



**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 21 November 2018**  
**commencing at 9.30am**

The Council Chambers  
91 - 93 Bloomfield Street  
CLEVELAND QLD

## Order Of Business

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## 1 DECLARATION OF OPENING

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

### Recognition of the Traditional Owners

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

## 2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

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

## 3 DEVOTIONAL SEGMENT

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

## 4 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 Division 5A of the *Local Government Act 2009*).

In summary:

### **If a councillor has a material personal interest, in a matter before the meeting:**

Under s.175C *Local Government Act 2009*, the councillor must inform the meeting of the councillor's material personal interest in the matter, including the following particulars:

- *The name of the person or other entity who stands to gain benefit or suffer a loss from the outcome of the consideration of the matter at the meeting;*
- *How the person or other entity stands to gain the benefit or suffer the loss;*
- *If the person or other entity who stands to gain the benefit or suffer the loss is not the councillor, the nature of the councillor's relationship to the person or entity.*

***If the councillor has a material personal interest they must leave the meeting, including any area set aside for the public while the matter is discussed and voted on, unless the councillor has approval from the Minister to be present while the matter is discussed and voted on pursuant to section 175F.***

### **Record of material personal interest**

*Under s.175J of the Local Government Act 2009, if a councillor has a material personal interest under section 175C of the Local Government Act 2009, the following information must **be recorded in the minutes of the meeting, and published on the local government's website**—*

- (a) the name of the councillor who has the material personal interest in the matter;*
- (b) the material personal interest including the particulars mentioned in section 175C(2)(a) as described by the councillor;*

*(c) whether the councillor participated in the meeting, or was present during the meeting, under an approval given by the Minister under section 175F.*

**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, under s.175E of the Local Government Act 2009, inform the meeting about the councillor's personal interests in the matter, including the following particulars:*

- *The nature of the interest;*
- *If the personal interest arises because of the councillor's relationship with, receipt of a gift from, another person-*
  - *The name of the other person;*
  - *The nature of the relationship or the value and date of the receipt of gift; and*
  - *The nature of the other person's interest in the matter.*

***If the other councillors in the meeting are informed about a councillor's personal interests in a matter and the councillor has not voluntarily left the meeting while the matter is discussed and voted on, the other councillors must decide:***

- *Whether there is a real or perceived conflict; and*
- *If the councillors decide that there is a real or perceived conflict, whether the councillor-*
  - *Must leave the meeting including any area set aside for the public, while the matter is voted on and discussed; or*
  - *May participate in the meeting in relation to the matter, including voting on the matter.*

**Record of conflict of interest**

Under s.175J of the *Local Government Act 2009*, if a councillor has a conflict of interest under section 175E, the following information must be **recorded in the minutes of the meeting, and published on the local government's website**—

*(a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;*

*(b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E(2) as described by the councillor;*

*(c) the decisions made by the other councillors in relation to the existence and nature of the conflict and whether the councillor was permitted to participate in the meeting in relation to the matter, and the reasons for the decisions;*

*(d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;*

*(e) if the councillor voted on the matter—how the councillor voted on the matter;*

*(f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.*

**Duty to report another councillor's material personal interest or conflict of interest**

Section 175G of the *Local Government Act 2009* imposes an obligation on councillors to report undisclosed material personal interests and conflicts of interest at a meeting relating to other councillors.

**If a councillor at a meeting reasonably believes, or reasonably suspects:**

- *That another councillor at a meeting has a material personal interest or a real or perceived conflict in a matter; and*
- *The other councillor has not informed the meeting about the interest under section 175C(2) or 175E(2);*

*The councillor who has the belief or suspicion, must as soon as practicable, inform the person who is presiding at the meeting about the facts and circumstances that form the basis of the belief or suspicion.*

Note: Section 175H makes it an offence for a person to prejudice, intimidate or harass a councillor or another person take action that is likely to be detrimental to a councillor because a councillor has complied with their disclosure obligation under s.175G.

**5 RECOGNITION OF ACHIEVEMENT**

Mayor to present any recognition of achievement items.

**6 RECEIPT AND CONFIRMATION OF MINUTES**

General Meeting - 7 November 2018

**7 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES****7.1 PETITION FROM RESIDENTS REQUESTING WEINAM CREEK PRIORITY DEVELOPMENT AREA BE PROGRESSED**

At the General Meeting 24 October (Item 9.1 refers), Council resolved as follows:

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

A report will be presented to a future General Meeting of Council.

**8 PUBLIC PARTICIPATION**

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

1. In each meeting (other than special meetings), a period of 15 minutes may be made available by resolution to permit members of the public to address the local government on matters of public interest relating to the local government. This period may be extended by resolution.
2. Priority will be given to members of the public who make written application to the CEO no later than 4.30pm two days before the meeting. A request may also be made to the chairperson, when invited to do so, at the commencement of the public participation period of the meeting.
3. The time allocated to each speaker shall be a maximum of five minutes. The chairperson, at his/her discretion, has authority to withdraw the approval to address Council before the time period has elapsed.
4. The chairperson will consider each application on its merits and may consider any relevant matter in his/her decision to allow or disallow a person to address the local government, e.g.
  - a) Whether the matter is of public interest;

- b) The number of people who wish to address the meeting about the same subject
  - c) The number of times that a person, or anyone else, has addressed the local government previously about the matter;
  - d) The person's behaviour at that or a previous meeting' and
  - e) If the person has made a written application to address the meeting.
5. Any person invited to address the meeting must:
- a) State their name and suburb, or organisation they represent and the subject they wish to speak about;
  - b) Stand (unless unable to do so);
  - c) Act and speak with decorum;
  - d) Be respectful and courteous; and
  - e) Make no comments directed at any individual Council employee, Councillor or member of the public, ensuring that all comments relate to Council as a whole.

## **9 PETITIONS AND PRESENTATIONS**

## **10 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.

## **11 REPORTS FROM THE OFFICE OF THE CEO**

Nil

## 12 REPORTS FROM ORGANISATIONAL SERVICES

### 12.1 OCTOBER 2018 MONTHLY FINANCIAL REPORT

#### Objective Reference:

**Authorising Officer:** Deborah Corbett-Hall, Chief Financial Officer

**Responsible Officer:** Deborah Corbett-Hall, Chief Financial Officer

**Report Author:** Udaya Panambala Arachchilage, Corporate Financial Reporting Manager

**Attachments:** 1. [October 2018 Monthly Financial Report](#) ↓

#### PURPOSE

The purpose of this report is to note the year to date financial results as at 31 October 2018.

#### BACKGROUND

Council adopts an annual budget and then reports on performance against the budget on a monthly basis. This is not only a legal requirement but enables the organisation to periodically review its financial performance and position and respond to changes in community requirements, market forces or other outside influences.

#### ISSUES

##### *End of Year Accounts Finalisation*

The 2017-18 annual financial statements were audited by the Queensland Audit Office (QAO) during September and October. The closing asset and liability balances per the financial statements flow through to the opening balances of 2018-19 as presented in the October monthly financial report.

The audit has not resulted in any adjustments to the opening balances for the 2018-19 financial year. The financial statements were signed off and certified by the QAO on 15 October 2018.

##### *Capital carryover budget 2018-19*

Council adopted a carryover budget on 22 August 2018 to accommodate capital works across two financial years. The attached monthly financial report for October includes the changes from the carryover budget adopted by Council. The differences between the carryover budget figures and those published are due to the actual opening balances on 1 July 2018. The final audited opening balances, together with other revisions to the budget, will be adopted as part of the revised budget in December 2018, and will reconcile to the financial management system and end of year accounts finalisation process.

##### *2018-2019 First budget review*

Council officers are currently compiling submissions for a first budget review. The monthly analysis will be consolidated to update Council's budget for the 2018-19 financial year. Council is planning to adopt a revised budget before the end of the calendar year.

#### STRATEGIC IMPLICATIONS

Council has either achieved or favourably exceeded the following key financial stability and sustainability ratios as at the end of October 2018.



- Operating surplus ratio
- Net financial liabilities
- Ability to pay our bills – current ratio
- Ability to repay our debt – debt servicing ratio
- Cash balance
- Cash balances – cash capacity in months
- Longer term financial stability – debt to asset ratio
- Operating performance
- Interest coverage ratio

The following ratios did not meet the target at the end of October 2018:

- Asset sustainability ratio
- Level of dependence on general rate revenue

The asset sustainability ratio did not meet the target at the end of October 2018 and continues to be a stretch target for Council with renewal spend of \$8.94M and depreciation expense of \$18.35M year to date on infrastructure assets. This ratio is an indication of how Council currently maintains, replaces and renews its existing infrastructure assets as they reach the end of their useful life. Capital spend on non-renewal projects increase the asset base and therefore increases depreciation expense, resulting in a lower asset sustainability ratio.

Council's Capital Works Prioritisation Policy (POL-3131) demonstrates its commitment to maintaining existing infrastructure and the adoption of a renewal strategy for its existing assets ahead of 'upgrade' and/or 'new' works.

The level of dependence on general rate revenue ratio moves in line with the rating cycle and for October 2018 it is 44.16% which is outside the target range of less than 40%. Increases in this ratio are expected to be cyclical and will occur in the months where the quarterly rates are levied.

### **Legislative Requirements**

The October 2018 financial reports are presented in accordance with the legislative requirement of section 204(2) of the *Local Government Regulation 2012*, requiring the Chief Executive Officer to present the financial report to a monthly Council meeting.

### **Risk Management**

The October 2018 financial reports have been noted by the Executive Leadership Team and relevant officers who can provide further clarification and advice around actual to budget variances.

### **Financial**

There is no direct financial impact to Council as a result of this report; however it provides an indication of financial outcomes at the end of October 2018.

### **People**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

### **Environmental**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

**Social**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

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

This report has a relationship with the following items of the 2018-2023 Corporate Plan:

**8. Inclusive and ethical governance**

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

8.2 Council produces and delivers against sustainable financial forecasts as a result of best practice Capital and Asset Management Plans that guide project planning and service delivery across the city.

**CONSULTATION**

Council departmental officers, Financial Services Group officers and the Executive Leadership Team are consulted on financial results and outcomes throughout the period.

**OPTIONS****Option One**

That Council resolves to note the financial position, results and ratios for October 2018 as presented in the attached Monthly Financial Report.

**Option Two**

That Council requests additional information.

**OFFICER'S RECOMMENDATION**

**That Council resolves to note the financial position, results and ratios for October 2018 as presented in the attached Monthly Financial Report.**

# Monthly Financial Report

## October 2018



MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**





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## 1. EXECUTIVE SUMMARY

This monthly report illustrates the financial performance and position of Redland City Council compared to its adopted budget at an organisational level for the period ended 31 October 2018. Council's 2017/2018 financial statements were signed off and certified by the Queensland Audit Office on 15 October 2018.

The year to date and annual revised budget referred to in this report incorporates the changes from the budget capital carryovers adopted by Council on 22 August 2018.

### Key Financial Highlights and Overview

Key Financial Results (\$'000)	Annual Revised Budget	YTD Revised Budget	YTD Actual	YTD Variance	YTD Variance %	Status Favourable ✓ Unfavourable ✗
Operating Surplus / (Deficit)	(2,951)	17,419	17,831	412	2%	✓
Recurrent Revenue	279,136	106,634	105,364	(1,270)	-1%	✗
Recurrent Expenditure	282,087	89,215	87,533	(1,682)	-2%	✓
Capital Works Expenditure	83,981	22,048	20,350	(1,698)	-8%	✓
Closing Cash & Cash Equivalents	148,305	124,106	140,796	16,690	13%	✓

Council reported a year to date operating surplus of \$17.8M which is favourable to the revised budget by \$412K due to less than budget recurrent expenditure. The second quarter rate notices were issued in October 2018. Bulk water consumption is lower than expected, resulting in lower than expected revenue. The favourable variance in depreciation expense is due to lower opening asset balances for 2018/2019 which include the results from the 2017/2018 asset revaluation decrement in roads and stormwater assets, as well as lower developer contributed assets. These end of year adjustments influenced the decrease in depreciation expense and contributed to the favourable variance in recurrent expenditure.

Capital grants, subsidies and contributions are below budget due to timing of developer cash contributions.

Council's capital works expenditure is below budget by \$1.7M mainly due to \$1.2M underspend in fleet replacement program.

Council is scheduled to consider its first budget review in December 2018 which will address some of the variances mentioned above.

Cash balance is higher than budget due to the transfer of \$3.8M funds held in trust to the general reserve account following Council's resolution dated 8 August and settlement of \$3.5M loan provided to Redland Investment Corporation. Timing of general rates received and \$1.6M receipt of infrastructure charges also contributed to the higher cash balance. Constrained cash reserves represent 76% of the cash balance.

## 2. KEY PERFORMANCE INDICATORS

### Key Performance Indicators

Financial Stability Ratios and Measures of Sustainability	Status Achieved ✓ Not achieved ✗	Annual Revised Budget	YTD October 2018	Target
Operating Surplus Ratio (%)	✓	-1.06%	16.92%	Between 0% and 10% (on average over the long-term)
Asset Sustainability Ratio (%)	✗	56.02%	48.72%	Greater than 90% (on average over the long-term)
Net Financial Liabilities (%)*	✓	-36.82%	-108.61%	Less than 60% (on average over the long-term)
Level of Dependence on General Rate Revenue (%)	✗	34.93%	44.16%	Less than 40%
Ability to Pay Our Bills - Current Ratio	✓	3.50	3.47	Between 1.1 & 4.1
Ability to Repay Our Debt - Debt Servicing Ratio (%)	✓	2.81%	7.44%	Less than or equal to 15%
Cash Balance \$M	✓	\$148.305M	\$140.796M	Greater than or equal to \$50M
Cash Balances - Cash Capacity in Months	✓	8.19	7.26	Greater than 3 months
Longer Term Financial Stability - Debt to Asset Ratio (%)	✓	1.34%	1.20%	Less than or equal to 10%
Operating Performance (%)	✓	22.19%	19.06%	Greater than or equal to 10%
Interest Coverage Ratio (%)**	✓	-0.67%	-0.71%	Less than 5%

\* The net financial liabilities ratio exceeds the target range when current assets are greater than total liabilities (and the ratio is negative)

\*\* The interest coverage ratio exceeds the target range when interest revenue is greater than interest expense (and the ratio is negative)

The annual revised budgeted balances for 2018/2019 include the changes from the budget carryovers adopted by Council on 22 August 2018. However, until the first budget review is adopted by Council, the balances will reconcile to the financial management system and may be different to the published carryover budget.





### 3. STATEMENT OF COMPREHENSIVE INCOME

STATEMENT OF COMPREHENSIVE INCOME					
For the period ending 31 October 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
<b>Recurrent revenue</b>					
Rates charges	100,486	100,486	48,307	47,933	(374)
Levies and utility charges	146,618	146,618	50,042	48,187	(1,855)
Less: Pensioner remissions and rebates	(3,493)	(3,493)	(1,662)	(1,575)	87
Fees	13,673	13,673	5,316	5,295	(21)
Rental income	912	912	290	263	(27)
Interest received	4,289	4,289	1,437	1,581	144
Dividend received	1,000	1,000	-	-	-
Sales revenue	3,735	3,735	1,311	1,505	194
Other income	694	694	356	521	165
Grants, subsidies and contributions	11,223	11,223	1,237	1,654	417
<b>Total recurrent revenue</b>	<b>279,136</b>	<b>279,136</b>	<b>106,634</b>	<b>105,364</b>	<b>(1,270)</b>
<b>Recurrent expenses</b>					
Employee benefits	86,248	86,758	29,187	28,651	(536)
Materials and services	129,100	129,190	38,017	37,551	(466)
Finance costs	2,840	2,840	965	966	1
Depreciation and amortisation	63,505	63,505	21,168	20,132	(1,036)
Other expenditure	507	507	114	489	375
Net internal costs	(713)	(713)	(236)	(256)	(20)
<b>Total recurrent expenses</b>	<b>281,487</b>	<b>282,087</b>	<b>89,215</b>	<b>87,533</b>	<b>(1,682)</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>(2,351)</b>	<b>(2,951)</b>	<b>17,419</b>	<b>17,831</b>	<b>412</b>
<b>Capital revenue</b>					
Grants, subsidies and contributions	32,501	32,727	7,114	4,326	(2,788)
Non-cash contributions	6,868	6,868	-	-	-
<b>Total capital revenue</b>	<b>39,369</b>	<b>39,595</b>	<b>7,114</b>	<b>4,326</b>	<b>(2,788)</b>
<b>Capital expenses</b>					
(Gain) / loss on disposal of non-current assets	289	101	81	(240)	(321)
<b>Total capital expenses</b>	<b>289</b>	<b>101</b>	<b>81</b>	<b>(240)</b>	<b>(321)</b>
<b>TOTAL INCOME</b>	<b>318,505</b>	<b>318,731</b>	<b>113,748</b>	<b>109,690</b>	<b>(4,058)</b>
<b>TOTAL EXPENSES</b>	<b>281,776</b>	<b>282,188</b>	<b>89,296</b>	<b>87,293</b>	<b>(2,003)</b>
<b>NET RESULT</b>	<b>36,729</b>	<b>36,543</b>	<b>24,452</b>	<b>22,397</b>	<b>(2,055)</b>
<b>Other comprehensive income / (loss)</b>					
Items that will not be reclassified to a net result					
Revaluation of property, plant and equipment	-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>36,729</b>	<b>36,543</b>	<b>24,452</b>	<b>22,397</b>	<b>(2,055)</b>





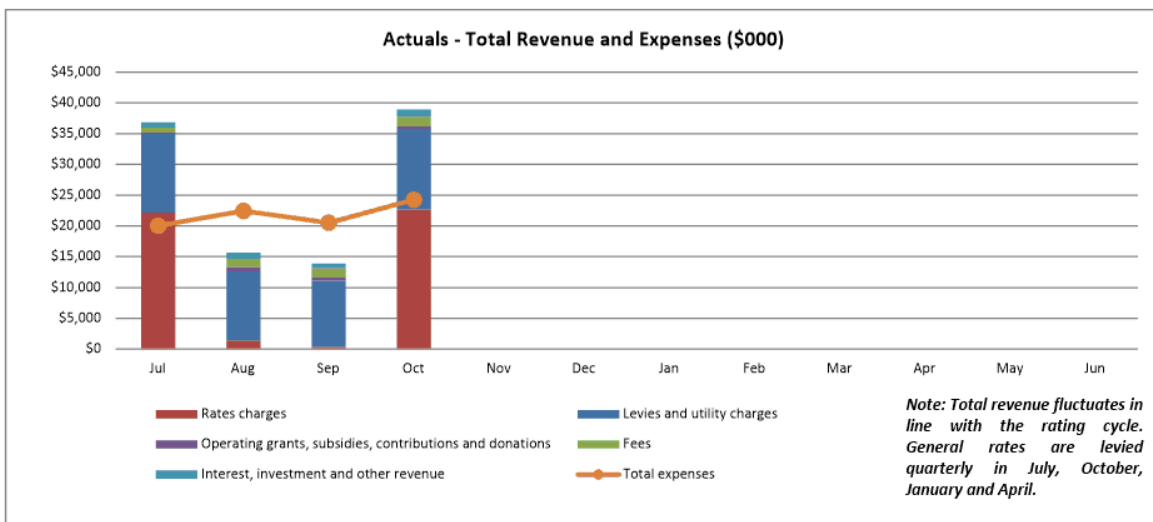
**3. STATEMENT OF COMPREHENSIVE INCOME - CONTINUED**

<b>LEVIES AND UTILITY CHARGES ANALYSIS</b>					
<b>For the period ending 31 October 2018</b>					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
<b>Levies and utility charges</b>					
Refuse collection rate charge	24,307	24,307	8,102	<b>8,007</b>	(95)
Special charges	723	723	603	<b>603</b>	-
SES separate charge	478	478	239	<b>240</b>	1
Environment separate charge	8,180	8,180	4,090	<b>4,072</b>	(18)
Separate charge landfill remediation	3,106	3,106	1,035	<b>1,031</b>	(4)
Wastewater charges	44,951	44,951	14,984	<b>14,654</b>	(330)
Water access charges	18,665	18,665	6,222	<b>6,175</b>	(47)
Water consumption charges	46,207	46,207	14,767	<b>13,405</b>	(1,362)
<b>Total levies and utility charges</b>	<b>146,618</b>	<b>146,618</b>	<b>50,042</b>	<b>48,187</b>	<b>(1,855)</b>

<b>MATERIALS AND SERVICES ANALYSIS</b>					
<b>For the period ending 31 October 2018</b>					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
<b>Materials and services</b>					
Contractors	33,755	33,793	8,656	<b>9,386</b>	730
Consultants	4,500	4,358	787	<b>637</b>	(150)
Other Council outsourcing costs*	16,902	17,053	5,287	<b>5,441</b>	154
Purchase of materials	48,229	48,228	14,915	<b>14,030</b>	(885)
Office administration costs	8,649	8,424	2,491	<b>2,514</b>	23
Electricity charges	5,786	5,786	2,001	<b>1,779</b>	(222)
Plant operations	4,190	4,223	1,372	<b>1,181</b>	(191)
Information technology resources	2,820	2,988	853	<b>862</b>	9
General insurance	1,423	1,423	470	<b>459</b>	(11)
Community assistance**	1,583	1,650	732	<b>764</b>	32
Other material and service expenses	1,263	1,264	453	<b>498</b>	45
<b>Total materials and services</b>	<b>129,100</b>	<b>129,190</b>	<b>38,017</b>	<b>37,551</b>	<b>(466)</b>

\* Other Council outsourcing costs are various outsourced costs including refuse collection and disposal, waste disposal, legal services, traffic control, external training, valuation fees, etc.

\*\* Community assistance costs represent community related costs including community grants, exhibitions & awards, donations and sponsorships.





#### 4. STATEMENT OF FINANCIAL POSITION

STATEMENT OF FINANCIAL POSITION As at 31 October 2018				
	Annual	Annual	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000
<b>CURRENT ASSETS</b>				
Cash and cash equivalents	167,263	148,305	124,106	140,796
Trade and other receivables	27,273	40,744	77,483	60,120
Inventories	556	1,108	1,108	1,001
Non-current assets held for sale	262	11,113	11,113	11,113
Other current assets	2,073	2,033	2,033	2,589
<b>Total current assets</b>	<b>197,428</b>	<b>203,303</b>	<b>215,843</b>	<b>215,619</b>
<b>NON-CURRENT ASSETS</b>				
Investment property	1,091	1,091	1,091	1,091
Property, plant and equipment	2,608,476	2,564,255	2,538,408	2,537,498
Intangible assets	826	1,014	1,663	1,970
Other financial assets	73	73	73	73
Investment in other entities	14,712	14,791	14,791	14,791
<b>Total non-current assets</b>	<b>2,625,178</b>	<b>2,581,224</b>	<b>2,556,026</b>	<b>2,555,423</b>
<b>TOTAL ASSETS</b>	<b>2,822,606</b>	<b>2,784,527</b>	<b>2,771,869</b>	<b>2,771,042</b>
<b>CURRENT LIABILITIES</b>				
Trade and other payables	40,840	31,435	21,330	23,308
Borrowings - current	7,713	7,728	7,728	7,728
Provisions - current	13,742	14,284	13,798	12,470
Other current liabilities	1,747	4,654	18,760	18,716
<b>Total current liabilities</b>	<b>64,041</b>	<b>58,101</b>	<b>61,616</b>	<b>62,222</b>
<b>NON-CURRENT LIABILITIES</b>				
Borrowings - non current	29,651	29,520	25,437	25,437
Provisions - non current	12,115	12,905	12,905	13,528
<b>Total non-current liabilities</b>	<b>41,766</b>	<b>42,425</b>	<b>38,342</b>	<b>38,965</b>
<b>TOTAL LIABILITIES</b>	<b>105,807</b>	<b>100,526</b>	<b>99,958</b>	<b>101,187</b>
<b>NET COMMUNITY ASSETS</b>	<b>2,716,799</b>	<b>2,684,001</b>	<b>2,671,911</b>	<b>2,669,855</b>
<b>COMMUNITY EQUITY</b>				
Asset revaluation surplus	1,070,838	1,003,168	1,003,168	1,003,168
Retained surplus	1,517,043	1,567,125	1,564,876	1,559,883
Constrained cash reserves	128,918	113,708	103,867	106,804
<b>TOTAL COMMUNITY EQUITY</b>	<b>2,716,799</b>	<b>2,684,001</b>	<b>2,671,911</b>	<b>2,669,855</b>

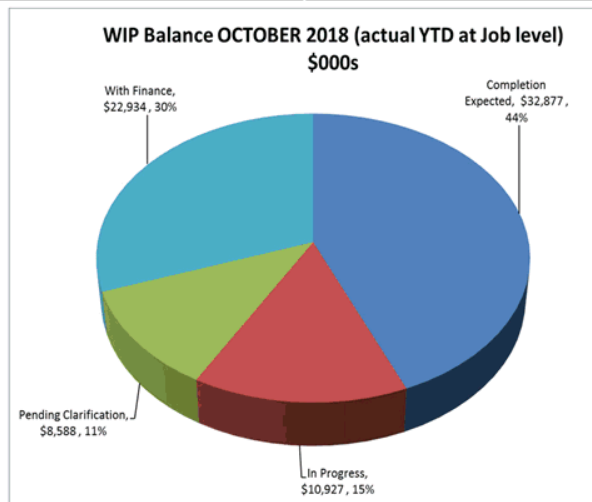
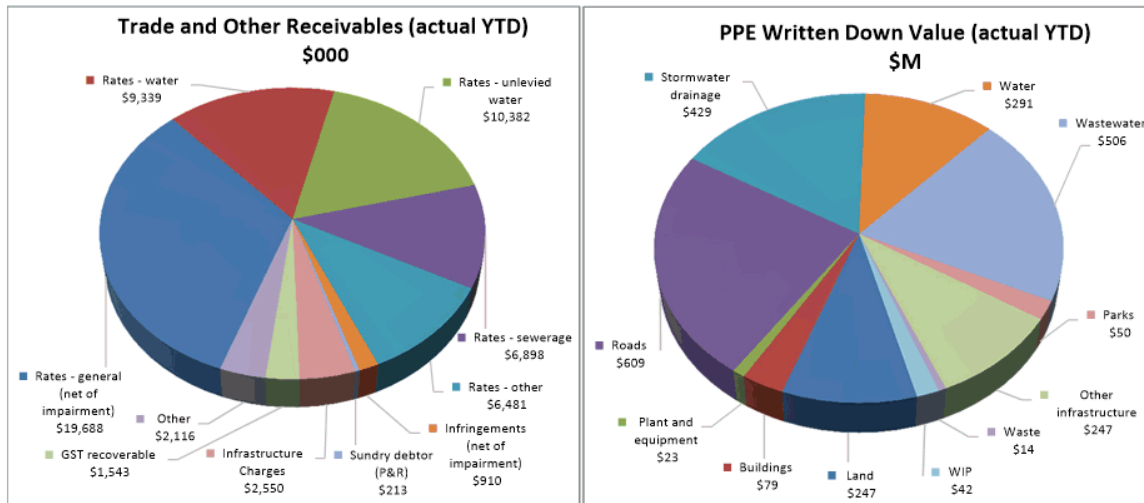
The annual revised budgeted balances for 2018/2019 include the changes from the budget carryovers adopted by Council on 22 August 2018. However, until the first budget review is adopted by Council, the balances will reconcile to the financial management system and may be different to the published carryover budget.







4. STATEMENT OF FINANCIAL POSITION - CONTINUED



PROPERTY, PLANT AND EQUIPMENT (PPE) MOVEMENT*				
For the period ending 31 October 2018				
	Annual	Annual	YTD	YTD
	Original	Revised	Revised	Actual
	Budget	Budget	Budget	Balance
	\$000	\$000	\$000	\$000
<b>PPE movement</b>				
Opening balance (includes WIP from previous years)	2,598,959	2,537,638	2,537,638	2,537,638
Acquisitions and WIP in year movement	73,748	90,848	22,047	20,115
Depreciation in year	(62,532)	(62,532)	(20,844)	(19,807)
Disposals	(1,699)	(1,699)	(433)	(110)
Other adjustments**	-	-	-	(338)
<b>Closing balance</b>	<b>2,608,476</b>	<b>2,564,255</b>	<b>2,538,408</b>	<b>2,537,498</b>

\* This table includes movement relating to property, plant and equipment only and is exclusive of intangible assets.

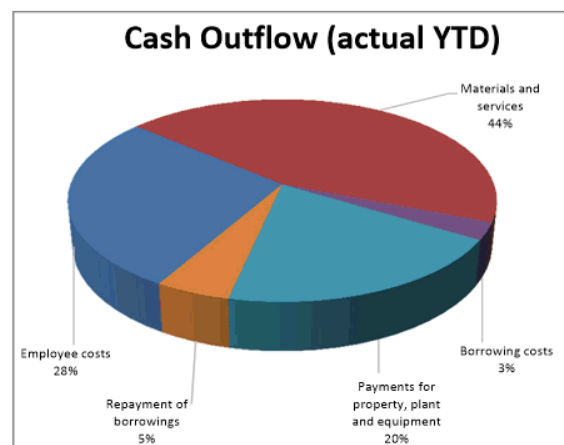
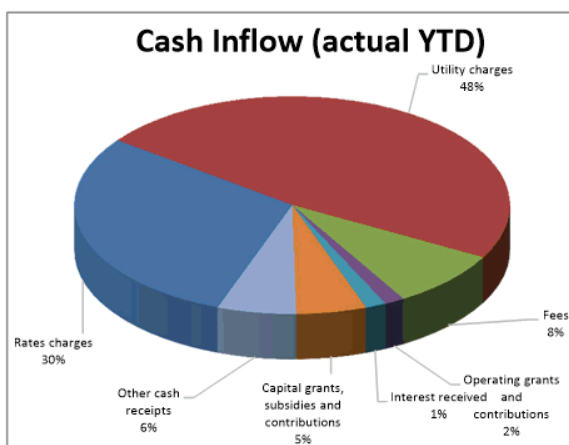
\*\* Other adjustments include transfers between asset classes, revaluation adjustments, prior period adjustments and depreciation thereon.





**5. STATEMENT OF CASH FLOWS**

<b>STATEMENT OF CASH FLOWS</b>				
<b>For the period ending 31 October 2018</b>				
	Annual	Annual	YTD	YTD
	Original	Revised	Revised	Actual
	Budget	Budget	Budget	\$000
	\$000	\$000	\$000	
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Receipts from customers	261,712	261,712	81,036	92,398
Payments to suppliers and employees	(213,794)	(214,394)	(76,031)	(74,764)
	47,919	47,318	5,005	17,634
Interest received	4,289	4,289	1,437	1,581
Dividend received*	1,000	1,000	-	-
Rental income	912	912	290	263
Non-capital grants and contributions	11,223	11,223	1,237	1,600
Borrowing costs	(2,809)	(2,809)	(2,809)	(2,809)
<b>Net cash inflow / (outflow) from operating activities</b>	<b>62,533</b>	<b>61,933</b>	<b>5,160</b>	<b>18,269</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Payments for property, plant and equipment	(66,880)	(83,981)	(22,048)	(20,115)
Payments for intangible assets	-	-	-	(235)
Proceeds from sale of property, plant and equipment	1,410	1,598	353	350
Capital grants, subsidies and contributions	32,501	32,727	7,114	5,500
Other cash flows from investing activities	-	-	-	3,500
<b>Net cash inflow / (outflow) from investing activities</b>	<b>(32,969)</b>	<b>(49,656)</b>	<b>(14,581)</b>	<b>(11,000)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Proceeds of borrowings	2,500	2,500	-	-
Repayment of borrowings	(5,035)	(5,035)	(5,035)	(5,035)
<b>Net cash inflow / (outflow) from financing activities</b>	<b>(2,535)</b>	<b>(2,535)</b>	<b>(5,035)</b>	<b>(5,035)</b>
<b>Net increase / (decrease) in cash held</b>	<b>27,030</b>	<b>9,743</b>	<b>(14,456)</b>	<b>2,234</b>
Cash and cash equivalents at the beginning of the year	140,234	138,562	138,562	138,562
<b>Cash and cash equivalents at the end of the financial year / period</b>	<b>167,263</b>	<b>148,305</b>	<b>124,106</b>	<b>140,796</b>



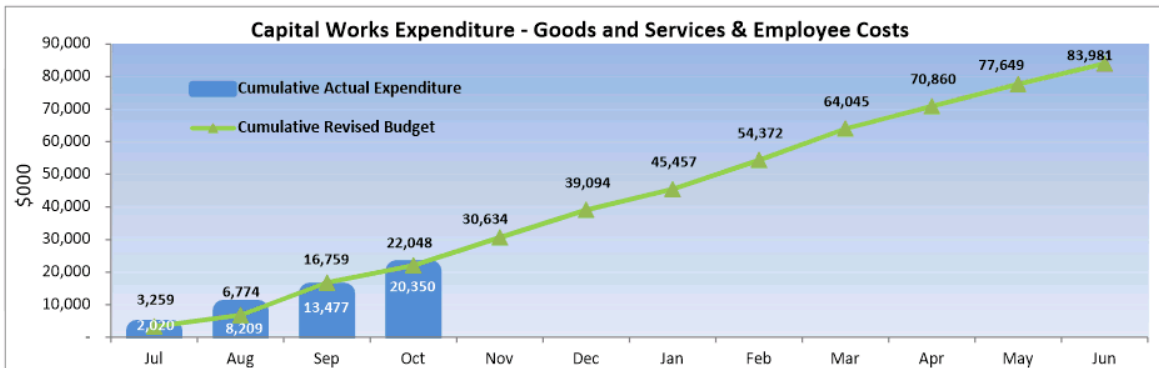
<b>Total Cash Funding (Actual YTD)</b>	<b>105,192</b>	<b>Total Cash Expenditure (Actual YTD)</b>	<b>102,958</b>
Total Cash Funding (Annual Revised Budget)	315,961	Total Cash Expenditure (Annual Revised Budget)	306,218
% of Budget Achieved YTD	33%	% of Budget Achieved YTD	34%

\* Reclassified as operating cash flow to align with Annual Financial Statements and permitted by Australian Accounting Standard AASB 107 Statement of Cash Flows.



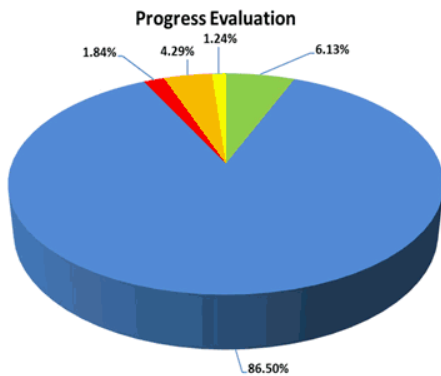
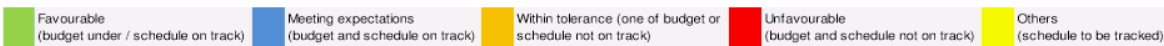


### 6. CAPITAL EXPENDITURE



	Annual Revised Budget \$'000	YTD Revised Budget \$'000	YTD Actual \$'000	YTD Variance \$'000
Capitalised goods and services	76,884	18,675	17,879	(796)
Capitalised employee costs	7,097	3,373	2,471	(902)
<b>Total</b>	<b>83,981</b>	<b>22,048</b>	<b>20,350</b>	<b>(1,698)</b>

### 7. PROGRAM AND PROJECT UPDATE



Projects and Programs are what Council uses to introduce change to achieve corporate outcomes. They allow new infrastructure, products, systems, procedures and services to be delivered. Projects may be undertaken on a standalone basis or as part of a program. Programs and projects may span multiple financial years.

Council is currently progressing 163 programs and projects.

	Annual Revised Budget \$'000	YTD Actual \$'000	Commitments \$'000
Capital*	74,331	17,755	12,076
Operational	11,068	2,391	1,844

\*The capital spend on programs and projects is a subset of Council's total capital budget which includes business as usual capital spend such as replacement of computers, fleet etc.

#### Notable Projects

Financially significant projects with an annual budget of more than \$1M constitute 22 projects out of 163 and accounts for 66.48% of the total programs and project budget. The status of two notable projects are as follows:

Project description	Progress
Road Upgrade - Collins street and School of Arts Road - Service relocations and road construction delivery	This project is on track.
Victoria Point WWTP Structural Improvements - Repair of structural distress of the oxidation ditch within the wastewater treatment plant (concept design and construction)	This project is currently underspent on budget however on track for delivery.

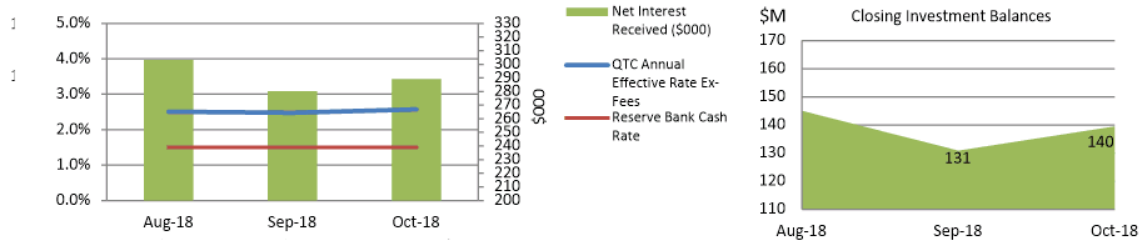




### 8. INVESTMENT & BORROWINGS REPORT

For the period ending 31 October 2018

#### INVESTMENT RETURNS - QUEENSLAND TREASURY CORPORATION (QTC)



**Total Investment at End of Month was \$139.51M**

All Council investments are currently held in the Capital Guaranteed Cash Fund, which is a fund operated by the Queensland Treasury Corporation (QTC).

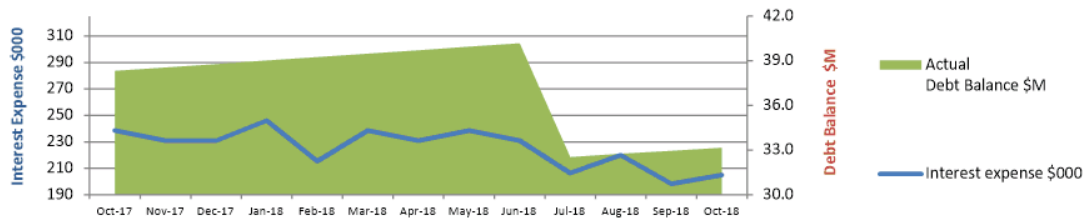
The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle.

Note: the Reserve Bank reduced the cash rate down to 1.5% in the August 2016 sitting - this has not changed in subsequent months.

On a daily basis, cash surplus to requirements is deposited with QTC to earn higher interest as QTC is offering a higher rate than what is achieved from Council's transactional bank accounts. The current annual effective interest rate paid by QTC of 2.57% exceeds the Bloomberg AusBond Bank Bill Index (previously the UBS Bank Bill Index) of 1.89% as at the end of October 2018 in accordance with Corporate POL-3013. Term deposit rates are being monitored to identify investment opportunities to ensure Council maximises its interest earnings.

Council adopted its revised Investment Policy (POL-3013) in June 2018 for the 2018/2019 financial year

#### BORROWINGS AND BORROWING COSTS



The existing loan accounts were converted to fixed rate loans on 1 April 2016 following a QTC restructure of loans and policies. In line with Council's debt policy, debt repayment of \$7.84M, being \$5.03M principal and \$2.81M interest has been made *annually* in advance for 2018/2019 which will result in the loans being repaid approximately one year earlier.

The debt balance shows a decrease as the Annual Debt Service Payment (ADSP) was made during July 2018. Interest will accrue monthly on a daily balance until next ADSP in July 19 which is reflected in the increasing debt balance.

**Total Borrowings at End of Month were \$33.17M**

General pool allocated to capital works is 99.42% and 0.58% is attributable to RedWaste.

Council adopted its revised Debt Policy (POL-1838) in June 2018 for the 2018/2019 financial year





**9. CONSTRAINED CASH RESERVES**

Reserves as at 31 October 2018	Purpose of reserve	Opening Balance	To Reserve	From Reserve	Closing Balance
		\$000	\$000	\$000	\$000
<b>Special Projects Reserve:</b>					
Weinam Creek Reserve	Maintenance and improvements associated with Weinam Creek projects	3,625	151	(9)	3,767
Red Art Gallery Commissions & Donations Reserve	Purchases of art work for the RCC art collection	7	-	(7)	-
Raby Bay Revetment Wall Reserve	To fund Raby Bay revetment wall works program	-	1,489	(8)	1,481
Fleet Plant & Capital Equipment Reserve	To support the long term fleet replacement program	-	5,604	(583)	5,021
		<b>3,632</b>	<b>7,244</b>	<b>(607)</b>	<b>10,269</b>
<b>Constrained Works Reserve:</b>					
Public Parks Trunk Infrastructure Reserve	Capital projects for public parks trunk infrastructure	7,324	510	(1,648)	6,186
Land for Community Facilities Trunk Infrastructure Reserve	Land for community facilities trunk infrastructure	2,192	81	-	2,273
Water Supply Trunk Infrastructure Reserve	Upgrade, expansion or new projects for water supply trunk infrastructure	10,107	3,871	-	13,978
Sewerage Trunk Infrastructure Reserve	Upgrade, expansion or new projects for sewerage trunk infrastructure	9,222	632	(4)	9,850
Constrained Works Reserve-Capital Grants & Contributions	Unexpended capital grants and contributions received for specific projects	651	-	(40)	611
Local Roads Trunk Infrastructure Reserve	Capital projects for local roads trunk infrastructure	35,922	1,525	(653)	36,794
Cycleways Trunk Infrastructure Reserve	Capital projects for cycleways trunk infrastructure	10,783	420	-	11,203
Stormwater Trunk Infrastructure Reserve	Capital projects for stormwater trunk infrastructure	8,884	335	-	9,219
Constrained Works Reserve-Operating Grants & Contributions	Unexpended operating grants and contributions received for specific projects	919	-	(52)	867
Tree Planting Reserve	Acquisition and planting of trees on footpaths	88	12	(12)	88
		<b>86,092</b>	<b>7,386</b>	<b>(2,409)</b>	<b>91,069</b>
<b>Separate Charge Reserve - Environment:</b>					
Environment Charge Acquisition Reserve	Acquisitions in land and facilities to support or enhance environmental outcomes	234	610	-	844
Environment Charge Maintenance Reserve	Ongoing conservation and maintenance operations	1,708	3,462	(1,749)	3,421
SES Separate Charge Reserve	On-going costs of maintaining the Redlands SES	-	240	(104)	136
		<b>1,942</b>	<b>4,312</b>	<b>(1,853)</b>	<b>4,401</b>
<b>Special Charge Reserve - Other:</b>					
Bay Island Rural Fire Levy Reserve	Pass on revenue collected from levy to the Bay Island Rural Fire Brigade	-	79	-	79
SMBI Translink Reserve	Offset payment made to the State Govt. to assist with transport service to the Bay Islands	(8)	483	(261)	214
		<b>(8)</b>	<b>562</b>	<b>(261)</b>	<b>293</b>
<b>Special Charge Reserve - Canals:</b>					
Aquatic Paradise Canal Reserve	Maintenance and repairs of Aquatic Paradise canals	743	3	-	746
Sovereign Waters Lake Reserve	Maintenance and repairs of Sovereign Lake	422	1	-	423
1718 Raby Bay Canal Reserve	Service, facility or activity of works in respect of the canals of the Raby Bay canal estate	1,036	-	(882)	154
1718 Aquatic Paradise Canal Reserve	Service, facility or activity of works in respect of the canals of the Aquatic Paradise canal estate	(495)	-	-	(495)
1718 Sovereign Waters Lake Reserve	Service, facility or activity of works in respect of the lake	(56)	-	-	(56)
		<b>1,650</b>	<b>4</b>	<b>(882)</b>	<b>772</b>
<b>TOTALS</b>		<b>93,308</b>	<b>19,508</b>	<b>(6,012)</b>	<b>106,804</b>
		Closing cash and cash equivalents			<b>140,796</b>
		Reserves as percentage of cash balance			<b>76%</b>





## 10. REDLAND WATER STATEMENTS

REDLAND WATER SUMMARY OPERATING STATEMENT For the period ending 31 October 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	112,745	112,745	36,945	35,504	(1,441)
Total expenses	66,297	66,297	20,692	20,269	(423)
Earnings before interest, tax and depreciation (EBITD)	46,448	46,448	16,253	15,235	(1,018)
Interest expense	15,352	15,352	5,117	5,117	-
Depreciation	23,228	23,228	7,743	7,783	40
<b>Operating surplus / (deficit)</b>	<b>7,868</b>	<b>7,868</b>	<b>3,393</b>	<b>2,335</b>	<b>(1,058)</b>

REDLAND WATER CAPITAL FUNDING STATEMENT For the period ending 31 October 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Capital contributions, donations, grants and subsidies	6,798	6,798	1,700	748	(952)
Net transfer (to) / from constrained capital reserves	(6,608)	(4,398)	(1,653)	(4,499)	(2,846)
Non-cash contributions	6,648	6,648	-	36	36
Funding from utility revenue	5,614	6,261	483	4,106	3,623
<b>Total sources of capital funding</b>	<b>12,452</b>	<b>15,309</b>	<b>530</b>	<b>391</b>	<b>(139)</b>
Contributed assets	6,648	6,648	-	-	-
Capitalised expenditure	5,804	8,661	530	391	(139)
<b>Total application of capital funds</b>	<b>12,452</b>	<b>15,309</b>	<b>530</b>	<b>391</b>	<b>(139)</b>

## 11. REDWASTE STATEMENTS

REDWASTE OPERATING STATEMENT For the period ending 31 October 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	25,901	25,901	8,651	8,627	(24)
Total expenses	19,155	19,155	6,380	6,217	(163)
Earnings before interest, tax and depreciation (EBITD)	6,746	6,746	2,271	2,410	139
Interest expense	30	30	10	9	(1)
Depreciation	216	216	72	57	(15)
<b>Operating surplus / (deficit)</b>	<b>6,500</b>	<b>6,500</b>	<b>2,189</b>	<b>2,344</b>	<b>155</b>

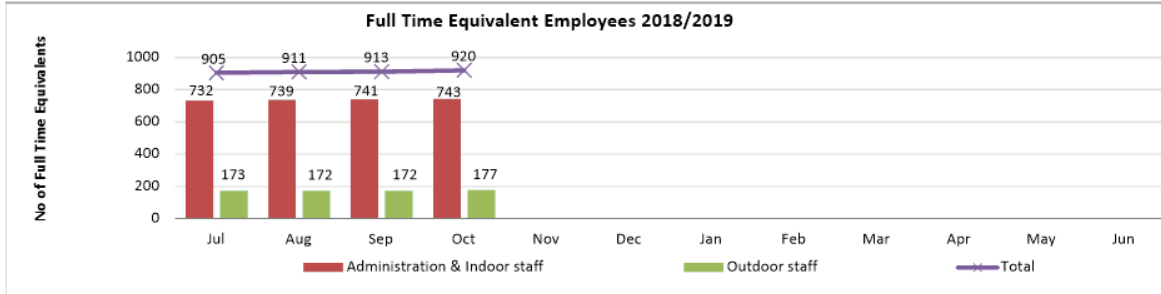
REDWASTE CAPITAL FUNDING STATEMENT For the period ending 31 October 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Non-cash contributions	-	-	-	-	-
Funding from utility revenue	547	547	200	161	(39)
<b>Total sources of capital funding</b>	<b>547</b>	<b>547</b>	<b>200</b>	<b>161</b>	<b>(39)</b>
Capitalised expenditure	456	456	92	54	(38)
Loan redemption	91	91	108	107	(1)
<b>Total application of capital funds</b>	<b>547</b>	<b>547</b>	<b>200</b>	<b>161</b>	<b>(39)</b>





**12. APPENDIX: ADDITIONAL AND NON-FINANCIAL INFORMATION**

**Workforce Reporting**



Workforce reporting - October 2018: Headcount	Employee Type						
	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part	Total
Office of CEO	3	2	31	4	6	3	49
Organisational Services	11	6	163	19	26	5	230
Community and Customer Service	42	5	238	62	29	9	385
Infrastructure and Operations	34	7	309	14	21	2	387
<b>Total</b>	<b>90</b>	<b>20</b>	<b>741</b>	<b>99</b>	<b>82</b>	<b>19</b>	<b>1051</b>

Note: Full Time Equivalent Employees includes all full time employees at a value of 1 and all other employees, at a value less than 1. The table above demonstrates the headcount by department (excluding agency staff) and does not include a workload weighting. It includes casual staff in their non-substantive roles as at the end of the period where relevant.

**Overdue Rates Debtors**

Days Overdue	Oct-18	% Overdue	Oct-17	% Overdue	\$ Variance	% Variance	Comment
0 - 30	\$1,529	0.00%	\$4,191	0.00%	-\$2,662	0.00%	Monitoring of overdue rates will be continuously implemented. Further support to the Revenue Collection team through upskilling and training of staff is expected to reduce overdue rates balance. Total overdue rates decreased from \$8.8M in September to \$7.2M in October. Overdue accounts >90 days decreased by 11.6% or a decrease of \$596K.
31 - 60	\$2,697,931	1.97%	\$2,386	0.00%	\$2,695,545	1.97%	
61 - 90	\$432	0.00%	\$2,362,769	1.83%	-\$2,362,337	-1.83%	
91 - 180	\$1,432,357	1.04%	\$1,106,942	0.86%	\$325,415	0.18%	
>180	\$3,129,504	2.28%	\$2,268,868	1.76%	\$860,636	0.52%	
<b>Total</b>	<b>\$7,261,753</b>	<b>5.29%</b>	<b>\$5,745,156</b>	<b>4.45%</b>	<b>\$1,516,597</b>	<b>0.84%</b>	





### 13. GLOSSARY

#### Key Terms

**Written Down Value:**

This is the value of an asset after accounting for depreciation or amortisation, and it is also called book value or net book value.

**Work In Progress:**

This represents an unfinished project that costs are still being added to. When a project is completed, the costs will be either capitalised (allocated to relevant asset class) or written off.

#### Definition of Ratios

**Operating Surplus Ratio\*:**

This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes

Net Operating Surplus  
Total Operating Revenue

**Asset Sustainability Ratio\*:**

This ratio indicates whether Council is renewing or replacing existing non-financial assets at the same rate that its overall stock of assets is wearing out

Capital Expenditure on Replacement of Infrastructure Assets (Renewals)  
Depreciation Expenditure on Infrastructure Assets

**Net Financial Liabilities\*:**

This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues

Total Liabilities - Current Assets  
Total Operating Revenue

**Level of Dependence on General Rate Revenue:**

This ratio measures Council's reliance on operating revenue from general rates (excludes utility revenues)

General Rates - Pensioner Remissions  
Total Operating Revenue - Gain on Sale of Developed Land

**Current Ratio:**

This measures the extent to which Council has liquid assets available to meet short term financial obligations

Current Assets  
Current Liabilities

**Debt Servicing Ratio:**

This indicates Council's ability to meet current debt instalments with recurrent revenue

Interest Expense + Loan Redemption  
Total Operating Revenue - Gain on Sale of Developed Land

**Cash Balance - \$M:**

Cash balance include cash on hand, cash at bank and other short term investments.

Cash Held at Period End

**Cash Capacity in Months:**

This provides an indication as to the number of months cash held at period end would cover operating cash outflows

Cash Held at Period End  
[[Cash Operating Costs + Interest Expense] / Period in Year]

**Longer Term Financial Stability - Debt to Asset Ratio:**

This is total debt as a percentage of total assets, i.e. to what extent will our long term debt be covered by total assets

Current and Non-current loans  
Total Assets

**Operating Performance:**

This ratio provides an indication of Redland City Council's cash flow capabilities

Net Cash from Operations + Interest Revenue and Expense  
Cash Operating Revenue + Interest Revenue

**Interest Coverage Ratio:**

This ratio demonstrates the extent which operating revenues are being used to meet the financing charges

Net Interest Expense on Debt Service  
Total Operating Revenue

\* These targets are set to be achieved on average over the longer term and therefore are not necessarily expected to be met on a monthly basis.





**12.2 OPERATIONAL PLAN QUARTERLY PERFORMANCE REPORT SEPTEMBER 2018****Objective Reference:****Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Vivek Vivekandam, Group Manager Corporate Strategy and Performance**Report Author:** Samantha McGrath, Projects and Perform Advisor  
Lorraine Lee, Senior Adviser Corporate Planning and Performance**Attachments:** 1. [Operational Plan Quarterly Performance Report September 2018](#) ↓**PURPOSE**

The purpose of this report is to provide a progress report against the Operational Plan 2018-2019 for the first quarter from 1 July to 30 September 2018.

**BACKGROUND**

The *Local Government Act 2009* (the Act) requires Council to adopt an Operational Plan each year. The Operational Plan 2018-2019 forms an important part of Council's strategic planning process and sets out the work Council plans to deliver towards achievement of the Corporate Plan.

The Act also requires the Chief Executive Officer to present a written assessment of Council's progress towards implementing the annual Operational Plan at meetings of Council, at least quarterly.

**ISSUES**

The attached Operational Plan Quarterly Performance Report September 2018 provides a status update for each significant activity, together with a comment summarising progress for the first quarter of 2018-2019. The information in the report has been provided by the responsible departments for each significant activity.

Status of Significant Activities defined within the Operational Plan 2018-2019	
On Track	67
Monitor	3
Total	70

Of the 70 significant activities defined within the 2018-2019 Operational Plan, 67 are on track and 3 are being monitored but are still expected to be delivered. The three activities being monitored include:

- The identification and protection of European heritage significance, the engagement of a project manager to progress sport and recreation land at Heinemann Road, and the transition of hardware to a new disaster recovery site.

Ten significant activities were carried forward from the Operational Plan 2017-2018. Six of these activities were incorporated directly into the Operational Plan 2018-2019, and the remaining four activities are being monitored through the Operational Plan Quarterly Performance Report September 2018.

Status of Significant Activities carried forward from the Operational Plan 2017-2018	
On Track	3
Monitor	1
Total	4

The one activity being monitored is:

- Plan for future use of surplus commonwealth land at Birkdale

## **SUMMARY**

A more detailed summary of Council's annual performance for 2018-2019 for each significant activity is outlined in the attached Operational Plan Quarterly Performance Report September 2018.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Council's Operational Plan 2018-2019 is an important statutory document which sets out the significant activities that Council plans to deliver for the financial year. The significant activities directly contribute to outcomes specified in the Corporate Plan. Tracking progress against this plan provides a useful assessment of Council's performance in delivering against its plans.

The *Local Government Regulation 2012* (section 174) states that "the chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals not more than 3 months". Under the same section of the regulation, Council is allowed to amend the plan at any time before the end of the financial year.

### **Risk Management**

The risk of not delivering against Council's Operational Plan is that Council does not achieve the commitments set out in the longer term corporate and community plans. Each significant activity has associated risks which are managed by the relevant area of Council.

### **Financial**

The Operational Plan 2018-2019 is funded from the 2018-2019 annual budget.

### **People**

Significant activities listed in the Operational Plan 2018-2019 are managed by the responsible Council group. The status and comments for each significant activity in the attached report are provided by the relevant group. The report is compiled by the Corporate Planning and Transformation Unit. Although delivery of the plan itself is dependent on staff resources and some significant activities relate to people issues, there are no direct impacts on people resulting from this report.

### **Environmental**

Some significant activities within the Operational Plan 2018-2019 directly contribute to Council's environmental commitments. However, this report does not have any direct environmental impacts.

### **Social**

Some significant activities within the Operational Plan 2018-2019 directly contribute to Council's social commitment. However, this report does not have any direct social impacts.

## Alignment with Council's Policy and Plans

Council's Operational Plan 2018-2019 outlines planned significant activities against the eight outcomes in the Corporate Plan and the Council strategic priorities that have been identified this term of Council. As such, it is a key planning document and consistent with both the Corporate Plan and the Redlands 2030 Community Plan.

## CONSULTATION

The Corporate Planning and Transformation Unit has prepared the attached report in consultation with the following:

Consulted	Date	Comments
<b>Office of CEO:</b> Head of People and Culture Recruitment and Selection Team Leader Senior Organisational Development Adviser Service Manager People Development	October 2018	The status and comments have been provided by the officers involved in delivering the particular significant activities within the Operational Plan 2018-2019.
<b>Organisational Services:</b> General Manager Organisational Services Group Manager Communication Engagement & Tourism Service Manager Tourism and Events Communication Engagement Senior Adviser Media Services Group Manager Corporate Governance Senior Adviser Indigenous Partner Service Manager Disaster Planning and Operations Chief Information Officer Service Manager Business Innovation and Development Group Manager Corporate Strategy and Performance Principal Adviser Strategy and Performance Principal Portfolio Management Adviser Service Manager Asset Management Business Transformation Lead	October 2018	The status and comments have been provided by the officers involved in delivering the particular significant activities within the Operational Plan 2018-2019.
<b>Community &amp; Customer Services:</b> General Manager Community and Customer Group Manager City Planning & Assessment Service Manager Strategic Plan Principal Transport Planner Group Manager Economic Sustainability & Major Projects Service Manager Strengthen Communities Pro Manager Economic Sustainability & Major Projects Principal Adviser Strategic Economic Principal Adviser Strategic Partnerships Group Manager Community & Cultural Services Library Services Manager Manager Creative Arts Group Manager Environment & Regulation Service Manager Environment & Education Service Manager Compliance	October 2018	The status and comments have been provided by the officers involved in delivering the particular significant activities within the Operational Plan 2018-2019.

Consulted	Date	Comments
<b>Infrastructure &amp; Operations:</b> General Manager Infrastructure and Operations Group Manager Water & Waste Operations RedWaste Service Manager Group Manager City Infrastructure Roadside Asset Engineer Service Manager Civic & Open Space Senior Engineer Marine & Water Assets Group Manager City Operations Service Manager City Sport and Venues Senior Conservation Officer	October 2018	The status and comments have been provided by the officers involved in delivering the particular significant activities within the Operational Plan 2018-2019.
<b>Redland Investment Corporation</b> Chief Executive Officer – RIC Communications Specialist – RIC	October 2018	The status and comments have been provided by the officers involved in delivering the particular significant activities within the Operational Plan 2018-2019.

## OPTIONS

### Option One

That Council resolves to note the Operational Plan Quarterly Performance Report September 2018.

### Option Two

That Council requests additional information in relation to the attached Operational Plan Quarterly Performance Report September 2018.

## OFFICER'S RECOMMENDATION

That Council resolves to note the Operational Plan Quarterly Performance Report September 2018.



# Operational Plan 2018 - 2019

**July to September 2018**




## Council's Strategic Priorities 2016-2020

In 2016, Redland City Council identified a number of 'strategic priorities' to help shape the Council's strategy to succeed and address the areas of greatest opportunity and challenge for the Redlands Coast and its place in the region.

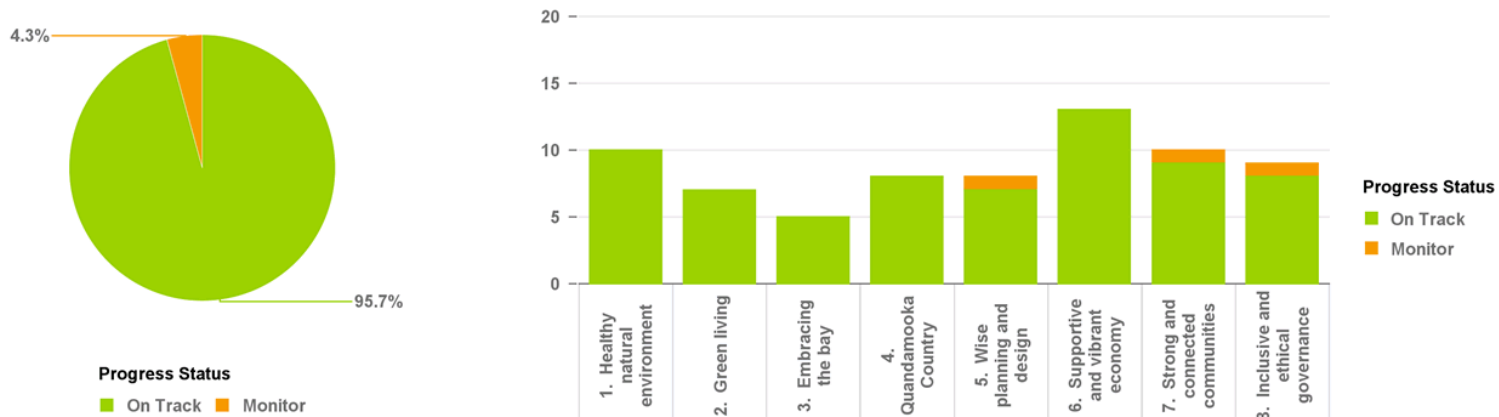
The strategic priorities guide prioritisation and investment in transformational initiatives and actions over the Council's four year term alongside the commitments in our Corporate Plan and other responsibilities to the community. The priorities also ensure there is clear alignment with the goals and priorities of the State and Federal governments for a liveable, prosperous and sustainable South East Queensland region.

The activities that deliver Council's priority outcomes are reflected in our Operational Plan and can be identified throughout this report by the symbols below.

	<p><b>Economic Development - Building a strong, connected economy while creating more jobs</b></p> <p>Council will facilitate and support investment, local business and tourism growth to help create new jobs across the city through strong industry partnerships and regional connections.</p>
	<p><b>Branding Identity - Creating a shared identity for the city</b></p> <p>Council will lead the development of a shared identity for the city that celebrates our unique characteristics and positions the city as a tourism destination in the South East Queensland region.</p>
	<p><b>City Planning - Planning for future growth and change to improve liveability</b></p> <p>Council will plan for the future development of the city that retains and enhances our quality of life [and natural and cultural assets] while facilitating the activation of vibrant mixed-use centres and places focused around transport and lifestyle options.</p>
	<p><b>Transport and Connectivity - Creating more travel options and continuing to tackle urban congestion</b></p> <p>Council will plan and advocate for a safe, accessible and integrated transport network that connects our mainland and island communities to the broader region.</p>
	<p><b>Sport, Education and the Arts - Creating active, healthy lifestyles and learning opportunities</b></p> <p>Council will provide and facilitate access to a broad range of high-quality community venues, facilities and precincts that attract new talent and contribute to the active, cultural and educational lives of residents, students and visitors across the city.</p>
	<p><b>A Smart City - Positioning Redlands Coast as a smart innovative city</b></p> <p>Council will plan and advocate for investment in smart local and regional solutions that address community needs and opportunities and support collaborative innovation ecosystem growth.</p>

### Vision Outcome – Quarter Summary

Vision Outcome	On Track	Monitor	Total
1 Healthy natural environment	10	0	10
2 Green living	7	0	7
3 Embracing the bay	5	0	5
4 Quandamooka Country	8	0	8
5 Wise planning and design	7	1	8
6 Supportive and vibrant economy	13	0	13
7 Strong and connected communities	9	1	10
8 Inclusive and ethical governance	8	1	9
<b>Total</b>	<b>67</b>	<b>3</b>	<b>70</b>

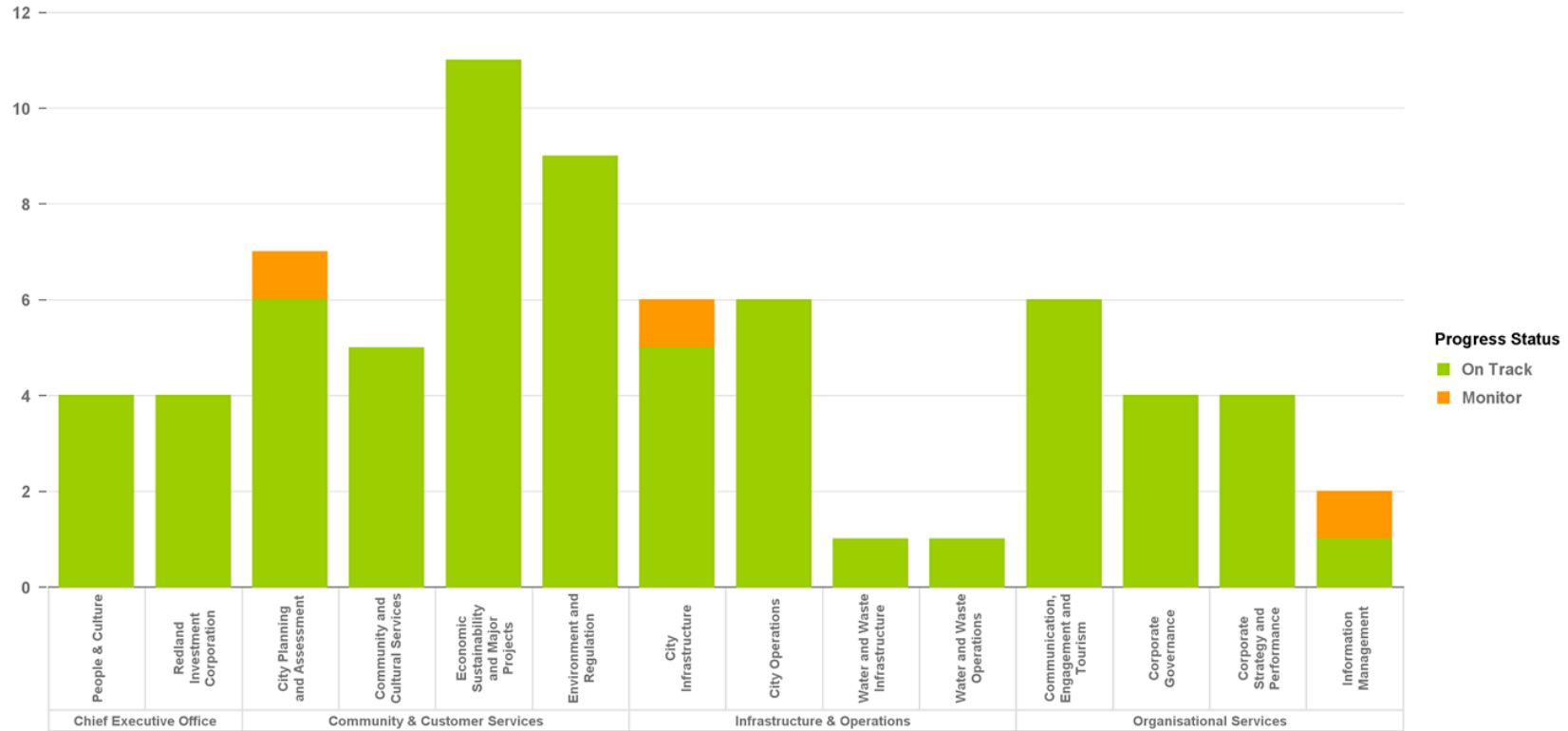


- On Track** The significant activity is progressing on time and on budget and is on track for delivery.
- Monitor** There are issues with timeframes and/or budget but it is still expected that with close monitoring the significant activity will be delivered.
- Complete** The significant activity has been delivered.
- Concern** There are significant delays or budget issues and it is unlikely that the significant activity will be delivered.
- Cancelled** The significant activity has been cancelled.

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## Organisational Performance – Quarter Summary

Department	On Track	Monitor	Total
Chief Executive Office	8	0	8
Community & Customer Services	31	1	32
Infrastructure & Operations	13	1	14
Organisational Services	15	1	16
<b>Total</b>	<b>67</b>	<b>3</b>	<b>70</b>

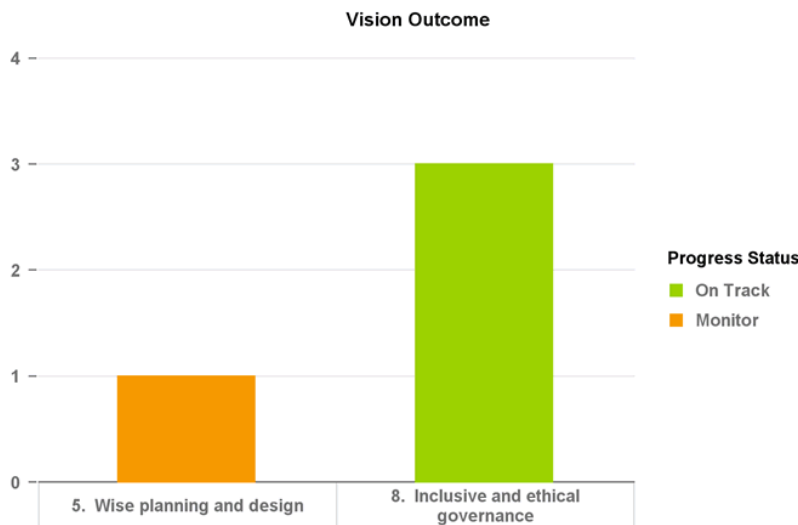


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## Carried Forward – Quarter Summary Activities from Operational Plan 2017-2018

Vision Outcome	On Track	Monitor	Total
<b>5 Wise planning and design</b>	0	1	1
<b>8 Inclusive and ethical governance</b>	3	0	3
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>



- On Track** The significant activity is progressing on time and on budget and is on track for delivery.
- Monitor** There are issues with timeframes and/or budget but it is still expected that with close monitoring the significant activity will be delivered.
- Complete** The significant activity has been delivered.
- Concern** There are significant delays or budget issues and it is unlikely that the significant activity will be delivered.
- Cancelled** The significant activity has been cancelled.

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## 1. Healthy natural environment

### 2020 Strategic Outcomes

1.1 Redland's natural assets including flora, fauna, habitats, biodiversity, ecosystems and waterways are managed, maintained and monitored.

1.2 Threatened species are maintained and protected, including the vulnerable koala species.

1.3 Community and private landholder stewardship of natural assets increases.

1.4 Visitors experience our natural assets through high standard facilities, trails, interpretation and low impact commercial ventures.

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Plan and implement a program of works to restore native vegetation.	1.1.1	Infrastructure & Operations	On Track	Planning for restoration works were undertaken for all priority catchments across the Mainland, Southern Moreton Bay Islands and Coochiemudlo Island.	
Plan and deliver conservation restoration activities.	1.1.2	Infrastructure & Operations	On Track	Planning for revegetation and weed control works were undertaken for all priority catchments including Coolnwynpin, Hilliard's, Eprapah, Tarradarrapin, Moogurrapum creek catchments. Further works have been planned for the Native Dog Creek catchment.	
Engage and deliver restoration through partnership with community and external groups.	1.1.3	Community & Customer Services	On Track	Redlands Bushcare and Environmental Extension programs facilitated the planting of 6,250 native plant species. Council has provided technical advice on land management for improved environmental outcomes, such as aquatic ecosystems health, weed removal and reducing sediment and erosion.	
Implement programs to monitor sediments and nutrients and enforce the requirements of the Environmental Protection Act 1994.	1.1.4	Community & Customer Services	On Track	Council continued to work with the construction industry to minimise the release of sediment, through both compliance action and education. Officers responded to 26 customer requests and conducted a total of 459 erosion and sediment control inspections with 150 of these being proactive inspections to monitor the state of erosion and sediment control compliance. Internal training was provided to Council officers on erosion and sediment control.	
Continue implementing a program to plant one million native plants in the Redlands by 2026.	1.1.5	Infrastructure & Operations	On Track	Planning has been being undertaken for the planting of priority sites within the 'One Million Native Plants Project' including Homestead Place, Mount Cotton, and South Street, Thornlands. Approximately 20% of the project has been completed with a total of 205,099 native plants planted, of which 17,713 plants have been planted in 2018-2019.	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Implement the Natural Environment Policy.	1.2.1	Community & Customer Services	On Track	<p>The Koala Conservation Strategy's breeding and dispersal community awareness campaign commenced with specialised advertising to raise awareness concerning current koala movement during breeding season.</p> <p>The Koala Conservation Strategy's safe neighbourhood pilot program commenced around Hilliards Creek in Ormiston and Wellington Point and focussed on community education and seasonal koala movements. A monitoring program for the koala conservation safe neighbourhood is also underway to measure the programs impact.</p> <p>The Koala Conservation Agreement Program continues to grow with 83 private property agreements in place and five new properties signing up this quarter.</p> <p>The koala population assessment continued on both the Redlands Coast mainland and North Stradbroke Island.</p> <p>The roll-out of Council's planning and operational activities incorporated Wildlife Corridors Plan initiatives including informing potential City Plan amendments, updates to current mapping and alignment of proposed planting sites.</p>	
Enhance community understanding of wildlife management issues.	1.2.2	Community & Customer Services	On Track	<p>Council is continuing to deliver on the actions and deliverables in the Koala Conservation Action Plan and community engagement via the Environmental Partnerships programs.</p> <p>The ongoing delivery of the Community Behaviour Change Program - Koalas and Dogs resulted in a partnership between Griffith University 'Leave It' program at the Paws in the Park event. A "Train the Trainer" was held in September 2018 for dog trainers to provide focus on what techniques can improve dog and wildlife interactions.</p>	
Achieve improved environmental outcomes through extension programs.	1.3.1	Community & Customer Services	On Track	<p>Land For Wildlife, Your Backyard Garden, Koala Conservation Agreement Program and Waterways Extension Programs continued community engagement by providing technical advice on land management, weed and pest species and waterway health and improvement initiatives, with a total of 422 private properties on-board.</p> <p>Indigiscapes hosted a number of educational events including Trees for Weeds Day, Greater Glider Workshop and Wonderful Wildlife Day.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Enhance the visitor experience of Redland's natural assets.	1.4.1	Infrastructure & Operations	On Track	The finalisation of the draft Eastern Escarpment Conservation Area report to Council in July consolidated Council's focus and delivery of the 7C's Strategy. Stage 1 of the Recreation Aquatic Safety Signage project (focused on North Stradbroke Island) was completed with other stages scheduled to be completed by early 2019. A review of the management of existing commercial vendors and new requests commenced late in September with a staged approach to be scoped for piloting early in 2019.	
Continue to improve the customer experience at IndigiScapes.	1.4.2	Community & Customer Services	On Track	The IndigiScapes Expansion Project design is now complete. The construction of the southern gardens ablutions block commenced in August 2018. The IndigiScapes Nursery internal fit-out is complete and the external road works and car park are underway.	

## 2. Green living

### 2020 Strategic Outcomes

2.1 Council's policies and plans support ecologically sustainable development and respond to climate change issues.



2.2 Sustainable building design (for example, solar panels and water tanks) is supported through education and advocacy.


2.3 Council's waste management plans address current and future needs, and include plans for closed landfills and regional collaboration.

2.4 Council and the community actively recycle and reduce waste.

2.5 Transport planning reflects a desire to maximise economic, environmental and liveability outcomes through quality road design, public transport, pedestrian and cycling strategies.

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Continue to reduce Council emissions and carbon footprint.	2.1.1	Community & Customer Services	On Track	<p>Council's carbon and energy internal dashboard is in commissioning phase and is designed to better monitor all of Council's energy consumption and provide opportunities to reduce and source alternatives.</p> <p>A further two Council buildings have had solar panels installed at the Animal Shelter and the new IndigiScapes Nursery.</p>	
Provide information to raise community awareness and education.	2.2.1	Community & Customer Services	On Track	<p>IndigiScapes Education centre ran a sustainability campaign providing information to the community on waste reduction, water preservation and sustainable living.</p> <p>Installation of solar panels on two Council buildings has resulted in a further reduction in energy consumption. An additional 10,000 litres of water storage capacity has been constructed at the new IndigiScapes Nursery.</p>	
Plan and deliver waste management services to meet current and future needs of the City.	2.3.1	Infrastructure & Operations	On Track	<p>Council continued to review waste strategy developments and new waste legislation consultation drafts. Officers met on a regional basis to prepare for the development of the new Waste Reduction and Recycling Plan and Bulk Waste Disposal Plan. Rehabilitation and remediation work continued on closed landfills to mitigate the risk of environmental harm with regular site inspections and environmental monitoring conducted.</p>	



Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Provide kerbside recycling bins and encourage the community to increase their recycling.	2.4.1	Infrastructure & Operations	On Track	<p>Council's waste, recyclables and green waste collection contractor collected 392,499 and 76,538 recycling and green waste bins respectively. This was equivalent to 3,051 tonnes of recyclables and 707 tonnes of green waste collected and sent for resource recovery.</p> <p>Council's '10 bin menu' continues to be offered to the community via Council's website, Council's Integrated Contact Centre and field promotions. An additional 872 green waste bins have been ordered.</p> <p>Council's 8 waste transfer stations operated in accordance with their advertised opening hours, handling over 10,500 tonnes of waste and recyclable materials from 82,121 customers.</p>	
Manage planning for transport initiatives and services across the City.	2.5.1	Community & Customer Services	On Track	<p>The Draft Redlands Coast Transport Strategy was endorsed by Council to progress to community consultation. A comprehensive engagement schedule was prepared with engagement planned through to December 2018. The Redlands Coast Transport Strategy is an overarching robust strategic document that guides the direction for future transport planning across the city to 2041. The strategy outlines the vision of the transport network and a set of objectives that will inform further detailed planning and transport projects. The development of the Cleveland Centre Traffic and Transport Strategy is progressing.</p>	
Manage planning for transport connectivity for the Southern Moreton Bay Islands (SMBI).	2.5.2	Community & Customer Services	On Track	<p>Council officers have continued to advocate for greater accessibility between the mainland and the SMBI. This includes the implementation of public transport services on the islands to give the local community a viable transport choice. In particular, there was ongoing work with the South East Queensland Council of Mayors and other stakeholders to conduct an extended trial of an autonomous vehicle to operate as a bus service on a Redlands Coast southern island.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Expand the footpath and cycleway network.	2.5.3	Infrastructure & Operations	On Track	<p>A number of footpath links have been completed including Tolson Terrace, Ormiston and within Burwood Road Park, Alexandra Hills.</p> <p>Anson Road footpath, near Redlands College is 85% complete. Construction of this path completes a missing path section across Redlands College and will assist pedestrians to safely walk to the school from this car park area.</p> <p>The Moreton Bay Cycleway, Victoria Point was awarded funds from the Department of Transport and Main Roads (DTMR). This cycleway will extend from Cameron Court Park to Orana Street, Victoria Point via School Road. It will include an on-road cycleway section on Lakefield Drive to take cyclists to the existing cycleway on Point O'Halloran Road.</p> <p>Council was also awarded funding from the DTMR for design of a trunk cycleway between Sunny Bay Drive, Birkdale and Allenby Road, Alexandra Hills.</p>	


### 3. Embracing the bay

2020 Strategic Outcomes

- 3.1 Council collaborates with partners to understand, nurture and protect Moreton Bay's marine health and values.
- 3.2 Communities on the islands and foreshores enjoy equitable access to development opportunities and community services.
- 3.3 Our community is ready for and adapting to changing coastlines, storm tide and severe weather.
- 3.4 Redland City's residents and visitors can easily access the foreshore and use recreation infrastructure for boating and non-boating activities.
- 3.5 Priority Development Areas support equitable outcomes for island residents, such as access to transport and facilities.

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Partner with Healthy Land and Water to monitor and improve the values of waterways and the bay, and enhance the community's experience of the bay.	3.1.1	Community & Customer Services	On Track	The draft Lower Brisbane and Redlands Catchment Action Plan 2018-2021, developed in partnership with Brisbane City Council and the Resilient Rivers program, was received by officers for Council consideration.  Council has continued water quality monitoring and shared data with Healthy Land and Water.	
Partner with Education Queensland in activating the community use of schools for sport and recreation purposes.	3.2.1	Infrastructure & Operations	On Track	Officers worked with peak sporting bodies to identify potential schools to partner with. A Tennis Queensland pilot project has commenced.	
Continue to develop and implement the Redland City Council Coastal Adaptation Strategy.	3.3.1	Infrastructure & Operations	On Track	Implementation of the Strategy has progressed, including identification of coastal hazards and key assets impacted.	
Improve access provisions to Moreton Bay.	3.4.1	Infrastructure & Operations	On Track	The Coochiemudlo combined ramp was completed in July 2018. The Victoria Point Barge Ramp is in procurement phase, with a tender released to market via Qtender. The business case for renewal of SMBI jetties was completed and submitted to Translink.	



Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Progress development of Priority Development Area (PDA) activities with a focus on ensuring island residents have equal access to transport and community facilities.	3.5.1	Redland Investment Corporation	On Track	<p>Redland Investment Corporation (RIC), in coordination with Economic Development Queensland (EDQ), continued to work closely with Walker Group in liaison with the State and Federal governments to progress the Toondah Harbour Priority Development Area project. In July 2018, the Federal Government decided that the proposed Toondah Harbour Priority Development Area (PDA) development is a "controlled action", allowing the project to proceed to the Environmental Impact Statement (EIS) stage.</p> <p>This decision follows the unveiling of Walker Group's updated proposed master plan for the project which incorporated a number of new initiatives and considering feedback from leading environmental and wetland experts, public submissions and the Australian Government. Walker Group is now awaiting the Government's guidelines for the EIS. Walker Group will follow the Federal Government guidelines for public consultation during the EIS process.</p> <p>RIC continued working with Redland City Council to develop the Weinam Creek PDA project and progressed to the advanced stages of planning and design for stage one, comprising car parking and a residential component on the Moores Farm site.</p> <p>RIC continued to progress the planning process for the entire master plan in preparation for submission to the State government for approval.</p>	

## 4. Quandamooka Country


### 2020 Strategic Outcomes

4.1 Council's organisational and staff capacity to deliver positive outcomes for Aboriginal communities, including the Quandamooka People, is improved through policy, cultural awareness training and cultural heritage training for elected members and Council staff.


4.2 Council's and the community's respect and understanding of the Quandamooka peoples' relationship with their traditional land and waters continue to improve.

4.3 Council continues to support and resource the delivery of commitments under the Indigenous Land Use Agreement (ILUA) with the Quandamooka People.


4.4 Council works with the Quandamooka Traditional Owners to help them achieve their goal of establishing North Stradbroke Island (Minjerrabah) as a global eco-cultural tourism destination.

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Council is committed to continuing its collaborative work with Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC).	4.1.1	People & Culture	On Track	Council provided three one-day Quandamooka Cultural Heritage training days for 31 employees at North Stradbroke Island. Cultural awareness information continues to be included in all employee inductions.  Council met with QYAC in July and QYAC committed to delivering a draft Indigenous Employment and Training Strategy.	
Implement culturally appropriate protocols.	4.1.2	Organisational Services	On Track	Council continues to observe the Welcome to Country and Acknowledgement of Country as per Council's Indigenous Community Policy.	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Promote awareness and understanding of Quandamooka culture.	4.2.1	Organisational Services	On Track	<p>Where known, Quandamooka place names were used in media communications.</p> <p>Council provided media and social media promotion to support NAIDOC Week events including the Redland Performing Arts Centre (RPAC) showcase event, and the design of posters and flyers to support the Goompi NAIDOC Week events.</p> <p>This included:</p> <p>Video content, poster and speeches supported Council's event to honour a renowned Quandamooka Elder Dr Robert Anderson OAM 'Uncle Bob'.</p> <p>Media and social media supported the promotion of the Intrust Super Cup Indigenous Recognition match on North Stradbroke Island.</p> <p>The Mayor delivered keynote addresses at the following events: Kunjjeel, Quandamooka Festival; 7th Anniversary of the Quandamooka Indigenous Land Use Agreement signing; Yura Yalingbila (Welcome of the Whales) ceremony.</p> <p>A weekly acknowledgement to Redlands Coast Traditional Owners was included in print advertising.</p> <p>Council provided a purpose-built online calendar for Quandamooka community groups to promote their events and activities.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Promote traditional knowledge.	4.2.2	Organisational Services	On Track	<p>Council worked closely with Quandamooka Yoolooburrabee Aboriginal Corporation on "Location and Interpretive signage" as part of the North Stradbroke Island Economic Transition Strategy. This will see the design and delivery of Quandamooka-inspired entry statements/public art at Amity Point and Point Lookout.</p> <p>Redland Libraries delivered five activities on Minjerribah focusing on language and literacy for young people. One of these programs was a pop up library at the 2018 Goompi NAIDOC Community Day where library staff engaged with 250 people talking through the importance of early literacy and language.</p> <p>The Redland Performing Arts Centre (RPAC) staged two events for NAIDOC week one of which was Isaiah Firebrace in Concert. The Saltwater Murris Quandamooka artists Alicia Thompson-Close and Shara Delaney worked with artist Chez Beauvardia on a series of art making workshops for children and families. For the Quandamooka Festival, RPAC staged "Balka Bitni" with Quandamooka artist/producer Sachem Parkin-Owens working with young artists and professional performers.</p> <p>These events sought to extend direct experience, knowledge and understanding of Quandamooka culture to a wide audience.</p> <p>Council supported and sponsored the Goompi NAIDOC Committee to deliver the NAIDOC Gala Dinner and Awards Evening at Dunwich. Council also coordinated the Reconciliation initiative of the recognition thank you event to honour Uncle Bob Anderson.</p> <p>Council continued to invite Quandamooka Elders to perform the Welcome to Country protocol at the commencement of significant events and performs the Acknowledgement of Country.</p>	
Maintain and further develop partnerships with the Quandamooka People.	4.2.3	Community & Customer Services	On Track	<p>The 'Gadal Gajal Bujongja Quandamookajen' exhibition was curated by Salt Water Murris Quandamooka Inc supported by Redland Art Gallery (RAG) and presented at RAG, Capalaba (26 May - 10 July 2018).</p> <p>The '#luvRedlands' exhibition presented at RAG, Cleveland (3 June - 15 July) included a number of artworks from the RAG Collection by Quandamooka artists. Quandamooka artist Delvene Cockatoo-Collins was commissioned to create the artwork for 'The Colouring Wall' as part of the exhibition.</p> <p>RAG staff continued to source artworks by Quandamooka artists for the RAG Exhibition and Acquisition Advisory Panel consideration.</p> <p>Quandamooka Elders were invited to present to Welcome to Country at special events throughout the quarter.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Support delivery of Indigenous Land Use Agreement (ILUA) commitments.	4.3.1	Organisational Services	On Track	<p>Council introduced a new governance structure for coordinating the tracking of the Indigenous Land Use Agreement commitments and related Council business including the North Stradbroke Island Economic Transition Strategy and Council's strategic directions.</p> <p>As per the governance framework five internal sub-committees met this quarter and the Indigenous Land Use Agreement quarterly report was delivered to Council's Executive Leadership Team.</p>	
Contribution to implementation of North Stradbroke Island Economic Transition Strategy.	4.4.1	Community & Customer Services	On Track	<p>Council is lead for Project 13: Location and Interpretive Signage and worked in partnership on a further 17 of 23 projects under the Queensland Government's North Stradbroke Island Economic Transition Strategy.</p> <p>As part of Project 13: Location and interpretive signage, Council undertook two community engagements in September 2018 at the Point Lookout Markets and Amity Point. The purpose of the consultation was to capture data to inform an artist concept brief for public art/entry statements at Point Lookout and Amity. Council worked with the Quandamooka Yoolooburrabee Aboriginal Corporation on the community engagement process.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Promote Quandamooka tourism initiatives.	4.4.2	Organisational Services	On Track	<p>Council worked with the Quandamooka Traditional Owners to develop the new Redlands Coast website which promotes Aboriginal experiences and tourism offerings across the region.</p> <p>Council partnered with Channel Seven to film the Welcome the Whales event on North Stradbroke Island (Minjerrabah) as part of the Quandamooka Festival and included interviews with traditional owners.</p> <p>Council partnered with Brisbane Marketing to host Channel Seven Sunrise live weather cross on North Stradbroke Island (Minjerrabah). The live national weather cross promoted Redlands Coast and North Stradbroke Island along with an interview with a traditional owner.</p> <p>Council completed the filming of the new tourism video which incorporated Quandamooka cultural demonstrations and traditional dance.</p> <p>Council partnered with Quandamooka Yoolooburrabee Aboriginal Corporation and the Quandamooka Festival to co-brand Redlands Coast on a Queensland Rail Train with the main artwork designed by local Quandamooka Artist Elisa Jane Carmichael.</p> <p>Council provided sponsorship and in-kind support for the Intrust Super Cup Indigenous Recognition match held on Ron Stark Oval, Dunwich. The Intrust Super Cup Indigenous Recognition match was broadcast live on Channel Nine and included Redlands Coast Branding, Welcome to Country and a smoking ceremony as well as promoting North Stradbroke Island (Minjerrabah).</p>	

## 5. Wise planning and design

2020 Strategic Outcomes







5.1 Growth and development in the city is sustainably managed through the adoption and implementation of the Redland City Plan and Local Government Infrastructure Plan.

5.2 Redland City's character and liveability are enhanced through a program of master planning, place-making and centre improvement strategies, including maximising opportunities through the catalyst Toondah Harbour Priority Development Area and Redlands Health and Wellbeing Precinct projects to build a strong and connected Cleveland.

5.3 An effective and efficient development assessment process delivers quality development that is consistent with legislation, best practice and community expectations.

5.4 Regional collaboration and targeted advocacy drives external funding for key infrastructure upgrades and enhanced community outcomes.

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Commence the Redland City Plan.	5.1.1	Community & Customer Services	On Track	<p>Following approval of the City Plan by the Minister for State Development, Manufacturing, Infrastructure and Planning on 9 June 2018, Council resolved at the Special Meeting on 6 July 2018 to adopt the City Plan 2018 and set a commencement date of 8 October 2018.</p> <p>A significant program of activities was coordinated across the organisation to facilitate the smooth commencement of City Plan 2018. These activities include the roll out of a significant training program, finalisation of City Plan Policies, preparation of supporting information including a large number of fact sheets, development of an interactive version of the City Plan and an upload of all material to Council's web page.</p>	
Ensure that infrastructure necessary to support growth in the City is provided through the development assessment process and capital works program.	5.1.2	Community & Customer Services	On Track	<p>Council has continued the ongoing integration of the Local Government Infrastructure Plan projects with Asset and Service Management Planning, Capital Works programming and developer delivered trunk infrastructure assets.</p>	 

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Coordinate a place management program for key activity centres in Redland City and contribute to master planning for precincts in Redland City.	5.2.1	Community & Customer Services	On Track	<p>Scoping commenced for the development of a investment attraction strategy that could potentially incorporate opportunities for place making and centre improvement initiatives.</p> <p>The Redland Health and Wellness Precinct Master Plan Stage 2 (Precinct Value Assessment) draft report was received. Stage 2 includes consideration of the environment, infrastructure and land use values and attributes of the site and testing of precinct typologies from Stage 1 (Demand Drivers Assessment). The Stage 2 report will inform the development of a conceptual plan and accessibility plan in Stage 3, which is concurrently underway.</p>	
Coordinate planning and guidance for future development and infrastructure delivery for local areas in the City.	5.2.2	Community & Customer Services	On Track	<p>A structure planning process commenced over land located in the Victoria Point Emerging Community Zone.</p> <p>Work continued to finalise the project scope for the proposed planning investigation over the Southern Thornlands area.</p> <p>Work progressed with Redland Investment Corporation to activate the Capalaba town centre through the Capalaba Place project.</p>	
Identify and protect places of European heritage significance.	5.2.3	Community & Customer Services	Monitor	A draft study to identify places of local European heritage significance was completed, with a further report being prepared for Council consideration investigating options in relation to identifying and protecting places of European heritage significance.	 
Develop master plan for Redland Aquatic Redevelopment.	5.2.4	Infrastructure & Operations	On Track	Prior to committing to detailed planning, project partners continued to seek funding and grant opportunities.	
Plan for future use of surplus commonwealth land at Birkdale. (Carried forward 2017-2018)	5.2.5	Community & Customer Services	Monitor	The project is on hold pending outcomes of ongoing purchase negotiations with the relevant Commonwealth entities.	
Maintain effective systems and processes that underpin quality and timely decision making for development applications.	5.3.1	Community & Customer Services	On Track	The work program this quarter ensured readiness for the City Plan 2018 commencement.	







Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Contribute to establishing a South East Queensland City Deal.	5.4.1	Community & Customer Services	On Track	<p>Council continued to strengthen regional links and contributed to the shaping of a south-east Queensland City Deal to push for major investment in infrastructure. This culminated in a meeting between the New Cities Minister Alan Tudge and south-east Queensland mayors to discuss the City Deals bid.</p> <p>A SEQ City Deal Proposition document is the next step in progressing the proposed City Deal for south-east Queensland. It will be a public document which outlines the Queensland and Local Governments' priorities and aspirations for the proposed City Deal, and form the basis for future negotiations with the Commonwealth Government.</p> <p>The Proposition Document builds on related SEQ City Deal background studies completed: SEQ Economic Foundations Paper and Benchmarking SEQ, to which Redland City Council has contributed.</p>	

## 6. Supportive and vibrant economy

2020 Strategic Outcomes





- 6.1 Council supports infrastructure that encourages business and tourism growth.
- 6.2 Redland City delivers events, activities and performances that bring economic and social benefits to the community.
- 6.3 Council's involvement in the State Government's North Stradbroke Island Economic Transition Committee supports and aligns with Council's strategic objectives, which help deliver long-term economic sustainability for North Stradbroke Island (Minjerrabah).
- 6.4 Council receives a return on the community's investment in land to enhance economic and community outcomes.
- 6.5 Growth in key sectors identified in Council's Economic Development Framework is supported through the development and implementation of action plans by the Industry Economic Development Advisory Board.
- 6.6 Development will be facilitated specifically in the Toondah Harbour Priority Development Area (PDA) and Weinam Creek PDA with a focus on economic growth.




Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Lead the implementation of actions in the Redland City Tourism Strategy and Action Plan 2015-2020.	6.1.1	Organisational Services	On Track	<p>Council continued to complete actions of the Tourism Strategy and Action Plan 2015-2020 which included the launch of the of two Redlands Coast websites, new Redlands Coast facebook and instagram accounts and the development of a Redlands Coast tourism video.</p> <p>Council approved capital funding for the relocation of the Visitor Information Centre to be delivered by 30 June 2019.</p> <p>Council developed four Redlands Coast food trails as part of the South East Queensland Council of Mayors Food Trails platform which was officially launched at Regional Flavours. The new tourism subcommittee met for the first time on 29 August 2018 which includes representatives from Quandamooka Yoolooburrabee Aboriginal Corporation, Stradbroke Island Chamber of Commerce, Redland City Chamber of Commerce and other local tourism businesses.</p> <p>Council promoted Redlands Coast tourism experiences at RedFest and the Cleveland Caravan, Camping, Boating and 4x4 Expo which over 20,000 people attended.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Contribute to potential development of a Smart and Connected Cities Framework.	6.1.2	Community & Customer Services	On Track	<p>Council continued to deliver a program of innovation and entrepreneurship activities in its role as project lead for the Queensland Government Advancing Regional Innovation Program (\$500,000 over three years).</p> <p>Council delivered a Redlands Innovation in Aged Care Summit that was attended by more than 100 industry stakeholders from the aged care sector.</p> <p>Council continued to collaborate with StartUp Redlands to deliver a mentoring program to utilise the skills and experiences of connected business and entrepreneurs, and held two pitch nights that provided individuals, entrepreneurs and businesses with an opportunity to share innovative ideas to a panel of judges.</p> <p>Redlands Angel Investors held two pitch nights to a group of investors. Participants could secure funding for their ideas or seek advice to further refine ideas to progress to a level where investment could be sought.</p>	
Lead the implementation of actions in the Redland City Events Strategy and Action Plan 2017-2022.	6.2.1	Organisational Services	On Track	<p>Council continued to complete actions of the Redland City Events Strategy and Action Plan 2017-2022 including the development of the calendar of events on the new Redlands Coast websites.</p> <p>Council facilitated the delivery of over 23 community events attended by more than 66,822 people. Events included Quandamooka Festival, Intrust Super Cup Indigenous Recognition match, Greazefest, RedFest Strawberry Festival, Cleveland Caravan, Camping, Boating and 4X4 Expo.</p> <p>Council delivered 13 council run events attended by more than 2,605 people and included Citizenship Ceremonies, Redlands Coast pop up shops at various Council locations, Redland City Mayoral Prayer Breakfast, and a Redlands Coast stand at the Cleveland Caravan, Camping, Boating and 4X4 Expo and RedFest.</p>	
Deliver events, activities and workshops that contribute to bringing economic and social benefits to the community.	6.2.2	Community & Customer Services	On Track	<p>A range of events and activities were undertaken that delivered economic and social benefits to the community. These included: Seniors Week activities (Inspiring Seniors Program and Variety Concert); Redlands Coast Innovation and Aged Care Summit; Road Safety Week; Capalaba Youth Day Out; Redland City Education Roundtable; a joint workshop for businesses with the Australian Tax Office; and a series of Southern Moreton Bay Islands Community Sector workshops, which culminated in a round table with three levels of government.</p>	
Contribute to economic and social impacts across the City.	6.2.3	Community & Customer Services	On Track	<p>The Redland Performing Arts Centre and the Redland Art Gallery continued to present high quality and widely accessible exhibitions, performances, education programs for schools, family workshops and community arts activities in Cleveland and Capalaba. 19,200 people attended these programs.</p>	

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Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Deliver a destination brand for Redland City.	6.2.4	Organisational Services	On Track	<p>Council developed two websites to support Redlands Coast; redlandscoast.com.au and visitredlandscoast.com.au which were officially launched on 2 August 2018. Community partnerships were developed via consulting with event organisers on use of logo and hosting pop-up tents with promotional material. Redlands Coast received television, radio, print and digital media exposure including live broadcasts on Channel Seven and Channel Nine. The Redlands Coast brand was formally presented to the Redland City Chamber of Commerce on 19 September 2018, with use by the local business community already occurring.</p> <p>Council delivered internal pop-up shop and information sessions across the organisation which engaged over 500 staff.</p>	
Coordination of Council's involvement in the North Stradbroke Island Economic Transition Strategy.	6.3.1	Community & Customer Services	On Track	A North Stradbroke Island Economic Transition Strategy (NSIETS) working group, which was established by Council and includes representatives from the Department of State Development Manufacturing, Infrastructure and Planning, met in July, August and September 2018. Council continues to attend NSIETS Implementation Committee meetings and was represented at the September 2018 meeting.	
Identify and develop strategic opportunities for Redland City Council land holdings.	6.4.1	Redland Investment Corporation	On Track	<p>The Redland Investment Corporation (RIC) completed the Ava Terraces townhouse development at 9-11 Oaklands Street in Alexandra Hills in June 2018, with final settlements achieved this quarter. The architecturally designed development, comprising 13 three and four-bedroom townhouses and adjoining a community garden attracted strong interest from both owner-occupiers and investors.</p> <p>RIC continued to assess further opportunities to benefit the local community and deliver value for Council on various sites across Redlands Coast.</p>	
Provide secretariat support to the Redlands Economic Development Advisory Board.	6.5.1	Community & Customer Services	On Track	A Redlands Economic Development Advisory Board meeting was held on 2 August 2018. A draft Redlands Economic Development Advisory Board Annual Report 2017-2018 was prepared and presented to the Board for consideration. Executive recruitment commenced to find a replacement board member following the resignation of Dr John O'Donnell. Planning commenced for the quarter two Board meeting.	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Deliver industry enabling action plans and a targeted investment attraction strategy.	6.5.2	Community & Customer Services	On Track	<p>Council adopted the Health Care and Social Assistance Industry Sector Plan 2018-2023 and the Education and Training Industry Sector Plan 2018-2023.</p> <p>A gap analysis and opportunity assessment study was undertaken by REMPLAN to identify key industry sectors with the potential to recapture some of the workforce currently leaving the region and identify import replacement opportunities for the south-east Queensland economy. The study builds on a data validation and assessment exercise conducted in 2017-2018 that confirmed the eight key industry sectors identified in the Redland City Economic Development Framework 2014-2041 were still relevant based on the latest 2016 Australian Bureau of Statistics Census data. A draft report on the study findings was presented by REMPLAN to the Economic Development Advisory Board.</p>	
Facilitate the development of the Toondah Harbour PDA in partnership with Economic Development Queensland.	6.6.1	Redland Investment Corporation	On Track	<p>Redland Investment Corporation (RIC), in coordination with Economic Development Queensland (EDQ), continued to work closely with Walker Group as they liaised with the State and Federal Governments to progress the Toondah Harbour Priority Development Area project. In July 2018, the Federal Government made the decision that the proposed Toondah Harbour Priority Development Area (PDA) development is a "controlled action", allowing the project to proceed to the Environmental Impact Statement (EIS) stage. Walker Group will follow the Federal Government guidelines for public consultation during the EIS process.</p> <p>This decision follows the unveiling of Walker Group's updated proposed master plan for the project incorporating a number of new initiatives and considering feedback from leading environmental and wetland experts, public submissions and the Australian Government. Walker Group lodged a new referral with the Federal Government to incorporate the new initiatives in early June 2018.</p> <p>Walker Group is now awaiting the Government's guidelines for the EIS.</p>	
Facilitate the development of the Weinam Creek PDA in partnership with Economic Development Queensland.	6.6.2	Redland Investment Corporation	On Track	<p>The Redland Investment Corporation (RIC) worked with Council to develop the Weinam Creek Priority Development Area project and has progressed to the advanced stages of planning and design for stage one, comprising car parking and a residential component on the Moores Farm site. RIC continued to progress the planning process for the entire master plan in preparation for submission to the State government for approval.</p> <p>RIC and Council continue to provide updates to Economic Development Queensland as plans for the area progress.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Collaborate with stakeholders on planning for Priority Development Areas.	6.6.3	Community & Customer Services	On Track	Council was represented on the Local Representative Committee regarding planning for Priority Development Areas.	

## 7. Strong and connected communities

### 2020 Strategic Outcomes



7.1 Festivals, events and activities bring together and support greater connectivity between cross-sections of the community.






7.2 Council maximises community benefit from the use of its parklands and facilities by improving access to, and the quality and shared use of, public spaces and facilities by groups for sporting, recreational and community activities.

7.3 Council's assessment of community issues and needs provides timely opportunities to pursue grants and partnerships that realise long-term benefits.

7.4 Council supports volunteerism and participation in civic projects through clear and supportive Council processes to reduce red-tape, and engage and recruit volunteers for Council projects.

7.5 The community's preparedness for disasters is improved through community education, training and strong partnerships between Council and other agencies.

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Celebrate the cultural life of the region.	7.1.1	Community & Customer Services	On Track	Council continued to complete actions of the Redland City Events Strategy and Action Plan 2017-2022. Council facilitated the delivery of over 23 community events attended by more than 66,822 people. Major events included Quandamooka Festival, InTrust Supercup, Greazefest, RedFest Strawberry Festival, Cleveland Caravan, Camping, Boating and 4X4 Expo. Council delivered 13 Council run events attended by more than 2,600 people.	
Plan, provide and advocate for essential social infrastructure for community activities.	7.2.1	Community & Customer Services	On Track	<p>Council commenced a review of the Social Infrastructure Strategy. As part of this work, a review of existing documentation, social data and community trends was completed.</p> <p>Council continued work to develop an Age Friendly Cities Strategy. Activities undertaken as part of strategy development and to seek input from key stakeholders included a Councillor workshop, a community survey and a workshop with aged focused organisations.</p> <p>Council continued to explore potential site options for a community hub as the original preferred site for the Cleveland Community Hub adjacent to the Donald Simpson Centre is no longer viable.</p>	
Develop innovative and accessible library services as part of the implementation of the Library Services Strategy 2017-2022.	7.2.2	Community & Customer Services	On Track	<p>The system procurement for a new, user friendly system for checking in and checking out library items has been completed and staff briefings held. Training has commenced for tagging of the library collection which will enable the system to operate from early 2019.</p> <p>Plans are underway for a new vehicle to support delivery of the library programs. A more flexible vehicle will replace the existing mobile library and provide increased service delivery.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Plan for effective sport and recreation at Heinemann Road, Redland Bay.	7.2.3	Infrastructure & Operations	Monitor	<p>The recruitment of a project manager is underway.</p> <p>A high level hydraulic investigation report received identified opportunities for engineered water management solutions that could minimise on-going costs. Options identified were to accelerate a needs analysis to determine end users and potential scope of site specific transformation plans.</p> <p>Drafting of a brief has commenced to cover the strategic planning and acceleration options for technical studies and master planning for the site and community sport and recreation needs.</p>	
Manage community access of Council sport and recreation facilities.	7.2.4	Infrastructure & Operations	On Track	<p>City Sport and Venues has continued to manage bookings for all sporting fields and venues. A number of community leases and licences to occupy have been updated.</p> <p>Stage 1 of the Recreation Aquatic Safety Signage project has been completed.</p> <p>A workshop with Councillors in reference to RV Parking was conducted with suitable site recommendations made.</p>	 
Encourage community use and participation.	7.2.5	Infrastructure & Operations	On Track	<p>The new Redlands Coast Fun Run was successfully held attracting over 500 participants.</p> <p>The Queensland Caravan and Camping Show and Redfest were held at the Cleveland Show grounds.</p> <p>The Redlands Active and Healthy program ran 22 programs across the City.</p> <p>Activity on the Willards Farm site included the Hay Shed building stabilisation. Concept design and engineering assessments have progressed and consultation and research on potential end use was completed.</p> <p>The Station Master's Cottage was relocated to Linear Park Cleveland. An expression of interest process commenced to identify suitable user groups. Tender documentation was completed and handed over to the delivery manager for market tender.</p>	 



Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Deliver Council's Grants and Sponsorship Program.	7.3.1	Community & Customer Services	On Track	<p>The Round 1 2018-2019 Community Grants Program closed for applications and Council received:</p> <ul style="list-style-type: none"> <li>- eight organisation support applications requesting a total of \$24,000. 6 grants were successful totalling \$18,000;</li> <li>- six project support applications requesting a total of \$51,532;</li> <li>- six conservation grant applications requesting a total of \$42,607; and</li> <li>- 17 capital infrastructure grant applications requesting a total of \$204,164.</li> </ul> <p>The assessment process for project support, conservation grants and capital infrastructure grants commenced.</p> <p>The Round 1 2018-2019 Sponsorship Program closed for application and Council received 10 applications requesting a total of \$146,678.60. The assessment process has commenced.</p>	
Develop programs to encourage reading and all forms of literacy as part of the implementation of the Library Services Strategy 2017-2022.	7.3.2	Community & Customer Services	On Track	<p>Library Services continues to deliver a wide range of programs and events to encourage reading and all forms of literacy. A new adult literacy program was launched on 3 September 2018, which involved volunteer tutors supporting people who wish to improve their literacy skills. 15 tutors volunteered to join the program and received training. To date seven learners have joined the program.</p> <p>The First 5 Forever, a program funded by Queensland State Government, continued to support families with early literacy. The quarter 31 events and activities were held with over 1,847 participants.</p> <p>In addition to 12 author talks, Redland Libraries hosted 'An Evening with Morris Gleitzman' at Redland Performing Arts Centre.</p> <p>A book sale and author marketplace took place on 15 September 2018, with over 300 people attending raising \$700 for the Indigenous Literacy Foundation.</p>	
Provide volunteering and work experience opportunities for the community.	7.4.1	People & Culture	On Track	<p>Council continued to provide volunteering and work experience opportunities to the community across a diverse range of business units. A Volunteer Management Project team initiated to undertake a review of Council's governance and compliance requirements in relation to volunteers. The information gathering stage of the project has commenced.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Improve disaster preparedness.	7.5.1	Organisational Services	On Track	<p>Council undertook 18 separate community engagement events in collaboration with the member agencies of the Local Disaster Management Group. Council met with the local maritime emergency services including Water Police, Volunteer Marine Rescue, Coast Guard, State Emergency Service, Surf Life Saving Qld and local commercial barge and ferry operators to plan response and evacuation operations across the Bay Islands.</p> <p>Council attended the State Disaster Coordination Centre exercise to explore and determine response and recovery actions in the event of a tsunami event impacting the Queensland coastline.</p>	

## 8. Inclusive and ethical governance

### 2020 Strategic Outcomes

- 8.1 Council's Information Management Strategy and technology systems are engineered to increase efficiency and provide excellent customer service outcomes.
- 8.2 Council produces and delivers against sustainable financial forecasts as a result of best practice Capital and Asset Management Plans that guide project planning and service delivery across the city.
- 8.3 Implementation of the Corporate Plan is well coordinated across Council and through a delivery mechanism that provides clear line of sight, accountability and performance measurement for all employees.
- 8.4 A continuous improvement focus underpins the organisation, creating a supportive environment for ideas and positive, well-managed change that enhance internal and external outcomes.
- 8.5 Council uses meaningful tools to engage with the community on diverse issues so that the community is well informed and can contribute to decision making.

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Transition hardware to a new data centre.	8.1.1	Organisational Services	On Track	All new equipment was installed and built in place in the new modular data centre. The new core network switches were installed including new equipment to the Council network.	
Transition hardware to a new disaster recovery site.	8.1.2	Organisational Services	Monitor	All new core equipment has been installed in the new disaster recovery site. Supporting equipment is also now up and running. New core network switches are installed and connecting new equipment to the RCC network. The scheduled cutover of external services is also on track. Transition of the email archive storage is now dependant on the availability of specialised third parties.	
Transform Council's systems and processes. (Carried forward 2017-2018)	8.1.3	Organisational Services	On Track	Council reviewed the current Financial and Asset Management system through the Asset Management Project and commenced an internal audit in relation to Business Intelligence, Geographic Information System and data management.	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Improve whole of Council asset management.	8.2.1	Organisational Services	On Track	<p>Development of Council's Strategic Asset Management Plan is in progress, and specifies how organisational objectives are to be converted into asset management objectives, the approach for developing asset management plans, and the role of the asset management system in supporting achievement of the asset management objectives.</p> <p>Implementation of the Asset Management Policy and Framework has continued to ensure Council provides excellent customer service and supports ongoing growth in the region.</p> <p>The Asset Management Project has procured an asset management technology enabler.</p>	
Improve strategic alignment.	8.3.1	Organisational Services	On Track	<p>Improvements were made to better integrate Council's long-term planning and implementation, including the alignment of strategies, asset management planning, and long-term financial forecasting.</p> <p>An implementation plan and supporting tools and templates were developed to support the implementation of the integrated planning framework and strategic planning guidelines.</p>	
Prioritise Council's portfolio of projects.	8.3.2	Organisational Services	On Track	<p>The capital works prioritisation model criteria was reviewed with stakeholders and will be used for planning the capital works program for financial year 2019-2020.</p>	
Improve alignment between individual and Council performance.	8.3.3	People & Culture	On Track	<p>Executive and senior management performance agreements were further aligned to the MyGoals performance framework that is used for all employees.</p> <p>Management performance conversations occurred during July with conversations cascading through the organisation through MyGoals conversations with all employees in August and September, to improve line of sight between individual and Council performance.</p>	
Continue to build change management capability.	8.4.1	People & Culture	On Track	<p>Role based training on change sponsorship was delivered to the Executive Leadership Team in July 2018 by PROSCI to help further best practice in the area of change. Change management projects include asset management, Human Resources Information System, radio-frequency identification in Libraries and a new facility at IndigiScapes.</p> <p>A presentation of change management as an enabler of an innovative culture was delivered to management as part of the Innovation and Change Workshop in August 2018. Messaging on the importance of using effective change management and role as Sponsor was reinforced. One new project (Windows/Outlook upgrade) requesting a structured approach to change management was added to the existing portfolio.</p>	

Significant Activity	Op Plan Ref	Key Accountable	Status	Comment	Strategic Priorities
Drive improvements in efficiency and effectiveness.	8.4.2	Organisational Services	On Track	The business transformation program was defined and development of the framework to support the organisation to undertake strategic transformation, cross functional service improvements, and continuous improvement commenced. Work was also undertaken to establish mechanisms to capture and report on benefits derived from working more efficiently and effectively.	
Align the organisation to meet changing operational requirements. (Carried forward 2017-2018)	8.4.3	People & Culture	On Track	Work continued on integrated planning. A mid-cycle MyGoals performance review was added to the business planning cycle to ensure employees have more opportunity to align their work with the changing operational requirements.	
Improve organisational performance through employee feedback. (Carried forward 2017-2018)	8.4.4	People & Culture	On Track	The 2018 MySay employee engagement survey results were provided to Managers in July 2018 for distribution to Groups. Where requested, People and Culture supported the business to understand results and to develop action plans.	
Conduct community engagement on a diverse range of issues.	8.5.1	Organisational Services	On Track	Community consultation activities included a diverse range of methods such as town hall meetings, small group meetings, activities that leveraged pop-ups, and user intercept survey activities at existing high foot traffic events such as markets.  Digital platforms were also utilised and included formal surveys, and submission forms on Council's Yoursay community consultation platform.	

### 12.3 MAKING SUBORDINATE LOCAL LAW NO. 1.2 (COMMERCIAL USE OF LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS) 2015

#### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance

**Report Author:** Kristene Viller, Policy and Local Laws Coordinator

**Attachments:**

1. Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018 [↓](#)
2. Consolidated Subordinate Local Law No. 1.2 (Commercial use of Local Government Controlled Areas and Roads) 2015 [↓](#)

#### PURPOSE

The purpose of this report is to proceed with the making of *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018*, which amends *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Road) 2015*. The amendment allows footpath dining approvals to be transferrable to align with other local laws and food business licences.

#### BACKGROUND

At the General Meeting on 4 October 2017, Council made a resolution to commence the process for amending *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015*.

The amendments to *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* are detailed in the amending instrument (Attachment 1).

**Please note that in the consolidated version of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* (Attachment 2) the only changes made are to:**

Section	Amendment
Schedule 2, subsection 1	Deleted "activity of footpath dining is non-transferable"
Schedule 2, subsection 1	Inserted "activity named in Schedule 1, section 1 is transferable"
Schedule 2, subsection 2	Deleted "Subject to subsection (1) each approval for the prescribed activity name in schedule 1, section 1 is transferable"

#### ISSUES

##### State Interest Checks

Section 29A of the *Local Government Act 2009* does not require state interest checks to be completed on subordinate local laws.

### Public Interest Review

The *Local Government Act 2009* (the Act) requires that any subordinate local law made with anti-competitive provisions is to comply with the procedures prescribed under a regulation for the review of the anti-competitive provisions. Review of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* found that no anti-competitive provisions were present.

### Community Consultation

As advised at the General Meeting on 9 May 2018 Community Consultation was not being undertaken on *Subordinate Local Law No. 1.2 (Commercial use of Local Government Controlled Areas and Roads) 2015* as the amendments were deemed insubstantial and in accordance with Council's adopted local law making process not subject to community consultation.

### Insubstantial changes

Under the Local Law Making Process, the making of the Amending Instrument must follow steps 1 through 9 if they involve substantial amendments or affect anti-competitive provisions. If Council decides by resolution that the Amending Instrument only amends an existing subordinate local law to make an insubstantial change and the amendment does not affect anti-competitive provisions, Council may skip steps 2 to 4 inclusive (public consultation and anti-competitive procedures) and proceed directly to step 5 (deciding whether to make the Amending Instrument). None of the proposed amendments are anti-competitive or affect an anti-competitive provision.

The change to schedule 2 of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* is considered an insubstantial change because:

1. Redland City Council's Administration Local Law and subordinate local laws are model local laws;
2. The model Subordinate Local Law permits Council to declare an activity prohibited or restricted;
3. Council initially chose to restrict the activity of footpath dining making it non-transferable but has now decided to remove the restriction;
4. Footpath dining approvals remain subject to the same requirements as before;
5. Footpath dining approval cannot be transferred without approval from Council and it continues to retain the ability to refuse a transfer application;
6. The change is still within the parameters of the model local law.

### Local Law Implementation

Should Council make the Subordinate Local Law as attached to this report, notice must be given to the public within one month, through publication in the Queensland Government Gazette and on Council's website. The law comes into effect on either the date published in the gazette or a date nominated by Council in the Subordinate Local Law.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The *Local Government Act 2009* Chapter 3, Part 1, provides power for local governments to make and enforce local laws and sets the framework that the local governments must adhere to. Council has adopted a Local Law Making Process that is consistent with the *Local Government Act 2009* provisions. This process has been followed in the making of the Subordinate Local Law attached to this report.

The Subordinate Local Law has been drafted by Council's external solicitors in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

Part D of Council's adopted Local Law Making Process sets out the required steps for making the Amending Instrument. The first 5 steps in the Local Law Making Process involve making the Amending Instrument and steps 6 to 9 relate to notifying the public and Minister about the Amending Instrument.

### Risk Management

The risks associated with making the Subordinate Local Law have been managed by:

- a) ensuring the process to make the Subordinate Local Law is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process;
- b) comprehensive internal stakeholder engagement to ensure the Subordinate Local Law will promote effective governance to the community;
- c) utilising external solicitors to draft the Subordinate Local Law to ensure the legislative principles are followed in the drafting; and
- d) conducting a review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

### Financial

The cost of drafting the Subordinate Local Law and publications are funded through existing budget allocations within the Legal Services and Strategy and Governance Units.

### People

The Subordinate Local Law will have an impact on the resourcing within the Development Control and Compliance Services Units, who will take on the responsibility for enforcement provisions in the subordinate local laws. It is anticipated that this work will be absorbed by current resourcing.

### Environmental

There are no environmental implications.

### Social

Local Government provides for the good governance of the local government area through their local laws. The Subordinate Local Law attached to this report has the potential to impact all members of the Redlands Community.

### Alignment with Council's Policy and Plans

The process for making the proposed Subordinate Local Law is in accordance with Council's adopted practice for making local laws.



This process is in keeping with Council's Corporate Plan Priority 8, Inclusive and Ethical Governance for deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council.

## CONSULTATION

In developing the proposed Subordinate Local Law consultation occurred with:

Consulted	Date
Group Manager Environment and Regulation	Consultation occurred between June 2017 and October 2018
Governance Service Manager	Consultation occurred between June 2017 and October 2018
Policy and Local Laws Coordinator	Consultation occurred between June 2017 and October 2018
Communications Advisor	Consultation occurred between June 2017 and October 2018
External Solicitors	Consultation occurred between June 2017 and October 2018
Elected Representatives	Consultation occurred between June 2017 and October 2018
Group Manager Environment and Regulation	Consultation occurred between June 2017 and October 2018

Consultation occurred between June 2017 and October 2018.

## OPTIONS

### Option One

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the *Local Government Act 2009*, Council resolves as follows:

1. That the amendments to *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* are insubstantial and do not affect anti-competitive provisions;
2. That Amending *Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018* makes insubstantial changes to *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* (Attachment 2) and it does not affect anti-competitive provisions;
3. To proceed:
  - a. as advertised with the making of *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018 (Attachment 1)*;
  - b. to make *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018* as advertised;
  - c. to adopt the consolidated version of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015*, incorporating the amendments made by *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018*, by publication in the Queensland Government Gazette;
4. Authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

## Option Two

That Council resolves to not make *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018*.

### OFFICER'S RECOMMENDATION

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to *section 29 of the Local Government Act 2009*, Council resolves as follows:

1. That the amendments to *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* are insubstantial and do not affect anti-competitive provisions;
2. That *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018* makes insubstantial changes to *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015 (Attachment 2)* and it does not affect anti-competitive provisions;
3. To proceed:
  - a. as advertised with the making of *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018 (Attachment 1)*;
  - b. to make *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018* as advertised;
  - c. to adopt the consolidated version of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015*, incorporating the amendments made by *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018*, by publication in the Queensland Government Gazette;
4. Authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.



**Amending Subordinate Local Law No. 3  
(Subordinate Local Law No. 1.2  
(Commercial Use of Local Government  
Controlled Areas and Roads) 2015) 2018**

*It is hereby certified that this a true and correct copy of Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018 made, in accordance with the Local Government Act 2009, by the Council of the City of Redland, by resolution dated 21 November 2018*

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A. Chesterman  
Chief Executive Officer



## Redland City Council

### Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018

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1  
Redland City Council  
Amending Subordinate Local Law No. 3  
*(Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Area and Roads) 2015) 2018*

**Redland City Council  
Amending Subordinate Local Law No. 3  
(Subordinate Local Law No. 1.2 (Commercial Use of Local  
Government Controlled Areas and Roads) 2015) 2018**

**Part 1 Preliminary**

**1 Short title**

This amending local law may be cited as *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018*.

**2 Object**

The object of this amending subordinate local law is to amend *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* to remove the activity of footpath dining as nontransferable.

**3 Commencement**

This amending subordinate local law commences on the date of publication of the notice of the making of *Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015) 2018* in the gazette.

**Part 2 Amendment of Subordinate Local Law No. 1.2  
(Commercial Use of Local Government  
Controlled Areas and Roads) 2015**

**4 Amendment of Sch 2 (Categories of approval that are non-transferable)**

- (1) Schedule 2, subsection 1, ‘activity of footpath dining is non-transferable.’—  
*omit, insert—*  
activity named in schedule 1, section 1 is transferable.
- (2) Schedule 2, subsection 2—  
*omit.*



## Redland City Council

# Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 21 November 2018

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A. Chesterman  
Chief Executive Officer

BNEDOCs Attachment 3 Draft Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015 (A3366178).docx



**Redland City Council**

**Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015**

Contents

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

### 5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
  - (a) names a prescribed activity in section 1; and
  - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.



- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

**6 Approvals that are non-transferable—Authorising local law, s 15(2)**

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

**Part 3 Application to State-controlled roads**

**7 State-controlled roads to which the local law applies—Authorising local law, schedule 1**

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are roads to which the authorising local law applies unless otherwise provided in the local law.

## **Schedule 1 Commercial use of local government controlled areas and roads**

### Section 5

#### **1. Prescribed activity**

Commercial use of local government controlled areas and roads.

#### **2. Activities that do not require an approval under the authorising local law**

No activities stated.

#### **3. Documents and materials that must accompany an application for an approval**

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.
- (6) Details of the operation of the prescribed activity including—
  - (a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and
  - (b) if the goods or services are to be supplied at particular times—the times during which the goods or services will be supplied; and
  - (c) if goods or services are to be supplied—the method of sale of the goods or services; and
  - (d) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and
  - (e) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and
  - (f) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.

- (7) Subsection (8) applies if—
- (a) the prescribed activity is to be operated at a place on a local government controlled area or road; and
  - (b) the place abuts, or is adjacent to, land other than a local government controlled area or road; and
  - (c) the operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land.
- (8) The application must be accompanied by—
- (a) the written consent of the occupier of the land to the operation of the prescribed activity at the place; or
  - (b) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.

**4. Additional criteria for the granting of an approval**

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—
  - (a) the occupier of any land which adjoins the location of the prescribed activity; or
  - (b) vehicular traffic; or
  - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is mobile roadside vending or stationary roadside vending—
  - (a) whether the prescribed activity for which the approval is sought is competitive with business activities operated from fixed premises in the local government area; and
  - (b) whether the business activities operated from the fixed premises are sufficient to meet public demand for the goods or services proposed to be sold as part of the operation of the prescribed activity; and
  - (c) whether the grant of the approval will result in substantial competition

between the applicant for the approval and operators of business activities operated from fixed premises in the local government area; and

- (d) whether the goods or services proposed to be sold as part of the operation of the prescribed activity, or similar goods or services, are available for sale from fixed premises near the location of the prescribed activity.

**5. Conditions that must be imposed on an approval**

No conditions prescribed.

**6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may require that the approval holder—
- (a) limit the activities authorised by the approval to 1 or more of—
    - (i) a single specified location;
    - (ii) a number of specified locations;
    - (iii) a specified area;
    - (iv) a number of specified areas; and
  - (b) limit the activities to specified days and times; and
  - (c) limit the activities to—
    - (i) a specified period of time; or
    - (ii) specified periods of time; and
  - (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
  - (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
  - (f) give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
  - (g) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
  - (h) if the approval authorises the approval holder to use a specified part of a road for the operation of the activity — pay a specified rental to the local government at specified intervals; and
  - (i) submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised

- person; and
- (j) prominently and permanently display at a specified location each of—
    - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
    - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
  - (k) limit the activities authorised by the approval such that the activities may not be operated within a specified radius of—
    - (i) fixed premises which sell or offer for sale, the same or similar goods or services; or
    - (ii) the site of operation of another prescribed activity—
      - (A) the operation of which is authorised by an approval granted by the local government; and
      - (B) at which the same or similar goods or services are sold or offered for sale; and
  - (l) limit the operation of the prescribed activity so that it does not—
    - (i) create a traffic nuisance; or
    - (ii) increase an existing traffic nuisance; or
    - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
  - (m) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
  - (n) ensure that the operation of the prescribed activity does not create a road safety risk; and
  - (o) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—
    - (i) in good working order and condition; and
    - (ii) in a clean and sanitary condition; and
  - (p) if the approval authorises the operation of a roadside vending activity on a road on specified days—remove the vehicle from the road after the close of business each day unless otherwise specified by the local government.
- (2) If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder—

- (a) limit the operation of the activity to—
  - (i) a specified vehicle; or
  - (ii) a number of specified vehicles; and
- (b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.
- (c) not—
  - (i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or
  - (ii) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or
  - (iii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and
- (d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
- (e) produce the vehicle for inspection by an authorised person—
  - (i) prior to commencement of the prescribed activity; and
  - (ii) when required by the authorised person; and
- (f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and
- (g) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and
- (h) not operate the activity in a manner which is, or may be, a risk to road safety; and
- (i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and
- (j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
- (k) for waste generated by the operation of the activity—
  - (i) only dispose of the waste—

- (A) in a safe and sanitary manner; and
    - (B) in a manner which maintains the vehicle and its surrounds in a clean, tidy, sanitary and hygienic condition; and
  - (ii) not dispose of the waste—
    - (A) so as to attract pests; or
    - (B) at another location other than a location properly intended for the receipt of the waste.
- (3) If the prescribed activity is footpath dining, the conditions of the approval may also require that the approval holder—
  - (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, a registered café, restaurant, takeaway food shop or similar premises which are operated by the approval holder (*principal premises*); and
  - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
  - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
  - (d) limit the operation of the activity to the normal business hours of the principal premises; and
  - (e) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and
  - (f) keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the activity at all times in a clean, sanitary and tidy condition; and
  - (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
  - (h) not place or display any sign or device advertising the activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the footpath for that purpose; and
  - (i) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an authorised person; and
  - (j) only use furniture in the area identified in the approval which is—

- (i) aesthetically acceptable to the local government; and
- (ii) kept in a proper state of repair; and
- (k) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and
- (l) regularly clean the area identified in the approval—
  - (i) during business hours for the principal premises; and
  - (ii) daily, after the close of business of the principal premises.
- (4) If the prescribed activity is the display of goods for sale on a footpath, the conditions of the approval may also require that the approval holder—
  - (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, retail premises which are operated by the approval holder (also *principal premises*); and
  - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
  - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
  - (d) limit the operation of the activity to the normal business hours of the principal premises; and
  - (e) only use, for the purposes of display of the goods for sale, a structure which is—
    - (i) of safe construction; and
    - (ii) in good condition and repair; and
    - (iii) securely fixed to the footpath; and
  - (f) only display goods for sale if the goods are in an orderly and sightly condition; and
  - (g) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder; and
  - (h) remove all goods, and any structure designed for the display of the goods for sale, when the principal premises are not open for business.

## 7. Term of an approval

- (1) The term of an approval—
  - (a) must be determined by the local government having regard to the information submitted by the applicant; and
  - (b) if the approval is for the prescribed activity of footpath dining — may



have an unlimited term.

- (2) The term of the approval must be specified in the approval.
- (3) Subject to subsection (1)(b), an approval may be granted for a term of up to 1 year.

**8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

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## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

- (1) Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

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**Schedule 3      State-controlled roads to which the local  
law applies**

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

## Schedule 4 Dictionary

### Section 4

**footpath** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**goods** includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

**mobile roadside vending** means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator travels from place to place; and
- (b) the operator supplies the goods or services to a customer in response to the customer waving down the operator.

**principal premises** has the meaning given in schedule 1, section 6(3)(a) and (4)(a).

**sale** includes —

- (a) to sell; and
- (b) sell for resale; and
- (c) offer, or expose for sale; and
- (d) agree or attempt to sell; and
- (e) receive, keep or have in possession for sale; and
- (f) cause or permit to be sold or offered or exposed for sale; and
- (g) provide a sample; and
- (h) barter; and
- (i) auction; and
- (j) supply or have available for supply; and
- (k) suffer or permit any of the above acts.

**stationary roadside vending** means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator carries on the activity from—
  - (i) a specified place; or
  - (ii) a number of specified places; but
- (b) the activity is not footpath dining.

**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**waste** has the meaning given in the *Environmental Protection Act 1994*.

## 12.4 MAKING SUBORDINATE LOCAL LAW NO. 1.8 (OPERATION OF ACCOMMODATION PARKS) 2015

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance

**Report Author:** Kristene Viller, Policy and Local Laws Coordinator

**Attachments:**

1. Review of Anti-competitive provisions Subordinate Local Law No. 1.8 [↓](#)
2. Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018 [↓](#)
3. Consolidated Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015 [↓](#)

### PURPOSE

The purpose of this report is to proceed with the making of *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018*, which amends *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*. The amendment removes the imposition of a 1 year term instead allowing the term to be determined for each case during licencing.

### BACKGROUND

At the General Meeting on 4 October 2017, Council made a resolution to commence the process for amending *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

The amendments to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* are detailed in the amending instrument (Attachment 2).

**Please note that in the consolidated version of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015 (Attachment 3)* the only changes made are to:**

Section	Amendment
Schedule 1, section 7(3)	Deleted "an approval may be granted for a term of up to 1 year"
Schedule 1, section 8(2)	Deleted "the term for which an approval may be renewed or extended must not exceed 1 year"
Schedule 1, section 8(3)	Renumbered to 8(2)

### ISSUES

#### State Interest Checks

Section 29A of the *Local Government Act 2009* does not require state interest checks to be completed on subordinate local laws.

#### Public Interest Review

The *Local Government Act 2009* (the Act) requires that any subordinate local law made with anti-competitive provisions is to comply with the procedures prescribed under a regulation for the review of the anti-competitive provisions.

The *Local Government Regulation 2012* (Regulation) provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provisions in local laws (the Guideline).

Review of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* found that anti-competitive provisions were present. Each of the potential anti-competitive provisions were reviewed in line with the procedure set out in the Guideline. It was determined that the identified provisions were excluded from the review of anti-competitive provisions under the Guideline because they were of a particular type listing in the Guideline.

### Community Consultation

As advised at the General Meeting on 9 May 2018 Community Consultation was not being undertaken on *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* as the amendments were deemed insubstantial and in accordance with Council's adopted local law making process not subject to community consultation.

### Insubstantial changes

Under the Local Law Making Process, the making of the Amending Instrument must follow steps 1 through 9 if they involve substantial amendments or affect anti-competitive provisions. If Council decides by resolution that the Amending Instrument only amends an existing subordinate local law to make an insubstantial change and the amendment does not affect anti-competitive provisions, Council may skip steps 2 to 4 inclusive (public consultation and anti-competitive procedures) and proceed directly to step 5 (deciding whether to make the Amending Instrument). None of the proposed amendments are anti-competitive or affect an anti-competitive provision.

The change to schedule 1 of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* (SLL1.8) is considered an insubstantial change because:

1. Redland City Council's Administration Local Law and subordinate local laws are model local laws;
2. The model Subordinate Local Law permits Council to set a term and specify the term in the licence;
3. Council initially chose to impose a term of 1 year but has now decided to specify the term for each case during licencing;
4. A term for the approval will still be imposed and does not change the requirement to renew approvals and does not alter/change the operation of the rest of the Subordinate Local Law;
5. The change is still within the parameters of the model local law.

### Local Law Implementation

Should Council make the Subordinate Local Law as attached to this report, notice must be given to the public within one month, through publication in the Queensland Government Gazette and on Council's website. The law comes into effect on either the date published in the gazette or a date nominated by Council in the Subordinate Local Law.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The *Local Government Act 2009* Chapter 3, Part 1, provides power for local governments to make and enforce local laws and sets the framework that the local governments must adhere to. Council has adopted a Local Law Making Process that is consistent with the *Local Government Act 2009* provisions. This process has been followed in the making of the Subordinate Local Law attached to this report.

The Subordinate Local Law has been drafted by Council's external solicitors in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

Part D of Council's adopted Local Law Making Process sets out the required steps for making the Amending Instrument. The first 5 steps in the Local Law Making Process involve making the Amending Instrument and steps 6 to 9 relate to notifying the public and Minister about the Amending Instrument.

### Risk Management

The risks associated with making the Subordinate Local Law have been managed by:

- a) ensuring the process to make the Subordinate Local Law is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process;
- b) comprehensive internal stakeholder engagement to ensure the Subordinate Local Law will promote effective governance to the community;
- c) utilising external solicitors to draft the Subordinate Local Law to ensure the legislative principles are followed in the drafting; and
- d) conducting a review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

### Financial

The cost of drafting the Subordinate Local Law and publications are funded through existing budget allocations within the Legal Services and Strategy and Governance Units.

### People

The Subordinate Local Law will have an impact on the resourcing within the Development Control and Compliance Services Units, who will take on the responsibility for enforcement provisions in the subordinate local laws. It is anticipated that this work will be absorbed by current resourcing.

### Environmental

There are no environmental implications.

### Social

Local Government provides for the good governance of the local government area through their local laws. The Subordinate Local Law attached to this report has the potential to impact all members of the Redlands Community.

### Alignment with Council's Policy and Plans

The process for making the proposed Subordinate Local Law is in accordance with Council's adopted practice for making local laws.

This process is in keeping with Council's Corporate Plan Priority 8, Inclusive and Ethical Governance for deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council.

## CONSULTATION

In developing the proposed Subordinate Local Law consultation occurred with:

Consulted	Date
Group Manager Environment and Regulation	Consultation occurred between June 2017 and October 2018
Governance Service Manager	Consultation occurred between June 2017 and October 2018
Policy and Local Laws Coordinator	Consultation occurred between June 2017 and October 2018
Communications Advisor	Consultation occurred between June 2017 and October 2018
External Solicitors	Consultation occurred between June 2017 and October 2018
Elected Representatives	Consultation occurred between June 2017 and October 2018

## OPTIONS

### Option One

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the Local Government Act 2009, Council resolves as follows:

1. That the amendments to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* are insubstantial and do not affect anti-competitive provisions;
2. That Amending *Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018* makes insubstantial changes to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* (Attachment 3) and it does not affect anti-competitive provisions;
3. To proceed:
  - a. as advertised with the making of *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018* (Attachment 2);
  - b. to make *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018* as advertised;
  - c. to adopt the consolidated version of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*, incorporating the amendments made by *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018*, by publication in the Queensland Government Gazette;
4. Authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

### Option Two

That Council resolves to not make *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018*.



**OFFICER'S RECOMMENDATION**

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the Local Government Act 2009, Council resolves as follows:

1. That the amendments to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* are insubstantial and do not affect anti-competitive provisions;
2. That Amending *Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018* makes insubstantial changes to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* (Attachment 3) and it does not affect anti-competitive provisions;
3. To proceed:
  - a. as advertised with the making of *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018* (Attachment 2);
  - b. to make *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018* as advertised;
  - c. to adopt the consolidated version of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*, incorporating the amendments made by *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018*, by publication in the Queensland Government Gazette;
4. Authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

**Review of Anti-Competitive Provisions**

**Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015**

An anti-competitive provision in a subordinate local law is a provision which creates a barrier to entry to a market or competition within a market.

Section 38 of the *Local Government Act 2009 (Act)* provides that a local government cannot make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions. If the local government does not comply with the procedure prescribed under a regulation, the local law has no effect.

Section 15 of the *Local Government Regulation 2012 (Regulation)* provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provision in local laws (**Guideline**).

The below table sets out those provisions in the Subordinate Local Law attached to this paper which may be considered to be anti-competitive, which exclusions apply to those provisions (if any) and any significant impacts that exist:

Local Law	Provision	What the provision provides	Reason(s)	Exclusions	Significant impacts
SLL 1.8	Schedule 1	Requires businesses to obtain a Council approval before operating an accommodation park and imposes conditions upon the operation of the accommodation park.	Possibly anti-competitive as it requires businesses to obtain approvals before operating and requires businesses to comply with standards of operation.	These laws intend to ensure accepted public health standards are met. These laws also intend to regulate the behaviour of individuals at accommodation parks.	N/A

**RECOMMENDATION**

There are no anti-competitive provisions within the Subordinate Local Law which are not the subject of an exception or which would result in a significant impact requiring a comprehensive review of the local law to be conducted.



**Amending Subordinate Local Law No. 10**  
**(Subordinate Local Law No. 1.8**  
**(Operation of Accommodation Parks)**  
**2015) 2018**

It is hereby certified that this a true and correct copy of *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 21 November 2018

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A. Chesterman  
Chief Executive Officer



## Redland City Council

### Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018

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1  
Redland City Council  
Amending Subordinate Local Law No. 10  
(Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018

**Redland City Council  
Amending Subordinate Local Law No. 10  
(Subordinate Local Law No. 1.8 (Operation of  
Accommodation Parks) 2015) 2018**

**Part 1 Preliminary**

**1 Short title**

This amending local law may be cited as *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018*.

**2 Object**

The object of this amending subordinate local law is to amend *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* to remove the 1 year limit for which an approval, renewal or extension of an approval may be granted.

**3 Commencement**

This amending subordinate local law commences on the date of publication of the notice of the making of *Amending Subordinate Local Law No. 10 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2018* in the gazette.

**Part 2 Amendment of Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015**

**4 Amendment of Sch 1 (Operation of accommodation parks)**

- (1) Schedule 1, section 7(3)—  
*omit.*
- (2) Schedule 1, section 8(2)—  
*omit.*
- (3) Schedule 1, section 8(3)—  
*renumber* as section 8(2).



Redland City Council

**Subordinate Local Law No. 1.8  
(Operation of Accommodation Parks)  
2015**

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 21 November 2018

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A. Chesterman  
Chief Executive Officer

BNEDOCs Attachment 4 Draft Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015 (A3366173).docx



## Redland City Council

### Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015

#### Contents

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

### **2 Purpose and how it is to be achieved**

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

### **4 Definitions**

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of complementary accommodation in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to accommodation parks.
- (3) The dictionary in schedule 4 defines particular words used in this subordinate local law.

## **Part 2 Approval for prescribed activity**

### **5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)**

- (1) Schedule 1—
  - (a) names a prescribed activity in section 1; and
  - (b) prescribes the matters specified in this section for the prescribed activity.



- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
  - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

## **6 Approvals that are non-transferable—Authorising local law, s 15(2)**

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

## **Schedule 1      Operation of accommodation parks**

### Section 5

#### **1.      Prescribed activity**

Operation of accommodation parks

#### **2.      Activities that do not require an approval under the authorising local law**

No activities stated.

#### **3.      Documents and materials that must accompany an application for an approval**

- (1) If the applicant is not the owner of the place at which the accommodation park is to be operated—the written consent of the owner to the application.
- (2) The name and address of the proposed resident manager of the accommodation park and the proposed resident manager’s written agreement accepting the responsibilities of resident manager of the accommodation park.
- (3) A plan of the proposed accommodation park which must be drawn to scale showing—
  - (a) the location and real property description of the place at which the accommodation park is to be operated; and
  - (b) the boundaries of the accommodation park; and
  - (c) the division of the accommodation park into sites, including the location and number of potential sites, separation distance between each site, with each site clearly defined and bearing a distinguishing mark or number; and
  - (d) the location of each road and building situated within the accommodation park; and
  - (e) details of the water supply system, including the position of all water points; and
  - (f) the position of all waste containers; and
  - (g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
  - (h) details of the on-site sewerage facilities and the waste water disposal system; and
  - (i) the position of all fire places; and
  - (j) the nature and position of—
    - (i) all fire safety installations; and
    - (ii) all electrical installations; and
    - (iii) all food preparation areas; and
    - (iv) all recreational facilities; and

- (v) all car parking facilities.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the accommodation park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the accommodation park.
- (6) Details of the maximum number of persons who can be accommodated at—
  - (a) the accommodation park; and
  - (b) each site within the accommodation park.
- (7) Details of the rules which will govern the use of the accommodation park, including rules which prohibit or control the keeping of dogs at the accommodation park.
- (8) A fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
  - (a) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
  - (b) AS 2293 – Emergency escape lighting and exit signs; and
  - (c) AS 1851 – Maintenance of fire protection system and equipment.
- (9) A report from an approved electrical contractor, taking into account—
  - (a) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
  - (b) AS/NZS 3001 - Transportable structures and vehicles including their sites.

#### **4. Additional criteria for the granting of an approval**

- (1) The operation of the accommodation park must be lawfully conducted on the premises.
- (2) The operation of the accommodation park must not produce—
  - (a) environmental harm; or
  - (b) environmental nuisance; or
  - (c) inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the accommodation park must be—
  - (a) of an acceptable standard; or
  - (b) able to be brought to an acceptable standard, for use by residents of the accommodation park.

#### **5. Conditions that must be imposed on an approval**

No conditions stated.

#### **6. Conditions that will ordinarily be imposed on an approval**

- (1) The operation of the accommodation park must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment, recreational water facility or fixture must be maintained in—
  - (a) good working order and condition; and
  - (b) a clean, safe and tidy condition.
- (3) Provision must be made for people, vehicles and caravans, and complementary accommodations to enter and exit the accommodation park safely.
- (4) A fire safety audit must be conducted by a fire safety provider once every three years and a subsequent report be submitted to the local government.
- (5) The fire safety audit must be conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
  - (a) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
  - (b) AS 2293 – Emergency escape lighting and exit signs; and
  - (c) AS 1851 – Maintenance of fire protection system and equipment.
- (6) An inspection report regarding the electrical wiring and electrical fittings on the premises must be conducted by an approved electrical contractor once every three years and a subsequent report be submitted to the local government.
- (7) The report must take into account—
  - (a) AS/NZS 3760 — In-service safety inspection and testing of electrical equipment; and
  - (b) AS/NZS 3001 — Transportable structures and vehicles including their sites.
- (8) The approval holder must—
  - (a) provide and maintain an adequate supply of water to the accommodation park, including water suitable for drinking, cooking and personal hygiene; and
  - (b) cause hot and cold water to be reticulated to every shower, bath and hand basin.
- (9) The water supply for drinking purposes must be potable water.
- (10) The approval holder must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”.
- (11) If bed linen is supplied—
  - (a) keep it in a clean and sanitary condition; and
  - (b) replace it with clean bed linen after each change of occupation of the accommodation.
- (12) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe manner.

- (13) Facilities for the disposal of waste must be—
- (a) sufficient to accommodate the collection and storage of all waste generated as part of the operation of the accommodation park; and
  - (b) provided in the manner, and at the locations, specified by the local government.
- (14) The local government may limit the number of persons who may occupy a site and require the approval holder to—
- (a) ensure that the limit is displayed on a notice erected in a prominent position at the accommodation park; and
  - (b) take appropriate action to ensure that the limit is not contravened.
- (15) The approval holder must—
- (a) not locate or permit accommodation to be located at any place within the accommodation park other than on a site approved by the local government under this subordinate local law; and
  - (b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and
  - (c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate or permitted to accommodate under the conditions of an approval.
- (16) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the accommodation park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.
- (17) The approval holder must keep and maintain a register which details—
- (a) the name and address of each person who hires a site at the accommodation park; and
  - (b) an identifying number for the site; and
  - (c) if accommodation is brought onto the site—the registration number of the (if applicable) caravan or complementary accommodation and (if applicable) the vehicle towing it; and
  - (d) the dates when the hiring of the site begins and ends.
- (18) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (19) The approval holder must not permit or allow a person to bring onto a site a caravan or complementary accommodation that is not fit for human habitation.
- Example—a caravan that is not weather proof.*
- (20) The approval holder must not, unless the local government agrees in writing, change the sites at the accommodation park by—
- (a) adding to the existing sites; or
  - (b) changing the position or boundaries of a site.
- (21) The approval holder must not change any building, structure or facility at the accommodation park by—

- (a) adding new buildings, structures or facilities; or
  - (b) removing existing buildings, structures or facilities; or
  - (c) changing the position of any building, structure or facility.
- (22) However, subsections (20) and (21) do not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.
- (23) The operation of the accommodation park must not—
- (a) create a traffic problem; or
  - (b) increase an existing traffic problem; or
  - (c) detrimentally affect the efficiency of an existing road network.
- (24) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person.
- (25) The operation of the accommodation park must not attract fly breeding or vermin infestation.
- (26) In the operation of the accommodation park the approval holder must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience.
- (27) The approval holder must dispose of all waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (28) Signage used in the operation of the accommodation park must be exhibited in a manner, and at the locations, specified by the local government.
- (29) Each site used as part of the operation of the accommodation park must be individually numbered and described in the manner specified by the local government.
- (30) The local government may prescribe rules which govern the use of the accommodation park and require the approval holder to ensure compliance with the rules by each user of the accommodation park.
- (31) The rules which govern the use of the accommodation park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the accommodation park.
- (32) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
- (33) The approval holder must ensure that no accumulation, aggregation or proliferation of—
- (a) discarding or disused machinery, goods or wares; or
  - (b) waste, refuse, scrap, bottles or second hand materials of any description; or
  - (c) dead, overgrown or untended trees or vegetation,
- occurs on any part of the accommodation park.
- (34) The approval holder must not permit a person who occupies a site at the accommodation park to engage in any business, trade or occupation within—

- (a) the site; or
  - (b) the accommodation park.
- (35) The local government may specify conditions applying to the operation of the accommodation park including—
- (a) times and days for administration of the arrival and departure of hirers of accommodation at the accommodation park; and
  - (b) conditions of stay; and
  - (c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and
  - (d) conditions applying to the use of any facilities or services of the accommodation park; and
  - (e) the prohibition of specified activities.
- (36) The local government may require that the approval holder direct a person to leave the accommodation park forthwith, or within a specified time, where the person is found to be—
- (a) acting in a disorderly or objectionable manner; or
  - (b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other accommodation park users.
- (37) The local government may require that the approval holder remove from the accommodation park a caravan or complementary accommodation which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

**7. Term of an approval**

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

**8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>



## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

### **Schedule 3 Prescribed complementary accommodation**

#### Section 4

The other accommodation that is prescribed as appropriate to accommodation parks is accommodation in—

- (a) an on-site caravan; and
- (b) a cabin; and
- (c) a manufactured home; and
- (d) a tent or other structure that can be readily assembled and disassembled.

## Schedule 4 Dictionary

### Section 4

**accommodation** means—

- (a) a caravan; or
- (b) a complementary accommodation.

**building** has the meaning given in the *Building Act 1975*.

**cabin** means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

**electrical installation** has the meaning given in the *Electricity Act 1994*.

**environmental harm** has the meaning given in the *Environmental Protection Act 1994*.

**environmental nuisance** has the meaning given in the *Environmental Protection Act 1994*.

**facilities** includes—

- (a) toilets; and
- (b) bathing and showering facilities; and
- (c) facilities for washing and drying clothes; and
- (d) facilities for cooking and food preparation; and
- (e) sporting and other recreational facilities; and
- (f) the facilities for the use or convenience of people using an accommodation park.

**fire safety installation** has the meaning given in the *Building Act 1975*.

**local government public health risk** has the meaning given in the *Public Health Act 2005*.

**manufactured home** has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

**nuisance** includes anything that—

- (a) disturbs or inconveniences people in the vicinity of an accommodation park; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of an accommodation park.

**occupant** (of accommodation) means a person who resides at the accommodation.

**on-site sewerage facility** has the meaning given in the *Plumbing and Drainage Act 2002*.

**potable water** means water which complies with Australian Drinking Water Guidelines.

**premises** means the premises used for the operation of the accommodation park.

**relocatable home** means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

- (a) constructed away from the site at which it is erected; and
- (b) designed to be moved from 1 location to another; and
- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

**resident** (of an accommodation park) means a person who resides in a caravan or complementary accommodation at the accommodation park.

**resident manager** (of an accommodation park) means—

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—
  - (i) is responsible for the management and supervision of the accommodation park; and
  - (ii) resides on or near the accommodation park; and
  - (iii) is present or available at all reasonable times to ensure the operation of the accommodation park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

**sanitary convenience** has the meaning given in the *Environmental Protection Act 1994*.

**sewerage system** has the meaning given in the *Plumbing and Drainage Act 2002*.

**site** means a part of an accommodation park which is designated for a single accommodation of a particular type.

**structure** has the meaning given in the *Local Government Act 2009*.

**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**vermin** means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
  - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
  - (ii) a local government public health risk.

**waste** has the meaning given in the *Environmental Protection Act 1994*.

**water supply system** has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

## 12.5 MAKING SUBORDINATE LOCAL LAW NO. 1.10 (OPERATION OF PUBLIC SWIMMING POOLS) 2015

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance

**Report Author:** Kristene Viller, Policy and Local Laws Coordinator

- Attachments:**
1. Review of Anti-competitive provisions Subordinate Local Law No. 1.10 [↓](#)
  2. Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018 [↓](#)
  3. Consolidated Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015 [↓](#)

### PURPOSE

The purpose of this report is to proceed with the making of *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018*, which amends *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015*. The amendment removes the imposition of a 1 year term instead allowing the term to be determined for each case during licencing.

### BACKGROUND

At the General Meeting on 4 October 2017, Council made a resolution to commence the process for amending *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015*.

The amendments to *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* are detailed in the amending instrument (Attachment 2).

**Please note that in the consolidated version of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015 (Attachment 3)* the only changes made are to:**

Section	Amendment
Schedule1, section 7(3)	Deleted "an approval may be granted for a term of up to 1 year"
Schedule 1, section 8(2)	Deleted "the term for which an approval may be renewed or extended must not exceed 1 year"
Schedule 1, section 8(3)	Re-number as 8(2)

### ISSUES

#### State Interest Checks

Section 29A of the *Local Government Act 2009* does not require state interest checks to be completed on subordinate local laws.

#### Public Interest Review

The *Local Government Act 2009* (the Act) requires that any subordinate local law made with anti-competitive provisions is to comply with the procedures prescribed under a regulation for the review of the anti-competitive provisions.

The *Local Government Regulation 2012* (Regulation) provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provisions in local laws (the Guideline).

Review of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* found that anti-competitive provisions were present. Each of the potential anti-competitive provisions were reviewed in line with the procedure set out in the Guideline. It was determined that the identified provisions were excluded from the review of anti-competitive provisions under the Guideline because they were of a particular type listing in the Guideline.

### Community Consultation

As advised at the General Meeting on 9 May 2018 Community Consultation was not being undertaken on *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* as the amendments were deemed insubstantial and in accordance with Council's adopted local law making process not subject to community consultation.

### Insubstantial changes

Under the Local Law Making Process, the making of the Amending Instrument must follow steps 1 through 9 if they involve substantial amendments or affect anti-competitive provisions. If Council decides by resolution that the Amending Instrument only amends an existing subordinate local law to make an insubstantial change and the amendment does not affect anti-competitive provisions, Council may skip steps 2 to 4 inclusive (public consultation and anti-competitive procedures) and proceed directly to step 5 (deciding whether to make the Amending Instrument). None of the proposed amendments are anti-competitive or affect an anti-competitive provision.

The change to schedule 1 of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* (SLL1.10) is considered an insubstantial change because:

1. Redland City Council's Administration Local Law and subordinate local laws are model local laws;
2. The model Subordinate Local Law permits Council to set a term and specify the term in the licence;
3. Council initially chose to impose a term of 1 year but has now decided to specify the term for each case during licencing;
4. A term for the approval will still be imposed and does not change the requirement to renew approvals and does not alter/change the operation of the rest of the Subordinate Local Law;
5. The change is still within the parameters of the model local law.

### Local Law Implementation

Should Council make the Subordinate Local Law as attached to this report, notice must be given to the public within one month, through publication in the Queensland Government Gazette and on Council's website. The law comes into effect on either the date published in the gazette or a date nominated by Council in the Subordinate Local Law.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The *Local Government Act 2009* Chapter 3, Part 1, provides power for local governments to make and enforce local laws and sets the framework that the local governments must adhere to. Council has adopted a Local Law Making Process that is consistent with the *Local Government Act 2009* provisions. This process has been followed in the making of the Subordinate Local Law attached to this report.

The Subordinate Local Law has been drafted by Council's external solicitors in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

Part D of Council's adopted Local Law Making Process sets out the required steps for making the Amending Instrument. The first 5 steps in the Local Law Making Process involve making the Amending Instrument and steps 6 to 9 relate to notifying the public and Minister about the Amending Instrument.

### Risk Management

The risks associated with making the Subordinate Local Law have been managed by:

- a) ensuring the process to make the Subordinate Local Law is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process;
- b) comprehensive internal stakeholder engagement to ensure the Subordinate Local Law will promote effective governance to the community;
- c) utilising external solicitors to draft the Subordinate Local Law to ensure the legislative principles are followed in the drafting; and
- d) conducting a review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

### Financial

The cost of drafting the Subordinate Local Law and publications are funded through existing budget allocations within the Legal Services and Strategy and Governance Units.

### People

The Subordinate Local Law will have an impact on the resourcing within the Development Control and Compliance Services Units, who will take on the responsibility for enforcement provisions in the subordinate local laws. It is anticipated that this work will be absorbed by current resourcing.

### Environmental

There are no environmental implications.

### Social

Local Government provides for the good governance of the local government area through their local laws. The Subordinate Local Law attached to this report has the potential to impact all members of the Redlands Community.

### Alignment with Council's Policy and Plans

The process for making the proposed Subordinate Local Law is in accordance with Council's adopted practice for making local laws.

This process is in keeping with Council's Corporate Plan Priority 8, Inclusive and Ethical Governance for deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council.

## CONSULTATION

In developing the proposed Subordinate Local Law consultation occurred with:

Consulted	Date
Group Manager Environment and Regulation	Consultation occurred between June 2017 and October 2018
Governance Service Manager	Consultation occurred between June 2017 and October 2018
Policy and Local Laws Coordinator	Consultation occurred between June 2017 and October 2018
Communications Advisor	Consultation occurred between June 2017 and October 2018
External Solicitors	Consultation occurred between June 2017 and October 2018
Elected Representatives	Consultation occurred between June 2017 and October 2018
Group Manager Environment and Regulation	Consultation occurred between June 2017 and October 2018

Consultation occurred between June 2017 and October 2018.

## OPTIONS

### Option One

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the Local Government Act 2009, Council resolves as follows:

1. That the amendments to *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* are insubstantial and do not affect anti-competitive provisions;
2. That Amending *Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018* makes insubstantial changes to *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* (Attachment 3) and it does not affect anti-competitive provisions;
3. To proceed:
  - a. as advertised with the making of *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018 (Attachment 2)*;
  - b. to make *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018* as advertised;
  - c. to adopt the consolidated version of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015*, incorporating the amendments made by *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018*, by publication in the Queensland Government Gazette;
4. Authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.



## Option Two

That Council resolves to not make *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018*.

### OFFICER'S RECOMMENDATION

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the Local Government Act 2009, Council resolves as follows:

1. That the amendments to *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* are insubstantial and do not affect anti-competitive provisions;
2. That *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018* makes insubstantial changes to *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* (Attachment 3) and it does not affect anti-competitive provisions;
3. To proceed:
  - a. as advertised with the making of *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018* (Attachment 2);
  - b. to make *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018* as advertised;
  - c. to adopt the consolidated version of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015*, incorporating the amendments made by *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018*, by publication in the Queensland Government Gazette;
4. Authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

**Review of Anti-Competitive Provisions**

**Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015**

An anti-competitive provision in a subordinate local law is a provision which creates a barrier to entry to a market or competition within a market.

Section 38 of the *Local Government Act 2009 (Act)* provides that a local government cannot make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions. If the local government does not comply with the procedure prescribed under a regulation, the local law has no effect.

Section 15 of the *Local Government Regulation 2012 (Regulation)* provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provision in local laws (**Guideline**).

The below table sets out those provisions in the Subordinate Local Law attached to this paper which may be considered to be anti-competitive, which exclusions apply to those provisions (if any) and any significant impacts that exist:

Local Law	Provision	What the provision provides	Reason(s)	Exclusions	Significant impacts
SLL 1.10	Schedule 1	Requires businesses to obtain a Council approval before operating a public swimming pool, and imposes conditions upon the operation of the swimming pool.	Possibly anti-competitive as it requires businesses to obtain approvals before operating and requires businesses to comply with standards of operation.	These laws intend to ensure accepted public health standards are met.	N/A

**RECOMMENDATION**

There are no anti-competitive provisions within the Subordinate Local Law which are not the subject of an exception or which would result in a significant impact requiring a comprehensive review of the local law to be conducted.



**Amending Subordinate Local Law No. 11**  
**(Subordinate Local Law No. 1.10**  
**(Operation of Public Swimming Pools)**  
**2015) 2018**

It is hereby certified that this a true and correct copy of *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 21 November 2018

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A. Chesterman  
Chief Executive Officer



**Redland City Council**

**Amending Subordinate Local Law No. 11  
(Subordinate Local Law No. 1.10 (Operation of Public  
Swimming Pools) 2015) 2018**

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Redland City Council  
Amending Subordinate Local Law No. 11  
(Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018

**Redland City Council  
Amending Subordinate Local Law No. 11  
(Subordinate Local Law No. 1.10 (Operation of Public  
Swimming Pools) 2015) 2018**

**Part 1 Preliminary**

**1 Short title**

This amending local law may be cited as *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018*.

**2 Object**

The object of this amending subordinate local law is to amend *Subordinate Local Law No 1.10 (Operation of Public Swimming Pools) 2015* to remove the 1 year limit for which an approval, renewal or extension of an approval may be granted.

**3 Commencement**

This amending subordinate local law commences on the date of publication of the notice of the making of *Amending Subordinate Local Law No. 11 (Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015) 2018* in the gazette.

**Part 2 Amendment of Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015**

**4 Amendment of Sch 1 (Operation of public swimming pools)**

- (1) Schedule 1, section 7(3)—  
*omit.*
- (2) Schedule 1, section 8(2)—  
*omit.*
- (3) Schedule 1, section 8(3)—  
*renumber* as section 8(2).



Redland City Council

**Subordinate Local Law No. 1.10  
(Operation of Public Swimming Pools)  
2015**

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 21 November 2018

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A. Chesterman  
Chief Executive Officer

BNEDOCs Attachment 5 Draft Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015 (A3258800) (A3366170).docx



## Redland City Council

### Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015

#### Contents

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015*.

### **2 Purpose and how it is to be achieved**

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the *authorising local law*).

### **4 Definitions**

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## **Part 2 Approval for prescribed activity**

### **5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)**

- (1) Schedule 1—
  - (a) names a prescribed activity in section 1; and
  - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.



- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
  - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

## **6 Approvals that are non-transferable—Authorising local law, s 15(2)**

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

## **Schedule 1      Operation of public swimming pools**

Section 5

### **1.      Prescribed activity**

Operation of public swimming pools.

### **2.      Activities that do not require an approval under the authorising local law**

The operation of a public swimming pool if the swimming pool is—

- (a) a swimming pool made available by a body corporate of a community titles scheme for use by the owners or occupiers of the lots of the scheme or their invitees; or
- (b) located within school premises and access to the pool is restricted by the school to students and staff of the school and school club members.

### **3.      Documents and materials that must accompany an application for an approval**

- (1) Details of the proposed public swimming pool including a plan or other information identifying the proposed public swimming pool and all buildings proposed to be used in the operation of the public swimming pool.
- (2) Details of the nature and extent of the public use that is proposed by the applicant.
- (3) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).
- (4) If the applicant is not the owner of the land on which the public swimming pool is to be situated — the owner's written consent to the application.
- (5) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.
- (6) Details of procedures that will be adopted to ensure that the public swimming pool water is adequate to protect public health.
- (7) Details of the equipment which will be used for emergency medical treatment and first aid.
- (8) Details of the operation of the public swimming pool including —
  - (a) the hours of operation of the public swimming pool; and
  - (b) whether the public swimming pool is to be heated or non-heated; and
  - (c) the existence or otherwise of automatic dosing equipment to be used in conjunction with the chlorination, filtration and recirculation of water in the public swimming pool.

### **4.      Additional criteria for the granting of an approval**

- (1) The equipment for chlorination, filtration and recirculation of public

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swimming pool water must be adequate to protect public health.

- (2) The management and supervision of the public swimming pool must be adequate to protect public safety and prevent nuisance.
- (3) Any proposed manager or supervisor of the public swimming pool must hold a current first aid certificate and bronze medallion or other equivalent life saving qualification.
- (4) The equipment which will be used for emergency medical treatment and first aid must be situated at an appropriate location at the public swimming pool.
- (5) There must be adequate sanitary conveniences and sanitary facilities for the operation of the public swimming pool.

#### 5. Conditions that must be imposed on an approval

No conditions stated.

#### 6. Conditions that will ordinarily be imposed on an approval

- (1) The public swimming pool water must be maintained in accordance with—
  - (a) the *Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004*; or
  - (b) another approved guideline or standard specified in the approval.
- (2) The operator of the public swimming pool must test the water in the public swimming pool to ensure compliance with the prescribed chemical parameters—
  - (a) at least daily; and
  - (b) more often than daily if necessary having regard to—
    - (i) bather load and likely use; and
    - (ii) environmental contamination; and
    - (iii) status of pool users.
- (3) The approval holder must—
  - (a) provide and maintain equipment for emergency medical treatment, first aid and the rescue of persons in difficulty; and
  - (b) erect and display notices at the public swimming pool that—
    - (i) provide information about basic life saving, resuscitation and first aid techniques; and
    - (ii) warn about possible dangers; and
  - (c) install and maintain specified equipment for the chlorination, filtration and recirculation of water in the public swimming pool; and
  - (d) provide and maintain specified dressing rooms and facilities for showering and sanitation; and
  - (e) not permit or allow any person under the influence of an intoxicating or stupefying substance or liquor to be at, or use, the public swimming pool; and

- (f) not permit or allow any person suffering, or appearing to suffer from, an infectious, contagious or offensive disease or skin complaint to enter the public swimming pool; and
  - (g) not permit or allow any animal, other than a guide, hearing or assistance dog, as defined in the *Guide, Hearing and Assistance Dogs Act 2009*, to be brought onto any part of the land upon which the public swimming pool is located; and
  - (h) immediately remove any animal, other than a guide, hearing or assistance dog, as defined in the *Guide, Hearing and Assistance Dogs Act 2009*, found on any part of the land upon which the public swimming pool is located; and
  - (i) at all times maintain the public swimming pool free of extraneous matter.
- (3) At all times while the public swimming pool is open to the public a manager or supervisor must be present and must hold a current first aid certificate, bronze medallion or other life saving qualifications specified in the approval.
  - (4) The operation of the public swimming pool must not—
    - (a) detrimentally affect the amenity of neighbouring premises; or
    - (b) cause environmental harm; or
    - (c) cause environmental nuisance.
  - (5) The operation of the public swimming pool must only be undertaken during specified hours on specified days.
  - (6) The operation of the public swimming pool, including each building, structure, facility and equipment used in the operation of the public swimming pool must be kept and maintained—
    - (a) in good working order and condition; and
    - (b) in a clean, tidy and sanitary condition.
  - (7) Lighting used to illuminate the operation of the public swimming pool must be angled or shaded so that the light does not cause a nuisance.
  - (8) Each toilet, bathroom, kitchen, laundry and drinking water facility used in the operation of the public swimming pool must be provided with an adequate and continuous supply of water.
  - (9) The approval holder must provide and maintain—
    - (a) sanitary conveniences and sanitary facilities for the operation of the public swimming pool; and
    - (b) waste containers sufficient to accommodate the collection and storage of waste generated by the operation of the public swimming pool in the manner, and at the locations, specified by the local government.

## 7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

**8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>
No application requirement stated.		

## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

## Schedule 3 Dictionary

### Section 4

**body corporate** has the meaning given in the *Body Corporate and Community Management Act 1997*.

**building** has the meaning given in the *Building Act 1975*.

**community titles scheme** has the meaning given in the *Body Corporate and Community Management Act 1997*.

**environmental harm** has the meaning given in the *Environmental Protection Act 1994*.

**environmental nuisance** has the meaning given in the *Environmental Protection Act 1994*.

**nuisance** includes anything that—

- (a) disturbs or inconveniences people in the vicinity of a public swimming pool; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

**public swimming pool** means a swimming pool that is made available for use to —

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

**sanitary convenience** has the meaning given in the *Environmental Protection Act 1994*.

**structure** has the meaning given in the *Local Government Act 2009*.

**swimming pool** has the meaning given in the *Building Act 1975*.

## 12.6 MAKING SUBORDINATE LOCAL LAW NO. 1.12 (OPERATION OF TEMPORARY ENTERTAINMENT EVENTS) 2015

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance

**Report Author:** Kristene Viller, Policy and Local Laws Coordinator

- Attachments:**
1. Review of Anti-competitive provision Subordinate Local Law No. 1.12 [↓](#)
  2. Amending Subordinate Local Law No. 12(Subordinate Local Law No. 1.12(Operation of Temporary Entertainment Events) 2015) 2018 [↓](#)
  3. Consolidated Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015 [↓](#)

### PURPOSE

The purpose of this report is to proceed with the making of *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018*, which amends *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015*. The amendment provides clarity around the reference to 500 people, being the number of people for the duration of the event not the number at any given time.

### BACKGROUND

At the General Meeting on 4 October 2017, Council resolved to commence the process for amending *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015*.

The amendments to *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* are detailed in the amending instrument (Attachment 2).

**Please note that in the consolidated version of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015 (Attachment 3)* the only changes made are to:**

Section	Amendment
Schedule 1, section 2(b)	After '500' entered 'for the duration of the entertainment event'
Schedule 1, section 4(9)	Deleted provision requiring compliance with the guidelines and policies of the Royal Society for the Prevention and Cruelty of Animals (RSPCA) Australia, as no such guideline exists.

### ISSUES

#### State Interest Checks

Section 29A of the *Local Government Act 2009* does not require state interest checks to be completed on subordinate local laws.

#### Public Interest Review

The *Local Government Act 2009* (the Act) requires that any subordinate local law made with anti-competitive provisions is to comply with the procedures prescribed under a regulation for the review of the anti-competitive provisions.



The *Local Government Regulation 2012* (Regulation) provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provisions in local laws (the Guideline).

Review of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* found that anti-competitive provisions were present. Each of the potential anti-competitive provisions were reviewed in line with the procedure set out in the Guideline. It was determined that the identified provisions were excluded from the review of anti-competitive provisions under the Guideline because they were of a particular type listing in the Guideline.

### Community Consultation

As advised at the General Meeting on 9 May 2018, Community Consultation was not being undertaken on *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* as the amendments were deemed insubstantial and in accordance with Council's adopted local law making process not subject to community consultation.

### Insubstantial changes

Under the Local Law Making Process, the making of the Amending Instrument must follow steps 1 through 9 if they involve substantial amendments or affect anti-competitive provisions. If Council decides by resolution that the Amending Instrument only amends an existing subordinate local law to make an insubstantial change and the amendment does not affect anti-competitive provisions, Council may skip steps 2 to 4 inclusive (public consultation and anti-competitive procedures) and proceed directly to step 5 (deciding whether to make the Amending Instrument). None of the proposed amendments are anti-competitive or affect an anti-competitive provision.

The change to schedule 1 of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* (SLL1.12) is considered an insubstantial change because:

1. The change is providing clarity around the 500 people at the event being for the duration of the event, and removing reference to a non-existent guideline;
2. The change does not change the intent of the subordinate local law, how it has always operated or how it is enforced.

### Local Law Implementation

Should Council make the Subordinate Local Law as attached to this report, notice must be given to the public within one month, through publication in the Queensland Government Gazette and on Council's website. The law comes into effect on either the date published in the gazette or a date nominated by Council in the Subordinate Local Law.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The *Local Government Act 2009* Chapter 3, Part 1, provides power for local governments to make and enforce local laws and sets the framework that the local governments must adhere to. Council has adopted a Local Law Making Process that is consistent with the *Local Government Act 2009* provisions. This process has been followed in the making of the Subordinate Local Laws attached to this report.

The Subordinate Local Law has been drafted by Council's external solicitors in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

Part D of Council's adopted Local Law Making Process sets out the required steps for making the Amending Instrument. The first 5 steps in the Local Law Making Process involve making the Amending Instrument and steps 6 to 9 relate to notifying the public and Minister about the Amending Instrument.

### **Risk Management**

The risks associated with making the Subordinate Local Law have been managed by:

- a) ensuring the process to make the Subordinate Local Law is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process;
- b) comprehensive internal stakeholder engagement to ensure the Subordinate Local Law will promote effective governance to the community;
- c) utilising external solicitors to draft the Subordinate Local Law to ensure the legislative principles are followed in the drafting; and
- d) conducting a review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

### **Financial**

The cost of drafting the Subordinate Local Law and publications are funded through existing budget allocations within the Legal Services and Strategy and Governance Units.

### **People**

The Subordinate Local Law will have an impact on the resourcing within the Development Control and Compliance Services Units, who will take on the responsibility for enforcement provisions in the subordinate local laws. It is anticipated that this work will be absorbed by current resourcing.

### **Environmental**

There are no environmental implications.

### **Social**

Local Government provides for the good governance of the local government area through their local laws. The Subordinate Local Law attached to this report has the potential to impact all members of the Redlands Community.

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

The process for making the proposed Subordinate Local Law is in accordance with Council's adopted practice for making local laws.

This process is in keeping with Council's Corporate Plan Priority 8, Inclusive and Ethical Governance for deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council.

## CONSULTATION

In developing the proposed Subordinate Local Law consultation occurred with:

Consultation	Date
Health and Environment Team Leader	Consultation occurred between June 2017 and October 2018
Health and Environment Service Manager	Consultation occurred between June 2017 and October 2018
Group Manager Environment and Regulation	Consultation occurred between June 2017 and October 2018
Governance Service Manager	Consultation occurred between June 2017 and October 201
Policy and Local Laws Coordinator	Consultation occurred between June 2017 and October 2018
Communications Advisor	Consultation occurred between June 2017 and October 2018
External Solicitors	Consultation occurred between June 2017 and October 2018
Elected Representatives	Consultation occurred between June 2017 and October 2018

Consultation occurred between June 2017 and October 2018.

## OPTIONS

### Option One

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the Local Government Act 2009, Council resolves as follows:

1. That the amendments to *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* are insubstantial and do not affect anti-competitive provisions;
2. That Amending *Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018* makes insubstantial changes to *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* (Attachment 3) and it does not affect anti-competitive provisions;
3. To proceed:
  - a. as advertised with the making of *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018* (Attachment 2);
  - b. to make *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018* as advertised;
  - c. to adopt the consolidated version of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015*, incorporating the amendments made by *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018*, by publication in the Queensland Government Gazette;
4. Authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

### Option Two

That Council resolves to not make *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018*.

**OFFICER'S RECOMMENDATION**

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the Local Government Act 2009, Council resolves as follows:

1. That the amendments to *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* are insubstantial and do not affect anti-competitive provisions;
2. That Amending *Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018* makes insubstantial changes to *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* (Attachment 3) and it does not affect anti-competitive provisions;
3. To proceed:
  - a. as advertised with the making of *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018* (Attachment 2);
  - b. to make *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018* as advertised;
  - c. to adopt the consolidated version of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015*, incorporating the amendments made by *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018*, by publication in the Queensland Government Gazette;
4. Authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

**Review of Anti-Competitive Provisions**

**Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015**

An anti-competitive provision in a subordinate local law is a provision which creates a barrier to entry to a market or competition within a market.

Section 38 of the *Local Government Act 2009 (Act)* provides that a local government cannot make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions. If the local government does not comply with the procedure prescribed under a regulation, the local law has no effect.

Section 15 of the *Local Government Regulation 2012 (Regulation)* provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provision in local laws (**Guideline**).

The below table sets out those provisions in the Subordinate Local Law attached to this paper which may be considered to be anti-competitive, which exclusions apply to those provisions (if any) and any significant impacts that exist:

Local Law	Provision	What the provision provides	Reason(s)	Exclusions	Significant impacts
SLL1.12	Schedule 1	Requires businesses to obtain approval before operating a temporary entertainment event, and imposes conditions upon the operation of the temporary entertainment event.	Possibly anti-competitive as it requires businesses to obtain approvals before operating and requires businesses to comply with standards of operation.	These laws intend to ensure accepted public health standards are met. These laws also intend to regulate the behaviour of individuals at temporary entertainment events.	N/A.

**RECOMMENDATION**

There are no anti-competitive provisions within the Subordinate Local Law which are not the subject of an exception or which would result in a significant impact requiring a comprehensive review of the local law to be conducted.



**Amending Subordinate Local Law No. 12**  
**(Subordinate Local Law No. 1.12**  
**(Operation of Temporary Entertainment**  
**Events) 2015) 2018**

It is hereby certified that this a true and correct copy of *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 21 November 2018

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A. Chesterman  
Chief Executive Officer



**Redland City Council**

**Amending Subordinate Local Law No. 12  
(Subordinate Local Law No. 1.12 (Operation of Temporary  
Entertainment Events) 2015) 2018**

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Redland City Council  
Amending Subordinate Local Law No. 12  
(Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018

**Redland City Council  
Amending Subordinate Local Law No. 12  
(Subordinate Local Law No. 1.12 (Operation of Temporary  
Entertainment Events) 2015) 2018**

**Part 1 Preliminary**

**1 Short title**

This amending local law may be cited as *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018*.

**2 Object**

The object of this amending subordinate local law is to amend *Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2015* to clarify that entertainment events not requiring approval because of the maximum number of people it is open to means the number of people for the duration of the entertainment event, and to remove the criterion that a temporary entertainment event involving the use of animals must comply with guidelines or policies of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Australia.

**3 Commencement**

This amending subordinate local law commences on the date of publication of the notice of the making of *Amending Subordinate Local Law No. 12 (Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015) 2018* in the gazette.

**Part 2 Amendment of Subordinate Local Law No.  
1.12 (Operation of Temporary Entertainment  
Events) 2015**

**4 Amendment of Sch 1 (Operation of temporary events)**

- (1) Schedule 1, section 2(b), after ‘500 persons’—  
*insert—*  
for the duration of the entertainment event
- (2) Schedule 1, section 4(9)—  
*omit.*





Redland City Council

## **Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015**

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 21 November 2018

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A. Chesterman  
Chief Executive Officer

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**Redland City Council**

**Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015**

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the *authorising local law*).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

### 5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
  - (a) names a prescribed activity in section 1; and
  - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

*Redland City Council Subordinate Local Law No. 1.12  
(Operation of Temporary Entertainment Events) 2015*

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- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
  - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

**6 Approvals that are non-transferable—Authorising local law, s 15(2)**

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

**Part 3 Application to State-controlled roads**

**7 State-controlled roads to which the local law applies—Authorising local law, schedule 1**

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are roads to which the authorising local law applies unless otherwise provided in the local law.

## **Schedule 1      Operation of temporary entertainment events**

### Section 5

#### **1.      Prescribed activity**

Operation of temporary entertainment events.

#### **2.      Activities that do not require an approval under the authorising local law**

The opening to the public, or the preparation for opening to the public, of a temporary entertainment event if—

- (a) the opening to the public constitutes development under the Planning Act, for example, the use of an indoor recreation facility under the planning scheme of the local government; or
- (b) the entertainment event is undertaken on a local government controlled area or a road and is only open to a maximum of 500 persons for the duration of the entertainment event; or
- (c) the entertainment event is undertaken on a place other than a local government controlled area or a road.

*Note*

*To protect public health and safety, temporary entertainment events that do not need an approval, should follow the Redland City Council Event Information Kit.*

#### **3.      Documents and materials that must accompany an application for an approval**

- (1) A plan of the place of the temporary entertainment event which details—
  - (a) the boundaries of the place; and
  - (b) the water supply system for the place; and
  - (c) the position of each waste container at the place; and
  - (d) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; and
  - (e) the sewerage system for the place, including the position of each sanitary convenience at the place; and
  - (f) the nature and position of each installation at the place which is to be used for the preparation or sale of food.
- (2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.
- (3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.
- (4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.

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(Operation of Temporary Entertainment Events) 2015*

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- (5) The dates and times during which the temporary entertainment event is to be undertaken.
- (6) The expected attendance rate for the temporary entertainment event.
- (7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.
- (8) The name, street address, telephone number, facsimile number and email address of each person and business who will operate the temporary entertainment event.
- (9) If requested—a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000.00.
- (10) If requested—an event management plan which details proposed arrangements for each of the following—
  - (a) consultation with key stakeholders; and
  - (b) notification of the event to the surrounding residents, including contact details for the nominated responsible person under section 4(7); and
  - (b) cleaning and sanitation; and
  - (c) noise management, including audio equipment; and
  - (d) waste and recycling; and
  - (e) catering services with food safety program for each service; and
  - (f) toilet and wash basin adequacy; and
  - (g) drinking water quality and supply; and
  - (h) security services; and
  - (i) emergency response; and
  - (j) traffic management; and
  - (k) risk management strategy; and
  - (l) fire response; and
  - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
  - (n) copies of applicable approvals and certifications, for example—
    - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted ; and
    - (ii) a fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
      - (A) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
      - (B) AS 2293 – Emergency escape lighting and exit signs; and
      - (C) AS 1851 – Maintenance of fire protection system and equipment; and

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- (iii) a report from an approved electrical contractor, taking into account—
    - (A) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
    - (B) AS/NZS 3001 - Transportable structures and vehicles including their sites; and
  - (iv) a certified structural safety report for all temporary construction work; and
  - (v) a fireworks licence issued by the Department of Environment and Resource Management; and
  - (vi) a certificate for each amusement ride issued by Workplace Health and Safety Queensland; and
  - (vii) a current public liability insurance certificate; and
  - (viii) a temporary food business licence issued under the *Food Act 2006*; and
  - (ix) a public open space booking; and
  - (x) traffic control permit.
- (11) An application for an approval for the prescribed activity, and all documents and materials that must accompany an application for an approval, must be made to the local government at least 6 weeks prior to the date of commencement of the proposed entertainment event identified in the application.

*Note*

*Redland City Council Temporary Entertainment Events Policy, Guideline and Information Kit provides guidance on application processes for temporary entertainment events and compliance with this subordinate local law.*

#### **4. Additional criteria for the granting of an approval**

- (1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
- (2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
- (3) Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
- (4) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public.
- (5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
- (6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.

- (7) The applicant for the approval must nominate a person who is responsible for —
- (a) ensuring compliance with the authorising local law before, during and after the event; and
  - (b) handling general complaints which may be received; and
  - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.

**5. Conditions that must be imposed on an approval**

The approval holder must—

- (a) display the approval in the manner, and at the locations, specified by the local government; and
- (b) produce the approval for inspection by an authorised person on demand.

**6. Conditions that will ordinarily be imposed on an approval**

The conditions of an approval may —

- (a) require specified action to maintain or improve the place of the temporary entertainment event; and
- (b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the approval holder to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) require the approval holder to provide specified equipment, or take specified measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
- (f) require the approval holder to take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the event commences; and
- (g) regulate noise emission from the temporary entertainment event; and
- (h) require the design and construction of the place of the temporary entertainment event to be safe and appropriate having regard to the nature of the entertainment proposed and the number of people expected to attend the place; and
- (i) if the approval relates to an activity on a road – require the approval holder to indemnify the State and the local government; and
- (j) require the approval holder to ensure that the place of the temporary

BNEDOCs Attachment 6 Draft Subordinate Local Law No. 1.12(Operation of Temporary Entertainment Events) 2015 (A3366167).docx



- entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
- (k) prescribe requirements for adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
  - (l) prescribe requirements for the collection and disposal of waste generated by the temporary entertainment event; and
  - (m) prescribe requirements for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
  - (n) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—
    - (i) in good working order; and
    - (ii) in a good state of repair; and
    - (iii) in a clean and sanitary condition; and
  - (o) prescribe requirements about—
    - (i) crowd, traffic and parking control; and
    - (ii) security measures to be implemented; and
    - (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
    - (iv) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
    - (v) the exhibition of signage as part of the operation of the temporary entertainment event; and
    - (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event; and
  - (p) require the approval holder to deliver a bond or security to the local government to secure compliance with the requirements of each of the approval and the provisions of the authorising local law.

#### **7. Term of an approval**

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

#### **8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

### **Schedule 3      State-controlled roads to which the local law applies**

#### Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

## **Schedule 4      Dictionary**

### Section 4

*building* has the meaning given in the *Building Act 1975*.

*land* has the meaning given in the *Sustainable Planning Act 2009*.

*premises* means any land, building or structure and includes any part thereof.

*sanitary convenience* has the meaning given in the *Environmental Protection Act 1994*.

*sewerage system* has the meaning given in the *Plumbing and Drainage Act 2002*.

*structure* has the meaning given in the Act.

*vehicle* has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

*waste* has the meaning given in the *Environmental Protection Act 1994*.

*water supply system* has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

## 13 REPORTS FROM COMMUNITY & CUSTOMER SERVICES

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

**Objective Reference:**

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

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

**Report Author:** Hayley Saharin, Senior Business Support Officer

**Attachments:** 1. Decisions Made under Delegated Authority 14.10.2018 to 02.11.2018 [↓](#)

#### 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 only.

This information is provided for public interest.

#### BACKGROUND

At the General Meeting of 21 June 2017, Council resolved that development assessments be classified into the following four categories:

Category 1 – minor code and referral agency assessments;

Category 2 – moderately complex code and impact assessments;

Category 3 – complex code and impact assessments; and

Category 4 – major assessments (not included in this report)

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

**Category 1** - Minor code assessable applications, concurrence agency referral, minor operational works and minor compliance works; minor change requests and extension to currency period where the original application was Category 1 procedural delegations for limited and standard planning certificates.

Delegation Level: Chief Executive Officer, General Manager, Group Managers, Service Managers, Team Leaders and Principal Planners as identified in the officer's instrument of delegation.

**Category 2** - In addition to Category 1, moderately complex code assessable applications, including operational works and compliance works and impact assessable applications without objecting submissions; other change requests and variation requests where the original application was Category 1, 2, 3 or 4\*. Procedural delegations including approval of works on and off maintenance, release of bonds and full planning certificates.

*\* Provided the requests do not affect the reason(s) for the call in by the Councillor (or that there is agreement from the Councillor that it can be dealt with under delegation).*

Delegation Level: Chief Executive Officer, General Manager, Group Managers and Service Managers as identified in the officer's instrument of delegation.

**Category 3** - In addition to Category 1 and 2, applications for code or impact assessment with a higher level of complexity. They may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the planning scheme. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Assessing superseded planning scheme requests and approving a plan of subdivision.

Delegation Level: Chief Executive Officer, General Manager and Group Managers as identified in the officer's instrument of delegation.

**OFFICER'S RECOMMENDATION**

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

## Decisions Made under Delegated Authority 14.10.2018 to 20.10.2018

### CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
DBW18/0050	Domestic Additions	N Bylund	3 Beaufort Court Cleveland QLD 4163	Code Assessment	19/10/2018	NA	Development Permit	2
DBW18/0069	Domestic Additions	Pacific Approvals Pty Ltd	4 Binnacle Close Cleveland QLD 4163	Code Assessment	19/10/2018	NA	Development Permit	2
RAL17/0003.01	Change to Development Approval - RAL17/0003 - 1 into 4 Lot Reconfiguration	East Coast Surveys Pty Ltd Sutgold Pty Ltd	17-19 Long Street Cleveland QLD 4163	Minor Change to Approval	16/10/2018	NA	Approved	2
RAL18/0098	Reconfiguring a Lot - Standard Format - 1 into 2 lots	Frenlush Pty Ltd As Trustee	71 Channel Street Cleveland QLD 4163	Code Assessment	18/10/2018	NA	Development Permit	2
RAL18/0084	Reconfiguring a Lot - Standard Format 1 into 2 Lots	East Coast Surveys Pty Ltd	109 Passage Street Cleveland QLD 4163	Code Assessment	16/10/2018	NA	Development Permit	2
CAR18/0374	Design and Siting - Domestic Outbuilding	Building Code Approval Group Pty Ltd	8 Constantina Close Thornlands QLD 4164	Referral Agency Response - Planning	16/10/2018	NA	Approved	3
MCU18/0193	Extension to Currency Period - MCU013324 - Aged Persons & Special Needs Housing redevelopment	Seventh-Day Adventist Aged Care (SQ) Ltd	Seventh Day Adventists Home 571-585 Redland Bay Road Victoria Point QLD 4165	Minor Change to Approval	18/10/2018	NA	Approved	4
CAR18/0375	Schedule 6 Exempt Material Change of Use Class 1	Pacific Approvals Pty Ltd	67 Lucas Drive Lamb Island QLD 4184	Referral Agency Response - Planning	15/10/2018	NA	Approved	5

## Decisions Made under Delegated Authority 14.10.2018 to 20.10.2018

### CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0383	Design and Siting - Dwelling	Approveit Building Certification Pty Ltd	98 Collins Street Redland Bay QLD 4165	Referral Agency Response - Planning	17/10/2018	NA	Approved	5
DBW18/0041	Retaining Wall	Scotty's Earthmoving & Boulder Walls By Scotty's	26A Sandy Cove Place Redland Bay QLD 4165	Code Assessment	17/10/2018	NA	Development Permit	5
MCU18/0175	Dwelling House	B Approved	52 Beelong Street Macleay Island QLD 4184	Code Assessment	16/10/2018	NA	Development Permit	5
CAR18/0341	Design and Siting - Carport	Pronto Building Approvals	64 Ebony Crescent Redland Bay QLD 4165	Referral Agency Response - Planning	16/10/2018	NA	Approved	6
CAR18/0395	Design and Siting- Carport	Fluid Building Approvals	9 Bodega Street Mount Cotton QLD 4165	Referral Agency Response - Planning	18/10/2018	NA	Approved	6
RAL18/0107	Change to Development Approval - S.3317 SUBDIVISION INTO TWO LOTS - STANDARD Additional Lots CONSTRUCTION OF NEW ROAD SEWERAGE RETICULATION WATER RETICULATION / VON INVESTMENTS	Mr David N Weeks Mrs Deborah J Weeks Mr Phillip Meads	4 Tallow Wood Court Mount Cotton QLD 4165	Minor Change to Approval	17/10/2018	NA	Approved	6



## Decisions Made under Delegated Authority 14.10.2018 to 20.10.2018

### CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0400	Design and Siting	Pronto Building Approvals	6 Lambley Court Alexandra Hills QLD 4161	Referral Agency Response - Planning	18/10/2018	NA	Approved	7
CAR18/0385	Design and Siting - Dwelling	Checkpoint Building Surveyors (Coomera)	48 Bailey Road Birkdale QLD 4159	Referral Agency Response - Planning	17/10/2018	NA	Approved	8
CAR18/0382	Design and Siting - Dwelling	The Certifier Pty Ltd	26 School Road Capalaba QLD 4157	Referral Agency Response - Planning	19/10/2018	NA	Approved	9
RAL18/0007	Reconfiguring a lot - Standard Format - 1 into 3 lots	East Coast Surveys Pty Ltd	32 Larbonya Crescent Capalaba QLD 4157	Code Assessment	18/10/2018	NA	Development Permit	9
CAR18/0308	Build Over or Near Relevant Infrastructure - Carport	Bartley Burns Certifiers & Planners	9 Galley Way Birkdale QLD 4159	Referral Agency Response - Engineering	19/10/2018	NA	Approved	10
CAR18/0370	Design and Siting - Carport	Strickland Certification Pty Ltd	10 Beatty Road Thorneside QLD 4158	Referral Agency Response - Planning	16/10/2018	NA	Approved	10

## Decisions Made under Delegated Authority 14.10.2018 to 20.10.2018

### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW18/0098	Operational Works For ROL - 1 into 2	Sutgold Pty Ltd	550 Main Road Wellington Point QLD 4160	Code Assessment	17/10/2018	NA	Development Permit	1
OPW18/0102	Prescribed Tidal Works - Pontoon	Margaret BOS	28 Cayman Crescent Ormiston QLD 4160	Code Assessment	17/10/2018	NA	Development Permit	1
MCU18/0192	Minor Change to Development Approval - MCU013324 - Aged Persons & Special Needs Housing redevelopment	Seventh-Day Adventist Aged Care (SQ) Ltd	Seventh Day Adventists Home 571-585 Redland Bay Road Victoria Point QLD 4165	Minor Change to Approval	15/10/2018	NA	Approved	4
MCU18/0200	Minor Change to Development Approval - MC011532 - Apartment Building x 271 units	LM Capalaba Pty Ltd	54-58 Mount Cotton Road Capalaba QLD 4157	Minor Change to Approval	16/10/2018	NA	Approved	9
OPW002276	Operational Works - Showroom - Display and Sale Activity - CIVIL ONLY	Contour Consulting Engineers Pty Ltd	128 Redland Bay Road Capalaba QLD 4157	SPA - 15 Day Compliance Assessment	17/10/2018	NA	Compliance Certificate Approved	9

### Decisions Made under Delegated Authority 21.10.2018 to 27.10.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0399	Design and Siting	Invision Homes Pacific Approvals Pty Ltd	8 Gloucester Street Ormiston QLD 4160	Referral Agency Response - Planning	25/10/2018	NA	Approved	1
CAR18/0403	Design and Siting - Patio	Fluid Building Approvals	29A Beckwith Street Ormiston QLD 4160	Referral Agency Response - Planning	25/10/2018	NA	Approved	1
CAR18/0392	Design and Siting- Garage	Fluid Building Approvals	5A Delancey Street Cleveland QLD 4163	Referral Agency Response - Planning	25/10/2018	NA	Approved	2
MCU18/0241	Generally in Accordance - C2091 Conv- MULTIPLE DWELLING Patio	Fluid Approvals	PRINCESS COURT 108 Wynyard Street Cleveland QLD 4163	Minor Change to Approval	26/10/2018	NA	Approved	2
CAR18/0386	Design and Siting - Dwelling	Pacific Approvals Pty Ltd	22 Shirley Street Coochiemudlo Island QLD 4184	Referral Agency Response - Planning	24/10/2018	NA	Approved	4
CAR18/0384	Design and Siting - Deck	Bartley Burns Certifiers & Planners	2 Baylink Drive Redland Bay QLD 4165	Referral Agency Response - Planning	26/10/2018	NA	Approved	5
CAR18/0393	Amenity and Aesthetics - Dwelling House less than 60m2	Applied Building Approvals	8 Cycas Street Russell Island QLD 4184	Referral Agency Response - Planning	23/10/2018	NA	Approved	5

## Decisions Made under Delegated Authority 21.10.2018 to 27.10.2018

### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
RAL18/0102	Change to Development Approval ROL006001 - Combined Staged Format Subdivision with Dwelling Houses and Small lot houses - 25 Swansea Circuit Redland Bay	Wolter Consulting Group  Total Building Consult Pty Ltd	18 Salisbury Street Redland Bay QLD 4165	Minor Change to Approval	25/10/2018	NA	Approved	5
MCU18/0234	Generally in Accordance - Conv- EXTEND SCOUT DEN FACILITIES	Scouts Association Of Australia Queensland Branch Inc	153 Karingal Road Mount Cotton QLD 4165	Minor Change to Approval	25/10/2018	NA	Approved	6
CAR18/0339	Build Over or Near Relevant Infrastructure	Bartley Burns Certifiers & Planners	2 Berkingham Street Thornlands QLD 4164	Referral Agency Response - Engineering	24/10/2018	NA	Approved	7
CAR18/0388	Design and Siting - Patio	Fastrack Building Certification	8 Lamington Lane Capalaba QLD 4157	Referral Agency Response - Planning	23/10/2018	NA	Approved	7
CAR18/0396	Design and Siting - Shed	A1 Certifier	8 Winstar Court Alexandra Hills QLD 4161	Referral Agency Response - Planning	25/10/2018	NA	Approved	7
CAR18/0413	Design and Siting	Fluid Building Approvals	16 Gardenia Drive Birkdale QLD 4159	Referral Agency Response - Planning	26/10/2018	NA	Approved	8
CAR18/0416	Design and Siting - Transferred from CAR18/0360	Professional Certification Group Pty Ltd	10 Beenwerrin Crescent Capalaba QLD 4157	Referral Agency Response - Planning	25/10/2018	NA	Approved	9

**Decisions Made under Delegated Authority 21.10.2018 to 27.10.2018****CATEGORY1**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0391	Design and Siting - Carport	A1 Certifier	19 Estelle Street Birkdale QLD 4159	Referral Agency Response - Planning	24/10/2018	NA	Approved	10
MCU18/0097	Dwelling House	Five Star Drafting Service Pty Ltd As Trustee	14 Leon Street Thorneside QLD 4158	Code Assessment	23/10/2018	NA	Development Permit	10

### Decisions Made under Delegated Authority 21.10.2018 to 27.10.2018

#### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0152	Emergency Services-Extension to Emergency Services Use - (Local Fire Station)	The State Of Qld (Rep By Dept Of Emergency Services)	Point Lookout Fire Station 85 Dickson Way Point Lookout QLD 4183	Impact Assessment	26/10/2018	NA	Development Permit	2
MCU18/0127	Change to Development Approval - Multiple Dwelling x 110 units	Wolter Consulting Group	398-408 Boundary Road Thornlands QLD 4164	Minor Change to Approval	26/10/2018	NA	Approved	3
OPW18/0042	Operational Works - Filling of land	Mr Benjamin M Lacey Mrs Anna M Lacey	1-9 Giles Road Redland Bay QLD 4165	Code Assessment	23/10/2018	NA	Development Permit	6
OPW18/0057	Excavation and Fill	Tanya Lynette SCOTT	240-248 Woodlands Drive Thornlands QLD 4164	Code Assessment	22/10/2018	NA	Development Permit	6
OPW002247	Operational Works - Earthworks, Erosion & Sediment Control, Stormwater, Access & Parking, Road & Footpath, Water/Wastewater Supply and Reticulation (MCU013760)	Christopher Ross GRIMM  Jillian Anne DEAR	35-37 Valantine Road Birkdale QLD 4159	SPA - 15 Day Compliance Assessment	26/10/2018	NA	Compliance Certificate Approved	8

### Decisions Made Under Delegated Authority 28.10.2018 to 02 .11.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0402	Design and Siting - Shed	Shane Warren HANSFORD	62 Wellesley Street Wellington Point QLD 4160	Referral Agency Response - Planning	25/10/2018		Approved	1
CAR18/0409	Design and Siting - Dwelling House	Building Code Approval Group Pty Ltd	34-36 Fitzroy Street Cleveland QLD 4163	Referral Agency Response - Planning	02/11/2018		Approved	2
CAR18/0411	Design and Siting	Bartley Burns Certifiers & Planners	198 Boundary Road Thornlands QLD 4164	Referral Agency Response - Planning	30/10/2018		Approved	3
CAR18/0425	Design and Siting	iCertified	20 Achterberg Place Victoria Point QLD 4165	Referral Agency Response - Planning	24/10/2018		Approved	4
CAR18/0315	Design and Siting - Dwelling House	Bay Island Designs	25 Pier Haven Lamb Island QLD 4184	Referral Agency Response - Planning	31/10/2018		Approved	5
CAR18/0401	Amenity and Aesthetics - Dwelling House less than 60m2	Gary Allan ARRANDALE	25 Bilbungra Street Russell Island QLD 4184	Referral Agency Response - Planning	30/10/2018		Approved	5
CAR18/0410	Design and Siting	The Certifier Pty Ltd	3 Medika Drive Russell Island QLD 4184	Referral Agency Response - Planning	30/10/2018		Approved	5
CAR18/0301	Design and Siting - Roof Deck	K P Building Approvals Pty Ltd	18 Magnetic Place Redland Bay QLD 4165	Referral Agency Response - Planning	30/10/2018		Approved	6

### Decisions Made Under Delegated Authority 28.10.2018 to 02 .11.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0406	Design and Siting	Easy As Designs	52 Muller Street Redland Bay QLD 4165	Referral Agency Response - Planning	31/10/2018		Approved	6
CAR18/0364	Design and Siting - Shed - BOS	Luke DAVENEY	2 Frampton Street Alexandra Hills QLD 4161	Referral Agency Response - Planning	02/11/2018		Approved	7
CAR18/0404	Design and Siting - Carport	Fluid Building Approvals	29 Spoonbill Street Birkdale QLD 4159	Referral Agency Response - Planning	30/10/2018		Approved	8
CAR18/0407	Design and Siting - carport	Strickland Certification Pty Ltd	1 Ibis Street Birkdale QLD 4159	Referral Agency Response - Planning	26/10/2018		Approved	8
CAR18/0423	Design and Siting	Fluid Building Approvals	41 Macquarie Street Capalaba QLD 4157	Referral Agency Response - Planning	23/10/2018		Approved	9



## Decisions Made Under Delegated Authority 28.10.2018 to 02 .11.2018

### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0215	Change to Development Approval - MCU013802 Extensions and Refurbishments to an Education Facility	Duggan & Hede Pty Ltd	Carmel College 20-22 Ziegenfusz Road Thornlands QLD 4164	Minor Change to Approval	31/10/2018		Approved	3
OPW18/0084	Operational Works -1 into 2	Samantha Isabel SPENCER	214-216 Mill Street Redland Bay QLD 4165	Code Assessment	02/11/2018		Development Permit	5
OPW18/0026	Operational Works - Filling to level out uneven ground and holes	Angelique Anne COLLINS	802-806 Mount Cotton Road Sheldon QLD 4157	Code Assessment	02/11/2018		Refused	6
OPW18/0092	Operational Works - ROL - 1 into 2 lots	Lawrence T LOW	81 Bailey Road Birkdale QLD 4159	Code Assessment	29/10/2018		Development Permit	8
MCU17/0088	Multiple Dwelling x 8	JDC Designs & Planning	116 Mount Cotton Road Capalaba	Code Assessment	31/10/2018		Approved	9
CAR18/0387	Design and Siting - Carport	Cyber Drafting & Design	7 Piermont Place Cleveland QLD 4163	Referral Agency Response - Planning	31/10/2018		Approved	2
CAR18/0390	Design and Siting - Deck	The Certifier Pty Ltd	9-11 Nora Street Thorneside QLD 4158	Referral Agency Response - Planning	02/11/2018		Approved	10

## 13.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS AS AT 06 NOVEMBER 2018

### Objective Reference:

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

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

**Report Author:** Ellen Dwyer, Acting Principal Planner

**Attachments:** Nil

### PURPOSE

The purpose of this report is for Council to note the current development and planning related Court matters/proceedings.

### 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/services/search-for-a-court-file/search-civil-files-ecourts>

- 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. Court of Appeal

Information on the process and how to search for a copy of Court of Appeal documents can be found at the Supreme Court (Court of Appeal) website:

<http://www.courts.qld.gov.au/courts/court-of-appeal/the-appeal-process>

#### 3. Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)

The DSDMIP provides a Database of Appeals that may be searched for past appeals and declarations heard by the Planning and Environment Court.

<https://planning.dsdmip.qld.gov.au/planning/spa-system/dispute-resolution-under-spa/planning-and-environment-court/planning-and-environment-court-appeals-database>

The database contains:

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

#### 4. Department of Housing and Public Works (DHPW)

Information on the process and remit of development tribunals can be found at the DHPW website:

<Http://www.hpw.qld.gov.au/construction/BuildingPlumbing/DisputeResolution/Pages/default.aspx>

**PLANNING & ENVIRONMENT COURT APPEALS**

<b>1.</b>	<b>File Number:</b>	4940 of 2015, 2 of 2016 and 44 of 2016 (MCU013926) / (Court of Appeal 11075 of 2017)
<b>Appellants</b>		<b>Lipoma Pty Ltd</b> <b>Lanrex Pty Ltd</b> <b>Victoria Point Lakeside Pty Ltd</b>
<b>Co-respondent (Applicant)</b>		<b>Nerinda Pty Ltd</b>
<b>Proposed Development:</b>		Preliminary Approval for Material Change of Use for Mixed Use Development and Development Permit for Reconfiguring a Lot (1 into 2 lots) 128-144 Boundary Road, Thornlands (Lot 3 on SP117065)
<b>Appeal Details:</b>		Submitter appeal against Council approval
<b>Current Status:</b>		A directions hearing was held on 1 August 2018. A further directions hearing was held on 5 October 2018 to confirm the matters to be determined by the Court. The matter has been set down for a hearing, commencing 4 March 2019.

<b>2.</b>	<b>File Number:</b>	Appeal 4515 of 2017 (ROL006084)
<b>Appellant:</b>		<b>Australian Innovation Centre Pty Ltd</b>
<b>Proposed Development:</b>		Reconfiguring a Lot (1 into 22 lots and park) 289-301 Redland Bay Road, Thornlands (Lot 5 on RP14839)
<b>Appeal Details:</b>		Deemed refusal appeal
<b>Current Status:</b>		Appeal filed on 23 November 2017. On 31 January 2018 Council solicitors notified the parties that it opposed the proposed development. A mediation was held on 6 March 2018. The next Court review is 21 November 2018.

<b>3.</b>	<b>File Number:</b>	Appeal 339 of 2018 (MCU013949)
<b>Appellant:</b>		<b>Hosgood Company 3 Pty Ltd &amp; DPK Injection Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for a Dual Occupancy 2 Starkey Street, Wellington Point (Lot 11 on SP284567)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 30 January 2018. Mediation held on 10 April 2018. Settlement offer went to Council 24 October 2018. Appeal allowed subject to conditions on 1 November 2018.

<b>4.</b>	<b>File Number:</b>	Appeal 461 of 2018 (MCU013977)
<b>Appellant:</b>		<b>Robyn Edwards &amp; Ronald Edwards</b>
<b>Proposed Development:</b>		Material Change of Use for an Undefined Use (Rooming Accommodation) 41 Ziegenfusz Road, Thornlands (Lot 291 on RP801793)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 8 February 2018. A Directions Order was set down on 27 April 2018 detailing a timetable for the proceedings. Mediation held 31 May 2018. The next Court review is 9 November 2018.

<b>5.</b>	<b>File Number:</b>	Appeal 894 of 2018 (MCU013921)
<b>Appellant:</b>		<b>Palacio Property Group Pty Ltd</b>
<b>Proposed Development:</b>		Infrastructure Conversion Application (relating to the Development Permit for a Material Change of Use for Multiple Dwellings (22 units)) 4-8 Rachow Street, Thornlands (Lot 5 on SP149013)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 9 March 2018. A without prejudice meeting was held on 17 May 2018. Settlement offer went to Council meeting on 10 October 2018. Council resolved to decline the offer.

<b>6.</b>	<b>File Number:</b>	Appeal 1506 of 2018 (MCU17/0149)
<b>Appellant:</b>		<b>Barro Group Pty Ltd</b>
<b>Proposed Development:</b>		Request to Extend the Currency Period (relating to the Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities 8 (Chemical Storage), 16 (Extractive and Screening Activities) and 21 (Motor Vehicle Workshop Operation)) 1513 and 1515-1521 Mount Cotton Road, Mount Cotton 163-177 and 195 Gramzow Road, Mount Cotton (Lot 162 on S31962, Lot 238 on SP218968, Lot 370 on S311071, Lot 1 on RP108970, Lot 17 on RP108970, Lot 1 on SP272090, Lot 2 on SP272091, Lot 3 on SP272092 and the land comprising part of Greenhide (California) Creek located between Lot 162 on S31962 and Lot 238 on SP218968, which is the property of the State)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 24 April 2018. Without prejudice meeting held on 29 October 2018. A pre-callover review is scheduled for mid-February 2019.

<b>7.</b>	<b>File Number:</b>	Appeal 1774 of 2018 (OPW002206)
<b>Appellant:</b>		<b>Jexville Pty Ltd</b>
<b>Proposed Development:</b>		Operational Works for an Advertising Device 39 Old Cleveland Road, Capalaba (Lot 1 on RP137310)
<b>Appeal Details:</b>		Appeal against a condition of the Development Permit
<b>Current Status:</b>		Appeal filed on 15 May 2018. Mediation was held on 27 June 2018. A second mediation was held on 6 September 2018. The hearing was 25 October 2018. Final orders allowing the appeal subject to conditions were made on 26 October 2018.

<b>8.</b>	<b>File Number:</b>	Appeal 2142 of 2018 (MCU013782)
<b>Appellant:</b>		<b>Binnaton Holdings Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for an Apartment Building (39 units) 7, 9 & 11 Fernbourne Road, Wellington Point (Lots 1 & 2 on RP14166 and Lot 2 on RP14166)
<b>Appeal Details:</b>		Appeal against Council decision to issue a Preliminary Approval
<b>Current Status:</b>		Appeal filed on 11 June 2018. Without prejudice meeting held on 19 July 2018.

<b>9.</b>	<b>File Number:</b>	Appeal 2171 of 2018 (ROLO06209)
<b>Appellant:</b>		<b>Lorette Margaret Wigan</b>
<b>Proposed Development:</b>		Reconfiguring a Lot for 1 into 29 lots and road 84-122 Taylor Road, Thornlands (Lot 1 on RP123222)
<b>Appeal Details:</b>		Appeal against Council decision to issue a Preliminary Approval
<b>Current Status:</b>		Appeal filed on 13 June 2018. Mediation held on 29 June 2018. A second mediation was held on 2 October 2018. Third mediation held 22 October 2018. A further mediation is scheduled for 4 December 2018.

<b>10.</b>	<b>File Number:</b>	Appeal 2519/18 (MCU17/0123)
<b>Appellant:</b>		<b>Wellington Property Management Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for a Child Care Centre 100-102 Collins Street, Redland Bay (Lot 1 on RP190688)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 9 July 2018. Mediation was held on 4 October 2018. The next Court review is scheduled for 15 November 2018.

<b>11.</b>	<b>File Number:</b>	Appeal 3177/18 (MCU17/0153)
<b>Appellant:</b>		<b>Geoffrey David Abbott, Anthony John Baker &amp; Anja Katrin Hoecker</b>
<b>Proposed Development:</b>		Material Change of Use for an Undefined Use 9 & 11 Tascon Street, Ormiston (Lots 72 and 73 on RP1714)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 31 August 2018.

<b>12.</b>	<b>File Number:</b>	Appeal 3291/18 (OPW18/0012)
<b>Appellant:</b>		<b>East Coast Surveys (Aust) Pty Ltd</b>
<b>Proposed Development:</b>		Operational Works for Prescribed Tidal Works (Pontoon) 11 & 11a Anchorage Drive, Cleveland (Lots 11 and 12 on SP278831)
<b>Appeal Details:</b>		Appeal against a condition of the Development Permit
<b>Current Status:</b>		Appeal filed on 12 September 2018. Directions hearing held on 3 October 2018. Appeal allowed on 2 November 2018.

<b>13.</b>	<b>File Number:</b>	Appeal 3344/18 (ROLO06039)
<b>Appellant:</b>		<b>Harridan Pty Ltd</b>
<b>Proposed Development:</b>		Reconfiguring a Lot for 1 into 7 Lots 14-20 Bonnie Street, Thornlands (Lot 6 on SP164062)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 12 September 2018. Directions hearing held on 28 September 2018. Mediation scheduled for 8 November 2018.

<b>14.</b>	<b>File Number:</b>	Appeal 135/18 (MCU013917)
<b>Appellant:</b>		<b>Maureen Joan Chapman</b>
<b>Proposed Development:</b>		Material Change of Use for a Dwelling House 42 Magnolia Street, Russell Island (Lots 77, 78, 104 & 105 on RP129012)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 21 September 2018.

#### APPEALS TO THE QUEENSLAND COURT OF APPEAL

<b>15.</b>	<b>File Number:</b>	Appeal 8114/18 (MCU012812) / (QPEC Appeal 3641 of 2015)
<b>Appellant:</b>		<b>Redland City Council</b>
<b>Respondent (applicant):</b>		<b>King of Gifts Pty Ltd and HTC Consulting Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay Road, Alexandra Hills
<b>Appeal Details:</b>		Appeal against the decision of the Planning and Environment Court to allow the appeal and approve the development.
<b>Current Status:</b>		Appeal filed by Council on 30 July 2018. Council's Outline of Argument was filed on 28 August 2018. The appellant's outline of argument was filed on 20 September 2018. Council has filed a reply and a hearing is set down for 12 March 2019.

#### DEVELOPMENT TRIBUNAL AND OTHER MATTERS

<b>16.</b>	<b>File Number:</b>	3201/18
<b>Applicant:</b>		<b>Charles &amp; Howard Pty Ltd</b>
<b>Development:</b>		Reconfiguring a Lot for 2 into 9 lots 15 & 20 Albert Street, Victoria Point (Lots 1 & 2 on RP178345)
<b>Application Details:</b>		To revive, change and extend the currency period of a lapsed approval
<b>Current Status:</b>		Application filed on 4 September 2018. Directions hearing adjourned until 14 November 2018.

#### OFFICER'S RECOMMENDATION

That Council resolves to note this report.

### 13.3 PUBLIC ART COMMISSIONING PROGRAM 2018

**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Louise Rusan, General Manager Community & Customer Services**Report Author:** Gary Photinos, Group Manager Community & Cultural Services**Attachments:** 1. Public Art Commissioning Program [↓](#)**PURPOSE**

A Public Art Works Commissioning Program (program) has been developed for the current financial year. It includes commissioning works for the \$220,000 public art allocation, as well as collaborations with the Civic and Open Space Asset Management (COSAM) Unit.

Each proposed project has been subject to a prioritisation process aligned with the Public Art Framework themes, delivery platforms, artwork types and project deliverability.

All works proposed for the program have been reviewed and approved by the Public Art Advisory Panel [established under the Public Art Guidelines GL-3046-001 (guidelines)] on 26th September 2018.

**BACKGROUND**

- Council adopted the Public Art Framework FR-3046-001 on 20 June 2018. The implementation would be achieved through the adoption of a program which is subject to an annual budget approval process.
- An allocation of \$220,000 was subsequently approved in the Council annual budget 2018/2019.
- The Public Art Advisory Panel established under the guideline endorsed the 2018/2019 program.
- The 2018/2019 program is now presented to Council for noting.

**ISSUES****The Public Art Framework Project Prioritisation Process**

A prioritisation process for artwork projects has been developed against the framework themes, delivery platforms, artwork types and project deliverability. Each project has been assessed and prioritised against this matrix.

The framework sets key drivers as: Cultural Themes, Delivery Platforms and Artwork Types.

- Cultural Themes: Caring for Country, Portals and Pathways, Shore to Shore, Creative Communities, Places of Leisure and Labour
- Delivery Platforms: Arterial Corridors, Cycleways and Walkways, Centres Development, Streetscapes, Private Developments, Festivals & Events, Suburban Identity
- Artwork types: Gateway/Iconic, Landmark/Wayfinding, Interpretive, Integrated, Interactive, Commemorative, Temporary

The framework implementation prioritises:

A major public art project each year associated with a significant project of Council

- Public art in the suburbs, curated pieces across the City of differing artwork types
- Contributing to a recurrent festival activity
- Delivering temporary art

### **Major Public Art Project 2018/2019**

The Capalaba Artwork Entry Statement is the major public art project for 2018/2019.

Several years ago, Redland City Council in consultation with the State Government Department of Main Roads, undertook landscaping works within the road reserve and vacant land on the south-western corner of the junction. Works included tree-planting of tall pines within a series of garden-beds of shrubbery around the intersection corner, and the construction of a pedestrian / bike path connecting the adjacent commercial shopping precinct to the next intersection of Moreton Bay Road and Mt Cotton Road and then on to a larger cycleway network within Capalaba Regional Park and beyond.

It is proposed that a large scale artwork located centrally within the open space, will further extend, express and enhance this civic gateway experience. It is also proposed that the signage will be reviewed and redesigned to better reflect the newly adopted Redlands Coast place brand.

As a civic gateway feature, the artwork should be of large scale, 6-8 meters in height, able to capture long range approach views from multiple directions. It should be an iconic form that expresses symbolic values for Capalaba and the Redlands Coast, operating as a place identifier and landmark. The artwork should achieve a robust and effective presence day and evening, incorporating integrated or directional lighting. The artwork may also include some level of detail for close-hand viewing to acknowledge and reward the pedestrian experience.

This intersection has the highest passing traffic in Redland City with over 39,000 vehicle movements per day.

Capalaba is recognised as a Principle Regional Activity Centre (PRAC) in Redland City as the State Regional Plan. This work will contribute to Capalaba achieving its full potential as one of SEQ's PRAC.

In order to meet installation deadlines for the current financial year a pre-qualified artwork designer and associated concept plan have been selected for this location.

#### The Public Art Commissioning Program 2018/2019 in Summary.

The attached Public Art Program provides additional details for each project.

The following table represents a summary of the program. Collaboration projects have emerged with other areas of Council who are integrating public art into their existing projects and utilising the Public Art Framework. All collaborations with the COSAM Unit have been included which have already been approved through the budget process and are "works in progress".



<b>Public Art Works Commissioning Program 2018/2019</b>	<b>Public Art Budget 2018/2019</b>
Commission and install the Capalaba Artwork Entry Statement	\$150,000
Concept Planning and artist's briefs for the Cleveland/Alexandra Hills/Capalaba Corridor. Proposed as major project in 2019/2020	\$20,000
Preparation of Curatorial Report and Artist's Brief for Civic and Opens Spaces Unit for a Victoria Point Jetty & Coochiemudlo Island welcome statement.	\$20,000
Preparation of Curatorial Report and Artist's Brief for Civic and Open Spaces Unit for a Point Lookout play sculpture	\$10,000
Sculpture Conditions Report and curatorial advice to Civic and Open Spaces Unit for a Southern Islands Sculpture Trail	\$5,000
Project Management	\$15,000
<b>Totals</b>	<b>\$220,000</b>

### **Major Public Art Project 2019/2020**

The Cleveland/Alexandra Hills/Capalaba Corridor Artwork Wayfinding Project, subject to budget approval, will be the major public art project nominated for 2019/2020. Concept design and detailed specifications will be completed as part of this year's works program to ensure deliverability in 2019/2020.

The Cleveland, Alexandra Hills, Capalaba Corridor (CACC) is currently a greenspace/transport corridor which was originally identified in the 1988 strategic plan for the Redlands. It is intended that this corridor be retained to preserve opportunities for it to play a role in the overall future transport network of the city. The manner in which it will ultimately be used will be the subject of more detailed transportation planning. As the planning continues for this corridor, Council has invested in a pedestrian and cycle way for its full length with basic signage and is currently not well known to visitors and residents. It offers a safe commuter from Cleveland to Capalaba through Alexandra Hills.

The CACC will inevitably continue to evolve into the future as the transport planning continues. The inevitable change should not preclude arts investment on the corridor now. Several strategies can be used to assure that inviting art today is a sound choice.

- Invest in ephemeral, short-term art. This reduces the cost of art, accelerates the schedule for art delivery, and allows the art to be replaced as the corridor evolves.
- Locate art where future changes are likely to be less significant. In addition, art may be installed on public realm adjacent to but outside the property boundaries of the corridor.
- Create art that evolves with the corridor, including art that can be moved and potentially reimaged in a new form as the site evolves.
- Functional public art; eg fencing, bollards, signposts, entry statements, path markers, mapping signs and lighting.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

There are no legislative requirements to deliver a Public Arts Commissioning Program.

## Risk Management

As the artwork will be installed in or near a main road approvals will be required from the Department of Transport and Main Roads. Any delays in obtaining approval may affect the deliverability of the project in the current financial year.

## Financial

Council has approved a 2018/2019 budget allocation of \$220,000 to deliver a public art works program.

## People

Limited implications for staff as the work will be project managed through a specialised curatorial consultancy.

## Environmental

The works program proposed will provide a very positive perception of our naturally wonderful lifestyle and highlight the diversity of our landscape.

## Social

Artworks commissioned maybe transformative and amplify, trace and release intercultural understandings and a humanising sense of place and attachment. The artworks will acknowledge the particular heritage, characteristics and histories (Indigenous and non-Indigenous) that differentiate different parts of this large regional area.

## Alignment with Council's Policy and Plans

The works program aligns with the Public Art Policy and Framework as well as place branding: Redlands Coast "Naturally Wonderful".

## CONSULTATION

The COSAM Unit has been consulted for all collaborations proposed. The COSAM Unit have undertaken their own stakeholder consultation for their projects.

All Councillors were consulted through individual meetings and provided with a detailed briefing on the major Capalaba artwork entry statement selection and the proposed works program:

Consulted	Date	Comments
Public Art Advisory Panel	26 <sup>th</sup> September 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Mayor	5 <sup>th</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Deputy Mayor, Division 4 Councillor	2 <sup>nd</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Division 1 Councillor	2 <sup>nd</sup> November 2108	Meeting to discuss major Capalaba artwork entry statement selection and works program
Division 2 Councillor	30th September 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program

Consulted	Date	Comments
Division 3 Councillor	1 <sup>st</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Division 5 Councillor	5 <sup>th</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Division 6 Councillor	7 <sup>th</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Division 7 Councillor	2 <sup>nd</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Division 8 Councillor	2 <sup>nd</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Division 9 Councillor	5 <sup>th</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program
Division 10 Councillor	1 <sup>st</sup> November 2018	Meeting to discuss major Capalaba artwork entry statement selection and works program

## OPTIONS

### Option One

That Council resolves to note the Public Art Works Commissioning Program for 2018/2019.




### Option Two



That Council resolves to defer its decision to note this program pending more information to be provided.

## OFFICER'S RECOMMENDATION

**That Council resolves to note the Public Art Works Commissioning Program for 2018/2019.**

**Public Art Commissioning Program 2018- 2019**

Project	Why?
<p><b>Capalaba Artwork Entry Statement</b>  <b>Corner Redland Bay Road &amp; Moreton Bay Road</b></p>   	<ul style="list-style-type: none"> <li>• Major art project.</li> <li>• Gateway/Iconic. The corner Redland Bay and Moreton Bay Road is recognised as a city gateway in the Capalaba Master Plan</li> <li>• Aligned with a Redland Coast re-brand</li> <li>• Highest passing traffic corner in Redland City with 39,000 average daily vehicle movements</li> <li>• Capalaba is recognised as a Principle Regional Activity Centre (PRAC) in Redland City as the State Regional Plan. This work will contribute to Capalaba achieving its full potential as one of SEQ's PRAC.</li> <li>• Art work designer selected and concept design has already been completed allowing project to progress to construction in this financial year.</li> <li>• Recognises the unique ecology of the Tingalpa Creek and the pioneer history of economic development</li> <li>• Tingalpa Creek is also key border/entry to the Redlands Coast and to Quandamooka Country</li> <li>• It will complement the upgraded landscape works undertaken by the State Government.</li> <li>• A detailed design scope has been completed.</li> </ul>

Project	Why?
<p><b>Victoria Point Jetty &amp; Coochiemudlo Island Welcome</b></p>	<ul style="list-style-type: none"><li>• Works in progress, collaboration with COSAM Unit</li><li>• Public art in the suburbs</li><li>• Direct partnership request from RCC Civic and Open Space Design Unit</li><li>• Gateway</li><li>• Portals and Pathways</li><li>• Shore to Shore</li><li>• Aligned with Redland Coast re-brand</li><li>• Partnership with QYAC and local community heritage.</li></ul>
	
	

Project	Why?
<p><b>North Stradbroke Island, Point Lookout , Play Sculpture</b></p> 	<ul style="list-style-type: none"> <li>• Works in progress, collaboration with COSAM Unit</li> <li>• Public art in the suburbs</li> <li>• Caring for Country</li> <li>• Iconic</li> <li>• Interactive</li> <li>• Partnership with QYAC and local community</li> <li>• Asset renewal project</li> </ul>
<p><b>Cleveland/Alexandra Hills/Capalaba (Green space/Transport) Corridor (CACC)</b></p> 	<ul style="list-style-type: none"> <li>• Integrated</li> <li>• Portals &amp; Pathways</li> <li>• Landmark/ Way finding</li> <li>• Arterial Corridors</li> <li>• Cycleway and Walkways</li> <li>• Redland Coast brand -make the CACC easy to navigate and a cultural destination</li> <li>• Produce concept and detailed design outlining vision, intent and rationale for the concepts and proposed budget towards 2019/20</li> <li>• A project design scope has been completed.</li> </ul>
<p><b>Southern Islands Sculpture Trail</b></p> 	<ul style="list-style-type: none"> <li>• Works in progress, Direct partnership request from COSAM Unit</li> <li>• Creative Communities</li> <li>• Shore to Shore</li> <li>• Landmark/ Way finding</li> <li>• Suburban Identity</li> <li>• The Sculpture Trail project will:                         <ul style="list-style-type: none"> <li>○ Installs twelve sculptures, acquired through the 'Girt By Sea' competition and exhibition</li> <li>○ Express local heritage and place stories through creative use of materials, form and design, culturally enriching the public realm</li> </ul> </li> <li>• A detailed SMBI Sculpture Trail Project has been completed.</li> </ul>

### 13.4 REDLANDS ECONOMIC DEVELOPMENT ADVISORY BOARD UPDATE

**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Kim Kerwin, Group Manager Economic Sustainability & Major Projects**Report Author:** Kristen Banks, Program Manager Economic Sustainability and Major Projects**Attachments:** Nil**PURPOSE**

The purpose of this report is to table a report to Council on the eleventh formal meeting of the Redlands Economic Development Advisory Board (Advisory Board) in accordance with the Advisory Board's Terms of Reference.

**BACKGROUND**

Council established and appointed an Advisory Board as part of its commitment to increasing the City's economic capacity through business growth and retention, and employment generation.

The Advisory Board oversees implementation of the *Redland City Economic Development Framework 2014-2041* and assists in the development of industry sector plans.

**ISSUES**

The eleventh formal Advisory Board meeting was held on Thursday 18 October 2018.

The following items formed the agenda for the meeting:

- i. Welcome and introductions
- ii. Update from Board members
- iii. Review of status of meeting 10 actions
- iv. Economic and Major Projects Group Snapshot
- v. Vision for Minjerribah
- vi. Workshop session – Next steps: Approach to Investment Attraction Strategy
- vii. Draft Redlands Coast Transport Strategy
- viii. Findings of the draft Environmental Scan of International Education Stakeholders in the Redlands

A summary of the meeting follows:

- i. Welcome and introductions
  - The Chair opened the meeting and acknowledged Traditional Owners.
  - Warren Rowe was welcomed to the Redlands Economic Development Advisory Board.
- ii. Update from Board members
  - Board members provided an update on recent work they have been undertaking.
- iii. Review of status of meeting 10 actions
  - Advisory Board noted the status of meeting 10 actions.

- Advisory Board noted an update on the digital component of Council's Place Brand Communication Plan and expressed interest in being kept informed on its implementation.

iv. Economic Sustainability and Major Projects Group Snapshot

- Advisory Board noted that Council is working with nine south east Queensland (SEQ) councils through the Council of Mayors SEQ – and the Queensland Government – to secure a SEQ City Deal with the Australian Government.
- Advisory Board noted that Council endorsed the Redland City Education and Training Industry Sector Plan on Wednesday 5 September 2018.
- Advisory Board noted that the inaugural Education Roundtable, held on Friday 14 September 2018 at Sheldon College, was attended by more than 40 industry stakeholders; and that Council is working with industry stakeholders for a follow-up brainstorming session in November 2018 in the lead up to a second roundtable, to be held early in 2019.
- Advisory Board noted the new Redlands Coast Business Toolkit.
- Advisory Board noted that the Redlands Coast Innovation in Aged Care Summit, held on Friday 21 September 2018, was attended by more than 100 aged care stakeholders.
- Advisory Board noted activities being undertaken locally through the Advancing Regional Innovation Program.
- Advisory Board noted that Council has commenced work on development of a draft Rural Enterprises Industry Sector Plan.

v. Presentation – Vision for Minjerribah by Cameron Costello, CEO, Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC)

- Advisory Board noted a presentation by Cameron Costello that included the following topics: Quandamooka people and history including consent determination on 4 July 2011; native title lands across Minjerribah (North Stradbroke Island); QYAC objectives; Quandamooka Tourism including partnerships and brand; economic transition strategy; and World Heritage nomination.
- Advisory Board members suggested that from a destination brand perspective there was synergy between Redlands Coast and Quandamooka Coast branding.
- The Chair offered to assist QYAC to enhance partnerships with key stakeholders including Tourism Australia.

vi. Workshop session – Next steps: Approach to Investment Attraction Strategy

- Advisory Board noted draft report on outcomes of Investment Attraction Workshop, prepared by Shaun Drabsch, the Endeavour Programme.
- Advisory Board members agreed that the draft report provided a comprehensive summary of the workshop held during its tenth formal meeting.
- Advisory Board members agreed that work being undertaken by Council including a gap analysis for key industry sectors and pre-conditioning for industry sectors would provide an essential component of the organisation's approach to investment attraction.



- Advisory Board members agreed that as part of strategy development Council should continue to consider how investment attraction can be included in industry sector plans.

vii. Presentation – Draft Redlands Coast Transport Strategy

- Advisory Board noted the draft Redlands Coast Transport Strategy.
- Advisory Board member Warren Rowe offered to meet with officers to provide Council with feedback on the draft Strategy on the Board's behalf.

viii. Findings of the draft Environmental Scan of International Education Stakeholders in the Redlands

- Item carried over to next Advisory Board meeting.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

There are no legislative requirements that affect the outcome of this report.

### **Risk Management**

Identified risks to successful economic development in the City include:

- failure to work in partnership with the business community, and other levels of government that will inhibit the delivery of the framework; and
- failure to develop and implement industry sector plans due to inadequate resourcing.

### **Financial**

For the current year budget has been allocated for:

- City-wide branding project
- Economic industry sector plans
- Investment attraction.

Any financial implications beyond the current year will be considered by Council during the 2019/2020 budget development as part of the annual budget submission process.

### **People**

Council may make decisions based on Advisory Board meeting recommendations that may impact staff resources within the Economic Sustainability and Major Projects Group, City Planning and Assessment Group and the Communication, Engagement and Tourism Group.

### **Environmental**

There are no identified environmental implications.

### **Social**

A strong and vibrant economy allows a community to reinvest its wealth back into the society that helped contribute to that growth. The wellbeing of people, the environment and the economy are intricately linked. A strong and sustainable economy will be integrated and deliver benefits from across a range of sectors, through all parts of the City and across all demographic boundaries.

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

### *Relationship to Corporate Plan*

The Advisory Board, through its role of overseeing the implementation of the *Redland City Economic Development Framework 2014-2041*, supports Council's strategic priority of delivering a supportive and vibrant economy. In addition, the Framework will also:

- provide opportunity for business investment and local employment;
- develop a supportive vibrant economy that delivers business opportunities;
- promote local jobs; and
- strengthen the tourism industry.

## **CONSULTATION**

The eleventh formal meeting of the Advisory Board was coordinated by the Economic Sustainability and Major Projects Group with input from the following:

### Internal

- Communication, Engagement and Tourism Group – October 2018
- City Planning and Assessment Group – October 2018

### External

- Quandamooka Yoolooburrabee Aboriginal Corporation – October 2018
- Endeavour Programme – October 2018
- Celeste Cathcart Consulting – October 2018

## **OPTIONS**

### **Option One**

That Council resolves to note this report.

### **Option Two**

That Council resolves to request further information or changes to this report.

## **OFFICER'S RECOMMENDATION**

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

## 14 REPORTS FROM INFRASTRUCTURE & OPERATIONS

### 14.1 ENCROACHMENT - GALLEY WAY PARK (LOT 2 ON RP851063) 22 GALLEY WAY, BIRKDALE - FROM LOT 1 ON SP297938 23 GALLEY WAY, BIRKDALE

#### Objective Reference:

**Authorising Officer:** Peter Best, General Manager Infrastructure & Operations

**Responsible Officer:** Bradley Salton, Group Manager City Infrastructure

**Report Author:** Karen Triplett, Support Officer  
Damien Jolley, Senior Property Officer

**Attachments:** 1. Galley Way, Birkdale Survey Plan [↓](#)

#### PURPOSE

This report recommends that Council disposes of land to address an encroachment by the owners of 23 Galley Way, Birkdale in a Council park at 22 Galley Way Birkdale.

#### BACKGROUND

Lot 2 on RP851063 situated at 22 Galley Way Birkdale (the park) was transferred to Council in 1993 as part of a subdivision approval and subsequently designated as a park. The park is held as freehold land with the property of Lot 1 on SP297938 (23 Galley Way) to the north and east of the park. The dwelling and driveway of 23 Galley Way were built around 1996.

A customer request was raised in July 2018 regarding the installation of bollards to prevent vehicles accessing and damaging the park.

Following a desk top and an on-site investigation by Council officers, it appeared that potentially part of the driveway and property fence of 23 Galley Way encroached on the park. A survey was carried out to confirm the extent of the encroachment. Following confirmation of the encroachment, affected property owners were notified as per standard surveying procedures.

Council's Survey Services Manager received a call from the executor of the estate's will for the encroaching property to advise that they were also in the process of obtaining a survey plan and make prospective buyers aware of the encroachment.

#### ISSUES

##### The encroachment

23 Galley Way Birkdale has an established highset house with a 6m (double) garage. The concrete driveway to the garage runs along the eastern boundary of the park and encroaches by 2.97m at the widest point with the approximate total area encroachment of 30m<sup>2</sup>. A fence pillar and part of a fence also encroach in the park by 0.34m and 0.20m respectively. Removing the driveway, pillar and fence and then installing bollards to restrict vehicle access to the park would remedy the encroachment but it would also effectively leave the adjoining owners without physical access to approximately half of their double garage and expose the property with a portion of the fence removed.

##### Park Functionality

The total area of the park is 521m<sup>2</sup> and the disposal of 30m<sup>2</sup> would not be considered to materially change the function and accessibility of the park.

The park is zoned open space under the City Plan with no applicable overlays and the driveway, fence and pillar are either self-assessable or exempt development.

The Civic and Open Space Asset Management team has determined that based on facts and circumstances that the disposal of the 30m<sup>2</sup> encroachment area is not detrimental to the park's functionality. The preferable result would be no net loss of open space, however there is not an option for this area to be offset from the encroaching property.

### **Disposal**

The *Local Government Regulation 2012* describes land as a "Valuable Non-Current Asset" and prescribes a number of options available to enter into a contract to sell the land. Sale by tender or auction is the prescribed method of disposing of land however the Regulation provides for exceptions to this rule if certain conditions are met.

In particular reference is made to the exception in subparagraph 236(1)(c)(iv) of the *Local Government Regulation 2012*:

- A. *the land is not suitable to be offered for disposal by tender or auction for a particular reason, including, for example, the size of the land or the existence of particular infrastructure on the land; and*
- B. *there is not another person who owns other adjoining land who wishes to acquire the land; and*
- C. *it is in the public interest to dispose of the land without a tender or auction; and*
- D. *the disposal is otherwise in accordance with sound contracting principles.*

The area to be disposed of is 30m<sup>2</sup> making it unsuitable to be offered for disposal by tender or auction due to the size, location and the level and type of private embellishments.

The disposal of the land to the owner of 23 Galley Way is considered to be the most practical way to remedy the encroachment and will have negligible impact on the continued level of service and use of the park and will also allow Council in the future to restrict vehicles accessing the park. Therefore it is in the public interest to exercise the option of disposing the land directly to the owner of 23 Galley Way without submitting the land to be disposed of by tender or auction.

A resolution of Council is required to excise this disposal option under subparagraph 236(1)(c)(iv) of the *Local Government Regulation 2012*.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The encroachment area has been determined to be negligible if disposed of with regard to Council open space requirements and can be disposed of in accordance with the provisions of the *Local Government Regulation 2012* and Council's Procurement & Contract Manual – GL-3043-001.

Approval will also need to be obtained, under the *Planning Act 2016*, to realign the boundary of the park to allow the encroachment area to be disposed of, and subsequent changes to zoning.

### **Risk Management**

An investigation to control illegal vehicles into the park subsequently identified an encroachment which in turn has liability risks to Council. The risk and liability of a private vehicle accessing Council property is resolved, with the encroachment rectification.

## Financial

Council would seek from a registered valuer, the market value for the portion of the encroached land determined by the new boundary realignment. Costs associated with the disposal will be borne by the owner of 23 Galley Way Birkdale.

To supply and install bollards to the right hand boundary (500mm from the driveway) and front boundary to protect the park from illegal vehicle access would be of an estimated cost to Council of approximately \$3,000. Depending on Council's decision and timing, bollarding could be undertaken through a future minor improvement works program.

## People

The resolution of the encroachment would allow staff to confidently undertake maintenance and management works in the park, including the future installation of bollards to protect the park from illegal vehicle access.

## Environmental

None identified.

## Social

Not realigning the boundaries and enforcing the owners of 23 Galley Way to dismantle their encroached embellishments within Galley Way Park may not reflect well on Council.

## Alignment with Council's Policy and Plans

Disposal of non-functionally important Council land supports Council's policy to obtain the best return socially and economically from Council assets.

## Local Law

If the land is not approved for disposal through Council's approval of the report, and or the property owner of 23 Galley Way does not wish to purchase the removal of the encroachment embellishments would fall under Council's Local Law 4 and subordinate local law.

## CONSULTATION

In consultation with	Date
Service Manager Civic and Open Space Asset Management	26 October 2018
Team Leader Capital Projects	23 October 2018
Advisor Public Place Design	18 October 2018
Team Leader Asset Management	23 October 2018
Parks and Conservation Service Manager	18 October 2018

## OPTIONS

### Option One

That Council resolves to:

1. dispose of the land as it does not diminish the functionality of the park; and
2. dispose of the land in accordance with subparagraph 236(1)(c)(iv) of the *Local Government Regulation 2012*; and
3. delegate the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary and discharge any resultant contracts and related documentation with the adjoining property owner, including the purchase price of the land.

**Option Two**

That Council resolves to take action under Local Law 4 with the property owner responsible for removal of the encroachment embellishments, and risks to Council mitigated.

**Option Three**

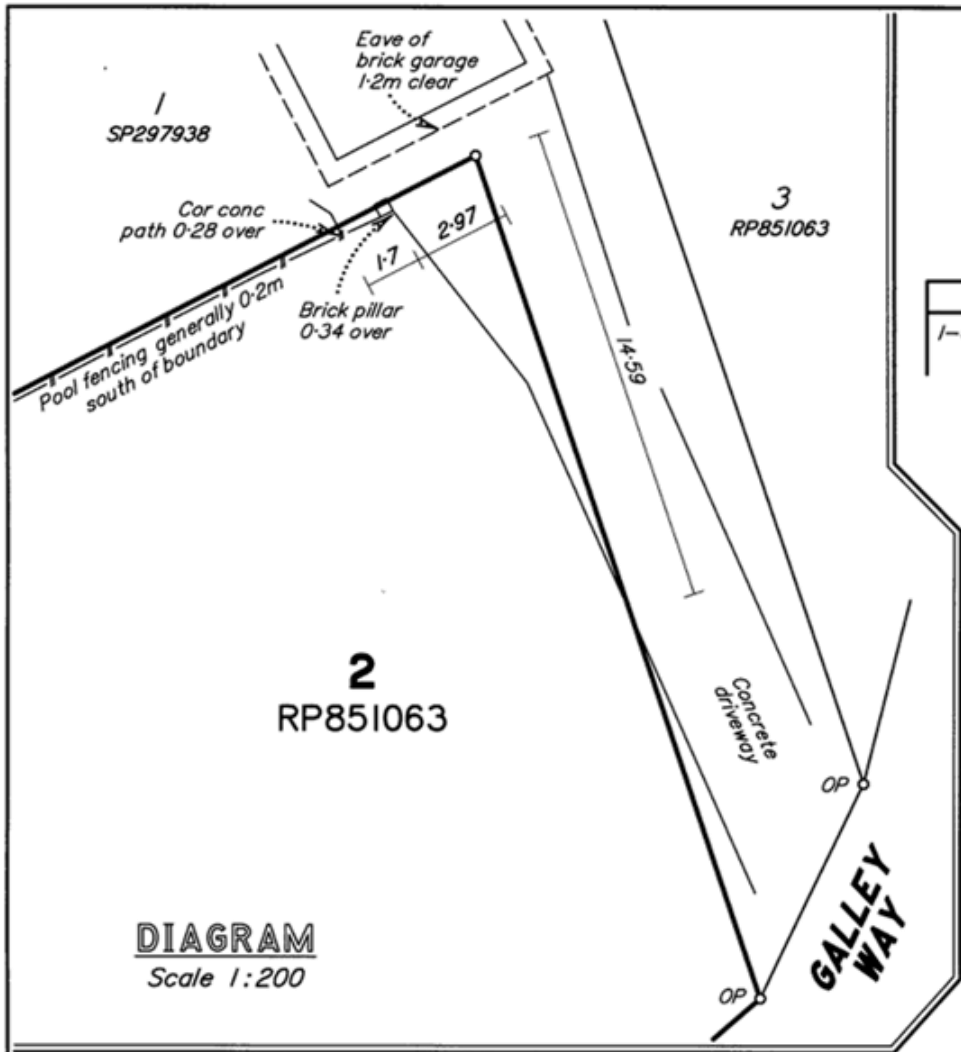
That Council resolves to not dispose of the land, and accept the risks and liability associated with the encroachments on public land.

**OFFICER'S RECOMMENDATION**

That Council resolves to:

1. dispose of the land as it does not diminish the functionality of the park; and
2. dispose of the land in accordance with subparagraph 236(1)(c)(iv) of the *Local Government Regulation 2012*; and
3. delegate the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary and discharge any resultant contracts and related documentation with the adjoining property owner, including the purchase price of the land.

Sheet / of /



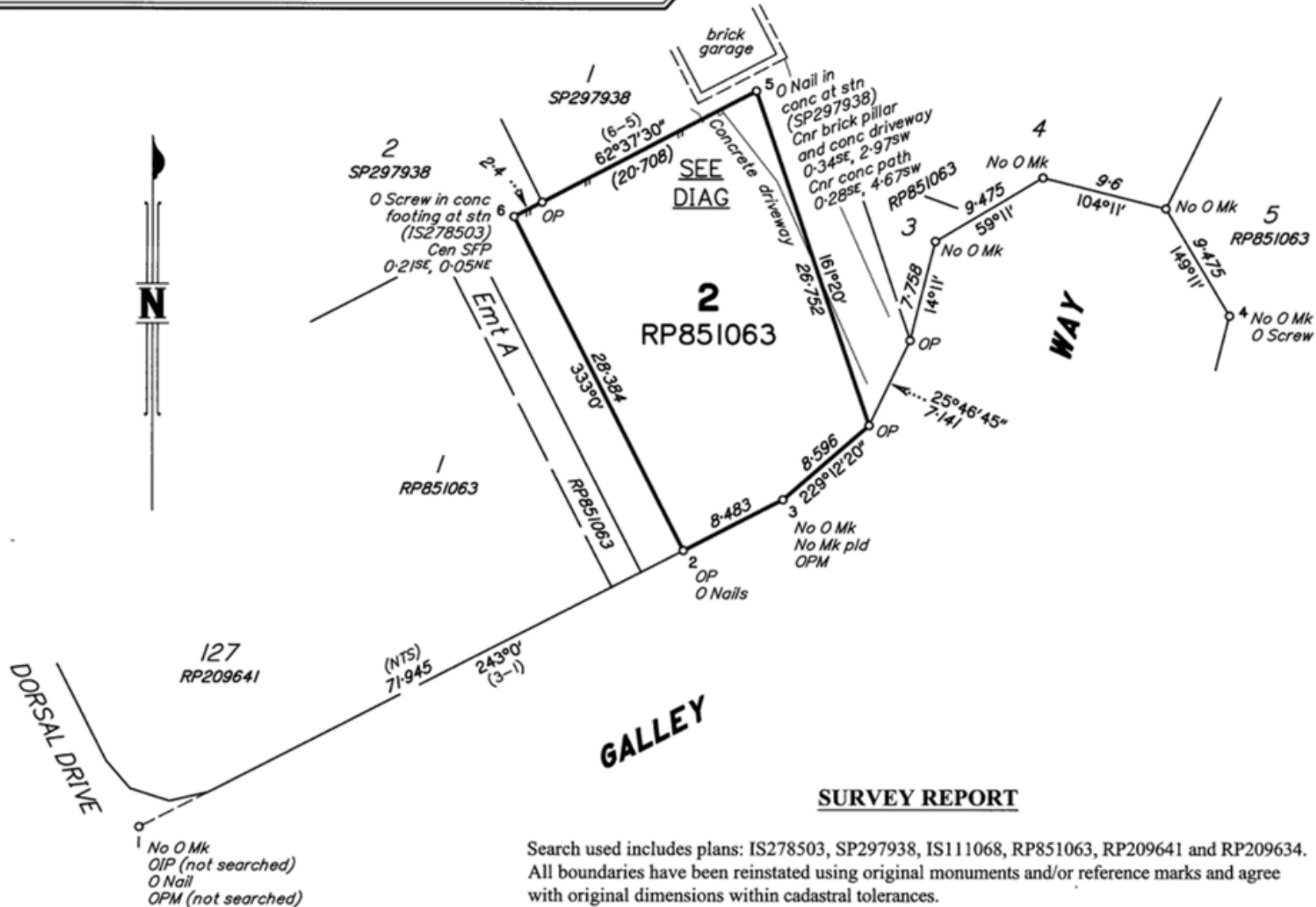
**DIAGRAM**  
Scale 1:200

**PERMANENT MARKS**

PM	ORIGIN	BEARING	DIST	NO	TYPE
1-OPM (not searched)	1/SP297938	303°16'25"	204.584	96896	
3-OPM	4/SP297938	111°45'10"	28.038	101212	

**REFERENCE MARKS**

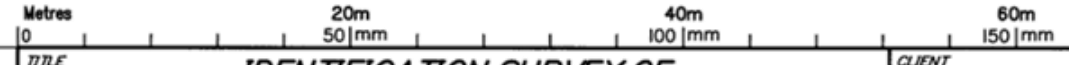
STN	TO	ORIGIN	BEARING	DIST
1	OIP (not searched)	28/RP209641	333°0'	5.0
1	O Nail in conc	1/SP297983	165°53'	7.81
2	O Nail in kb	13/IS278503	155°56'30"	11.492
2	O Nail in kb	13/IS278503	145°02'30"	11.778
4	O Screw in kb	14/RP851063	299°38'30"	7.99



**SURVEY REPORT**

Search used includes plans: IS278503, SP297938, IS111068, RP851063, RP209641 and RP209634. All boundaries have been reinstated using original monuments and/or reference marks and agree with original dimensions within cadastral tolerances.

Notification issued to the owners of Lot 1 on SP297938 and Lot 2 on RP851063 on 11/09/2018.



I, Aaron James HICK, hereby certify that the land comprised in this plan was surveyed by me personally, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 01/08/2018.

*[Signature]*  
Cadastral Surveyor

11/09/2018  
Date

<p><b>TITLE</b></p> <p style="text-align: center;"><b>IDENTIFICATION SURVEY OF</b></p> <p style="text-align: center;"><b>Lot 2 on RP851063</b></p>					
<p><b>LOCALITY</b></p> <p>BIRKDALE</p>		<p><b>ORIG</b></p> <p>Por 26</p>		<p><b>LOCAL AUTH.</b></p> <p>REDLAND C.C.</p>	
<p><b>MAP REF.</b></p> <p>9543-32223</p>	<p><b>MERIDIAN</b></p> <p>SP297938</p>	<p><b>SCALE</b></p> <p>1:400</p>	<p><b>DATE</b></p> <p>21/08/2018</p>	<p><b>JOB No.</b></p> <p>11506</p>	<p><b>DRAWING No.</b></p>

**CLIENT**  
REDLAND C.C.

**NOTES**  
TITLE REF 18562224  
BD18234



IS250412

**15 MAYORAL MINUTE**

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

**16 NOTICES OF MOTION TO REPEAL OR AMEND A RESOLUTION**

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

**17 NOTICES OF MOTION**

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

**18 URGENT BUSINESS WITHOUT NOTICE**

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

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



## 19 CONFIDENTIAL ITEMS

### COUNCIL MOTION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

**19.1 Planning and Environment Court Appeal 461 of 2018 - Edwards & Edwards (MCU013977 Material Change of Use for an Undefined Use (Rooming Accommodation) at 41 Zeigenfusz road, Thornlands)**

This matter is considered to be confidential under Section 275(1) - (f) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving the local government.

**19.2 Round 1 2018/19 Sponsorship applications requesting over \$15,000.**

This matter is considered to be confidential under Section 275(1) - (e) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

## 20 MEETING CLOSURE