



Redland
CITY COUNCIL

AGENDA

COORDINATION COMMITTEE MEETING

**Wednesday, 18 December 2013
commencing at 10.30am**

The Council Chambers
35 Bloomfield Street
CLEVELAND QLD

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The Mayor is the Chair of the Coordination Committee. Coordination Committee meetings comprise of *Portfolios* chaired by Council's nominated spokesperson for that portfolio as follows:

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

1 DECLARATION OF OPENING

Quorum:

6 councillors, including Chairperson (a majority of members)

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 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.

4 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.

5 PORTFOLIO 4 (CR KIM-MAREE HARDMAN)
COMMERCIAL ENTERPRISES (WATER, WASTE, RPAC ETC)**5.1 INFRASTRUCTURE & OPERATIONS****5.1.1 CONTINUATION OF FLUORIDATION IN DRINKING WATER**

Datworks Filename: WS Water Supply-WS Monitoring-WS Fluoridation

Authorising/Responsible Officer: 

Gary Soutar
General Manager Infrastructure & Operations

Author: **Bradley Taylor**
Group Manager Water & Waste Infrastructure

PURPOSE

This report seeks Council's decision on continuing to accept fluoridated bulk water.

BACKGROUND

In 2010, fluoride was introduced into bulk water supplies across the south-east Queensland (SEQ) water grid. This occurred as a result of the introduction of the *Water Fluoridation Act 2008* (the *Act*) which required all Queensland water supplies to be fluoridated.

In November 2012, Parliament amended the *Act* with the primary alteration being the removal of the mandatory requirement to fluoridate all relevant public potable water supplies. The *Act* allows local governments to determine if it is in the best interests of their communities to implement, or continue, fluoridation.

Where councils receive water that is secured from the SEQ water grid and intend to discontinue fluoridation, each council must implement this decision by negotiation with Seqwater and other impacted councils and ensure there will be no adverse impact on the water supply arrangements for other local councils. All costs faced by Seqwater or other impacted local governments would be the responsibility of the local governments or governments that took the decision to cease fluoridation.

Brisbane City Council (BCC) has already announced that they will be continuing with fluoridation. The major driver for this decision was the avoided costs of supplying fluoride dosing facilities on the boundaries of Brisbane (\$180M).

Logan City Council (LCC) has also decided that it will continue to receive fluoridated water from Brisbane and also Redland. The main driver of LCC's decision related to avoiding dosing facility costs of approximately \$100 million.

It is estimated that Redland would need to provide additional treatment facilities at the boundary between the Logan and Redland water grid to remove fluoride in water supplied from Logan and also fluoridate water that is delivered to Logan from Redland. A very rough estimate of the cost of providing these facilities as well as compensating Seqwater for the depreciation of its assets is in the order of \$32M. It is understood there would also be an on-going operational cost to Redlands for the treatment facility that removes fluoride from the water.

Fluoridation has been proven as a safe and effective means of preventing tooth decay for people of all ages, not just children, and is supported by peak health bodies including the National Health and Medical Research Council, the Australian Dental Association, the Australian Medical Association and the World Health Organisation. Queensland Health recommends that local governments consider the significant oral health benefits that are associated with drinking fluoridated water.

The Local Government Association survey in 2005 showed nearly 60% of Queenslanders surveyed favoured fluoridation, while only 21% were opposed to fluoridation.

RCC is normally supplied by bulk water supplies from Capalaba and North Stradbroke Island (NSI) with the exception of Dunwich, Amity and Pt Lookout which have their own supplies. Most untreated water supplies contain trace levels of fluoride in any case. During the last 2 summers, Seqwater has opted to supply the southern area of Redlands with water from Logan during summer months to assist with water quality issues in Logan. Therefore RCC has had water supplied from Mt Crosby water treatment plant (WTP), Tugun desalination plant, Hinze Dam, NSI WTP and Leslie Harrison Dam.

Both LCC and BCC have formally indicated that they will continue to provide fluoridated water to their customers.

ISSUES

In considering what is best for the community, Infrastructure & Operations have considered the following impacts:

- Economic impact of undertaking additional capital works for no observable customer improvement;
- Possible reputation impacts associated with not fluoridating;
- Increase in the operational complexities of providing water in the event that fluoride is to be discontinued.

STRATEGIC IMPLICATIONS

The recommendation primarily supports Council's strategic priority to provide and maintain water, waste services, roads, drainage and support the provision of transport and waterways infrastructure.

Legislative Requirements

Changes to the *Queensland Fluoridation Act 2008* now permit a local government to decide whether they will either continue to accept fluoridated water or cease to accept. If the local government decides to cease to accept fluoridated water it will be

responsible for compensated the water supplier for costs associated with depreciation and disestablishment as well as any grid treatments.

The *Act* allows Local Governments to determine if it is in the best interests of their communities to implement, or continue, fluoridation

Risk Management

Fluoridation of drinking water supplies is a common and acceptable practice in the majority of first world countries. There is minimal risk in continuing to receive fluoridated bulk water. There is a political risk that a very small minority of the community will provide a vocal opposition to the use of fluoride.

Financial

There are no financial implications if RCC continues to receive fluoridated water. There are very large capital and ongoing operational costs of approximately \$32M and \$500,000/yr respectively if RCC decides to discontinue with fluoride.

People

Additional specialist resources will be required to operate and maintain a de-fluoridation plant if a decision is made to cease to receive fluoridated water.

Environmental

Not applicable

Social

Part of the population is opposed to receiving fluoride in drinking water.

Alignment with Council's Policy and Plans

Continuation of providing fluoride in the water supply aligns with RCC'S Corporate Plan objective of Wise Planning and Design.

CONSULTATION

Consultation has occurred with senior officers within Seqwater, LCC and Queensland Urban Utilities (QUU) in respect of continuing to receive fluoridated water and estimation of costs to be paid to Seqwater which are associated with ceasing the fluoridation of water.

OPTIONS

1. To continue to receive fluoridated water.
2. To indicate that it does not intend to receive fluoridated water and commences the required process of negotiation with external stakeholders. A final recommendation will be brought to Council to consider the detailed costs and requirements of external stakeholders.

OFFICER'S RECOMMENDATION

That Council resolve to continue to receive fluoridated bulk water.

6 PORTFOLIO 6 (CR MARK EDWARDS)
CORPORATE SERVICES**6.1 INFRASTRUCTURE & OPERATIONS****6.1.1 AMENDMENT TO FEES AND CHARGES SCHEDULE 2013-2014 – BUS SHELTER ADVERTISING**

Datworks Filename: RTT: RCC Bus Shelter Advertising – Accounts/Finance

Attachments: [Comparison of Current Pricing Structure Revised Fees and Charges Schedule 13/14](#)

Authorising Officer:



Gary Soutar
General Manager Infrastructure and Operations

Responsible Officer:

Murray Erbs
Manager City Infrastructure

Author:

Christine Cartwright
Adviser Infrastructure Projects

PURPOSE

The purpose of this report is to seek Council approval to amend the 2013/2014 Fees and Charges Schedule as detailed.

BACKGROUND

Advertising on bus shelters in the Redlands has and is continuing to produce an alternative source of revenue for Redland City Council (RCC). There are 2 types of bus shelter advertising available in the Redlands, including:

1. Illuminated – managed by Adshel under a 15-year agreement where Council receives 37% of profits (after commissions) on a quarterly basis.
2. Non-illuminated – managed by RCC (City Infrastructure Group) where individual contracts are issued to local advertisers and are billed monthly.

The changes proposed are solely for non-illuminated advertising as currently managed by the City Infrastructure Group.

ISSUES

Since early 2013, work has been underway to implement changes to how bus shelter advertising is managed, in order to provide better customer service, and provide long-term improvements to vacancy rates and revenue generation. These changes include:

1. Revising existing standard contracts to provide for more flexible terms for advertisers, and also strengthen clauses relating to non-payment and cancellations (in order to negate issues previously experienced by Council);
-

2. Creating a Council webpage for prospective advertisers so pricing, contract terms and expression of interest forms are readily available; and
3. Benchmarking current Council pricing with current market pricing (particularly Brisbane and Logan which use non-illuminated bus shelter advertising) and amending the Fees and Charges Charter.

Several south-east Queensland (SEQ) councils were recently contacted in order to understand existing bus shelter advertising arrangements for non-illuminated adspace. Councils contacted included Logan City, Gold Coast City, Brisbane City, Ipswich City, Lockyer Valley and Moreton Bay.

Only 2 of the councils contacted confirmed that they continue non-illuminated adspace: Logan City and Brisbane City. Both councils currently outsource the adspace management and shelter maintenance to Adshel (in addition to their illuminated adspace and shelters).

Adshel were subsequently contacted and have been forthcoming in their current non-illuminated adspace pricing for the Logan, Brisbane South and Brisbane North areas. A comparison of Adshel and RCC's current pricing structure is set out in Attachment 1.

Current market prices (Adshel) promote a standardised, simple approach to adspace fees and charges, specifically for large panels, rather than a complex schedule based on per/m² rates, road hierarchy and lead or trail panel classification. Current council pricing is the result of consistently indexed charges, and there are no records which indicate that these fees have previously been reviewed or benchmarked to align with market rates.

Based on the benchmarking exercise, current rates (for small panels) and contractor prices for installation and removal services, Attachment 2 shows the revised fees and charges schedule proposed for advertising on bus shelters.

STRATEGIC IMPLICATIONS

Legislative Requirements

There are no identified legislative requirements.

Risk Management

If the amendments are not adopted, advertising clients will continue to pay fees that (in the majority of cases) are significantly higher than current market prices. Adshel has successfully monopolised the shelter advertising markets in Brisbane, Logan and other SEQ councils, and by revising the current pricing structure and continuing to offer and manage non-illuminated adspace, RCC is providing an affordable alternative for local businesses as well as maintaining 100% of the returns.

Financial

Overall, the proposed changes detailed in Attachment 2 will have a negligible impact on the department's budget bottom line as vacancy rates are currently extremely high (87%) and it is expected that a new pricing structure (coupled with improved customer service) will reduce vacancies and improve revenue generation in the long term.

People

70% of enquiries for advertising received are from independent, small businesses in the Redlands looking for exposure in the CBD areas, and 85% of current contracts are with small or franchise businesses based in the Redlands. However, officers are currently unable to offer competitive adspace rates, resulting in lost revenue and high vacancy.

Environmental

There are no identified environmental risks.

Social

As at August 2013 only 1 in 10 enquiries resulted in a new contract, and this was identified in part (from feedback from clients) due to the affordability of the adspace. The implementation of benchmarked commercial rates will maintain affordable advertising opportunities for local business and organisations within Redland City.

Alignment with Council's Policy and Plans

Proposed changes remain compliant with existing council documents including:

- Local Law No. 11 (Control of Signs);
- POL-2873 Leasing of Advertising Space on Bus Shelters and Seats;
- GL-2873 Leasing of Advertising Space on Bus Shelters and Seats; and
- PR-2873-001-001 Bus Shelter Advertising.

CONSULTATION

The City Infrastructure Group as well as Financial Services Group has been consulted on this matter and support the recommendation of this report.

OPTIONS

1. That Council resolve to adopt amendments to the 2013/2014 Fees and Charges Schedule to reflect the changes to the advertising on bus shelter pricing structure.
2. That Council resolve not to adopt the amendments to the 2013/2014 Fees and Charges Schedule.

OFFICER'S RECOMMENDATION

That Council resolve to adopt amendments to the 2013/2014 Fees and Charges Schedule to reflect the changes to the advertising on bus shelter pricing structure.

7 PORTFOLIO 7 (CR JULIE TALTY)
PLANNING & DEVELOPMENT**7.1 COMMUNITY & CUSTOMER SERVICES****7.1.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 AND 3 DEVELOPMENT APPLICATIONS**

Datworks Filename: Reports to Coordination Committee -
Portfolio 7 Planning and Development

Attachment: [Decisions Made Under Delegated Authority](#)

Authorising/Responsible Officer: 
Louise Rusan
General Manager Community & Customer
Services

Author: Louise Milligan
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 & associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments & Minor Impact Assessments;

Category 3 – Moderately Complex Code & Impact Assessments; and

Category 4 – Major and Significant Assessments.

The applications detailed in this report have been assessed under:-

- Category 1 criteria - defined as complying code assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature.
 - 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 Development and Community Standards Committee for a decision.

ISSUES

Refer to attached list "Decisions Made Under Delegated Authority" for category 1, 2 and 3 development applications.

OFFICER'S RECOMMENDATION

That Council resolve to note this report.

7.1.2 APPEALS LIST - CURRENT AS AT 26 NOVEMBER 2013

Dataworks Filename: Reports to Coordination Committee -
Portfolio 7 Planning and Development

Authorising/Responsible Officer: 
Louise Rusan
General Manager Community & Customer
Services

Author: Louise Milligan
Group Support Officer

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) Judgments of the Planning and Environment Court can be viewed via the Supreme Court of Queensland Library web site under the Planning and Environment Court link: <http://www.sclqld.org.au/qjudgment/>

2. Redland City Council

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

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

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

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

The database contains:

- A consolidated list of all appeals and declarations lodged in the Planning and Environment Courts across Queensland of which the Chief Executive has been notified.

Information about the appeal or declaration, including the appeal number, name and year, the site address and local government.

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:		Directions Order 6 November 2013 sets out dates for experts review, mediation and disclosure of documents.
Hearing Date:		Parties to attend without prejudice meeting by 21 March 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:		Directions Order 6 November 2013 sets out dates for experts review, mediation and disclosure of documents.
Hearing Date:		Parties to attend without prejudice meeting by 21 March 2014.
3.	File Number:	Appeal 246 of 2013 (MCU012617)
Applicant:		Lipoma Pty Ltd
Application Details:		Material Change of Use for extension to Shopping Centre (Shop and Refreshment Establishment) 2-34 Bunker Road, Victoria Point
Appeal Details:		Applicant appeal against negotiated adopted infrastructure charges notice.
Current Status:		Without prejudice meeting held with appellant.
Hearing Date:		Listed for review 29 November 2013.

4.	File Number:	Appeal 3442 of 2013 (S/3953/1)
Applicant:		D Petersen
Application Details:		Originating application P&E Appeal 1756 of 1998 and 1757 of 1998 – 12 Wisteria Street, Ormiston
Appeal Details:		To remove condition 33 of P&E Appeal 1756/98 and 1757/98 to allow removal of vegetation.
Current Status:		Matter given to Alternative Dispute Resolution Registrar to hear and decide.

5.	File Number:	Appeal 4452 of 2013 (C2829 and SB4850)
Applicant:		Yarrum Equities Pty Ltd
Application Details:		Originating application P&E Appeal 101 of 2005 and 4491 of 2012 299-351 Heinemann Road, Mount Cotton
Appeal Details:		<ul style="list-style-type: none"> • To amend Condition 5.3 of C2829 in relation to cut and fill height, retaining wall height and retaining wall distance to property boundaries; • To amend the layout in SB4850 to include additional lots (90 to 97 lots in proposed stages 9, 10 and 11), and changes to increase the number of stages in the development (from 10 Stages to 11 Stages, and substaging Stage 5.)
Current Status:		Listed for hearing 29 November 2013. A response will be provided to Hoggood Ganim before 29 November.

OFFICER'S RECOMMENDATION

That Council resolve to note the report.

7.1.3 THIRD PARTY VEGETATION PROTECTION ORDER REVIEW – VPO03

Datworks Filename: Reports to Coordination Committee –
Portfolio 7 Planning and Development

Attachments: [A. Confirmed VPO Order](#)
[B. Assessment of Submissions](#)
[C. Tree Assessment Report Dated 27 March 2013](#)
[D. Tree Assessment Report Dated 7 May 2013](#)
[E. Expert Report Dated 25 November 2013](#)

Authorising/Responsible Officer:



Louise Rusan
General Manager Community & Customer Services

Author:

Antonella D'Alonzo
Senior Planner Design & Co-ordination

PURPOSE

This report is referred to the Coordination Committee to consider whether a resolution is made to revoke Vegetation Protection Order 3 (VPO3 refer attachment A) at 62-64 Beachcrest Road, Wellington Point in accordance with the provisions of Local Law No. 6 Protection of Vegetation (LL6).

BACKGROUND

During the period from 2001 to 2011, five VPOs were designated by Council following nomination by parties other than the current owners of the land upon which the trees were located (third-party VPO). In 2013, following complaints from several residents regarding the imposition created by the third-party VPO on their property, Councillors requested that Council officers undertake a review of all third-party VPOs to determine whether or not the VPOs should be revoked. There were five third-party VPOs identified for review, these are:

1. VPO 03 62-64 Beachcrest Road, Wellington Point QLD 4160
2. VPO 17 12 Somerset Street, Alexandra Hills QLD 4161
3. VPO 21 10 Somerset Street, Alexandra Hills QLD 4161
4. VPO 09 49 Bates Drive, Birkdale QLD 4159
5. VPO 10 3, 5, 9, 11 Main Road Wellington Point QLD 4160

On 7 August 2013 Council resolved to propose to revoke all five third-party VPOs in accordance with the procedures mandated by Local Law 6 Protection of Vegetation, Part 2, Division 2, Section 16 – *Revocation Of Order*. That resolution was not the final decision on the revocation of the orders. This was a necessary step to initiate the public notification and assessment process.

As a result of concerns raised by the owners of the land at 62-64 Beachcrest Road, Wellington Point (the subject land) about the potential risk to their family and property from falling limbs or possible complete failure of the tree and significant community

interest and concern regarding the fate of the tree, it has been decided by officers to seek a resolution on the proposed revocation of VPO3 prior and separate to the other four VPOs. The remaining four third-party VPOs will be referred to the Coordination Committee seeking a resolution early in the new year.

The tree located on the subject land and currently protected by VPO3 is a Cook Island Pine (the subject tree), scientific name *Araucaria columnaris* and is about 40 metres in height and 130 years in age.

The process in respect of the proposal to revoke a confirmed order, set out in Division 2, section 16 of LL6, has now been completed but for the final decision to revoke or retain the order. Submissions have been received in accordance with section 17 and officers have considered these submissions in line with section 18 of LL6. An expert report has also been prepared in accordance with section 19 of LL6. This officer report presents the results of an assessment of both the submissions and expert report and is being presented to the Council to decide on the revocation of VPO3 in accordance with section 20 of LL6.

ISSUES

Local Law 6 Assessment Process

Local Law 6 Protection of Vegetation, Part 2, Division 2 requires the following four steps be undertaken by Council to revoke a confirmed order:

1. Give public notice of the proposed revocation by advertisement in a newspaper circulating in the area;
2. Receive and consider all properly made submissions;
3. Obtain an expert report on the proposed revocation from a person with appropriate qualifications and experience to assess the significance of the vegetation to which the order proposed to be revoked relates; and,
4. After considering the expert report and the submissions made in response to the notice of the proposed revocation of the order, the local government may, by resolution, revoke the order.

On 13 September 2013 a notice was published in the Courier Mail and a notice was also published on Council's internet site. A 21 day submission period was provided with the closing date for submissions being close of business 14 October 2013. There were a total of 81 submissions and one petition received in respect of the proposal to revoke VPO3. Of these submissions, 78 were considered properly made and 3 were considered not properly made. The petition was considered not properly made because it was not received during the submission period. LL6 does not allow the discretion to accept a submission that is made outside the submission period.

In respect of the preparation of an expert report the property owners were presented two options. They were advised in writing that they could engage and pay for a consultant to prepare the expert report or they could allow Council's Arborist to inspect the tree and provide this report as part of the consideration to revoke the VPO. The owners chose to allow Council's Arborist's to prepare the expert report.

In accordance with section 19 of LL6 the expert report must assesses the vegetation against those matters of significance on which VPO3 was created. These matters of significance are:

- Item: m) Important for its aesthetic value or its beneficial effect on the amenity of the locality in which it is situated;
- Item: n) important for its age, height, trunk circumference, or canopy spread; and,
- Item: o) important for its unique contribution to the landscape.

The tree was also assessed against current arboricultural standards to determine any potential impacts the house construction activities, which have taken place on the subject land, may have had on the health or structural integrity of the tree. The health and structural integrity of a tree are material considerations in deciding whether a VPO should be revoked or retained. That is, a dangerous tree should not be retained despite its significance and can be considered sufficient grounds to warrant its removal.

The following report will, first, establish if the grounds upon which VPO3 were created are still valid, second, consider all the matters raised by the properly made submissions, third, identify if the tree is ecologically significant, fourth, consider whether there are sufficient grounds which may warrant the revocation of the VPO notwithstanding the outcome of the assessment and, lastly, will propose mitigation measures which may be implemented. In doing so the report will demonstrate if VPO3 is worthy of retention or if it should be revoked.

Local Law 6 Significance Assessment

Contribution to Amenity

In respect of the trees significance relating to criteria m) of LL6, important for its aesthetic value or its beneficial effect on the amenity of the locality in which it is situated, the expert report has identified the following.

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.

Veteran trees of this age provide their own unique character, not possible to achieve with new or establishing trees. The tree provides excellent aesthetic value and is a widely recognised landmark clearly visible from vantage points as far away as Manly, much of the area of Moreton Bay surrounding Wellington Point and many areas within Wellington Point. It contributes to the unique sense of place in Wellington Point both in terms of the existing visual amenity it provides and as a link to the early European settlement within the area. It is known to many people both within and outside the Redlands and is therefore a focal point of the landscape. The subject tree is a prominent feature on the skyline and is the centrepiece of the urban forest in Wellington Point and Beachcrest Road. The trees visual dominance, beauty, health, growth pattern and form mean that it continues to provide important aesthetic value and has a beneficial effect on the amenity of the landscape within the locality.

Important for Age etc.

In respect of the trees significance relating to criteria n) of LL6, important for its age, height, trunk circumference, or canopy spread, the expert report has identified the following.

The tree is significant in terms of its age and height.

It is estimated that the subject tree is over 30 metres in height and about 130 years of age. In arboricultural terms this tree is identified as a veteran tree. Veteran trees are unusual to find in urban areas as they tend to decline rapidly and are usually considered a safety risk. However, this species is one of a few which is suitable for retention in close proximity to dwellings. In respect of this criterion the tree is undoubtedly significant.

Unique contribution to the Landscape

In respect of the trees significance relating to criteria o) of LL6, important for its unique contribution to the landscape, the expert report has identified the following.

The tree is widely considered to be of aesthetic value and is a widely recognised landmark clearly visible from vantage points as far away as Manly, much of the area of Moreton Bay surrounding Wellington Point and certain other vantage points within the locality. Its height provides a unique benefit to the visual landscape which no other trees in the area can match.

The focal dominance of the tree, which is visible from the surrounding area and acts as a visual landmark and location beacon makes a unique contribution to the landscape. The tree is an identifiable landmark from Moreton Bay and beyond. The link and visual balance the tree provides to the older established urban forest in Wellington Point and Beachcrest Road are all factors that make this tree a valuable asset to Wellington Point.

Assessment of Submissions

According to the provisions of LL6 the consideration of submissions by Council may be against the objects of the local law generally. On that basis Council officers have considered all the matters raised by the properly made submissions.

There were a total of 81 submissions and one petition (containing 72 signatures opposing the revocation) which were received in respect of the proposal to revoke VPO3. Of these, the petition and 3 submissions were not properly made. 74 submissions were opposed to the revocation of the order (these submissions include 3 submitters lodging 2 different submissions on separate occasions) and 4 submissions were in support of the revocation of the order. The 74 submissions opposing the revocation of the order identified historic, social, cultural, amenity and ecological grounds for retaining the VPO. All the submissions have been considered in respect of the objects of the local law and a summary of the main issues raised by the submitters is presented in attachment B.

The submissions show that there is clear and overwhelming community support for the retention of VPO3.

Ecological Assessment

The grounds for the creation of VPO3 did not include the trees value as a significant habitat for native animals (including native or migratory birds); criteria h of the Local Law. However, the officer assessment of the tree has clearly demonstrated that it does have significant ecological value. This was also identified by the majority of submitters.

The trees height and proximity to Moreton Bay has important ecological value by providing a unique habitat for arboreal birds, particularly the Eastern Osprey (*Pandion heliaetus*). The Eastern Osprey requires high roosting sites with an uninterrupted view to the water for food-gathering and observation. The Eastern Osprey is territorial with a forage-range of around 30 square kilometres and will return to the same nest each year. During the tree assessments carried out, an active breeding pair of Osprey, was observed nesting in a stick nest located in the apex of the tree. It is reported by locals as being occupied annually by breeding Eastern Osprey. This year, the nest was occupied by a breeding pair of Eastern Osprey, and the parents and chicks have only just recently vacated the nest.

The Eastern Osprey, including their nests, is protected under the Queensland *Nature Conservation Act 1992* (NCA) and the *Nature Conservation (Wildlife Management) Regulations 2006* (the Regulations) and the Federal *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC). Ospreys are also listed under the Bonn Convention on the Conservation of Migratory Species of Wild Animals and the China-Australia Migratory Bird Agreement (CAMBA) both of which fall within the Federal Government's EPBC Act and the RAMSAR Convention to protect the ecological integrity of Moreton Bay.

The Department of Environment and Heritage Protection has advised Council Officers that there are two possible scenarios which are applicable to the Osprey and its nest should the owners of the site wish to remove the nest.

1. During breeding season, if the nest is occupied, the owners would be required to apply for a Damage Mitigation Permit for Culling and Dispersal. An assessment of the nest would take place, including a site inspection by a Parks ranger. Initial advice received from the Department suggests that the owners would be unlikely to gain a permit to tamper with the breeding place as it is contrary to the Act.
2. While the nest was vacant the owners could apply for a Species Management Program which, if approved, would include conditions requiring the offsetting of the nest to another location. This could involve the construction of a "raptor pole" on the subject site or a suitable site nearby and the relocation of the nest to this new position.

Notwithstanding that there is strong protection for the Osprey nest under the NCA while the nest is occupied there are avenues that the owners can take to relocate the nest while the nest is vacant. As such it is conceivable that the nest could be relocated (at the land owner's expense) and the tree removed should the VPO be revoked.

Although the tree does not have particular ecological significance as a single tree within the urban environment, the presence of the Osprey nesting site is evidence of the trees unique ability to provide a habitat to wildlife with specific feeding, roosting and breeding requirements. A visual investigation of the surrounding area

demonstrates that there are limited sites which would provide alternative Osprey nesting sites with a quality which is similar to the Cook Island Pine.

Sufficient Grounds

The assessment against the provisions of LL6 and of the submissions clearly demonstrates that the grounds upon which VPO3 were created are still relevant and there is overwhelming community support for its retention. Furthermore, the ecological assessment demonstrates that the tree is significant because of its unique ability to provide an appropriate nesting site to a highly valued and protected species. Therefore there is no justification to revoke the VPO on these grounds.

However, consideration must also be given to whether there are sufficient grounds which may warrant the revocation of the VPO notwithstanding the outcome of the above assessment. The following is an assessment of sufficient grounds which may justify revocation of VPO3.

Tree Suitability

When assessing whether to remove or retain a tree, consideration must be given to the suitability of the species in relation to its characteristics versus location.

This Cook Island Pine is estimated to be approximately 130 years old and therefore classified as a veteran tree. From an Arboreal perspective, this veteran tree is healthy, structurally sound and physically worthy of retention. The tree has good prospects for a long Safe Useful Life Expectancy (S.U.L.E.) provided proper arboreal care and management is undertaken. With regards to lifespan, Cook Island Pines are capable of living well in excess of 200 years. The Cook Island Pines natural compact canopy growth, strong trunk and root system, ability to withstand severe cyclonic weather conditions and long life lends them to co-existing well within urban areas and smaller urban lots. Cook Island Pines have evolved to withstand cyclonic conditions and have strong root systems, straight, tapered trunks and very little limb overhang. The radial structure of the limbs and epicormic growth buds allows these trees to shed old limbs and continually regenerate new limbs. Shed limbs are generally decayed, light, and mostly fall straight down into the canopy and around the trunk – unlike the limb-failure pattern of Eucalypts where large, horizontal limbs can extend 20 metres out from the trunk.

The tree has been able to thrive in its current location which is well-drained, has fertile soil and good access to natural rainfall and favourable environmental conditions. In its current condition, the tree exhibits natural growth, height and ageing characteristics typical to this species and vintage of pine. The tapering canopy of this Cook Island Pine is confined to around 5 metres radiating out from the centre of the trunk.

The tree is a suitable species for retention on the subject land. Accordingly, this criterion is not considered a sufficient ground to warrant revocation of the VPO.

Tree Health and Risk

Throughout Councils engagement with the current owners, they have expressed grave concerns about the potential risk to people and property from falling limbs or possible complete failure of the tree. Their concerns relate to the trees dominating

height, its close proximity to the new dwelling, the long term unknown impact of the construction activities coupled with having a small rear yard.

The owner considers that the failure of this tree to meet arboricultural standards, in respect of structural integrity and health, could potentially warrant its removal.

Four tree assessments have been undertaken on the subject tree over the past year by Council's Arborist. These tree assessments consider the trees structural integrity and health during various stages of the construction activities that have taken place on the subject land.

On 27 March 2013 Council's Arborist prepared an initial tree assessment report, at a time when the site was vacant. This report addressed the arboricultural and aesthetic values of the tree as well as physical parameters such as age and height (refer to attachment C). Following the preparation of this report the current owners of the subject land began construction of a dwelling house on the subject land which is now almost ready for occupation.

On 7 May 2013 a second tree assessment (refer to attachment D) was undertaken by Council's Arborist in response to a complaint alleging that Council (Redland Water) had excavated a trench to install a sewer connection point on the subject property and had subsequently damaged the tree roots. This report was not able to determine the extent of root damage and therefore recommended that further investigation be undertaken to determine if root damage had occurred and if so the extent of the damage. A meeting was held on site with Redland Water staff, the property owners, their consulting Arborist and Council Arborist to excavate the trench and ascertain whether or not major root damage had occurred as a result of the activities of Redland Water. It was agreed by all parties, including both Arborists, that there was no evidence of any significant or major root damage which would compromise the structural integrity of the tree.

On 3 June 2013 a Tree Clearing Application was submitted to Council by the current owners of the land, requesting the VPO be revoked, on grounds that the proposed development will impact the tree and subsequently present a danger to the land owners, their family and/or their property. In accordance with the tree clearing application process, the owners of the land were invited to submit an independent expert report demonstrating that the tree could be removed on the grounds that it was or would be structurally unsound. A report was never received, accordingly Council advised in writing that the tree-clearing application could not be processed and the application was subsequently closed.

On 8 August 2013 a site inspection and investigation was undertaken by a Council Development Control officer and Council's Arborist, following a public complaint that the tree was being damaged as a result of the building works being undertaken on site. It was determined that although some site soil had been spread around the root zone, there was no damage to the root zone. Council's Arborist recommended a tree protection zone (TPZ) fence be erected around the root zone of the subject tree.

The property owners erected the tree protection fence around the tree in accordance with Council's recommendations. This fence has remained in place during construction activities with no further encroachment into the TPZ. The fence will be removed once all construction activities have ceased on the subject land.

On 14 November 2013 the tree was re-inspected by Council's Arborist who prepared a further and final report for consideration as part of the proposed revocation of the VPO (refer to attachment E). This report, titled 'Expert Report in Response to Revocation of Confirmed Order VPO3' (expert report), assessed the trees health as compared to the previous tree assessments and whether there has been any deterioration in the structural integrity or health as a result of the development works undertaken since the previous assessments. In addition, this report assesses whether the three grounds of significance pertaining to the original order are still relevant.

The expert report identifies several impacts relating to the changed hydrology dynamics and natural water catchment to the trees root zone. However, these impacts have not adversely affected the structural integrity of the tree, but are related to the immediate or long-term health of the tree. The extent of excavation works (sewer and storm-water) was assessed and the report found that no adverse impacts had occurred to the structural root zone as the trenching was outside this zone. This assessment did not find any change to the trees health or structural integrity. The tree exhibited new growth throughout the canopy, indicating its life systems are functioning normally.

The minor impacts caused to the root zone from the recent construction of a dwelling on the site have been identified as not being potentially adverse to the trees structural integrity or health. The risk of catastrophic failure (root anchorage failure and complete tree fall) is extremely low, as is the risk of upper trunk failure. From a professional Arboricultural perspective, there are no identified findings or reasons for this trees destruction based on its health or structural integrity for both the short or long term.

Accordingly, this criterion is not considered a sufficient ground to warrant revocation of the VPO.

Owner Rights

Concerns have been raised by the owners of the subject land about their ability to exercise their rights with respect to the management of their land.

While all property owners have rights associated with their property there may be obligations associated with land ownership. These obligations can and do include the consideration of site constraints which have the effect of limiting the development potential of land, reducing developable area and restricting the use and enjoyment of a part of their land. An example of this is a flood constraint on a property, which may limit the developable area of a parcel of land or heritage listing.

While the presence of VPO3 essentially limits the developable area of the subject land, it has not prevented the construction of a new dwelling. Furthermore, the restrictions that the VPO create on the land are not considered to significantly detract from the reasonable development expectations that the landowner would seek to exercise on this typical urban lot.

Whilst in some cases the imposition upon a land owners right may be seen as a sufficient ground to override the merits of a VPO that is not the case here.

The tree is structurally sound and the site is occupied by a house and open space that meets the relevant planning scheme/Queensland Development Code (QDC) standards. Furthermore, given the significance of this particular tree the bar must be set high to warrant revocation of the VPO on the basis of sufficient grounds.

Tree Maintenance and Maintenance Costs

A financial commitment in the order of \$5,000.00 would be applicable to the owners of the land to fund the maintenance pruning which was recommended in the Tree Assessment report of the 27 March 2013. This figure would also be expected to cover the cost associated with the preparation of a tree management plan as recommended in the Expert Report dated 14 November 2013. In addition the land owners may incur costs of approximately \$3,000.00 - \$5,000.00 every 5-7 years to undertake ongoing maintenance to the tree.

The current land owners purchased the undeveloped land in full knowledge that there was a VPO protecting the Cook Island Pine. A proper and thorough due diligence investigation undertaken when purchasing a property, would normally include the determination of site constraints which may affect the land, its development potential and the ongoing costs associated with the management of that particular site constraint. A proper due diligence investigation would have alerted the land owners to the potential tree maintenance and cost imposition associated with the VPO protection of the tree. These impositions would normally be the subject of negotiations during the sale of the land. Verbal advice from the previous owner of the subject land indicated that the sale price of the lot was reduced during negotiations with the current owners as a result of the presence of the VPO protecting the Cook Island Pine. This is anecdotal evidence. However, this criterion is not considered a sufficient ground to warrant revocation of the VPO.

Amenity Impacts

The use and enjoyment of the subject land may be said to be diminished by the continued protection of the Cook Island Pine as a result of reduced yard space, the restriction of certain building works and the perception of risk associated with falling branches. However, the tree does not prevent the reasonable use and enjoyment of the lot for its intended urban purpose for the following reasons.

1. Risk associated with falling branches can be mitigated by carrying out the pruning maintenance work recommended in the expert report, thereby ensuring that the back yard can be used for its intended recreation purposes. Coupled with ongoing maintenance and monitoring of the tree, risks can be managed into the future.
2. Some minor building works may be undertaken in the backyard provided arboricultural advice and supervision is sought and followed.
3. From an engineering and town planning point of view there is sufficient space within the front setback of the dwelling to construct a pool.
4. The block is orientated in an east-west direction and the dwelling has principal living areas oriented to the west. The tree provides valuable shade to the west facing living areas.

Accordingly, this criterion is not considered a sufficient ground to warrant revocation of the VPO.

Liability

The owner of the land has raised the issue of liability should the VPO be retained and damage to property, or injury or death occur as a result of the tree failing or from falling branches.

Councils 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 have 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 tree assessments have demonstrated that the risk of complete failure or trunk failure is low, and provided that appropriate pruning maintenance works are undertaken to the branches the risk from falling branches can be reduced to an acceptable level. Accordingly, this criterion is not considered a sufficient ground to warrant revocation of the VPO.

Third-Party VPOs

In late 2011 Council resolved that it would no longer accept applications from parties requesting the creation of VPOs on land that was not their own, without the express permission of the land owner. The question then arises whether Council should revoke VPO3 on the basis that if a third-party application was received today over the Cook Island Pine, the application for the VPO would not be allowed under the abovementioned resolution.

If a hypothetical application were received from a third-party requesting a VPO over a tree, that is known to be highly significant, and the assessment of that tree demonstrated that there were strong grounds for protection of that tree, Council Officers would likely recommend to Council that it consider revisiting the resolution limiting third-party VPOs. There may be circumstances which warrant the revision of a policy position where the grounds for revision are overwhelmingly strong. This is considered to be one of those situations. Accordingly, this criterion is not considered sufficient grounds to warrant revocation of the VPO in this particular case given the significance of the tree.

Mitigation

The expert report concludes that the tree is structurally sound and that there is no supporting evidence to suggest that major structural roots have been damaged, or that the tree has been weakened by the construction activities. The recommendations of the final report are that, a minimum Australian Qualification Framework (AQF) 3 qualified Arborist undertake the removal of deadwood from the tree and a 'tree management' plan be drafted by an AQF 5 qualified Arborist and implemented. Risks associated with falling limbs will be minimised to an acceptable level if the dead-wooding works, recommended in the initial report of 27 March 2013 and the Expert Report, are carried out. No work to date has been undertaken on this tree, despite these recommendations.

In recognition of the unique value of this tree a financial commitment in the order of \$5,000.00 could be provided by Council to the land owners to fund a one-off maintenance pruning on the subject tree. This figure would also be expected to cover

the cost associated with the preparation of a tree management plan as recommended in the Expert Report. Funding for the maintenance of trees on private property would normally not be proposed due to the risk to Council associated with the continuing expectations of the land owner and the perception by the wider community that this option is available to all. However, given the significance and unique value of the tree this proposal should be considered an appropriate and valid mitigation measure.

The Service Manager Parks and Conservation has confirmed that, subject to approval, funding could be made available from the Environmental Levy of the Significant Tree Maintenance Budget to fund the one-off maintenance pruning of the subject tree.

Should Council be minded to agree a financial contribution, it is recommended that this be subject to costing for the maintenance pruning and Tree Management Plan being provided to Council by appropriately qualified arborist(s) and capped at a maximum value of \$5,000.00.

STRATEGIC IMPLICATIONS

Legislative Requirements

Refer to Local Law 6 Significance Assessment above.

Risk Management

Refer to Tree Health and Risk assessment above.

Financial

Refer to Tree Maintenance and Maintenance Costs assessment above.

There will be no financial implications if Council resolves to revoke or retain the VPO.

There will be a financial implication if Council resolves to adopt Option 2 below.

People

There are no implications on staff.

Environmental

Refer to Ecological Assessment above.

Social

Refer to Assessment of Submissions above.

Alignment with Council's Policy and Plans

This proposal aligns with Local Law No. 6 Protection of Vegetation.

CONSULTATION

A public notification and submission period was undertaken in accordance with Local Law No. 6. Consultation with the following parties has been on-going over the course of several months.

- The property owners affected by VPO3

- Arborist, Engineering and Environment
- Service Manager, Engineering and Environment
- Group Manager, City Planning and Assessment
- Councillors
- Indigiscapes Staff
- Environment Assessment Team, Engineering and Environment

CONCLUSION

- After considering the expert report and submissions received, officers conclude that the significance criteria upon which the original VPO was created has not changed. That is, the tree is still important for its aesthetic value, its beneficial effect on the amenity of the locality in which it is situated, important for its age and height and is important for its unique contribution to the landscape.
- Of the 78 properly made submissions received, 74 opposed the revocation of VPO3. These submissions identified the continuing applicability of the significance criteria upon which the VPO was established. In addition, the officer assessment and the submitters identified that the ecological and social values of the Cook Island Pine reinforced the maintenance of the current VPO. The numerous arboricultural assessments targeted the issue of risk to persons and property and have demonstrated that the current good health and condition of the tree means that it is still worthy of retention.
- An assessment of sufficient grounds which may warrant the revocation of VPO3 notwithstanding it continues to be significant in accordance with LL6 has been undertaken. This assessment has not yielded any reasons which would warrant the revocation of VPO3 given the unique value of the tree and the significance of this tree to the locality and to the Redlands.
- Through the implementation of a tree management plan prepared by an experienced Arborist along with appropriate arboreal management, the trees risk to people and property will be minimised to an acceptable level. A monitoring program associated with a tree management plan can identify and take remedial action for any adverse changes that may occur to the tree over time.
- Accordingly, the Cook Island Pine should be afforded appropriate protection under the Local Law and thus it is recommended that Council resolve to not revoke Vegetation Protection Order 3.

OPTIONS

1. That Council resolve to 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.
2. That Council resolve to not revoke Vegetation Protection Order 3(VPO03) in respect of the Cook Island Pine located at 62 Beachcrest Road Wellington Point.
3. That Council resolve to revoke Vegetation Protection Order 3.

OFFICER'S RECOMMENDATION

That Council resolve to 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.

7.1.4 PRE REQUEST RESPONSE NOTICE – REMOVAL OF COVENANTS AT 34A AND 36-44 HARDY ROAD, BIRKDALE

Datworks Filename: SB005387 - Reports to Coordination Committee –
Portfolio 7 Planning and Development

Authorising Officer:



Louise Rusan
General Manager Community & Customer Services

Responsible Officer:

David Jeanes
Group Manager City Planning & Assessment

Author:

Adam Webb
Planner - City Planning & Assessment

Application type:	Pre-request response notice – Removal of Covenants.
Proposed Use:	Residential
Property description:	Lot 12 on SP148437 Lot 11 on RP864446 Lot 11 on SP198911
Location:	34A and 36-44 Hardy Road Birkdale.
Land area:	1.1109ha
Zoning:	UR – Urban Residential
Overlays:	Acid Sulfate Soils Habitat Protection
SEQ Regional Plan land use category:	Urban Footprint
Applicant:	Mr A N Wills and Mrs B A Wills
Landowner:	Mr A N Wills and Mrs B A Wills
Assessment manager:	Adam Webb
Delegate:	Planning and Environment Court
Officer's recommendation:	Approval

PURPOSE

This request for a pre-request response notice is referred to the Coordination Committee for determination.

EXECUTIVE SUMMARY

The Applicant is requesting a pre-request response notice from Council under s.368 of the Sustainable Planning Act 2009 (SPA), prior to lodging an originating application to the Planning and Environment Court for a request to change a development approval to remove conditions relating to covenant areas.

The issues relate to the encumbrance that the covenants impose on the land. The applicant's representations advise that:

The native grasses are a fire hazard and make the land unsuitable for gardening or for children to play in;

There will be future conflict between the vegetation and urban built form and activities.

Safety concerns exist regarding falling limbs or trees on persons or property; and

The above elements have a negative commercial impact which has resulted in the blocks with covenants on them being the only allotments within the estate that they cannot sell.

It is recommended that Council support the applicant's request and a pre-request response be provided to the applicant to lodge with their application to the Court.

BACKGROUND

On 26 February 2010, a decision notice was issued by the Planning and Environment Court (P&E Court) granting a Development Permit for a Reconfiguration of Lot for a three (3) into 10 lot subdivision on land at 34A, 36-40 and 42-44 Hardy Road, Birkdale. It is noted that the decision did not go to trial as agreement was reached between both parties.

ISSUES

Process

As noted above, the application was determined by the Courts. Therefore the application needs to return to the Courts for any amendments to conditions. However, under the *Sustainable Planning Act 2009* (SPA) the applicant must refer the proposed changes to Council for consideration. That is the matter for consideration and Council must advise the applicant and the Court whether it objects to the proposed changes to conditions.

The applicant will be able to take the pre-request response notice to the Court as part of the request to amend conditions.

In determining the application the Court is required to assess the request under S374 having regard to:

- a) The information in the request;
- b) The matters the responsible entity would have regard to if the application was a development application;
- c) Any submissions

- d) Any notice given under S373 – that is any notice given by Council or a Concurrence Agency for the original application; and
- e) Any pre-request response notice (from Council) about the request given to the entity (the Court).

There were no submissions or Concurrence Agencies for this application. In considering this pre-request response notice Council officers have had regard to the above matters that the Courts will need to consider. In particular Council officers have had regard to the matters that would be identified if the request was a development application.

Requested Changes

The applicant is requesting the following conditions/advice statements be removed from the court order:

- Conditions 2.1, 2.2 and 2.3;
- Conditions 5.2, 5.3 and Post Construction Stage of 5.5;
- Conditions 6.2 and 6.3; and
- Advice clause 9.4.

These conditions/advice statements relate to protection of trees and covenant areas for habitat linkages and are recreated below:

Existing conditions:

- 2.1 The layout indicated on the Landscape, Streetscape & Vegetation Management Plan Proposal Plan drawing number B09342-REHAB Rev. L, prepared by Lambert and Rehbein and dated 5 February 2010 is approved, subject to the conditions contained herein. The development must be carried out generally in accordance with the approved plan.
- 2.2 Before Council is required to assess any application for Operational Works, the covenant areas must be surveyed and a plan provided to Council for approval that demonstrates the survey accurate boundaries of each of the covenant areas.

Each covenant must ultimately be registered with the Final Plan of Survey, which must define the location of the Covenant Areas on the plan.
- 2.3 To the extent of any inconsistencies between any approved documents associated with the proposed development, including the Landscape, Streetscape and Vegetation Management Plan dated 5 February 2010, these Development Permit conditions are to take precedence.

5.2 Landscape, Streetscape & Vegetation Management Plan

Before Council is required to assess any application for Operational Works, the Developer must provide a revised layout plan based on Lambert & Rehbein drawing B09342-REHAB Rev L that was contained in the Landscape, Streetscape and Vegetation Management Plan dated 5 February 2010.

The revised layout must distinguish between the Covenant and Non-Covenant Areas of proposed Lots 11, 14, 18 and 19, and must illustrate areas for vegetation planting on Lots 1 and 14, areas for tree retention on Lots 18 and 19, and areas for landscape treatment on Lots 11, 12 and 13.

Before Council is required to accept the development as On-Maintenance the Developer must:

- Undertake planting and establishment of vegetation in the manner and locations specified in the Landscape, Streetscape and Vegetation Management Plan dated 5 February 2010.
- Monitor newly planted vegetation, replace as necessary, and remove weeds as specified in the Landscape, Streetscape and Vegetation Management Plan.

5.3 Covenant Areas (Lots 11, 14, 18 & 19 only)

- a) Development is permitted within the designated “Non-Covenant Areas” on each of Lots 11, 14, 18 and 19 as indicated on Drawing B09342-REHAB Rev. L dated 5 February 2010, in the Landscape, Streetscape & Vegetation Management Plan.
 - b) Development exclusion areas (to be termed “Covenant Areas”) are to be designated for Lots 11, 14, 18 and 19, as indicated on Drawing B09342-REHAB Rev. L dated 5 February 2010, in the Landscape, Streetscape & Vegetation Management Plan. The designated Covenant Areas must be surveyed and pegged on-site prior to plan sealing.
 - c) The Developer must register a covenant with the Department of Environment and Resource Management for each of Lots 11, 14, 18 and 19, with Redland City Council being the covenantee. The covenant is to regulate the preservation of the physical and natural features of the area within the designated covenant area of Lots 11, 14, 18 and 19. The covenants are binding on the covenantor and the covenantor’s successors in title. The covenants must indicate all conditions contained in Condition 5.3 of this approval and must be approved by Council before Council is required to sign a Plan of Survey. Each covenant is to be registered with the Plan of Survey which must define the location of the Covenant Area on the plan.
 - d) Copies of the approved covenant and plan of survey are to be lodged with Council for retention on the Reconfiguration of Allotment file and the Property file for each new allotment.
 - e) Buildings and other improvements (including sheds, tennis courts, pools, barbecues, gazebos, planting of non-native flora other than a grass lawn, planting of native *Ficus* (fig) species, cut and fill batters, retaining walls, and the movement and parking of vehicles), must not be located within the Covenant Areas.
 - f) Use of land within the Covenant Areas is limited to the construction of fauna-friendly fencing, walking paths, seating for passive recreational use, gardening and weed management (limited to the use of hand-held motorised gardening aids), passive recreational activities, and
-

maintenance works related to the sewer and water pipeline within the 3-metre wide Area 2 that is indicated on Lambert & Rehbein Drawing B09342-REHAB Rev. L dated 5 February 2010.

- g) Vegetation within the Covenant Area must be established and maintained as specified in the Landscape, Streetscape and Vegetation Management Plan.

5.5 Fauna Management

Operational Works Stage

At least 14 days before commencement of any vegetation removal or earthworks, the Developer must appoint an accredited wildlife spotter to examine the site for wildlife habitat, and to supervise clearing operations.

Wildlife habitat includes trees whether living or dead, other living vegetation, piles of discarded vegetation, demolished structures and disturbed ground surfaces.

During clearing operations, the clearing contractor must:

- Liaise with the on-site spotter; and
- Ensure that each tree or other feature identified by the spotter as being a risk to wildlife if felled or disturbed, is not damaged or disturbed until the spotter advises that it is appropriate to do so.

Before commencement of, and during clearing operations, it is the responsibility of the spotter to:

- Be present at the site of clearing, dewatering, and other operations;
- Identify any tree or feature with wildlife present, as well as any tree that has a crown which is intermeshed or overlapping with such a tree;
- Advise the contractor of the precise location of each such tree or other feature.

An accredited spotter is a person or company holding a current Rehabilitation Permit issued by the Department of Environment and Resource Management (DERM) under Section 275(d) of the *Nature Conservation Regulation 1994* or under Section 12(d) of the *Nature Conservation (Administration) Regulation 2006*.

Before seeking a pre-start meeting at the Operational Works stage, the Developer must advise Council of the name of the spotter. If the spotter is not known to Council, the Developer will then be required provide a complete copy of the accredited spotter's Rehabilitation Permit. Operational works will not be permitted to commence until Council has sighted this permit. The spotter should attend the pre-start meeting if available.

If the Developer cannot locate persons or companies holding Rehabilitation Permits, advice should be sought from DERM (Customer Service telephone number 1300 130 372).

Post-Construction Stage

The following applies to the proposed lots after reconfiguration and when dwellings are constructed and occupied:

In the event that the future owners of Lots 11, 14, 15, 18 or Lot 19 keeps a dog on their property, an exclusion fence (suitable to retain the dog) must be erected in order to restrict the dog's access into the covenant area. The purpose of the fencing is to restrain a dog within the habitable area of the property so as to prohibit access to the covenant areas. For Lots 11, 14, 15, 18 or Lot 19, all fencing along common boundaries with covenant areas must be of a design that allows koala access into and out of covenant areas.

6.2 Tree Maintenance & Protection

Where existing trees are to be retained within Covenant Areas, ALL dead wood and potentially dangerous tree(s)/tree limbs are to be removed. Where construction works impact on the health of a tree to initiate deterioration and/or death to the whole or part of the tree during the period of construction, the Developer is to attend to the removal of that tree or part thereof under the direction of the Manager Assessment Services or Council's representing officer.

All tree works and the treatment of any damaged limbs of trees identified for retention, must be performed by an experienced and qualified arborist who is a member of the Australian Arborist Association or equivalent professional organisation and in accordance with AS 4373-1996 'Pruning of Amenity Trees'.

This work is to be carried out prior to site construction works being accepted On-Maintenance, in consultation with the Manager Assessment Services.

Details of tree protection measures for all trees to be retained adjacent to construction works. This includes all trees that may be subject to having 20% or greater of their Critical Root Zone damaged or removed. An arborist report will be required to demonstrate and support the effectiveness of the tree protection measures proposed. The report should be prepared for assessment with Operational Works plans and in accordance with provisions concerning arborist technical reports noted under Part 11 - Planning Scheme Policy 9 - Infrastructure Works - Chapter 11 RPS.

6.3 Significant Vegetation Protection Bond

The Developer is also advised that at the time of Operational Works approval, a significant vegetation bond must be applied with respect to:

- The eight (8) trees identified in Zone 1 of proposed Lots 18 and 19, as shown on Lambert & Rehbein drawing B09342-REHAB dated 5 February 2010, as per Clause 3.6.4.3 Significant Vegetation Protection Bonds in Part 11 – Planning Scheme Policy 3 – Contributions and Security Bonding – Chapter 6. In addition, Council may decide to hold this bond beyond Off Maintenance for a minimum period of 2 years. In 2009-2010 figures, this amount will be \$10,000 per tree.

- The six (6) trees minimum to be established and maintained in Zone 2 of proposed Lots 11 and 14, as shown on Lambert & Rehbein drawing B09342-REHAB. In 2009-2010 figures this amount will be \$1000 per tree.

Advice

9.4 The Developer is advised to ensure that a copy of Conditions 5.2 and 5.3 of this Decision Notice is given to any subsequent purchaser of Lots 11, 14, 18 and 19, a copy of Condition 5.5 to subsequent purchasers of all lots, and to any agent(s) engaged to sell any of the lots on the Developer's behalf.

Applicant's Representations

The applicant has provided a justification of how the covenant areas do not achieve the Planning Scheme intent of providing either habitat or a wildlife corridor as follows:

- *"Trees are not endemic species;*
- *There are no links to other existing vegetation to allow the safe passage of wildlife;*
- *Future accidental damage to the trees in the construction of dwellings may render the trees unstable;*
- *The trees may pose a threat to residents in the form of falling branches;*
- *The size of the covenant areas as a percentage of block sizes are excessive ie;*
- *Lot 11 1082m² covenant is 253m² or 23.39%*
- *Lot 14 671m² covenant area 284m² or 42.33%*
- *Lot 18 975m² covenant area 389m² or 39.90%*
- *Lot 19 801m² covenant area 384m² or 47.94%;*
- *Restrictive fencing requirements;*
- *Lack of space for children's play area;*
- *Lack of gardening opportunities on these blocks because of the vegetation restrictions;*
- *Extensive native grass plantings have created a potential fire hazard; and*
- *Commercial impact of these covenants makes these four blocks unsaleable."*

Officer's Assessment

Applicant's representations:

The applicant's representations state that the vegetation is not endemic. The vegetation within Lots 18 and 19 are Eucalyptus Grandis (Flooded Gum) and Eucalyptus Saligna (Sydney Blue Gum). While these trees are regarded as koala habitat trees and are found along the east coast from southern NSW to Mackay they are not listed as endemic to the locality in the Vegetation Species List of the Redland Planning Scheme or in the Redland Vegetation Enhancement Strategy.

The applicant's comments in relation to there being no vegetation link, is supported for reasons outlined within the overlay assessment below.

The applicant's comments in relation to damage to trees from construction and damage to persons or property from vegetation are supported. Council's policy position in this matter is expressed to an extent within Council's Local Law 6 Protection of Vegetation. This Local Law regulates vegetation clearing within 10m of a dwelling house and 3m of a side boundary fence to alleviate these concerns. Local Law 6 was also a consideration in a recent originating application.

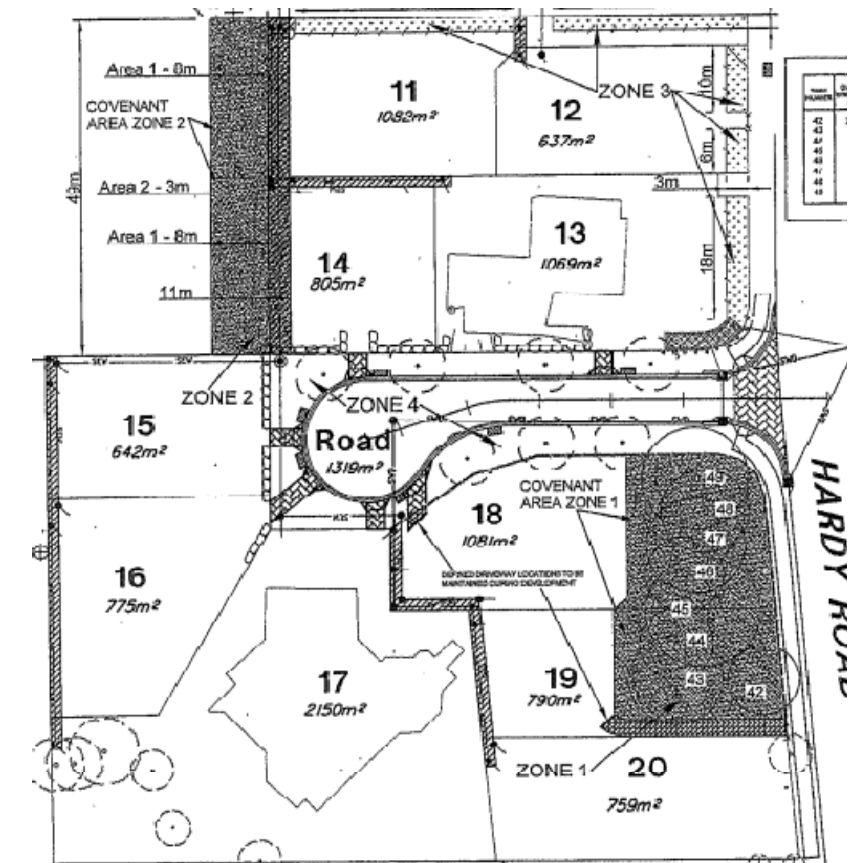
It is agreed that the extent of the covenant areas is a substantial component of the Urban Residential zone land. It is also agreed that the associated native grass planting and fencing criteria stops the use of the land for children's play area, domestic pet use or domestic gardening generally associated with an Urban Residential land use.

It is acknowledged that the covenant encumbrances on the land do have an impact on the consideration of the allotments by prospective buyers.

Redlands Planning Scheme

As stated above, in considering this pre-request response notice Council officers have had regard to S374 that the Court will need to consider. In particular Council officers have had regard to the matters that would be identified if the request was a development application. These matters are identified below:

The approved layout:



Nature Conservation Plan 2006 / SEQ State Planning Regulatory Provisions (Koala Conservation)

The relevant State Koala Planning Policy at the time of application in 2008 was the Nature (Koala) Conservation Plan 2006. The subject site had no statutory classification under that State conservation plan and therefore there were no related requirements or conditions.

If the application had been lodged today in 2013, the South East Queensland Koala Conservation State Planning Regulatory Provisions 2010 (SPRP) would have applied. Table 6, Column 2 of the SPRP applies generally to each lot in this subdivision. The subject site straddles two different classifications under the SPRP. These are:

- (1) Medium Value Rehabilitation: Lots 15, 16, 17, part of Lot 20 and the western part of Lot 18. Items 2 and 3 in Column 2 apply specifically –

Item 2 states: *“Site design must avoid clearing non-juvenile koala habitat trees in areas of high value rehabilitation habitat, and medium value rehabilitation habitat, with any unavoidable clearing minimised and offset in accordance with the Offsets for Net Gain of Koala Habitat in South East Queensland Policy at a ratio of five new koala habitat trees for every one non-juvenile koala habitat tree removed or an equivalent cash contribution (that is, \$920 per habitat tree removed).”*

There were no Koala habitat trees within the Medium Value Rehabilitation area and subsequently no offsets are applicable.

The only Koala habitat trees on the site were contained in the eastern half of Lots 18 and 19 where the SPRP classification was High Value Other. In the High Value Other classification these trees could have been removed without any requirement to replace them. However, the trees were retained and are now subject of this application for removal. Those parts of the site classified as Medium Value Rehabilitation did not contain any Koala habitat trees.

Item 3 states: *“Site design provides safe Koala movement opportunities as appropriate to the development type and habitat connectivity values of the site”.*

Connectivity is described more fully in Schedule 2 of the SPRP. Essentially, a development will comply with Item 3 provided Koala friendly fencing is used. Therefore, the presence or absence of trees is irrelevant.

- (2) High Value Other incorporates Lots 11, 12, 13, 14, and the eastern part of Lots 18 and 19. Table 6 Column 2 Item 3 applies. High Value Other classification within the SPRP means that these trees could have been removed without any requirement to replace them.

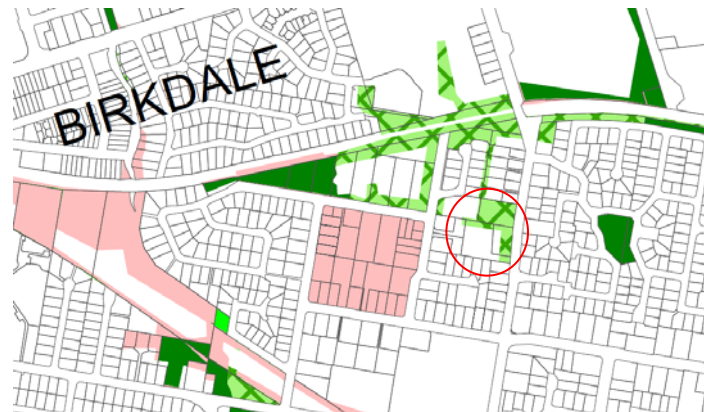
In summary non-juvenile Koala habitat trees within lots 11 and 14 would have been protected from being removed. However there were no Koala habitat trees within lots 11 and 14 to retain.

Within lots 18 and 19 non-juvenile Koala habitat trees could be removed, however these non-juvenile Koala habitat trees were retained.

Overlays

The application was lodged on 30 June 2008 and was assessed against RPS V1.

Scheme at time of lodgement RPS V1 Habitat Overlay – Enhancement Link (light green hatched)



Current Scheme RPS V6 Habitat Overlay – Enhancement Link (light green hatched).



In RPS V1 the area was classified as Enhancement Link consisting of two distinct vegetation patches:

- (a) the stand of blue gums in current Lots 18 and 19 which is regarded as Koala habitat (however as stated above under the South East Queensland Koala Conservation State Planning Regulatory Provisions 2010 (SPRP) these trees were located in High Value Other classification within the SPRP which meant that these trees could have been removed without any requirement to replace them); and
- (b) a mix of mostly exotic species with several native trees that are not regarded as koala habitat, in current Lots 11, 12, 13 and 14. Association (b) was connected at the north to a line of single trees (non-Koala habitat) that linked to the bushland embankment of the railway corridor further north. Neither patch currently links to any other significant bushland / habitat patch.

Prior to the 1990s, the eastern side of Hardy Road opposite the subject site was a mix of farming and acreage lots. A viable Koala habitat link is likely to have existed at that time, between the farmland and acreage to the east and the railway embankment to the north. Since then, conventional suburban development has occurred on the eastern side of Hardy Road, and other development to the north has reduced open grassland to a single row of non-habitat trees.

In effect, the RPS V1 Enhancement Link areas of the subject site ceased functioning as links from the early 1990s. This was supported by the applicant's ecologist in 2008 who found evidence on site of possums and bird species that thrive in suburban settings, but no evidence of Koalas. The former usually move quickly around suburban areas without the need for direct links whereas Koalas usually prefer continuous habitat links.

The RPS V6 Enhancement Link areas consist of the single row of trees to the north and the separate patch of eucalypts in Lots 18 and 19. The former is the end of a tenuous link to the north and does not consist of conventional Koala habitat itself. The latter is a stand-alone patch of good Koala habitat but cannot be considered as a link.

As the vegetation in Lots 11 and 14 are mostly exotic species with several native trees that are not regarded as Koala habitat the applicant's proposal to remove the vegetation and covenants is supported. As the vegetation in Lots 18 and 19 can not be considered as a link the applicant's proposal to remove the vegetation and covenants is supported.

Zoning

The subject site is zoned Urban Residential. The intent of Urban Residential Zoned land is to "maximise the supply of residential land through infill development" and to "maximise the retention of native plants".

Under the Redlands Planning Scheme V6 the subject allotments through a code assessable application could potentially be further reconfigured into additional allotments with or without the covenants remaining on the site. Version 6 also includes provisions that state that where it is considered that retention of vegetation is not achievable in the long term offsets can be considered. This is discussed below.

Offsets

Under RPS V1, retention of habitat trees was to be maximised. This was done by retaining all habitat trees which were in Lots 18 and 19 only.

Under RPS V6, offset planting would have been required for any habitat trees removed. RPS V6 also required enhancement plantings at the minimum rate of one habitat tree per 50m² of the Enhancement Link Area, which totals about 1300m². This translates to a requirement for 48 new habitat trees. It would not have been physically possible for this number of habitat trees to grow to maturity within the 10 lots that comprise the subdivision. Offset planting elsewhere (or equivalent monetary contribution) would have been required in accordance with State Planning Policy 2/10: Koala Conservation in South East Queensland and the Offsets for Net Gain of

Koala Habitat in South East Queensland Policy (as amended). This translates to an amount of \$920 per habitat tree removed.

It is considered that the current planning provisions be implemented. The current Redlands Planning Scheme V6 seeks the applicant to pay an off set amount of \$920 per habitat tree removed. For the eight trees this equates to a total of \$7360.00.

Current Council Position

The recommendation of this report is in line with Council's recent decision on an originating application where Council resolved to allow sufficient clearing to reduce the risks to people, property and health impacts associated with the existing vegetation.

Conclusion

The intent of Urban Residential zoned land is to "maximise the supply of residential land through infill development" and to "maximise the retention of native plants". Although there were no Koala habitat trees within Lots 11 and 14 and the (Koala Conservation) SPRP does not required the retention of Koala habitat trees within lots 18 and 19, Council imposed covenants over the allotments to maximise the retention of vegetation.

The current Redlands Planning Scheme V6 includes provisions for offsets where it is considered that the long term preservation of vegetation may not be achieved.

Council officers support the removal of the covenants on this site, which plays no real habitat linkage role, is considered to be overly restrictive and represents potential future problems with safety of people and structures given the limited lot size. It is further recommended that in accordance with Redlands Planning Scheme V6 that an offset contribution be imposed for re-vegetation by Council of a nearby park.

State Referral Agencies

The application or request for a pre-request response did not trigger any State referral requirements.

Public Consultation

The development is code assessable and did not require public notification. Therefore no submissions were received.

STRATEGIC IMPLICATIONS

Legislative Requirements

In accordance with S374 of the *Sustainable Planning Act 2009* this pre-request has been assessed against the Redlands Planning Scheme V1 (the scheme applying when the original application was made) and weight has been given to the current policy position being the Redlands Planning Scheme V6. Furthermore, the application has been assessed against the Koala State Planning Regulatory Provisions. The decision does not have a specific due date however a prompt resolution of the matter is sought.

Financial

There are no financial implications if the changes are supported. If the changes are not supported, Council will be required to make representations to the Court as part of a subsequent originating application outlining its reasons for objecting. This will involve legal representations.

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 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, specifically the Engineering and Environment Unit. Advice supporting the representations has been received from relevant teams and forms part of the officer's assessment to the applicant's representations above.

OPTIONS

1. Adopt the officer's recommendation to support the changes, subject to conditions that include offsets.
2. Support the changes, subject to different or amended conditions.
3. Object to the changes.

OFFICER'S RECOMMENDATION

That Council resolve to support the applicant's request to:

1. **Delete conditions 2.2, 2.3, 5.2, 5.3, 6.2, 6.3 and advice statement 9.4;**
2. **Amend condition 2.1 to read:**
 - 2.1 **The layout indicated on the Landscape, Streetscape & Vegetation Management Plan Proposal Plan drawing number B09342-REHAB Rev. L, prepared by Lambert and Rehbein and dated 5 February 2010 is approved, subject to no covenants on the land and the conditions contained herein. The development must be carried out generally in accordance with the approved plan;**

3. Insert new condition 2.2 to read:

2.2 Pay a contribution to Council of \$920 per non-juvenile Koala habitat tree removed prior to Council being required to sign a release of covenant form.

8 trees X \$920

Total contribution required to be paid = \$7360

4. Amend condition 5.5 Fauna Management to read:**5.5 Fauna Management****Operational Works Stage**

At least 14 days before commencement of any vegetation removal or earthworks, the Developer must appoint an accredited wildlife spotter to examine the site for wildlife habitat, and to supervise clearing operations.

Wildlife habitat includes trees whether living or dead, other living vegetation, piles of discarded vegetation, demolished structures and disturbed ground surfaces.

During clearing operations, the clearing contractor must:

- Liaise with the on-site spotter; and**
- Ensure that each tree or other feature identified by the spotter as being a risk to wildlife if felled or disturbed, is not damaged or disturbed until the spotter advises that it is appropriate to do so.**

Before commencement of, and during clearing operations, it is the responsibility of the spotter to:

- Be present at the site of clearing, dewatering, and other operations;**
- Identify any tree or feature with wildlife present, as well as any tree that has a crown which is intermeshed or overlapping with such a tree;**
- Advise the contractor of the precise location of each such tree or other feature.**

An accredited spotter is a person or company holding a current Rehabilitation Permit issued by the Department of Environment and Resource Management (DERM) under Section 275(d) of the *Nature Conservation Regulation 1994* or under Section 12(d) of the *Nature Conservation (Administration) Regulation 2006*.

Before seeking a pre-start meeting at the Operational Works stage, the Developer must advise Council of the name of the spotter. If the spotter is not known to Council, the Developer will then be required provide a complete copy of the accredited spotter's Rehabilitation Permit. Operational works will not be permitted to commence until Council has sighted this permit. The spotter should attend the pre-start meeting if available.

If the Developer cannot locate persons or companies holding Rehabilitation Permits, advice should be sought from DERM (Customer Service telephone number 1300 130 372).

Post-Construction Stage

~~The following applies to the proposed lots after reconfiguration and when dwellings are constructed and occupied:~~

~~In the event that the future owners of Lots 11, 14, 15, 18 or Lot 19 keeps a dog on their property, an exclusion fence (suitable to retain the dog) must be erected in order to restrict the dog's access into the covenant area. The purpose of the fencing is to restrain a dog within the habitable area of the property so as to prohibit access to the covenant areas. For Lots 11, 14, 15, 18 or Lot 19, all fencing along common boundaries with covenant areas must be of a design that allows koala access into and out of covenant areas; and~~

5. That a pre-request response be provided to the applicant on this basis.

7.1.5 MCU012906 CEMETERY AT 156 WOODLANDS DRIVE, THORNLANDS**Dataworks Filename:** MCU012906**Attachment:** [Site Plan, Locality Map and Existing Crematoria and Funeral Parlours Surrounding Redland City](#)

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

Responsible Officer: **David Jeanes, Group Manager City Planning and Assessment****Author:** **Brett Dibden**
Planning Officer, Planning Assessment**PURPOSE**

This Category 4 application is referred to the Coordination Committee for determination given it is a significant development which has attracted public interest.

Application Type Proposed Use	Impact Assessment Cemetery (crematorium, chapel, refreshment building and Interment gardens) and Caretakers Dwelling
Property Description Location Land Area	Lot 3 RP 118985 156 Woodlands Drive Thornlands QLD 4164 106,330m ²
Zoning Designated Community Infrastructure Overlays	RN - Rural Non-Urban N/A Bushfire Hazard Overlay Habitat Protection Overlay Flood Storm and Drainage Constrained Land Overlay Landslide Hazard Overlay Protection of Poultry Industry Overlay Road and Rail Noise Impact Overlay Waterways Wetlands and Moreton Bay Overlay
SEQ Regional Plan 2009-2031 - Land Use Category	Regional Landscape and Rural Production Area
No. of Public Submissions Applicant Land Owner	929 properly made submissions Alex Gow Pty Ltd C/- Denis Brown, Planning Australia Alex Gow Pty Ltd
Properly Made Date Start Decision Stage Statutory Decision Date	08/08/2012 21/03/2013 18/12/2013
Assessment Manager Manager	Brett Dibden David Jeanes - Group Manager, City Planning and Assessment
Officer's Recommendation	Development permit

Council has received an impact assessable application seeking a Development Permit for a Material Change of Use for a Cemetery (Crematorium, Chapel, Refreshment Building and Interment Gardens) and Caretakers Dwelling, on land located at 156 Woodlands Drive, Thornlands.

The proposal consists of a central cluster of buildings (administration and chapel in one building plus a refreshments building) around a car park on a ridge towards the rear of the site, with landscaped areas throughout to be used for Interment of ashes/memorial gardens. A tree lined approach road will provide access. The existing residence fronting Woodlands Drive will be used as a caretakers dwelling. There will be no mortuary onsite with this preparation being undertaken offsite.

The proposal is generally consistent with the relevant codes and surrounding development, with alternatives proposed to the probable solution for excavation and fill. The proposal is considered to comply with the relevant specific outcomes.

There were 929 submissions with 643 objecting to the proposal, and 286 in support. The main grounds raised by objectors were need, traffic/parking, zoning, poultry impacts, social impacts, environmental emissions and amenity. The grounds in support include need, employment opportunities, traffic and social impacts. These issues have been addressed during the assessment process.

The application has been assessed against the relevant provisions of the Redlands Planning Scheme and the proposed development is considered to comply with the scheme. It is therefore recommended that the application be granted a Development Permit subject to conditions.

BACKGROUND

The only previous planning application made on this site (and across multiple surrounding lots) was for a preliminary approval for a material change of use for a concept master plan and preliminary approval to override the planning scheme for the 'Thornlands Integrated Employment and Residential Community'. The application was refused under multiple grounds in 2008. The decision was appealed and the appeal later withdrawn.

The owner of the land had previously applied for a combined chapel, funeral home (mortuary, cold room, preparation room, viewing area, casket display area and office) at 306-308 Bloomfield Street, Cleveland, made under the Transitional Planning Scheme on land zoned Residential A under the Transitional Scheme and Community Purposes CP6 (Place of Worship) under the Redlands Planning Scheme (RPS). The application was refused in 2007 on the following grounds:

- The proposed use is a commercial use in conflict with the intent of both transitional and RPS zoning;
- The proposal would prejudice the reasonable expectations of residents for amenity in an established low density residential area;
- Traffic congestion resulting from access issues; and
- The use is inconsistent in the RPS zoning.

The applicant appealed the decision, however the decision was upheld (though traffic grounds not supported), and the appeal dismissed in 2008.

ISSUES

Development Proposal & Site Description

Proposal

The proposed development consists of a central cluster of buildings (administration, cremator and chapel in one building plus a refreshments building containing a kitchen and amenities) around a car park on a ridge towards the rear of the site, with landscaped areas throughout to be used for the Interment of ashes/memorial gardens. A tree lined approach road will provide access. The existing residence fronting Woodlands Drive will be used as a caretakers dwelling. There will be no mortuary onsite with this preparation being undertaken offsite. An earth mound 3m in height is proposed to the north of the car park to provide acoustic attenuation and will assist in screening the buildings from the adjoining residential dwelling to the north.

The development will provide the following functions:

- Administration associated with the organisation of services and refreshments;
- Selling 'supply of rights' of Interment for memorial plots within the memorial gardens;
- Administration associated with compliance with legal requirements (Cremations Act 2003);
- Funeral services;
- Cold storage of the deceased prior to service and cremation (preparation of bodies is undertaken at a mortuary offsite);
- Cremation of the deceased;
- Visiting of 'graves';
- Ground maintenance; and
- Provision of refreshments including non-alcoholic beverages and pre-prepared light food.

4 staff will be employed initially; potentially increasing to 7 over time. During funeral services there will be up to 3 funeral directors and up to 2 refreshment people in addition to the above. It is estimated that there will be up to 3-4 services per week initially, which may increase to an average of up to 11 services per week, varying through the year.

The applicant proposes normal operating times will be 7am to 6pm, with services sometimes extending until 10pm on occasion. Weekend funerals will be occasional events with most of these held on Saturday morning. Evening funerals are not proposed (other than those running over time as described previously), however viewings may be held in the evening. Services times are proposed to be flexible to cater for individual needs, however it is proposed that they will be held for a minimum of 1 hour, with up to 2 hours for larger services and those offering refreshments. The preferred times for services are 10am, 11am, 2pm and 3pm, with breaks in between ranging from 1 to 4 hours. Patronage, based on the landowner's experience, averages at approximately 30-35 people per service.

Interment

The applicant has advised that the development of the memorial gardens is a process that develops over time as required, as opposed to formal landscaping approved for other forms of development, therefore landscaping can only be approved through a concept plan. Contemporary memorial gardens are less formal than past gardens with memorial plaques placed on rocks, under bushes or by water features, however there will still be provision for formal structures such as columbarium walls. Visitors can access the site during normal business hours and can gain access outside of hours via a pedestrian gate after hours, with two car parks to be provided adjacent to the caretakers dwelling.

The mechanics of Interment involves digging a hole next to the memorial plaque. There may also be individual plots defined by borders or plots without borders similar to graves in a lawn cemetery. Columbarium walls are low walls with recesses cut to hold ashes and sealed with a bronze plaque.

Cremator

The cremator is described as an American Incinerators US 100 Classic Cremator, which is gas-fired and comprises primary and secondary chambers. Features of this cremator, as described in the MWA Environmental Noise and Air Quality Assessment and on the manufacturer's website include:

- Design allows for continuous operation with no cool-down period between cremation cycles which provides for a more fuel efficient operation;
- Complete cremation every 75 to 90 minutes, for up to 6 cremations in 10 hours;
- Automated operation with a 'fail-safe' shutdown system in the event of power loss to cease stack emissions within 40 seconds, plus an opacity sensor which can temporarily suspend operation of the primary chamber burner in the event of opacity exceeding 20% and adjusts combustion air supply to slow combustion and prevent visible emissions from exiting the stack;
- Cremation of up to 362kg body mass;
- Combustion air-blower and motor shrouded in 'sound deadening' material to substantially reduce the noise level of the cremator unit when in operation; and
- Complete combustion is achieved in the pollution control chamber, eliminating smoke and odour.

The secondary chamber retains gases from the primary chamber at a very high heat for at least one second before exiting the chamber, to prevent smoke and/or odour being emitted from the stack. Upon completion of cremation the cremated remains are pulled forward mechanically through a door opening where they fall through to an integral 'slide out clean-out' tray where they cool down prior to removal. Non-combustible elements (skeletal remains, ceramic teeth, and metal objects including metal implants and coffin fixtures) are reduced to a fine powder in a processor which pulverises the remaining fragments in a process using motorised blades.

The stack will extend 1m above the southern pitch of the administration building roof but will not extend above the roofline.

Site & Locality

The site has an area of 156,330m² and is currently improved by a single detached dwelling located close to the front boundary. The site has an undulating topography ranging from 66m AHD at the western front boundary to 39.5m AHD adjacent to the larger of the two dams on site. The building platform will be located on a ridge towards the rear of the lot at approximately 58m AHD. The land has been extensively cleared for previous rural purposes and is currently used for horse grazing. There are some isolated stands of mature eucalypts with some clustering in the front eastern corner and towards the rear of the site. A significant patch of remnant vegetation is located on the adjoining poultry farm to the south.

The predominant rural activity is poultry farming with farms located mostly to the south and east of the lot. The other dominant land use is for large lots containing single detached dwellings. Sirromet Winery is located approximately 1km to the south-south-west. The land adjoins Environmental protection zoned properties to the south and other Rural Non-Urban zoned properties to the north and east. There is some Conservation zoned land providing a riparian buffer to Erapah Creek, and some Low Density and Urban Residential zoned properties are located further to the east.

The Southern Moreton Bay (Tourist) Drive is located nearby with Sirromet one of the feature locations noted on the tourist mapping.

Application Assessment

Sustainable Planning Act 2009

The application has been made in accordance with the Sustainable Planning Act 2009 Chapter 6 – Integrated Development Assessment System (IDAS) and constitutes an application for Material Change of Use under the Redlands Planning Scheme.

SEQ Regional Plan 2009-2031

The site is located within the Regional Landscape and Rural Production Area in the SEQ Regional Plan 2009-2031. A Material Change of Use for an 'Urban Activity' outside of the Urban Footprint is generally not permitted, however a cemetery/crematorium is not included as an 'Urban Activity'. Further, the intent for this use to be undertaken outside of the Urban Footprint is strengthened by the SEQ Regulatory Provisions permitting subdivision in the Regional Landscape and Rural Production Area where creating an additional lot for the purpose of a cemetery or crematorium (subject to Local Government approval).

Table 1 - State Planning Policies & Regulatory Provisions

State Planning Policy / Regulatory Provision	Applicability to Application
SEQ Koala Conservation SPRP	<p>The site is located within a Priority Koala Assessable Development Area ("PKADA") and is identified as containing predominantly Medium Value Rehabilitation with small areas of High Value Rehabilitation. The proposal will result in the loss of 11 non-juvenile koala habitat trees:</p> <ul style="list-style-type: none"> • 3 Scribbly – Eucalyptus racemosa • 4 Brushbox – Lophostemon confetus • 1 Pink Bloodwood – Corymbia intermedia • 1 Red Mahogany – Eucalyptus resinifera • 1 QLD Blue Gum – Eucalyptus tereticornis • 1 Swamp Box – Lophostemon suaveolens <p>These will be offset with 253 replacement trees (SPRP specifies 55 offset trees and the Habitat Overlay specifies offsets at 1 tree/1m tree height lost – the higher standard was applied). The trees will be planted in Enhancement Links (1/50m² rate) and Enhancement Areas (1/200m² rate) as identified in the Habitat Protection Overlay, sited to enhance movement through the siting to existing habitat on adjoining lots, particularly along the south-west, east and northern boundaries. A spotter/catcher will be employed onsite during construction and vegetation clearing.</p>
SPRP (Adopted Charges)	A Cemetery is defined as a minor use under Council's Adopted Infrastructure Charges Resolution and therefore attracts a nil charge.
SPP 4/10 – Healthy Waters	The applicant has addressed water quality treatment across the subject site. A Stormwater and Wastewater Management Plan was prepared by MWA Environmental. Stormwater Quality has been addressed via treatment trains including swales, bioretention systems and overland flow across grassed areas. An electronic MUSIC model was also submitted which provided detail that reduction targets would be met.
SPP 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide	Addressed through consideration of the relevant Overlays

Redlands Planning Scheme

The application has been received and assessed under the Redlands Planning Scheme version V4.1. Matters to consider are: the definition of the use; need; location; and the relevant scheme provisions.

Definition of Use

The RPS includes two use definitions for funeral services: Cemetery and Funeral Parlour. A Cemetery is a consistent use in the Rural Non Urban zone, whereas a Funeral Parlour is inconsistent. The proposal includes the burial of ashes and includes a funeral chapel. Given either definition could apply, the best fit would distinguish the principal activities from the ancillary. The principal activity is the crematorium and the ancillary activities are the Interment of ashes and the chapel. On this basis, the Cemetery definition in the RPS is the best fit. A Funeral Parlour, by contrast describes the conducting of funerals as the primary activity and the crematorium as ancillary. Additionally, funeral parlours are usually encouraged within built up areas whereas crematoriums/cemeteries are encouraged outside of these areas.

Whilst not strictly relevant to this proposal, the Queensland Planning Provisions (QPP Version 3) provides assistance in determining the definition under the RPS. QPP includes three separate use definitions:

Cemetery

- Premises used for interment of bodies or ashes after death.
- Examples include burial ground, crypt, columbarium, lawn cemetery, pet cemetery, mausoleum.
- Does not include the following examples – Crematorium and funeral parlour.

Crematorium

- Premises used for cremation or aquamation of bodies.
- Does not include the following examples - Cemetery.

Funeral parlour

- Premises used to arrange and conduct funerals, memorial services and the like, but does not include burial or cremation. The use includes a mortuary and the storage and preparation of bodies for burial or cremation.
- Does not include the following examples - Cemetery, crematorium, place of worship

The RPS definition effectively combines the cemetery and crematorium definitions in QPP. However, it is clear that the proposed use is not a funeral parlour under the QPP. That is because a funeral parlour tends to be an urban type use and cemetery/crematorium a rural type use. Cemetery is the best fit definition in the RPS because the primary activity is the crematorium and the burial of ashes is a recognised as part of the definition. The definition permits a chapel as an ancillary use.

NEED

The applicant provided a report by Foresight Partners Pty Ltd titled 'Economic Needs Assessment'. The report used 2006 Census data to forecast demand for funeral services, and considered supply of crematoria in South East Queensland (SEQ) to determine need for this type of facility in the 'service area catchment' (defined by "location of existing funeral homes and crematoria, the road network and barriers to movement." Given the majority of residents in the Redlands Local Government Area (LGA) have to travel considerable distances out of the LGA (no crematoria in Redlands LGA) the catchment is determined as encompassing Cleveland, Capalaba and Victoria Point centres. The existing crematorium at Carbrook is considered to include Mt Cotton and Redland Bay and other population areas in the southern part of the Redlands LGA.

The report lists the factors influencing demand as being population growth (with emphasis on an ageing population) and annual deaths. Significantly, the number of people aged 65+ is expected to triple from 2006 to 2026. The 2006 annual death rate in Redland City was 750 deaths with a forecast of 1656 annual deaths by 2026. This is supported by a Queensland 'Environment and Resources Committee' paper titled 'The environmental impacts of conventional burials and cremations' dated June 2001, which finds that two thirds of the projected increase in deaths will be in SEQ, with a figure given that in the Brisbane City LGA within 20 years cremations could exceed 15000 per annum (pa) where they currently make up 1300 pa in addition to a potential exhaustion of grave burial sites.

The applicant's report provides figures that approximately 75% of all funerals in Australian metropolitan areas are cremations, with this figure forecast to increase due to factors such as cost; changing perceptions and mobile populations driving demand.

Driving distances from Victoria Point, Capalaba and Cleveland are provided with respect to both crematoria with chapels and funeral parlours with chapels, nearest to the Redlands LGA (4 funeral directors have offices in the Redlands LGA but none have chapels). None of these centres are closer than 11km to these services and the average (crematoria) for Victoria Point is 24.6km; 18.8km for Capalaba and 23.6km for Cleveland. These facilities will experience their own demand growth from their local catchments, with the point made that people may be reluctant to travel outside their local area when looking for a funeral/cremation service.

The report identifies that crematoria in Queensland are primarily public facilities which do not offer the same degree of flexibility regarding access to facilities and level of amenity as private facilities. Redland LGA does not currently accommodate a crematorium. Currently, 19 LGAs in Queensland accommodate crematoriums with 13 of these having populations smaller than Redlands City. It is also noted that other SEQ LGAs are serviced by crematoria (Brisbane 6; Sunshine Coast 4; Gold Coast 2; Ipswich 1 and Logan 1), but Redland (particularly the northern part of Redland) is not.

The report finds that the proposed development is unlikely to have a significant impact on other crematoria given their catchments are some distance away from Redlands main population areas of Cleveland and Capalaba, and some assumptions are made with regard to projecting loss of service in the order of 5-10%. Given the population growth forecasts in tandem with the cremation projections referenced in

the Environment and Resources Committee paper, it is considered that sufficient need can be demonstrated to provide for another crematorium in SEQ (and a first for the Redlands) which can provide for the needs of current and future residents of the Redlands LGA given the forecast demand for an alternative to traditional lawn burials.

Noting the above, there is a clear need for the facility. The question then is where to locate such a facility in the City.

LOCATION

The proposed use is consistent in the zone. An application has been received over the subject land and therefore must be assessed on its merits, however it is useful to consider what zones would support a cemetery use. The only zone, other than Rural Non-Urban (not including Sub-Areas RN1, RN2 and RN3), where a cemetery use is not an inconsistent use, is Community Purposes Sub-Area CP1. This sub-area is specifically for cemetery, crematorium and associated uses such as a funeral parlour on land in public or private ownership that will meet the current needs of the City. It is noted that this zone only covers existing cemeteries, and does not plan for future new cemeteries.

Current cemeteries in the Redlands LGA include Cleveland Cemetery and Redland Bay Cemetery on the mainland, and Dunwich Cemetery on North Stradbroke Island. A 2007 options paper ('Innovative Interment Options') commissioned by Council noted that Cleveland and Dunwich have limited burial capacity, whereas Redland Bay Cemetery has capacity for 80 years or longer. A cemetery master plan developed for Redland Bay Cemetery in 1994 included the idea of a crematorium. However, implementation would require significant capital expenditure, including the construction of a bridge to provide access to the undeveloped part of the land, and would require considerable clearing of Bushland Habitat to develop the site. Council called for commercial interest to develop the site, and none was received.

The attached map shows existing crematoria and funeral parlours surrounding Redland City.

It is clear from this map that the funeral parlours are generally in urban areas, while the crematoria are generally located in rural/ open space areas, several of which have been subsequently encroached upon by surrounding urban development.

Under the Redlands Planning Scheme, the only suitable zone other than Community Purposes Sub-Area CP1 is Rural Non-Urban, which is the zone where the applicant has proposed development. An assessment against the likely impacts of development is outlined below.

Zone Code

The land is zoned Rural Non-Urban. A Cemetery use is identified as a consistent form of development in this zone, requiring impact assessment. Specific parts of the zone code have been addressed as follows:

- S1.2 – Describes the type of uses included in the zone as being primarily traditional and emerging urban activities; those compatible with rural uses and are able to co-locate within buffers or on land with traditional rural activities;

tourist and recreational uses; small-scale cottage industries; resource extraction; and limited residential uses.

1. Surrounding uses include poultry farms, residential dwellings, educational establishments and commercial winemaking (Sirromet – also a tourist destination). The proposed use as a cemetery must service a human catchment whether that be in an urban or rural setting. The applicant advises that the way the site will be used will be in keeping with surrounding development due to:
 - Site cover of buildings and car parking balanced with the use of open areas is commensurate with surrounding rural uses;
 - The long access driveway is a feature in the locality;
 - Existing dams will be retained on site as part of landscaping;
 - Revegetation proposed as wildlife corridor will provide similar landscape attributes to surrounding uses;
 - Landscaping form proposed is similar in appearance to “meadow” pasture (memorial gardens) or domestic gardens (tranquillity gardens) on surrounding properties.
- The use may be considered compatible with existing rural uses, and given the use is exempt development against the Protection of Poultry Industry Overlay, it may co-locate within existing buffers, as per S1.2(1)(b).

The use is clearly not an agricultural/rural or tourist/recreational use, nor does it involve the extraction of resources, a cottage industry or a residential use. However, it is not identified as an inconsistent use, and for the reasons described above it could co-locate with the existing uses in the area providing potential impacts are managed through conditions.

- S2.1 – Uses and other development achieve a built form that is consistent with the rural environment. The proposal complies with the specific outcome by addressing the probable solutions:
 - Building height is approximately 8.5 metres above natural ground level when taken from cross sections A-A on plan 10744-DD07 Issue C; C-C on plan 10744-DD08 Issue C; and the height above natural ground level indicated on the Main Building Long Section 1-1 on 10744-DD09 Issue D. The overall building height above the finished ground level is approximately 9.7 metres. This is due to the fact that the buildings are located on an area that is being excavated below the existing ground level. It is noted that the planning scheme uses the natural ground level as the determinant for building height.
 - Setbacks to boundaries are greater than 20 metres (thereby complying with the probable solution).
 - Site cover of buildings will be approximately 1.3% of the site (1360m²). The buildings will be mostly screened from surrounding uses for the reasons listed above. Additionally, the buildings will be low-rise and 8.5m or less in height (8.2m above natural ground level proposed). The top of the cremator

chimney will be below the roof pitch of the administration building plus 1m below the proposed acoustic mound which, in combination with existing vegetation and proposed landscaping will restrict views from the adjoining dwelling located over 100m to the north-west.

- S2.2 – For reasons discussed above the proposed development will maintain the existing rural landscape setting. Additionally, given that operational impacts are considered to be manageable through conditions, it is considered that the proposal, being a long-term operation, will not negatively impact on existing or future rural production uses on surrounding lands.
- S2.3(2) – The range of buildings in their landscape setting will have a functional form that will be of a scale similar to the existing surrounding rural residential uses, and significantly less in scale to surrounding poultry farms buildings/structures.
- S3.2 – The potential for light spillage is addressed through a condition.
- S3.3 – Ambient noise has been addressed through conditions based on the recommendations of the supplied acoustic report. The noise report was resubmitted with respect to relocating the noise datalogger from the road to the site of the proposed buildings (in response to submissions). All noise producing activities associated with the proposed use have been considered in the MWA Environmental Noise and Air Quality Assessment, and the Noise Management Plan provided by the applicant.
- S3.4 – Air quality impacts have been addressed through assessment of the supplied MWA Environmental report referenced above, including an external review by Pacific Environment Limited commissioned by Council. The external review also included a review of 10 submissions that raised specific issues relating to the MWA Environment report, which MWA Environmental subsequently addressed through additional air quality modelling. The MWA report covered the key pollutants that were assessed by air quality experts in the Planning and Environment Court Appeal No. D124 of 2008 in respect to a proposed crematorium at Rockhampton. The updated modelling noted above included an expanded range of pollutants raised in Pacific Environment Limited review, which demonstrates that air quality objectives will be satisfied for the full range of pollutants (MWA Environmental note that there are no Australian policies/guidelines for the assessment of heavy metal deposition. MWA Environmental used German guidelines that use trigger values at more sensitive levels than the World Health Organisation (WHO) trigger levels. The modelling indicated that heavy metal (including mercury) deposition rates should not cause adverse health impacts at surrounding sensitive receptors as these rates were below both the German and WHO guidelines). An air quality management plan was submitted and will form a condition of approval.

Conditions have also been included for the cremator to operate in accordance with manufacturers' specifications, and for visible emissions from the cremator exhaust to be less than a 20% opacity rate (visible emissions) as recommended by MWA Environmental as a US Standard often reflected in Australian approvals, and accords with the automatic shutdown feature described above for the design cremator.

- S3.5 – A traffic assessment was provided by HTC. Traffic flows were assessed via a survey of traffic movements entering and exiting the Centenary Memorial Gardens crematorium on a Friday; on advice that Friday is the busiest funeral day. Centenary Memorial Gardens includes all of the features of the proposed development plus lawn burials (9 lawn burial gardens and 9 memorial gardens for cremations), and is located on a larger site 16 hectare site (compared with 10 ha), established in 2001. The 120 person seating capacity for the chapel is the same as that proposed. Clearly this is a larger site that would involve greater visitation to grave sites given the conversion rate for interment of cremations onsite. Based on the above it is considered that the survey figures would be at the conservative end for estimating visitation to the subject site. It was noted on the day the survey was conducted that there were 5 chapel services plus a delivery of a casket, and no burials. A total of 325 vehicles entered the site. On other Fridays cremations and burials ranged from 3 to 6 with an average of 5. In the 2010-2011 financial year HTC provided a figure for 1042 cremation services held at the Centenary Memorial Gardens site whereas 165 cremation services are expected to be held at the subject site in the first year (Alex Gow Funerals figures). The applicant has proposed a maximum number of services to be 6 per day, and a condition has been set accordingly. The figures below are a conservative assessment by Council officers based on the peak hourly rate observed during the Centenary Memorial Gardens survey, and multiplied by a 10 hour day. The purpose was to test the traffic impacts of the proposed use on Woodlands Drive.

From the survey it is estimated that the traffic flows associated with crematoria visitation will be peaking at a rate of 200 vehicles (entering) per hour and 160 vehicles per hour (departing). It also assumed that 80% of the traffic flows generated by the development will have a northern orientation (that is at the intersection of Woodlands and Boundary). Consequently, using conservative approach, it can be estimated that the average peak hourly traffic will be at 2000 vehicles per day (based on a 10 hour day which in itself is unlikely). Therefore, 20% or 400 vehicles per day will use Boundary/Mount Cotton intersection and the remaining 80% or 1600 vehicles per day will use the Woodlands/Boundary Road intersection.

Woodlands Drive is an arterial road linking two State controlled roads – Mount Cotton Road to the south and Boundary Road to the north. According to Council's infrastructure planning forecast, Woodlands Drive is operating under its potential capacity (15, 000 vehicles per day), with the most recent survey (2012) indicating 4,376 vehicles per day, with the additional 2,000 estimated vehicles per day resulting in approximately 6,376 vehicles movements per day.

The applicant has provided separate turning (or queuing) lanes for the traffic entering the crematorium off Woodlands Drive, which is considered generally acceptable, with detailed design to be provided at compliance assessment stage. In accordance with the Traffic Report by HTC, it is anticipated that the 'queuing at Woodlands Drive will be negligible'. In addition, the applicant has provided a two lane driveway to lessen the impact on local traffic in the vicinity of the intersection entry/exit point.

In terms of the Boundary Road intersection, this intersection is signalised and will be up to the Department of Transport and Main Roads (DTMR) to upgrade once Woodlands Drive reaches capacity or the queuing times at the signalised intersection become unacceptable. Mount Cotton Road is also a DTMR asset and will be upgraded once Woodlands Drive reaches capacity as stated previously. It must also be noted that the increase in traffic at the Mount Cotton Road intersection will be dispersed through the day and is considered acceptable.

Traffic generation will not increase traffic above the design capacity for Woodlands Drive, therefore no upgrade will be required. This is considered compatible with the traffic experienced in a productive rural environment as specified in the specific outcome.

- S4.1 – Water quality is addressed in Table 1 under SPP 4/10 – Healthy Waters. Stormwater and erosion prevention and sediment control are addressed in Table 2 below under the respective code headings.
- S4.2 – The applicant has provided a preliminary earthworks plan which indicates the majority of earthworks are associated with the driveway access (access above Q100 and ‘smoothing out’ of steep sections to maintain an acceptable grade) and creating a level development platform for the main activity area. Conditions will be included for stormwater management; erosion prevention and sediment control; and an arborist report to consider the impacts of any cut and fill on retained trees, and proposed tree protection measures.
- S4.3 – Landscaping species are selected as per the probable solution. The landscape setting is enhanced and wildlife corridors substantially improved through the offset planting of 253 replacement trees for the 11 non-juvenile kola habitat trees lost. Given the size of the allotment and extensive use of landscaping and gardens, there will be no significant increase in stormwater run-off as detailed in the MWA Environmental stormwater and wastewater report. Council requested further information on 12 April 2013 to demonstrate that the proposed swale design will not result in scouring during inflow events, or result in increased flows onto neighbouring properties due to their location close to the southern boundary. The applicant responded to the raised concerns by reducing the curves in the swales and flattening out the corners to prevent high impact flows at the corners. The redesign is considered to be generally acceptable, and a detailed design will be submitted as part of compliance assessment.
- S5.1 to S5.3 – For infrastructure other than waste management refer to Infrastructure Works Code in Table 2 – Codes and Other Policies below.

Use Code

The proposal for a Caretakers Dwelling has been assessed against the Caretakers Dwelling Code. The proposed development is considered to comply with the Specific Outcomes of this Code. The caretakers dwelling will make use of an existing dwelling located on the same site as the proposed cemetery use, and will be occupied by an employee.

There is no use code for a Cemetery use.

Overlays

The subject site is affected by the following overlays of the Redlands Planning Scheme:

- Bushfire Hazard Overlay – There is a Medium Bushfire Hazard designation approximately 20 metres into the lot from the road frontage, and a larger section approximately 50 metres up from the southern boundary and 300 metres from Woodlands Drive. Parts of the development affected by the overlay include the caretakers dwelling (existing) and part of the proposed access road. Mains water is provided in the road reserve, with a hydrant adjacent to the frontage boundary. The rest of the site is located outside of the overlay area. Offset vegetation planting is proposed in the designated area, however a condition is included that offset planting is to be relocated away from the site boundaries and planted over the site to improve the existing habitat condition and function and to promote movement of native animals through the lot. This will ensure that revegetation is located further than 10m from buildings and structure as specified in the overlay code.
- Flood Prone, Storm Tide and Drainage Constrained Land Overlay – Part of the site is designated Flood Prone Area under the overlay. No buildings or structures are proposed in the flood prone area, however some of the future landscaped area and access road will be. The proposal is considered to comply with the probable solutions for the code by having all buildings above the 1 percent Annual Exceedance Probability (AEP) for flood, and having trafficable access from a constructed and sealed public road (access roads to be constructed above 1%AEP with culverts under where located in the flood prone area).
- Habitat Protection Overlay – There are two Enhancement Link areas onsite, with one aligning with the overland flow path through the centre of the site, and another in the south-western boundary. The applicant's ecological assessment advises that the type of development proposed will not have an adverse impact on habitat values for species that have adapted to living in the fragmented landscape provided onsite. Further, it is considered that the offset planting proposed in accordance with the relevant provisions of the overlay will significantly enhance the habitat values of the site.

The applicant is proposing to plant a minimum of 253 trees in total. Of that, 161 is the minimum number of habitat trees required to be replanted to meet the requirements of the Habitat Protection Overlay. The approximate area which is designated as Enhancement Area is 64,500m² which requires a minimum rate of 1 tree per 200m² of Enhancement Area designation resulting in 161 trees required to be replanted. An additional 55 is required to meet the Koala SPRP planting requirements.

The proposed development will result in 11 non juvenile koala food trees to be removed and requirements for replanting will be met with the number of replacement plantings proposed.

- Landslide Hazard Overlay – Part of the site is affected by Low Landslide Hazard. The applicant has provided a geotechnical assessment by Douglas

and Partners which identifies the likely occurrence of slope instability hazards as “unlikely to possible”, with the consequence of these hazards being “insignificant to minor” providing good engineering for hillside development be required, which is the requirement for compliance with the acceptable solutions for self-assessment development under the overlay.

- Protection of the Poultry Industry Overlay – The proposal is exempt development (Cemetery use) for the purposes of this overlay, and assessable development for the purpose of a Caretakers Dwelling. Given the caretakers dwelling is existing use, and will not result in an increase in occupants, the proposed use of the existing building is considered to comply with the specific outcomes of the overlay.
- Road and Rail Noise Impacts Overlay – The proposal is exempt development (Cemetery use) for the purposes of this overlay, and assessable development for the purpose of a Caretakers Dwelling. However, given the building is existing with no new building work proposed, and the proposed change of use will not result in any operational change in how the building will be used, the proposal is considered “as of right” with regards to assessable development triggered under the overlay.
- Waterways, Wetlands and Moreton Bay – There are two (2) natural drainage lines linking dams in the middle of the site and rear north-east corner. The westernmost feature has been described in the applicant’s ecological assessment report as following a “broad overland flow path without defined bed and banks” plus a suggestion that the dam was “established circa 1970” and therefore man-made. The part of the development that will be located within the 10m buffer area of this drainage line is the access road, which will be located over 20m from the dam feature and will include culverts to maintain flows (the road being located above the Q100 to provide flood immunity for access purposes). The applicant’s consultant argues that the removal of agricultural grazing pressure in these areas will result in reduced nutrient loads and erosion. Significant landscape improvements, including trees along the road and lawn gardens will improve the operation of the feature over the current situation. The smaller dam and natural drainage line to the rear will be less affected, and will be improved through offset planting proposed along the rear and north-eastern corner boundaries. Conditions will be included for no permanent structures to be located within the buffer, and no Interment or scattering of ashes within 10m, measured from the centre of the natural drainage line.

Other Codes and Policies**Table 2 – Other Codes and Policies**

	Comments	Conditioned	Complies
Excavation and Fill Code	<p>The probable solution specifies 100m² excavations and fill at a 750mm depth outside of the building footprint. The proposal exceeds the probable solution with approximately 23,100m³ excavation and 21,030m³ fill proposed across the site. This is broken down to the building area and associated parking area (10,220m³ excavation and 19,420m³ fill, including batters and acoustic mound); and access road (12,880m³ excavation and 1,610m³ fill, including an allowance for a 500mm pavement thickness). The applicant advises that the balance amount will be spoil that will be spread onsite to flatten batters form building areas and road embankments, allowing for a 10% compaction factor. The amount of excavation and fill is considered to be in proportion to the lot size and the need to create a level building platform/parking area and to provide safe access to the site. A geotechnical report discussed previously indicates the site works are acceptable with good hillside practices providing good engineering for hillside development required (report included as a condition of approval).</p> <p>There will some retaining structures required over 1m in height where the access road cuts the slope adjacent to the main activity area. Detailed design will be submitted as part of compliance assessment.</p> <p>These areas are sufficiently distant from adjoining uses so as to not have any significant amenity impacts. The one exception, as raised in submissions from the adjoining use to the north, is the proposed 3m high acoustic mound. The applicant provided a plan showing the existing 'view corridor' from the dwelling to the north through the site to the south. The acoustic mound will have no significant impact on existing views given the dwelling to the north is in an elevated position which will allow existing views to be maintained through this corridor because there are no buildings within this corridor. The mound will be landscaped before the use will commence which will assist in reducing visible bulk and length as per S1(1)(a)(iii)(b).</p> <p>Conditions will be included to ensure compliance with the code, and compliance assessment is required for earthworks.</p>		
Access and Parking Code	S1 - The code does not specific the number of parking spaces for the type of use proposed, therefore parking assessment has been based on	Yes	Yes

	Comments	Conditioned	Complies
	<p>a review of the traffic report provided by HTC and a review of parking spaces provided at the Carbrook facility. Initially, the number of car parks was deemed inadequate and after raising this issue with the applicant via an information request, the applicant provided an amended site plan with 49 extra overflow car spaces in addition to the 44 (including 2 PWD) spaces provided on initial plans, and overflow parking along one side (to allow for emergency vehicle access) of the access road, which is over 400m in length with approximately 250m at a useable grade, providing approximately 40 overflow spaces. The total number of parking spaces (formal and overflow) is approximately 133 which is consistent similar with facilities at Carbrook (56 sealed spaces plus overflow provision) and Centenary Memorial Gardens (approximately 47 sealed spaces plus overflow).</p> <p>A car parking management plan has been provided to ensure safe and adequate parking for visitors and bus parking, to avoid on-street parking. A minimum of two car parking attendants will be available for all funeral services, and will be employed within the main parking area, or in the case of large services, along the access way also.</p> <p>Additionally, the applicant has provided manoeuvring templates for a design vehicle including service vehicles and mini buses, should retirement villages provide this service for funerals. The proposal is considered to comply with the specific outcome</p> <p>S2.1 – on-street parking is not desirable on an arterial road and has not been proposed as part of this development. Two visitor spaces will be provided adjacent to the care takers dwelling to allow after hours visitation.</p> <p>S3.1 – S3.2 – A preliminary access plan has been provided which is consistent with the requirements of the code where relevant. A detailed plan will be provided at compliance assessment stage, to include a bicycle lane, reflective line markings and signage.</p> <p>S4 – A condition is included for a permanent vehicular crossover to the Woodlands Drive frontage of the site to be generally in accordance with the approved Woodlands Drive Intersection Plan SKC005 Rev. C, prepared by Bornhorst and Ward Consulting Engineers, dated 21/06/13.</p> <p>S6 – Queuing distances have been incorporated into the preliminary access plan as supported by the submitted HTC traffic studies.</p>		

	Comments	Conditioned	Complies
	<p>S7.1 - S7.4 – vehicle parking areas have been assessed as adequate for the use proposed (including access and parking by mini-buses), and conditions of approval are included. Detailed design will be required at compliance assessment stage.</p> <p>S8 – servicing and manoeuvring areas have been assessed as adequate, with detailed design to be submitted for compliance assessment.</p>		
Development Near Underground Infrastructure Code	The only existing underground infrastructure is located within the road reserve. The proposal complies with the self-assessment provisions of the code.	No	Yes
Erosion Prevention and Sediment Control Code	The applicant advises that The Stormwater and Wastewater Management Plan prepared by MWA Environmental demonstrates that the proposal will not adversely impact on water quality during the operational phase of the development, with erosion and sediment control measures to be further addressed in the compliance assessment stage. Conditions are recommended to ensure compliance with this code.	Yes	Yes
Infrastructure Works Code	<p>Reticulated water supply, electrical and telecommunication services are provided in Woodlands Drive and will be connected at owners cost and sited to minimise environmental impacts. Details will be provided at compliance assessment stage.</p> <p>An onsite wastewater plant with a 5,000 litre treatment capacity is proposed, with the secondary treated wastewater to be disposed of onsite. The applicant has provided a report demonstrating that the total wastewater flows are of 19 equivalent persons (EP) per day, which is below the 21EP rate triggering concurrence referral under ERA63 (Sewerage Treatment). Council's Plumbing Assessment Team confirm the findings, however the proposed location options are either too close to the rear dam/natural drainage line or rear neighbouring property. The applicant has been asked to provide an alternative location, however this could be provided when the plumbing application is lodged as the site is sufficiently large to provide a suitable alternative location without affecting existing or proposed offset vegetation areas.</p>		

	Comments	Conditioned	Complies
	<p>The access road will be 6.5 metres wide which will facilitate two-way traffic, with the trees setback to allow parking on the shoulder (on one side) for visitors to access the memorial gardens (or additional overflow parking for services if required).</p> <p>Intersection works required at the Woodlands Drive frontage will include (detail to be provided as part of compliance assessment):</p> <ul style="list-style-type: none"> • Bicycle lane provision • Raised Reflective Pavement Markings; • Line marking, guide posts and intersection lighting; and • Site identification signs to inform the general public about the location of the crematorium. 		
Landscape Code	The landscape concept plan provided with the application has been assessed as adequate and included as an approved plan in conditions. Compliance assessment will be required.	Yes	Yes
Stormwater Management Code	<p>An MWA Stormwater and Wastewater Management Plan identifies 4 stormwater catchments across the site. A series of berms, swales and bioretention basins are proposed to manage stormwater onsite.</p> <p>The stormwater is managed adequately and no worsening is demonstrated. However, the applicant must provide the detailed design of stormwater management infrastructure as part of compliance assessment.</p>	Yes	Yes
Planning Scheme Policy 12 – Social and Economic Impact Assessment	<p><u>Economic Impacts</u></p> <p>Discussed in 'Need' section.</p> <p><u>Social Impacts</u></p> <p>It is considered that a social impact assessment (SIA) process would not identify any new issues that have not already been raised in submissions or contained in the planning scheme. Social impacts have been identified as:</p> <ol style="list-style-type: none"> 1. Potential impacts on mental health and emotional well-being; 2. Visual cues such as funeral cortege; view of building & potential stack opacity; 3. families having to explain mortality to young children; and 4. Noise of grieving families carrying. 		

	Comments	Conditioned	Complies
	<p>Response</p> <ol style="list-style-type: none"> 1. Environmental noise and air emissions have been addressed by the applicant with both within acceptable limits. On that basis, it would be expected that issues associated with health and wellbeing would be most apparent when the use initially commences, and would significantly reduce over time as the scientific modelling and related conditions of approval (air quality and noise management plans) serves to mitigate health concerns. 2. Visual cues are understandable however given the site has a relatively narrow frontage with most of the activity occurring well away from the road, those visual cues are mostly an issue for adjoining uses. The buildings will be screened from most directions by topography and a significant distance to sensitive receivers. <p>A funeral cortege is an unlikely situation given most cremation services are undertaken at the chapel on site; the body having been prepared at a mortuary offsite and delivered some time before the service (hence the provision of cold storage facilities and the opportunity for viewings). In the rare occasions where a cortege may follow on from a church service elsewhere, the queue distance will allow for four to five cars to turn.</p> <p>The only sensitive receiver that will have a direct visual cue is the adjoining dwelling to the north. To reduce this factor the applicant has proposed an acoustic mound to reduce both noise and visual impacts (most of the buildings and the car parking areas in the main activity area will be screened). The chimney stack will be screened as it will be below the apex of the roof when viewed from the north). The mound will also be landscaped which will further restrict visual access to the buildings without significant loss of views across the valley and adjacent ridge line. Additionally, the driveway access will be screened by native pine tree species planted along its length, and landscaped memorial gardens memorial will not provide any greater visual cue than any other formal garden design (as opposed to a lawn cemetery).</p> 3. This issue is directly related to visual cues which have been demonstrated above will be inconsequential given mitigation measures proposed. Death is part of life and it is the responsibility of parents of young children to explain this concept at some stage of their 		

	Comments	Conditioned	Complies
	<p>development. On large rural residential sites where there are higher densities of fauna when compared to urban residential allotments, children would be exposed to wildlife mortality, and may be able to cope better with understanding human mortality through this experience.</p> <p>4. The development has been subject to considerable noise assessment and therefore it is unlikely that there will be any significant noise that will carry to adjoining uses that would specifically identify the use as a cemetery (crematorium) over any other type of use of the land.</p>		

Infrastructure Charges

A Cemetery is defined as a minor use under Council’s Adopted Infrastructure Charges Resolution and therefore attracts a nil charge. Given the refreshments building will not operate as a ‘stand-alone’ use and fulfils an ancillary function associated with cremation services, a nil charge will apply under the minor use definition. The Caretakers Dwelling is a reuse of an existing residential dwelling and therefore attracts a 100% credit.

State Referral Agencies

The application did not trigger any referral requirements.

Public Consultation

The proposed development is impact assessable and required public notification. The application was publicly notified for fifteen (15) business days from 22 February 2013 to 19 March 2013. A notice of compliance for public notification was received on 20 March 2013.

During this time, 929 properly made submissions were received.

Submissions

There were 643 properly made submissions received during the notification period objecting to the proposal. The matters raised within these submissions are outlined below:

1.	<p>Issue</p> <p>Inconsistency with Desired Environmental Outcomes (DEOs) of the Redlands Planning Scheme:</p> <p>1. DEO 1 – Natural Environment:</p> <p style="padding-left: 20px;">(a) use of management systems to improve water quality; and</p> <p style="padding-left: 20px;">(b) avoiding placement of fill in flood plains.</p>
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<p>2. DEO 2 – Character and Identity: protecting significant natural landforms and landscape features are protected by inappropriate development.</p> <p>3. DEO 3 – Community Health and Wellbeing</p> <p>(a) focusing retail, commercial and community facilities in centres to maximise accessibility; and</p> <p>(b) ensuring appropriate buffers are provided around existing industrial/rural activities with any development occurring within proximity of these activities to incorporate design and siting measures to mitigate potential impacts.</p> <p>4. DEO 4 – Access and Mobility: movement system includes all modes of transport and minimises adverse impacts of noise generated by traffic on major transport corridors on adjoining development.</p> <p>5. DEO 6 – Economic Development: The LGA economy is supported by employment opportunities through promoting tourism opportunities; maximising home business opportunities; protecting the poultry industry; and protecting the sustainable use of natural economic resources and rural enterprises.</p>
<p>Applicant Response</p> <p>DEO 1:</p> <p>(a) Stormwater and wastewater management systems were proposed with the MWA Environmental reports lodged with the application plus amended plans provided with the information request response, which will satisfy the DEO in this respect;</p> <p>(b) The SMEC report submitted identifies 2 drainage lines across the site. The report considers the potential effects of the driveway and landscaped gardens within the drainage lines. The road is at grade with no restrictive fauna fencing, and will not result in an intensification of use within the drainage lines.</p> <p>DEO 2: Addressed in pages 6 and 11 of the submitted Town Planning Report on pages 2-4, and 4-5 of the information request response.</p> <p>DEO 3:</p> <p>(a) The use is inappropriate in a centre and provides increased accessibility to a service not currently located in the LGA;</p> <p>(b) The size of the land allows for substantial buffers supported by extensive proposed revegetation and landscape treatments.</p> <p>DEO 4: The proposed use is inappropriate in a centre where all modes of transport are more readily available. The use is located on the highest order of road provided for within the LGA.</p> <p>DEO 6: The submitter states that the use will detract from future tourism uses, with the proposal better suited to the Community Purposes Zone. Relocating the use to such a zoning may not suit the majority of residents and such zonings government-owned and generally unavailable for private use. The proposal should be considered on its merits in the proposed location. The proposed use is impact assessable in the Rural Non-Urban Zone and supporting information provided through the assessment process demonstrates that the use of the land is appropriate with potential impacts able to be mitigated.</p>
<p>Officer's Comment</p> <p>DEO 1 :</p> <p>(a) Stormwater Quality has been addressed over the site with a treatment train that consists of</p>

	<p>swales, bioretention basins and overland buffered across grass, and the outcomes of the MWA Environmental report supported by Council. Pollution reduction outcomes are met and considered to achieve the outcomes of the SPP 4/10.</p> <p>A 970m³ wastewater disposal area can be located in a range of locations due to lot size and will be subject to a plumbing application. Information provided by the applicants demonstrated that no environmentally relevant activity (ERA63) is triggered;</p> <p>(b) The road is generally at grade with cut and fill required at intervals to maintain safe access. There will be some fill placed in the flood prone area adjacent to the western drainage line to provide flood-free access (in response to Council's information request), with 3x675mm diameter stormwater pipes to maintain flows. The detailed design of the road and stormwater management systems will be determined at compliance assessment stage, and is not considered to compromise DEO1 – Natural Environment in terms of maintaining the health of the City's natural drainage systems. A condition will be included that no permanent structures (other than the access road and associated infrastructure) are to be located below the Q100 defined flood event. The proposal is not considered in conflict with the DEO.</p> <p>DEO 2: The proposed development is not considered inappropriate inasmuch that it will have a detrimental impact on the rural landscape character of the locality. Addressed further in the assessment section under Zone Code. The proposal is not considered in conflict with the DEO.</p> <p>DEO 3: There would be considerably more amenity issues to be addressed if the proposed use were to be located in a centre zoning given the numbers of people living and working in centre zones are significantly greater, and the land size would not provide adequate buffers to mitigate environmental emissions. Consequently, a cemetery use is an inconsistent use in all centre zones. Additionally, majority of people that attend funerals will use a car, however the access has been designed to facilitate access by mini-buses as commonly used for mass transport in aged care facilities, should this service be required. The use provides sufficient buffers to adjoining uses. The proposal is not considered in conflict with the DEO.</p> <p>DEO4: The site is not well serviced by public transport with the nearest bus stop located at Boundary Road at Woodlands Drive and is approximately 1.5 km's away. There are 7 Bus routes stopping at this intersection. Despite this, a bicycle lane will be provided for the length of the frontage, and the use is located on an arterial road, therefore design for all motorised traffic. Most people attending a funeral service will opt for motorised transport in the form of a private vehicle. The proposal is not considered in conflict with the DEO.</p> <p>DEO 6: The proposed use is not an inconsistent use in the zone and will provide employment opportunities. The applicant has demonstrated that the use will not have any significant impacts on adjoining uses. The proposal is not considered in conflict with the DEO.</p>
2.	<p>Issue</p> <p>Inconsistency with the Rural Non-Urban Zone Code:</p> <ol style="list-style-type: none"> 1. Inconsistent use. 2. Proposed use not supported: the use is a commercial use of scale and intensity incompatible with the surrounding uses and setting. 3. Built Form and Density: <ol style="list-style-type: none"> (a) Amount of earthworks; (b) Length of driveway; (c) Design and intensity of hard surfaces, square construction, high pitched roof, lack of responsiveness to landscape contours; (d) Excessive height of acoustic mound;

<p>(e) Height of chapel; and</p> <p>(f) Excessive bulk and scale of proposal.</p> <p>4. Amenity:</p> <p>(a) A high standard of rural amenity is achieved by maintaining landscape values of rural area; protecting and enhancing cultural significance; having access to natural light and ventilation, privacy and private open space; providing a landscape setting that compliments the rural nature of development; and mitigating impacts associated with light, noise, air and traffic.</p> <p>(b) Rural amenity is maintained by the retention of scenic landscapes and vistas; productive rural lands; native plants and waterways; buildings and other structures minimising visual impacts on the landscape.</p>
<p>Applicant Response</p> <p>1. Inconsistent use: uses identified as inconsistent in the zone are impact assessable, however not all impact assessable uses are identified as inconsistent uses. The site is not identified in Sub-Areas RN1, RN2 or RN3 and therefore not inconsistent in the zone.</p> <p>2. Proposed use not supported: the issue has been addressed in the submitted Town Planning Report on pages 2-4, outlining the compatibility of the proposal with surrounding uses and the rural landscape character.</p> <p>3. Built Form and Density: the main activity area is set well back from all boundaries; cut slightly into the hill; includes significant landscaping; maintains a low site coverage and will not dominate the landscape setting.</p> <p>The site topography varies with two highpoints and a sloping gully through the site draining to the south. The proposal will reinforce the central point of the gully by redesigning the existing dam to create an ornamental lake. The driveway will accommodate the natural drainage network. The ornamental lake will be a feature and provide a focal point for the proposed memorial ponds and tranquillity gardens. This central feature will also include a wildlife enhancement link ranging from 90m to 130m in width, linking to the wildlife corridor along the southern boundary.</p> <p>The proposal utilises the topography of the site by locating the main activity centre on an elevated part of the site, and will include an acoustic mound and offset planting to assist in mitigating impacts.</p> <p>The peak of the chapel building is less than 8.5m above natural ground level. Building layout is designed to meet the functions of the proposed use, with the chapel presenting 'church-like' which is in keeping with small local churches that are found in rural areas. Building bulk is considered modest in scale in context of the site and surrounding development.</p> <p>The driveway design reflects the topography of the land.</p> <p>Drawing 10744-DD10D provides a cross section and long section through the car park and demonstrates that the view (of the main activity area) from the adjoining dwelling to the north will be largely screened by the acoustic mound. The acoustic mound will be visible as a 'more dense area of vegetation amongst the landscaped areas adjacent to the northern boundary'.</p> <p>4. Amenity: Expectations about amenity must be informed by the fact that the use is not an inconsistent use. Advice provided by Connor O'Meara Solicitors states that the preferred view of the P&E Court is that amenity impacts should find justification in specific, concrete and likely effects of the proposed development.</p> <p>The existing character of the area is not homogenous as it includes a range of uses including poultry farms, a secondary school and theological college in addition to tourist</p>

	<p>oriented development.</p> <p>Officer's Comment</p> <p>Refer to Zone Code assessment. Suffice to say that these matters are not considered grounds for refusal.</p>
3.	<p>Issue</p> <p>Operational Works required for bulk earthworks</p> <p>Applicant Response</p> <p>Operational works are required at the appropriate stage of development</p> <p>Officer's Comment</p> <p>The applicant has provided a preliminary earthworks plan which Council considers to be adequate for a material change of use application. More detail will be required at compliance assessment stage (operational works not triggered for this development).</p>
4.	<p>Issue</p> <p>The HTC Traffic Engineers report does not adequately address:</p> <p>(a) Car parking management;</p> <p>(b) Site access from external road;</p> <p>(c) Overflow parking; and</p> <p>(d) Ability of access driveway design to accommodate additional car parking.</p> <p>Applicant Response</p> <p>Information to address the above issues has been provided during the assessment of the application, including:</p> <ul style="list-style-type: none"> • HTC Traffic Engineers supplementary traffic report including Sidra analysis (as requested by Council); • Preliminary works plans indicating proposed access design (detailed design to be considered at compliance assessment stage); • Further clarification of operational characteristics; and • Car parking management plan <p>Additional advice from HTC Traffic Engineers provides overflow parking can be easily accommodated on site including along the internal access road. Concerns over back-to-back services are misplaced given an expectation of 165 cremation services per year over 250 available days, which equates to 0.7 services per day.</p>
	<p>Officer's Comment</p> <p>According to Council's infrastructure planning forecast, Woodlands Drive is currently under its potential capacity. The applicant has provided separate turning (or queuing) lanes for the traffic entering the cemetery (crematorium) off the Woodlands Drive, this also complies with Australian Standard requirements. In accordance with the Traffic Report by HTC, it is anticipated that the 'queuing at Woodlands Drive will be negligible'. In addition, the applicant provided a two lane driveway to lessen the impact on local traffic in the vicinity of the intersection entry/exit point. In terms of the Mount Cotton Road intersection, the HTC traffic report estimates that about 80% of the traffic flows generated by the cemetery (crematorium) will have a northern orientation which</p>

	<p>in turn means that approximately 20% of the visitors will use Mount Cotton Road route. It must be noted that the increase in traffic at Mount Cotton Road intersection will be spread out through the day, and is considered acceptable.</p> <p>Woodlands Drive is the main access point for the proposed cemetery (crematorium). HTC traffic report estimates that 80% of traffic flows generated by the crematorium will have a northern orientation. This leaves 20% of the traffic to be 'divided' between Mount Cotton Road and Taylor Road. It is reasonable to assume that Mount Cotton Road will bear the most part of the increased traffic while the increase of traffic at Taylor Road is considered insignificant. It also noted that the increase in traffic will be spread out through the day, depending on the management of cremation services.</p> <p>The condition of the road at Woodlands Drive is considered above average for the type of the road. The road speed limit and the sight distance were considered in the traffic analysis by HTC and were deemed adequate for the condition and type of the road including the proposed traffic intensity. High visibility paint and reflective road signs will be required so to effectively highlight the entry point to Crematorium at night time.</p> <p>Driveway slope is at its steepest at the point of approach to the main activity area. The maximum slope is about 16.7% or 1 into 6, which complies with the Access and Parking Code.</p> <p>The applicant has provided an amended site plan providing 49 extra overflow car spaces in addition to the 44 (including 2 PWD) spaces provided on initial plans, and overflow parking along one side of the access road. A car parking management plan has been provided to ensure safe and adequate parking for visitors and bus parking, to avoid on-street parking. A minimum of two car parking attendants will be available for all funeral services, and will be employed within the main parking area, or in the case of larges services, along the access way also. The car parking management plan includes performance indicators requiring no on-street parking during funeral services, and car parking attendants to be provided at all services, with the plan to be reviewed annually, or upon complaints or at the request of Council. The car parking management plan is included as a condition of approval. It is considered that the submissions relating to access, traffic and parking have been addressed through the above information.</p>
<p>5.</p>	<p>Issue</p> <p>Defined Use – accords more with a 'Funeral Parlour'.</p> <hr/> <p>Applicant Response</p> <p>A Funeral Parlour is defined in the RPS:</p> <p><i>"Means the use of premises to arrange and conduct funerals, memorial services and uses of a like nature. The term includes ancillary facilities such as a mortuary, crematorium, funeral chapel or administration area used in connection with the primary use."</i></p> <p>A Cemetery is defined in the RPS:</p> <p><i>"Means the use of premises for the burial or cremation of deceased people or animals. The term includes –</i></p> <p><i>(a) a graveyard, columbarium and burial ground;</i></p> <p><i>(b) any ancillary facilities such as a funeral chapel of parlour."</i></p> <p>The proposal does not include the mortuary and treatment function associated with a full funeral parlour service. The primary purpose of the proposal is a Cemetery (Crematorium) use, which involves cremation and burial with associated activities such as refreshment rooms, (deceased) viewing room, cold storage room and administration.</p> <p>The above conclusions are supported by advice provided by Connor O'Meara Solicitors.</p>

	<p>Officer's Comment</p> <p>The proposal includes the burial of ashes and includes a funeral chapel. Given either definition could apply; the best fit would distinguish the principal activities from the ancillary. The principal activity is the crematorium and the ancillary activities are the Interment of ashes and the chapel. On this basis, the Cemetery definition in the RPS is the best fit (refer above). A Funeral Parlour, by contrast describes the conducting of funerals as the primary activity and the crematorium as ancillary. Additionally, funeral parlours are usually encouraged within built up areas whereas crematoriums/cemeteries are encouraged outside of these areas.</p> <p>The applicants comments are further supported by the Queensland Planning Provisions (QPP Version 3) definitions which separate out the three uses:</p> <p><u>Cemetery</u></p> <ul style="list-style-type: none"> • Premises used for interment of bodies or ashes after death. • Examples include burial ground, crypt, columbarium, lawn cemetery, pet cemetery, and mausoleum. • Does not include the following examples – Crematorium and funeral parlour. <p><u>Crematorium</u></p> <ul style="list-style-type: none"> • Premises used for cremation or aquamation of bodies. • Does not include the following examples - Cemetery. <p><u>Funeral parlour</u></p> <ul style="list-style-type: none"> • Premises used to arrange and conduct funerals, memorial services and the like, but does not include burial or cremation. The use includes a mortuary and the storage and preparation of bodies for burial or cremation. • Does not include the following examples - Cemetery, crematorium, place of worship <p>Cemetery is the best fit definition in the RPS because the primary activity is the crematorium and the burial of ashes is a recognised as part of the definition. The definition permits a chapel as an ancillary use. The issue of burial of human remains can be simply dealt with via a condition restricting the use to the burial of ashes only. Any request to change the approval would have to pass the tests to determine whether it is a permissible change.</p>
6.	<p>Issue</p> <p>Question of 'need' given there is an existing facility within 10kms, and a more central location with a public transport service would provide for a better development pattern and provide greater support for business success.</p> <p>Applicant Response</p> <p>An Economic Needs Assessment by Foresight Partners identified the proposal as providing the only Cemetery (Crematorium) with a chapel in the Redlands LGA. The report anticipates that Redlands' residents will almost exclusively use the facility (p. 8). It is further anticipated that the facility will provide a latent demand for such services and provide benefits to the community in terms of convenience, increased choice and competition (p. 18).</p> <p>Officer's Comment</p> <p>The Foresight Partners report finds that the proposed development is unlikely to have a significant impact on other crematoria given their catchments are some distance away from Redlands main population areas of Cleveland and Capalaba, with assumptions made with regard to projecting a loss of service in the order of 5-10% for nearby existing facilities. Given population growth forecasts in tandem with the cremation projections referenced in a recent State committee paper, it is considered that sufficient need can be demonstrated to provide for another crematorium in SEQ which can provide for the needs of current and future residents of</p>

	<p>the Redlands LGA.</p> <p>For further detail refer to the 'Needs' section on pp. 7-8.</p>
7.	<p>Issue</p> <p>Poultry Impacts.</p> <p>Applicant Response</p> <p>Not provided.</p> <p>Officer's Comment</p> <p>Poultry impacts will not affect the proposed use.</p>
8.	<p>Issue</p> <p>Negative Social Impacts.</p> <p>Applicant Response</p> <p>Not provided.</p> <p>Officer's Comment</p> <p>Social impacts, as described in submissions, mostly relate to visual cues, which will be mitigated through landscaping and design. Other concerns relate to perceptions of emissions and noise affected wellbeing. The development has been subject to detailed noise and emissions modelling (including additional modelling in response to concerns raised by submitters), which demonstrates noise and emissions are well within acceptable limits. It is expected that these concerns will be most apparent within a short time after the use commences and will reduce over time as the perceived impacts on wellbeing diminish in line with the modelling.</p> <p>Refer to Table 2 – Other Codes and Policies, Planning Scheme Policy 12 – Social and Economic Impact Assessment, for further detail.</p>
9.	<p>Issue</p> <p>Reasonable Expectations of Residents.</p> <p>Applicant Response</p> <p>Connor O'Meara Solicitors provide the following advice:</p> <p><i>"Proposed development will often affect existing development. What is unacceptable is a detrimental effect to an unreasonable extent according to the reasonable expectations of other landholders in the vicinity given the sorts of uses permitted under current town planning controls."</i></p> <p>The proposed use is a consistent use in the Rural Non-Urban Zone, and is located within a poultry buffer which indicates the type and character of rural uses expected in that locality. The types of uses supported in the area include poultry farms which have impacts on amenity in terms of traffic, odour, visual character etc. Additionally, Woodlands Drive provides access to non-rural uses including Sheldon College and Nazarene Theological College. Sirromet Winery is also identified as a commercial rather than rural use. The proposed use is for a 'mostly low intensity' activity which will have a small physical footprint and landscaped to reduce visual effects.</p> <p>When considering the above, the proposal is not considered incompatible or out of character with the locality. Additionally, the proposal demonstrates no significant adverse impacts on local</p>

	<p>residents due to noise, emissions, odour, traffic or visual landscape character. Therefore it is reasonable that uses of this nature could occur in this locality.</p>
	<p>Officer's Comment</p> <p>Given that a third of submissions supported the development, it is not clear that the proposed use is contrary to the reasonable expectation of residents, however given that a large number of those submissions objecting to the proposal are from local residents, the reasonable expectations of those residents must be considered. The applicant has demonstrated, through consultant's reports that any potential impacts can be mitigated or will comply with current laws and policies. Further, the applicant has noted a number of other uses that do not accord with types of uses identified in S1.2 of the Rural Non-Urban Zone Code. Given the use is not inconsistent in this zone and will result in development that has the appearance of a rural-type activity (i.e. poultry farm) with a central cluster of buildings and long access driveway, with adequate setbacks providing a buffer to neighbouring uses, the development is considered to be in keeping with the existing character of the surrounding area. Other than land zoned specifically for a cemetery use (Community Purposes Sub-Area CP1), the zone and land parcel is considered to be suitable for this type of development when compared with smaller parcels of land, or zones which do not support the use. It is likely that given the uniqueness of the proposal that there is likely to be an issue around the expectations of local residents. However, for the above reasons it is not expected that these expectations are compromised.</p>
10.	<p>Issue</p> <p>Environmental Emissions.</p>
	<p>Applicant Response</p> <p>The application is accompanied by reports which address any potential adverse impacts from noise, environmental emissions and traffic.</p>
	<p>Officer's Comment</p> <p>Submissions relating to environmental emissions are considered to have been addressed in the MWA Environmental reports (including the MWA Environmental response to submissions dated 19/09/2013). It should be noted that there is no legislative requirement to regulate emissions through routine auditing hence the complaints-based reporting proposed in the submitted Air Quality Management Plan submitted. Noise and traffic impacts have also been addressed through the submitted consultant's reports and conditions of approval.</p>

There were 286 properly made submissions received during the notification period supporting the proposal. The matters raised within these submissions are outlined below:

1.	<p>Issue</p> <p>There is sufficient demand for the proposed use.</p>
	<p>Applicant Response</p> <p>Not provided.</p>
	<p>Officer's Comment</p> <p>Need is discussed in Table 2 – Other Codes and Policies, Planning Scheme Policy 12 – Social and Economic Impact Assessment.</p>

2.	Issue
	Will provide employment opportunities.
	Applicant Response
	Not provided.
	Officer's Comment
	The applicant advises that 4 staff will be employed initially with a total of 7 over time (during funeral services up to 3 funeral directors & 2 refreshment workers proposed). It is not evident if these will be locally employed staff, however it is likely this will be the case for non-specialised staff. In this regard the employment opportunities would be consistent with similar rural-type uses in the surrounding area.
3.	Issue
	Traffic solution supported if additional lanes provided.
	Applicant Response
	Not provided.
	Officer's Comment
	The applicant has provided a preliminary intersection plans with 24 metre long turning lanes, which Council has assessed as adequate. A bicycle lane will be added to the final design, as well as high visibility line marking and signage.
4.	Issue
	Positive Social impacts (use promoting 'hysteria'; mortality normal; Interment in Redlands; peaceful setting).
	Applicant Response
	Not provided.
	Officer's Comment
	The impacts described in the negative above relate mostly to visual cues which can be mitigated through landscaping and wildlife corridor plantings over time, and the design of buildings and the internal access. The strong reaction supported by the large number of submissions objecting to the proposal is likely to reduce over time given potential impacts will be regulated through conditions of approval.
	Agreed that the use does provide an opportunity for ashes of former Redlands residents to be interred in the Redlands, and the landscape setting would be consistent with a rural residential setting.

STRATEGIC IMPLICATIONS

Legislative Requirements

In accordance with the Sustainable Planning Act, the impact assessable application has been assessed against the Redlands Planning Scheme V4.1 and other relevant legislation. The decision is due on 18 December 2013.

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 condition of approval or against a decision to refuse. A submitter also has appeal rights.

Financial

Given the number of submissions objecting to the proposed development, there is potential that an appeal will be lodged and subsequent legal costs may apply, whether the development is approved or refused.

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 proposal and recommendation is considered to align with Council's policies and plans.

CONSULTATION

The Planning Assessment Team has consulted with other assessment teams where appropriate, and the results of their assessment are contained within the assessment section of this report. A copy of the original proposal was provided to Councillor Julie Talty of Division 6.

OPTIONS

The development application has been assessed against the Redlands Planning Scheme and relevant State planning instruments. The development is considered to comply with the instruments and it is therefore recommended that the application be approved subject to conditions.

Council's options are to:

1. Adopt the officer's recommendation to approve the application subject to conditions; or
2. Approve the application, without conditions or subject to different or amended conditions; or
3. Refuse the application.

OFFICER'S RECOMMENDATION

That Council resolve that a Development Permit Approval be issued for the Material Change of Use application for a Cemetery (Crematorium, Chapel, Refreshment Building and Interment Gardens) and Caretakers Residence on land described as Lot 3 RP 118985 and situated at 156 Woodlands Drive, Thornlands, subject to the following conditions:

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>
1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.	
<u>Approved Plans and Documents</u>	
2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.	Prior to the use commencing and ongoing.

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Locality Plan	10744-DD01 Issue N	Architects Black & Wilson Pty Ltd	06.13
Site Plan	10744-DD02 Issue E	Architects Black & Wilson Pty Ltd	06.13
Compound Plan	10744-DD03 Issue C	Architects Black & Wilson Pty Ltd	11.11
Floor Plan Crematorium Administration	10744-DD04 Issue B	Architects Black & Wilson Pty Ltd	03.11
Floor Plan Refreshments Building	10744-DD05 Issue B	Architects Black & Wilson Pty Ltd	03.11
North, South & East Elevations	10744-DD06 Issue C	Architects Black & Wilson Pty Ltd	10.12
West Elevation & Sections A-A & B-B	10744-DD07 Issue C	Architects Black & Wilson Pty Ltd	10.12
Sections C-C, D-D & E-E	10744-DD08 Issue C	Architects Black & Wilson Pty Ltd	10.12

Sections 1-1 & 2-2 & Construction Sections	10744-DD09 Issue D	Architects Black & Wilson Pty Ltd	13.06
Cross Section Compound Long Section Compound	10744-DD10 Issue D	Architects Black & Wilson Pty Ltd	10.12
Preliminary Woodlands Drive Intersection Plan	SKC005 Rev. C	Bornhorst & Ward Consulting Engineers	21.06.13
Preliminary Earthworks Volumes (as amended in red)	SKC001 Rev. E	Bornhorst & Ward Consulting Engineers	16.07.13
Road 1 Longitudinal Section	SKC002 Rev. B	Bornhorst & Ward Consulting Engineers	16.07.13
Road 1 Typical Cross Sections	SKC003 Rev. A	Bornhorst & Ward Consulting Engineers	08.07.13
Centre of Allotment Wildlife Enhancement Link	10744-WC03 Issue C	Architects Black & Wilson Pty Ltd	13.06
Stormwater and Wastewater Management Plan (as amended in red)	Job No 10-054, Final Report Version 4	MWA Environmental	18/07/2012
RFI Response – Stormwater and Wastewater (as amended in red)	Job No 10-054	MWA Environmental	14/01/2013
Additional RFI Response - Stormwater and Wastewater (as amended in red)	10-054 Draft 2	MWA Environmental	23/05/13
Report on Geotechnical Investigation	Project 80066.00	Douglas and Partners Pty Ltd	27 November 2012
Summary of Permeability Testing (refer Attachment 1 in RFI Response – Stormwater and Wastewater by MWA Environmental dated 14/01/2013)	Project 80066.01	Douglas and Partners Pty Ltd	27 November 2012
Noise & Air Quality Assessment Proposed Crematorium 156 Woodlands Drive Thornlands	10-054	MWA Environmental	18 July 2012
Noise Management Plan	NMP 1 of 1 (as amended in red)	MWA Environmental	April 2013
Air Quality Management Plan	AQMP 1 of 1 (as amended in red)	MWA Environmental	April 2013
Car Parking Management Plan	CPMP 1 of 1 (as amended in red)	Applicant	Received by Council 01/10/2013
Landscape Concept Plan	LC01	Cardno Chenoweth	Jul 2012

Table 1: Approved Plans and Documents

<u>Use and Operation</u>	
3. Burial of non-cremated bodies on-site is not permitted under this approval.	Ongoing
4. This approval does not include a mortuary.	Ongoing
5. Remove all metal items from cremated remains before skeletal remains are processed into a granulated form. Metal objects are to be disposed of in accordance with the approved waste management system.	Ongoing
6. Operate the refreshment building in association with the approved use. The refreshment building is not to operate as a stand-alone use.	Ongoing
7. Operate the cremator in accordance with the manufacturer's specifications.	Ongoing
8. Schedule funeral services no earlier than 90 minutes from the commencement of the proceeding service where it is likely that more than 15 cars will be attending the service. The likely number of attendees (and cars) will be determined when scheduling a funeral service at the site.	Ongoing
9. Undertake a maximum of six (6) funeral services per day.	Ongoing
<u>Design</u>	
10. Locate, design and install outdoor lighting, where required, to minimise the potential for light spillage to cause nuisance to neighbours.	Prior to the use commencing and ongoing.
<u>Access, Roadworks and Parking</u>	
11. Provide detailed design of the internal road and car parking areas to Council generally in accordance with approved 'Site Plan' 10744-DD02 Issue E, prepared by Architects Black and Wilson Pty Ltd, dated November 2010. The design must address the requirements of Redlands Planning Scheme and relevant Australian Standards.	As part of request for compliance assessment.
12. Access to car parking spaces, bicycle spaces, bin bays, vehicle loading and manoeuvring areas and driveways must remain unobstructed and available during the approved hours of operation. Loading and unloading operations must be conducted wholly within the site.	Ongoing
13. Submit to Council for approval, engineering plans and details showing the following frontage works are in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval: a) Road construction including drainage and road pavement; b) Verge earthworks, topsoiling and turfing of all disturbed footpath areas; c) Reinstatement of existing pavement and verge works where required; d) Removal of all redundant vehicle crossovers; e) Entry treatment/access to the site;	As part of request for compliance assessment.

<p>f) Adjustment and relocations necessary to public utility services resulting from these works;</p> <p>g) Permanent vehicular crossover to the Woodlands Drive frontage of the site, generally in accordance with the approved Woodlands Drive Intersection Plan SKC005 Rev. C, prepared by Bornhorst and Ward Consulting Engineers, dated 21/06/13;</p> <p>h) Intersection works at the Woodlands Drive frontage design to include:</p> <ul style="list-style-type: none"> • Bicycle lane provision in accordance with the Austroads 2011; • Sufficient Raised Reflective Pavement Markings (RRPMs); • Sufficient line marking, guide posts and intersection lighting in accordance with the requirements of Redlands Planning Scheme, Australian Standards and Austroads 2011 ; and • Site identification signs to inform the general public about the location of the crematorium. 	
<u>Hours of Operation</u>	
<p>14. Operate the approved use in accordance with the approved Noise Management Plan by MWA Environmental dated April 2013 and subject to the following operating hours:</p> <ul style="list-style-type: none"> • Funeral services and viewings occur between 7am and 6pm Monday to Saturday; and • The cremator must not operate during the 10pm to 7am period unless required by authorities in response to a substantial epidemic or similar. 	Ongoing
<u>Compliance Assessment</u>	
<p>15. Submit to Council, and receive approval for, Compliance Assessment for the documents and works referred to in Table 2:</p>	Prior to site works commencing.

Document or Works Item	Compliance Assessor	Assessment Criteria
Landscape Plan	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 8 – Landscape Code • Redlands Planning Scheme Part 9 Schedule 9 – Street Trees • Redlands Planning Scheme Part 11 Policy 3 Chapter 3 – Landscaping and Chapter 4 – Security Bonding

		<ul style="list-style-type: none"> • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 10 – Parks and Open Space and Chapter 11 – Landscaping • Redlands Planning Scheme Part 11 Policy 16 – Safer by Design.
Arborist Report	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 11 Policy 9 Chapter 11 – Landscaping • Australian Standard 4373:2007 – Pruning of Amenity Trees • Australian Standard 4970:2009 – Protection of Trees on Development Sites.
Stormwater assessment or Stormwater Management Plan	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 9 – Stormwater Management Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 6 – Stormwater Management • Redlands Planning Scheme Part 9 Schedule 11 – Water Quality Objectives • Water Sensitive Urban Design Technical Guidelines for South East Queensland • State Planning Policy 4/10 – Healthy Waters • State Planning Policy Guideline for Healthy Waters • Queensland Urban Drainage Manual • Australian Standard 3500.3:2003 – Plumbing and Drainage – Stormwater Drainage.
Water Supply and Reticulation	Redland City Council	<ul style="list-style-type: none"> • SEQ Water Supply and Sewerage Design and Construction Code • Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and

		<p>General Conditions, Chapter 7 – Water Reticulation.</p>
Access and Parking Plans	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 1 – Access and Parking Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 15 – Access and Parking • Australian Standard 2890.1:2004 – Parking Facilities – Off-street car parking • Ausroads 2011 • Australian/New Zealand Standard 2890.6:2009 – Parking Facilities – Off-street parking for people with disabilities.
Road and Footpath Works	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 7 Division 4 – Domestic Driveway Crossover Code • Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 5 – Road and Path Design.
Sediment and Erosion Control Plan	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 6 – Erosion Prevention and Sediment Control Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 4 – Erosion Prevention and Sediment Control • Institution of Engineers Australia Erosion and Sediment Control Guidelines.
Earthworks Plans	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 7 Division 6 – Excavation and Fill Code

		<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 5 – Development Near Underground Infrastructure Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 12 – Excavation and Fill and Chapter 13 – Development Near Underground Infrastructure • Australian Standard 2870:2011 – Residential Slabs and Footings • Australian Standard 4678:2002 – Earth-retaining Structures • Australian Standard 3798:2007 – Guidelines on Earthworks for Commercial and Residential Development.
Construction Management Plan	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding.
Electricity Reticulation Plan	Redland City Council	<ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 9 – Electrical Reticulation and Street Lighting

Table 2: Compliance Assessment

Stormwater Management	
16. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, to a legal point of discharge as identified in 10-054-SWMP1 by MWA Environmental dated 17/05/13	Prior to the use commencing and ongoing.
17. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.	Prior to the use commencing and ongoing.

<p>18. Submit to Council, and receive Compliance Assessment approval for, a stormwater assessment that is generally in accordance with 10-054-SWMP1 prepared by MWA Environmental dated 17/05/13, and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and the following:</p> <ul style="list-style-type: none"> • Detailed drawings of the proposed stormwater quality treatment systems and any associated works. The drawings must include longitudinal and cross sections as well as details of treatment media and any associated vegetation. Treatment systems are to be designed in accordance with WSUD – Technical Design Guidelines for South East Queensland. 	As part of request for compliance assessment.
<u>Flood Prone Land</u>	
<p>19. Locate all permanent structures above the Q100 defined flood event. Interment or scattering of ashes is not permitted below the Q100 defined flood event.</p>	Prior to the use commencing and ongoing.
<u>Infrastructure and Utility Services</u>	
<p>20. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid at the time the works occur in accordance with the terms of any cost estimate provided to perform the works, or prior to plumbing final or the use commencing, whichever is the sooner.</p>	At the time of works occurring.
<p>21. Connect the development to external reticulated water and overhead electricity supply in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval.</p>	Prior to the use commencing.
<u>Construction</u>	
<p>22. Install erosion and sediment control measures prior to commencement of the civil works, earthworks and construction phases of the development to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9, Chapter 4 Erosion Prevention and Sediment Control and the Institute of Engineers' Erosion and Sediment Control Guidelines.</p>	Prior to site works commencing.
<p>23. Undertake any required excavation and fill works in accordance with the following:</p> <ol style="list-style-type: none"> a) Design retaining walls/structures to have a minimum design life of 60 years and to be in accordance with Australian Standard 4678:2002 – Earth Retaining Structures (as amended). b) Undertake compaction in accordance with Australian Standard 3798:2007 – Guidelines on earthworks for commercial and residential developments (as amended) and Australian Standard 2870:2011 – Residential Slabs and 	During construction.

<p>Footings (as amended).</p> <p>c) Comply with the relevant requirements of the Building Regulations 2006 (as amended) where involving gradients or embankments.</p>	
<p>24. Provide temporary drainage during the building construction phase such that discharge from all constructed roofs and paved areas is disposed of to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM) Section 3.02 'Lawful Point of Discharge'. Maintain the temporary system for the duration of the building works.</p>	<p>During construction.</p>
<p>25. Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.</p>	<p>Prior to the use commencing.</p>
<p><u>Waste Management</u></p>	
<p>26. Install a screened refuse storage area, located in an easily accessible place adjacent to the main cemetery (crematorium) buildings, and designed for access by a rigid waste collecting truck. Sufficient bins must be provided to cater for the waste generated.</p>	<p>Prior to the use commencing and ongoing.</p>
<p><u>Landscape Works</u></p>	
<p>27. Submit landscape plans to Council for Compliance Assessment in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval. Include the following items:</p> <ul style="list-style-type: none"> • Designs that are generally in accordance with the Landscape Concept Plan, Drawing No: LC01, prepared by Cardno Chenoweth, dated Jul 2012. • Amend the location of offset plantings to be relocated away from the site boundaries and planted over the site to improve the existing habitat condition and function and to promote movement of native animals through the lot. • Details of street tree planting in accordance with the Redlands Planning Scheme Landscape Code with species selected from Schedule 9 of the Redlands Planning Scheme, unless otherwise approved as part of the compliance assessment approval. • A maintenance plan for the entire landscaping component of the development. • Details of lighting to driveways, public car parks and footpaths within the site. • Any trees to be located within 10 metres of a building or structure within the Medium Bushfire Hazard designation area must be selected from Table 2 – Low Flammability Species in the Bushfire Hazard Overlay. 	<p>As part of request for compliance assessment.</p>

<u>Vegetation Management</u>	
<p>28. Submit an Arborist Report which details how the construction of cut and fill may impact vegetation which is marked for retention over the site. The report is to include:</p> <ul style="list-style-type: none"> • Construction methods and tree protection methods to ensure trees can be successfully retained within the cut/fill footprint of the development. • Details related to construction and post construction protection and maintenance of trees to be retained in accordance with AS4970-2007 ‘Protection of Trees on Development Sites’ and AS4373-2007 ‘Pruning of Amenity Trees’. • A tree protection plan (drawing) showing the Tree Protection Zones (TPZ) for trees to be retained and other protection measures. This plan is to be located on all civil and landscape drawings. 	As part of request for compliance assessment.
<p>29. Provide details of tree protection fencing for trees/vegetation which is earmarked for retention over the site. Fences are to be in line with the specifications detailed in AS4687:2007. Temporary star picket and three strand wire fencing is not accepted.</p>	As part of request for compliance assessment.
<p>30. Appoint an accredited Fauna Spotter to conduct an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. The spotter is to be present onsite during the clearing of vegetation. The Fauna Spotter is to hold a current Rehabilitation Permit issued by the Environmental Protection Agency under Section 275(d) of the <i>Nature Conservation Regulation 1994</i> or under Section 12(d) of the <i>Nature Conservation (Administration) Regulation 2006</i>.</p>	Prior to any site works or vegetation clearing commencing and ongoing.
<u>Acoustics</u>	
<p>31. Implement the noise management plan, titled <i>Alex Gow Pty Ltd, 156 Woodlands Drive, Thornlands: Noise Management Plan</i> on site. Review the plan annually and notify Council of any intended amendments. Amendments to the noise management plan must <u>not</u> be implemented before gaining Council approval.</p>	Prior to the use commencing and ongoing.
<p>32. Construct a 3.0 metre high acoustic barrier to the north of the carpark, as per section 4.0/Figure 5 of the noise report titled <i>Noise & Air Quality Assessment, Proposed Crematorium – 156 Woodlands Drive Thornlands. Prepared for Alex Gow Pty Ltd by MWA Environmental</i>, dated 18 July 2012.</p> <p>Construct the acoustic barrier to achieve a minimum standard that attains a superficial mass of not less than 12.5kg/m² and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in <i>Noise & Air Quality Assessment, Proposed Crematorium – 156 Woodlands Drive Thornlands. Prepared for Alex Gow Pty Ltd by MWA Environmental</i>.</p> <p>The barriers must be a fence/mound combination and constructed in accordance with <i>Diagrams 4 – of Redland Planning Scheme Policy 5 - Environmental Emissions</i>.</p>	Prior to the use commencing and ongoing.

<p>33. Submit post construction certification for the acoustic barrier to Council. The certification must be provided by a suitably qualified acoustic consultant and must demonstrate that the conditions of this development approval relating to noise are achieved and (where not otherwise specified) confirm that the predicted noise levels <i>Noise & Air Quality Assessment, Proposed Crematorium – 156 Woodlands Drive Thornlands</i>, prepared for <i>Alex Gow Pty Ltd</i> by <i>MWA Environmental</i>, have been achieved.</p>	<p>Prior to the use commencing.</p>
<p><u>Air Quality</u></p>	
<p>34. Implement the air quality management plan <i>Alex Gow Pty Ltd, 156 Woodlands Drive, Thornlands: Air Quality Management Plan</i>, dated <i>February 2013</i> on site. Review this plan annually and notify Council for approval of any intended amendments. Amendments to the odour management plan must <u>not</u> be implemented before gaining Council approval.</p>	<p>Prior to the use commencing and ongoing.</p>
<p>35. The use must not discharge visible emissions from the cremator exhaust with an opacity in excess of 20 percent for an aggregate of more than 5 minutes in any 1 hour period or more than 20 minutes in any 24 hour period.</p>	<p>Ongoing</p>
<p><u>Chemical Storage</u></p>	
<p>36. Locate all liquid chemicals and fuel in a covered and bunded area. The storage area must be constructed of an impervious material with a minimum holding capacity of 110% of the largest container stored within it. Maintain the minimum holding capacity at all times.</p>	<p>Prior to the use commencing and ongoing.</p>

ADDITIONAL DEVELOPMENT PERMITS AND COMPLIANCE PERMITS

The following further Development Permits and/or Compliance Permits are necessary to allow the development to be carried out. Please be aware that details of any further approvals, other than a Development Permit or Compliance Permit, are provided in the 'Advice' section of this decision.

- Building Works approval.

ASSESSMENT MANAGER ADVICE

- Other Approvals

Please be aware that other approvals may be required for your development. This includes, but is not limited to, the following:

- Compliance assessment as detailed in Table 2 of the conditions.
- Plumbing and drainage works.
- Road Opening Permit – for any works proposed within an existing road reserve.
- Food Business Licence – for any development proposing to conduct a food business under the *Food Act 2006*.

- Live Connections

Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.

Further information can be obtained from Redland Water on 1300 015 561.

- **Hours of Construction**

Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.

- **Survey and As-constructed Information**

Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:

- a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
- b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
- c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
- d) Permanent Survey Mark sketch plan copies.

This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.

Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

- **Fire Ants**

Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website www.daff.qld.gov.au

- **Cultural Heritage**

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.

- **Fauna Protection**

It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.

- **Environment Protection and Biodiversity Conservation Act**

Under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as vulnerable under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at www.environment.gov.au

www.ea.gov.au/epbc

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.

- Any waste defined as clinical and related waste under Item 14 in Schedule 7 – Part 1 – Regulated waste should comply with Schedule 2 – Item 56 – Regulated waste storage and Item 57 – Regulated waste transport.
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8 PORTFOLIO 8 (CR MURRAY ELLIOTT)
INFRASTRUCTURE**8.1 INFRASTRUCTURE & OPERATIONS****8.1.1 COUNCIL POLICY ON THE DEFERRED PAYMENT OF INFRASTRUCTURE CHARGES****Datworks Filename: RTT: Budgeting - IPU Developer Contributions****Authorising Officer:****Gary Soutar**
General Manager Infrastructure and Operations**Responsible Officer:****Murray Erbs**
Group Manager City Infrastructure**Author:****Giles Tyler**
Senior Advisor Infrastructure Projects

PURPOSE

The purpose of this report is to seek Council's support for an initiative to further stimulate the local development industry by formalising a process for the deferral of infrastructure charge payments applying to residential reconfiguration and multiple dwellings under community management schemes.

BACKGROUND

Infrastructure charges can be levied in relation to reconfiguration of a lot (ROL), material change of use (MCU) or building works (BW) development approvals. The timing for payment of these charges is set by the Sustainable Planning Act (SPA):

- For reconfiguring a lot, before survey plan sealing;
- For building work, before the certificate of classification is issued; or
- For a material change of use, before the change happens (plumbing final approval in the case of Redland City Council (RCC)).

The MCU plumbing final trigger for payment normally applies to multiple dwelling developments as the buildings are commonly constructed on the proposed community management scheme lots before the scheme is registered.

A growing number of industry enquiries about the potential for deferring infrastructure charges payments, as well as State Government reform proposals in relation to moving the ROL payment trigger to settlement of lot, suggest that it is timely for Council to consider its policy position on the issue.

At the State level, the option of mandating deferred payment was initially raised by the Infrastructure Charges Taskforce (2011). Deferred payment was proposed as a way of easing the financial burden on industry during the initial phases of residential development projects. Subsequently, the State consulted with local governments and industry on the issue, culminating in a draft report that recognised some benefits but also potential limitations, including:

- Ensuring security of payment;
- Delays by way of payment disputes at settlement;
- Impacts on local government cash flow;
- Administrative load on local government; and
- Overall costs versus benefits.

The idea was also taken up by the Infrastructure Planning & Charges Framework Review Discussion Paper (June 2013). Again it was highlighted that there were a number of impediments to implementing a deferred payment mechanism to settlement including the complexity associated with amending conveyancing and land titling laws in Queensland. Because of these issues and difficulty introducing a Statewide approach, it is considered unlikely that the State Government will mandate deferment of ROL charges to settlement.

In response to the State's Infrastructure Planning and Charges Framework Review Discussion Paper (June 2013), Council submitted that any introduction of a deferred payment mechanism should be wholly at the discretion of local government.

INFRASTRUCTURE CHARGE RECOVERY

Perhaps the most significant risk to local government in providing for deferral is recovery of payment. Security by way of a bank guarantee or other financial instrument is the most logical and common practice to guarantee payment and address potential developer insolvency post plumbing final (MCU multiple dwellings) or plan sealing (ROL).

However, in certain circumstances this security makes development financing problematic and costly. Financial institutions can be unwilling to finance the charges of development where they are decoupled from the development process or, alternatively, require a risk premium for securities such as bank guarantees. However, this may not be the case for all proposals. Consequently, on balance it is considered that financial benefits can be realised by the industry in secured deferred payments. A policy to offer deferral would also support Council's other development incentives such as;

- Cleveland CBD Incentives package;
- Bonding of uncompleted works for up to 6 months to allow plan sealing for selected residential development; and
- Fast tracked and streamlined development assessment services.

One other risk factor is the scale of development. It is considered that smaller developments are likely to carry more risk for Council and it is recommended that a threshold of minimum 10 lots per project and 8 lots per stage be included for any deferral initiative.

INFRASTRUCTURE AGREEMENTS

Under the Sustainable Planning Act (SPA) an agreement may provide for:

- Payment of the charge at a different time or by instalments;

- Supplying infrastructure or providing land in fee simple in place of paying all or part of the charge; or
- Supplying alternative infrastructure to that in the notice but which delivers the same level of service.

Consequently, any decision to defer charges will require a developer to enter into an infrastructure agreement. An agreement for deferred payment may also include associated infrastructure charge offsets for dedicated land and works, including refunding terms for unused offsets.

ISSUES

Council needs to consider a number of questions in relation to its position on deferred payment:

- Are there sufficient industry benefits to warrant deferral?
- What sunset provision is required?
- What security is appropriate to minimise risk?
- Should indexation apply until payment?
- What administrative burden and budget management burden will Council accept?
- Which type of development should the deferral apply to?
- How is a deferred charge to be apportioned (by stage, by each property at settlement, or other)?
- How are donated asset offsets applied through a deferred payment mechanism with incremental payments?

These questions are addressed through the following potential deferral mechanisms.

Option 1: Payment by instalments

This option envisages part payment at plumbing final or plan sealing with residual payments made by instalment over a set period. Payments would be secured by way of a bonded bank guarantee.

Advantages

- Less financial impact on developer up front; and
- Adds flexibility to payment process.

Disadvantages

- Complexity in accounting for instalments associated with staged development;
- Council security requirements for instalments are likely to negate developer savings for partial payment amounts;
- Significant change to Council's systems (time and cost) in:
 - getting appropriate security;
 - calling on security if required/debt collection;
 - recording and reporting;
- Holding costs are carried by Council; and

- Potential impacts on the development approval/infrastructure agreement process due to negotiation of instalment and security terms and conditions.

Option 2: Payment at issue of title

This option shifts the payment trigger from plumbing final or plan sealing to issue of title. The developer would be required to present proof of payment (receipt) to the titles office in order to obtain titles on the reconfigured lots.

Advantages

- Low implementation costs;
- Moves payment closer to the receipt of income for developers; and
- Council does not require any additional security.

Disadvantages

- Very marginal shift of timing/savings to developer; and
- New process would need to be developed by Department of Environment and Resource Management for land title processing.

Option 3: Payment at settlement by the developer

This option shifts payment of infrastructure charges by the developer from plumbing final (MCU) or plan sealing (ROL) to settlement. Council's security position would be by infrastructure agreement with payment by the developer prior to actual settlement. Settlement could not occur until payment was made in full, so that liability for payment could not be transferred to the buyer. A 12-month sunset clause for any unpaid amounts could apply to ensure there is no indefinite outstanding liability to Council. Multiple changes to legislation would be required if Council's security were to come from actual settlement proceeds.

The key practical impediments to deferring infrastructure charges to settlement are the flow-on effects for the finance industry from Council's security instrument taking first ranking priority over any other encumbrance. It is likely that any additional costs associated with this would be passed onto the homebuyer.

There would also be major changes required to conveyancing processes and practices where security comes from settlement proceeds. Payment would effectively be by individual lot creating a complex and significant administrative burden.

Other key considerations include:

- Potential delays to settlements due to any payment disputes, potentially having a further cost impact;
- Council's need to be party to settlement to ensure title did not transfer until payment had been received in full;
- Additional administrative load, primarily on Council, in both the short and longer term to ensure full payment is received; and
- Impacts on the timing of unused offset refunds and assigning credits to the land.

Advantages

- Assist developer cashflow towards the end of the project;
- Savings may get passed on to home buyers; and
- No unexpected early payment imposts.

Disadvantages

- Council would require appropriate security;
- Council revenues become difficult to forecast, with potential impacts on capital works programs;
- High administration costs for all parties: Council, developers, financiers, conveyancers, titles office. Most costs likely to be passed on to buyers to the detriment of housing affordability;
- There are times when there are multiple parties to settlement e.g. “Builders terms” options contracts, with the developer not being a party to the transaction with the end home buyer. This further complicates the security of payment issues; and
- Political risks at both Council and State level if settlements are delayed.

Option 4: Charges deferred up to 3 months after plan sealing

This options envisages one lump sum payment (per stage where applicable) to be made by the developer within 3 months after plan sealing. This would be managed through an infrastructure agreement and subject to appropriate security. There would need to be a cap on the deferral period of 12 months per development project to ensure prompt payment of charges.

The key effect of this option is to move payment from plumbing approval to after plan sealing for multiple dwelling developments under community management schemes. It also has the broader benefit of moving payment to after plan sealing for conventional reconfigurations and allow the opportunity for developers to receive sales proceeds by the time deferred payment is due, while also accounting for any potential settlement delays.

Advantages

- Applies to residential development, both community title and conventional lots;
- Relative certainty of payment amount and timing for all parties;
- Council doesn't need to monitor settlement;
- Relative simplicity in understanding and consistency;
- Developers are likely to have received settlement proceeds by the time payment is due; and
- Provides for delays in settlement; and
- Is not dependent upon the sale of all or part of the development project.

Disadvantages

- Decouples payment for the infrastructure charge from the development process increases the risk of banks not extending required funding or factoring increased risk into the funding cost;
- Council revenues become more difficult to forecast, with potential impacts on capital works programs;
- Impacts on the timing of unused offset refunds and assigning credits to the land; and
- Additional administrative load for Council;

DEFERRED PAYMENT IN PRACTICE

By way of example, Gold Coast City Council (GCCC) offers the opportunity for developers who are facing 'extenuating circumstances' to seek the deferral of their infrastructure charges by entering into an infrastructure agreement. GCCC has not attempted to limit what constitutes 'extenuating circumstances' by defining the term. Each request is considered on its merits by Council.

The GCCC deferral period is capped at 24 months and the repayment arrangement can be negotiated through the infrastructure agreement. Developers seeking deferral are required to provide documented financial evidence of extenuating circumstances and security by way of a bank guarantee or other financial instrument to minimise Council's risk. All costs associated with the drafting and administration of infrastructure agreements are required to be borne by the developer. The initiative includes infrastructure charges for 100% of transport, stormwater and recreation networks.

Logan City Council (LCC) also provides for deferred payment of infrastructure contributions for selected residential development for up to 6 months, or upon the sale of all or part of the development project, subject to payment of a bank guarantee security bond equal to 1.15 times the value of the infrastructure contributions. Each application is also subject to a risk assessment to ensure it satisfies certain criteria. Council reserves the right to determine each application on its merits. An applicant's proven capacity and past performance on completion of works is considered when undertaking each risk analysis.

CONCLUSION

In summary, the perceived benefits to development could well outweigh potential cost impacts under Option 4. This may not be the case for all proposals as sourcing security will have a lot to do with the rate of return and underwriting of each development project. Nevertheless, it would be reasonable for Council to offer the opportunity for appropriately secured deferred payment in keeping with the practice of other local governments and Council's own commitment to Redlands' business and investment objectives. Nevertheless, this should be seen as a short term incentive, 2 years being considered practical with a review at the end of that period to test its value to the local industry.

To minimise Council's exposure from smaller high risk development, a minimum 10-lot project and minimum 8 lots per stage excluding common property, is proposed as part of any deferral initiative.

The necessary application procedures and processes to enable deferred payment under Option 4 would include:

1. A standard application form;
2. Infrastructure Agreement template; and
3. Risk assessment checklist to ensure suitable development projects satisfy the following criteria:
 - a. is a residential reconfiguration or multiple dwelling community title scheme of a minimum of 10 lots as a project or, where in stages, a minimum 8 lots per stage excluding common property;
 - b. an appropriate form of security is provided;
 - c. the applicant has a proven capacity and past performance for completion of works; and
 - d. fees have been paid.

STRATEGIC IMPLICATIONS

Legislative Requirements

Infrastructure agreements provide for developers and Council to vary the legislative payment triggers for infrastructure charges.

Risk Management

Requiring an appropriate security instrument (bank guarantee) and the need for an infrastructure agreement that statutorily runs with the land, substantially minimises the risk of default and the need to seek recovery from homebuyers.

Financial

Deferred payments can provide cashflow certainty to the development industry, while local governments are generally able to manage the deferred cash flow adequately where subject to appropriate security of payment requirement. There is potentially some added cost, risk and complexity involved in ensuring appropriate security associated with instalments or deferral to after plan sealing, which needs to be balanced against facilitating development in the city. However, the majority of this cost and risk is with the developer where security is guaranteed and this cost may be significantly outweighed by the benefits of payment after most project costs have been paid and a positive cash flow is being received. On the other hand, Council's time, cost and human resource operating expenses would primarily include:

- Accounting for infrastructure payments and registering in a database of payments and settlements;
- Process training; and
- Administration of applications, risk checklists, fees, agreements and security instruments.

Once systems were established, it is not considered that this burden would be onerous or resource hungry. At a minimum, it is suggested that an administrative fee apply for each application to recover the initial processing and inception costs of Council.

The incentive may represent a potential challenge for accrual accounting and ageing debt.

However, it is considered that appropriate budgeting mechanisms can be put in place with the use of minimal Financial Services resources to account for this revenue where received over multiple financial years.

The recommended option avoids or minimises the key financial risks associated with deferring payment by:

- Providing cash flow certainty to Council with use of security and a sunset provision, which minimises the impact on reserve budgeting and programming capital works;
- Minimising the complexity of calculating land/works offsets or credits by requiring lump sum payment rather than on the settlement of individual lots; and
- Including the ability to apply indexation to payments.

People

Some additional administrative burden is recognised with any of the options and a proposed administrative fee (\$350) would be consistent with Council's bonding fee requirements and GCCC's levy.

The cost of preparing the infrastructure agreement will be at the developer's expense.

Environmental

Environmental impacts associated with this request are considered to be low risk.

Social

Social impacts associated with this request are considered to be low.

Alignment with Council's Policy and Plans

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

Facilitating development in a financially responsible way supports Council's commitment to 'Redlands – Open for Business and Investment' and the incentives underpinning that initiative.

CONSULTATION

The CFO and Legal Services have been consulted.

The Group Manager City Planning & Assessment is co-responsible for this report.

OPTIONS

1. That Council resolve to adopt the officer's recommendation.
2. That Council resolve not to offer deferred payment of infrastructure charges on the grounds that the costs associated with the financially prudent requirement for security and administrative impost will outweigh the benefits to the local residential development industry.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. To introduce a temporary infrastructure charge deferred payment mechanism for an inclusive period of 2 years from adoption date and subject to the following principles:
 - a. Council reserves the right to determine each deferral application on its merits;
 - b. applies only to conventional residential reconfiguration and multiple dwelling community title schemes that have not already received survey plan endorsement by Council;
 - c. applies only to a minimum of 10 lots as a project or, where in stages, a minimum 8 lots per stage excluding common property;
 - d. applies to all trunk network infrastructure charges including water supply and wastewater under Council's Adopted Infrastructure Charges Resolution as amended from time to time;
 - e. requires Council and the applicant to enter into an infrastructure agreement wholly at the applicant's cost to provide for the deferral and manage security terms and conditions;
 - f. appropriate security of payment safeguards are in place to ensure there isn't an additional financial risk to the community;
 - g. the capacity to apply indexation to the charge to reflect the time value of money is inherent in the agreements;
 - h. confirmation that the payment remains the responsibility of the developer (not the purchaser); and
 - i. payment (per stage where applicable) to be made by the developer within 3 months after plan sealing and subject to a 12-month sunset provision for any unpaid amounts per development project;
 - j. the increased administrative requirements to be addressed through a one off \$350 fee; and

2. To delegate to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, the authority to exercise Council's powers to enter into deferred payment infrastructure agreements where satisfying the principles, pursuant to section 257 of the *Local Government Act 2009*.

8.1.2 CITY ENTRY STATEMENTS AND SIGNAGE

Dataworks Filename:	RTT Advertising Signs/Structures
Attachments:	<u>Attachment 1: Examples of One Colour LED Entry Statement Monuments and Pylon Signs</u> <u>Attachment 2: Examples of HD LED Entry Statement Monuments</u>
Authorising Officer:	Gary Soutar General Manager Infrastructure and Operations
Responsible Officer:	Murray Erbs Group Manager City Infrastructure
Author:	Giles Tyler Senior Advisor Infrastructure Projects

PURPOSE

The purpose of this report is to put forward a preferred option for the replacement of existing entry statements and signage on the key approaches to the city, along with new signage for the declared Priority Development Areas (PDAs) at Toondah Harbour and Weinam Creek.

BACKGROUND

This matter was considered at a Councillor workshop on 22 October 2013 in the context of a proposal for commercial LED advertising and information signage. Part of that discussion centred around the maintenance of the existing entry statements and the potential to re-wrap the monuments and repair/replace the associated signage lighting. It was generally acknowledged that they were in a state of disrepair. However, the general consensus from feedback and comments received at the workshop identified the need to update current entry statement monuments to include the capacity for digital corporate and community messaging, and for the additional promotion of the city's declared PDAs at Toondah Harbour and Weinam Creek.

The use of digital message board systems with frequently updated, clearly observable headline content, is a common tool of local governments, education facilities and clubs. Today's LED solutions can be convenient and cost-effective, allowing organisations to update messages remotely from PCs, smartphones or tablets using standard 3G networks with no IT involvement. Most boards are modular for lower cost and ease of replacement from damage caused by vandalism.

Appropriate generic entry statements could present a real opportunity to reinforce Weinam Creek as a point of community focus and a regional gateway to Moreton Bay. Similarly, framing the approach to Toondah Harbour with entry signage could provide a tool for Council to promote the potential of the area as a dynamic and thriving precinct with a range of activities, events and community uses.

Along with the opportunities to engage the community through corporate or community information/messages (e.g. services, celebrations, festivals and events), digital message boards can provide a further tool to communicate emergency alerts.

This could be managed in conjunction with Council's Disaster Hub Alerts system of SMS and e-mail.

Examples of one colour LED entry statement monuments and frangible pylon signs, and full colour HD LED image/message board monuments are attached.

ISSUES

In recognising there are issues with the existing entry statements there are a number of alternative approaches that are open to Council. Three are identified below along with the main issues associated with each approach.

2. Maintain the 6 existing entry statement monuments to a high standard.

Advantages

- Low cost. Approximately \$2,000 to \$3,000 per monument to re-wrap with a UV fade proof and anti-graffiti coating, and repair/replace signage lighting.
- Consistent with current corporate identity and branding.

Disadvantages

- Some existing damage from vandalism would be costly to repair to an 'as-new' state.
- No capacity for messaging without a retrofit. Cost unknown.
- No testing of community sentiment has been undertaken to determine whether the entry statements foster a sense of local pride/ownership.

3. Eight double-sided replacement and additional entry statements using new traditional style monuments and single or full colour digital message boards. Includes the installation of 2 generic statements for the PDAs of Toondah Harbour and Weinam Creek. No change to the corporate brand.

Advantages

- Can be integrated with the current corporate brand.
- Can be solar powered for text only board (single colour).
- Existing power connection to the six (6) current monuments can be accessed for full colour digital image/message boards.
- Expression of interest can be sought from panel providers/LocalBuy for the design, fabrication and installation.
- Shortlist of designs can be brought back to Council for selection.
- Contemporary entry statement materials are generally fabricated from 'hammerproof' and weather proof materials.
- The advantages of digital corporate and community messaging through 'word bites'.
- Provides for recognition and promotion of Council's PDAs at approaches.

Disadvantages

- Doesn't include the capability to display images.
- Cost: Design and fabrication \$30,000/sign, and installation \$10,000/sign.
- Ongoing operational costs (maintenance, power costs for the full colour alternative, along with 3G connection at \$400/year).

4. Eight double-sided state-of-the-art replacement and additional entry statements using new public art monuments and full colour digital message boards. Corporate re-branding would be consistent with a concept design needing to demonstrate appropriate consideration of the local context, identity, attractions and community vision, as well as corporate goals.

Advantages

- An opportunity for stakeholders to be engaged in developing a place branding strategy.
- Would crystallise and contemporise the corporate brand.
- Would provide high definition messages including still images.
- Provides for recognition and promotion of Council's PDAs.

Disadvantages

- Time and Cost:
 - Broader corporate operational and materials costs from re-branding (cost unknown).
 - Approximately \$200,000/sign to design, fabricate and install including power connection and electronics.
 - Ongoing operational costs (maintenance and power, along with 3G connection at \$400/year).
 - Requires a project manager contractor with expertise in corporate identity/branding (approx. \$200,000) to develop and implement the re-branding exercise (including design competition) along with co-ordinating the entry statement project.
 - Initial process needed for Council to engage and work with business and community leaders to develop a place branding strategy.
 - Need to manage the process of a design competition and concept selection.
 - Project processes likely to take a minimum of 18 months, subject to resources.
- Procurement: a Council resolution to go to market with an expression of interest or to conduct a tender.
- Resource hungry: it would be expected that resources of the Communication, Engagement & Tourism Group would be required to oversee the re-branding process.
- A typical design competition approach to re-branding would be required.

Branding issues

Entry statements are fundamental to the branding of a local government. Ordinarily, councils work with business and community leaders to develop a place branding strategy which would include design standards for signage and monument structures. Consequently, any decision to rebrand the city would require changes to the Corporate Plan 2010-2015 Organisational Services' Strategic Priority – Marketing and Communications Program, Corporate Communications Policy (POL-3072), Community Engagement Policy (POL-3053) and Corporate Image Guideline (GL-3072-002). These are managed by the Communication, Engagement & Tourism group of Organisational Services and it is therefore logical that that group takes the lead in terms of the third approach involving re-branding, design competitions, fabrication and installation of entry statements and ongoing message management.

State controlled road approvals

Signs on state-controlled road reserves generally require a permit to occupy through the asset owner's approval (DTMR) of an *Ancillary Works and Encroachment Application*, which is subject to compliance with the assessment criteria contained in the *Qld Roadside Advertising Guide*. However, the replacement options for the 6 existing monuments is unlikely to trigger further approvals other than a permit to occupy where further works are required for footings and power. Nevertheless, the criteria for any design competition would need to be included in the detailed design specifications of the associated technical brief, particularly in relation to the digital message board.

STRATEGIC IMPLICATIONS

Legislative Requirements

Appropriate tender procedures will be undertaken in compliance with relevant statutory requirements.

Risk Management

Nil

Financial

Cost impacts range from approximately \$20,000 for option #1, \$320,000 plus ongoing telecommunications charges for option #2, through to \$1.8M for the re-branding option #3 entry statements plus ongoing power and telecommunications. The latter would also have a wider corporate cost impact on resources and operational materials. This would need to be scoped appropriately to firm up a likely cost.

People

Should Council wish to re-brand the city's image, it is anticipated that the Communication, Engagement & Tourism group of Organisational Services would need to manage that process.

Environmental

Environmental impacts associated with this request are considered to be low risk.

Social

Social impacts associated with this request are considered to have the potential to have a positive effect by way of proving a practical technological resource that can be used to support and strengthen community organisations by promoting services, activities, causes and events.

Alignment with Council's Policy and Plans

The recommendations in this report will not require amendments to the Redlands Planning Scheme.

New entry statements serving a community information function are consistent with the Corporate Plan objective for strong and connected communities achieved through enhancing the capacity of Council to promote social services, community health, festivals, events and activities. They could also provide a disaster management function by providing communication support to improve community preparedness and increase community safety and wellbeing.

Any decision to rebrand the City would require changes to the Corporate Plan 2010-2015 Organisational Services' Strategic Priority – Marketing and Communications Program, Corporate Communications Policy (POL-3072), Community Engagement Policy (POL-3053) and Corporate Image Guideline (GL-3072-002) as managed by the Communication, Engagement & Tourism group of Organisational Services.

CONSULTATION

This matter was considered at a Councillor workshop on 22 October 2013 in the context of a proposal for commercial LED advertising and information signage. Feedback and comments received at the workshop identified the need to consider options for updating current entry statement monuments and to include the capacity for community messages, along with the additional promotion of the city's declared PDA at Toondah Harbour and Weinam Creek.

OPTIONS

1. Initiate the design, fabrication and installation of 8 double-sided replacement and additional entry statements using new traditional style monuments and full colour digital image/message boards. This is to include the installation of 2 generic statements for the PDAs of Toondah Harbour and Weinam Creek. No change to the corporate brand is required.
2. Initiate the design, fabrication and installation of 8 double-sided replacement and additional entry statements using new traditional style monuments and single colour digital message boards. This is to include the installation of 2 generic statements for the PDAs of Toondah Harbour and Weinam Creek. No change to the corporate brand is required.
3. Initiate the design, fabrication and installation of 8 double-sided state-of-the-art replacement and additional entry statements using new public art monuments and full colour digital message boards. A corporate re-branding project is required to be initiated to provide the policy, guidelines and procedures around which a consistent identity can be put into effect for all signage and monument designs. The re-branding will be overseen and coordinated by the Communication, Engagement & Tourism Group of Organisational Services.
4. Maintain the 6 existing entry statement monuments to a high standard.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

- 1. To initiate an expression of interest with suitable providers for 8 double-sided replacement and additional entry statements using new traditional style monuments and full colour digital image/message boards. This project includes the installation of 2 generic statements for the Priority Development Areas of Toondah Harbour and Weinam Creek. No change to the corporate brand is necessary; and**
- 2. That the Chief Executive Officer be authorised to finalise the fabrication and installation of city entry signage on Longland, Mount Cotton, Broadwater, Moreton Bay, Old Cleveland and Rickertt Roads, and the approaches to the Toondah Harbour (Middle Street) and Weinam Creek (Hamilton Street) Priority Development Areas.**

8.1.3 REDLAND BAY MARINA AND VICTORIA POINT JETTY - TRANSLINK BUS STATION TRUSTEE LEASES**Dataworks Filename:** RTT: Acquisitions - Lease**Attachments:** [Victoria Point Jetty Lease Plans](#)
[Victoria Point Station Plan & Lease Areas](#)
[Weinam Creek Lease Areas](#)
[Weinam Creek Bus Station and Driver Plans](#)**Authorising Officer:****Gary Soutar**
General Manager Infrastructure and Operations**Responsible Officer:****Murray Erbs**
General Manager Infrastructure and Operations**Author:****Abdish Athwal**
Senior Engineer Traffic & Transport Planning

PURPOSE

The purpose of this report is to recommend to Council that the subject property be leased to Department of Transport and Main Roads (DTMR), represented by Translink Transit Authority, for the purpose of developing and upgrading the existing bus stations facilities at Redland Bay Marina and Victoria Point Jetty.

BACKGROUND

Translink is proposing to develop and upgrade the existing bus stations at Redland Bay Marina and Victoria Point Jetty and have been working in conjunction with Council for some 8 years.

Translink is proposing to call for expressions of interest for the construction at both sites in early 2014.

Council are trustees over the lands providing access to the bus station facilities.

South Region Department of Natural Resources and Mines (DNRM) have confirmed their preference for maintaining the existing extent of reserve areas through the use of the operational lease.

Development approval for a Material Change of Use (Code Assessable) was issued by Council on 10 October 2013.

DTMR have noted that the location of the proposed bus station at Weinam Creek is within the Priority Development Area (PDA) as declared by the State Government in mid 2013 and that the terms of the operational lease include a clause that permit the operational trustee lease to be cancelled subject to:

1. Both parties agreeing to an alternative location for the bus station and driver facility;
2. Appropriate tenure for the repositioned bus station and driver facility is able to be provided to DTMR's satisfaction; and
3. The relocated bus station and driver facility being practically completed and ready for operation.

ISSUES

To allow construction of the facilities to proceed, Council's approval of trustee leases, construction and operational, as shown on attachments 1&2, to DTMR, represented by Translink Transit Authority is required.

DNRM have agreed in principal to the operational leases, however registration of the operational leases is required.

STRATEGIC IMPLICATIONS

Legislative Requirements

S236 of the *Local Government Regulation 2012* contains an exception whereby a local government may dispose of an interest in land other than by tender or auction if the local government agrees by resolution that the exception applies. Council officers have determined that exception s236(1)(b)(i) applies allowing a trustee lease to a government agency, subject to the disposal being otherwise in accordance with sound contracting principles.

Risk Management

DTMR has confirmed that it will ensure that a safe path of travel for all ferry passengers is maintained during the construction period for both sites and will address barge office operation requirement for Victoria Point.

DTMR has confirmed that it will undertake a comprehensive stakeholder communication management program to ensure affected stakeholders are well informed of the works prior to and during the course of construction as required.

Financial

Council will receive \$1.00 per annum revenue from the operational lease with the construction lease being extinguished at the end of each construction project. All other costs associated with this transaction will be met by Translink.

People

There are no staff implications.

Environmental

Environmental impacts of the proposed facility were assessed and conditioned as part of the Material Change of Use.

Social

This proposal does not have any adverse social consequences. The proposed bus stations are intended to provide better facilities for commuters.

Alignment with Council's Policy and Plans

This proposal is in line with the following outcomes of the corporate plan:

- 3.4 promote enjoyment of the Bay by improving access for environmentally sensitive recreational activities, education, economic opportunities and ecotourism.
- 5.8 plan and advocate to connect the city's communities with improved public transport including road, ferry, cycling and walking network that provides safe and efficient movement within the city and the region and supports physical activity; and promote efficient and environmentally responsible private transport.
- 5.12 Plan, provide and advocate for essential physical and social infrastructure that supports community well being and manage Council's existing infrastructure assets to ensure current service standards are maintained or improved
- 6.6 Promote Redlands as a high priority tourism destination and encourage the development of sustainable nature-based, heritage and eco-tourism.

CONSULTATION

In preparation of this proposal the following officers have been consulted:

- Service Manager - Public Place Projects Unit;
- Property Services Manager;
- Senior Property Officer City Spaces Group;
- Legal Officer General Counsel Group;
- Department of Natural Resources and Mines.

OPTIONS

1. That Council resolve to:

1. Enter construction trustee leases over part of Lot 136 on SP127969 at Victoria Point Jetty and parts of Lot 197 on SP123870, Lot 300 on SP123870, and Lot 201 on SP177361 at Redland Bay Marina with the Department of Transport and Main Roads represented by Translink Transit Authority, subject to DNRM approval;
2. Enter operational trustee leases over part of Lot 136 on SP127969 at Victoria Point Jetty and parts of Lot 197 on SP123870, Lot 300 on SP123870, and Lot 201 on SP177361 at Redland Bay Marina with the Department of Transport and Main Roads represented by Translink Transit Authority for a term of 30 years, subject to DNRM approval;
3. Agree that S.236(2) of the Local Government Regulation 2012 applies allowing the trustee leases to be entered without prior auction or tender;
4. Delegate authority to the Chief Executive Officer under s.257(1)(b) of the Local Government Act 2009 to make, vary or discharge the trustee leases and sign all relevant documents.

2. That Council resolve to NOT adopt the Officer's Recommendation.

OFFICER'S RECOMMENDATION

That Council resolve to:

1. Enter construction trustee leases over part of Lot 136 on SP127969 at Victoria Point Jetty and parts of Lot 197 on SP123870, Lot 300 on SP123870, and Lot 201 on SP177361 at Redland Bay Marina with the Department of Transport & Main Roads represented by Translink Transit Authority, subject to Department of Transport & Main Roads approval;
2. Enter operational trustee leases over part of Lot 136 on SP127969 at Victoria Point Jetty and parts of Lot 197 on SP123870, Lot 300 on SP123870, and Lot 201 on SP177361 at Redland Bay Marina with the Department of Transport and Main Roads represented by Translink Transit Authority for a term of 30 years, subject to Department of Transport & Main Roads approval;
3. Agree that S.236(2) of the *Local Government Regulation 2012* applies allowing the trustee leases to be entered without prior auction or tender; and
4. Delegate authority to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to make, vary or discharge the trustee leases and sign all relevant documents.

8.1.4 WELLINGTON POINT VILLAGE PRECINCT TRAFFIC AND PEDESTRIAN SAFETY REPORT**Dataworks Filename:** RTT: LATM's (Local Area Traffic Management)**Attachment:** [Locality Plan - Study Area](#)**Authorising Officer:****Gary Soutar**
General Manager Infrastructure and Operations**Responsible Officer:****Murray Erbs**
Group Manager City Infrastructure**Author:****Wal Lloyd**
Adviser Traffic Investigation

PURPOSE

The purpose of this report is to advise of the recommendations from the Wellington Point Village Precinct Traffic and Pedestrian Safety Report and to seek support for implementation of recommendations.

BACKGROUND

For a period of time, Council has been receiving an increasing number of requests and complaints from the community and local business operators relating to 2 particular areas of concern in the Wellington Point town centre precinct, namely traffic and pedestrian safety, and parking facilities.

The Divisional Councillor requested that a report be prepared to review all traffic and pedestrian hazards and safety issues related to all traffic movements and parking in the precinct.

In 2012, RoadNet Pty Ltd was commissioned to undertake a detailed study (the study) with the results being documented as the Wellington Point Village Precinct Traffic and Pedestrian Safety Report (the report). The locality plan of the study area is shown in Attachment A.

The precinct includes the major roads of Birkdale Road which is a state-controlled sub-arterial road, and Main Road which, in Council's road hierarchy system is a Council sub-arterial road southwards from the Birkdale Road intersection and a local street northwards from Birkdale Road. Other streets included in the precinct are sections of Peterson Street, Oceanic Street, Christina Street, Waterloo Street, Apsley Street, and Pye Lane.

The study was conducted in 3 parts:

1. Road safety audit;
 2. Parking survey and analysis;
 3. Town centre traffic control and pedestrian safety
-

During the study period, the RoadNet representative attended a local Traders' Association engagement meeting from which was determined a number of issues of concern to the local business owners and operators.

The study included compilation and analysis of detailed traffic survey data, road crash data, and parking demand and supply data from surveys conducted by RoadNet during peak times on weekday and weekend periods.

ISSUES

(A) Road safety audit

(1) Conclusions

The major conclusions of the road safety audit (high priority) were as follows :

- The 40 AREA appears to work well along Main Road to the north from the Birkdale Road roundabout. The raised pedestrian crossing (zebra) and the roundabout assist in maintaining the low speed environment. However, there are traffic and pedestrian facilities just outside the current 40 AREA boundaries that could benefit by extending the 40 AREA coverage and suggested that the 40 AREA be extended as follows :
 - West from the roundabout along Birkdale Road for a distance of approximately 90metres;
 - South from the roundabout along Main Road to a point just south of the Apsley Street intersection;
 - North from the existing boundary near Christina Street to a point just north of O'Connell Parade;
 - along Waterloo Street from Main Road to Wellesley Street;
 - the full length of Pye Lane between Christina Street and Birkdale Road.
- The pedestrian crossing (zebra) on Main Road at the Peterson Street intersection does not comply with the conditions prescribed in the Manual of Uniform Traffic Control Devices (MUTCD), and concluded that it should be either modified or removed.
- The current street lighting along Main Road through the precinct provides adequate illumination to the footpath and car parking areas but only minimal lighting on the travel lanes. The street lighting should be investigated to ensure it meets the required standard for the street environment.
- A number of other issues were highlighted, mainly involving signs, paving, kerb ramps. These issues can be dealt with through normal works and maintenance scheduling.

(2) Discussion

40 AREA proposed extension

The proposal to extend 40 AREA boundaries requires approval for a change of speed limit to be granted by the local Speed Management Committee (SMAC) which includes representatives with voting rights from Redland City Council (RCC), Queensland Police Services (QPS) and the Department of Transport & Main Roads (TMR). The proposal was presented to the quarterly SMAC meeting with the following outcome:

- SMAC accepted a speed limit change with unanimous support for the extension of the 40 AREA as proposed on all the Council controlled roads;
- SMAC did not accept a speed limit change on Birkdale Road as it is a State controlled road and the TMR representatives did not support the proposal for extension of the 40 AREA along Birkdale Road. QPS and RCC officers supported the proposal.

An agreed action from the SMAC meeting was for Council to write to TMR formally requesting reconsideration of the proposal to extend the 40 AREA for approximately 90m along Birkdale Road. If TMR agreed to accept the proposal then Council would take responsibility for installation of appropriate traffic management devices such as signs and line markings for the new 40 AREA threshold.

Pedestrian crossing (zebra) near Peterson Street

The pedestrian crossing can be modified by realigning the angled section between the edgeline and the kerb on the eastern side of Main Road and with appropriate tactile ground surface indicators (TGSIs) installed. This would involve removal of a garden bed and installation of a sealed pavement with painting of pedestrian crossing (zebra) markings.

The crossing environment would be significantly improved by the extension of the 40 AREA boundary to include the crossing in the 40km/h speed limit zone.

Other issues

The street lighting along Main Road through the precinct could be investigated by listing a lighting design project for consideration in future works programs and to be undertaken dependent upon available funds and resources.

The various remaining low to medium priority issues can be addressed during the course of normal routine scheduling of works and maintenance programs and activities.

(B) Parking Survey and Analysis**(1) Conclusions**

The following summarises the major conclusions derived from the analysis of the survey data for weekday and Saturday off-street and on-street parking occupancy :

- The outcomes of the community consultation meeting indicated that business owners want alterations to the existing 1/2P limit parking spaces along the western side of Main Road between Birkdale Road and Christina Street;
- Recommendation to retain 25% of the 1/2P limit parking spaces (7 bays) and extend the parking limit for the remainder of the current 1/2P spaces to 1P limit (21 bays);
- In the streets adjacent to Main Road, there is plenty of on-street unrestricted parking;
- There is adequate unrestricted off-street parking in almost all parts of the CBD during the weekend and weekday peak periods;
- According to the survey results there is high demand for less than 2 hour time limit parking, and therefore recommendation is that the general provision in the CBD area should be 2 hours restriction. This restriction should retain 2P limit as maximum limit for any designated parking time limit in the precinct other than the 1/2P and 1P limits as proposed in this report.

2) Discussion

Subsequent to the study completion and RoadNet report submission, the Divisional Councillor undertook further consultation with the local business operators who now indicate preference for a higher number of 1/2P limit spaces to be converted to 1P limit along the western side of Main Road immediately north of Birkdale Road. The optimal outcome agreed now is to retain 4 of the 1/2P limit spaces and convert the remainder to 1P.

Agreement was also reached for the following:

- Remove one standard parking bay and install an extra disabled parking bay adjacent to the existing one just south of Oceanic Street;
- Convert 4 of the 1/2P limit spaces just north of Christina Street to 1P limit.

(C) Town centre traffic control and pedestrian safety

The study carried out the following in relation to traffic control and pedestrian safety in the precinct:

- Evaluation of the existing roundabout operation at the intersection of Main Road and Birkdale Road;

- Investigation of traffic and pedestrian safety improvement measures including an option for signalling the intersection, including intersection modelling analysis for the existing and proposed option;
- Evaluation of pedestrian safety at the existing adjacent pedestrian crossing points;
- Evaluation of the existing marked pedestrian crossings (zebra).

(1) Conclusions

The following are the major conclusions of the study:

- For the roundabout at the intersection of Main and Birkdale Roads, the analyses indicated that the existing control type will not reach saturation until well beyond 2032 and that it has design life well beyond 2032. Also, the level of service for a signalised intersection would be lower even though this option would provide a higher degree of safety for pedestrians. The recommendation is to retain the existing roundabout arrangement.
- None of the existing marked pedestrian crossings meet the warrants for being upgraded to an actuated signal crossing (mid-block). Recommendation is to retain existing marked pedestrian crossings (zebra) in Main Road north of Oceanic Street and in Birkdale Road west of Main Road.
- As previously discussed in the road safety audit section (A), it is recommended to modify or remove the marked pedestrian crossing (zebra) in Main Road just north of Peterson Street.

STRATEGIC IMPLICATIONS

Legislative Requirements

Under the Queensland Government legislation *Transport Operations (Road Use Management) Act* and its Regulations, all signs, signals, road markings, lights and traffic control devices must be designed and installed in accordance with the MUTCD.

Risk Management

Threats

- Any works or devices not conforming to MUTCD provisions may have potential liability issues for Council. This risk should be eliminated.
- Customer complaints will continue if no alterations are made to the existing traffic and pedestrian control devices and parking arrangements in the precinct.

Opportunities

- Increased traffic and pedestrian safety.
- Increased satisfaction for local business operators and their patrons with the proposed alterations to parking arrangements.

Financial

Alterations to parking signs and other minor recommendations can be completed from existing budget.

Other proposed works including realigning the pedestrian crossing, constructing a threshold and lighting will need to be detailed and listed for inclusion in future works programs.

People

The proposed alterations to road infrastructure and parking arrangements will have a positive impact on local business operators and their patrons, including visitors and local residents, and improve safety for pedestrians and motorists.

Environmental

Environmental impacts associated with these proposals are considered to be low risk.

Social

Social impacts associated with these proposals include improved access to local businesses for all their patrons and safer conditions throughout the precinct for pedestrians and motorists.

Alignment with Council's Policy and Plans

It is considered that the outcome of recommendations in this report will not require amendments to the Redlands Planning Scheme. The recommendations support community well-being and manage Council's existing infrastructure assets to ensure service standards are maintained or improved.

CONSULTATION

A community engagement meeting was held with RoadNet and the Divisional Councillor and specifically including local business operators through their Traders' Association.

The Councillor for Division 1, Cr Wendy Boglary, has been consulted on the contents of this report.

OPTIONS

1. That Council resolve to:
 2. Extend the boundaries of the 40 AREA speed limit zone as follows :
 - a) South from the roundabout along Main Road to a point just south of Apsley Street intersection.
 - b) North from the existing boundary near Christina Street to a point just north of O'Connell Parade.
 - c) Along Waterloo Street from Main Road to Wellesley Street.
 - d) The full length of Pye Lane between Christina Street and Birkdale Road.
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3. Write to TMR formally requesting reconsideration of the proposal to extend the 40 AREA for approximately 90m westward along Birkdale Road from the roundabout at Main Road intersection. If TMR agree to accept the proposal then Council would take responsibility for installation of appropriate traffic management devices such as signs and line markings for the new 40 AREA threshold.
 4. Realign the angled section of the marked pedestrian crossing (zebra) on Main Road near Peterson Street between the edgeline and the kerb on the eastern side of Main Road and reinstall appropriate TGSIs. This will involve removal of a garden bed and installation of sealed pavement with painting of pedestrian crossing (zebra) markings. Design and list the project for consideration in works program dependent upon available funds and resources.
 5. List a lighting design project for consideration in future works programs and to be undertaken dependent upon available funds and resources to investigate the street lighting along Main Road through the Village Precinct.
 6. Make the following alterations to existing parking limit restrictions :
 - a) Along the western side of Main Road between Birkdale Road and Christina Street, retain 4 of the 1/2P limit spaces immediately south of Christina Street and convert the remainder to 1P limit.
 - b) Remove one standard parking bay and install an extra disabled parking bay adjacent to the existing one just south of Oceanic Street.
 - c) Convert 4 of the 1/2P limit spaces just north of Christina Street to 1P limit.
2. That Council resolve to NOT accept the Officer's Recommendation.

OFFICER'S RECOMMENDATION

That Council resolve to:

- 1) **Extend the boundaries of the 40 AREA speed limit zone as follows:**
 - a) **South from the roundabout along Main Road to a point just south of Apsley Street intersection.**
 - b) **North from the existing boundary near Christina Street to a point just north of O'Connell Parade**
 - c) **Along Waterloo Street from Main Road to Wellesley Street.**
 - d) **The full length of Pye Lane between Christina Street and Birkdale Road.**
- 2) **Write to the Department of Transport & Main Roads formally requesting reconsideration of the proposal to extend the 40 AREA for approximately 90m westward along Birkdale Road from the roundabout at Main Road**

intersection. If Department of Transport & Main Roads agreed to accept the proposal then Council would take responsibility for installation of appropriate traffic management devices such as signs and line markings for the new 40 AREA threshold;

- 3) **Realign the angled section of the marked pedestrian crossing (zebra) on Main Road near Peterson Street between the edgeline and the kerb on the eastern side of Main Road and reinstall appropriate tactile ground surface indicators. This will involve removal of garden bed and installation of sealed pavement with painting of pedestrian crossing (zebra) markings. Design and list the project for consideration in works program dependent upon available funds and resources;**
- 4) **List a lighting design project for consideration in future works programs and to be undertaken dependent upon available funds and resources to investigate the street lighting along Main Road through the Village Precinct;**
- 5) **Make the following alterations to existing parking limit restrictions:**
 - a) **Along the western side of Main Road between Birkdale Road and Christina Street, 4 of the 1/2P limit spaces immediately south of Christina Street and convert the remainder to 1P limit.**
 - b) **Remove one standard parking bay and install an extra disabled parking bay adjacent to the existing one just south of Oceanic Street.**
 - c) **Convert 4 of the 1/2P limit spaces just north of Christina Street to 1P limit.**

9 PORTFOLIO 10 (CR PAUL BISHOP)
ARTS, CULTURE AND INNOVATION**9.1 COMMUNITY & CUSTOMER SERVICES****9.1.1 APPORTION INTEREST EARNED ON UNEXPENDED GRANT FUNDS****Datworks Filename: External Funding - Home Assist Secure Program****Authorising Officer:****Louise Rusan
General Manager Community & Customer
Services****Responsible Officer:****Greg Jensen
Manager Community & Cultural Services****Author:****Karen Finlay
Coordinator Home Assist Secure**

PURPOSE

To seek Council approval to apportion interest earned on unexpended grant monies held in reserve on behalf the Home Assist Secure Program as interest revenue earned each year from 2011-12 and 2012-13.

BACKGROUND

The State of Queensland represented by the Department of Housing and Public Works in conjunction with Redland City Council provides funded Home Assist Secure (HAS) services in accordance with the *Housing Act (2003)*. HAS is focused primarily on providing safety related information, referral and subsidised direct assistance for persons unable to undertake or pay for critical home maintenance services without assistance.

Council recently submitted its Social Housing Annual Financial Return 2012-13 to the Department of Housing and Public Works. This return reports on HAS program expenditure for the year. The return was reviewed and Council received advice from the Department that interest earned on Program funds had not been reported on the Return.

Interest earned on Program funds is required to be returned/apportioned back to Program balances in accordance with the *Housing Regulation 2003 – Schedule 5*. This regulation states that interest received on amounts paid to the Chief Executive as grants must be used for the purpose of providing the service.

As Council does not operate a separate bank account for HAS Program funds, the Department of Housing and Public Works has requested Council to apportion interest in accordance with an approved formula.

ISSUES

Allocation of interest revenue on HAS grants not yet expended will ensure Council meets its obligations under the Service Agreement executed between Council and Department of Housing and Public Works. This allocation is required under the *Housing Regulation 2003*.

Council's finance section estimates interest earned as follows:

- 2011-12 \$9,128.58
- 2012-13 \$8,682.63

Given the 2011-12 and 2012-13 financial years have been finalised an adjustment will be required in the 2013-14 financial year to comply with the Department of Housing request.

STRATEGIC IMPLICATIONS

7.1 Strong and connected communities

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

Legislative Requirements

Council's approval of allocating interest earned against the HAS Program funds will meet the requirements of the *Housing Act 2003, Schedule 5*.

Risk Management

There are no significant risks associated with this decision.

Financial

This recommendation will require an additional allocation of \$17,811.21 to the 2013-14 budgets from Council interest revenue relating to unexpended HAS grants for 2011-12 and 2012-13. In future, interest allocations will be apportioned based on HAS Program unexpended grants held in reserve in accordance with Financial Service's interest determination formula.

People

There is no significant impact on people as a result of this approval.

Environmental

There are no environmental impacts resulting from this approval.

Social

The Home Assist Secure Program seeks to improve the lives of clients by assisting them to:

- Make more informed decisions about home maintenance, repairs, modifications and home security;
 - Have increased physical access to and within their home;
 - Have increased confidence about employing trades people for work in the home; and
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- Obtain help with general and security-related maintenance and repairs related to their health and safety and to feel safer in their home.

CONSULTATION

Consultation has occurred with Financial Services Group, Service Manager Community and Cultural Services and Group Manager Community and Cultural Services.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

- 1. To approve a one-off interest transfer of \$9,128.58 from Council interest revenue to the Home Assist Secure Program for the 2011-12 financial year, to be applied in 2013-14;**
- 2. To approve a one-off interest transfer of \$8,682.63 from Council interest revenue to the Home Assist Secure Program for the 2012-13 financial year, to be applied in 2013-14; and**
- 3. That in future, each year interest revenue will be determined based on unexpended HAS grants held in reserve and apportioned back to the Home Assist Secure Program as interest earned.**

10 MEETING CLOSURE