



**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 8 JUNE 2016**  
**commencing at 9.30am**

The Council Chambers  
35 Bloomfield Street  
CLEVELAND QLD

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## **1 DECLARATION OF OPENING**

On establishing there is a quorum, the Mayor will declare the meeting open.

### **Recognition of the Traditional Owners**

Council acknowledges the Quandamooka people who are the traditional custodians of the land on which we meet. Council also pays respect to their elders, past and present, and extend that respect to other indigenous Australians who are present.

## **2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**

Motion is required to approve leave of absence for any Councillor absent from today's meeting.

## **3 DEVOTIONAL SEGMENT**

Member of the Ministers' Fellowship will lead Council in a brief devotional segment.

## **4 RECOGNITION OF ACHIEVEMENT**

Mayor to present any recognition of achievement items.

## **5 RECEIPT AND CONFIRMATION OF MINUTES**

### **5.1 GENERAL MEETING MINUTES 25 MAY 2016**

Motion is required to confirm the Minutes of the General Meeting of Council held on 25 May 2016.

## **6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES**

### **6.1 REQUEST FOR REPORT – PETITION REQUESTING PENSIONERS' COUNCIL RATES SUBSIDY BE GRANTED TO RESIDENTS OF LEASEHOLD RETIREMENT VILLAGES**

At the General Meeting of 11 May 2016 (Item 8.1.1 refers) Council resolved as follows:

*That the petition be received and referred to a committee or the Chief Executive Officer for consideration and a report to the local government.*

A report will be presented to a future General Meeting for consideration.

## **7 PUBLIC PARTICIPATION**

In accordance with s.31 of POL-3127 Council Meeting Standing Orders:

1. In each meeting (other than special meetings), a period of 15 minutes may be made available by resolution to permit members of the public to address the local government on matters of public interest relating to the local government. This period may be extended by resolution.
2. Priority will be given to members of the public who make written application to the CEO no later than 4.30pm two days before the meeting. A request may also be made to the chairperson, when invited to do so, at the commencement of the public participation period of the meeting.
3. The time allocated to each speaker shall be a maximum of five minutes. The chairperson, at his/her discretion, has authority to withdraw the approval to address Council before the time period has elapsed.
4. The chairperson will consider each application on its merits and may consider any relevant matter in his/her decision to allow or disallow a person to address the local government, e.g.
  - a) Whether the matter is of public interest;
  - b) The number of people who wish to address the meeting about the same subject
  - c) The number of times that a person, or anyone else, has addressed the local government previously about the matter;
  - d) The person's behaviour at that or a previous meeting' and
  - e) If the person has made a written application to address the meeting.
5. Any person invited to address the meeting must:
  - a) State their name and suburb, or organisation they represent and the subject they wish to speak about;
  - b) Stand (unless unable to do so);
  - c) Act and speak with decorum;
  - d) Be respectful and courteous; and
  - e) Make no comments directed at any individual Council employee, Councillor or member of the public, ensuring that all comments relate to Council as a whole.

## 8 PETITIONS AND PRESENTATIONS

Councillors may present petitions or make presentations under this section.

## 9 MOTION TO ALTER THE ORDER OF BUSINESS

The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. Any motion to alter the order of business may be moved without notice.

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

Councillors are reminded of their responsibilities in relation to a Councillor's material personal interest and conflict of interest at a meeting (for full details see sections 172 and 173 of the *Local Government Act 2009*). In summary:

**If a Councillor has a material personal interest in a matter before the meeting:**

*The Councillor must—*

- *inform the meeting of the Councillor's material personal interest in the matter; and*
- *leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.*

*The following information must be recorded in the minutes of the meeting, and on the local government's website—*

- *the name of the Councillor who has the material personal interest, or possible material personal interest, in a matter;*
- *the nature of the material personal interest, or possible material personal interest, as described by the Councillor.*

A Councillor has a **material personal interest** in the matter if any of the following persons stands to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting—

- (a) the Councillor;
- (b) a spouse of the Councillor;
- (c) a parent, child or sibling of the Councillor;
- (d) a partner of the Councillor;
- (e) an employer (other than a government entity) of the Councillor;
- (f) an entity (other than a government entity) of which the Councillor is a member;
- (g) another person prescribed under a regulation.

**If a Councillor has a conflict of interest (a real conflict of interest), or could reasonably be taken to have a conflict of interest (a perceived conflict of interest) in a matter before the meeting:**

*The Councillor must—*

- *deal with the real conflict of interest or perceived conflict of interest in a transparent and accountable way.*
- *Inform the meeting of—*
  - (a) *the Councillor's personal interests in the matter; and*
  - (b) *if the Councillor participates in the meeting in relation to the matter, how the Councillor intends to deal with the real or perceived conflict of interest.*

*The following must be recorded in the minutes of the meeting, and on the local government's website—*

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- (a) *the name of the Councillor who has the real or perceived conflict of interest;*
- (b) *the nature of the personal interest, as described by the Councillor;*
- (c) *how the Councillor dealt with the real or perceived conflict of interest;*
- (d) *if the Councillor voted on the matter—how the Councillor voted on the matter;*
- (e) *how the majority of persons who were entitled to vote at the meeting voted on the matter.*

**A conflict of interest** is a conflict between—

- (a) *a Councillor's personal interests (including personal interests arising from the Councillor's relationships, for example); and*
- (b) *the public interest;*

*that might lead to a decision that is contrary to the public interest.*

## 11 REPORTS TO COUNCIL

### 11.1 COMMUNITY & CUSTOMER SERVICES

#### 11.1.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 AND 3 DEVELOPMENT APPLICATIONS

**Objective Reference:** A1787967  
Reports and Attachments (Archives)

**Attachment:** [Decisions Made Under Delegated Authority 08.05.2016 to 21.05.2016](#)

**Authorising Officer:**   
Louise Rusan  
General Manager Community and Customer Services

**Responsible Officer:** David Jeanes  
Group Manager City Planning and Assessment

**Report Author:** Natalie Manning  
Senior Business Support Officer

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#### PURPOSE

The purpose of this report is for Council to note that the decisions listed below were made under delegated authority for Category 1, 2 and 3 development applications.

This information is provided for public interest.

#### BACKGROUND

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 and Compliance Assessments and associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments and Compliance Assessments and 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 1 criteria - defined as complying code and compliance assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature, including all accelerated applications.



- 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.
- 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 General Meeting for a decision.

### **OFFICER'S RECOMMENDATION**

**That Council resolves to note this report.**

**Decisions Made Under Delegated Authority 08.05.2016 to 14.05.2016**

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
<b>Category 1</b>								
MC012017	Dwelling House	Category1	Felco Pty Ltd	234-236 Shore Street North, Cleveland QLD 4163	Extension to Relevant Period	9/05/2016	Approved	2
BWP003070	Private Swimming Pool	Category1	Suzanne Kate Hembrow Landmark The Certifier Pty Ltd	35A Sentinel Court, Cleveland QLD 4163	Permissable Change	12/05/2016	Development Permit	2
BWP003521	Design and Siting - Garage	Category1	Bartley Burns Certifiers & Planners	29A Coburg Street East, Cleveland QLD 4163	ConRef	10/05/2016	Approved	2
BWP003534	Design and Siting - Shed	Category1	Strickland Certification Pty Ltd	4 Stacey Court, Victoria Point QLD 4165	ConRef	12/05/2016	Approved	4
MCU013722	Dwelling House	Category1	Bay Island Designs	24 Coorong Street, Macleay Island QLD 4184	Code Assessment	12/05/2016	Development Permit	5
MCU013729	Dwelling House and Shed	Category1	Jeromie Newnham	11 Boat Harbour Avenue, Macleay Island QLD 4184	Code Assessment	10/05/2016	Development Permit	5
MCU013732	Dwelling and Secondary Dwelling	Category1	Bay Island Designs	47 Kurrajong Road, Russell Island QLD 4184	Code Assessment	13/05/2016	Development Permit	5
BWP003530	Referral Agency Response - Dwelling House	Category1	Murray Leslie Person	18 Junee Parade, Karragarra Island QLD 4184	ConRef	12/05/2016	Approved	5
BWP003527	Design and Siting - Patio	Category1	D & C Patios	4 Staghorn Court, Mount Cotton QLD 4165	ConRef	10/05/2016	Approved	6
MCU013738	Overlay assessment - dwelling	Category1	Coral Homes (Qld) Pty Ltd Professional Certification Group	26 Vanstone Way, Redland Bay QLD 4165	Code Assessment	10/05/2016	Development Permit	6
BWP003532	Design & Siting - Dwelling	Category1	Platinum Building Approvals	257 German Church Road, Mount Cotton QLD 4165	ConRef	13/05/2016	Approved	6

**Decisions Made Under Delegated Authority 08.05.2016 to 14.05.2016**

MCU013737	Bulk Overlay Assessment Dwelling House x 61 Lots	Category 1	Orchard Property Group Tract Consultants Pty Ltd	100 Kinross Road, Thornlands QLD 4164	Code Assessment	9/05/2016	Development Permit	7
BWP003485	Design & Siting - Bulk CAR -156 Lots	Category1	Orchard (Thornlands) Developments Pty Ltd	100 Kinross Road, Thornlands QLD 4164	ConRef	9/05/2016	Approved	7
BWP003501	Domestic Outbuilding	Category1	The Certifier Pty Ltd	345 Redland Bay Road, Capalaba QLD 4157	Code Assessment	10/05/2016	Development Permit	7
MCU013626	Dual Occupancy	Category1	Dixon Homes Pty Ltd (Sherwood)	25 Badgen Road, Birkdale QLD 4159	Code Assessment	12/05/2016	Development Permit	10
MCU013710	Dwelling House	Category1	Andrew James O'Brien Ursula Anne O'Brien	11 Seaside Close, Thornside QLD 4158	Code Assessment	10/05/2016	Development Permit	10
<b>Category 2</b>								
MCU012494	Multiple Dwelling x 7	Category2	Bartley Burns Certifiers & Planners Greg Williams Constructions Pty Ltd Palacio Property Group Pty Ltd	113-117 Broadwater Terrace, Redland Bay QLD 4165	Extension to Relevant Period	9/05/2016	Approved	5
ROL005603	Standard format 1 into 2	Category2	Hillocc Pty Ltd Lisa Ann Mayer	5 Parakeet Street, Birkdale QLD 4159	Extension to Relevant Period	13/05/2016	Approved	8
MCU013622	Aged Care Facility - 12 Units	Category2	R & G Walker Pty Ltd As Trustee	168 Mount Cotton Road, Capalaba QLD 4157	Impact Assessment	9/05/2016	Development Permit	9
MCU013429	Multiple dwelling x 22	Category2	Jaxl Holdings Pty Ltd Michell Town Planning & Development	5-9 Victor Street, Birkdale QLD 4159	Permissable Change	10/05/2016	Development Permit	10

**Decisions Made Under Delegated Authority 15.05.2016 to 21.05.2016**

<b>Applications</b>	<b>Description</b>	<b>Category</b>	<b>Applicant</b>	<b>Property Address</b>	<b>Application Type</b>	<b>Decision Date</b>	<b>Decision</b>	<b>Division</b>
<b>Category 1</b>								
ROL006041	Standard Format - 1 into 2 Lots	Category1	Vaughn Samual Bowden	12 Owen Street, Wellington Point QLD 4160	Code Assessment	18/05/2016	DevPermit1	1
BWP003475	Additions - Deck	Category1	The Certifier Pty Ltd	3 Genoa Court, Cleveland QLD 4163	Code Assessment	18/05/2016	DevPermit1	2
BWP003522	Domestic Additions	Category1	Building Code Approval Group Pty Ltd	40 Raby Bay Boulevard, Cleveland QLD 4163	Code Assessment	18/05/2016	DevPermit1	2
BWP003396	Shipping Container x 2	Category1	Alan William Hughes	3 Majella Court, Thornlands QLD 4164	Code Assessment	17/05/2016	DevPermit1	3
BWP003544	Design & Siting - Dwelling - Building over of near relevant infrastructure	Category1	Bartley Burns Certifiers & Planners	9 Kalbarrie Terrace, Thornlands QLD 4164	ConRef	20/05/2016	Approved	3
MCU013670	Dwelling House	Category1	Storybook Designer Homes	13 Coast Road, Macleay Island QLD 4184	Code Assessment	18/05/2016	DevPermit1	5
BWP003531	Design & Siting - Deck, Retaining Wall & Shed	Category1	Building Approvals Qld Matthew Paul Wain	20 Bouquet Street, Mount Cotton QLD 4165	ConRef	19/05/2016	Approved	6
MCU013739	ADASecondary Dwelling	Category1	Dixon Homes Pty Ltd (Sherwood)	78-80 Emperor Drive, Redland Bay QLD 4165	Code Assessment	20/05/2016	DevPermit1	6
BWP003543	Design & Siting - Outbuildings	Category1	Diederick Muller	39 Winchester Road, Alexandra Hills QLD 4161	ConRef	20/05/2016	Approved	7
ROL006040	Standard Format - 1 into 2 Lots	Category1	Michell Town Planning & Development	10 Beenwerrin Crescent, Capalaba QLD 4157	Code Assessment	19/05/2016	DevPermit1	9
BWP003537	Design & Siting - Dwelling	Category1	Queensland One Homes (Qld) Pty Ltd	6 Jameson Street, Capalaba QLD 4157	ConRef	18/05/2016	Approved	9
MCU013741	Home Business - ADA	Category1	Mervyn Albert Randall	28B Creek Road, Birkdale QLD 4159	Code Assessment	20/05/2016	DevPermit1	10

**Decisions Made Under Delegated Authority 15.05.2016 to 21.05.2016**

**Category 2**

MC010396	Apartment Building	Category2	Ecopro Developments Pty Ltd Foyle Enterprises	18 Taylor Crescent, Cleveland QLD 4163	Extension to Relevant Period	18/05/2016	Approved	2
MC010396	Apartment Building	Category2	The Crescent Lifestyle Apartments	18 Taylor Crescent, Cleveland QLD 4163	Extension to Relevant Period	18/05/2016	Approved	2
OPW002005.0a	Operational Works - Clearing (Relates to OPW002005.1)	Category2	Orchard (Thornlands) Developments Pty Ltd	100 Kinross Road, Thornlands QLD 4164	Code Assessment	19/05/2016	DevPermit1	7
OPW002012	Landscaping Works - Multiple Dwellings x12	Category2	Croesus Developments Pty Ltd as Trustee	100 Finucane Road, Alexandra Hills QLD 4161	Compliance Assessment	17/05/2016	CompCert	8

## 11.1.2 APPEALS LIST CURRENT AS AT 23 MAY 2016

**Objective Reference:** A1788391  
**Reports and Attachments (Archives)**



**Authorising Officer:**  
**Louise Rusan**  
**General Manager Community and Customer Services**

**Responsible Officer:** David Jeanes  
**Group Manager City Planning and Assessment**

**Report Author:** Kim Peeti  
**Acting Service Manager Planning Assessment**

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### **PURPOSE**

The purpose of this report is for Council to note the current appeals.

### **BACKGROUND**

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. Department of Infrastructure, Local Government and Planning (DILGP)**

The DILGP provides a Database of Appeals (<http://www.dlg.qld.gov.au/resources/tools/planning-and-environment-court-appeals-database.html>) 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.

## ISSUES

<b>1.</b>	<b>File Number:</b>	Appeal 2675 of 2009. (MC010624)
<b>Applicant:</b>		<b>L M Wigan</b>
<b>Application Details:</b>		Material Change of Use for residential development (Res A & Res B) and preliminary approval for operational works. 84-122 Taylor Road, Thornlands.
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		A minor change to the application was allowed by the Court on 4 November 2015. The matter is listed for review on 27 May 2016 with a mediation booked for 17 June 2016.

<b>2.</b>	<b>File Number:</b>	Appeals 178, 179, 180 & 181 of 2015 (ROL005722 – ROL005725 inclusive)
<b>Applicant:</b>		<b>Villa World Development Pty Ltd</b>
<b>Application Details:</b>		Reconfiguring a Lot - 1 into 37 lots (Stage 4), 1 into 32 lots (Stage 5), 1 into 32 lots (Stage 6) and 1 into 33 lots (Stage 7).
<b>Appeal Details:</b>		Applicant appeals against refusal of request for Negotiated Infrastructure Charges Notices.
<b>Current Status:</b>		Court review set down for 2 June 2016.

<b>3.</b>	<b>File Number:</b>	Appeal 3641 of 2015 (MCU012812)
<b>Applicant:</b>		<b>King of Gifts Pty Ltd and HTC Consulting Pty Ltd</b>
<b>Application Details:</b>		Material Change of Use for Combined Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay, Road, Alexandra Hills
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		Appeal filed in Court on 16 September 2015. WOP held December 2015. Direction orders obtained 18 February 2016. Mediation held on 9 March 2016 with matter listed for review 24 June 2016.

<b>4.</b>	<b>File Number:</b>	Appeal 4541 of 2015 (ROL005873)
<b>Applicant:</b>		<b>Loncor Properties Pty Ltd</b>
<b>Application Details:</b>		Reconfiguring a Lot (1 into 43 lots) 35-41 Wrightson Road, Thornlands
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		Appeal filed in Court on 20 November 2015. Orders to progress to August 2016 hearing.

<b>5.</b>	<b>File Number:</b>	Appeals 4940 of 2015, 2 of 2016 and 44 of 2016 (MCU013296)
<b>Applicant:</b>		<b>Lipoma Pty Ltd, Lanrex Pty Ltd and Victoria Point Lakeside Pty Ltd</b>
<b>Application Details:</b>		Preliminary Approval for Material Change of Use for Mixed Use Development and Development Permit for Reconfiguring a Lot (1 into 2 lots) 128-144 Boundary Road, Thornlands
<b>Appeal Details:</b>		Submitter appeals against approval.
<b>Current Status:</b>		Appeals filed in Court on 18 December 2015, 4 January 2016 and 6 January 2016. Directions orders obtained 19 February 2016. Trial will be held in August 2016.


## OFFICER'S RECOMMENDATION

**That Council resolves to note this report.**

### 11.1.3 PRIORITY DEVELOPMENT AREAS DELEGATIONS

**Objective Reference:** A1785524  
Reports and Attachments (Archives)

**Attachments:** [Instrument of Delegation to LRC](#)  
[Instrument of Delegation to Named Positions](#)

**Authorising Officer:**   
Louise Rusan  
General Manager Community and Customer Services

**Responsible Officer:** David Jeanes  
Group Manager City Planning and Assessment

**Report Author:** Kim Peeti  
Service Manager Planning Assessment

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#### PURPOSE

The purpose of this report is to seek delegation of certain responsibilities under the *Economic Development Act* to the Chief Executive Officer (CEO).

#### BACKGROUND

On 21 July 2013 Toondah Harbour and Weinam Creek were officially declared as Priority Development Areas (PDA) by the State Government. All PDAs are administered under the *Economic Development Act 2012* (ED Act), with relevant powers under this Act vested in the Minister for Economic Development Queensland (MEDQ).

On 30 November 2015 the Deputy Premier approved the establishment of the Toondah Harbour and Weinam Creek Local Representative Committee (LRC). Membership of the LRC consists of:

- one member of the ED Board
- one representative of Economic Development Queensland
- two representatives of Redland City Council.

Pursuant to Section 169(1)(f) of the ED Act, MEDQ delegated to the LRC its responsibilities for receiving and deciding all PDA development applications in relation to the Toondah Harbour and Weinam Creek PDAs.

Subsequent to this MEDQ issued a further instrument of delegation in April 2016 to delegate responsibilities to named positions in relation to development applications received for the Toondah Harbour and Weinam Creek PDAs.

This report seeks to give effect to the new delegations by ensuring that there is appropriate delegation from Council to the CEO to ensure efficient processing of the applications.



## ISSUES

Section 169(1) of the ED Act states that:

*“MEDQ may delegate any of its functions or powers under this Act to...  
...(f) a local representative committee...”*

MEDQ has issued an instrument of delegation that gives the LRC the responsibility to receive, assess and decide development applications under the ED Act and to carry out enforcement proceedings in the Planning and Environment Court under this Act. A copy of the instrument of delegation is provided at **Attachment 1**.

To assist the LRC in carrying out its responsibilities under the above delegation, MEDQ has issued a further instrument of delegation that gives named positions, including Redland City Council, certain responsibilities in relation to development applications for the Toondah Harbour and Weinam Creek PDAs. A copy of this instrument of delegation is provided at **Attachment 2**. It should be noted that the authority to decide a PDA development application has not been delegated to Redland City Council and this remains the delegated responsibility of the LRC.

Section 169(4) of the ED Act states that:

*“A local government may sub-delegate a function or power of MEDQ delegated to it under subsection (1) to an appropriately qualified employee of the local government.”*

Section 257 of the Local Government (LG) Act states that:

*“A local government may, by resolution, delegate a power under this Act or another Act to...*

*...(b) the chief executive officer...”*

The Act does not allow the powers to be delegated by resolution to individual employees of the Council. This must, instead, be done through an instrument of delegation, signed by the CEO, delegating responsibilities to the relevant qualified officer(s). This sub-delegation power is provided for in Section 259 of the LG Act.

This report recommends that the functions and powers under the ED Act as described in the instrument of delegation to named positions (Attachment 2) be delegated to the CEO of Council to allow further sub-delegation of relevant powers to appropriately qualified officers of Council.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The purpose of this report is to ensure that Council meets its legislative requirements in relation to the processing of PDA applications under the ED Act.

### Risk Management

Delegating responsibilities for acceptance and assessment of development applications involves a level of risk tolerance. It is considered appropriate to delegate these powers to the CEO to decide the relevant sub-delegations to suitably qualified officers of Council.

### Financial

There are no financial implications.

## **People**

The assessment of PDA applications will primarily involve officers from City Planning and Assessment.

## **Environmental**

There are no implications for environmental considerations.

## **Social**

There are no implications for social considerations.

## **Alignment with Council's Policy and Plans**

The officer's recommendation aligns with legislative requirements and seeks delegations similar to Council's existing delegations that are in place for development applications assessed and decided under the Sustainable Planning Act.

## **CONSULTATION**

No consultation was required for this report. MEDQ has issued the instruments of delegation and Council's City Planning and Assessment group has prepared this report and recommendations as the subject matter experts.

## **OPTIONS**

1. That Council resolves to delegate all functions and powers listed in the Instrument of Delegation at Attachment 2 to the Chief Executive Officer in accordance with Section 169(4) of the *Economic Development Act 2012* and Section 257 of the *Local Government Act 2009*.
2. That Council resolve not to delegate responsibilities to the Chief Executive Officer.

## **OFFICER'S RECOMMENDATION**

**That Council resolves to delegate all functions and powers listed in the Instrument of Delegation at Attachment 2 to the Chief Executive Officer in accordance with Section 169(4) of the *Economic Development Act 2012* and Section 257(1)(b) of the *Local Government Act 2009*.**

**TOONDAH HARBOUR & WEINAM CREEK  
PRIORITY DEVELOPMENT AREAS  
DEVELOPMENT SCHEMES**

**INSTRUMENT OF DELEGATION UNDER  
SECTION 169 OF THE *ECONOMIC  
DEVELOPMENT ACT 2012***

***And***

**INSTRUMENT OF DIRECTION UNDER  
SECTION 170 OF THE ECONOMIC  
DEVELOPMENT ACT 2012**

**TO**

**Toondah Harbour and Weinam Creek Local  
Representative Committee**

**DATE ISSUED:**

30 NOV 2015

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## DOCUMENT CONTROL PAGE

### MANAGEMENT

Version	Role	Name	Position	Date
1.0	Approved by	Jackie Trad	Minister for Economic Development Queensland	30 NOV 2015

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## 1. INTRODUCTION

This is an Instrument of Delegation under section 169 of the Economic Development Act 2012 and an Instrument of Direction under section 170 of the Economic Development Act 2012.

The Minister for Economic Development Queensland (MEDQ) may delegate any of its functions or powers under section 169(1) of the Economic Development Act 2012 (the Act).

The MEDQ may also have functions or powers under other legislation and, if that legislation permits delegation of the functions or powers, may delegate any of those functions or powers.

Delegations have been put in place to ensure that appropriate levels of accountability and authority are in place to enable effective and efficient work practices. It is expected that these delegations will be exercised with a high degree of due diligence and integrity with respect for persons, the law and systems of Government in Queensland in a professional and ethical manner.

Under section 170 of the Act, the MEDQ may give directions to entities that perform a function or power that is delegated under section 169.

## 2. INTERPRETATION

(a) In this document:-

"Act" means the *Economic Development Act 2012*.

"Delegate" means Toondah Harbour and Weinam Creek Local representative Committee.

"Delegation" means the delegation conferred on the Delegate by the MEDQ in accordance with the below Instrument of Delegation.

"Direction" means the direction given to the Delegate by the MEDQ in accordance with the below Instrument of Direction.

"MEDQ" means the Minister for Economic Development Queensland.

"PDA" means a priority development area under the Act.

"PDA development application" means an application for a PDA development approval.

"PDA development approval" means a PDA development approval under the Act.

"Priority development area" means a priority development area under the Act.

"TH and WC LRC" means the Toondah Harbour and Weinam Creek Local representative Committee.

(b) Terms defined in the Act and not separately defined in this document have the same meaning as given in the Act.

(c) A reference to an Act includes amending, consolidating or replacing legislation and any statutory instruments made under that Act.

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### 3. REFERENCES

Relevant legislation for the purpose of this Instrument of Delegation and Instrument of Direction includes the following:

- *Acts Interpretation Act 1954*, in particular section 27A;
- *Economic Development Act 2012*;
- *Economic Development Regulation 2013*.

### 4. INSTRUMENT OF DELEGATION

- (a) The MEDQ, in executing the power of delegation provided under section 169(1) of the Act, delegates the functions and powers under the Act specified in Schedule 1 to the Delegate. In making the Instrument of Delegation, regard has been given to the common law requirement that the Delegate must be sufficiently experienced, qualified and suitable to receive the particular delegation.
- (b) The Delegate is responsible for receiving and deciding all PDA development applications in relation to the Toondah Harbour and Weinam Creek Priority Development Areas from the date of commencement of this Instrument of Delegation unless the Delegate requests the MEDQ to receive and decide a PDA development application.
- (c) The functions and powers delegated under this Instrument of Delegation may only be exercised by the Delegate if the Delegation is exercised in relation to the Toondah Harbour and Weinam Creek priority development areas;
- (d) In exercising the Delegation, the Delegate must at all times consider all relevant legislation, and the following:
  - (i) Toondah Harbour Priority Development Area Development Scheme;
  - (ii) Weinam Creek Priority Development Area Development Scheme; and
- (e) The Delegate must provide a written report to the MEDQ, in the form required by the MEDQ, regarding the exercise of, and compliance with, the delegated functions and powers every month following the commencement of the Instrument of Delegation.

### 5. INSTRUMENT OF DIRECTION

In accordance with section 170 of the Act, the MEDQ directs the Delegate to perform the functions or exercise the powers set out in Schedule 1 to the above Instrument of Delegation subject to the directions set out in Schedule 2 to this Instrument of Direction.

### 6. REVOCATION OF THE INSTRUMENT OF DELEGATION AND INSTRUMENT OF DIRECTION

In accordance with section 27A of the *Acts Interpretation Act 1954*, this Instrument of Delegation and Instrument of Direction may be revoked, wholly or partly, by giving the Delegate seven (7) days written notice signed by the MEDQ.



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## 7. COMMENCEMENT OF THE INSTRUMENT OF DELEGATION AND INSTRUMENT OF DIRECTION

This Instrument of Delegation commences on the date this document is signed.

Signed, sealed and delivered by the Honourable Jackie Trad as the corporation sole known as the Minister for Economic Development Queensland constituted by section 8 of the Economic Development Act 2012 (Qld) in the presence of:



Signature of witness

Jackie Trad

MATTHEW STEVEN COLLINS  
Full name of witness

JACKLYN ANNE TRAD.  
Full name of the [Minister for Infrastructure, Local Government and Planning]

## SCHEDULE 1 – FUNCTIONS AND POWERS OF THE ACT DELEGATED TO THE DELEGATE

(Delegation of the functions and powers pursuant to s. 169(1)(f) of the Act)

Column 1	Column 2	Column 3
Item No.	Delegated function or power	Delegate
1.	<p><b>MEDQ's powers and functions</b></p> <p>The power of the MEDQ under section 10(1)(a) of the Act to enter into infrastructure agreements if:</p> <ul style="list-style-type: none"> <li>(i) TH &amp; WC LRC gives a notice to the MEDQ that it proposes to enter into an infrastructure agreement within 10 business days of TH &amp; WC LRC entering into formal negotiations in respect of a proposed infrastructure agreement; and</li> <li>(ii) TH &amp; WC LRC provides a copy of an executed infrastructure agreement to General Manager EDQ within 10 business days of execution of the infrastructure agreement.</li> </ul>	TH & WC LRC
2.	The functions and powers of the MEDQ under section 13 (2) (b), (c) and (d).	TH & WC LRC
3.	<p><b>How to make application</b></p> <p>The functions and powers of the MEDQ under section 82 of the Act to:</p> <ul style="list-style-type: none"> <li>(i) receive a PDA development application under section 82(1)(a) of the Act; and</li> <li>(ii) decide a fee for a PDA development application under section 82(1)(c) of the Act; and</li> <li>(iii) receive a PDA development application under section 82(2)(b) of the Act; and</li> <li>(iv) accept a PDA development application after considering any noncompliance under section 82(2)(b) of the Act.</li> </ul>	TH & WC LRC
4.	<p><b>Information requests to applicant</b></p> <p>The functions and powers of the MEDQ under section 83(1) of the Act.</p>	TH & WC LRC
5.	<p><b>Information request to applicant - refusal</b></p> <p>The functions and powers of the MEDQ under sections 83(3) and (4) of the Act .</p>	TH & WC LRC
6.	<p><b>Notice of application</b></p> <p>The functions and powers of the MEDQ under section 84(1)(b), (2)(c) and (6) of the Act.</p>	TH & WC LRC
7.	<p><b>Deciding application generally</b></p> <p>The functions and powers of the MEDQ under sections 85(1), (2) and (3) of the Act.</p>	TH & WC LRC
8.	<p><b>Deciding application generally – grant all or part approval</b></p> <p>The functions and powers of the MEDQ under sections 85(4)(a) and (4)(b) of the Act to:</p> <ul style="list-style-type: none"> <li>(i) decide to grant all of the PDA development approval applied for, with or without conditions; or</li> <li>(ii) decide to grant part of the PDA development approval applied for, with or without conditions,</li> </ul>	TH & WC LRC
9.	<p><b>Deciding application generally - refusal</b></p> <p>The functions and powers of the MEDQ under section 85(4)(c) of the Act to decide to refuse to grant a PDA development approval.</p>	TH & WC LRC
10.	<p><b>Deciding application generally</b></p> <p>The functions and powers of the MEDQ under section 85(5)(a) of the Act.</p>	TH & WC LRC

Column 1	Column 2	Column 3
Item No.	Delegated function or power	Delegate
11.	<b>Restrictions on granting approval</b> The functions and powers of the MEDQ under section 86 of the Act.	TH & WC LRC
12.	<b>Matters to be considered in making decision and giving decision notice</b> The functions and powers of the MEDQ under sections 87(1) and (2) and 89(1) and (4) of the Act.	TH & WC LRC
13.	<b>Changing application</b> The functions and powers of the MEDQ under section 92 of the Act.	TH & WC LRC
14.	<b>Withdrawing application</b> The functions and powers of the MEDQ under section 93 of the Act.	TH & WC LRC
15.	<b>Cancellation</b> The functions and powers of the MEDQ under section 98(1) and (3) of the Act.	TH & WC LRC
16.	<b>Application to change PDA development approval</b> The functions and powers of the MEDQ under section 99(1) and (2) of the Act.	TH & WC LRC
17.	<b>Application to extend currency period</b> The functions and powers of the MEDQ under section 101(1) and (3)(c) of the Act.	TH & WC LRC
18.	<b>Deciding extension application</b> The functions and powers of the MEDQ under section 102(2), (3) and (4) of the Act.	TH & WC LRC
19.	<b>Plan of subdivision</b> The functions and powers of the MEDQ under section 104.	TH & WC LRC
20.	<b>Proceedings and related matters</b> The functions and powers of the MEDQ under sections 105(1), 113(2) and (3), 114(1) and 166(3) of the Act.	TH & WC LRC
21.	<b>Special rates and charges</b> The functions and powers of the MEDQ under sections 115(1) – (7) and 117(1), (4) and (5)	TH & WC LRC
22.	<b>Infrastructure agreements</b> The functions and powers of the MEDQ under section 122(2) of the Act, where: <ul style="list-style-type: none"> <li>(i) The Delegate gives written notice that it proposes to enter into an infrastructure agreement within 10 business days of TH &amp; WC LRC entering into formal negotiations with an applicant; and</li> <li>(ii) TH &amp; WC LRC gives a copy of the executed infrastructure agreement to General Manager, EDQ within 10 business days of the date of execution.</li> </ul>	TH & WC LRC
23.	<b>Roads and road closures</b> The functions and powers of the MEDQ under section 124(1), (2), (3) and (5) of the Act, except where the road is a State-controlled road under the <i>Transport Infrastructure Act 1994</i> .	TH & WC LRC
24.	<b>Registers</b> The functions and powers of the MEDQ under sections 172(1) (2) and (3), and 173(1) of the Act.	TH & WC LRC

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Column 1	Column 2	Column 3
Item No.	Delegated function or power	Delegate
25.	<b>Approved forms</b> The functions and powers of the MEDQ under section 175 of the Act.	TH & WC LRC

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## SCHEDULE 2 – DIRECTIONS TO THE DELEGATE

(Directions pursuant to s.170 of the Act)

Item in Schedule 1	Direction
3(ii) - Deciding application fees	<p>The fee decided by the Delegate under section 82(1)(c) of the Act, in accordance with section 129 of the Act, shall include a component for MEDQ's cost of assessing any state interests (the amount of which is notified to the Delegate by MEDQ in writing).</p> <p>[NOTE: The cost notified to the Delegate by MEDQ shall be determined by MEDQ and shall comprise a state interest assessment fee. MEDQ will invoice the Delegate for the state interest assessment fee.]</p>
12 - State interest	<p>The Delegate must comply with the process for identifying and considering State interests which is contained in <a href="http://www.dsdip.qld.gov.au/resources/guideline/pda/practice-note-14-state-interests.pdf">http://www.dsdip.qld.gov.au/resources/guideline/pda/practice-note-14-state-interests.pdf</a> and which is Attachment 1 to this Schedule.</p> <p>The delegate must comply with any direction given by MEDQ in relation to the State interest.</p>
22 - Enter into an infrastructure agreement	<p>The Delegate must advise the MEDQ at least 10 business days before the function or power is exercised and must comply with any subsequent direction given by MEDQ.</p>



## Practice note no. 14

### Issued: September 2014

# State interests in development assessment in Priority Development Areas

The Minister for Economic Development Queensland (MEDQ) may delegate any of its functions and powers under section 169(1) of the *Economic Development Act 2012* (the Act) to various persons and entities including local government. Development assessment delegations will only be relevant to priority development areas (PDA) that have been declared under the Act.

In exercising the delegation power of development assessment functions to local government, the MEDQ has also given directions under section 170 of the Act to comply with the process for identifying and considering State interests which is contained in this Practice Note. The power to identify and consider state interests within the meaning of section 87(4) of the Act has been delegated to officers of the Department of State Development Infrastructure and Planning (DSDIP).

Local governments need to seek the DSDIP delegate's advice in relation to relevant state interests when assessing a development application within a PDA.

The purpose of this practice note is to provide guidance on how to ensure state interests are properly considered in development assessment when the primary assessment function has been delegated to local government.

This practice note should be read in conjunction with the DSDIP ***Economic Development Act 2012, Development Assessment Manual*** (the DA Manual).

### Policy context

The State Development Assessment Provisions (SDAP) provide guidance in determining if a state interest is relevant to the assessment of a development application. Other state interests, such as the *Mineral Resources Act 1989*, that have not been integrated into the *Sustainable Planning Act 2009* (SPA) or excluded through a PDA declaration may also be applicable.

Each PDA will have different types and levels of state interest. To assist with streamlining consideration of state interests DSDIP will provide additional advice on state interests that are considered relevant to development assessment in a particular PDA. This advice will help determine at an early stage if, and to what degree, state interests are relevant.

It should be noted that in preparing interim land use plans and development schemes for PDAs, state interests will be identified and, where possible, relevant state interests will be addressed in a way that avoids or minimises the need to further consider state interests at the development assessment stage.

### Using the practice note

This practice note provides particular guidance on the following stages that are documented in the DA Manual:

- » pre-application
- » lodgement
- » information
- » decision.

Relevant state interests should also be considered in the administration of the following other stages documented in the manual:

- » changing an application
- » changing a development approval
- » extending a currency period.

## Documentation of delegation decisions

To ensure proper reporting of delegated functions, delegates should keep a record of all instances where information is provided, advice prepared and decisions made in relation to the determination and consideration of relevant state interests.

## Considering state interests in relevant development assessment stages

### Pre-application stage

#### *Initial enquiries*

When an initial enquiry is received, the local government delegate should advise the applicant of the need to consider relevant state interests and seek DSDIP's preliminary advice on what state interests are likely to be relevant to each particular PDA.

#### *Pre-application discussions*

If state interests are likely to be relevant, and depending on the scale and complexity of a proposal, the DSDIP delegate may agree to attend pre-application discussions. Each applicant should research the potential implications of state interests prior to pre-lodgement.

### Lodgement stage

The local government delegate should assess the information provided by the applicant on relevant state interests and refer the application to the DSDIP delegate for a response within five business days. The DSDIP delegate's response will include any information required to address a relevant state interest.

### Information stage

The information request should include any information required by the DSDIP delegate to assess relevant state interests including advice on how a state interest may be addressed.

### Decision stage

At the commencement of the decision stage a copy of the final information request response should be provided to the DSDIP delegate who will, within 10 business days, give a direction (under section 170 of the Act as to relevant state interests referred to in s87(1)(b) of the Act) that:

- based on the information provided, state interests are either no longer considered relevant to the assessment of the PDA development application or that the PDA development application addresses them satisfactorily; or

- » outstanding concerns as to state interests must be addressed in any PDA development approval in a specified way (including, but not limited to, imposing conditions and nominating a stated entity to be a nominated assessing authority for a condition); or
- » a PDA development application must be refused because of a state interest.

A copy of the final decision package should be provided to the DSDIP delegate.



**TOONDAH HARBOUR & WEINAM CREEK  
PRIORITY DEVELOPMENT AREAS  
DEVELOPMENT SCHEMES**

**INSTRUMENT OF DELEGATION UNDER  
SECTION 169 OF THE *ECONOMIC  
DEVELOPMENT ACT 2012***

**TO**

**The named positions to assist the Toondah  
Harbour and Weinam Creek Local  
Representative Committee**

**DATE ISSUED:**

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## DOCUMENT CONTROL PAGE

### MANAGEMENT

Version	Role	Name	Position	Date
1.0	Approved by	The Honourable Jacklyn Trad	The Minister for Economic Development Queensland	

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## 1. INTRODUCTION

This is an Instrument of Delegation under section 169 of the Act.

The MEDQ may delegate any of its functions or powers under section 169(1) of the Act.

The MEDQ may also have functions or powers under other legislation and, if that legislation permits delegation of the functions or powers, it may delegate any of those functions or powers.

This Instrument of Delegation has been put in place to ensure that appropriate levels of accountability and authority are in place to enable effective and efficient work practices. It is expected that these delegations will be exercised with a high degree of due diligence and integrity with respect for persons, the law and systems of Government in Queensland in a professional and ethical manner.

Under section 169 of the Act, the MEDQ by instrument of delegation executed on 30 November 2015, delegated the functions and powers of the MEDQ under the Act to the LRC, including the power to affix the official seal of the MEDQ.

In order to assist the LRC, the MEDQ proposes to delegate to the persons mentioned in column 3 of Schedule 1, the powers and functions set out in column 2 of Schedule 1 in relation to development applications received for the Toondah Harbour and Weinam Creek Priority Development Areas.

## 2. INTERPRETATION

(a) In this document:-

"Act" means the *Economic Development Act 2012*.

"Delegate" means the persons occupying the positions set out in column 3 of Schedule 1.

"Delegation" means the delegation conferred by the MEDQ by Instrument of Delegation Dated 30 November 2015.

"MEDQ" means the Minister for Economic Development Queensland.

"PDA" means a priority development area under the Act.

"PDA development application" means an application for a PDA development approval.

"PDA development approval" means a PDA development approval under the Act.

"Priority Development Area" means a priority development area under the Act.

"LRC" means the Toondah Harbour and Weinam Creek Local representative Committee.

(b) Terms defined in the Act and not separately defined in this document have the same meaning as given in the Act.

(c) A reference to an Act includes amending, consolidating or replacing legislation and any statutory instruments made under that Act.

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### 3. REFERENCES

Relevant legislation for the purpose of this Instrument of Delegation includes the following:

- *Acts Interpretation Act 1954*, in particular section 27A;
- *Economic Development Act 2012*;
- *Economic Development Regulation 2013*.

### 4. INSTRUMENT OF DELEGATION

- (a) The MEDQ, in executing this Instrument of Delegation under section 169(1) of the Act, delegates the functions and powers under the Act specified in Schedule 1 to the Delegates. In making this Instrument of Delegation, regard has been given to the common law requirement that the Delegate must be sufficiently experienced, qualified and suitable to receive the particular delegation.
- (b) This Instrument of Delegation operates concurrently with the Delegation.
- (c) In exercising this Delegation, the Delegate must at all times consider all relevant legislation, and the following:
  - (i) The Toondah Harbour Priority Development Area Development Scheme; and
  - (ii) The Weinam Creek Priority Development Area Development Scheme.
- (d) The Delegate must provide a written report to the MEDQ, in the form required by the MEDQ, regarding the exercise of, and compliance with, the delegated functions and powers every month following the commencement of this Instrument of Delegation.

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## 5. COMMENCEMENT OF THE INSTRUMENT OF DELEGATION

This Instrument of Delegation commences on the date this document is signed.

**Signed, sealed and delivered** by the Honourable Jacklyn Trad as the corporation sole known as the Minister for Economic Development Queensland constituted by section 8 of the *Economic Development Act 2012* (Qld) in the presence of:



Signature of witness



Full name of witness



The Minister for Economic Development Queensland

The Honourable Jacklyn Trad

Full name

## SCHEDULE 1 – FUNCTIONS AND POWERS OF THE ACT DELEGATED TO THE DELEGATE

(Delegation of the functions and powers pursuant to s. 169(1) of the Act)

Column 1	Column 2	Column 3
Item No.	Delegated function or power	Delegate
1.	The functions and powers of the MEDQ under section 13 (2) (b) and (c) to coordinate the provision of, or providing, infrastructure and other services and planning for, and developing and managing land, in a priority development area.	Redland City Council, Executive Director – Planning Services, Director, EDQ Planning, Director, EDQ Development Assessment
2.	<p><b>How to make application</b></p> <p>The functions and powers of the MEDQ under section 82 of the Act to:</p> <ul style="list-style-type: none"> <li>(i) receive a PDA development application under section 82(1)(a) of the Act; and</li> <li>(ii) decide a fee for a PDA development application under section 82(1)(c) of the Act; and</li> <li>(iii) receive a PDA development application under section 82(2)(b) of the Act; and</li> <li>(iv) accept a PDA development application after considering any noncompliance under section 82(2)(b) of the Act.</li> </ul>	Redland City Council, Executive Director – Planning Services, Director, EDQ Planning, Director, EDQ Development Assessment
3.	<p><b>Information requests to applicant</b></p> <p>The functions and powers of the MEDQ under section 83(1), (3) and (4) of the Act to:</p> <ul style="list-style-type: none"> <li>(i) ask an applicant, within a stated period of at least 20 business days, to give further stated information relevant to the application that the MEDQ needs to decide the application; or</li> <li>(ii) to refuse an application if an applicant does not provide the requested information within the stated period; and</li> <li>(iii) give 10 business days' notice of the refusal.</li> </ul>	Redland City Council, Executive Director – Planning Services, Director, EDQ Planning, Director, EDQ Development Assessment
4.	<p><b>Notice of application</b></p> <p>The functions and powers of the MEDQ under section 84(1)(b), (2)(c) and (6) of the Act to give public notification of an application and a copy of the notification to the MEDQ and any other entity that the MEDQ considers has an interest in the outcome of the application.</p>	Redland City Council, Executive Director – Planning Services, Director, EDQ Planning, Director, EDQ Development Assessment




Column 1	Column 2	Column 3
Item No.	Delegated function or power	Delegate
5.	<p><b>Application to change PDA development approval</b></p> <p>The functions and powers of the MEDQ under section 99(1) and (2) of the Act to allow an applicant to change a development application if the MEDQ is satisfied that the change would only result in the development application not being substantially different.</p>	Redland City Council, Executive Director – Planning Services, Director, EDQ Planning, Director, EDQ Development Assessment
6.	<p><b>Application to extend currency period</b></p> <p>The functions and powers of the MEDQ under section 101(1) and (3)(c) of the Act to accept an application to extend the currency period of a development approval before the approval lapses if the application fee decided by the MEDQ is paid.</p>	Redland City Council, Executive Director – Planning Services, Director, EDQ Planning, Director, EDQ Development Assessment
7.	<p><b>Deciding extension application</b></p> <p>The functions and powers of the MEDQ under section 102(2), (3) and (4) of the Act to decide an application under section 101(1) of the Act:</p> <ul style="list-style-type: none"> <li>(i) within 20 business days or longer period as agreed between the applicant and the MEDQ, after consulting with nominated assessing authorities under the development approval; and</li> <li>(ii) by giving notice within 5 business days to the applicant and each nominated assessing authority under the development approval after deciding the application.</li> </ul>	Redland City Council, Executive Director – Planning Services, Director, EDQ Planning, Director, EDQ Development Assessment
8.	<p><b>Plan of subdivision</b></p> <p>The functions and powers of the MEDQ under section 104 of the Act to assess a plan of subdivision for compliance with the provisions of the <i>Sustainable Planning Act 2009</i>.</p>	Redland City Council, Executive Director – Planning Services, Director, EDQ Planning, Director, EDQ Development Assessment

## 11.1.4 MINOR AMENDMENT TO THE REDLANDS PLANNING SCHEME

**Objective Reference:** A1773631  
Reports and Attachments (Archives)

**Attachment:** [Minor Amendment Package 01/2016](#)

**Authorising Officer:**   
Louise Rusan  
General Manager Community & Customer  
Services

**Responsible Officer:** David Jeanes  
Group Manager City Planning & Assessment

**Report Author:** Dean Butcher & Isabel Lockwood  
Strategic Planners

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### PURPOSE

The purpose of this report is to seek Council's approval to:

1. Adopt the recommendations contained in Attachment 1: **Minor Amendment Package 01/2016**; as minor amendments to the Redlands Planning Scheme in accordance with the *Sustainable Planning Act 2009* and *Statutory Guideline 04/14: Making and Amending Local Planning Instruments*.
2. Set a commencement date for the Minor Amendment Package to become effective on 17 June 2016.

### BACKGROUND

The Redlands Planning Scheme (RPS) commenced and took effect from 30 March 2006. To ensure the RPS reflects contemporary standards and maintains its effectiveness as a statutory instrument, a program of amendments has been regularly undertaken since this time.

The last Minor Amendment Package (Minor Amendment Package 02/2014) took effect on 20 March 2015. More recently, the CEO approved a package of Administrative Amendments. It is intended that these amendments will take effect at the same time as the current Minor Amendment Package 01/2016.

### ISSUES

The amendments contained in Minor Amendment Package 01/2016 have been prepared in accordance with *Statutory Guideline 04/14: Making and Amending Local Planning Instruments* (MALPI). For details of each specific amendment being proposed by Minor Amendment Package 01/2016, please refer to Attachment 1.

All amendments proposed in Minor Amendment Package 01/2016 have been reviewed and are considered to be of a minor nature. In addition, the majority of the proposed minor amendments included in the current package reflect recent development approvals. The only two amendments which do not fall into this category relate to the inclusion of two additional Council identified sites with identified local heritage values in the Heritage Place and Character Precinct Overlay.

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These sites are located at 302 Old Cleveland Road East, Birkdale (Willard's Farm) and 17 Runnymede Road, Capalaba (Tallowood Tree at Indigiscapes).

Once adopted by Council, the following actions will be undertaken in accordance with the relevant sections of MALPI:

- 2.4A.1/ Step 1.5: advise the Minister for Infrastructure, Local Government and Planning of the reasons why amendments proposed under subsection 2.3A.3(k) are considered to be 'minor' amendments;
- 2.4A.1/ Step 9.8: provide the Director-General of the Department of Infrastructure, Local Government and Planning with an electronic copy of the planning scheme (including maps) and notices placed in the gazette, local newspaper and local government website; and
- 3.3.2/ Step 5.3: provide the Director-General of the Department of Infrastructure, Local Government and Planning with an electronic copy of the Planning Scheme Policy (PSP) and notices placed in the gazette, local newspaper and local government website.

As noted earlier in this report, it is intended that a package of administrative amendments will take effect at the same time as the proposed Minor Amendment Package 01/2016.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The proposed amendments have been prepared pursuant to the *Sustainable Planning Act 2009* and *Statutory Guideline 04/14: Making and Amending Local Planning Instruments*.

### **Risk Management**

The risk of not making the proposed amendments to the Planning Scheme is that potential conflicts between the RPS and a number of recent development approvals may arise. This is likely to cause confusion and uncertainty and may in certain circumstances trigger the need to lodge further applications for dwelling houses on residential lots recently created following Council development approvals. The proposed amendments will address these anomalies. The inclusion of Willard's Farm Homestead as well as the mature Tallowood Tree on the Heritage Places Register will ensure that the local heritage values of these Council owned sites are recognised and protected.

### **Financial**

The public notice required in the Government Gazette and local newspaper for the proposed amendments to the Planning Scheme will be funded as part of the operating budget of the City Planning and Assessment Group.

### **People**

The staff resourcing requirements to make the proposed amendments to the Planning Scheme will be primarily drawn from the Strategic Planning Unit within the City Planning and Assessment Group and the Analytical Services Unit within the Information Management Group.

## **Environmental**

The proposed amendments to Habitat Protection Overlay are being undertaken to reflect recent Council development approvals.

## **Social**

The proposed amendments will make it easier to understand and interpret provisions within the planning scheme. They also seek to protect an additional two important sites with local heritage values.

## **Alignment with Council's Policy and Plans**

The proposed amendments align with the Wise Planning and Design goals contained in the *Redlands 2030 Community Plan* and with Council's commitments in the *Corporate Plan 2015 - 2020* to improve efficiencies in the Redlands Planning Scheme.

## **CONSULTATION**

The proposed amendments have been developed through consultation with work units in the City Planning and Assessment Group, Environment and Regulation Group, City Infrastructure Group & Community and Cultural Services Group.

MALPI does not require Council to undertake mandatory public consultation activities when preparing administrative and minor amendments.

## **OPTIONS**

### **Option 1**

That Council resolves to:

1. Adopt the recommendations contained in Attachment 1: Minor Amendment Package 01/2016;
2. Proceed to amend the Redlands Planning Scheme in line with the recommendations contained in Attachment 1: Minor Amendment Package 01/2016 pursuant to the *Sustainable Planning Act 2009*; and
3. Set a commencement date for the Minor Amendment Package to become effective on 17 June 2016.

### **Option 2**

That Council resolve to not proceed with all, or part, of the amendment package at this time.

## **OFFICER'S RECOMMENDATION**

**That Council resolves to:**

1. **Adopt the recommendations contained in Attachment 1: Minor Amendment Package 01/2016;**
2. **Proceed to amend the Redlands Planning Scheme in line with the recommendations contained in Attachment 1: Minor Amendment Package 01/2016 pursuant to the *Sustainable Planning Act 2009*; and**
3. **Set a commencement date for the Minor Amendment Package to become effective on 17 June 2016.**

# Redlands Planning Scheme

Attachment 1

Minor Amendment Package 01/2016



## Minor Amendments

OUR redlands...OUR future

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## Contents

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The proposed amendments to zone and overlay mapping are as follows:

1. Table 1: Zone Changes.
2. Table 2: Bushfire Hazard Overlay amendments (removals)
3. Table 3: Flood Prone, Storm Tide and Drainage Constrained Land Overlay amendments (removals)
4. Table 4: Habitat Protection Overlay amendments (removals)
5. Table 5: Heritage Place and Character Precinct Overlay amendments (additions)
6. Table 6: Waterways, Wetlands and Moreton Bay Overlay amendments (removals)
7. Table 7: Landslide Hazard Overlay amendments (removals)
8. Table 8: Mapping Instructions (with images)

## Introduction

The following document details the proposed changes to the current version of the Redlands Planning Scheme – Version 7 (RPS V7). These changes are referred to as Minor Amendment Package 01/2016.

Each report deals with a particular section of the scheme that is proposed to be amended. Not all sections of the scheme are proposed to be amended.

In most cases reports and models are combined demonstrating the change being proposed to the scheme. Only enough of the scheme has been reproduced in each case to give context to the proposed change. Not all sections are reproduced in their entirety. If you require further context or wish to examine how the proposed change fits within the entire section where the amendment is proposed to take place, then you will need to refer to a full copy of the Redlands Planning Scheme V7.

### Conventions

In this document all proposed changes to the Planning Scheme are **highlighted in yellow**.

Where sections are highlighted in yellow and have a strikethrough line this indicates where text/numbers are proposed to be deleted.

~~Deleted text appears like this.~~

Where sections are highlighted in yellow but do not have a strikethrough line then this indicates where new text/numbers are proposed to be inserted.

**Inserted words appear like this.**

Where a section or numbered item has been deleted or a new item inserted subsequent sections will need to be renumbered appropriately.

In some instances reference will be made to the mapping attached to the planning scheme. Maps showing amendments to zonings and overlays have been produced separately and form part of this amendment package. You may be directed to refer to these maps within the recommendations of this report.

As there are multiple recommendations for changes to the RPS, almost all report recommendations appear like this:

### Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments outlined above.

To simplify the process, the recommendations are based on exception. The recommendation is to accept all proposed changes in each section unless Council resolves to specifically amend a proposal.



# Report/Model 09.04 Heritage Places Register

## Amendment 09.04 Heritage Places Register

### Explanation

1. The first amendment proposes to list 302 Old Cleveland Road East, Birkdale on the Heritage Places Register as a property of local heritage significance. The subject site, otherwise known as 'The Pines', 'Birkdale Homestead' or 'Willard's Farm', was recently purchased by Council for the specific purpose of preserving the heritage values of the site.

In determining whether this amendment constituted a 'minor' or 'major' amendment, Council officers made a careful consideration of the proposal with regard to *Statutory Guideline 04/2014: Making and Amending Local Planning Instruments*. Officers believe that:

- Listing the property is being undertaken in the community interest and is consistent with community expectations; and
- The property is owned by Council and therefore, it would not reasonably be expected that a member of the community would object to such a proposal.

Based on the above, undertaking the amendment is considered to be low risk and a minor amendment in accordance with *Statutory Guideline 04/2014: Making and Amending Local Planning Instruments*, section 2.3A.3(k).

2. The second amendment proposes to list a Tallowood Tree located at 17 Runnymede Road, Capalaba onto the Heritage Places Register as a significant tree of local heritage significance. The subject tree exists on Council land and as such, the amendment is considered to be low risk and a minor amendment in accordance with *Statutory Guideline 04/2014: Making and Amending Local Planning Instruments*, section 2.3A.3(k).

### Proposed Amendments

Insert the following properties into Table 1 of Schedule 4 – Heritage Places Register:

## Schedule 4 - Heritage Places Register

Table 1 – Mainland

Property Name / Number / Street Address	Real Property Description	Summary Description of Item	Heritage Significance
<b>Birkdale</b>			
School of Arts Hall 101 Birkdale Road	Lot 130 on SL319	c.1930s high set double gable, later addition	Local
'The Pines', 'Birkdale Homestead' or 'Willard's Farm'  302 Old Cleveland Road East, Birkdale	Lot 2 on RP211270	Farm complex in an established setting, incorporating the following elements: <ul style="list-style-type: none"> <li>• house</li> <li>• dairy</li> <li>• laundry</li> <li>• established trees</li> <li>• front fence and gates.</li> </ul>	Local
<b>Capalaba</b>			
The Rocks Crossing Tingalpa Creek	Part of Lot 83 on SL5432 and adjoining	Creek crossing; remnants of the roadway "cobblestones" (c. 1850) and	Local

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Property Name / Number / Street Address	Real Property Description	Summary Description of Item	Heritage Significance
	he creek bed	bridge foundations 1874	
Tallowood Tree 17 Runnymede Road, Capalaba	Part of Lot 605 on SP117644	Mature Tallowood tree, estimated to be over 400 years old	Local

**Officer Recommendation**

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments outlined above.

## Proposed Amendments to Zone and Overlay Mapping

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### Explanation

Council is seeking to undertake minor amendments to the zone and overlay mapping of the Redlands Planning Scheme to reflect current development approvals granted by Council. These changes are).

Note: These amendments are considered minor in nature in accordance with Statutory Guideline 04/14: Making and Amending Local Planning Instruments section 2.3A.3(a), as the amendments reflect current development approvals.

### Proposed Amendments to Zone and Overlay Mapping

The proposed amendments to zone and overlay mapping are as follows:

1. Table 1: Zone Changes.
2. Table 2: Bushfire Hazard Overlay amendments (removals)
3. Table 3: Flood Prone, Storm Tide and Drainage Constrained Land Overlay amendments (removals)
4. Table 4: Habitat Protection Overlay amendments (removals)
5. Table 5: Heritage Place and Character Precinct Overlay amendments (additions)
6. Table 6: Waterways, Wetlands and Moreton Bay Overlay amendments (removals)
7. Table 7: Landslide Hazard Overlay amendments (removals)
8. Table 8: Mapping Instructions (with images)

### Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments to zone and overlay mapping as detailed in:

1. Minor amendment zone changes as reflected in Table 1; and
2. Minor amendment overlay changes as reflected in Tables 2 - 7.

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<b>TABLE 1: Proposed Zone Mapping Amendments of Minor Amendment Package 01/2016</b>									
<b>LOT</b>	<b>PLAN</b>	<b>LANDNO</b>	<b>PROPERTYNO</b>	<b>UNIT</b>	<b>HOUSE</b>	<b>STREET</b>	<b>SUBURB</b>	<b>AMENDMENT SUMMARY</b>	<b>ZONECODE</b>
Proposed dwelling house 3 Heffernan Road, Alexandra Hills, Refer to Application MCU013474									
2	SP269203	990827	356100	N/A	3	Heffernan Road	Alexandra Hills	CP7/UR to UR	UR
Proposed Reconfiguration at 19 Burbank Road, Birkdale. Refer to Application ROL005667									
1	SP264869	990625	354030		19	Burbank Road	Birkdale	UR/OS to UR	UR
32	SP264870	991288	360760		23	Burbank Road	Birkdale	UR/OS to UR	UR
33	SP264870	991289	360770		28	Sailfish Avenue	Birkdale	UR/OS to UR	UR
34	SP264870	991290	360780		26	Sailfish Avenue	Birkdale	UR/OS to UR	UR
35	SP264870	991291	360790		24	Sailfish Avenue	Birkdale	UR/OS to UR	UR
36	SP264870	991292	360800		22	Sailfish Avenue	Birkdale	UR/OS to UR	UR
Proposed reconfiguration 39-41 Park Edge Place, Redland Bay. Refer to application APS000407									
902	SP270520	992718	376290		37A	Park Edge Place	Redland Bay	UR to OS	OS
903	SP270520	992719	376300		19A	Park Edge Place	Redland Bay	UR to OS	OS
Proposed reconfiguration at 19-37 Collins Street & 153-187 School of Arts Road, Redland Bay. Refer to application SB005458									
900	SP267633	991068	358510	N/A	72-106	Bankswood Drive	Redland Bay	UR/OS	OS
Proposed reconfiguration at 46-48 Muller Street, Redland Bay. Refer to application APS000397									
18	SP277369	992942	378530		36	Vanstone Way	Redland Bay	UR/OS	UR
19	SP277369	992943	378540		34	Vanstone Way	Redland Bay	UR/OS	UR
20	SP277369	992944	378550		32	Vanstone Way	Redland Bay	UR/OS	UR
27	SP277369	992951	378620		8	Vanstone Way	Redland Bay	UR/OS	UR
28	SP277369	992952	378630		6	Vanstone Way	Redland Bay	UR/OS	UR
31	SP277369	992955	992955		48	Muller Street	Redland Bay	UR/OS	UR
32	SP277369	992956	992956		50	Muller Street	Redland Bay	UR/OS	UR
33	SP277369	992957	992957		52	Muller Street	Redland Bay	UR/OS	UR
34	SP277369	992958	992958		3	Vanstone Way	Redland Bay	UR/OS	UR

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35	SP277369	992959	992959		5	Vanstone Way	Redland Bay	UR/OS	UR
100	SP277369	992977	378880		10-18	Vanstone Way	Redland Bay	UR/OS to OS	OS
101	SP277369	992978	378890		54-68	Muller Street	Redland Bay	UR/OS	OS
Proposed Reconfiguration at 1-27 Unwin Road, Redland Bay. Refer to application SB005050.2									
61	SP278846	993033	379500		22	Isla Avenue	Redland Bay	UR/OS	UR
62	SP278846	993034	379510		20	Isla Avenue	Redland Bay	UR/OS	UR
63	SP278846	993035	379520		18	Isla Avenue	Redland Bay	UR/OS	UR
128	SP278846	993071	379880		19	Burmah Boulevard	Redland Bay	UR/OS	UR
129	SP278846	993072	379890		17	Burmah Boulevard	Redland Bay	UR/OS	UR
130	SP278846	993073	379900		15	Burmah Boulevard	Redland Bay	UR/OS	UR
131	SP278846	993074	379910		13	Burmah Boulevard	Redland Bay	UR/OS	UR
132	SP278846	993075	379920		11	Burmah Boulevard	Redland Bay	UR/OS	UR
133	SP278846	993076	379930		9	Burmah Boulevard	Redland Bay	UR/OS	UR
134	SP278846	993077	379940		7	Burmah Boulevard	Redland Bay	UR/OS	UR
591	SP278846	993085	380020		3	Burmah Boulevard	Redland Bay	UR/OS	UR
592	SP278846	993086	380030		3A	Burmah Boulevard	Redland Bay	UR/OS	UR
Proposed reconfiguration at 299-351 Heinemann Road, Mount Cotton. Refer to application SB004850.5									
987	SP269414	991373	361860		229-351	Heinemann Road	Mount Cotton	CP7	OS
Proposed Reconfiguration at 241 German Church Road, Mount Cotton Refer to application SB004823.8									
611	SP270557	991179	359640	N/A	19A	Brigalow Place	Mount Cotton	UR2	CN2
612	SP270557	991180	359650	N/A	8-18A	Brigalow Place	Mount Cotton	UR2/CN2	CN2
906	SP270644	992492	373870	N/A	80-92	Sugargum Avenue	Mount Cotton	UR	OS
Proposed Reconfiguration at 241 German Church Road, Mount Cotton. Refer to Application SB004823.11									
614	SP270655	991753	366270	N/A	74-84	Golden Wattle Avenue	Mount Cotton	UR2	OS
613	SP270655	991752	366260	N/A	66-72	Golden Wattle Avenue	Mount Cotton	UR2	OS

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<b>TABLE 2: Proposed Bushfire Hazard Overlay Mapping Amendments of Minor Amendment Package 01/2016</b>							
<b>LOT</b>	<b>PLAN</b>	<b>LANDNO</b>	<b>PROPERTYNO</b>	<b>UNIT</b>	<b>HOUSE</b>	<b>STREET</b>	<b>SUBURB</b>
1	SP276388	991780	366540		20	Sandalwood Street	Thornlands
2	SP276388	991781	366550		20A	Sandalwood Street	Thornlands
3	SP276387	991782	366580		22	Sandalwood Street	Thornlands
4	SP276387	991783	366590		22A	Sandalwood Street	Thornlands
					Road Reserve	Sandalwood Street	Thornlands
22	SP277331	993461	383900		36	Sandalwood Street	Thornlands
23	SP277331	993462	393462		38	Sandalwood Street	Thornlands

<b>TABLE 3: Proposed Flood Prone, Storm Tide and Drainage Constrained Land Overlay Amendments of Minor Amendment Package 01/2016</b>							
<b>LOT</b>	<b>PLAN</b>	<b>LANDNO</b>	<b>PROPERTYNO</b>	<b>UNIT</b>	<b>HOUSE</b>	<b>STREET</b>	<b>SUBURB</b>
828	SP270655	991754	366280		243	German Church Road	Mount Cotton
					Road Reserve	Golden Wattle Avenue/ Sugargum Avenue	Mount Cotton
242	SP269150	990779	355600		12	Golden Wattle Avenue	Mount Cotton
244	SP269150	990781	355620		16	Golden Wattle Avenue	Mount Cotton
258	SP269150	990788	355690		13	Golden Wattle Avenue	Mount Cotton
259	SP269150	990789	355700		15	Golden Wattle Avenue	Mount Cotton
260	SP275410	992731	376420		15A	Golden Wattle Avenue	Mount Cotton
261	SP275410	992732	376430		17	Golden Wattle Avenue	Mount Cotton
4	SP270520	992712	376230		31	Park Edge Place	Redland Bay
5	SP270520	992713	376240		29	Park Edge Place	Redland Bay

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6	SP270520	992714	376250		27	Park Edge Place	Redland Bay
7	SP270520	992715	376260		25	Park Edge Place	Redland Bay
175	SP282234	993627	385800		2	Shoalwater Street	Thornlands
176	SP282234	993628	385810		1	Seaforth Avenue	Thornlands
1	SP278839	992447	373420		15	Tolson Terrace	Ormiston
2	SP278839	992448	373430		17	Tolson Terrace	Ormiston
3	SP278839	992449	373440		19	Tolson Terrace	Ormiston
10	SP278839	992456	373510		48	Tolson Terrace	Ormiston
11	SP278839	992457	373520		42	Tolson Terrace	Ormiston
16	SP278839	992462	373570		44	Tolson Terrace	Ormiston
17	SP278839	992463	373580		46	Tolson Terrace	Ormiston
500	SP277507	992166	370630		10-16	Salisbury Street	Redland Bay
501	SP277507	992167	370640		18	Salisbury Street	Redland Bay

TABLE 4 Proposed Habitat Protection Overlay Amendments of Minor Amendment Package 01/2016							
LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB
2	SP267633	990994	357770	-	108	Bankswood Drive	Redland Bay
73	SP267633	991054	358370	-	89	Bankswood Drive	Redland Bay
72	SP267633	991053	358360	-	87	Bankswood Drive	Redland Bay
71	SP267633	991052	358350	-	85	Bankswood Drive	Redland Bay
N/A	N/A	N/A	N/A	-	71-106	Bankswood Drive	Redland Bay
900	SP276633	991068	358510	-	71-106	Bankswood Drive	Redland Bay
10	SP265606	992269	371660		21-23	Island Street	Cleveland
11	SP265606	992270	371670		21-23	Island Street	Cleveland
12	SP265606	992271	371680		21-23	Island Street	Cleveland

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10	SP277819	992068	369570		174-186	Wellington Street	Ormiston
7	SP268702	990568	353360		9-11	Radunz Place	Birkdale
8	SP268702	990569	353370		4	Radunz Place	Birkdale
18	SP277331	993457	383860		28	Sandalwood Street	Thornlands
19	SP277331	993458	393470		30	Sandalwood Street	Thornlands
15	SP278839	992461	373560		34	Tolson Terrace	Ormiston
	SP277369		All residential lots within this Survey Plan		All residential lots	Isaac Place	Redland Bay
	SP277369		All residential lots within this Survey Plan		All residential lots	Beasley Drive	Redland Bay
	SP277369		All residential lots within this Survey Plan		All residential lots	Joshua Place	Redland Bay
	SP277369		All residential lots within this Survey Plan		All residential lots	Vanstone Way	Redland Bay
	SP277369		All residential lots within this Survey Plan		48, 50,52	Muller Street	Redland Bay
	SP277369		All residential lots within this Survey Plan		All residential lots	Tomarah Court	Redland Bay
61	SP278846	993033	379500		22	Isla Avenue	Redland Bay
62	SP278846	993034	379510		20	Isla Avenue	Redland Bay
63	SP278846	993035	379520		18	Isla Avenue	Redland Bay
128	SP278846	993071	379880		19	Burmah Boulevard	Redland Bay
129	SP278846	993072	379890		17	Burmah Boulevard	Redland Bay
130	SP278846	993073	379900		15	Burmah Boulevard	Redland Bay
131	SP278846	993074	379910		13	Burmah Boulevard	Redland Bay
132	SP278846	993075	379920		11	Burmah Boulevard	Redland Bay



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133	SP278846	993076	379930		9	Burmah Boulevard	Redland Bay
134	SP278846	993077	379940		7	Burmah Boulevard	Redland Bay
591	SP278846	993085	380020		3	Burmah Boulevard	Redland Bay
592	SP278846	993086	380030		3A	Burmah Boulevard	Redland Bay

TABLE 5 Proposed Heritage Place and Character Precinct Overlay Amendments of Minor Amendment Package 01/2016							
LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB
2	RP211270	111270	24072	-	302	Old Cleveland Road East	Birkdale
605	SP117644	302669	202909	-	17	Runnymede Road	Capalaba

TABLE 6 Proposed Waterways, Wetlands and Moreton Bay Overlay Amendments of Minor Amendment Package 01/2016							
LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB
614	SP270655	991753	366270		74-84	Golden Wattle Avenue	Mount Cotton
313	SP270655	991728	366020		9	Lacebark Close	Mount Cotton
					Road Reserve	Hardwood Drive + Golden Wattle Avenue	Mount Cotton
828	SP270655	991754	366280		243	German Church Road	Mount Cotton
259	SP269150	990789	355700		15	Golden Wattle Avenue	Mount Cotton
260	SP275410	992731	376420		15A	Golden Wattle Avenue	Mount Cotton
261	SP275410	992730	376410		17	Golden Wattle Avenue	Mount Cotton
262	SP275410	992733	376440		17A	Golden Wattle Avenue	Mount Cotton
358	SP270722	992114	370090		115	Sugargum Avenue	Mount Cotton
242	SP269150	990779	355600		12	Golden Wattle Avenue	Mount Cotton
241	SP269150	990778	355590		10	Golden Wattle Avenue	Mount Cotton
240	SP269150	990777	355580		8	Golden Wattle Avenue	Mount Cotton

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239	SP269150	990776	355570		6	Golden Wattle Avenue	Mount Cotton
238	SP269150	990775	355560		4	Golden Wattle Avenue	Mount Cotton
						Road Reserve	Mount Cotton
1	SP269150	990782	355630		1	Golden Wattle Avenue	Mount Cotton
374	SP269150	990793	355740		83	Sugargum Avenue	Mount Cotton
906	SP270644	992492	373870		80-92	Sugargum Avenue	Mount Cotton
4	SP270520	992712	376230		31	Park Edge Place	Redland Bay
5	SP270520	992713	376240		29	Park Edge Place	Redland Bay
538	SP274603	992806	337170		1	Balbriggan Court	Mount Cotton
526	SP274603	992794	377050		13	Balbriggan Court	Mount Cotton
10	SP277819	992068	369570		174-186	Wellington Street	Ormiston
1	SP277369	992925	378360		10	Isaac Place	Redland Bay
32	SP277369	992956	378670		50	Muller Street	Redland Bay
33	SP277369	992957	378680		52	Muller Street	Redland Bay
65-74	SP230146				2-20	Mapleton Crescent	Capalaba

<b>TABLE 7 Proposed Landslide Hazard Overlay Amendments of Minor Amendments Package 01/2016</b>							
<b>LOT</b>	<b>PLAN</b>	<b>LANDNO</b>	<b>PROPERTYNO</b>	<b>UNIT</b>	<b>HOUSE</b>	<b>STREET</b>	<b>SUBURB</b>
20	SP274445	991671	365380		73	Capella Drive	Redland Bay
19	SP274445	991670	365370		71	Capella Drive	Redland Bay
103	SP274445	991694	365610		55-69	Unwin Road	Redland Bay
101	SP274445	991692	365590		71-77	Unwin Road	Redland Bay
2	SP270387	991300	360880		25	Baywalk Place	Thorneside

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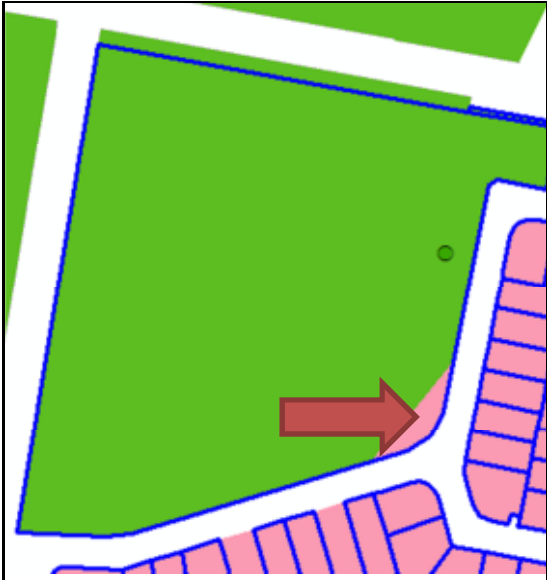

7	SP270520	992715	376260		25	Park Edge Place	Redland Bay
8	SP270520	992716	376270		23	Park Edge Place	Redland Bay
9	SP270520	992717	376280		21	Park Edge Place	Redland Bay
8	SP277369	992932	378430		11	Beasley Drive	Redland Bay
14	SP277369	992938	378490		6	Joshua Place	Redland Bay
15	SP277369	992939	378500		7	Joshua Place	Redland Bay
32	SP277369	992956	378670		50	Muller Street	Redland Bay
33	SP277369	992957	378680		52	Muller Street	Redland Bay
34	SP277369	992958	378690		3	Vanstone Way	Redland Bay
35	SP277369	992959	378700		5	Vanstone Way	Redland Bay

**Mapping Instructions – Minor Amendment Package 01/2016**

TABLE 8: Mapping Instructions (with images)

	LOT	PLAN	LANDNO	PROPERTY NO	UNIT	HOUSE	STREET	SUBURB	AMENDMENT SUMMARY	ZONECODE	
	1	SP264869	990625	354030		19	Burbank Road	Birkdale	UR/OS to UR	UR	
	32	SP264870	991288	360760		23	Burbank Road	Birkdale	UR/OS to UR	UR	
	33	SP264870	991289	360770		28	Sailfish Avenue	Birkdale	UR/OS to UR	UR	
	34	SP264870	991290	360780		26	Sailfish Avenue	Birkdale	UR/OS to UR	UR	
	35	SP264870	991291	360790		24	Sailfish Avenue	Birkdale	UR/OS to UR	UR	
	36	SP264870	991292	360800		22	Sailfish Avenue	Birkdale	UR/OS to UR	UR	
	902	SP270520	992718	376290		37A	Park Edge Place	Redland Bay	UR to OS	OS	
	903	SP270520	992719	376300		19A	Park Edge Place	Redland Bay	UR to OS	OS	
 <p>Remove the CP7 zoning from the centre allotment. This allotment should be completely UR</p>	2	SP269203	990827	356100	N/A	3	Heffernan Road	Alexandra Hills	CP7/UR to UR	UR	-

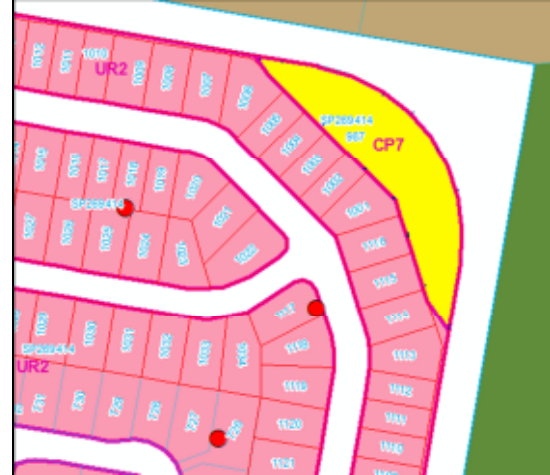
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<p>Remove UR component from this allotment. The entire lot should be OS.</p>	900	SP267633	991068	358510	N/A	72-106	Bankswood Drive	Redland Bay	UR/OS	OS	-
	18	SP277369	992942	378530		36	Vanstone Way	Redland Bay	UR/OS	UR	
	19	SP277369	992943	378540		34	Vanstone Way	Redland Bay	UR/OS	UR	
	20	SP277369	992944	378550		32	Vanstone Way	Redland Bay	UR/OS	UR	
	27	SP277369	992951	378620		8	Vanstone Way	Redland Bay	UR/OS	UR	
	28	SP277369	992952	378630		6	Vanstone Way	Redland Bay	UR/OS	UR	
	31	SP277369	992955	992955		48	Muller Street	Redland Bay	UR/OS	UR	
	32	SP277369	992956	992956		50	Muller Street	Redland Bay	UR/OS	UR	
	33	SP277369	992957	992957		52	Muller Street	Redland Bay	UR/OS	UR	
	34	SP277369	992958	992958		3	Vanstone Way	Redland Bay	UR/OS	UR	
	35	SP277369	992959	992959		5	Vanstone Way	Redland Bay	UR/OS	UR	
	100	SP277369	992977	378880		10-18	Vanstone Way	Redland Bay	UR/OS to OS	OS	
<p>Rezone from UR/OS to UR Plus UR/OS to OS</p>	101	SP277369	992978	378890		54-68	Muller Street	Redland Bay	UR/OS	OS	
	61	SP278846	993033	379500		22	Isla Avenue	Redland Bay	UR/OS	UR	
	62	SP278846	993034	379510		20	Isla Avenue	Redland Bay	UR/OS	UR	
	63	SP278846	993035	379520		18	Isla Avenue	Redland Bay	UR/OS	UR	
	128	SP278846	993071	379880		19	Burmah Boulevard	Redland Bay	UR/OS	UR	
	129	SP278846	993072	379890		17	Burmah Boulevard	Redland Bay	UR/OS	UR	
	130	SP278846	993073	379900		15	Burmah	Redland Bay	UR/OS	UR	

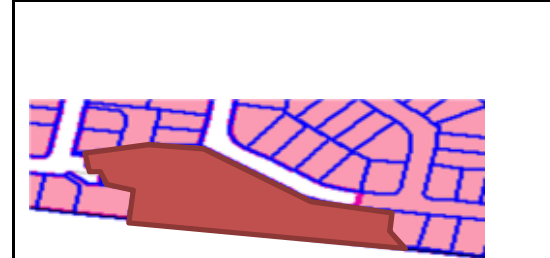
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Rezone from OS to UR



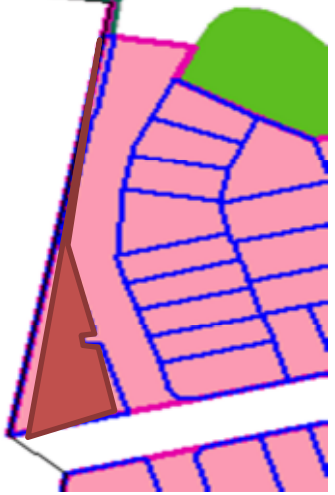
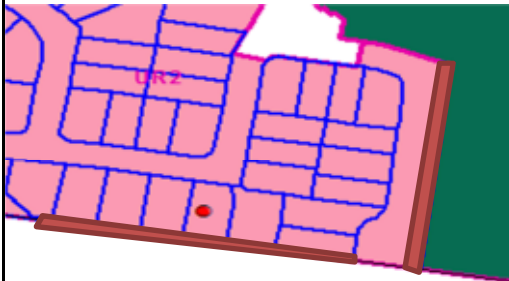
Rezone from CP7 to OS



Entire allotment should be rezoned from UR to OS

						Boulevard				
131	SP278846	993074	379910		13	Burmah Boulevard	Redland Bay	UR/OS	UR	
132	SP278846	993075	379920		11	Burmah Boulevard	Redland Bay	UR/OS	UR	
133	SP278846	993076	379930		9	Burmah Boulevard	Redland Bay	UR/OS	UR	
134	SP278846	993077	379940		7	Burmah Boulevard	Redland Bay	UR/OS	UR	
591	SP278846	993085	380020		3	Burmah Boulevard	Redland Bay	UR/OS	UR	
592	SP278846	993086	380030		3A	Burmah Boulevard	Redland Bay	UR/OS	UR	
987	SP269414	991373	361860		229-351	Heinemann Road	Mount Cotton	CP7	OS	
906	SP270644	992492	373870	N/A	80-92	Sugargum Avenue	Mount Cotton	UR	OS	-

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 <p>Change both allotments (including thin strip) from UR to OS.</p>	614	SP270655	991753	366270	N/A	74-84	Golden Wattle Avenue	Mount Cotton	UR2	OS	-
	613	SP270655	991752	366260	N/A	66-72	Golden Wattle Avenue	Mount Cotton	UR2		-
 <p>Rezone both thin strips from UR to CN2 .</p>	611	SP270557	991179	359640	N/A	19A	Brigalow Place	Mount Cotton	UR2	CN2	-
	612	SP270557	991180	359650	N/A	8-18A	Brigalow Place	Mount Cotton	UR2/CN2	CN2	-



**TABLE 2: Bushfire Hazard Overlay amendments (removals)**


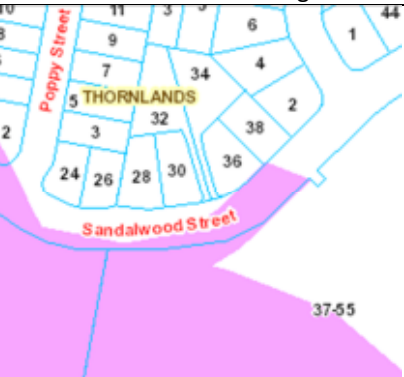
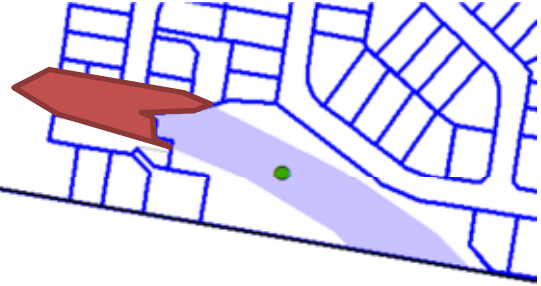
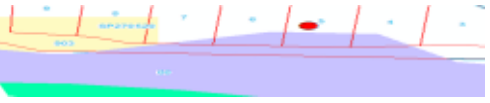
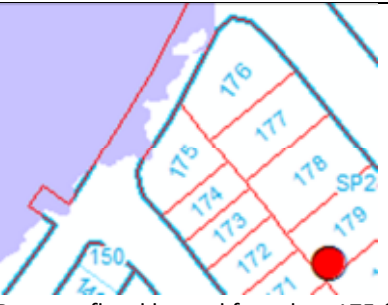


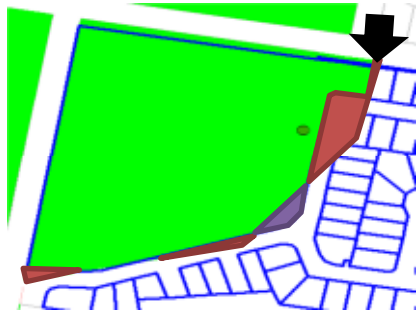


	LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	ORIGINAL ADDRESS
	1	SP276388	991780	366540	-	20	Sandalwood Street	Thornlands	-
	2	SP276388	991781	366550	-	20A	Sandalwood Street	Thornlands	-
	3	SP276387	991782	366580	-	22	Sandalwood Street	Thornlands	-
	4	SP276387	991783	366590	-	22A	Sandalwood Street	Thornlands	-
Remove bushfire hazard from all lots and the road reserve as shown in the image above.	-	-	-	-	-	-	Sandalwood Street	Thornlands	Road Reserve
	22	SP277331	993461	383900		36	Sandalwood Street	Thornlands	
	23	SP277331	993462	393462		38	Sandalwood Street	Thornlands	

TABLE 3: Flood Prone, Storm Tide and Drainage Constrained Land Overlay (removals)									
	LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	ORIGINAL ADDRESS
 <p>Remove flood hazard from residential allotments and road reserve as shown above.</p>	828	SP270655	991754	366280	-	243	German Church Road	Mount Cotton	-
	-	-	-	-	-	-	Golden Wattle Avenue/ Sugargum Avenue	Mount Cotton	Road Reserve
	242	SP269150	990779	355600	-	12	Golden Wattle Avenue	Mount Cotton	-
	244	SP269150	990781	355620	-	16	Golden Wattle Avenue	Mount Cotton	-
	258	SP269150	990788	355690	-	13	Golden Wattle Avenue	Mount Cotton	-
	259	SP269150	990789	355700	-	15	Golden Wattle Avenue	Mount Cotton	-
	260	SP275410	992731	376420	-	15A	Golden Wattle Avenue	Mount Cotton	-
	261	SP275410	992732	376430	-	17	Golden Wattle Avenue	Mount Cotton	-
 <p>Remove flood hazard from lots 4-7</p>	4	SP270520	992712	376230	-	31	Park Edge Place	Redland Bay	-
	5	SP270520	992713	376240	-	29	Park Edge Place	Redland Bay	-
	6	SP270520	992714	376250	-	27	Park Edge Place	Redland Bay	-
	7	SP270520	992715	376260	-	25	Park Edge Place	Redland Bay	-
 <p>Remove flood hazard from lots 175 &amp; 176</p>	175	SP282234	993627	385800	-	2	Shoalwater Street	Thornlands	-
	176	SP282234	993628	385810	-	1	Seaforth Avenue	Thornlands	-


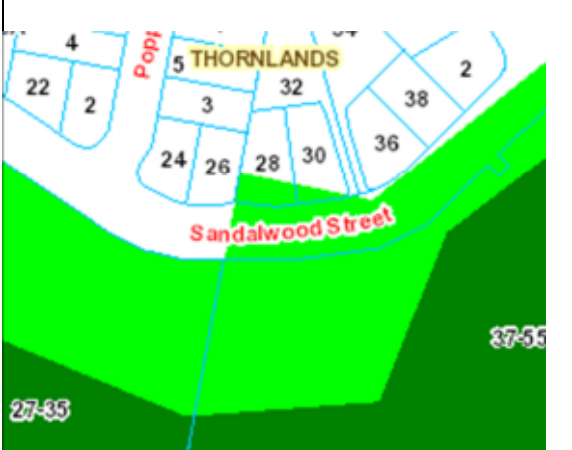
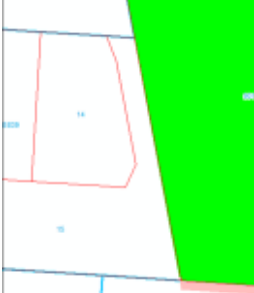
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 <p>Remove from residential lots plus from road reserve</p>	1	SP278839	992447	373420		15	Tolson Terrace	Ormiston	
	2	SP278839	992448	373430		17	Tolson Terrace	Ormiston	
	3	SP278839	992449	373440		19	Tolson Terrace	Ormiston	
	10	SP278839	992456	373510		48	Tolson Terrace	Ormiston	
	11	SP278839	992457	373520		42	Tolson Terrace	Ormiston	
	16	SP278839	992462	373570		44	Tolson Terrace	Ormiston	
	17	SP278839	992463	373580		46	Tolson Terrace	Ormiston	
	500	SP277507	992166	370630		10-16	Salisbury Street	Redland Bay	
	501	SP277507	992167	370640		18	Salisbury Street	Redland Bay	

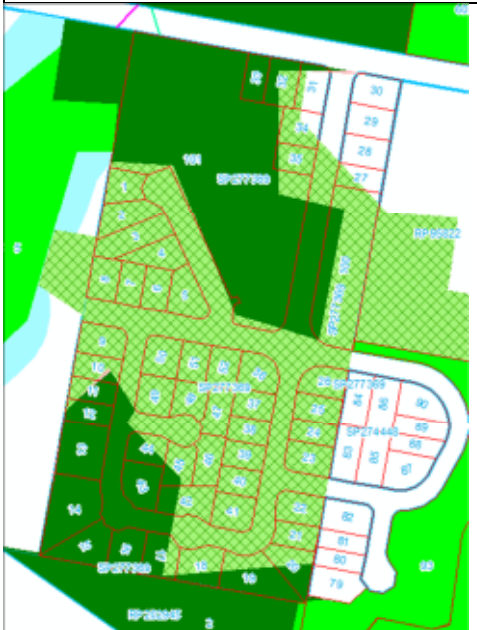
**TABLE 4: Habitat Protection Overlay amendments (removals + additions)**

	LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	ORIGINAL ADDRESS
 <p>Remove habitat overlay from all areas outlined in red. Note that there is a thin strip that impacts on the lot at the top of the image that also needs to be removed (black arrow shows location). Add the habitat overlay (same category) to the area covered in purple.</p>	2	SP267633	990994	357770	-	108	Bankswood Drive	Redland Bay	
	73	SP267633	991054	358370	-	89	Bankswood Drive	Redland Bay	
	72	SP267633	991053	358360	-	87	Bankswood Drive	Redland Bay	
	71	SP267633	991052	358350	-	85	Bankswood Drive	Redland Bay	
	N/A	N/A	N/A	N/A	-	71-106	Bankswood Drive	Redland Bay	Road Reserve
	900	SP276633	991068	358510	-	71-106	Bankswood Drive	Redland Bay	
 <p>Remove the habitat overlay from residential lots</p>	10	SP265606	992269	371660		21-23	Island Street	Cleveland	
	11	SP265606	992270	371670		21-23	Island Street	Cleveland	
	12	SP265606	992271	371680		21-23	Island Street	Cleveland	
 <p>Remove enhancement corridor within MDR zone</p>	10	SP277819	992068	369570		174-186	Wellington Street	Ormiston	

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 <p>Remove habitat overlay from residential lots</p>	7	SP268702	990568	353360		9-11	Radunz Place	Birkdale	
	8	SP268702	990569	353370		4	Radunz Place	Birkdale	
 <p>Remove habitat O/L from residential lots</p>	18	SP277331	993457	383860		28	Sandalwood Street	Thornlands	
	19	SP277331	993458	393470		30	Sandalwood Street	Thornlands	
 <p>Remove habitat O/L from lot15</p>	15	SP278839	992461	373560		34	Tolson Terrace	Ormiston	

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 <p>Remove habitat overlay from all residential lots</p>		SP277369		All residential lots within this Survey Plan		All residential lots	Isaac Place	Redland Bay	
		SP277369		All residential lots within this Survey Plan		All residential lots	Beasley Drive	Redland Bay	
		SP277369		All residential lots within this Survey Plan		All residential lots	Joshua Place	Redland Bay	
		SP277369		All residential lots within this Survey Plan		All residential lots	Vanstone Way	Redland Bay	
		SP277369		All residential lots within this Survey Plan		48, 50,52	Muller Street	Redland Bay	
		SP277369		All residential lots within this Survey Plan		All residential lots	Tomarah Court	Redland Bay	

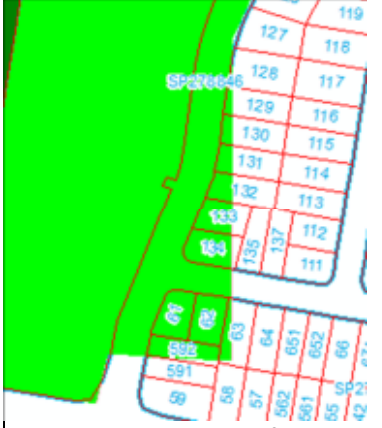
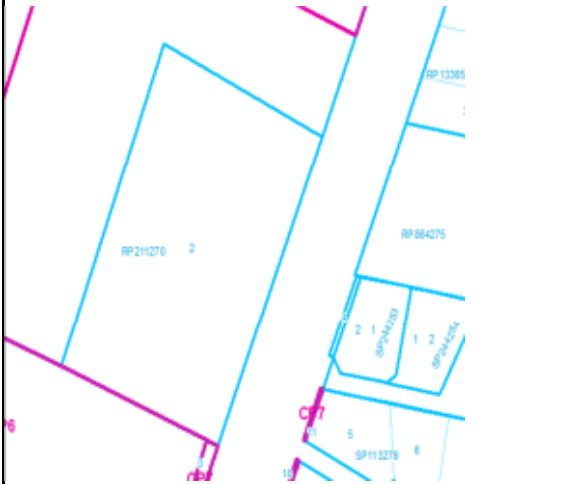

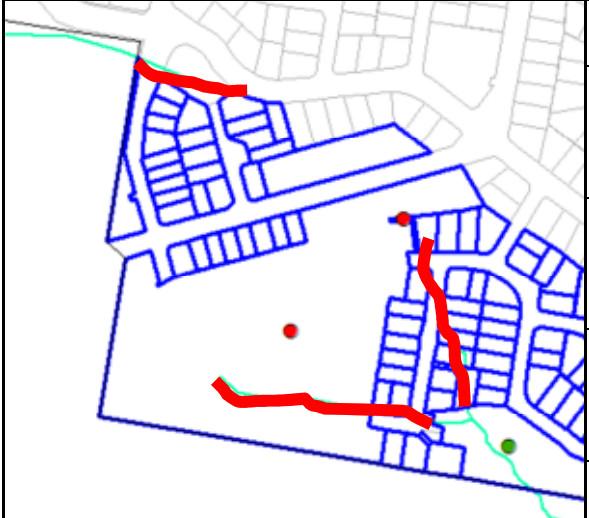
 <p>Remove habitat overlay from all residential lots</p>	61	SP278846	993033	379500		22	Isla Avenue	Redland Bay	
	62	SP278846	993034	379510		20	Isla Avenue	Redland Bay	
	63	SP278846	993035	379520		18	Isla Avenue	Redland Bay	
	128	SP278846	993071	379880		19	Burmah Boulevard	Redland Bay	
	129	SP278846	993072	379890		17	Burmah Boulevard	Redland Bay	
	130	SP278846	993073	379900		15	Burmah Boulevard	Redland Bay	
	131	SP278846	993074	379910		13	Burmah Boulevard	Redland Bay	
	132	SP278846	993075	379920		11	Burmah Boulevard	Redland Bay	
	133	SP278846	993076	379930		9	Burmah Boulevard	Redland Bay	
	134	SP278846	993077	379940		7	Burmah Boulevard	Redland Bay	
	591	SP278846	993085	380020		3	Burmah Boulevard	Redland Bay	
	592	SP278846	993086	380030		3A	Burmah Boulevard	Redland Bay	




TABLE 5: Heritage Place and Character Precinct Overlay (additions)									
	LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	ORIGINAL ADDRESS
 <p>Add Heritage Overlay over whole of Lot 2</p>	2	RP211270	111270	24072		302	Old Cleveland Road East	Birkdale	
 <p>Add Tallowood tree (significant local tree) in location marked above with the red cross.</p>	605	Sp117644	302669	202909		17	Runnymede Road	Capalaba	

**TABLE 6: Waterways, Wetlands and Moreton Bay Overlay (removals)**

	LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	ORIGINAL ADDRESS
 <p>Remove Waterways from relevant lots as shown in red.</p>	614	SP270655	991753	366270	-	74-84	Golden Wattle Avenue	Mount Cotton	
	313	SP270655	991728	366020	-	9	Lacebark Close	Mount Cotton	
	-	-	-	-	-	-	Hardwood Drive + Golden Wattle Avenue	Mount Cotton	Road Reserve
	828	SP270655	991754	366280	-	243	German Church Road	Mount Cotton	
	259	SP269150	990789	355700	-	15	Golden Wattle Avenue	Mount Cotton	
	260	SP275410	992731	376420		15A	Golden Wattle Avenue	Mount Cotton	
	261	SP275410	992730	376410		17	Golden Wattle Avenue	Mount Cotton	
	262	SP275410	992733	376440		17A	Golden Wattle Avenue	Mount Cotton	
	358	SP270722	992114	370090		115	Sugargum Avenue	Mount Cotton	
	242	SP269150	990779	355600	-	12	Golden Wattle Avenue	Mount Cotton	
	241	SP269150	990778	355590	-	10	Golden Wattle Avenue	Mount Cotton	
	240	SP269150	990777	355580	-	8	Golden Wattle Avenue	Mount Cotton	
	239	SP269150	990776	355570	-	6	Golden Wattle Avenue	Mount Cotton	
	238	SP269150	990775	355560	-	4	Golden Wattle Avenue	Mount Cotton	
	-	-	-	-	-	-	Golden Wattle Avenue	Mount Cotton	Road Reserve
	1	SP269150	990782	355630	-	1	Golden Wattle Avenue	Mount Cotton	
	374	SP269150	990793	355740	-	83	Sugargum Avenue	Mount Cotton	
	906	SP270644	992492	373870	-	80-92	Sugargum Avenue	Mount Cotton	



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 <p>Remove Waterways Overlay from Lots 4 &amp;5</p>	4	SP270520	992712	376230		31	Park Edge Place	Redland Bay
	5	SP270520	992713	376240		29	Park Edge Place	Redland Bay
 <p>Delete Waterways Overlay from lots 526 &amp; 538</p>	538	SP274603	992806	337170		1	Balbriggan Court	Mount Cotton
	526	SP274603	992794	377050		13	Balbriggan Court	Mount Cotton
 <p>Remove Waterways Overlay from MDR zone</p>	10	SP277819	992068	369570		174-186	Wellington Street	Ormiston

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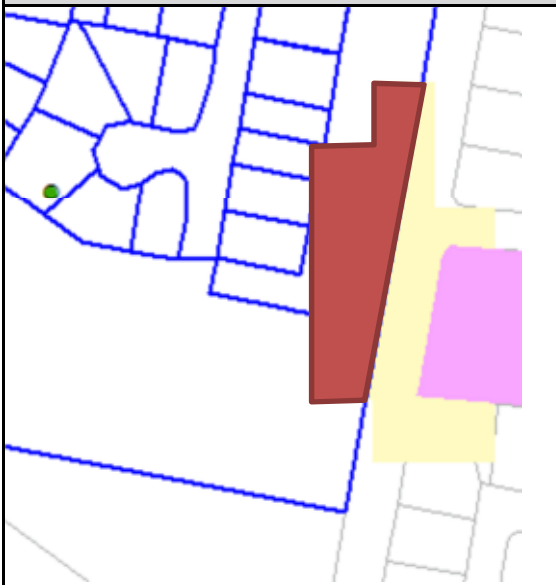
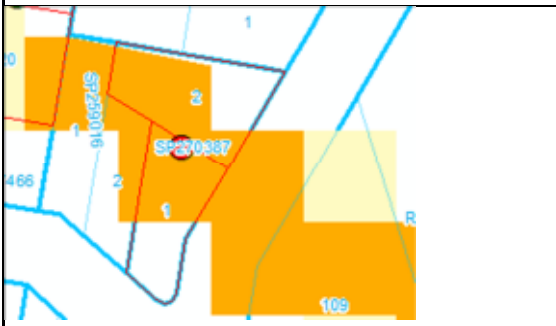
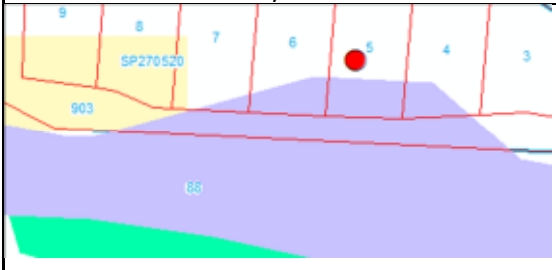

	1	SP277369	992925	378360		10	Isaac Place	Redland Bay	
	32	SP277369	992956	378670		50	Muller Street	Redland Bay	
Remove Waterways Overlay from residential lots	33	SP277369	992957	378680		52	Muller Street	Redland Bay	
	Remove Waterways Overlay from residential lots 65-74	65-74	SP230146			2-20	Mapleton Crescent	Capalaba	

TABLE 7: Landslide Hazard Overlay amendments (removals)									
	LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	ORIGINAL ADDRESS
 <p>Remove landslide hazard from the 4 subject allotments as shown above. This hazard has been removed due to earthworks.</p>	20	SP274445	991671	365380	-	73	Capella Drive	Redland Bay	41 – 73 Unwin Road, Redland Bay
	19	SP274445	991670	365370	-	71	Capella Drive	Redland Bay	41 – 73 Unwin Road, Redland Bay
	103	SP274445	991694	365610	-	55-69	Unwin Road	Redland Bay	-
	101	SP274445	991692	365590	-	71-77	Unwin Road	Redland Bay	-
 <p>Remove landslide overlay on Lot 2</p>	2	SP270387	991300	360880	-	25	Baywalk Place	Thorneside	-
 <p>Remove landslide overlay lots 7,8 &amp; 9</p>	7	SP270520	992715	376260		25	Park Edge Place	Redland Bay	
	8	SP270520	992716	376270		23	Park Edge Place	Redland Bay	
	9	SP270520	992717	376280		21	Park Edge Place	Redland Bay	

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 <p>Remove landslide hazard from various lots</p>	8	SP277369	992932	378430	11	Beasley Drive	Redland Bay	
	14	SP277369	992938	378490	6	Joshua Place	Redland Bay	
	15	SP277369	992939	378500	7	Joshua Place	Redland Bay	
	32	SP277369	992956	378670	50	Muller Street	Redland Bay	
	33	SP277369	992957	378680	52	Muller Street	Redland Bay	
	34	SP277369	992958	378690	3	Vanstone Way	Redland Bay	
	35	SP277369	992959	378700	5	Vanstone Way	Redland Bay	

## 11.2 INFRASTRUCTURE & OPERATIONS

### 11.2.1 AMITY POINT RECREATION RESERVE NORTH STRADBROKE ISLAND

**Objective Reference:** A1734605  
Reports and Attachments (Archives)

**Attachments:** [Amity Point Recreation Reserve Locality Map](#)  
[History of Litherland Family RT 6 03 1991](#)

**Authorising Officer:**   
Gary Soutar  
General Manager Organisational Services

**Responsible Officer:** Tracey Walker  
Acting Group Manager City Spaces

**Report Author:** Annette Henderson  
Support Officer Public Place Projects Unit

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#### PURPOSE

The purpose of this report is to provide a recommendation on an oval naming request received by Council in accordance with the park naming guideline GL-3004-003.

The guideline acknowledges that any Council decision, by resolution, will take precedence over any aspect of the guideline where exceptional circumstances have been demonstrated.

#### BACKGROUND

- A request was received on 16 March 2016 from the Amity Point Progress Association Incorporated (APPA), requesting that the Amity Point town oval, adjacent to Claytons Road, Amity be named "The Litherland Oval" in honour of the significant community contribution that the Litherland family has made to Amity over decades.
- The land on which the Amity oval is situated is known to Council as Amity Point Recreation Reserve, 24-42 Claytons Road, Amity (Lot 2 on SP251715) and is classified as a sports park, with City Spaces being the trustee for this state-owned land (refer attachment 1).
- The Amity Point Recreation Reserve functions as a sports park, contains one oval, a cricket pitch, a skate park and a multi-sports clubhouse.

The applicant has stated:

- That even before the formation of APPA in 1948, Ollie and Rose Litherland were actively contributing to the welfare of the Amity community. The Litherland family were founding members of APPA and the Amity Hall committee. Along with their sons, Barry and Greg, they were also instrumental in the deconstruction, transporting and reconstructing on this current site;

- That Barry and Greg Litherland also have been office-bearers of APPA and active over many years. Barry undertook a significant amount of work in keeping roads open in the early days; maintaining effective drainage and firebreaks; undertaking burn-offs and doing earthmoving that formed the Amity oval. In addition, Barry and Greg were largely responsible for maintaining eroded foreshores;
- That Ollie and Rose planted sheoaks by the dozens on the foreshores in the early days to ameliorate the effects of erosion and wind-blown sand;
- That Greg was a stalwart member of the Point Lookout Surf Club and both Greg and Barry were prominent members of the Rural Fire Brigade in times gone by; and Greg has headed the action to recently reform the North Stradbroke Island (NSI) Rural Fire Brigade;
- That Greg and Barry were also intimately involved with the construction of the Amity swimming enclosure, the original boat ramps and the construction of the town tennis court and the accompanying clubhouse.

## ISSUES

The park naming guideline, GL-3004-003, states:

*It is acknowledged that any Council decision, by resolution, will take precedence over aspects of this guideline where very exceptional circumstances have been demonstrated.*

*2. Citywide sports parks will only be named or re-named to identify the predominant sporting use. Where there are opportunities to sub-name fields or ovals within multi-field parks, this will be delegated to the predominate club and these names will not be used as place names. There should not be any sub-naming of ovals or fields within parks with one oval or field.*

Council's local historian has provided documented evidence of the Litherland family's pioneering contribution to the Amity Point community, which shows only a brief snapshot of the family's overall commitment (refer Attachment 2).

The Litherland Family is widely known by many Redlands' residents for their prominent role within the Amity community since approximately 1945.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

This oval naming request does not meet the criteria for citywide sports parks, where it states that there should not be any sub-naming of ovals or fields within parks with one oval or field.

### Risk Management

No risk implementations have been identified.

### Financial

Funds are available in budget 44769 235 6300 821601 for the cost of oval name signage which would be required if this oval were to be named. The budget required for a new oval name sign is approximately \$1,500.

## **People**

The Public Place Projects Unit would arrange for the installation of an oval naming sign if Council resolved to name the oval "The Litherland Oval".

## **Environmental**

Amity Point Recreation Reserve has environmental value as well as functioning as a sport park and contributes to the promotion of indigenous flora for habitat enhancement purposes, as some of this land apart from the oval, is heavily vegetated.

Amity Point Recreation Reserve adjoins the foreshore land of Amity Point camping ground (16-22 Claytons Road, Amity - Lot 1 on SP199963) under the trusteeship of Quandamooka Yoolooburrabee Aboriginal Corporation.

## **Social**

There are no social implications.

## **Alignment with Council's Policy and Plans**

The naming of the oval at Amity Point Recreation Reserve is not in alignment with Council's policy and plans as citywide sports parks will only be named or re-named to identify the predominant sporting use.

Where there are opportunities to sub-name fields and ovals within multi-field parks, this should be delegated to the predominant club and the names will not be used as place names. There should not be any sub-naming of ovals or fields within parks with only one oval of field.

## **CONSULTATION**

Consultation has occurred with:

- Council's Local History & Heritage Librarian who provided documentation of the Litherland family's community contribution (attachment 2);
- Principal Advisor Policy & Strategy who advised that there is an adopted guideline document that needs to be followed;
- Parks & Conservation Service Manager who advised that he knows the Litherland family from his past days living on NSI and they have a long history with this area;
- CEO Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) who has advised that they support the renaming; and
- Contact has been made with the Amity Point Social Cricket and Sporting Club Incorporated Club who have advised that they do not support the oval naming as they were not consulted by the Amity Point Progress Association Incorporated prior to the request being made. They also stated that the Litherland Family have not been involved for the last 20 years and the Amity Point Social Cricket and Sporting Club Incorporated has been looking after the oval. Although they do not support it for the above reasons they have also stated that they do not have a strong objection.
- Amity Point Social Cricket and Sporting Club Committee Member Mr Jim Hemsley has expressed strong objection to the naming of "the Litherland Oval" on the grounds of Cultural, Personal and Community issues.

## **OPTIONS**

### **Option 1**

That Council resolves to:

1. Decline the request to name the Amity oval situated in the Amity Point Recreation Reserve, 24-42 Claytons Road, Amity (Lot 2 on SP 251715) "The Litherland Oval" in accordance with the current park naming guideline GL-3004-003 and the park should always remain the Amity Point Recreation Reserve with no sub-naming of the oval; and
2. Advise the applicant in writing accordingly.

### **Option 2**

That Council resolves to:

1. Name the Amity oval situated in the Amity Point Recreation Reserve, 24-42 Claytons Road, Amity (Lot 2 on SP251715) "The Litherland Oval" to honour the Litherland family's community contribution over decades; and
2. Advise the applicant in writing accordingly.

## **OFFICER'S RECOMMENDATION**

That Council resolves to:

1. **Decline the request to name the Amity oval situated in the Amity Point Recreation Reserve, 24-42 Claytons Road, Amity (Lot 2 on SP251715) "The Litherland Oval" in accordance with the current park naming guideline GL-3004-003 and the park should always remain the Amity Point Recreation Reserve with no sub-naming of the oval; and**
2. **Advise the applicant in writing accordingly.**





**ATTACHMENT 1**

**AMITY POINT RECREATION RESERVE - 24-42 CLAYTONS ROAD, AMITY**

Lot 2 on SP 251715 - Scale 1:5,000

# Island pioneer will be missed

LATE last year, one of the last of the 1940s settlers at Amity Point died.

Oliver Litherland will be remembered by everyone and with special affection by early residents who were pioneers with him.

Oliver was born in January 1903 in the Mount Mee district. In 1935, he married Rose, who was from nearby Narangba and they had their first child, Barry, a year later.

In 1942, Oliver made his first visit to North Stradbroke Island, taking the family for a day trip to see his uncle who lived at Amity and earned a living cutting timber.

Unfortunately, they were not allowed to land because they did not have a permit, part of wartime regulations.

After several bouts of pleurisy, Oliver's health was no good. He decided to leave the farm and see if the sea air would improve his lungs.



▲ TWO North Stradbroke Island pioneers Oliver and Rose Litherland.

## PADDY CARTER



on Nth Stradbroke Is

In April 1945, he and Rose took their two boys, Barry and Greg and baby Carol to Amity to live. Their last child Ian was born at Amity Point.

At first, Oliver worked with his uncle cutting timber and helped Ernie Odlem, who ran a bus and freight service for Amity Point.

A year or two later, Ernie retired and Oliver took over the business, buying a new bus in 1948.

At that time, the only access to the Island was by the Hayles Brothers launch which had been plying between North Quay in Brisbane and Amity Point since 1935.

As a result, Amity was a thriving community. Bob Durbidge ran the truck from Amity to Point Lookout and Bonty Dickson provided a similar service to Dunwich.

These primitive transport services not only delivered holiday makers to their destinations around the Island but also carried a wide variety of supplies, building materials, whatever was needed.

Oliver could put his hand to anything and he and Rose worked as a team, at the same time bringing up their family.

Life was very simple with only about 10 per cent of what are now regarded as necessities.

Although incomes were small, everyone had enough to eat and the life by the sea was a healthy and happy one.

The only thing lacking was fresh milk, so Oliver decided to bring some cows to Amity and give his young children the luxury of warm milk straight from the cow!

Eventually he acquired more cows and provided fresh milk for the whole community.

Oliver and Rose were always willing to give someone a hand, never looking for payment, simply being glad to be of help.

When boats were wrecked in the vicinity, they would take the crews in, giving them dry clothes and a meal.

As more people arrived to live in Amity, Oliver and his eldest son Barry would clear tracks to the blocks of land the newcomers had bought because there were no roads.

Later, when the northern part of the Island was being opened up, Oliver and Barry built the present road from Point Lookout, over the range to where the rubbish tip is now, joining up with the mining road to Dunwich.

In the mid-1960s, Oliver drove the school bus to Dunwich. He retired officially in about 1970 but, in fact, he continued to help out wherever he was needed.

Rose died in 1987 but Oliver continued to live in Amity Point for another two years. Then, because of increasing frailty, he went very reluctantly to the mainland to live with his daughter Carol.

Even then, during his last year, he returned frequently to the Island. He died at the end of 1990, aged 87 years.

Their two elder sons Barry and Greg continue to live and work at Amity Point, following in the footsteps of their parents.

## 11.2.1 POL-3121 WATER AND WASTEWATER PRICE MITIGATION PLAN 1 JULY 2013 TO 30 JUNE 2018

**Objective Reference:** A1780010  
Reports and Attachments (Archives)

**Attachment:** [POL-3121](#)

**Authorising/Responsible Officer:**



**Gary Soutar**  
General Manager Infrastructure &  
Operations

**Report Author:**

**Shelley Thompson**  
PA to General Manager Infrastructure &  
Operations

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### **PURPOSE**

The purpose of this report is to declare obsolete corporate policy POL-3121 – Water and Wastewater Price Mitigation Plan 1 July 2013 to 30 June 2018.

### **BACKGROUND**

At a Special Meeting on 8 August 2011 Council adopted corporate policy POL-3121 – Water and Wastewater Price Mitigation Plan 1 July 2013 to 30 June 2018 with a review date of 1 March 2013.

### **ISSUES**

It has recently been identified that, although this policy is overdue for review, it now needs to be declared obsolete as the state government amended the price path in 2015 making this policy no longer applicable.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

There are no legislative requirements governing the decision to approve or not approve the recommendation to declare this policy obsolete as the government has amended the price path, making this policy irrelevant.

#### **Risk Management**

No risks have been identified.

#### **Financial**

No financial implications have been identified.

#### **People**

Not applicable.

#### **Environmental**

Not applicable.

#### **Social**

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There are no social implications as a result of declaring this policy obsolete.

### **Alignment with Council's Policy and Plans**

This decision will have no impact on Council's policies and plans and aligns with Council's regular review of its policies, guidelines and procedures.

### **CONSULTATION**

In the preparation of this report, consultation has occurred with:

- General Manager Infrastructure & Operations;
- Acting Chief Finance Officer;
- Business Partnering Unit.

### **OPTIONS**

1. To declare Corporate Policy POL-3121 *Water and Wastewater Price Mitigation Plan 1 July 2013 to 30 June 2018* obsolete.
2. To not declare Corporate Policy POL-3121 *Water and Wastewater Price Mitigation Plan 1 July 2013 to 30 June 2018* obsolete.

### **OFFICER'S RECOMMENDATION**

**That Council resolves to declare Corporate Policy POL-3121 *Water and Wastewater Price Mitigation Plan 1 July 2013 to 30 June 2018* obsolete.**

### Water and Wastewater Price Mitigation Plan 1 July 2013 to 30 June 2018

#### Policy Objective

The purpose of this Policy is to document the Price Mitigation Plan which will be adopted by Redland City Council (RCC) for the setting of water and wastewater pricing from 1 July 2013 for its local government area.

#### Policy Background

On 7 April 2011, the Queensland Premier announced that the State Government would cap water and wastewater prices for two years and that South East Queensland Councils could opt to no longer participate in a Distributor-Retailer entity and choose to return to operating a water and sewage utility within Council.

A letter from the Minister for Energy and Water Utilities on 7 April 2011 stated the following changes to the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*:

- *Councils no longer need to participate in a Distributor-Retail entity and they can return to operating their water and sewage utility within Council*
- *The price cap to be put in place for 1 July 2011. This cap will ensure that effective bill increases to customers cannot be greater than the amount required to pass through the State's bulk water charge and a Consumer Price Index (CPI) increase on non-bulk charges*
- *This price cap mechanism will apply for the next 2 years*

Queensland Water Commission advised on 19 May that:

*'The timing of submission and publication of a price mitigation plan will differ. A council that advises the Government it intends to withdraw from its Distributor-Retailer must also provide a Price Mitigation Plan as part of that advice and publish the plan by 1 September 2011.'*

Under withdrawal, the head of power for water and wastewater pricing is Part 3 of the *Local Government (Beneficial Enterprises and Business Activities) Regulation 2010*.

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### Policy Statement

Council is committed to the following principles:

- **Transparency** – Council will be transparent in its pricing decisions and will endeavour to use pricing structures that are able to be understood by the community.
- **Accountability** – Council will be responsible and accountable to the community for its pricing decisions and will ensure those funds raised are applied efficiently and effectively to satisfy the objective for which the funds were raised. (e.g. maintenance of related infrastructure)
- **Representation** – Council will act in the interests of the whole community in making decisions regarding tariff structures and related prices.
- **Sustainability** – Council will make decisions in accordance with the sustainability principle prescribed in the *Local Government Act 2009*, ensuring that its capacity to provide and maintain infrastructure and to provide safe and acceptable services and products is not compromised by short-term or extraneous considerations.
- **Statutory Compliance** – Council will comply with legislative obligations.
- **National and State Water Pricing Principles** – Council will endeavour to act consistently with the National Water Pricing Principles adopted by COAG in 2010, and the Queensland State Government's Statement of Regulatory Pricing Principles for the Water Sector adopted in 2000.

### 1.0 Initial Price Path

RCC will provide an initial price path for water and wastewater pricing for the Price Path period from 1 July 2013 to 30 June 2018, as required by the Queensland State Government. In applying this price path, RCC will undertake an annual review of water and wastewater pricing in accordance with its Policy Statement (above) and will also endeavour to avoid unacceptable price shocks for customers through the consideration of the following factors (which are not listed in any priority order):

- The quantum of Maximum Allowable Revenue, escalation factors, seasonal factors, and resultant water and wastewater prices applying during this Initial Price Path period under the regulatory framework will be determined and declared by 1 March 2013
- Ensuring that the operational cost base is efficient
- Ensuring that capital programming is prudent and efficient
- Inflationary and other economic influences
- Community expectations

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In relation to regulatory pricing, Council supports a five year glide path to Maximum Allowable Revenue unless unacceptable price shocks are evident in the glide path.

Council acknowledges that State Government's bulk water price path will ultimately reach regulatory pricing limits and to achieve this State Government has adopted a price path which for Redlands consumers will see an increase of approximately 300% over a seven year period. Council considers this to be an unacceptable and sustained price shock for its community.

### 2.0 Final Price Path

By 31 May each year commencing 2014, RCC shall undertake the following;

- Adopt by resolution water and wastewater prices that will apply for the following financial year;
- Publish a notice, in a newspaper circulating in its local government area, about the prices to apply for the following financial year and how those prices align with the 2013 to 2018 declared price path
- Ensure a copy of the next year water and wastewater prices and any amendments to the 2013 – 2018 price path are given to the Minister, published on RCC's website and are available for inspection at its Council offices.

### 3.0 Customer Hardship Assistance

RCC will annually review and apply a range of State and Local Government concessions (e.g. for pensioners and not for profit organisations) and will accommodate special circumstances where financial or other hardship can be demonstrated.

### 4.0 Application of Dividends and Tax Equivalents

In accordance with its Policy regarding Application of Dividends and Tax Equivalents (POL – 3117) RCC will ensure any returns on investment in water and wastewater services are utilised for the benefit of the whole community, founded on sustainable strategic objectives which result in timely and optimal investment in identified priorities.

RCC will ensure that funds received from customers are applied efficiently and effectively to the maintenance, renewal and future growth of sustainable water and wastewater infrastructure and services.

Council does not intend to distribute rebates or subsidies to individual customers.

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### 5.0 Pricing Communication

Council is committed to effective communication with its community regarding pricing decisions for water and wastewater services and will undertake the following;

By 30 September 2011, RCC shall;

- Publish a copy of this Price Mitigation Plan on RCC's website; and
- Publish a notice about the Price Mitigation Plan in a newspaper circulating in its local government area; and
- Ensure a copy of the Plan is available for inspection at RCC offices

By 1 March 2013, RCC shall:

- Adopt by resolution a written final price path for relevant charges in relation to the period from 1 July 2013 to 30 June 2018;
- Give the Minister a copy of the final price path;
- Publish a notice about the final price path in a newspaper circulating in its local government area;
- Publish a copy of the final price path on RCC's website;
- Ensure a copy of the final price path is available for inspection at RCC offices

By 30 June each year commencing 2014, RCC shall;

- Adopt by Council resolution a tariff structure and accompanying water and wastewater prices that will apply for the following financial year period;
- Communicate through public notice to the Redland community how the following financial year tariff structure and prices align to the 2013 to 2018 declared price path
- Publish the following year pricing structure with any amendments to the 2013 to 2018 price path on Council's website and ensure that the information is available at Council offices.

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## 12 MAYORAL MINUTE

In accordance with s.22 of POL-3127 *Council Meeting Standing Orders*, the Mayor may put to the meeting a written motion called a 'Mayoral Minute', on any matter. Such motion may be put to the meeting without being seconded, may be put at that stage in the meeting considered appropriate by the Mayor and once passed becomes a resolution of Council.

## 13 NOTICES OF MOTION TO REPEAL OR AMEND RESOLUTIONS

In accordance with s.262 *Local Government Regulation 2012*.

## 14 NOTICES OF MOTION

In accordance with s.3(4) of POL-3127 *Council Meeting Standing Orders*

## 15 URGENT BUSINESS WITHOUT NOTICE

In accordance with s.26 of POL-3127 *Council Meeting Standing Orders*, a Councillor may bring forward an item of urgent business if the meeting resolves that the matter is urgent.

<b>Urgent Business Checklist</b>	<b>YES</b>	<b>NO</b>
To achieve an outcome, does this matter have to be dealt with at a general meeting of Council?		
Does this matter require a decision that only Council can make?		
Can the matter wait to be placed on the agenda for the next Council meeting?		
Is it in the public interest to raise this matter at this meeting?		
Can the matter be dealt with administratively?		
If the matter relates to a request for information, has the request been made to the CEO or to a General Manager previously?		

## 16 CLOSED SESSION

## 17 MEETING CLOSURE