream of the signalised intersection for northbound traffic on Mt Cotton Road and for right turning traffic out of Holland Crescent (south). Such driveways are particularly hazardous because vehicles turning into the driveway decelerate sharply just at the point where following vehicles expect them to be accelerating. These hazards can be substantially reduced if a short left turn deceleration taper is installed. This has the advantage of getting the left turning vehicles out of the traffic stream more quickly and making it more obvious

to following drivers that they are turning. In my opinion, the left turn ingress could be approved subject to a number of conditions discussed later.

Comments

Because of traffic which would be generated in Almara Street by the proposed development, albeit a low volume, this might not be a permissible change if Council decides that a resident in Almara Street would be likely to make an adverse submission (legal advice necessary).

Note that, although the proposed access is described as left turn only, there is no median, so some right turns would occur contrary to signage to and from Mt Cotton Road immediately adjacent to the signalised intersection. The existing median needs to be extended to preclude these right turns.

The applicant argues that the Morne Street / Kilkenny Street route is a residential access place so that additional traffic is undesirable. However, this distinction between an "access place" and an "access street" is artificial and irrelevant. The primary difference in street design standard is a footpath in an access street. In this case, virtually all pedestrian access will be to and from Mt Cotton Road, which has a footpath. Further, when the overall subdivision was planned, it is clear that Morne Street was planned as a through route (an access street). Traffic volumes on these routes would remain very low.

Recommendation

If left turn ingress is to be permitted, it is recommended that it be subject to:

- The retention of the approved secondary vehicular access via Morne and Kilkenny Streets;*
- The provision of a short deceleration taper generally as proposed by the applicant;*
- Dedication of additional land for the deceleration taper (to retain an adequate footpath width); and*
- Construction of a median extension in Mt Cotton Road to ensure that vehicle movements are more effectively restricted to left turns.*

This advice from the independent expert has been considered by Council's Engineering Assessment team and the City Infrastructure team. The recommendations are supported. Should the applicant change the current application to incorporate the above advice, a recommendation for approval would be made. The key element is the retention of the rear access to the secondary road, being Morne Street. However, in its current form, the request is considered to be in conflict with the planning scheme.

CONCLUSION

The request to change a development approval has been assessed against the SPA, the RPS and other applicable planning instruments. The changes are considered to be in conflict with the RPS. Insufficient grounds have been provided to approve the request in spite of the content. It is therefore recommended that the request be refused for the reasons outlined below. If the applicant submits an amended request

incorporating the requirements of Council's traffic consultant, Council should note that the proposal will be approved at officer level under delegation.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

**Moved by: Cr M Elliott
Seconded by: Cr P Gleeson**

That Council resolve as follows:

- 1. The request to change a development approval for 43 Multiple Dwellings on the land known as 95-99 Mount Cotton Road, Capalaba and described as Lot 8 on RP84939 and Lot 1 on RP100110 be refused on the following grounds:**
 - a) The proposal does not provide for safe and convenient vehicular access to the development that maintains efficiency of vehicle movements in the movement network. The proposal is therefore a conflict with the overall outcomes of the Access and Parking Code of the Redlands Planning Scheme;**
 - b) The proposal does not provide for a driveway location to the secondary street as the main vehicle entry/exit point. The proposal is therefore in conflict with Specific Outcome S3.1 of the Access and Parking Code of the Redlands Planning Scheme; and**
 - c) Insufficient grounds have been submitted to permit approval of this request despite the conflicts; and**
- 2. Council notes that should an amended proposal be submitted that provides left in left out traffic movements from Mount Cotton Road, the proposal will be approved at officer level under delegation subject to the following requirements:**
 - a) The retention of the approved secondary vehicular access via Morne and Kilkenny Streets;**
 - b) The provision of a short deceleration taper generally as proposed by the applicant;**
 - c) Dedication of additional land for the deceleration taper (to retain an adequate footpath width); and**
 - d) Construction of a median extension in Mt Cotton Road to ensure that vehicle movements are more effectively restricted to left turns.**

CARRIED (en-bloc)

15.2.2 BUILDING CERTIFICATION SERVICES PROVIDED BY REDLAND CITY COUNCIL

Dataworks Filename: LUP Legislation – Private Certification

Responsible Officer: Toni Averay
General Manager Environment Planning and Development

Author: Jennifer Gisler
Acting Group Manager Community Standards

EXECUTIVE SUMMARY

A report from General Manager Environment Planning & Development was discussed in closed session.

**OFFICER'S/COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Elliott
Seconded by: Cr P Gleeson

That Council resolve as follows:

- 1. That Council approve Option 1 in the attached proposed fee schedule for Building Certification Services to be effective 1 February 2013;**
- 2. To assist in achieving a balance between profitability and maintaining market share the Building Services Unit monitor the impact of the change in its fees and charges, including a formal annual review, with the first review to be undertaken prior to the development of the 2013/14 budget; and**
- 3. That this report remains confidential.**

CARRIED (en-bloc)

16 MAYORAL MINUTE

16.1 SUBMISSION – CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

[Attachment: Submission – Constitutional Recognition of Local Government](#)

COUNCIL RESOLUTION

Moved by: Cr K Williams

That Council resolve to endorse the attached submission to the Commonwealth Joint Select Committee on the Constitutional Recognition of Local Government expressing our strong support for the recognition of local government in the Constitution of Australia.

CARRIED (unanimously)

17 DIRECT TO COUNCIL REPORTS

17.1 GOVERNANCE

17.1.1 COUNCIL MEETING REVIEW

Datworks Filename: L&E Local Law No.5 Meetings

Attachments: [Coordination Committee Charter](#)
[Cleveland CBD Revitalisation Committee Charter](#)
[Redland City Council Meeting Schedule 2013](#)

Responsible Officer: Nick Clarke
General Manager Governance

Author: Trevor Green
Principal Advisor Corporate and Democratic
Governance

EXECUTIVE SUMMARY

At the May 2012 Post Election Meeting, Council resolved that the standing committee structure would be reviewed after six months of operation.

At the October 2012 General Meeting, Council resolved to appoint a Cleveland CBD Revitalisation Special Committee.

The *Local Government Act 2009* requires councils at least once in each year, to publish a notice of the days and times when its General and Committee meetings are to be held.

An internal review of Council's meeting structure has now been completed. The outcomes of the review recommend three main amendments, aimed at improving the effectiveness and efficiency of Council's meeting processes:

1. Establishing other processes for dealing with matters that do not require Council approval, e.g. matters for noting and matters which could be dealt with under delegation;
2. Streamlining Council's meetings structure to one General Meeting per fortnight, with a Coordination Committee to be conducted during the General Meeting; and
3. The creation of portfolios for Councillors.

A Cleveland CBD Revitalisation Special Committee is also proposed, which will meet at least once every two months for a period of one year, after which time it will be reviewed.

The 2013 Council meeting schedule is put forward for adoption by Council. The meeting schedule has been developed, based on the outcomes of the meeting review and recommendations of this report.

PURPOSE

The purpose of this report is:

1. To present the findings and recommendations from the Council meeting structure review;
2. For Council to adopt new Council meetings and portfolios structures; and
3. For Council to adopt the 2013 Meeting Council meeting schedule.

BACKGROUND

Council Meeting Structure Review

At the Post Election Meeting 17 May 2012 (Item 7) Council resolved that the standing committee structure would be reviewed after six months of operation. An internal review has now been completed. The review looked at the following factors:

- legislative requirements;
- models being used by other local governments;
- a review of reports presented to Council;
- opportunities to reduce “red tape” associated with decision making on routine operational matters;
- the general preference of Councillors to spend more time in their communities; and
- the general preference of Councillors to focus their Council meeting time on strategic matters, as opposed to routine operational matters that can be dealt with through policy, delegations, management prerogative, etc.

Cleveland CBD Revitalisation Special Committee

At the General Meeting 31 October 2012 (Item 15.3.1), Council resolved to appoint a Cleveland CBD Revitalisation Special Committee, in accordance with section 61 of the *Local Government (Operations) Regulation 2010*.

Council Meeting Schedule 2013

The *Local Government Act 2009* requires Councils to, at least once in each year, publish in a newspaper circulating generally in its area, a notice of the days and times when its ordinary meetings, and the ordinary meetings of its standing committees, will be held. Council also publishes this information at its customer service centres and on its website.

ISSUES

Council Meeting Structure

1. Reports to Council

The first stage of the review of Council’s meeting structure was a review of the reports which are currently put forward to Council. This included the number of reports Council considers, grouping of the reports on general subject matter and the relative merits of Council continuing to consider all subject matters.

For the 12 months from 1 October 2011 to 30 September 2012, there were 369 reports put forward to Council. Whilst the majority of these reports related to strategic or whole of City matters and/or were legislatively required to go to Council for resolution, a number of reports (approximately 30%) could have more appropriately been dealt with through other processes.

Some examples of matters that could have been dealt with differently are as follows;

- 13 reports updated Council on State legislative changes (either proposed to be made or already made) and issues papers. This information could have been provided in a less formal way unless Council was endorsing a formal submission to the State.
- Up to 15 reports were “for noting” where the information could have been provided to Councillors in a less formal way.
- 26 reports on property related matters such as:
 - Minor land acquisitions for road realignments or open space;
 - Routine leasing matters such as extensions, extinguishments, surrender of lease, etc;
 - Routine land disposal;
 - Neighbourhood park dedications/naming.

Occasionally these issues can be quite sensitive and/or have strategic or whole of city consequences but the majority of these decisions could have been made using a combination of policy/delegation, management prerogative, consultation with the Divisional Councillor, etc.

- Nine reports responded to community petitions. Whilst community petitions always need to be treated sensitively as important matters, the vast majority of these requests pertained to minor, localised infrastructure requests (park facilities, footpaths etc). A separate process could be established for dealing with these matters more quickly and with less formality.
 - Seven reports related to temporary road closures or permits that could be dealt with in a more routine fashion incorporating consultation with the Divisional Councillor.
 - Seven reports related to community grants or sponsorships that could be dealt with in a more routine fashion incorporating consultation with the Divisional Councillor and/or Mayor.
 - 35 reports related to routine delegations to the CEO, Mayor or a Committee. Some of these (relating to contracts) must be determined by Council resolution but others could have been handled differently.
 - Five reports related to routine Australian Local Government Association and/or Local Government Association Queensland matters, that could be determined in future via a delegation to the Mayor or Chief Executive Officer, with all Councillors advised of relevant matters by email.
 - Six reports were for noting on staff matters. These were largely Workplace Health and Safety reports, that are better directed through the Executive Leadership Group and/or Audit Committee.
-

- Eight reports related to fee discounts or waivers that could be determined in future by delegation and/or policy.

This adds up to 131 reports which potentially could have been dealt with outside of formal Council meetings, freeing up Councillors from routine decision making and operational matters.

To reduce “red tape” associated with decision making on routine operational matters and support the general preference of Councillors to focus their Council meeting time on strategic matters, as opposed to routine operational matters, it is recommended that:

- Matters for ‘noting’ only are redirected to Councillors for information by another means, whilst retaining the ability for the public to access that information; and
- Future consideration be given to recommending additional delegated powers to employees to remove unnecessary decision-making by Council.

The alternative is to continue to bring all reports for ‘noting’ to Council meetings which will not relieve time pressures within statutory meetings.

2. Council Meeting Structure and Operation

The second stage of the review was a review of the meeting structures of a number of other Queensland local governments. In particular, the research looked at those structures which provided an efficient and effective meeting structure and supported Redland City Council’s elected representatives’ preferences to spend more time in their communities and focus their Council meeting time on strategic matters, as opposed to routine operational matters.

There are a number of different structures and meeting schedules used by Councils, but one structure was determined to provide best fit to the above parameters. Three South East Queensland Councils are now successfully operating their meeting structures without traditional standing committees. These Councils have all adopted a portfolio approach, whereby nominated Councillors are the spokespeople for particular portfolios.

Under this approach, Council could conduct fortnightly General Meetings, with one standing committee (Coordination Committee) held during the General Meeting. The General Meeting is adjourned after the opening formalities, to enable the conduct of the Coordination Committee. At the conclusion of Coordination Committee, the General Meeting is reconvened for the adoption of the committee reports and recommendations and completion of other general meeting agenda items.

The Coordination Committee is made up of 10 portfolio sessions, with the nominated Councillor spokesperson invited by the Coordination Committee Chair to lead discussion on items relating to their portfolio. One of the aims of this structure is for full report debate to be conducted during the Coordination Committee. The Portfolio Spokesperson may also be Council’s official spokesperson on matters within their portfolios together with the Mayor, in accordance with Council’s policy direction and decisions; and Council’s Communication Policy and Media Relations Guideline.

To improve the effectiveness and efficiency of Council’s meetings, it is recommended that:

- Council moves to fortnightly General Meetings, with one standing committee (Coordination Committee) held during the General Meeting. (Council has already determined that it will create a temporary Cleveland CBD Revitalisation Special Committee.)
- All Councillors are appointed to the Coordination Committee.
- The Coordination Committee quorum be fixed at six Councillors (a majority of members).
- The Coordination Committee consists of the following portfolios:

Portfolio	
1	Community and Environmental Health and Wellbeing; Animal Management; Compliance and Regulatory Services
2	Economic Development, Governance, Service Delivery, Regulations and Emergency Management
3	Destination Management and CBD Activation
4	Commercial Enterprises (Water, Waste, RPAC etc)
5	Open Space, Sport and Recreation
6	Corporate Services
7	Planning and Development
8	Infrastructure
9	Environment; Waterways and Foreshores
10	Arts, Culture and Innovation

- The Coordination Committee be chaired by the Mayor.
- Council appoint portfolio spokespersons to each of the ten portfolios.
- The Coordination Committee operates under the attached charter.
- Council's Media Relations Guideline GL-3072-001 be amended to reflect that Portfolio Spokespersons may also be Council's official spokespersons on matters within their portfolios, in accordance with Council's policy direction and decisions.
- The Coordination Committee is required to keep minutes.
- The keeping of committee minutes is in accordance with the principles of the Local Government Act 2009 and Council's Corporate Plan 2010-2015, regarding transparent and effective democratic processes, and decision-making in the public interest. The new Local Government Regulation will also make minute taking for committees mandatory.
- The minutes will record the names of all Councillors who voted in the negative for each and every vote taken by the Coordination Committee.

The alternatives include: continuing with the committee structure that was approved at the Post-Election Meeting; rationalising the committee structure to three rather

than the current five committees; or creating a smaller list of portfolios under the recommended structure.

The first two alternatives would perpetuate the double-handling of matters through the decision-making process and as such, would not deliver as many efficiencies in accordance with the review parameters. The third alternative would deliver efficiencies but may lead to a significant variation in workloads between Councillors, without the ability under current legislation to reflect this in their remuneration.

Cleveland CBD Revitalisation Special Committee

The general intent of setting up a special committee under the Act (as opposed to a standing committee) is that the special committee would be designed to be on a specific issue and operate for a defined period (which can be reviewed near the planned end date).

In accordance with the resolutions of Council's General Meeting 31 October 2012 (Item 15.3.1), it is recommended that;

- Council appoint a Cleveland CBD Revitalisation Special Committee, which:
 - Operates under the attached charter;
 - Consists of no more than five Councillors;
 - Runs from February to December 2013; and
 - Meets at least once every two months.
- Council appoints five Councillors as members of the Cleveland CBD Revitalisation Special Committee.

The usual operation of a committee with less than full Councillor membership is that all Councillors may attend a meeting and enter debate, but only those Councillors who are appointed as members may vote on a matter before the Committee.

- The Cleveland CBD Revitalisation Special Committee quorum be fixed at three Councillors (a majority of members).
- Council appoints a Chairperson to the Cleveland CBD Revitalisation Special Committee.
- The Cleveland CBD Revitalisation Special Committee is required to keep minutes.

Council Meeting Schedule 2013

The attached meeting schedule for 2013 has been developed in accordance with the recommendations of this report. The January 2013 General Meeting will not include a Coordination Committee, with the new meeting arrangements to officially commence in February 2013.

RELATIONSHIP TO CORPORATE PLAN

8. Inclusive and ethical governance

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council

will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals.

FINANCIAL IMPLICATIONS

There is clear potential for savings (not yet estimated) that would arise from the removal of duplication of effort and resources to maintain a two stage decision-making process. Savings already delivered in reducing the staffing in the Corporate Meetings and Registers Team will better align employee resourcing with the proposed reduced level of workload.

PLANNING SCHEME IMPLICATIONS

There are no planning scheme implications associated with this report.

CONSULTATION

Consultation has occurred with a number of Queensland local governments, the Department of Local Government, Council's elected representatives, the Executive Leadership Group and the City Planning and Environment Group.

OPTIONS

PREFERRED

That Council resolve as follows:

1. That the Chief Executive Officer identifies matters that would normally be brought to Council for noting and implement a new method for communicating that information to Councillors outside the formal meeting process, whilst maintaining openness and transparency (which will include publication of that information on Council's website).
2. That the Chief Executive Officer identifies any matters that could be dealt with more efficiently by delegation rather than by submission to Council for decisions, and seeks Council approval for such delegations to be given.
3. To appoint the following Council meeting structure effective 1 February 2013:
 - (a) That Council conducts fortnightly General Meetings (subject to school holidays), with one standing committee meeting (Coordination Committee) held during the General Meeting.
 - i. That the Coordination Committee is made up of 10 portfolio sessions, with the nominated Councillor spokesperson invited by the Coordination Committee Chair to lead discussion on items relating to their portfolio.
 - ii. That all Councillors are appointed as members of the Coordination Committee.
 - iii. That Coordination Committee quorum be fixed at six Councillors (a majority of members).
 - iv. That the Coordination Committee consists of the following portfolios:

Portfolio	
1	Community and Environmental Health and Wellbeing; Animal

Portfolio	
	Management; Compliance and Regulatory Services
2	Economic Development, Governance, Service Delivery, Regulations and Emergency Management
3	Destination Management and CBD Activation
4	Commercial Enterprises (Water, Waste, RPAC etc)
5	Open Space, Sport and Recreation
6	Corporate Services
7	Planning and Development
8	Infrastructure
9	Environment; Waterways and Foreshores
10	Arts, Culture and Innovation

- v. That the Coordination Committee be chaired by the Mayor.
 - vi. That Council appoints portfolio spokespersons to each of the 10 portfolios.
 - vii. That the Coordination Committee operates under the attached charter.
 - viii. That Council's Media Relations Guideline GL-3072-001 be amended to reflect that Portfolio Spokespersons may also be Council's official spokespersons on matters within their portfolios together with the Mayor, in accordance with Council's policy direction and decisions.
 - ix. That the Coordination Committee is required to keep minutes and the minutes will record the names of all Councillors who voted in the negative for each and every vote taken by the Coordination Committee.
- (b) That Council appoints a Cleveland CBD Revitalisation Special Committee, which:
- Operates under the attached charter;
 - Consists of no more than five Councillors;
 - Runs from February to December 2013 (at which time its ongoing need will be assessed); and
 - Meets at least once every two months.
- i. That Council appoints five Councillors as members of the Cleveland CBD Revitalisation Special Committee.
 - ii. That the Cleveland CBD Revitalisation Special Committee quorum be fixed at three Councillors (a majority of members).
 - iii. That Council appoint a Chairperson to the Cleveland CBD Revitalisation Special Committee.

- iv. That the Cleveland CBD Revitalisation Special Committee is required to keep minutes.
 - v. That in accordance with the Cleveland CBD Revitalisation Special Committee Charter, the Chief Executive Officer is given delegated authority pursuant to section 257 of the *Local Government Act 2009*, to decide written applications for financial concessions in accordance with the business rules of the Cleveland CBD Incentives Program, (subject to the Chief Executive Officer consulting with the Cleveland CBD Revitalisation Special Committee members).
4. That Council adopt the attached 2013 meeting calendar. Additional meetings of the Cleveland CBD Revitalisation Special Committee may be scheduled, depending on need. Such meetings will be advertised in accordance with the requirements of the *Local Government Act 2009*.

ALTERNATIVES

That Council does not accept the recommendations of this report, or amends the report's recommendations as considered appropriate. This could include continuation of the existing standing committees or a reduced number of standing committees, whether embedded or not into a general Council meeting as recommended with the portfolio approach. It could also include the allocation of a different suite of portfolios.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. That the Chief Executive Officer identifies matters that would normally be brought to Council for noting and implement a new method for communicating that information to Councillors outside the formal meeting process, whilst maintaining openness and transparency (which will include publication of that information on Council's website).
2. That the Chief Executive Officer identifies any matters that could be dealt with more efficiently by delegation rather than by submission to Council for decisions, and seeks Council approval for such delegations to be given.
3. To appoint the following Council meeting structure effective 1 February 2013:
 - (a) That Council conducts fortnightly General Meetings (subject to school holidays), with one standing committee meeting (Coordination Committee) held during the General Meeting.
 - i. That the Coordination Committee is made up of 10 portfolio sessions, with the nominated Councillor spokesperson invited by the Coordination Committee Chair to lead discussion on items relating to their portfolio.
 - ii. That all Councillors are appointed as members of the Coordination Committee.
 - iii. That Coordination Committee quorum be fixed at six Councillors (a majority of members).
 - iv. That the Coordination Committee consists of the following portfolios:

Portfolio	
1	Community and Environmental Health and Wellbeing; Animal Management; Compliance and Regulatory Services
2	Economic Development, Governance, Service Delivery, Regulations and Emergency Management
3	Destination Management and CBD Activation
4	Commercial Enterprises (Water, Waste, RPAC etc)
5	Open Space, Sport and Recreation
6	Corporate Services
7	Planning and Development
8	Infrastructure
9	Environment; Waterways and Foreshores
10	Arts, Culture and Innovation

- v. That the Coordination Committee be chaired by the Mayor.
 - vi. That Council appoints portfolio spokespersons to each of the 10 portfolios.
 - vii. That the Coordination Committee operates under the attached charter.
 - viii. That Council's Media Relations Guideline GL-3072-001 be amended to reflect that Portfolio Spokespersons may also be Council's official spokespersons on matters within their portfolios together with the Mayor, in accordance with Council's policy direction and decisions.
 - ix. That the Coordination Committee is required to keep minutes and the minutes will record the names of all Councillors who voted in the negative for each and every vote taken by the Coordination Committee.
- (b) That Council appoints a Cleveland CBD Revitalisation Special Committee, which:
- Operates under the attached charter;
 - Consists of no more than five Councillors;
 - Runs from February to December 2013 (at which time its ongoing need will be assessed); and
 - Meets at least once every two months.
- i. That Council appoints five Councillors as members of the Cleveland CBD Revitalisation Special Committee.
 - ii. That the Cleveland CBD Revitalisation Special Committee quorum be fixed at three Councillors (a majority of members).

- iii. That Council appoint a Chairperson to the Cleveland CBD Revitalisation Special Committee.
 - iv. That the Cleveland CBD Revitalisation Special Committee is required to keep minutes.
 - v. That in accordance with the Cleveland CBD Revitalisation Special Committee Charter, the Chief Executive Officer is given delegated authority pursuant to section 257 of the *Local Government Act 2009*, to decide written applications for financial concessions in accordance with the business rules of the Cleveland CBD Incentives Program, (subject to the Chief Executive Officer consulting with the Cleveland CBD Revitalisation Special Committee members).
5. That Council adopt the attached 2013 meeting calendar. Additional meetings of the Cleveland CBD Revitalisation Special Committee may be scheduled, depending on need. Such meetings will be advertised in accordance with the requirements of the *Local Government Act 2009*.

COUNCIL RESOLUTION

Moved by: Cr A Beard
Seconded by: Cr M Edwards

That Council resolve as follows:

1. That the Chief Executive Officer identifies matters that would normally be brought to Council for noting and implement a new method for communicating that information to Councillors outside the formal meeting process, whilst maintaining openness and transparency (which will include publication of that information on Council's website);
2. That the Chief Executive Officer identifies any matters that could be dealt with more efficiently by delegation rather than by submission to Council for decisions, and seeks Council approval for such delegations to be given;
3. To appoint the following Council meeting structure effective 1 February 2013:
 - (a) That Council conducts fortnightly General Meetings (subject to school holidays), with one standing committee meeting (Coordination Committee) held during the General Meeting;
 - i. That the Coordination Committee is made up of 10 portfolio sessions, with the nominated Councillor spokesperson invited by the Coordination Committee Chair to lead discussion on items relating to their portfolio;
 - ii. That all Councillors are appointed as members of the Coordination Committee;
 - iii. That Coordination Committee quorum be fixed at six Councillors (a majority of members);
 - iv. That the Coordination Committee consists of the following portfolios:

Portfolio	
1	Community and Environmental Health and Wellbeing; Animal Management; Compliance and Regulatory Services
2	Economic Development, Governance, Service Delivery, Regulations and Emergency Management
3	Destination Management and CBD Activation
4	Commercial Enterprises (Water, Waste, RPAC etc)
5	Open Space, Sport and Recreation
6	Corporate Services
7	Planning and Development
8	Infrastructure
9	Environment; Waterways and Foreshores
10	Arts, Culture and Innovation

- v. That the Coordination Committee be chaired by the Mayor;
- vi. That Council appoint the following portfolio spokespersons to each of the 10 portfolios;

	Portfolio	Spokesperson
1	Community and Environmental Health and Wellbeing; Animal Management; Compliance and Regulatory Services	Cr Wendy Boglary
2	Economic Development, Governance, Service Delivery, Regulations and Emergency Management	Mayor Karen Williams Supported by the Deputy Mayor Alan Beard.
3	Destination Management and CBD Activation	Cr Craig Ogilvie
4	Commercial Enterprises (Water, Waste, RPAC, etc)	Cr Kim-Maree Hardman
5	Open Space, Sport and Recreation	Cr Lance Hewlett
6	Corporate Services	Cr Mark Edwards
7	Planning and Development	Cr Julie Talty
8	Infrastructure	Cr Murray Elliott
9	Environment; Waterways and Foreshores	Cr Paul Gleeson
10	Arts, Culture and Innovation	Cr Paul Bishop

- vii. That the Coordination Committee operates under the attached charter;
- viii. That Council's Media Relations Guideline GL-3072-001 be amended to reflect that Portfolio Spokespersons may also be Council's official spokespersons on matters within their portfolios together with the Mayor, in accordance with Council's policy direction and decisions;
- ix. That the Coordination Committee is required to keep minutes and the minutes will record the names of all Councillors who voted in the negative for each and every vote taken by the Coordination Committee;
- (b) That Council appoints a Cleveland CBD Revitalisation Special Committee, which:
- Operates under the attached charter;
 - Consists of no more than five Councillors;
 - Runs from February to December 2013 (at which time its ongoing need will be assessed); and
 - Meets at least once every two months;
- i. That Council appoints the following Councillors as the five members of the Cleveland CBD Revitalisation Special Committee;

Cleveland CBD Revitalisation Special Committee - Members	
1	Mayor Karen Williams
2	Cr Murray Elliott – Chair, Development Assessment & Community Standards Committee
3	Cr Mark Edwards – Chair, Corporate Services & Governance Committee
4	Cr Craig Ogilvie – Local Councillor
5	Cr Julie Talty – Chair, Environment & Planning Committee

- ii. That the Cleveland CBD Revitalisation Special Committee quorum be fixed at three Councillors (a majority of members);
- iii. That Council appoint Mayor Karen Williams as Chairperson of the Cleveland CBD Revitalisation Special Committee;
- iv. That the Cleveland CBD Revitalisation Special Committee is required to keep minutes;
- v. That in accordance with the Cleveland CBD Revitalisation Special Committee Charter, the Chief Executive Officer is given delegated authority pursuant to section 257 of the *Local*

Government Act 2009, to decide written applications for financial concessions in accordance with the business rules of the Cleveland CBD Incentives Program (subject to the Chief Executive Officer consulting with the Cleveland CBD Revitalisation Special Committee members); and

4. That Council adopt the attached 2013 meeting calendar. Additional meetings of the Cleveland CBD Revitalisation Special Committee may be scheduled, depending on need. Such meetings will be advertised in accordance with the requirements of the *Local Government Act 2009*.

CARRIED

17.1.2 CHRISTMAS DELEGATIONS 2012

Datworks Filename: GOV Council Meeting Dates and Information

Responsible Officer: Nick Clarke
General Manager Governance

Author: Trevor Green
Principal Advisor Corporate and Democratic
Governance

EXECUTIVE SUMMARY

Council development application decisions under the *Sustainable Planning Act 2009* are delegated to the Development and Community Standards Committee. Between the last Council meeting of 2012 and the first proposed Council meeting of 2013 there is a gap of 6 weeks.

To comply with the Integrated Development Assessment System (IDAS) timeframes and ensure continuity within this decision-making process, it is proposed that Council conditionally delegates, the powers conferred to the Development and Community Standards Committee, to the Mayor, for the period 20 December 2012 to 29 January 2013 (inclusive).

PURPOSE

The purpose of this report is to recommend that Council conditionally delegates the existing powers of the Development and Community Standards Committee from 20 December 2012 to 29 January 2013 (inclusive), to comply with the Integrated Development Assessment System (IDAS) timeframes and ensure continuity within this decision-making process.

BACKGROUND

With the last meeting of 2012 to be held on 19 December 2012 and the first meeting of 2013 proposed to be held on 30 January 2013, there is a gap of 6 weeks for any potential development application decisions under the *Sustainable Planning Act 2009*, which may need to be made to meet Integrated Development Assessment System (IDAS) timeframes.

The existing powers conferred to the Development and Community Standards Committee are to:

1. Decide development applications under the *Sustainable Planning Act 2009*; and
2. Provide instructions to legal counsel for appeal matters actioned under Chapter 6 of the *Sustainable Planning Act 2009*, subject to the condition that where the Committee Chairperson is required to use his/her casting vote, the Mayor (and Deputy Mayor in his/her absence), preside over the meeting and be permitted to use his/her casting vote as Chairperson to determine the matter.

ISSUES

To comply with the Integrated Development Assessment System timeframes and ensure continuity within this decision-making process, it is proposed that Council delegates, under section 257 of the *Local Government Act 2009*, the powers

conferred to the Development and Community Standards Committee, to the Mayor, for the period 20 December 2012 to 29 January 2013 (inclusive), subject to the condition that this delegation can only be exercised where the Chair of the Development and Community Standards Committee, the relevant Divisional Councillor and the Chief Executive Officer have been:

1. Personally provided with a copy of each development report that would normally be determined by the Committee; and
2. Granted a period of three (3) business days from the receipt of the report in which to comment, prior to that application being determined. A report will be presented to Council in February 2013, detailing all matters determined under delegated authority during the subject period.

In accordance with section 165 *Local Government Act 2009*, during any absence (leave or otherwise) of the Mayor, the Deputy Mayor acts for the Mayor. As such, during the Mayor's leave, the delegation is automatically transferred to the Acting Mayor (i.e. Deputy Mayor).

RELATIONSHIP TO CORPORATE PLAN

8. Inclusive and ethical governance

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals.

8.5 Be transparent and consistent in the way we manage the organisation, its risks and obligations and ensure we are delivering against our priorities.

FINANCIAL IMPLICATIONS

There are no financial implications impacting Council as a result of this report.

PLANNING SCHEME IMPLICATIONS

There are no planning scheme implications associated with this report.

CONSULTATION

The Sustainable Assessment and City Planning and Environment groups have been consulted in the preparation of this report.

OPTIONS

PREFERRED

That Council resolve as follows:

1. That for the period 20 December 2012 to 29 January 2013 (inclusive), the Mayor be delegated, under s.257(1)(a) of the *Local Government Act 2009*, the existing powers of the Development and Community Standards Committee to:
 - (a) Decide development applications under the *Sustainable Planning Act 2009*; and
 - (b) Provide instructions to legal counsel for appeal matters actioned under Chapter 6 of the *Sustainable Planning Act 2009*.

2. That the powers conferred in resolution 1 above, be subject to the condition that this delegation can only be exercised where the Chair of the Development and Community Standards Committee, the relevant Divisional Councillor and the Chief Executive Officer have been:
 - (a) Personally provided with a copy of each development report subject to approval by the delegate, which would normally have been determined by the Committee; and
 - (b) Granted a period of three (3) business days from the receipt of the report in which to comment, prior to the application being determined.

ALTERNATIVE

That Council resolve to amend, or not adopt, the Officer's Recommendation and provide alternative resolution in this matter.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr W Boglary
Seconded by: Cr P Bishop

That Council resolve as follows:

1. That for the period 20 December 2012 to 29 January 2013 (inclusive), the Mayor be delegated, under s.257(1)(a) of the Local Government Act 2009, the existing powers of the Development and Community Standards Committee to:
 - a. Decide development applications under the *Sustainable Planning Act 2009*; and
 - b. Provide instructions to legal counsel for appeal matters actioned under Chapter 6 of the *Sustainable Planning Act 2009*.
2. That the powers conferred in resolution 1 above, be subject to the condition that this delegation can only be exercised where the Chair of the Development and Community Standards Committee, the relevant Divisional Councillor and the Chief Executive Officer have been:
 - a. Personally provided with a copy of each development report subject to approval by the delegate, which would normally have been determined by the Committee; and
 - b. Granted a period of three (3) business days from the receipt of the report in which to comment, prior to the application being determined.

CARRIED

17.1.3 COUNCILLORS' REMUNERATION

Dataworks Filename: GOV Councillors - Remuneration

Responsible Officer: Nick Clarke
General Manager Governance

Author: Luke Wallace
Manager Corporate Governance

EXECUTIVE SUMMARY

On 10 December 2012 the Local Government Remuneration and Discipline Tribunal Report 2012 was provided to the Honourable David Crisafulli MP, Minister for Local Government. The remuneration schedule will be published in the Queensland Government Gazette and tabled in the Queensland Legislative Assembly in December 2012.

In accordance with Section 42 of the *Local Government (Operations) Regulation 2010*, all Queensland local governments must adopt the 2013 remuneration schedule for elected representatives, as determined by the Local Government Remuneration and Discipline Tribunal, within 90 days of the schedule being gazetted.

The key aspects of the report, as they relate to Redland City Council, are that Council will remain a category 6 Council for 2013 with a pay increase of 2.5% per annum to apply to Mayor, Deputy Mayor and Councillors.

With regard to Councillors superannuation, LGsuper, the superannuation fund for QLD local government, has recently written to Council and passed on legal advice that clarifies superannuation payment arrangements for Councillors. This advice enables Council to ensure that all Councillors are treated consistently in future with regard to their superannuation contributions.

PURPOSE

The purpose of this report is for Council to adopt the remuneration schedule from the Local Government Remuneration and Discipline Tribunal Report 2012 as required by legislation. The report also clarifies superannuation payments for Council into the future.

BACKGROUND

Pursuant to Chapter 5, Part 1, Division 1 of the *Local Government (Operations) Regulation 2010* (the Regulation), the Local Government Remuneration and Discipline Tribunal determines the remuneration schedule for Mayors, Deputy Mayors and Councillors in each Queensland local government category. There are ten categories (Special and 1-9). Redland City Council is in category 6.

Within 90 days of the schedule being gazetted, a local government must by resolution, adopt the remuneration schedule. The remuneration schedule is determined as a percentage of the rate payable to a member of the Queensland Legislative Assembly (MLA).

In recent years Council has advocated strongly for the remuneration of Councillors to be entirely set by an independent body (i.e. the Tribunal) so that decisions about cost

of living salary increases for Councillors are not left to individual Councils, leading to a better level of consistency across Queensland. Last year, for the first time, these arrangements were put in place and this means that Council's only role now is to adopt the recommendation of the Tribunal within 90 days.

The Tribunal has announced a 2.5% increase to Councillors from 1 January 2013 and has also advised there will be no category changes for any Queensland Councils, meaning that Redland City Council will remain a category 6 Council. The effect of these decisions is that Mayor, Deputy Mayor and Councillor salaries will increase as follows from next calendar year;

	2012 Remuneration	2013 Remuneration (Increasing by 2.5%)
Mayor	\$150,864	\$154,636
Deputy Mayor	\$102,862	\$105,434
Councillor	\$89,147	\$91,376

(Note that these figures are based on a reference rate of \$140,578 being the base salary of a Member of the Legislative Assembly of QLD with payments at the rate of 110%, 75% and 65% respectively for Mayor, Deputy Mayor and Councillors)

With regard to superannuation entitlements, LGsuper has recently written to Council passing on legal advice they have received clarifying how superannuation is paid to Councillors. This advice confirms that Council can make superannuation contributions for its Councillors of up to 12% regardless of whether a Councillor makes an individual member contribution from their own salary.

It will be a matter for individual Councillors to determine whether they want to make member contributions to superannuation or just take that amount as cash salary. Currently some Councillors make individual member contributions and some do not. There is no financial impact to Council either way as Council either pays the 6% to LGsuper on behalf of the Councillor, or alternatively the 6% is paid directly to the Councillor as salary.

What the advice from LGsuper confirms however is that Council is able to pay 12% employer contributions to Councillors, as it already does for the majority of Councillors in line with contributions made for employees, regardless of whether the Councillor is making a member contribution.

In the interests of consistency, and based on this advice, it is felt that a 12% employer contribution should be made to all Councillors in future.

It is also noted that under recent changes to the Commonwealth Superannuation Guarantee (Administration) Amendment Act 2012, compulsory employer contributions are going to rise to 12% by July 2019 in any event with the first incremental increase from the current 9% minimum occurring on 1 July 2013.

ISSUES

Council should note the following relevant matters;

- The Local Government Remuneration and Discipline Tribunal Report 2012 has been provided to the Minister
- The report includes the remuneration schedule, wherein a 2.5% salary increase has been announced for all Queensland Councillors
- The Tribunal has made no changes to Council categories in 2013 meaning that Redland City Council remains a category 6 Council
- In accordance with the *Local Government (Operations) Regulation 2010*, all Queensland local governments must adopt the 2013 remuneration schedule for elected representatives within 90 days of the schedule being gazetted
- Under the current arrangements for determining Councillor remuneration, there is no capacity for Council to make any adjustment, upwards or downwards, to the salary amounts announced by the Tribunal
- The local government superannuation fund, LGsuper has written to Council passing on legal advice regarding Councillors' superannuation
- This advice reveals that Council is able to pay 12% employer contributions for Councillors regardless of whether an individual Councillor is making a member contribution to the superannuation fund
- In the interests of consistency across Councillors, and noting that under Commonwealth legislation minimum employer contributions are being progressively increased to 12% anyway, it is felt that Council should commence to make employer contributions of 12% for each Councillor in future

RELATIONSHIP TO CORPORATE PLAN

8. Inclusive and ethical governance

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals

8.5 Be transparent and consistent in the way we manage the organisation, its risks and obligations and ensure we are delivering against our priorities

FINANCIAL IMPLICATIONS

This recommendation requires minimal change to the current year's budget. Councillor remuneration changes have been anticipated in line with the Remuneration Tribunal's standard practice of releasing its report in December each year. The changes to employer superannuation contributions will have a very minor impact on the 2012/13 budget (less than \$3,000) and adjustments can easily be made within the adopted budget.

CONSULTATION

Consultation on this matter was undertaken with the CEO, General Manager Governance and staff within Council's People and Change Group.

OPTIONS**PREFERRED**

1. To adopt the 2013 remuneration schedule as set out in the Local Government Local Government Remuneration and Discipline Tribunal Report 2012 and as required under Section 42 of the *Local Government (Operations) Regulation 2010*; and
2. To adopt a standard employer's superannuation contribution of 12% for all Councillors, effective from 1 January 2013, in accordance with the advice received from LGsuper, and in the interests of consistent remuneration practices across Councillors

ALTERNATIVE

That Council resolve to seek further information on this matter.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr M Edwards

Seconded by: Cr P Gleeson

That Council resolve as follows:

1. To adopt the 2013 remuneration schedule as set out in the Local Government Remuneration and Discipline Tribunal Report 2012 and as required under Section 42 of the *Local Government (Operations) Regulation 2010*; and
2. To adopt a standard employer's superannuation contribution of 12% for all Councillors, effective from 1 January 2013, in accordance with the advice received from LGsuper, and in the interests of consistent remuneration practices across Councillors.

CARRIED

17.2 CORPORATE SERVICES

17.2.1 NATIONAL COMPETITION POLICY REQUIREMENTS FOR REDLAND WATER IN 2012/2013

Datworks Filename: FM Corporate Budget

Responsible Officer: Gavin Holdway
Manager Financial Services

Author: Sandra Carseldine
Senior Accountant Commercial Business

EXECUTIVE SUMMARY

Under section 10 of the *Local Government (Beneficial Enterprises and Business Activities) Regulation 2010*, a local government must assess, as soon as possible after the budget meeting for the year, whether any new type 1 or type 2 business activities have arisen. The report taken to the 2012/2013 Special Budget Meeting included a proposal for 2012/2013 financial year and stated the assumption would be revised on conclusion of the final financial statements for Allconnex 2011/2012.

Under section 9 of the *Local Government (Beneficial Enterprises and Business Activities) Regulation 2010*, the Minister must set the 'threshold amounts' for current expenditure of that financial year to determine whether an activity is to be identified as a new type 1 or type 2 business activity. At the time of adoption, the threshold amounts for 2012/2013 were not publicly available and the latest information to hand was the published thresholds for 2011/2012. As mentioned above, this proposal has been reviewed with respect to the final Allconnex 2011/2012 statements and also following the updated thresholds for the 2012/2013 financial year.

It is recommended that for the 2012/2013 financial year, Council resolve to change Redland Water classification from a type 2 to a Type 1 business activity (also known as a Type 1 significant business activity) that is a *commercialised business unit*.

PURPOSE

The purpose of this report is to re-classify Redland Water activities for 2012/2013 based on the final financial statements for Allconnex 2011/2012 and revised thresholds for 2012/2013. The financial statements containing the estimated costs of the significant business activity was included in the 2012/2013 Budget Publication for adoption at the Special Budget Meeting in July 2012, Redland Water was classified as a type 2 business activity at that time.

BACKGROUND

Section 47(7) of the *Local Government Act 2009* states a local government must decide each financial year, by resolution, whether or not to apply the code of competitive conduct to a business activity prescribed under a regulation.

ISSUES

Redland City Council is required to consider The Department of Local Government's (financial thresholds to ascertain whether new business activities will

be introduced for the 2012/2013 financial year in line with current legislative requirements.

The following threshold amounts for the purposes of section 9 of the *Local Government (Business Enterprises and Business Activities) Regulation 2010* for the 2012-13 financial year have been gazetted and are as follows:

- a) for type one Activities:
 - (i) for water and sewerage combined activities - \$42,640,000
 - (ii) for other activities - \$25,540,000
- b) for type two Activities:
 - (i) for water and sewerage combined activities - \$12,770,000
 - (ii) for other activities - \$8,550,000

The result for the 11/12 financial year (15 months ending 30 September 2012- QAO certified) Allconnex Water RCC portion was \$53.862m (pro-rated to 12 months is \$43.1m).

In deciding whether an activity should be a new type 1 or type 2 business activity for the 2012/2013 financial year, local governments must consider the operating expenditure for the 2011/2012 financial year less any depreciation included therein and any expenditure included therein to achieve competitive neutrality which is not actually incurred by the local government plus any loan redemption payments in that year.

RELATIONSHIP TO CORPORATE PLAN

9. An efficient and effective organisation

Council is well respected and seen as an excellent organisation which manages resources in an efficient and effective way

- 9.5 Ensure robust long term financial planning is in place to protect the financial sustainability of Council

FINANCIAL IMPLICATIONS

There are no financial implications impacting Council as a result of this report.

PREFERRED

Council resolve that Redland Water be reclassified as a Type 1 Significant Business Activity to be run as a Commercial Business Unit.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr M Elliott
Seconded by: Cr M Edwards

Council resolve that Redland Water be reclassified as a Type 1 Significant Business Activity to be run as a Commercial Business Unit.

CARRIED

17.2.2 FINANCIAL STRATEGY 2013-2023

Datworks Filename: FM Financial Reporting

Attachment: [Financial Strategy 2013-2023](#)

Responsible Officer: Martin Drydale
General Manager Corporate Services

Author: Grant Tanham-Kelly
Service Manager Strategic Finance

EXECUTIVE SUMMARY

The preparation and adoption of a long-term financial strategy is a key step in setting clear financial objectives and targets in order to demonstrate long term financial sustainability and stewardship. Council's 10 year Financial Strategy provides this policy framework to guide all future decision making on financial resource allocation.

The adoption of a Financial Strategy is good business practice but is also supported through the following State legislation:

- *The Local Government Act 2009,*
- *The Local Government (Operations) Regulation 2010,*
- *The Local Government (Finance, Plans and Reporting) Regulation 2010 and*
- *The Local Government (Business Enterprises and Business Activities) Regulation 2010*

The detailed strategies and financial performance targets in the Financial Strategy set out financial priorities and boundaries that encourage efficient management of resources, equitable pricing models and measurable milestones.

PURPOSE

To seek adoption of Council's Financial Strategy 2013 to 2023.

BACKGROUND

Council considers its longer term strategic financial management policies, alongside its deliberations for setting the 2013/14 Budget, with a view to refining a 10 year financial policy framework in order to guide the achievement of the objective of financial sustainability for the City.

The Financial Strategy provides Council with an agreed roadmap for managing its financial resources and processes and is aligned with the objectives and priorities of its Community, Corporate and Operational Plans. Within the framework of the Financial Strategy, guidance is provided to support decision-making with respect to capital and operating revenue and expenditure, asset and service management levels and strategic procurement.

The Financial Strategy is reviewed annually and represents Council's commitment in continuing to review and set clear financial objectives and targets in order to demonstrate long term financial sustainability and stewardship. These are expressed in the Financial Strategy by the inclusion of forecasts for operating statements, balance sheets, cash flows and KPI's for each of the 10 years covered by the Strategy.

Additionally, the annual review of the Financial Strategy ensures alignment with community and corporate objectives and also provides assurance that the achievement of financial objectives and targets are being met. Over the next year the Financial Strategy will be refined and developed to ensure better integration with the developing strategic asset management planning, workforce planning and capital planning processes. This will then ensure that whole-of-life cost implications of major projects and workforce design are captured and can be reviewed prior to decision making in order to ensure strategic and financial fit for the organisation.

ISSUES

The 10-year financial model highlights a number of areas for consideration and action in formulating decisions on revenue raising and operational and capital resourcing over the life of the Financial Strategy. These can be summarised as:

- Current forecasts predict modest increases in general rate revenue;
- Current forecasts predict a stable cash balance throughout year 1 to 10, which remains within acceptable KPI parameters;
- Current forecasts predict a return to acceptable levels of operating performance from year 1 to 10;
- Current forecasts predict affordable amounts of borrowing and the costs of servicing these debts is within acceptable parameters; and
- Current forecasts predicts the requirement for further reduction to operational expenditure in year 1.

The Financial Strategy provides a clear indication of an improving financial position for Council over the life of the Strategy and ensures that plans are in place for the achievement of financial sustainability targets, with more work required to ensure that asset sustainability targets are achieved.

I would like to acknowledge and thank all Councillors and staff in the development of the Financial Strategy for their support, input and feedback.

RELATIONSHIP TO CORPORATE PLAN

9. An efficient and effective organisation

Council is well respected and seen as an excellent organisation which manages resources in an efficient and effective way

- 9.5 Ensure robust long term financial planning is in place to protect the financial sustainability of Council
- 9.6 Implement long term asset management planning that supports innovation and sustainability of service delivery, taking into account the community's aspirations and capacity to pay for desired service levels
- 9.7 Develop our procurement practices to increase value for money within an effective governance framework

FINANCIAL IMPLICATIONS

The Financial Strategy is Councils financial policy framework used to guide decision making on financial resource allocation over the longer term in order to demonstrate and achieve financial sustainability.

As such, the Strategy is the first reference point for such decisions and will be reviewed annually to ensure that alignment with community and corporate objectives

is maintained. As a matter of good financial practice, officers continually update the 10-year financial model following each adopted quarterly budget review during the year. This ensures that any short-term material financial movements are reflected immediately and any future financial impacts are identified and managed accordingly within the life of the Strategy.

Importantly, the Strategy should be considered as a guide only as with any forecast and long-term policy framework, inputs, drivers and economic influences change frequently.

PLANNING SCHEME IMPLICATIONS

It is considered that the outcome of recommendations in this report will result in no future amendments to the Redlands Planning.

CONSULTATION

Consultation has been carried out with all Councillors, Executive Leadership Group, Senior Service Managers and Financial Staff in the development of the Strategy.

OFFICER'S RECOMMENDATION

That Council resolve to adopt the Redland City Council Financial Strategy 2013-2023, as attached.

PROPOSED MOTION

Moved by: Cr C Ogilvie

Seconded by: Cr P Bishop

That this item be deferred.

After further discussion, this motion was withdrawn.

COUNCIL RESOLUTION

Moved by: Cr C Ogilvie

Seconded by: Cr P Bishop

That Council resolve to adopt the Redland City Council Financial Strategy 2013-2023, as attached, with the inclusion of a discussion about strategies adopted for mitigation of risk associated with further water reform.

CARRIED

DIVISION

FOR: Crs Ogilvie, Hardman, Hewlett, Edwards, Elliott, Beard, Gleeson, Bishop and Williams.

AGAINST: Cr Boglary

Cr Talty was absent from the meeting.

17.2.3 ADOPTION OF KEY POLICIES FOR THE FINANCIAL YEAR 2013-2014**Dataworks Filename:** FM Corporate Budget**Attachments:** [Investment Policy – POL-3013](#)
[Debt Policy – POL-1838](#)
[Revenue Policy – POL-1837](#)
[Corporate Procurement Policy – POL-3043](#)
[Enterprise Asset and Service Management – POL-3118](#)**Responsible Officer:** Martin Drydale
General Manager Corporate Services**Author:** Grant Tanham-Kelly
Service Manager Strategic Finance

EXECUTIVE SUMMARY

Sections 132-134 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* require a local government to annually prepare Investment, Debt and Revenue Policies respectively. Section 143 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* provides a requirement for a local government to prepare and adopt a Procurement Policy each financial year.

Sections 135-136 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* require a local government to prepare a long term asset management plan and that plan must provide for strategies to ensure the sustainable management of assets the first of these strategies being the adoption of a Enterprise Asset and Services Management Policy.

During the annual review of the *Financial Strategy (the Strategy)* between August and November 2012, Redland City Council considered the necessary revisions of the aforementioned policies. The policies have been revised in line with the discussions held during these workshops.

The policy objectives of the five documents are outlined below:

Investment Policy - To maximise earnings from authorised investments of surplus funds after assessing counter party, market and minimising risks.

Debt Policy - The objective of this policy is to ensure the sound management of Council's existing and future debt.

Revenue Policy – The generation of an appropriate level of revenue to support the delivery of Community Plan goals is an essential element of Council's 10 Year Financial Strategy.

Procurement Policy – When Council enters into a contract it must have regard to the Sound Contracting Principles which are contained in s106 of the *Local Government Act 2009* and are as follows:

- Value for money; and
- Open and effective competition; and
- The development of competitive local business and industry; and
- Environmental protection; and
- Ethical behaviour and fair dealing.

Enterprise Asset and Services Management Policy– to manage the assets of the Redland City Council on behalf of the community to deliver services in the most effective and sustainable way.

PURPOSE

The purpose of this report is for Council to adopt investment, borrowing, revenue, enterprise asset and service management and procurement policies for 2013-2014.

Section 104 of the *Local Government Act 2009* requires the local government's long term financial plan (Financial Strategy) to outline the investment, debt and revenue policies.

Section 134 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* stipulates the Revenue Policy must be adopted in sufficient time before the start of the financial year to allow an annual budget that is consistent with the revenue policy to be adopted for the financial year.

Sections 135-136 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* require a local government to prepare a long term asset management plan and that plan must provide for strategies to ensure the sustainable management of assets the first of these strategies being the adoption of an Enterprise Asset and Services Management Policy.

Section 143 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* provides a requirement for a local government to prepare and adopt a Procurement Policy each financial year.

BACKGROUND

The annual review of the Strategy was conducted between August and November 2012 and the five policies were discussed during the various workshops. The decisions made both during the review and in subsequent workshops with Councillors have been captured in the revisions of the four policies.

ISSUES

In adopting the **Investment Policy** for 2013-2014, Council will demonstrate its policy stance on dealing with surplus funds.

The adoption of the **Debt Policy** for 2013-2014 will outline for the following ten years the anticipated new loans, interest and principal repayments.

In adopting the **Revenue Policy** for 2013-2014, Council will provide the community with a clear statement of intention in relation to revenue raising for the new financial year. The adoption of the Policy will also include the noting of the planned dates to levy the rates in 2013-2014. In levying rates, Council will schedule the issue of rate notices quarterly.

For 2013/2014 the rate notice schedule is:

	Q1	Q2	Q3	Q4
Issue Date	12 July 2013	4 October 2013	10 January 2014	4 April 2014
Due Date	13 August 2013	4 November 2013	10 February 2014	6 May 2014

In adopting the **Procurement Policy** for 2013-2014 Council will meet or exceed both Local and State Government legislative requirements for the sustainable supply of goods and services; or the carrying out of work; or the disposal of assets in consideration of whole-of-life cost.

In adopting the **Enterprise Asset and Services Management Policy** for 2013-2014, Council recognises that the use of sound asset and services management practices will significantly assist in achieving its corporate mission *“to be a sustainable and effective organisation with clever and caring people”*.

RELATIONSHIP TO CORPORATE PLAN

9. An efficient and effective organisation

Council is well respected and seen as an excellent organisation which manages resources in an efficient and effective way

- 9.5 Ensure robust long term financial planning is in place to protect the financial sustainability of Council
- 9.6 Implement long term asset management planning that supports innovation and sustainability of service delivery, taking into account the community’s aspirations and capacity to pay for desired service levels
- 9.7 Develop our procurement practices to increase value for money within an effective governance framework

FINANCIAL IMPLICATIONS

The five attached policies for 2013-2014 provide the policy framework for debt, investment, asset management, procurement and revenue in the financial year.

PLANNING SCHEME IMPLICATIONS

It is considered that the outcome of recommendations in this report will result in some future amendments to the Redlands Planning Scheme.

CONSULTATION

The Executive Leadership Group and Councillors were consulted in developing this policy at several budget workshops held between August and November 2012. In addition, advice was provided by the Service Manager Revenue and Recovery, General Manager Corporate Services and the Chief Executive Officer.

OFFICER’S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr M Elliott
Seconded by: Cr P Gleeson

That Council resolve to adopt, for the 2013/2014 financial year:

- 1. Investment Policy (POL-3013);**
- 2. Debt Policy (POL-1838);**
- 3. Revenue Policy (POL-1837);**
- 4. Corporate Procurement Policy (POL-3043); and**
- 5. Enterprise Asset and Service Management Policy (POL-3118).**

CARRIED

18 NOTICE OF MOTION**18.1 NOTICE OF MOTION – CR EDWARDS****18.1.1 REQUEST FOR REPORT – OPTIONS FOR PROPOSED CAMPING
GROUND AT SANDY BEACH, RUSSELL ISLAND****BACKGROUND**

The goal is to boost tourist numbers to the islands by providing a very low scale free, eco camping experience for kayakers, mountain bikers and boaties.

These camp grounds would be a 3 night maximum stay on a foreshore area with only tents and no powered sites, caravans or permanents.

Sandy Beach on Russell Island already has established toilets, lighting, bbq's, parking, etc.

It is recommended the proposal be thoroughly researched as there are potentially a number of risks/costs associated with the proposal.

COUNCIL RESOLUTION

Moved by: Cr M Edwards

Seconded by: Cr P Gleeson

- 1. That the Chief Executive Officer prepare a report for Council on the options for a proposed camping ground at Sandy Beach, Russell Island;**
- 2. That the proposal is for a basic facility only catering for kayakers, cyclists and hikers with a maximum 3 day stay. The intention would be for a local community group to run the camping ground on behalf of Council; and**
- 3. That the report should consider planning scheme, local laws, risks and budget considerations.**

CARRIED

19 CLOSED SESSION**19.1 CORPORATE SERVICES****19.1.1 REDLAND CITY COUNCIL AND LOCAL BUY ALLIANCE FOR THE PROVISION OF PROCUREMENT SERVICES**

Datworks Filename: FM Tendering – Supply Services
Responsible Officer: Martin Drydale
General Manager Corporate Services
Author: Matthew Shannon
Procurement Officer

EXECUTIVE SUMMARY

A confidential report from General Manager Corporate Services was presented to Council for consideration.

COUNCIL RESOLUTION

Moved by: Cr M Elliott
Seconded by: Cr P Gleeson

That Council resolve to delegate authority to the Chief Executive, under s.257(1)(b) of the *Local Government Act 2009*, to:

1. Accept the proposal from Local Buy and enter into an Alliance Agreement for the provision of procurement services for Redland City Council commencing 1 January 2013.
2. Make, vary and discharge the agreement in accordance with the agreed terms; and
3. Sign all relevant documentation.

CARRIED

20 URGENT BUSINESS WITHOUT NOTICE

Moved by: Cr M Edwards

Seconded by: Cr A Beard

That permission be granted for Cr Edwards to bring forward the following item of urgent business.

CARRIED

20.1 URGENT BUSINESS – CR EDWARDS

20.1.1 COST FOR THE PROVISION OF TRANSLINK SERVICES

Moved by: Cr M Edwards

Seconded by: Cr C Ogilvie

That the cost for the provision of Translink Services to any Island within Redland City be funded through general rates revenue.

LOST

DIVISION

FOR: Crs Ogilvie, Edwards, Elliott and Williams.

AGAINST: Crs Boglary, Hardman, Hewlett, Beard, Gleeson and Bishop.

Cr Talty was absent from the meeting.

21 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 12.02pm.

Signature of Chairperson: _____

Confirmation date: _____