



Redland
CITY COUNCIL

AGENDA

GENERAL MEETING

**Wednesday, 12 November 2014
commencing at 9.30am**

**The Council Chambers
35 Bloomfield Street
CLEVELAND QLD**

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The Mayor is the Chair of the General Meeting. The following Portfolios are included in the General Meeting and Council's nominated spokesperson for that portfolio as follows:

PORTFOLIO	SPOKESPERSON
1. Office of the CEO (including Internal Audit)	Cr Mark Edwards
2. Organisational Services (excluding Internal Audit and Emergency Management)	Mayor Karen Williams
3. City Planning and Assessment	Cr Julie Talty
4. Community & Cultural Services, Environment & Regulation	Cr Lance Hewlett
5. Infrastructure & Operations	Cr Paul Gleeson
6. Emergency Management	Cr Alan Beard

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 29 OCTOBER 2014

Motion is required to confirm the Minutes of the General Meeting of Council held on 29 October 2014.

6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES

6.1 NOTICE OF MOTION – CR OGILVIE – INTERNET AND WIFI SPEEDS IN THE REDLANDS

At the General Meeting of 20 August 2014 (Item 14.2.1 refers) Council resolved as follows:

“That Council resolves to request a report on the following:

- 1. The feasibility of utilising direct wireless technology to enhance internet speeds in the Redlands; and*
- 2. The viability of provision of public wi-fi nodes in the Redlands business districts”*

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

6.2 COUNCILLORS' CODE OF CONDUCT

At the General Meeting of 3 September 2014 (Item 12.2.1 refers) Council resolved that this item 'lie on the table'.

This Item will be presented to a future General Meeting for consideration.

6.3 REQUEST FOR REPORT – PUBLIC VEHICLE ACCESS TO ‘THE BASIN’ AT AMITY

At the General Meeting of 17 September 2014 (Item 14.1.1 refers) Council resolved that a report be prepared for Council’s consideration on the potential of facilitating public vehicle access to the area known as ‘The Basin’ at Amity.

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

6.4 REQUEST FOR REPORT – SHARK NET ENCLOSURE, RABY BAY FORESHORE

At the General Meeting of 17 September 2014 (Item 14.1.2 refers) Council resolved to:

1. Investigate the need and opportunity for a shark net enclosure to be installed on the Raby Bay (Masthead Drive) foreshore; and
2. That the report to Council include financial implications so that consideration can be given to possible inclusion in the Capital Works program.

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

7 PUBLIC PARTICIPATION²⁶

In accordance with s.42 Redland City Council Meetings – Standing Orders:

1. Council may by resolution set aside a maximum of 15 minutes to permit members of the public to address the local government on matters of public interest relating to local government. The time given to each member of the public for their address will not exceed 5 minutes and the maximum number of speakers will be decided by the Chairperson.
2. A member of the public wishing to attend and address a meeting may either:
 - (a) make a [Written Application](#) to address the meeting, which must be received by the Chief Executive Officer, no later than 4.30pm two days before the meeting; or

- (b) make a request to the Chairperson at the commencement of the public participation period, when invited to do so by the Chairperson.
3. The right of any member of the public to address the local government is at the absolute discretion of Council. Priority will be given to persons who have made a written application to speak at a meeting, in accordance with Council's Meetings Standing Orders.
4. If any address or comment made by a member of the public addressing a meeting is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease their address.
5. Any person addressing a meeting will -
- (a) unless they are incapacitated or it is otherwise unreasonable for them to do so, stand; and
 - (b) speak with decorum; and
 - (c) frame any remarks in respectful and courteous language.
6. If a person is considered by the local government, Mayor or Chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting. Failure to comply with a direction may be considered an act of disorder.

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—

- (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 PORTFOLIO 2 (MAYOR KAREN WILLIAMS)****ORGANISATIONAL SERVICES (EXCLUDING INTERNAL AUDIT AND EMERGENCY MANAGEMENT)****11.1.1 2016 REDLAND CITY COUNCIL LOCAL GOVERNMENT ELECTION****Dataworks Filename:** GOV 2016 Local Government Election**Attachment:** [Comparison of Councils](#)**Authorising/ Responsible Officer:****Nick Clarke
General Manager Organisational Services****Author:****Luke Wallace
Manager Corporate Governance**

PURPOSE

Recent changes to the *Local Government Electoral Act 2011* will have potentially significant impacts on the 2016 Redland City Council Local Government Election. This report outlines those changes, along with other election related matters, and provides Council with options for the planning and management of the 2016 election.

BACKGROUND

The *Local Government Legislation Amendment Act 2014* received assent on 5 September 2014. The Act included broad changes to the *Local Government Electoral Act 2011* which impact the way local government elections will be conducted in the future.

Most significantly, the changes provide the opportunity for local governments to once again conduct their own elections with the CEO as the Returning Officer. There are also options, subject to Ministerial consent, around whether the election will be an attendance election or a full or partial postal election. Direction is required from Council on these matters and Council must also undertake preparatory electoral work early in 2015 to review our internal boundaries and to develop an election plan including polling booth locations.

These matters have financial, operational and governance implications for Council and the community and thorough and early planning will ensure a well-run, cost effective election for Redland City in March 2016.

ISSUES

The following matters are outlined in this report for Council's consideration;

1. Review of Internal Boundaries
2. Management of the 2016 Election – CEO as Returning Officer or Electoral Commission of QLD to manage the election

3. Method of Conducting 2016 Election – Attendance Election or Full/Partial Postal Election

Review of Internal Boundaries

Section 16 of the Local Government Act 2012 (the Act) requires local governments to review their internal boundaries, determine whether each division has a reasonable proportion of electors and provide written notice of the review to the electoral commissioner and the Minister by 1 March 2015. This work has now commenced and a report will be brought to Council in February 2015 seeking endorsement of a submission to the electoral commissioner and the Minister.

Figures were obtained from the Electoral Commission of QLD (ECQ) in late September (see below) which indicated that all Divisions are currently “within quota”, that is, they have a reasonable proportion of electors within the 10% tolerance allowed under the Act. However, the Act also requires that the reasonable proportion of electors must be determined as near as practicable to the time when the change is to happen (from election day 2016). On this basis, as outlined below, it is certain that Division 5 will be outside the required quota and a boundary change will be required with Division 4, the only neighbouring Division able to take more electors.

Council may also wish to make other representations about boundary changes, for example the neighbouring Divisions 6 and 7, whilst perhaps not out of quota, are projected to have a difference of 1897 electors by March 2016 and this would be almost certain to grow throughout the following term of Council. On that basis, it may be that Council proposes a boundary review between those Divisions and there are other similar, albeit smaller differences, for example between Divisions 1 and 8.

Division	Total Electors 2012 Election	Total Electors 25/9/2014	Total Electors % +/- Mean (9769.2)	Projected as at 26 March 2016	Total Projected Electors % +/- Mean (100350)
1	9564	10034	2.71%	10313	2.77%
2	9692	9955	1.90%	10119	0.83%
3	9219	9843	0.76%	10232	1.96%
4	9056	9462	-3.14%	9715	-3.19%
5	9790	10726	9.79%	11309	12.69%
6	8994	10229	4.71%	10998	9.60%
7	9007	9065	-7.21%	9101	-9.31%
8	9169	9298	-4.82%	9378	-6.54%
9	9667	9740	-0.30%	9785	-2.49%
10	9244	9340	-4.39%	9400	-6.33%
Total	93402	97692		100350	

These matters will all be brought together in a comprehensive report in February 2015 that looks at all boundary review options. These options will include discussion about the number of divisions, based on benchmarking with other Queensland local governments, which indicates the potential for improved efficiencies (attached).

Management of the 2016 Election

Recent changes the *Local Government Electoral Act 2011* (LGE Act) have the potential to significantly impact how local government elections are managed in the future. Most notably, local governments have been given the opportunity to once again conduct their own elections, as was the case for all elections prior to the 2008 election. In recent years Council has made several submissions to the State Government on this matter, pointing to significantly reduced costs and a better managed election when the process is run by Council.

Under the legislation, the local government CEO must act as Returning Officer, a position that cannot be delegated. The CEO can appoint other persons, both internal staff and/or external contractors, to act in the positions of Assistant Returning Officer/s, Presiding Officer/s, Issuing Officer's or to carry out other relevant duties as required by the CEO.

The legislation essentially makes the local government CEO the Returning Officer by default. If Council does not wish to conduct its own election with the CEO as Returning Officer, a withdrawal notice must be given to the electoral commissioner prior to notification day for the 2016 local government elections which is 1 July 2015.

There are a number of duties for a Returning Officer to perform under the LGE Act to ensure the proper management of an election. These include appointment of staff, determination of the number and location of polling booths, management of the nomination process and election day processes, counting of votes and finalisation of results etc. The Returning Officer is required to develop an election plan for review by the electoral commissioner before 1 September 2015 and the election plan must spell out a number of these matters.

It is noted that Redland City Council has proven to be highly capable of managing its own elections in the past, including the most recent election that Council managed in 2004 where no significant problems were encountered. Given the cost benefits, the clear specifications of the LGE Act, the availability of senior officers and contractors with experience in electoral processes etc, there seems to be no reason to opt out of the management of the election by providing the electoral commissioner with a withdrawal notice.

Once the decision is made for Council to manage its own election in 2016, the CEO will immediately commence the election planning process, keeping Council and the community informed, as appropriate, on progress and developing a costings for approval in the 2015/16 budget.

Method of Conducting the 2016 Election

Local Government elections in the Redlands have traditionally been "attendance elections" whereby electors cast their votes at polling booths within the City on election day. These arrangements have typically been augmented by postal ballot, pre-poll, absentee voting arrangements etc to assist people who will be out of the

City on election day, or working on election day, or who cannot attend a polling booth on election day for religious reasons etc.

Whilst “attendance” elections have worked satisfactorily in the past, Council may now wish to consider alternative means of conducting the 2016 and future elections, given the likelihood that at some point in the future people will be able to cast their vote electronically.

With regard to currently available alternatives, provisions are available in the LGE Act (see Section 45) for Council to apply to the Minister for a full or partial postal election. The LGE Act stipulates that for such an application to be made, the local government area must include a large rural sector, large remote areas or extensive island areas so clearly Council would be able to make application if it determined to do so.

To assist Council with this decision, figures from the 2012 local government elections have been listed in the table below. These figures represent all local governments in QLD with more than 20,000 voters on the role and the Councils who conducted postal elections are highlighted.

Local Government	Election Type	Enrolled Voters	Formal Votes Cast (%)	Informal Votes Cast (%)	Total % of the Role to Vote
Redland	Polling Day	93402	75163 (80.47%)	3120 (3.34%)	83.81%
Gympie	Polling Day	30997	25067 (80.87%)	808 (2.61%)	83.48%
Rockhampton	Polling Day	71430	58145 (81.40%)	1479 (2.07%)	83.47%
Scenic Rim	Polling Day	24614	19975 (81.15%)	563 (2.29%)	83.44%
Fraser Coast	Polling Day	65161	52933 (81.23%)	1352 (2.07%)	83.31%
Bundaberg	Polling Day	62291	50642 (81.30%)	1180 (1.89%)	83.19%
Moreton Bay	Polling Day	241359	185472 (76.84%)	12370 (5.13%)	81.97%
Brisbane	Polling Day	673827	538670 (79.94%)	11778 (1.75%)	81.69%
Ipswich	Polling Day	98669	77658 (78.71%)	1689 (1.71%)	80.42%
Sunshine Coast	Polling Day	211195	159415 (75.48%)	10279 (4.87%)	80.35%
Southern Downs	Postal	23752	18801 (79.16%)	283 (1.19%)	80.35%
Townsville	Polling Day	109560	84500 (77.13%)	3207 (2.93%)	80.05%
Gladstone	Polling Day	35895	27662 (77.06%)	738 (2.06%)	79.12%
Gold Coast	Polling Day	300614	226366 (75.30%)	10724 (3.57%)	78.87%
Cairns	Polling Day	91764	70103 (76.39%)	1820 (1.98%)	78.38%
Toowoomba	Postal	102094	78423 (76.81%)	1058 (1.04%)	77.85%
Lockyer Valley	Postal	21567	16418 (76.13%)	280 (1.30%)	77.42%
Logan	Polling Day	108832	79639 (73.18%)	4619 (4.24%)	77.42%
Western Downs	Postal	20256	15427 (76.16%)	155 (0.77%)	76.93%
Tablelands	Postal	28040	20588 (73.42%)	214 (0.76%)	74.19%
Mackay	Postal	70389	49981 (71.01%)	829 (1.18%)	72.18%

A number of conclusions can be drawn from these figures including:

- Redlands residents take their voting responsibilities very seriously recording the best voter return in the State in 2012 for Councils with over 20,000 electors (83.81%)
- Councils conducting full postal elections generally, though not always, recorded a slightly lower voter turnout (on average by about 3 to 5 percent)
- Councils conducting full postal elections always had a lower number of informal votes which slightly offsets the overall lower turnout and indicates that people are less likely to make mistakes with their ballot paper when they have time to complete the ballot in their own home
- The only cities of comparable size to the Redlands that conducted full postal elections in 2012 were Mackay and Toowoomba

This is an important decision for Council which will impact the way the election is conducted and the overall cost of the election, voter amenity on the day, logistical requirements and costs for candidates and their volunteers and as outlined above, the total number of votes cast. Some of the key arguments for and against conducting a full postal election are included in the table below for Council's consideration;

Arguments in Favour of a Full Postal Election	Arguments Against a Full Postal Election
<ul style="list-style-type: none"> • Likelihood of overall reduced costs in the vicinity of \$100,000 • More convenient for electors to receive their ballot papers at home and have a couple of weeks to complete same • Evidence clearly suggests that there are fewer informal votes in full postal elections • Less costs for candidates (i.e. fewer how-to-vote cards, corflutes, other election day costs etc) • No need for candidates to arrange a large number of volunteers to assist them over the lengthy 10 hour election day at booths • Environmental benefits with regard to traffic around polling booths, discarded how-to-vote cards etc • A full postal election presents a transition opportunity from traditional attendance elections to the inevitable electronic elections that will be held at some future point 	<ul style="list-style-type: none"> • Evidence clearly suggests that there is lower total turnout for full postal elections compared to attendance elections • The LGE Act already has significant flexibility for people who cannot vote on election day, or do not wish to attend a polling booth. Postal and pre-poll votes are now allowed without the need to provide a reason and absentee voting is allowed at all booths across the City. 21.85% of all voters in the 2012 Redlands local government election voted in advance of polling day (pre-poll, postal or mobile polling booth) so this option is freely available for those who choose it and already being accessed by more than one in five voters. • Potential for confusion, particularly with a first full postal vote which would necessitate an advertising and information campaign by Council and reduce the overall likely savings of \$100,000

One option for Council that may achieve a "best of both worlds" outcome, would be to ask the Minister for a partial postal election for North Stradbroke Island, Coochiemudlo Island and the Southern Moreton Bay Islands. In support of this option the polling day numbers from all island booths in 2012 are included below;

Booth	Total Number of Votes Cast
Amity Point Public Hall	223
Dunwich State School	427
Point Lookout Masonic Boardroom	317
Coochiemudlo Public Hall	330
Lamb Island Pioneer Hall	190
Macleay Island Progress Association	1058
Russell Island State School	1040

These figures compare to the majority of mainland booths that recorded in the realm of 2000 to 4000 votes each, e.g. Cleveland State School (3151), Thornlands State Scholl (3733), Victoria Point State School (3157), Redland Bay Community Hall (4221), Birkdale State School (3242).

For the seven island booths listed above, Council is required to appoint a Presiding Officer and Issuing Officer/s as well as manage other logistical matters including booking of, and payment for, venues, provision of voter's rolls, ballot boxes, temporary voting booths, ballot papers etc to each location. These costs could all be defrayed by holding a partial postal election for our island communities.

Other benefits include:

- the removal of the risk of things going wrong at island booths that are hard to address for geographical reasons (for example in the 2008 election one booth in Division 5 ran out of ballot papers and this eventually led to a challenge in the Court of Disputed Returns); and

the opportunity to use a partial postal election as a guide to whether or not Council should seek a full postal election, islands and mainland, in 2020 which also provides the opportunity for community consultation on the matter in the lead up to 2020.

Essentially therefore, Council has three options with regard to how it wishes to conduct the 2016 election;

1. Stick with the traditional approach of a full attendance day election
2. Write to the Minister requesting a full postal election
3. Write to the Minister requesting a partial postal election for the island communities in the Redlands

STRATEGIC IMPLICATIONS

Legislative Requirements

Council is legislatively required to conduct a review of its boundaries. Council must also consider whether it wishes to "opt in" or "opt out" of managing its own election, with the CEO as returning officer and if Council wishes to conduct a full or partial postal election we are legislatively required to write to the Minister to request same.

Risk Management

This report weighs up the relative risks of Council conducting its own election. On balance, it seems apparent that there is limited risk in Council managing its own election, as it has done successfully in the past. The report also looks at the relative risks of conducting a full or partial postal election. There are a number of arguments in favour of or against either approach and Council's final decision comes down to weighing up the relative financial options, voter and candidate amenity, desire to maximise voter turnout etc.

Financial

There are no direct financial implications from this report. The 2016 election is an expense that Council must bear, as it has always had to bear. Evidence suggests it is cheaper for Council to manage its own election and a full proposal will be prepared for the 2015/16 budget.

People

If Council does choose to conduct its own election, the CEO will be required to act as returning officer and it is likely that other senior, and suitably experienced staff, will be asked to act in other statutory positions as set out in the Local Government Electoral Act 2011. These matters will all be dealt with in the election plan that Council develops in 2015.

Environmental

There are no significant environmental issues relating to this report though it is noted that there are some minor potential environmental benefits from conducting a full or part postal election (less traffic on polling day, less wastage of paper etc).

Social

The social implications are laid out in the report including voter amenity for the 2016 election and capacity for residents to exercise their democratic rights depending on which type of election Council prefers to hold.

Alignment with Council's Policy and Plans

The options and recommendations in this report support Council's Corporate Plan objective (8.5) for Council to be transparent and consistent in the way we manage the organisation, its risks and obligations and ensure we are delivering against our priorities.

CONSULTATION

Consultation has been undertaken with all Councillors in workshop and with relevant senior Officers including the Chief Executive Officer, the General Manager Organisational Services and the General Counsel.

OPTIONS

1. That Council notes the work currently being undertaken to review the City's internal boundaries and notes that it is almost certain that a boundary change will be required with respect to Division 5.
2. That Council confirms that it does wish to manage the Redland City Council local government election in 2016 and authorises the CEO to take all necessary steps to prepare for the election including appointment of relevant staff and contractors, development of budget proposals, preparation of an election plan etc.

or

That Council confirms that it does not wish to manage the Redland City Council local government election in 2016 and authorises the CEO to provide a withdrawal notice to the electoral commissioner confirming same

3. That Council confirms that it wishes to conduct a partial postal vote for the City's island communities (North Stradbroke Island, Coochiemudlo Island and the Southern Moreton Bay Islands only) for the 2016 local government election and authorises the CEO to write to Minister at the earliest opportunity to request approval for same

or

That Council confirms that it wishes to conduct a normal “attendance” election for the 2016 Redland City Council local government election

or

That Council confirms that it wishes to conduct a full postal election for the 2016 local government election and authorises the CEO to write to Minister at the earliest opportunity to request same

OFFICER’S RECOMMENDATION

That Council resolves to:

- 1. Note the work currently being undertaken to review the City’s internal boundaries and note that it is almost certain that a boundary change will be required with respect to Division 5;**
- 2. Note that options will be presented to Council early in 2015 with regard to boundary changes and the number of divisions for the 2016 Redland City Council local government election;**
- 3. Confirm that Council does wish to manage the Redland City Council local government election in 2016 and authorises the CEO to take all necessary steps to prepare for the election including appointment of relevant staff and contractors, development of budget proposals, preparation of an election plan etc; and**
- 4. Confirm that Council wishes to conduct a partial postal vote for the City’s island communities (North Stradbroke Island, Coochiemudlo Island and the Southern Moreton Bay Islands only) for the 2016 local government election and authorises the CEO to write to the Minister at the earliest opportunity to request approval for same.**

Council (category)	Population (2013)	Councillors (excluding Mayor)	Average (pop/crs)	Rank	Projected Population (2031)	Average (pop/crs)	Rank	Land area sq km	Average (area/crs)	Rank
Redland CC (6)	147,437	10	14,744	10	188,471	18,847	10	537	53.7	11
Brisbane CC (n/a)	1,110,473	26	42,710	1	1,272,272	48,934	2	1,338	51.5	12
Gold Coast CC (9)	535,000*	14	38,214	2	798,417	57,030	1	1,334	95.3	9
Moreton Bay RC (8)	406,414	12	33,868	3	533,170	44,431	4	2,037	169.8	7
Sunshine Coast C^ (8)	278,202^	10	27,820^	4	395,367#	39,537	5	2,291	229.1	5
Ipswich CC (7)	180,000	10	18,000	7	461,990	46,199	3	1,090	109	8
Cairns RC^ (6)	157,102^	9	17,456^	8	208,717#	23,191	9	1,689	187.7	6
Townsville CC (6)	189,238	10	18,924	6	295,578	29,558	7	3,736	373.6	4
Toowoomba RC (6)	157,695*	10	15,770*	9	244,340	24,434	8	13,000	1,300.0	1
Mackay RC (6)	119,081	10	11,908	11	187,367	18,737	11	7,622	762.2	3
Rockhampton RC^ (6)	82,550^	7	11,793^	12	109,521#	15,646	12	6,575	939.3	2
Logan CC (7)	300,667	12	25,056	5	452,184	37,682	6	957	79.7	10
Totals/averages	3,663,860	140	26,170		5,147,394	36,767		42,206	301.5	
Redland CC (6) potential 'A'	147,437	6	24,572	6	188,471	31,412	7	537	89.5	10
Redland CC (6) potential 'B'	147,437	8	18,430	7	188,471	23,559	9	537	67.1	11

*2012 figure (all others are 2013)

^post de-amalgamation in 2014

estimated due to de-amalgamation - other 2031 figures are from the Qld Govt (medium series) projections 2011

(<http://www.qgso.qld.gov.au/products/publications/qld-govt-pop-proj-lga/qld-govt-pop-proj-lga-2011-edn.pdf>)

11.2 PORTFOLIO 3 (CR JULIE TALTY)**CITY PLANNING AND ASSESSMENT****11.2.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 & 3 DEVELOPMENT APPLICATIONS**

Datworks Filename: Reports To Council - Portfolio 3 Planning and Development

Attachment: [Decisions Made Under Delegated Authority 12/10/ 2014 to 25/10/2014](#)

Authorising Officer:



Louise Rusan
General Manager Community & Customer Services

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

Author: **Debra Weeks**
Group Support officer

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 Development for a decision.

OFFICER'S RECOMMENDATION

That Council resolves to note this report.

Decisions Made Under Delegated Authority 12.10.2014 to 18.10.2014

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
BWP002565	Design and Siting - Additions	Category1	Academy Building Control Surveying & Certification	6 Hope Street, Ormiston QLD 4160	Concurrence Agency Response	13/10/2014	Approved	1
MCU013262	New Dwelling	Category1	Bartley Burns Certifiers & Planners	10 Old Ballow Street, Amity QLD 4183	Code Assessment	14/10/2014	Development Permit	2
BWP002568	Design & Siting - Domestic Outbuiding	Category1	Building Code Approval Group Pty Ltd	21 Compass Court, Cleveland QLD 4163	Concurrence Agency Response	16/10/2014	Approved	2
BWP002569	Building Over/near relevant infrastructure - dwelling house	Category1	Ken Burns	14 Marjoram Street, Thornlands QLD 4164	Concurrence Agency Response2	13/10/2014	Approved	4
BWP002571	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	39 Burmah Boulevard, Redland Bay QLD 4165	Concurrence Agency Response	16/10/2014	Approved	5
MCU013336	Dwelling House - ADA	Category1	Bay Island Designs	37 Judith Street, Russell Island QLD 4184	Code Assessment	15/10/2014	Development Permit	5
BWP002573	Design & Siting - Dwelling	Category1	Henley Properties Qld Pty Ltd	85 Capella Drive, Redland Bay QLD 4165	Concurrence Agency Response	17/10/2014	Approved	6
BWP002574	Design & Siting- Dwelling House	Category1	Checkpoint Building Surveyors (Coomera)	5 Brigalow Place, Mount Cotton QLD 4165	Concurrence Agency Response	14/10/2014	Approved	6
BWP002578	Design & Siting - Dwelling House	Category1	Metricon Homes Qld	91 Capella Drive, Redland Bay QLD 4165	Concurrence Agency Response	17/10/2014	Approved	6

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
MCU013307	Combined Dwelling House and Domestic Outbuilding	Category1	Development Solutions Qld	10-12 Duncan Road, Capalaba QLD 4157	Code Assessment	14/10/2014	Development Permit	7
ROL005797	Standard Format 1 into 3	Category1	Derek Scott Hulmes	43 Dawson Road, Alexandra Hills QLD 4161	Code Assessment	14/10/2014	Development Permit	7
BWP002587	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	18 Radunz Place, Birkdale QLD 4159	Concurrence Agency Response	14/10/2014	Approved	8
Category 2								
OPW001593.2	Operational Works - 1 into 10 Lots - Waterline Stage 2	Category2	Sheehy & Partners Pty Ltd	268 Redland Bay Road, Thornlands QLD 4164	Code Assessment	13/10/2014	Development Permit	4
OPW001716	Operational Works - ROL 1 into 2	Category2	DEQ Consulting Engineers Andrew Sutcliffe	12 Lakefield Drive, Victoria Point QLD 4165	Code Assessment	14/10/2014	Development Permit	4
MC011306	Multiple Dwelling x 8	Category2	Keith Willard Projects Pty Ltd	67 Keith Street, Capalaba QLD 4157	Code Assessment	13/10/2014	Extension to Relevant Period - Approved	9
OPW001685	Operational Works – ROL 1 into 4 (Smart Eda)	Category2	Harvest Property Pty Ltd As Trustee Knobel Consulting Pty Ltd	Redlands Mobile Village, 22-34 Collingwood Road, Birkdale QLD 4159	Code Assessment	16/10/2014	Permissible Change - Development Permit	10

Decisions Made Under Delegated Authority 19.10.2014 to 25.10.2014


Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
MCU013328	Dwelling House	Category1	Christopher James Munro Munro Project Builders Pty Ltd	56 Main Road, Wellington Point QLD 4160	Code Assessment	21/10/2014	Development Permit	1
BWP002585	Building over/near Relevant Infrastructure - Dwelling	Category1	Complete Building Certification	34-36 Wellesley Street, Wellington Point QLD 4160	Concurrence Agency Response2	22/10/2014	Approved	1
SB005505	Standard Format - 2 lots	Category1	Gricel Pty Ltd As Trustee	205 Queen Street, Cleveland QLD 4163	Code Assessment	20/10/2014	Extension to Relevant Period - Approved	2
OPW001732	Landscaping works - Multiple Dwellings x 3 - Eda (OPW01575 Civil Works)	Category1	TDH Builders Pty Ltd	17 Channel Street, Cleveland QLD 4163	Compliance Assessment2	21/10/2014	Approved	2
OPW001727	Landscaping Works - Stages 4 & 5 Retirement Village - 19 Units - smart eda	Category1	Aveo Live Well	AVEO Cleveland, 136-150 Smith Street, Cleveland QLD 4163	Code Assessment	23/10/2014	Approved	3
BWP002589	Design & Siting- Dwelling House	Category1	Stroudbuilt Pty Ltd T/As Stroud Homes	1 Pannikin Place, Thornlands QLD 4164	Concurrence Agency Response	22/10/2014	Approved	3
BWP002540	Domestic Outbuilding - Shed	Category1	Alfred M Wood	31 Crest Haven, Lamb Island QLD 4184	Code Assessment Concurrence Agency Response	24/10/2014	Approved	5

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
MCU013323	Dwelling House	Category1	Zebra Design And Build	84 Timothy Street, Macleay Island QLD 4184	Code Assessment	21/10/2014	Development Permit	5
BWP002583	Design & Siting - Roofed Patio and Open Carport	Category1	Rodney Murray	6 Rusbrook Street, Redland Bay QLD 4165	Concurrence Agency Response	21/10/2014	Approved	5
BWP002554	Design & Siting - Deck	Category1	Jessica Kate Hobbs Taylor Jay Hobbs	5 Albert Street, Redland Bay QLD 4165	Concurrence Agency Response	21/10/2014	Approved	6
BWP002557	Domestic Outbuilding	Category1	Gregory J Johnston Joyce E Johnston	101-103 Henderson Road, Sheldon QLD	Code Assessment	22/10/2014	Development Permit	6
BWP002576	Outbuilding	Category1	Bridgette Johanna Bird Michael David Bird	3 Homestead Place, Mount Cotton QLD 4165	Code Assessment	23/10/2014	Development Permit	6
OPW001262	Operational Works - ROL 2 Lots @ 18 Valentine Road, Birkdale	Category1	Philip Murray Impey	18 Valantine Road, Birkdale QLD 4159	Compliance Assessment	21/10/2014	Extension to Relevant Period - Approved	8
BWP002558	Domestic Outbuilding	Category1	Linda Fay Brandenburg Shane Michael Brandenburg	26-30 Degen Road, Capalaba QLD 4157	Code Assessment	23/10/2014	Development Permit	9
BWP002580	Design & Siting - Domestic Outbuilding x 2	Category1	Clint Robert Russ	20 Jupiter Street, Capalaba QLD 4157	Concurrence Agency Response	21/10/2014	Approved	9
BWP002586	Design & Siting - Garage	Category1	The Certifier Pty Ltd	44 Thorneside Road, Thorneside QLD 4158	Concurrence Agency Response	23/10/2014	Approved	10
Category 2								
MC011735	Multiple Dwelling	Category2	D J C Designs	30-32 Nelson Street, Ormiston QLD 4160	Code Assessment	20/10/2014	Permissible Change - Development Permit	1

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
OPW001554	Operational Works – ROL 1 into 32	Category2	Brown Consulting (Qld) Pty Ltd Rosewood Properties Pty Ltd	55-59 King Street, Thornlands QLD 4164	Code Assessment	24/10/2014	Permissible Change - Development Permit	4
MC011927	Multiple Dwelling x 3	Category2	Peter Ford	203-205 Birkdale Road, Birkdale QLD 4159	Code Assessment	21/10/2014	Permissible Change - Development Permit	10

11.2.2 APPEALS LIST CURRENT AS AT 27.10.2014

Datworks Filename: Reports to Council - Portfolio 3 Planning & Development

Authorising Officer: 

Louise Rusan
General Manager Community & Customer Services

Responsible Officer: David Jeanes
Group Manager City Planning & Assessment

Author: Chris Vize
Service Manager Planning Assessment

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 State Development, Infrastructure and Planning (SDIP)

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

The database contains:

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

ISSUES

1.	File Number:	Appeal 1963 of 2009 (MC010715)
Applicant:		JT George Nominees P/L
Application Details:		Preliminary Approval for MCU for neighbourhood centre, open space and residential uses (concept master plan). Cnr Taylor Rd & Woodlands Dve, Thornlands.
Appeal Details:		Applicant appeal against refusal.
Current Status:		The appellant has submitted amended plans to all parties. Council and co-respondents are considering the amended plans. The matter is listed for a determination on whether the amendments comprise a minor change.
Hearing Date:		Listed for review 31 October 2014.

2.	File Number:	Appeal 2675 of 2009. (MC010624)
Applicant:		L M Wigan
Application Details:		Material Change of Use for residential development (Res A & Res B) and preliminary approval for operational works 84-122 Taylor Road, Thornlands
Appeal Details:		Applicant appeal against refusal.
Current Status:		The appellant has submitted amended plans that are considered a minor change to the application. Orders have been made by the Court outlining events and timeframes. The parties must attend a without prejudice meeting by 5 December 2014.

3.	File Number:	Appeal 4521 of 2013 (MCU012995)
Applicant:		D Polzi and ML Polzi
Application Details:		Material Change of Use for a Landscape Supply Depot
Appeal Details:		Submitter appeal against development permit approval.
Current Status:		Listed for review 5 November 2014.

4.	File Number:	Appeal 4564 of 2013 (ROL005669)
Applicant:		Ausbuild Projects Pty Ltd
Application Details:		Reconfiguration of Lots (6 into 259) and Material Change of Use (Dwelling Houses)
Appeal Details:		Applicant appeal against refusal.
Current Status:		Adjourned until 4 December 2014.

5.	File Number:	Appeal 1760 of 2014 (ROL005698)
Applicant:		Ausbuild Pty Ltd
Application Details:		Reconfiguration of Lots (8 lots) and Material Change of Use (Dwelling Houses)
Appeal Details:		Applicant appeal against refusal.
Current Status:		Experts review has commenced. Final Mediation to be held by 7 November 2014.

6.	File Number:	Appeal 4013 of 2014 (ROL005786)
Applicant:		Aedis Development
Application Details:		Reconfiguring a Lot (1 into 4 lots)
Appeal Details:		Appeal against Infrastructure Charges Notice.
Current Status:		Appeal filed on 15 October 2014.

OFFICER'S RECOMMENDATION

That Council resolves to note this report

11.2.3 REQUEST FOR NEGOTIATED INFRASTRUCTURE CHARGES - ERA 402-451 REDLAND BAY ROAD, CAPALABA

Dataworks Filename: ROL005725

Attachment: [ROL005725 Dedicated Open Space](#)

Authorising Officer:



Louise Rusan
General Manager Community & Customer Services

Responsible Officer:

David Jeanes
Group Manager City Planning and Assessment

Author:

Eskinder Ukubamichael
Planning Officer

PURPOSE

Application Type associated with AICN Proposed Use	Request for Negotiated Infrastructure Charges Notice Standard Format - 1 into 37 lots (Stage 4) Standard Format - 1 into 32 lots (Stage 5) Standard Format - 1 into 32 lots (Stage 6) Standard Format - 1 into 33 lots (Stage 7)
Property Description Location	Lot 801 SP 207237 401-451 Redland Bay Road Capalaba QLD 4157
Redlands Planning Scheme Zoning	CN – Conservation OS - Open Space UR - Urban Residential
Overlays	Acid Sulfate Soils Overlay Bushfire Hazard Overlay Bushland Habitat Overlay Electricity Infrastructure Overlay Flood Storm and Drainage Constrained Land Overlay Landslide Hazard Overlay Road and Rail Noise Impact Overlay Waterways Wetlands and Moreton Bay Overlay
Applicant Land Owner	Villa World Developments Pty Ltd Villa World Developments Pty Ltd
Date of Issue of AICN	Stage 4 – 4 June 2014 Stage 5 – 6 June 2014 Stage 6 – 6 June 2014 Stage 7 - 6 June 2014
Date Representations Received	18 June 2014 and 31 July 2014
Assessment Manager	Andrew Veres
Officer's Recommendation	Approval

This category 4 request for a negotiated infrastructure charges notice is referred to Council for determination.

This Negotiated Infrastructure Charges Notice (ICN) request for infrastructure charges reductions over four development approvals in the ERA estate involving a Standard Format reconfiguration as follows:-

- 1 into 37 lots (Stage 4)
- 1 into 32 lots (Stage 5)
- 1 into 32 lots (Stage 6)
- 1 into 33 lots (Stage 7)

The request has been assessed against the relevant planning and policy instruments and is considered to comply with these provisions, as detailed in the assessment under the issues heading of this report. It is therefore recommended that the request be approved.

BACKGROUND

Adopted Infrastructure Charges Notices (AICN) were issued, in relation to four reconfiguration of a lot applications; being stages 4 to 7 of the ERA development.

The total charge amounts on the AICNs are as follows:-

- 37 lots in Stage 4 = \$1 008 000.00
- 32 lots in Stage 5 = \$ 896 000.00
- 32 lots in Stage 6 = \$ 896 000.00
- 33 lots in Stage 7 = \$ 924 000.00

The figures are based on \$28 000 per additional lot, being the rate for each additional lot in accordance with Council's Adopted Infrastructure Charges resolution (AICR), also being the maximum allowed in accordance with the State Planning Regulatory Provisions.

ISSUES

Representations

The Applicant has made representations about the abovementioned AICN in accordance with the Sustainable Planning Act 2009 Chapter 8 Part 4.

In their letter dated 31 July 2014, the applicant seeks a reduction to the infrastructure charges for stormwater, open space and sewerage. This is represented in the following table.

Charge Stream	COUNCIL CAPPED INFRASTRUCTURE CHARGES		PROPOSED CHARGES	
	APPORTIONMENT (%)	AMOUNT (\$)	APPORTIONMENT (%)	AMOUNT (\$)
Stormwater	5.6%	\$1568	Remove	\$0
Roads	17.2%	\$4816	No change	\$4816
Cycleways	6.9%	\$1932	No change	\$1932
Parks	37%	\$10360	Remove	\$0
Community	2.3%	\$644	No change	\$644
Water	7.8%	\$2184	No change	\$2184
Sewer	23.2%	\$6496	12% reduction	\$5716

Charge Stream	COUNCIL CAPPED INFRASTRUCTURE CHARGES		PROPOSED CHARGES	
	APPORTIONMENT (%)	AMOUNT (\$)	APPORTIONMENT (%)	AMOUNT (\$)
Total Per Lot	100%	\$28000		\$15292

Sustainable Planning Act

In accordance with Part 2, Subdivision 5 of the Sustainable Planning Act, Council may issue a Negotiated Infrastructure Charges Notice upon receiving written representations about the Infrastructure Charges Notice to the entity that gave the notice.

Typically, an Infrastructure Charges Notice allows Council to receive monies from an applicant to recover the costs for demand of trunk infrastructure. The charges assist in the provision of trunk infrastructure to service new development.

The Sustainable Planning Act (Section 627) defines trunk infrastructure as follows:-

“trunk infrastructure, for a provision about a local government, means all of the following—

(a) development infrastructure identified in the LGIP as trunk infrastructure;

(b) development infrastructure that, because of a conversion application, becomes trunk infrastructure;

(c) development infrastructure that is required to be provided under a condition imposed under section 647(2).”

Note:-

- LGIP is a Local Government Infrastructure Plan;
- Section 647 (2):- Necessary infrastructure condition for other infrastructure
 - (2) The local government may impose a condition on a development approval that requires development infrastructure necessary to service the premises to be provided at a stated time.

On the other hand Non-trunk infrastructure is defined by the state as *“development infrastructure that is either internal to a development or connects development to trunk infrastructure. It is the responsibility of the developer to provide non-trunk infrastructure”*

It is noted that the development does not provide any trunk infrastructure, as the infrastructure in question is not identified in the LGIP.

However, in this instance, the developer believes that they have provided infrastructure that serves a trunk purpose and should therefore be identified as an offset to the charges for Stages 4 – 7 of the ERA, as they claim to be the case with open space and sewerage. In relation to stormwater charges, the applicant claims

that they are placing no demand on trunk stormwater infrastructure, and therefore should not be required to pay charges for this infrastructure network.

The infrastructure charges notices (ICN) were given prior to 4 July 2014. On this date, the latest amendments to the Sustainable Planning Act were introduced; one of which was the introduction of a process for an applicant to apply to convert non-trunk infrastructure to trunk infrastructure. Whilst this is not strictly a conversion application, (as the ICNs were issued prior to 4 July 2014), it is reasonable to consider the conversion criteria when considering this request.

Section 20 of Council's Adopted Infrastructure Charges Resolution prescribes the following criteria for assessing and deciding whether non-trunk infrastructure is to be deemed trunk infrastructure, insofar:-

(a) that the development infrastructure is necessary to service development;

(i) consistent with the assumptions about the type, scale, location or timing of future development stated in the respective infrastructure planning instrument; and

(ii) for the local government trunk infrastructure networks, the premises completely inside the priority infrastructure area in the priority infrastructure plan; and

(iii) for the distributor-retailer trunk infrastructure networks, the premises completely inside the connections area which is the following:

(A) the connections area and future connections area in the distributor-retailer's water netserv plan under the SEQ Water Act;

(B) the connections area and future connections area in the distributor-retailer's interim connections policy under the SEQ Water Act if paragraph (A) is not applicable;

(C) the local government's priority infrastructure plan, if paragraphs (A) and (B) are not applicable;

(D) the priority infrastructure area specified in the Infrastructure SPRP if paragraphs (A), (B) and (C) are not applicable;

(b) that the development infrastructure complies with the criteria stated in Schedule 5. (Identified trunk infrastructure criteria)

In this request, the applicant is requesting reduction in three networks:- open space, sewerage and stormwater. Each will be discussed in turn, including addressing conversion criteria, where relevant.

Stormwater

The applicant states that the stormwater generated from the development traverses the legal point of discharge and into Coonylwinpin Creek, which ultimately drains to Moreton Bay. The water discharged from the development causes no offsite impacts that would require Council to upgrade any stormwater related trunk infrastructure. Additionally the development results in no additional demand on existing Council stormwater infrastructure. Therefore the applicant believes that the imposition of stormwater related infrastructure charges on this development do not appear to be

warranted. As such the applicant has sought to remove the stormwater component in its entirety.

The stormwater infrastructure for the development has been designed in the approved Gilbert and Sutherland report as to attenuate stormwater for the development of stages 4, 5, 6 and 7. This report details a retention system ensuring no net worsening from pre to post development scenarios, hence no increase of downstream flows upon existing Council infrastructure. It should be noted that the stormwater does not discharge into a reticulated system, but rather discharges directly into Coonylwinpin Creek. Therefore, the stormwater does not result in the use of trunk infrastructure in terms of conveyance, treatment or discharge. No demand is placed on trunk infrastructure that would necessitate a trunk infrastructure contribution.

Additionally the stormwater treatment devices to service the 4 stages, as per the approved Gilbert and Sutherland report are wholly contained within the common land detailed in the Community Management Statement (CMS). The CMS statement includes the ownership, maintenance and reconstruction of the life of these stormwater treatment devices, hence no Council ownership or maintenance issues.

Conditions of the ROL approvals require that the CMS area is to be wholly contained within the Energex easement area. It has been noted on the stage 4 operational works drawings that discharge locations for the bioretention treatment devices and other components of stormwater drainage are located in the open space area, and will not be covered under the CMS. It is also noted that the culvert crossings (2 x 750mm pipe and 1 x 2100 x 1500 culvert) are to be constructed as attenuation of the peak flows from the development. These structures are also proposed outside the CMS area and hence will require Council maintenance in the future. Therefore it can be argued from the submission of this recent information that Council will be required to maintain some stormwater infrastructure within the open space area.

It should be noted that the applicant has requested a 100% reduction to the stormwater ICN component. However, there is stormwater attenuation in open space areas which will be required to be maintained by Council. An estimated 10 % of the Council contributions will be required to be paid as to cover these future maintenance costs borne by Council, which is reflected in the recommendation.

CONCLUSION

No objection is raised, given the justification. As there is a component of stormwater infrastructure within the open space area that will be required to be maintained by Council, 10% of the Council contributions will be required to be paid as to cover these future maintenance costs borne by Council. This is a figure based on the amount of stormwater works taking place in open space areas.

Open Space

The development has resulted in extensive areas of open space being dedicated for various environmental purposes free of charge to Council. This includes the extensive area of land adjoining the southern boundary of the development site that is now held as an environmental reserve and the land now attaching to the Indigiscapes site to the west of the development. In addition, stage 4 of the development will result in additional open space being dedicated free of charge (see attachment 1).

It is recognised that these open space areas are not trunk infrastructure, however part of this open space area will complement the broader open space network as it is available for use by residents beyond the subject development. Additionally, this area forms links between existing open space areas.

Significant communal open space area (12,000m²) is approved to be held in private ownership that will be managed and maintained by the body corporate without any cost to Council. This open space is approved to be embellished with play equipment and facilities for the use of residents in the development. This is not usual for a standard format subdivision, and does result in a reduced demand on public open space from this development.

The open space infrastructure charge contributes to three scales of parkland; local, district and city-wide. These levels of open space are defined by the catchment they serve and the functions they perform (which then dictate to their location, size and levels of embellishment). The communal open space provided by the development will serve a local park function only. Residents can still be expected to have a demand for district and city-wide open space facilities.

In order to define the percentage that could be offset against the infrastructure charge, the LGIP identifies the expected rate of land provision for the three types of recreational open space. That is; 1.2Ha/1000 people for local park, 1.2Ha/1000 people for district park and 0.25Ha/1000 people for city-wide park. This equates to 45% for local park, 45% for district park and 10% for city-wide park.

CONCLUSION

The demand for local park for the subject development is predominantly satisfied through providing communal open space and the substantial land dedication for open space purposes. It is therefore recommended the open space component of the infrastructure charge be reduced by 45%.

Sewerage

The applicant seeks a 12% reduction sought to the sewerage component of the infrastructure charges, based on the approved pumping station being required to be designed to deal with sewage from Council's Indigiscapes Centre. A letter from the applicant's engineering consultants confirms the percentage provision made within the sewer pump station and associated infrastructure as follows:-

"...The ultimate discharge (Design Flow) from the era Sewerage Pumping Station is 11.251/sec. An allowance of 1.31/sec or 11.55% of the flow has been included for provision for sewerage for the Redland City Council Indigiscapes Centre..... "

In response, it can be said that the parent approval (SB004897.1 and MC008334) was conditioned in the Court Order to construct a sewer system to service the ERA development. Many scenarios were proposed and ultimately a sewerage pump station was approved and constructed under OPW001202. This infrastructure services the whole of the ERA Development site and discharges into the existing gravity sewerage network in Vienna Road. During the design stage of the pump station and rising main, Allconnex required the capacity of the Runnymede Road poultry shed site and Indigiscapes Environmental Centre to be included in the capacity of the sewerage pump station. The pump and storage capacity were increased in size over the initial ERA development network size by 11.55 %. The

applicant is hence requesting a reduction in the sewer contribution charges by this amount as these two properties are external to their development sewer catchment. This percentage capacity of sewer reduction has been confirmed by Sheehy and Partners, and via documentation from Redland Water.

It is agreed that the pump station does serve a broader catchment than the development site, and an appropriate offset should apply. The offset, however, is not a percentage of the contribution, but rather a percentage of the cost of the infrastructure, which is then offset against the contribution. The cost reduction per lot for sewer is therefore calculated as follows:

Sewerage pump station cost	Cost per lot (230 lots stages 1-7)	Total cost (less 11.55 % capacity increase)	Cost per lot (less 11.55 % capacity increase)	Cost reduction per lot
\$1,142,443.00	\$4,967.15	\$1,010,490.84	\$4,393.49.15	\$573.66 equates to 8.831%

CONCLUSION

No objection is raised, given the justification. This contributions component is acceptable to be reduced by 8.83% as this amount equates to a sewer catchment external to the ERA development sewer catchment.

OVERALL CONCLUSION

That Negotiated Adopted Infrastructure Charges Notices be issued for the approved Reconfiguration of Lots for the ERA estate, Stage 4 – 7 at 401-451 Redland Bay Road Capalaba, as follows:

Charge Stream	COUNCIL CAPPED INFRASTRUCTURE CHARGES		NEGOTIATED CHARGES	
	APPORTIONMENT (%)	AMOUNT (\$)	APPORTIONMENT (%)	AMOUNT (\$)
Stormwater	5.6%	\$1568	90% reduction	\$156.80
Roads	17.2%	\$4816	No change	\$4816
Cycleways	6.9%	\$1932	No change	\$1932
Parks	37%	\$10360	45% reduction	\$5698
Community	2.3%	\$644	No change	\$644
Water	7.8%	\$2184	No change	\$2184
Sewer	23.2%	\$6496	8.831% reduction	\$5922.41
Total Per Lot	100%	\$28000		\$21353.21

STRATEGIC IMPLICATIONS

Legislative Requirements

The request is being assessed in accordance with Section 641 of the *Sustainable Planning Act 2009*.

Risk Management

Standard development application risks apply. In accordance with the *Sustainable Planning Act 2009* the applicant may appeal to the Planning and Environment Court against a Council decision to issue or not issue a negotiated Infrastructure Charges Notice.

Financial

If approved, Council will collect infrastructure contributions in accordance with Council's recommendation and not the State Planning Regulatory Provisions (adopted charges) and Council's Adopted Infrastructure Charges Resolution.

Current Infrastructure Charges Notice = \$3 724 000.00

Proposed Infrastructure Charges Notice = \$ 2 839 976.90

Difference = \$884 023.10

People

Not applicable. There are no implications for staff.

Environmental

Not applicable

Social

Not applicable

Alignment with Council's Policy and Plans

The assessment and officer's recommendation align with Council's policies and plans as described within the "issues" section of this report.

CONSULTATION

The assessment manager has consulted with other internal assessment teams where appropriate. Advice has been received from relevant officers and forms part of the assessment of the application. Officers have also consulted with the relevant asset owners in City Spaces, City Infrastructure and Redland Water.

OPTIONS

The Negotiated Infrastructure Charges Notice request has been assessed against the Redlands Planning Scheme, Council's Adopted Infrastructure Charges Resolution and the Sustainable Planning Act. The request is considered to be acceptable and it is therefore recommended for approval.

Council's options are to either:

1. Adopt the officer's recommendation to issue Negotiated Infrastructure Charges Notices; or
2. Resolve to issue Negotiated Infrastructure Charges Notices, subject to different charge amounts; or
3. Resolve to refuse the request.

OFFICER'S RECOMMENDATION

That Council resolves to Issue Negotiated Infrastructure Charges Notices for the ERA Estate, Stages 4 - 7 at 401-451 Redland Bay Road Capalaba, as follows:

1. **ROL005725 - Stage 4 – ICN issued 4 June 2014 for 37 lots = \$1 008 000.00 be amended to \$768 715.60;**
2. **Note:- 1 credit for balance parent lot, therefore ICN charges are for 36 additional lots;**
3. **ROL005724 - Stage 5 – ICN issued 6 June 2014 for 32 lots = \$896 000.00 be amended to \$683 302.70;**
4. **ROL005723 - Stage 6 – ICN issued 6 June 2014 for 32 lots = \$896 000.00 be amended to \$683 302.70; and**
5. **ROL005722 - Stage 7 - ICN issued 6 June 2014 for 33 lots = \$924 000.00 be amended to \$704 655.90.**



Figure 1: Red outlines illustrate the extent of adjoining land that has been dedicated for environmental / open space purposes to Council as part of the ERA Development.

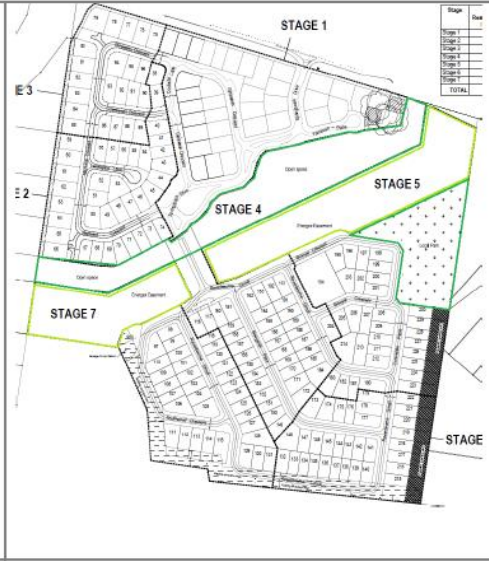


Figure 2: Dark green areas illustrate open space and local park provision within the interior of the ERA Development, with the light green illustrating the Energex Easement, which will also be rehabilitated, managed and maintained as green space within the development (through the body corporate).

11.2.4 CONSIDERATION OF COUNCIL GRANTING A PERMIT TO REMOVE THE COOK ISLAND PINE AT 62 BEACHCREST RD WELLINGTON POINT – VPO3

Dataworks Filename: Reports to Council - Portfolio 3 - City Planning and Assessment

Attachment: [Brisbane Tree Services - 62 Beachcrest Rd TRAQ Calculator](#)

Authorising Officer 
Louise Rusan
General Manager, Community & Customer Services

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

Author: **Ken Folkes**
Technical Advisor, Arboriculture

PURPOSE

This report is referred to the Coordination Council to consider whether a resolution is made to grant a permit to the property owners under Section 29(1) of *Local Law 6 - Protection of Vegetation* allowing removal of the Cook Island Pine protected under Vegetation Protection order 3 (VPO3).

BACKGROUND

The tree located on the subject land and currently protected by VPO3 is a Cook Island Pine, scientific name *Araucaria columnaris*. The tree is approximately 40 metres in height and estimated to be around 130 years in age.

Council previously considered the revocation of VPO3 and resolved on 18 December 2013 to:

- 1. Not revoke Vegetation Protection Order 3 (VPO03) in respect of the Cook Island Pine located at 62 Beachcrest Road Wellington Point and Council provide the funding for a one-off maintenance pruning and Tree Management Plan to be carried out by a qualified Arborist(s), subject to costing for such work being provided to Council by appropriately qualified arborist(s) and capped at a maximum value of \$5,000.00; and*
- 2. Review in 12 months, in line with the appropriate policy.*

This resolution was the result of it being concluded that the tree provides significant amenity in regards to its contribution to sense of place, as a defined visual landmark, a dynamic focal attribute to the existing landscape and a living contribution to the history of Beachcrest Road and the wider suburb of Wellington Point.

The property owners undertook the necessary maintenance funded in part by Council. During the routine removal of deadwood from the tree in May 2014 by an Arboricultural Contractor, a cavity was identified approximately a third way up the trunk whilst in the elevated work platform.

As the extent of the cavity was not able to be determined by visual assessment alone, further specialised testing of the cavity was recommended by the Arborist undertaking the deadwood removal works. The Arborist stated that he did not know the extent of the cavity and therefore could not comment on the structural integrity issues presented by this. Consequently, specialist testing using a specialised instrument, known as a 'Resistograph', was required to determine the extent of the cavity and if it is within recognised Arboricultural standards with regards to safety. This would require an assessment as to whether the tree could be retained or whether it should be removed due to an unacceptable level of risk.

On 30 July Council considered whether funding should be made available to the property owners to undertake the necessary specialist testing. Council resolved:

- 1. To carry out the specialised assessment to determine the structural integrity of the cavity and subject to the cavity report, if needed, a root system report be conducted on the Cook Island Pine located at 62 Beachcrest Road Wellington Point subject to VPO3 by a qualified arborist(s); and*
- 2. That the testing must be conducted within 3 months from the date of this resolution.*

With agreed funding provided by Council, the tree-owners arranged an independent Arboricultural Consultant to undertake the assessment. The cavity assessment was undertaken on the 4 September 2014 by Brisbane Tree Services in conjunction with The Tree Doctor who carried out the Resistograph test.

ISSUES

The consultant report revealed and calculated an approximate 51% decay wound with a decayed column of up to 2 metres in height with an estimation of internal decay exceeding this length on a vertical plane. The report also states that the causal organism responsible for the decay is symptomatic of a White Rot Fungi.

Although the consultant has not confirmed his statement by undertaking pathological testing of the Fungi, there is no reason to doubt the consultant's statement as decay caused by White Rot Fungi is visually specific and determinable to a degree of reasonable accuracy by an experienced Arborist.

The location of the cavity 10 metres up the trunk presents an elevated risk of injury to people and property within the fall zone due to the potential of unabsorbed impact of the trunk should the trunk fail at the point of decay. An absorbed impact is when a tree is within very close proximity to a target and fails at ground level. The impact on the target is generally absorbed somewhat by the geometrical angle of impact.

It is also a known fact that the structural integrity of Araucaria species, including the Cook Island Pine are greatly compromised by the presence of White Rot Fungi within the trunk and are prone to unpredictable failure at the point of decay or other growth defect sites.

The location of the tree in the backyard and its proximity to the dwelling and outside living areas including a children's play area, the presence of the cavity and decay type (white rot fungi) has placed this tree in a high-risk situation with no possible arboricultural remedial surgery available to manage the defect and remove the high-risk situation.

The consultant's report provided to Council by Brisbane Tree Services has determined that the tree is structurally unsound, with the recommendation from the consultant that the tree be removed as this poses an unacceptable risk.

The assessment and comments made by the consultant in his report were consistent with internationally recognised cavity testing formula (*Mattheck & Breloer, Lonsdale, Shigo, Smiley & Fraedrich*).

The actual risk factor the tree presents as stated in the report was determined using the Quantified Tree Risk Assessment (QTRA) formula, which is also an internationally recognised risk-matrix formula and system applied to trees to quantify potential risk.

The presence and extent of the cavity in this Cook Island Pine is not the singular factor that has determined the tree requires removal. The cavity has existed in the tree for many decades with the tree surviving many severe storms including a cyclonic weather event that toppled many trees in the immediate area of the Pine.

Had the tree been in a different location, away from potential high-use target zones such as the house and its occupants, the tree and cavity would have been assessed using the QTRA system as a lower, acceptable risk. Appropriate tree management and monitoring practices could have preserved the tree.

The cavity, although estimated at 51%, and only based on minimal test data, is still within the Arboricultural cavity limit formula applied to cavities by Arborists.

The Resistograph data reveals sufficient sound wood to adequately support the tree, and the cavity opening dimension is well within acceptable limits. There is, however, an elevated risk of failure as a result of the cavity and this risk needs to be assessed against all other factors that affect the outcome of retention or removal.

The determining factor with this tree is the location of the tree relative to the dwelling and its occupants and the consequences of tree failure if this occurs.

As stated previously, decay – particularly where the organism is White Rot Fungi - is not a desirable defect in *Araucaria* species due to their physiological structure and wood chemistry that predisposes them to a high-probability of unpredictable failure at the site of decay.

Council has no control over what occurs on this site with regards to the tree, its future management, or its actions.

STRATEGIC IMPLICATIONS

N/A

Legislative Requirements

Under the provisions of S.29 of Local Law 6 the local government may grant a permit permitting damage to protected vegetation.

In deciding whether to grant a permit, the local government must have regard to the objects of the local law and in particular:-

- (a) whether the permit would be consistent with the objects of this local law and, if not, whether there would be a fundamental conflict with the objects or merely a marginal or peripheral conflict; and
- (b) the probable environmental impact of the proposed damage; and
- (c) the reasons for the proposed damage and the purpose that would be served by permitting the damage; and
- (d) whether there are prudent and feasible means of achieving the same purpose without damage or with less damage to protected vegetation; and
- (e) such other matters as may be prescribed by local law policy.

Pursuant to provision (e) of the local law noted above, Subordinate Local Law 6 provides that damage to protected vegetation is only permitted in certain circumstances. This includes when an authorised person authorises the damage on the ground that the vegetation is actually or potentially dangerous.

Council's Arborist is an authorised person for the purposes of Local Law 6. Council's Arborist recommends removal of the tree on the ground that this is potentially dangerous.

The property owner will be responsible for ensuring compliance with the Nature Conservation Act 1992. This will be particularly relevant in relation to the Osprey that regularly nests in this tree.

Risk Management

Council's General Counsel has advised that the common law principles of negligence and nuisance apply to issue of liability regardless of the presence of a VPO. That is, where Council has exercised proper duty of care and professional assessment to determine the safety of the tree, and this assessment has shown that the tree is safe then negligence issues can be mitigated.

The first of the tree assessments undertaken by Council's Arborist was in March 2013, with 3 other assessments undertaken to date. The tree owners Arborist at the time was also satisfied that the tree was in good order and did not require removal.

However, the identification and testing of the cavity by a consulting Arborist, has concluded and recommended that the tree should be removed due to an unacceptable risk to people and property from potential tree failure.

Council's Arborist has reviewed the resistograph data and supporting consultant's report and has carefully weighed up the technical facts against the value of the tree, the likelihood of long-term survival of the tree if retained and the fact that Council has no control over the management of the tree if retained.

A decision by Council to retain the tree contrary to the recommendation of the consulting and Council Arborists would potentially expose Council to increased risk.

Financial

There will be no financial implications if Council resolves to grant a permit to remove the tree.

People

There are no implications on staff

Environmental

N/A

Social

N/A

Alignment with Council's Policy and Plans

N/A

CONSULTATION

Consultation with the following parties has occurred:

- General Counsel

CONCLUSION

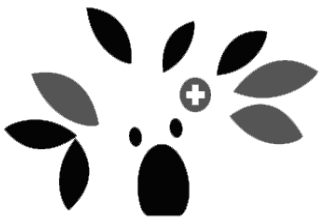
Based on the information provided by the Consulting Arborist and evaluated and confirmed by Councils Arborist, It is recommended that permission be granted under Section 29 of Local Law 6 to the property owner to undertake removal of the Cook Island Pine.

OPTIONS

1. That Council resolves to grant a permit under Local Law 6 to remove the Cook Island Pine located at 62 Beachcrest Road Wellington Point.
2. That Council resolves not to grant a permit under Local Law 6 to remove the Cook Island Pine located at 62 Beachcrest Road Wellington Point.

OFFICER'S RECOMMENDATION

That Council resolves to grant a permit under Local Law 6 to remove the Cook Island Pine located at 62 Beachcrest Road Wellington Point.



THE TREE DOCTOR

ABN 26 453 758 351
8 Goodenia Street Everton Hills Qld 4053
Email: trees@thetreedoc.com
Phone: **07 3855 2855** Fax: 07 3855 2909



CONSULTANT
ADAM
JOB NO.
G1472.1

DATE	<u>4/9/14</u>	MAP REF	<u>165 A16-17</u>	SITE	<u>62 Beachcrest Rd</u>
DAY	<u>Thursday</u>	TIME	<u>8am</u>		<u>Wellington Point</u>
FEE		TAKEN	<u>//</u>	WORK REQUESTED	<u>Resi testing</u>
NAME	<u>Brisbane Tree Services</u>				
POSTAL ADDRESS	<u>PO Box 1824</u>			PH (H)	<u>(W) 3286 1500</u>
	<u>Cleveland DC 4163</u>			MOBILE/S:	<u>0430 472 780</u>
				EMAIL	<u>adam@brisbanetreeservices.com.au</u>
ATTN:	<u>Adam Beaman</u>			REF BY	<u>ORDER No.</u>

PROPOSAL / REPORT

Inspection of the cavity on the north face of the trunk at approximately 10m above ground level is almost certainly a result of lightning strike. The wound is estimated to be approximately 25 to 30 yrs old and is strongly decayed; the causal organism being symptomatic of a saprophytic white rot fungi. A large cavity is present and has been occupied by a colony of European honey bees. Testing with an IML Resistograph revealed extensive internal decay in a horizontal plane adjacent to the primary cavity opening. Calculations revealed a minimum of 51% decay in cross-section at this level. The wound is approximately 2m in length. Internal decay in the vertical axis will exceed this length. Wound location is such that wind loadings about the wound will be amplified by the length of the trunk (lever) above the wound. Trunk structure and strength is thus compromised.

At this time I am of the opinion that the tree is structurally unsound. An unrefined risk assessment using the QTRA system indicates the tree is an unacceptable risk. Removal of the specimen is recommended.

Important note: This site summary report is based on inspection of the subject tree/s, from ground level, using the principles of Visual Tree Assessment (VTA) and hazard assessment and evaluation.

Adam Tom BSc Grad Dip Hort Sc MISA MNA
Principal Consultant
ISA Certified Arborist AU-0101A
QTRA Licensed Assessor #846

Terms

Please read Terms definition on reverse for full details.



Our Consultation Guarantee

If anyone can tell you more about your trees or do a more thorough examination, we will refund your money.



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YOU SHOULD KNOW WHAT YOU WILL RECEIVE FOR YOUR INVESTMENT IN PLAIN ENGLISH IF ANYTHING IS UNCLEAR OR CONFUSING - PLEASE CALL YOUR CONSULTANT

INITIAL CONSULTATION - Your initial consultation involves only the time spent on site. As with a General Practitioner, your consultant provides information based on generalised observations and basic testing. As with a Doctor, a broad range of laboratory services and specialised information can be obtained from our technicians or from outside laboratories for an additional fee.

Further services can be provided at your request and expense and may be recommended by the consultant. These services may include:

REPORTS - Usually the consultant will provide you with a site summary report. Should you require a more detailed report, this can be organised with your consultant for an additional charge.

SAFETY INSPECTIONS – When inspecting the safety of a tree, The Tree Doctor relies on the processes of Visual Tree Assessment and hazard assessment and evaluation, as developed by the ISA. Any assessment is made on the information provided by the client and observed by the consultant. Statements regarding safety are made on the understanding that trees are naturally shedding organisms that can be subject to immense forces during extreme weather conditions.

PLANT IDENTIFICATION - it is not always possible for a consultant to identify a tree or shrub immediately (it would be like having to know the names and faces of 20,000 people).

When it is absolutely essential to know the name of a tree or shrub, it may be necessary to take a number of samples and sometimes wait for flowering or fruiting for accurate identification against herbarium specimens.

TREATMENTS - Because of the lack of funding and research, many tree problems can only be treated or are best treated using holistic systems, i.e. by ensuring that the tree is as healthy and safe as possible by modifying and improving growing conditions.

Any treatment recommended by The Tree Doctor can be performed by our team of qualified experts. If you would like us to take care of the work for you, ask your consultant.

ROOT IDENTIFICATION - Is useful in determining whether specific trees may be causing damage to foundations, plumbing etc. Microscopic examination is utilized.

SOIL ANALYSIS - Involves the testing of soil to determine nutrient levels and availability, deficiencies and toxicities.

TISSUE ANALYSIS - Used to determine nutrient deficiencies and thus fertilizers required. It can also be used to detect the presence of herbicides and other toxins.

STARCH TESTING - Detects the levels of starch (stored energy) present in the tree. It is a good indicator of the general health of the tree.

PATHOLOGY -This involves laboratory and microscopic testing to identify pests and diseases.

RESISTOGRAPH TESTING – Is used to determine presence of internal decay and structural weaknesses by measuring resistance on a 3mm diameter drill. A graphed chart is provided showing results. Resistograph testing is a microinvasive technique.

ROOT CROWN EXCAVATION - Is used to allow inspection of the lower trunk and root crown. Structural and pathogenic problems are often exposed.

ULTRASOUND - Is used to determine the density of timber using the transmission of sound waves. It is used for the detection of internal decay and structural abnormalities. Ultrasound may be an invasive or non-invasive technique.

AIR SPADE - Is used to expose the root crown or specific roots. It is the primary tool for root crown excavation.

HIGH PRESSURE SOIL INJECTION - Is used to place pesticides, fertilizers, mycorrhizal spores or soil activators into the soil around your tree.

PRUNING - All pruning performed by The Tree Doctor conforms to Standards Australia® AS4373-2007 Pruning of Amenity Trees and other relevant world arboricultural standards.

TERMS - Payment is required upon completion of this report. If you anticipate that you will require more than 7 days to finalise your account, please arrange this with our office upon receipt of the report. Failure to settle the account within 7 days will result in the revocation of the 20% 7-day discount with the full, undiscounted amount becoming due. Any costs incurred in the recovery of unpaid accounts shall be in addition to the outstanding debt. A monthly statement fee of \$27.50 and interest charges of 4% per month will be applied to all outstanding accounts.

OTHER SERVICES - The Tree Doctor can also perform the following services:

- * Tree pruning
- * Tree and stump removal
- * Fertilization and soil manipulation
- * Transplanting trees and palms
- * Insect and disease management
- * Mycorrhizal inoculation
- * Staff training and assessment

TRAQ (Tree Risk Assessment Qualification)

The TRAQ method is a qualitative risk assessment method developed by the ISA (International Society of Arboriculture), as a tool for consulting arborists to use during tree risk assessments.

This risk assessment involves a 3-step process, using the following criteria to determine risk:

- **Likelihood:** *Chance of Failure* multiplied by *Chance of Impact* in Matrix 1. Results are either *Unlikely, Somewhat Likely, Likely* or *Very Likely*.
- **Chance of Failure:** The chance that the part predicted to fail will actually fail in the next 12 month period, either *Improbable, Possible, Probable* or *Expected*.
- **Chance of Impact:** The chance that the part predicted to fail will actually hit the target upon failure, either *Improbable, Possible, Probable* or *Expected*. This may involve calculations of “target occupancy” to determine fraction of time that the target is actually present, and also that the target may not be present during severe weather (when failure is most likely).
- **Consequence:** *Level of Exposure* multiplied by *Size of Failure* in Matrix 2. Results will be specific to the type of target (people/property/disruption) and are either *Negligible* (minimal lost time/money), *Minor* (first aid injury, professional reputation/liability, etc...), *Significant* (main roads disruption, high cost, etc...) or *Severe* (death or serious injury, etc...).
- **Level of Exposure:** How high is the part predicted to fall from? Will it snap off quickly or tear slowly? How much dampening is present from adjacent canopies or shelters to buffer the fall? Exposure levels are either *Low, Medium, High* or *Full*.
- **Size of Failure:** How much potential energy is stored in the part predicted to fail? A small branch with foliage to slow it down, or a large dead spar with no foliage to slow its’ rate of falling?
- **Risk Rating:** The final result of multiplying *Likelihood* by *Consequence* in Matrix 3.

Step 1 – Identify the hazard (findings from VTA – Visual Tree Assessment).

- Identify the part predicted to fail and the mode of failure.
- Consider the type of target (should be stated in the job brief), either people, property/assets or disruption to traffic/services.

Step 2 – Use the “TRAQ Calculator” shown on the following page to calculate “Initial Risk Rating”.

- Use Matrix 1 to determine **likelihood**.
- Use Matrix 2 to determine **consequence**.
- Use Matrix 3 to determine the **Initial Risk Rating** by multiplying the results of Matrix 1 and Matrix 2 together.

Step 3 – Risk mitigation by applying control measures

- If the **Initial Risk Rating** is:
 - Low – the tree is normal and no further action is required;
 - Moderate – considered broadly acceptable, comparable to the risk of driving;
 - High – apply control measures to either remove target or mitigate the risk and then use the TRAQ Calculator again to assign a *Final Risk Rating* of *Low* or *Moderate*;
 - Extreme – (highly unlikely) urgent measures must be taken to isolate the target or remove the hazard/tree.
- Control measures may include barrier fencing, exclusion of playgrounds during winds over 60km/hr, pruning, fall-arrest bracing systems, etc...
- These measures need to be reasonably practicable, not just practical
- Consider any un-intended hazards that may arise due to implementing the control measures

TRAQ Calculator

Matrix 1: LIKELIHOOD	Chance of Impact				
Chance of Failure		<u>Improbable</u>	<u>Possible</u> (< 50% chance)	<u>Probable</u> (> 50% chance)	<u>Expected</u>
	<u>Improbable</u>	Unlikely	Unlikely	Unlikely	Unlikely
	<u>Possible</u> (< 50% chance)	Unlikely	Unlikely	Somewhat Likely	Somewhat Likely
	<u>Probable</u> (> 50% chance)	Unlikely	Somewhat Likely	Likely	Likely
	<u>Expected</u>	Unlikely	Somewhat Likely	Likely	Very Likely

Matrix 2: CONSEQUENCE	Size of Failure				
Level of Exposure		<u>< 50mm</u> <u>Diameter</u>	<u>50 – 100mm</u> <u>Diameter</u>	<u>100 – 200mm</u> <u>Diameter</u>	<u>> 200mm</u> <u>Diameter</u>
	<u>Low</u> (Full dampening or < 3m high)	Negligible	Negligible	Minor	Significant
	<u>Medium</u> (dampening and 3 – 5m high)	Negligible	Minor	Significant	Significant
	<u>High</u> (dampening and 5 – 10m high)	Minor	Significant	Significant	Severe
	<u>Full</u> (No dampening and > 10m high)	Significant	Significant	Severe	Severe

Matrix 3: RISK RATING	Consequence (from Matrix 2)				
Likelihood (from Matrix 1)		Negligible	Minor	Significant	Severe
	<u>Unlikely</u>	Low	Low	Low	Low
	<u>Somewhat Likely</u> (< 50% chance)	Low	Low	Moderate	Moderate
	<u>Likely</u> (> 50% chance)	Low	Moderate	High	High
	<u>Very Likely</u>	Low	Moderate	High	Extreme

**11.2.5 REQUEST FOR REPORT OUTLINING DECISION PROCESS ON ITEM
11.2.3 OF GENERAL MEETING 17 SEPTEMBER 2014 223-231
WELLINGTON STREET, ORMISTON - ROL005741**

Dataworks Filename: Reports to Council - Portfolio 3 Planning and Development

Authorising Officer:



**Louise Rusan
General Manager Community & Customer
Services**

Author/Responsible Officer: David Jeanes
Group Manager City Planning & Assessment

PURPOSE

This matter is referred to the General Meeting for noting.

BACKGROUND

Council approved an application for Reconfiguring a Lot on land at 223-231 Wellington Street Ormiston for the purpose of a 1 into 24 lots plus public use land at the General Meeting on 17 September 2014.

This development approval has subsequently been subject to concerns raised by the local community and coverage in the media. These concerns relate to the loss of Koala habitat trees within the development site and the level of assessment for the application.

At the General Meeting on 29 October 2014, Council resolved that a report be presented to next General Meeting outlining the decision process on Item 11.2.3 (*Standard Format Reconfiguration – ROL005741 – 223-231 Wellington Street, Ormiston*) of the General Meeting of 17 September 2014.

ISSUES

The Decision Process

As noted, the concerns raised by the local community relate to the level of assessment and loss of Koala habitat trees. The report provides a chronology of events of the application and addresses these two matters specifically.

Chronology of Events

Date	Event
20 March 2014	Development application lodged. The application was deemed by officers to be not properly made as the code assessable application fee had been paid, not the impact assessment fee. The applicant lodged a code assessable application as they believed this was the planning scheme intent.
1 April 2014	Council issued a Not Properly Made Notice, which sought the payment of an additional \$6,336.00 as an impact assessable application.
23 April 2014	Council held discussions with the applicant advising that they could:

Date	Event
	<ol style="list-style-type: none"> 1. Pay the additional fee and go through the impact assessment process; or 2. Wait until the proposed planning scheme amendment took effect and go through the code assessment process. <p>The applicant advised that they would wait and go through the code assessment process. This unknown waiting timeframe was agreed between the applicant and Council in accordance with section 266(3) of the <i>Sustainable Planning Act 2009</i>.</p>
4 July 2014	The Redland Planning Scheme V6.2 took effect. The application became properly made as the fee was now correct.
16 July 2014	An Acknowledgement Notice was issued – Coastal Management District concurrence agency trigger.
7 August 2014	The State Government (SARA) provided their Concurrence Referral Agency Response approving the development.
8 August 2014	The application entered the decision making period.
12 August 2014	The application was called in by the divisional Councillor, which required the decision to be made by Council at a General Meeting.
2 September 2014	The decision making period was extended to 3 October to facilitate the committee date of 17 September 2014.
17 September 2014	Council resolved to approve the development application and grant a development permit.

Level of Assessment

Concern has been raised by the community that the development application should have been impact assessable, rather than code assessable. It is noted that the key difference between code and impact assessment is public notification and submitter appeal rights.

The original drafting intent of the planning scheme was that an application for reconfiguring a lot would be code assessable in circumstances where the application did not create any additional residential lots within that part of the site zoned open space. If additional residential lots were proposed within the open space zone (which is not the intent for the open space zone), the level of assessment was intended to be elevated to impact assessment.

For example, if a developer proposed to cancel an original lot and create ten residential lots in the residential zoned part of a site and dedicate one open space lot to Council in the open space zoned part of the site, the application was intended to be code assessable. In these circumstances impact assessment was considered unwarranted as the location of residential development and open space had been subject to public notification as part of the development and eventual adoption of the Redlands Planning Scheme 2006.

An interpretation issue was noted by development assessment officers regarding the provisions in the scheme relating to this matter. Concern was raised that an alternative interpretation to the planning scheme intent for code assessment might be argued for the example given above, regardless of whether that lot is to be used as open space as intended by the planning scheme. This is on the basis that a lot is created in the open space zone, albeit this lot would be dedicated to Council. This interpretation would render any reconfiguring a lot application involving the open space impact assessable. As noted, that was not the planning scheme intent.

Taking a cautious approach, officers concluded that until the planning scheme was amended to rectify this interpretation issue, applicants should be advised that impact assessment was required for any reconfiguration in the open space zone. This was unfortunate, but considered necessary in order that Council was not exposed to risk of challenge on development application decisions.

Council regularly amends the planning scheme for a number of reasons. This includes resolution of interpretation matters. City Planning and Assessment officers believe it necessary to undertake a minor amendment package approximately every 6 months, or more regularly if required to address emerging or urgent matters.

The planning scheme amendment package that included the correction of this open space zone interpretation issue was Minor Amendment Package 01/2014, adopted by Council on 25 June 2014 and effective 4 July 2014. This was preceded by Minor Amendment Package 02/2013, adopted by Council on 9 October and effective 28 October. The period between these was some 7 months.

Planning scheme amendment package 01/2014 was therefore a planned amendment package. Furthermore, the amendment package included changes other than the resolution of this open space zone level of assessment interpretation matter. The open space amendment was instigated by officers to resolve this matter for the entire city and for every site where these circumstances apply. The amendment was not specific to the Wellington Street site, the subject of this application.

In the case of the Wellington Street development the applicant had two choices:

1. Pay the additional fee of \$6,336.00 and Council would assess as an impact assessable application.
2. Wait for an amendment to occur to the planning scheme.

The applicant was advised that Council would be making the necessary amendment for the reasons outlined above. They consequently elected to wait 3 months for this to occur.

It should be noted the approved development is entirely consistent with the planning scheme intent that residential lots are within the urban residential zone and the open space will be transferred to Council. This is the case regardless of the level of assessment. It should also be noted that the amendment had no relation to, implications for, or bearing upon the assessment relating to Koala habitat trees on the site.

Council should also be aware that whilst the application was code assessable and not subject to public notification, four public comments were received in relation to this application, which were taken into account as part of the assessment.

Retention of Existing Vegetation

Community members have raised concerns regarding the loss of Koala habitat trees within a portion of the site. Council is aware that the decision making rules for development applications are established by Chapter 6, Part 5 of the *Sustainable Planning Act 2009* (SPA). These rules bind Council to those matters relevant to the assessment.

Should Council refuse an application, grounds of refusal have to be given (s.335 of SPA) and these should be defensible on appeal. Similarly, should Council impose a condition, such as requiring retention of vegetation, this must be reasonable and relevant (s.345 of SPA) and should be defensible on appeal. Grounds of refusal or conditions imposed should have a head of power established by a planning instrument relevant to the assessment. The absence of such nexus would cause a refusal or unreasonable or irrelevant condition to be difficult to defend.

For this application and Koala habitat trees, the key planning instruments are the Redlands Planning Scheme and the South East Queensland Koala State Planning Regulatory Provisions (Koala SPRP).

In terms of the planning scheme, it must be noted that the trees of concern are located in the urban residential portion of the site. This portion of the site is intended for residential development as approved. It is the habitat protection overlay that essentially provides the head of power relating to Koala habitat that would allow Council to refuse development or impose conditions.

Importantly, the habitat protection overlay does not cover the trees in question on the site. The habitat protection overlay provides for an enhancement corridor over the open space zoned portion of the site. The planning scheme intent is therefore that the North-South foreshore corridor is of strategic importance, not an East-West corridor link into the Wellington Point residential suburb.

In these circumstances, it is not considered that the planning scheme provides reasonable grounds upon which the retention of Koala habitat trees in the site could be required. On the contrary, the development approval will result in the strategically important North-South corridor being vegetated with Koala habitat trees and transferred to Council.

The application site is subject to the State Government *South East Queensland Koala State Planning Regulatory Provisions* (Koala SPRP). The site is within the Priority Koala Assessable Development Area and is classified as Medium Value Rehabilitation.

The following was provided in the original assessment considered by Council on 17 September:

'As the application is for reconfiguring a lot within a Priority Koala Assessable Development Area and is classified as Medium Value Rehabilitation the application triggers assessment against Table 6 – Development in a Priority Koala Assessable Development Area. Table 6 sets out six assessment criteria within Column 2. The criteria seek to avoid clearing non-juvenile koala habitat trees or where unavoidable clearing occurs that offsets are implemented in accordance with the Offset for Net Gain of Koala Habitat in South East Queensland Policy.

The applicant has not identified any trees for retention within the residential allotments. Due to the development potential of adjoining land, the zoning of the site and future conflicts between proposed dwellings and existing and proposed infrastructure, it is considered that the long term survival of this existing vegetation is very low. Therefore, it is recommended that the option of offsets (or the equivalent cash contribution) in land within habitat linkages and suitable for the long term survival of the habitat values be implemented.

Furthermore, the open space portion of the site is to be revegetated and dedicated as public use land improving the habitat values of the site and ensuring the long term survival of the proposed revegetation.'

The following impediments to the retention of the vegetation are noted:

1. Some of this vegetation has been identified as having structural faults.
2. Some vegetation is located above an existing sewer main that has the potential to be dug up for maintenance.
3. Some vegetation is located where proposed stormwater pipes and overland flow swales are proposed to resolve stormwater issues to protect persons and property.
4. The proposed residential allotments will need access to sewer. Sewer pipes need to be at specific depths and have specific falls. The infill development must connect into existing established sewer pipe levels. To enable adequate fall for sewer and stormwater, some filling will be required. The exact details will not be known until an operational works application is lodged. However, filling within close proximity to the existing vegetation compacts soil around the root zone and negatively impacts on the vegetation.
5. Future use will be residential. Trees in very close proximity to residential activity in urban residential areas give rise to conflicts and increased risks associated with trees.

Due to the above impediments and given that the existing vegetation is in a location that does not link existing habitat it was concluded that long term retention of the trees could not be achieved. In these circumstances it was concluded that the offset provisions of Koala SPRP should be employed. In reaching this conclusion the following was considered:

1. The trees are not part of a mapped corridor under the habitat protection overlay.
2. On the contrary, the planting of trees on the foreshore area, required by condition of approval, achieves the strategic planning scheme intent.
3. That foreshore area is 4878m², which will be transferred to Council. The importance of public ownership in protecting vegetation should not be underestimated. Being in public ownership should ensure its retention for generations to come.
4. This re-vegetated corridor adjoins existing habitat creating a North-South link for fauna to move through our city unimpeded by built form and the dangers of domestic dogs and vehicles.
5. The applicant has submitted a Koala Assessment Report by Austecology which states that koalas appear to traverse through the site, while the evidence found suggests that koalas do not reside on this site and only use the site periodically.
6. A condition requiring retention of vegetation or refusal on these grounds would be difficult to defend, having regard to all material planning considerations.

There appears to be some suggestion from the community that Council should have required the applicant to amend their proposal to provide the Southern part of the site as an east-west pedestrian corridor, retaining the trees. It should be noted that Council cannot require an applicant to amend a proposal. The options available to Council would be to refuse the proposal for non-compliance (conflict) with the relevant planning instruments, or alternatively impose a condition requiring the change to make the proposal compliant with the relevant planning instruments.

Such assertion regarding a footpath gives rise to a number of issues. A narrow corridor would give rise to potential Crime Prevention through Environmental Design (CPTED) concerns. In order to provide a corridor that does not give rise to CPTED concerns the planning scheme in s.9.5.14 Planning Scheme Policy 9 - Infrastructure Works - Chapter 5 typically seeks a minimum path width of 15m. This would have a significant impact upon the development proposal.

A path is not required for east-west pedestrian permeability and access to the foreshore. This is achieved by existing road reserves in Tolson Terrace and Ivory Lane. Such path is also not mapped in this location in the Local Government Infrastructure Plan (formerly known as the Priority Infrastructure Plan). Requiring a change to the development proposal to provide such a path is considered unreasonable and difficult to defend on appeal.

Council will acquire 4878m² of land on the foreshore from the developer to achieve Council's strategic North-South link. This is a significant imposition on the property, but reasonable given the zone and overlay provisions. Requiring a further 15m wide footpath would require dedication of an area of in excess of 2,700m² and is considered to be an unreasonable imposition. Again, this is considered difficult to defend on appeal.

STRATEGIC IMPLICATIONS

Legislative Requirements

In accordance with the *Sustainable Planning Act 2009* this development application was assessed against the Redlands Planning Scheme V6.1 and other relevant planning instruments.

Risk Management

Standard development application risks applied to the application. In accordance with the *Sustainable Planning Act 2009* the applicant may have appealed to the Planning and Environment Court against a condition of approval or against a decision to refuse.

Financial

No financial implications.

People

Not applicable. There are no implications for staff.

Environmental

Environmental implications are detailed within the assessment in the issues section of this report.

Social

Social implications are detailed within the assessment in the issues section of this report.

Alignment with Council's Policy and Plans

The assessment of the approved development aligned with Council's policies and plans as described within the issues section of this report.

CONSULTATION

Consultation occurred with relevant officers on the approved development.

OFFICER'S RECOMMENDATION

That Council resolves to note this report.

11.3 PORTFOLIO 4 (CR LANCE HEWLETT)**COMMUNITY & CULTURAL SERVICES, ENVIRONMENT & REGULATION****11.3.1 DEGEN ROAD CENTRE LEASE AND RECONFIGURATION OF LOT**

Dataworks Filename: CS Childcare – Degen Road
Land Number – L337025

Attachment: [Proposed Reconfiguration of Lot to Facilitate Future Utility of the Degen Road Child Care Centre - Adjoining Council Land](#)

Authorising Officer:



Louise Rusan
General Manager Community & Customer Services

Responsible Officer: **Gary Photinos**
Manager Environment and Regulation

Author: **Merv Elliott**
Property Services Manager

PURPOSE

The purpose of this report is to recommend to Council to take the necessary steps to lease the existing Degen Road Child Centre to the Cerebral Palsy League of Queensland and to support the reconfiguration of the lot.

BACKGROUND

In 1991 Council constructed a child care centre on property situated at Degen Road Capalaba described as Lot 1 SP193524. The footprint of the child care centre on this land is zoned Community Purposes (CP2). Separate to the childcare centre the Capalaba bowls club was constructed in the northern sector of the site. The balance of the land is bush land including a disused borrow pit, with a portion of the site zoned open space.

Until 2007 the centre was operated by Council as a child care centre catering for 50 children. In 2007 Council, after determining that operating a Child Care Centre was a non core service, called tenders for the leasing of the site and subsequently approval was granted for The Gowrie Qld Inc. to lease the site for a term of 10 years expiring on 31st December 2016.

The Gowrie have ceased operations on the site and have requested that Council give consideration to the surrender of the balance of the lease term from 31st October 2014. This request will be recommended as Council has received an alternative offer from the Cerebral Palsy League of Queensland (CPL) to take up the lease for a term of 4 years with a 2 x 2 lease option period.

ISSUES

Surrender of Current Lease

The Gowrie has recently ceased operating the childcare centre mainly because of financial implications and has requested that Council consider the surrender of the balance of the lease term.

On a legal basis, Council has no obligation to surrender the lease which realises approx. \$40,000 per annum in rental. However, the rental negotiated with the CPL group is substantially in excess of this figure and equates to a commercial return on the value of Council assets.

Proposed Lease to Community Organisation

Cerebral Palsy League of Queensland (CPL) is endorsed by the Australian Taxation Office as a charitable entity. Their purpose is to provide support to assist people with disabilities to be active members of their chosen communities and to work towards desired levels of independence by identifying and achieving their personal interests and goals.

The centre-based day services will provide additional and essential daytime support for individuals in their communities. CPL provides personal programs so clients can fulfil their passions, participate in their communities and express their creativity. The activities offered vary between day service centres as they're based on individuals' choices and interests.

Within the Redlands CPL already support people with disabilities in becoming active members of their chosen community and assist them to identify and achieve their personal goals and work towards their desired levels of independence. Examples include participating in art, laser, wood work, computing and photography programs, fishing, gardening, sailing, dancing, going to the cinema, shopping and using public transport. Budgeting, literacy and numeracy, and other life skills programs are also available. Support in the Community (SITC) Capalaba offers support to adults with physical and other disabilities to participate in Life Long Learning Programs & Life Skills Programs. Clients are supported to live the life they choose & participate in the communities of choice, including online communities.

Planning Application Required for Change of Tenancy

The currently facility has been approved as Child Care Centre. The proposed new tenancy would be described as an Educational Facility. The current planning scheme has identified that this change of use requires a code assessable application to be made. An approval will need to be obtained before the CPL could occupy or use the centre for their intended purposes.

The current Building Classification for the Degen Road Child Care Centre is a Class 9a building and the proposed community purposes use by CPL will not require a change to the buildings classification.

Application for Reconfiguration of Lot

The existing childcare facility is erected on a single parcel of Council land developed with the Child Care Centre, Capalaba Bowls Club and an open space tract of vacant land.

It is proposed to reconfigure the parent parcel into three separate allotments in order to facilitate future dealings in respect to optimisation of the use of Council land. What this means is that bowls club, the child care centre site and a vacant parcel of adjoining Council land will be on 3 separate titles that can be dealt with separately by Council at a future date.

STRATEGIC IMPLICATIONS

Lease or sale of the subject property supports Councils strategic direction of optimizing its return from property assets.

Legislative Requirements

Council has exceptions under section 236 of the *Local Government Regulation 2012* to enter into a non-current asset contract other than by tender or auction if the contract is with a community organisation. As the CPL qualifies for a community organisation Council can enter into a contract/lease directly with this organisation.

Risk Management

Leasing of the site will require risk management measures to be monitored and provision in the lease will require that adequate public liability and risk insurance be provided by CPL.

Financial

The financial returns from the lease of the site will be assessed at fair market rental in respect to the lease of commercial premises.

Lodging and making a code assessable application for the change in tenancy would incur an application fee of \$4850 plus additional \$575 per 100 square metres above 500 square metres which would equate to a possible total cost of \$7150. All other costs associated with the application are internalised as Council will be making the application. No budget allocation has been made for this application to be made

The reconfiguration of lot is a code assessable application which will incur costs for surveying, planning reports and lodgement fees and any applicable infrastructure charges. No budget funds have been allocated for making this application and it is estimated to be in the vicinity of \$20 000 to \$30 000.

People

No people issues have been identified.

Environmental

The subject site is identified in Council's Town Planning Scheme as Community Purposes and Open Space Zones. There are no environmental implications identified for the leasing of the centre. The reconfiguration of the site will have all environment issues identified and assessed through the application and assessment process.

Social

No Social implications are identified by leasing of the site to this worthy organisation.

Alignment with Council's Policy and Plans

Council is obliged to optimise the use of its assets. Lease of the property supports Council's strategic direction in this regard.

CONSULTATION

Council's Principal Property Consultant has consulted with Group Manager Community and Cultural Services, Local Councillor, Group Manager City Planning and Assessment, Development Control Service Manager, the Strategic Planning Unit, Project Director Property Development and Group Manager Environment and Regulation.

OPTIONS**Option 1**

That Council resolve to:

1. Authorise the surrender of the existing lease to the Gowrie Incorporated of the Degen Road Childcare Centre from a date mutually agreed upon (31st October 2014).
2. Authorise the lease of the subject site to Cerebral Palsy League of Queensland (CPL) for a period of 4 years divided into 2 year lease with 2 year option period.
3. Make an application for the change of tenancy from Child Care Centre to Education Facility and waive all association application fees.
4. Approve the subdivision of Lot 1 SP193524 (and provide budgetary approval to allocate funds to make the application) into 3 separate allotments
 - a) Childcare Centre Site,
 - b) Capalaba Bowls Club,
 - c) Vacant freehold Council land.
5. Authorise the Chief Executive Officer or delegated officer to execute all documents related to the above.

Option 2

That Council resolve to:

1. Authorise the surrender of the existing lease to the Gowrie Inc. of the Degen Road Childcare Centre from a date mutually agreed upon (31st October 2014) and not enter into any further leases with any organisation or individuals.
2. Approve the subdivision of Lot 1 SP193524 (pending budgetary approval to allocate funds to make the application) into 3 separate allotments
 - a) Childcare Centre Site,
 - b) Capalaba Bowls Club,
 - c) Vacant freehold Council land.

3. Authorise the sale of the childcare centre site in accordance with the provisions of the Local Government Act and Regulations.
4. Authorise the Chief Executive Officer to accept or reject any tender received and to execute any contract of sale applicable in accordance with provisions of the Local Government Act/Regulations.
5. Delegate authority to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary, discharge and sign all necessary documentation.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. Authorise the surrender of the existing lease to the Gowrie Incorporated of the Degen Road Childcare Centre from a date mutually agreed upon (31st October 2014);
2. Authorise the lease of the subject site to Cerebral Palsy League of Queensland (CPL) for a period of 4 years divided into 2 year lease with 2 year option period;
3. Make an application for the change of tenancy from Child Care Centre to Education Facility;
4. Approve the subdivision of Lot 1 SP193524 (and provide budgetary approval to allocate funds to make the application) into 3 separate allotments:
 - a) Childcare Centre Site
 - b) Capalaba Bowls Club
 - c) Vacant freehold Council land.
5. Delegate authority to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary, discharge and sign all necessary documentation.

Proposed Reconfiguration of Lot to facilitate future utility of the Degen Road Child Care Centre adjoining Council land



11.4 PORTFOLIO 5 (CR PAUL GLEESON)**INFRASTRUCTURE & OPERATIONS****11.4.1 NEW LEASE TO COOCHIEMUDLO ISLAND RECREATION CLUB INC.****Dataworks Filename:** L.308495**Attachment:** [Coochiemudlo Island Recreation Club](#)**Authorising/Responsible Officer:****Lex Smith
Acting General Manager Infrastructure &
Operations****Author:****Lawrence Camilleri
Senior Property Officer****PURPOSE**

The purpose of this report is to recommend that Council grant a new trustee lease to the Coochiemudlo Island Recreation Club Inc.

BACKGROUND

Council hold, under trusteeship from the Crown for Recreation & Local Government purposes, Reserve 2117 – Laurie Burns Sportsfield situated at 43-45 Elizabeth Street, Coochiemudlo Island described as Lot 4 SP115493.

Part of the reserve shown on the attached site plan has been leased by Council to the Coochiemudlo Island Recreation Club Inc however the lease has expired. The club has requested a new trustee lease with an increased lease area.

ISSUES

The previous lease to Coochiemudlo Island Recreation Club Inc covered an area of 200m² and contained a clubhouse. The club has requested a larger lease footprint to accommodate a proposed extension on the northern side of the building and an existing awning on the eastern side. At this point in time, the club does not have drafted plans for the extension, so it is proposed that the lease area be defined by survey to closely follow the final building footprint including stairs etc and not exceed the masterplan allocation.

Defining the final lease area by survey complies with Council policy POL-3071 Leasing of Council Land and Facilities which allows a lease of the footprint of buildings.

The Department of Resources & Mines (DNRM) has advised that trustee leases within Reserve 2117 should have an expiry date no later than 8 September 2022 as this is the review date of the Laurie Burns Sportsfield Masterplan approved by Council and registered with DNRM in 2012. The masterplan included provision for a further trustee lease to Coochiemudlo Island Recreation Club Inc including an increased lease area.

STRATEGIC IMPLICATIONS

Legislative Requirements

Section 236(1)(b)(ii) of the *Local Government Regulation 2012* (the *Regulation*) allows for the disposal of land or an interest in land to a community organisation, other than by auction or tender, subject to the local authority resolving that s236(1)(b)(ii) applies. Council officers agree that s236(1)(b)(ii) applies to the proposed new trustee lease to Coochiemudlo Island Recreation Club Inc.

Risk Management

The Coochiemudlo Island Recreation Club Inc will be required to continue providing evidence of property and public liability insurance annually. All structural/routine maintenance, electrical and fire safety checks etc are the responsibility of the lessee.

A recent condition audit undertaken by Council's Facility Services Unit of the premises indicates that the premises are generally in good repair.

Financial

Council will not incur any costs with the preparation and registration of the proposed trustee lease. Rental of \$1 per annum (if demanded) is proposed in line with not-for-profit community and sporting leases over Council land.

People

There are no staff implications.

Environmental

None identified.

Social

None identified. The Laurie Burns Sportsfield Masterplan process included a public consultation phase including an outline of the Coochiemudlo Island Recreation Club Inc lease and expansion.

Alignment with Council's Policy and Plans

The proposed trustee lease complies with Council's policy POL-3071 Leasing of Council Land and Facilities which supports leases that benefit the wider community.

Council has developed a standard format lease which will be used as the basis of the lease to Coochiemudlo Island Recreation Club Inc in addition to DNRM's standard trustee lease provisions.

CONSULTATION

The Senior Property Officer has consulted with the Divisional Councillor, Service Manager Sport & Facilities, Acting Service Manager Facility Services and Parks & Conservation Service Manager.

OPTIONS**Option 1**

That Council resolves to:

1. Make, vary or discharge a new trustee lease to Coochiemudlo Island Recreation Club Inc within Laurie Burns Sportsfield Reserve described as Lot 4 on SP115493 as shown approximately on the attached site plan;
2. Allow the final lease area be defined by survey as the footprint of the building whilst not exceeding the space allocated in the Laurie Burns Sportsfield Masterplan to the club;
3. Agree that the lease be to 8 September 2022 on terms and conditions considered satisfactory to the Chief Executive Officer;
4. Agree in accordance with s236(2) of the *Local Government Regulation 2012* that s236(1)(b)(ii) of the *Regulation* applies allowing the proposed trustee lease other than by auction or tender; and
5. Delegate authority to the Chief Executive Officer under s257(1)(b) of the *Local Government Act 2009* to sign all documents in regard to this matter.

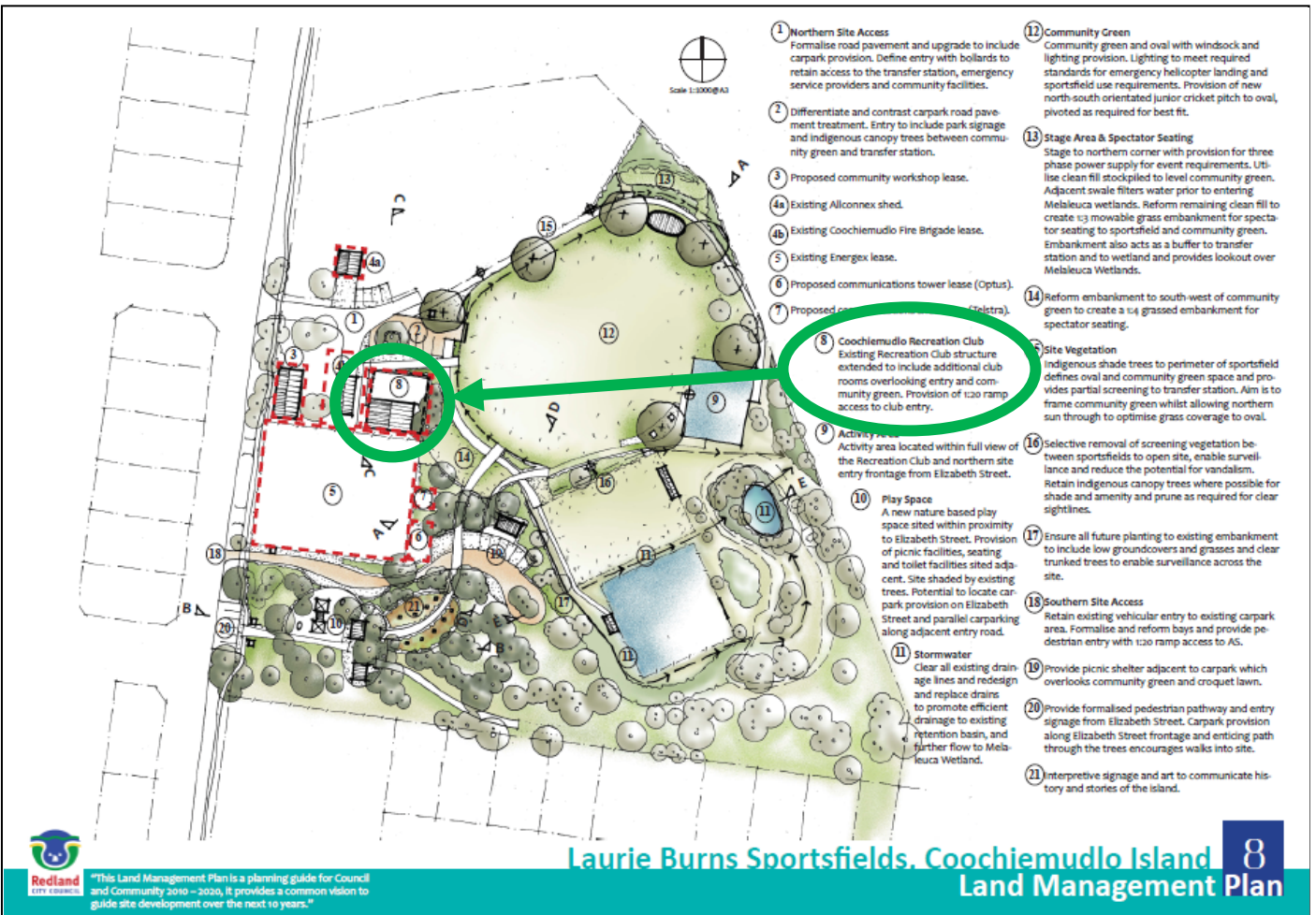
Option 2

That Council resolve to refuse the application from the club for a new trustee lease.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. **Make, vary or discharge a new trustee lease to Coochiemudlo Island Recreation Club Inc within Laurie Burns Sportsfield Reserve described as Lot 4 on SP115493 as shown approximately on the attached site plan;**
2. **Allow the final lease area to be defined by survey as the footprint of the building whilst not exceeding the space allocated in the Laurie Burns Sportsfield Masterplan to the club;**
3. **Agree that the lease be to 8 September 2022 on terms and conditions considered satisfactory to the Chief Executive Officer;**
4. **Agree in accordance with s236(2) of the *Local Government Regulation 2012* that s236(1)(b)(ii) of the *Regulation* applies allowing the proposed trustee lease other than by auction or tender; and**
5. **Delegate authority to the Chief Executive Officer under s257(1)(b) of the *Local Government Act 2009* to sign all documents in regard to this matter.**



11.4.2 KARRAGARRA ISLAND – CONDITIONALLY REGISTERED VEHICLE USAGE**Dataworks:** RTT: Local Area Traffic Management**Attachments:** [Draft POL-2385 Conditionally Registered Vehicle \(golf buggies or derivatives of\)](#)
[Draft GL-2385-001 Conditionally Registered Vehicle \(golf buggy or derivative of\) Management](#)**Authorising Officer:****Lex Smith**
Acting General Manager Infrastructure & Operations**Responsible Officer:****Murray Erbs**
Group Manager City Infrastructure**Author:****Russell Smith**
Adviser Traffic Investigations

PURPOSE

The purpose of this report is to address a request to Council from the Karra Buggy Owners Group seeking support from Council for the use of conditionally registered vehicles on Karragarra Island public roads.

BACKGROUND

On 13 June 2014, Council received representation on behalf of the Karra Buggy Owners Group seeking a letter of support for the use of conditionally registered vehicles on the Karragarra Island public road network.

The use of conditionally registered vehicles, in particular golf buggies on the island has previously been raised by the Karragarra Island Ratepayers & Residents Association Inc and, in May 2014, the matter was also highlighted in both print and television media.

Council records indicate that Karragarra Island has approximately 4.8km total length of public roads, of which 4.1km are sealed and 0.7km are unsealed. The longest public road, The Esplanade, is only 1.7km in length. All of the island's public roads are classified as Local Street in Council's road hierarchy. The regulatory speed limit for the island's road network is 40km/h with the exception of a short section of The Esplanade being 20km/h. The island is approximately 2 square kilometres in area and contains a population of around 170 residents.

ISSUES

Conditional registration allows some types of non-standard vehicles to access the public road network based on compliance with specified conditions and requirements. There are currently 16 golf buggies and 1 tractor on the island.

Some of these vehicles have concessional registration, however they are unable to legally access the island's public roads as all the requirements of the conditional registration have not been met.

The Department of Transport and Main Roads (DTMR) is responsible for issue of conditional registration in accordance with the Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010 and DTMR's Guideline for Conditionally Registered Vehicles in Queensland, Form 17, Version 3.2, October 2014 (Attachment 3).

The DTMR guideline identifies the 3 possible operating codes for conditional registration of golf buggies or derivatives of. The three codes are listed as LO3, LO6(A) and LO7.

DTMR is the responsible authority to determine which code is applicable to the applicant's circumstances.

Advice provided by DTMR and the State Government indicated the following:

Code LO6(A) is restricted to the use of a designated route. LO6(A) is the most likely code applicable to the use of conditionally registered vehicles on Karragarra Island. One of the conditions listed under code LO6(A) is that a vehicle must operate under requirements detailed in a current route specific approval issued by the authority responsible for management of the road. In the case of public roads on Karragarra Island this would need to be issued by Redland City Council (RCC).

Code LO3 is restricted to the use within a designated area such as a carpark, resort, university grounds, etc and permits a vehicle operating under code LO3 to cross a road within the designated area. LO3 is unlikely to be applicable to the requested use of public roads on the island. However, if determined applicable, one of the conditions listed under code LO3 is that a vehicle operating in the designated area must have authorisation from the land or area owner. RCC would need to provide authorisation in the case of Karragarra Island.

Code LO7 is restricted to the use of public roads for loading and unloading. LO7 is not applicable to the requested use.

The issue for Council is to determine whether or not to support the use of conditionally registered vehicles (golf buggies or derivatives of) on public roads in Redlands and in the case of supporting their use, determine what requirements are needed to ensure safe operation of these vehicles and reduce the risk of injury/property damage incidences and possible liability for Council.

The following points are provided for consideration:

- There are currently no identified Australian states (including Queensland) that have provided approval for use of conditionally registered vehicles (golf buggies or derivatives of) on a public road network. Use has been permitted on privately owned roads within restricted areas like hospital grounds, resorts and golf courses. Consequently, a decision to support their use on public roads within Redlands would be on a pioneering basis.

- The proposed vehicles (golf buggies or derivatives of) are non-standard vehicles and do not meet the safety or operating standards (such as seat belts and air cushions) required for road registered vehicles. Therefore the safety and liability factors for both Council and community need to be closely considered before their use on public roads is granted.
- Risk to the safety of road users increases when differing modes and standards of transportation are incorporated within a single roadway. Combined use of public road carriageways by pedestrians, golf buggies, vehicles and cyclists where fully separated facilities are not provided needs to consider factors such as times of usage, volume and type of traffic, operating speeds and speed differentials between usage types, road width, road standard and condition.
- Support and approval for use on Karragarra Island's public roads will likely result in requests for use of further locations (other island and main land areas). Use of assessment/approval criteria such as maximum speed, maximum trip distance, maximum drive time, low traffic and population areas, etc could be used to contain the use to locations considered safer and with lower risks.

STRATEGIC IMPLICATIONS

Legislative Requirements

The Department of Transport and Main Road's Guideline for Conditionally Registered Vehicles in Queensland, Form 17, Version 3.2, October 2014 is issued under s14(1)(a) of the Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010. The guideline requires authorisation from the land/area owner or route specific approval from the managing road authority to allow a vehicle to operate under a conditional registration, dependent on the applicable condition code. RCC is the owner and managing authority for public roads on Karragarra Island.

Risk Management

Risks to Council and the community will be managed by application of Council policy and guideline via an assessment process using specified safe operating criteria and conditions. A copy of the draft policy and guideline is detailed in Attachments 1 and 2 of this report.

Financial

Overall financial requirements are expected to be negligible.

However, Council may need to consider additional funding in the future to ensure roads are renewed and maintained to a standard suitable for safe and efficient use by non-standard vehicles. Future funding requirements would be determined and based on road condition, type and number of non-standard vehicles using the roadway.

Consideration may also be needed to ensure suitable resources are available to meet increased workloads due to assessment and processing of route specific applications. This would need to be determined on a future needs basis.

People

Consideration of appropriate staffing levels/duties may be required to ensure efficient and timely assessment and processing of applications. It is likely that in addition to the initial application, annual renewal permits would also be required.

Environmental

Positive – supports and encourages use of a cleaner and healthier island transport alternative through use of low polluting, low energy private vehicles.

Negative - may increase the number of island residents' vehicles requiring mainland parking resulting in future expansion of the already limited and overwhelmed parking facilities near the ferry terminals.

Social

It is considered that although the outcome of recommendations in this report directly benefit only a small percentage of the island residents, the recommendations also support the overall outcomes contained in the SMBI 2030 Community Plan.

Alignment with Council's Policy and Plans

- **SMBI 2030 Community Plan:**

- Green Living

- GL 6.5 Encourage and support behavioural change towards walking, cycling and green powered vehicles including bicycles and tricycles.

- Wise Planning and Design

- WPD 12.6 Support alternative forms of transport to the private vehicle, especially for relatively short trips such as cycling, powered cycles/tricycles and golf buggies (with an ageing population greater emphasis needs to be placed upon low powered 2/3 wheel vehicles).

- **Corporate Plan:**

- 5 - Wise Planning and Design

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

CONSULTATION

- Risk & Liability Services Unit
- Legal Services
- Division 4, Division 5 and Division 9 councillors.

OPTIONS**Option 1**

That Council resolves as follows:

1. To support and manage the safe use of conditionally registered vehicles (specifically golf buggies or derivatives of) on the public road network of the smaller bay islands, namely Karragarra Island, Lamb Island and Coochiemudlo Island;
2. To approve and support use of the Conditionally Registered Vehicle (golf buggies or derivatives of) Policy (as detailed in Attachment 1) and the Conditionally Registered Vehicle (golf buggy or derivative of) Management Guideline (as detailed in Attachment 2); and
3. That the Karra Buggy Users Group, the Karragarra Island Ratepayers & Residents Association Inc, the Department of Transport and Main Roads and the Queensland Police Service be advised in writing of Council's resolution in this matter.

Option 2

That Council, following due consideration of all factors including safety, risk and liability resolve to not support the use of conditionally registered vehicles on public roads within the Redland City Council area.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. **To support and manage the safe use of conditionally registered vehicles (specifically golf buggies or derivatives of) on the public road network of the smaller bay islands, namely Karragarra Island, Lamb Island and Coochiemudlo Island;**
2. **To approve and support use of the Conditionally Registered Vehicle (golf buggies or derivatives of) Policy (as detailed in Attachment 1) and the Conditionally Registered Vehicle (golf buggy or derivative of) Management Guideline (as detailed in Attachment 2); and**
3. **That the Karra Buggy Users Group, the Karragarra Island Ratepayers & Residents Association Inc, the Department of Transport and Main Roads and the Queensland Police Service be advised in writing of Council's resolution in this matter.**

Conditionally Registered Vehicle (golf buggies or derivatives of) Policy

Version Information

Head of Power

This policy supports Outcome 5 Wise Planning and design/Strategy, Strategy 12.6 – Support alternative forms of transport to the private vehicle, especially for relatively short trips such as cycling, powered cycles/tricycles and golf buggies (with an ageing population greater emphasis needs to be placed upon low powered 2/3 wheel vehicles).

Policy Objective

Support and manage the safe use of conditionally registered vehicles (golf buggies or derivatives of) on the Redland City Council's public road network.

Policy Statement

1. Use of conditionally registered vehicles (golf Buggies or derivatives of) will only be considered on the public road network of the smaller bay islands, namely Karragarra Island, Lamb Island and Coochiemudlo Island.
2. The support and approval to use a conditionally registered vehicle (golf buggy or derivative of) is dependent on it meeting the criteria specified in Council's Conditionally Registered Vehicle (golf buggy or derivative of) Management Guideline.

Council is committed to:

- Enhancing transport choices which support the community.
- Promoting community views and interests associated with improving the amenity and safety of local areas.
- Improving the use and amenity of the local public roads by ensuring the operation and composition of traffic is in accordance with Council's road hierarchy and the design constraints of the local public road.

Version Information

Version number	Date	Key Changes
1	17 Oct 2014	Initial Draft

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Conditionally Registered Vehicle (golf buggy or derivative of) Management Guideline

Version Information

Scope

This Guideline is applicable to Council's City Infrastructure Group.

Purpose

To provide specific criteria for the assessment and approval conditions for the use of conditionally registered vehicles (golf buggies or derivatives of) on the smaller Bay Island's public road network.

Definitions

Conditionally Registered Vehicle (Golf buggy or derivative of)

A vehicle compliant with the definition specified in the State of Queensland Traffic Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010 and Queensland Department of Transport and Main Roads Guideline for Conditionally Registered Vehicles in Queensland, Form 17, version 3.2, October 2014.

Smaller Bay Islands

Karragarra Island, Lamb Island and Coochiemudlo Island

Actions and Responsibilities

The Manager, City Infrastructure Group is responsible for the assessment and approval of applications for the use of conditionally registered vehicles (golf buggies or derivatives of) on Redland's public road network.

Approval of applications for Conditionally Registered Vehicles (Golf Buggies or Derivatives of) will only be considered where **all** of the following criteria are met:

- Vehicle type is golf buggy or a derivative of, meeting the Queensland Department of Transport and Main Roads requirements for conditional registration.
- The vehicle is only permitted to operate up to a maximum speed of 20km/h.
- The public roads to be used are located entirely only on one of the small Moreton Bay Islands with a maximum land area of 5 square km (namely Karragarra Island, Lamb Island and Coochiemudlo Island) in Redlands.
- The majority of the public roads are sealed.
- The permanent regulatory speed along the public roads is no greater than 40km/h.
- The maximum single trip public road travel time at maximum 20km/h is 15 minutes.
- The maximum distance of public road travel is within a 2.0km radius of the main ferry terminal on the Island.
- Existing public road traffic usage is low.
- Island resident population is less than 1000.

CMR Team use only

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The following operating requirements are to be included in all approved route specific permits for use of conditionally registered vehicle (specifically golf buggies or derivatives of) in Redlands:

- Vehicle holds a current conditional registration issued by QLD DTMR.
- A current Queensland Police approval permit has been issued for the vehicle use on specified public roads.
- A current DTMR approval permit for the vehicle type/standard if required (carrying passengers) has been issued.
- The vehicle is only permitted to use the approved public roads during daylight hours.
- The vehicle is only permitted to operate up to a maximum speed of 20km/h.
- The vehicle is to be operated at all times in accordance with Transport Operations (Road Use Management) Regulation (including current driver licence).
- The vehicle owner must provide proof of current suitable third party property or comprehensive insurance policy (in addition to CTP) and maintain that insurance cover or equal cover for the vehicle over the permit period.

Reference Documents

This Guideline has been developed to support the administration of:

POL- 2385 - Conditionally Registered Vehicle (golf buggies or derivatives of) Policy.

Associated Documents

- Traffic Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010
- Queensland Department of Transport and Main Roads Guideline for Conditionally Registered Vehicles in Queensland, Form 17, version 3.2, October 2014.

Document Control

- Only the General Manager Infrastructure and Operations can approve amendments to this guideline. Please forward any requests to change the content of this document to the Manager
- Approved amended documents must be submitted to the Office of the Chief Executive Officer to place the document on the Policy, Guidelines and the Procedures Register.

Version Information

Version No.	Date	Key Changes
1	17 Oct 2014	New guideline

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12 MAYORAL MINUTE

In accordance with s.35 *Redland City Council Meetings – 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 CLOSED SESSION

Council or Committee has a broad power under Section 275(1) of the Local Government Regulation 2012 to close a meeting to the public where there are genuine reasons why the discussion on a matter should be kept confidential.

14.1 NOTICE OF MOTION – CR EDWARDS

14.1.1 FERRY TERMINALS ON SMBI

On 22 October 2014, in accordance with s.7(3) *Redland City Council Meeting Standing Orders*, Cr Edwards gave notice that he intends to move a confidential Notice of Motion and that the meeting be closed to the public to discuss this matter pursuant to Section 275(1) of the *Local Government Regulation 2012*.

The reason that is applicable in this instance is as follows:

"(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage."

14.2 NOTICE OF MOTION – CR EDWARDS

14.2.1 MACLEAY ISLAND ECO-HERITAGE AND RECREATION

On 22 October 2014, in accordance with s.7(3) *Redland City Council Meeting Standing Orders*, Cr Edwards gave notice that he intends to move a confidential Notice of Motion and that the meeting be closed to the public to discuss this matter pursuant to Section 275(1) of the *Local Government Regulation 2012*.

The reason that is applicable in this instance is as follows:

"(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage."

15 URGENT BUSINESS WITHOUT NOTICE

A Councillor may bring forward an item of urgent business if the meeting resolves that the matter is urgent.

16 MEETING CLOSURE