

**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 20 March 2019**  
**commencing at 9.30am**

**The Council Chambers**  
**91 - 93 Bloomfield Street**  
**CLEVELAND QLD**

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## 1 DECLARATION OF OPENING

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

### Recognition of the Traditional Owners

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

## 2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

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

## 3 DEVOTIONAL SEGMENT

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

## 4 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 - 6 March 2019

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

### **7.1 OPPORTUNITY TO PARTICIPATE IN A JOINT LOCAL GOVERNMENT ACTIVITY – REGIONAL APPROACH TO WASTE AND RESOURCE MANAGEMENT**

At the General Meeting 12 December 2018 (Item 19.8 refers), Council resolved as follows:

*That Council resolves as follows:*

- 1. In accordance with section 228 2(b) of the Local Government Regulation 2012 to invite Expressions of Interest for the provision of waste disposal services, including the use of alternative waste disposal and recycling technologies, to service the needs of the Redland City Council (Council) Local Government Area, or as part of a regional arrangement, joint government entity or joint local government with other Councils in South East Queensland.*
- 2. To record its reasons for making the resolution, as detailed in Clause 1 above, as follows:*
  - a) A regional waste management solution may make alternative waste technologies feasible and economical where those technologies would not otherwise be viable options for Council due to the relatively small volume of waste disposed of by Council each year;*
  - b) A regional waste management solution may enable Council to implement an advanced solution to waste disposal not seen before in Queensland or Australia and be at the forefront of advanced alternative waste technology in Australia;*
  - c) Redland City Council and the SEQ-West region of councils are each involved in the management of recyclables and residual waste in their respective local government area;*
  - d) Redland City Council recognises that some existing methods of waste treatment and disposal including landfill disposal may not be sustainable in the long term;*
  - e) Redland City Council wishes to understand and compare all available options for long term treatment and/or disposal solution(s) for residual waste under their management;*
  - f) Redland City Council wishes to be positioned to benefit from and respond to developments in Queensland's new Waste Strategy and associated regulatory frameworks and local*

*industry developments. Notably, the recently announced landfill levy (to be introduced in July 2019) may provide direct or indirect incentives for resource recovery projects; and*

*g) Redland City Council believes that it is in its interests and its community's interests to investigate a regional approach to waste treatment and disposal, consider alternative waste treatment technologies and solutions, including energy from waste solutions, and derive the benefits from greater waste volumes. Noting that this investigation opportunity does not preclude RCC from pursuing or participating in other market based waste collection and disposal service delivery options and/or maintaining an active engagement with BCC, to understand future waste disposal contract opportunities and costs that may be offered by BCC.*

- 3. To delegate to the Chief Executive Officer under s.257 (1)(b) of the Local Government Act 2009, the authority to prepare and adopt a Tender Consideration Plan in accordance with section 230 of the Local Government Regulation 2012 outlining how Redland City Council can proceed to implement a local solution if required following the EOI process;*
- 4. To delegate to the Chief Executive Officer under s.257 (1)(b) of the Local Government Act 2009, the authority to execute any agreements between councils participating in the Expression of Interest process, as detailed in Clauses 1 and 3 above; and*
- 5. The Group Manager Water and Waste Infrastructure be requested to submit a report to a future meeting detailing the outcomes of the Expressions of Interest, as detailed in Clause 1 and 3 above.*

A report will be presented to Council at the end of the year.

## **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**

Councillors may present petitions or make presentations under this section.

## **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**

There are no reports from the Office of the CEO.



## 12 REPORTS FROM ORGANISATIONAL SERVICES

### 12.1 FEBRUARY 2019 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. February 2019 Monthly Financial Report [↓](#)

#### PURPOSE

The purpose of this report is to note the year to date financial results as at 28 February 2019.

#### BACKGROUND

Council adopts an annual budget and then reports on performance against the budget on a monthly basis. This is not only a legislative 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

##### ***Final Budget Review 2018-2019 and development of Budget 2019-2020***

Council is working towards a final budget review for 2018-2019 to be finalised early in the fourth quarter of the financial year. This final budget review should also factor in carry forward projects (of a capital nature) and be consistent with the 2019-2020 budget submissions that officers are currently compiling.

##### ***Interim audit 2018-2019***

The Queensland Audit Office (QAO) is commencing the 2018-2019 interim external audit on 11 March 2019. As per previous years, the interim visit ordinarily focuses on the purchases and payments (including tenders), revenue and receivables and payroll processes and controls. This also includes a review of transactions in each of these processes and includes review of journals. An interim management report will be issued by QAO upon completion of the interim visit. This report will be reviewed as part of 2018-2019 year end audit.

#### STRATEGIC IMPLICATIONS

Council has either achieved or favourably exceeded the following key financial stability and sustainability ratios as at the end of February 2019.

- Operating surplus ratio
- Net financial liabilities
- Level of dependence on general rate revenue
- 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 asset sustainability ratio did not meet the target at the end of February 2019 and continues to be a stretch target for Council with renewal spends of \$16.42M and depreciation expense of \$37.35M 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 increases 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.

### **Legislative Requirements**

The February 2019 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 February 2019 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 February 2019.

### **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**

<b>Consulted</b>	<b>Date</b>	<b>Comment</b>
Council departmental officers	Year to date February 2019	Consulted on financial results and outcomes
Financial Services Group officers	Year to date February 2019	Consulted on financial results and outcomes
Executive Leadership Team and Senior Leadership Team	Year to date February 2019	Recipients of variance analysis between actual and budget. Consulted as required

**OPTIONS****Option One**

That Council resolves to note the financial position, results and ratios for February 2019 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 February 2019 as presented in the attached Monthly Financial Report.**

# Monthly Financial Report

## February 2019



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 28 February 2019. The revised annual budget referred to in this report incorporates the changes from the first budget review adopted by Council on 12 December 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)	8,357	<b>9,310</b>	953	11%	✓
Recurrent Revenue	279,319	191,087	<b>188,842</b>	(2,245)	-1%	✗
Recurrent Expenditure	282,270	182,730	<b>179,532</b>	(3,198)	-2%	✓
Capital Works Expenditure	83,980	42,808	<b>37,843</b>	(4,965)	-12%	✓
Closing Cash & Cash Equivalents	143,149	156,842	<b>160,084</b>	3,242	2%	✓

Council reported a year to date operating surplus of \$9.3M which is favourable to the revised budget by \$953K. Bulk water consumption is lower than expected, resulting in lower than expected revenue. The favourable variance in recurrent expenditure is mainly due to underspend in bulk water costs as well as consultant costs and vacancies across the organisation.

Capital grants, subsidies and contributions are below budget due to timing of developer cash contributions. Loss on disposal of non-current assets is mainly due to sale of fleet assets and replacement of road assets.

Council's capital works expenditure is below budget by \$5.0M mainly due to underspend in the fleet replacement program and timing of works for a number of infrastructure projects.

Cash balance is higher than budget mainly due to underspend on payments for property, plant and equipment. Constrained cash reserves represent 66% 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 February 2019	Target
Operating Surplus Ratio (%)	✓	-1.06%	<b>4.93%</b>	Between 0% and 10% (on average over the long-term)
Asset Sustainability Ratio (%)	✗	75.05%	<b>43.97%</b>	Greater than 90% (on average over the long-term)
Net Financial Liabilities (%)*	✓	-32.15%	<b>-60.33%</b>	Less than 60% (on average over the long-term)
Level of Dependence on General Rate Revenue (%)	✓	34.92%	<b>38.31%</b>	Less than 40%
Ability to Pay Our Bills - Current Ratio	✓	3.29	<b>3.79</b>	Between 1.1 & 4.1
Ability to Repay Our Debt - Debt Servicing Ratio (%)	✓	2.81%	<b>4.15%</b>	Less than or equal to 15%
Cash Balance \$M	✓	\$143.149M	<b>\$160.084M</b>	Greater than or equal to \$50M
Cash Balances - Cash Capacity in Months	✓	7.89	<b>8.73</b>	Greater than 3 months
Longer Term Financial Stability - Debt to Asset Ratio (%)	✓	1.34%	<b>1.23%</b>	Less than or equal to 10%
Operating Performance (%)	✓	23.79%	<b>25.52%</b>	Greater than or equal to 10%
Interest Coverage Ratio (%)**	✓	-0.67%	<b>-0.82%</b>	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)





### 3. STATEMENT OF COMPREHENSIVE INCOME

STATEMENT OF COMPREHENSIVE INCOME					
For the period ending 28 February 2019					
	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	74,637	74,464	(173)
Levies and utility charges	146,618	145,046	98,171	96,401	(1,770)
Less: Pensioner remissions and rebates	(3,493)	(3,413)	(2,506)	(2,415)	91
Fees	13,673	14,357	9,715	8,862	(853)
Rental income	912	912	566	671	105
Interest received	4,289	4,305	2,889	3,165	276
Dividend received	1,000	1,000	-	-	-
Sales revenue	3,735	3,745	2,533	2,527	(6)
Other income	694	841	673	681	8
Grants, subsidies and contributions	11,223	12,040	4,409	4,486	77
<b>Total recurrent revenue</b>	<b>279,136</b>	<b>279,319</b>	<b>191,087</b>	<b>188,842</b>	<b>(2,245)</b>
<b>Recurrent expenses</b>					
Employee benefits	86,248	87,379	57,952	56,884	(1,068)
Materials and services	129,100	129,391	81,050	79,707	(1,343)
Finance costs	2,840	2,856	1,896	1,930	34
Depreciation and amortisation	63,505	62,719	41,915	41,061	(854)
Other expenditure	507	630	389	484	95
Net internal costs	(713)	(705)	(472)	(534)	(62)
<b>Total recurrent expenses</b>	<b>281,487</b>	<b>282,270</b>	<b>182,730</b>	<b>179,532</b>	<b>(3,198)</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>(2,351)</b>	<b>(2,951)</b>	<b>8,357</b>	<b>9,310</b>	<b>953</b>
<b>Capital revenue</b>					
Grants, subsidies and contributions	32,501	20,549	10,047	8,697	(1,350)
Non-cash contributions	6,868	10,219	1,899	288	(1,611)
<b>Total capital revenue</b>	<b>39,369</b>	<b>30,768</b>	<b>11,946</b>	<b>8,985</b>	<b>(2,961)</b>
<b>Capital expenses</b>					
(Gain) / loss on disposal of non-current assets	289	101	3	2,381	2,378
<b>Total capital expenses</b>	<b>289</b>	<b>101</b>	<b>3</b>	<b>2,381</b>	<b>2,378</b>
<b>TOTAL INCOME</b>	<b>318,505</b>	<b>310,087</b>	<b>203,033</b>	<b>197,827</b>	<b>(5,206)</b>
<b>TOTAL EXPENSES</b>	<b>281,776</b>	<b>282,370</b>	<b>182,733</b>	<b>181,913</b>	<b>(820)</b>
<b>NET RESULT</b>	<b>36,729</b>	<b>27,716</b>	<b>20,300</b>	<b>15,914</b>	<b>(4,386)</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>27,716</b>	<b>20,300</b>	<b>15,914</b>	<b>(4,386)</b>



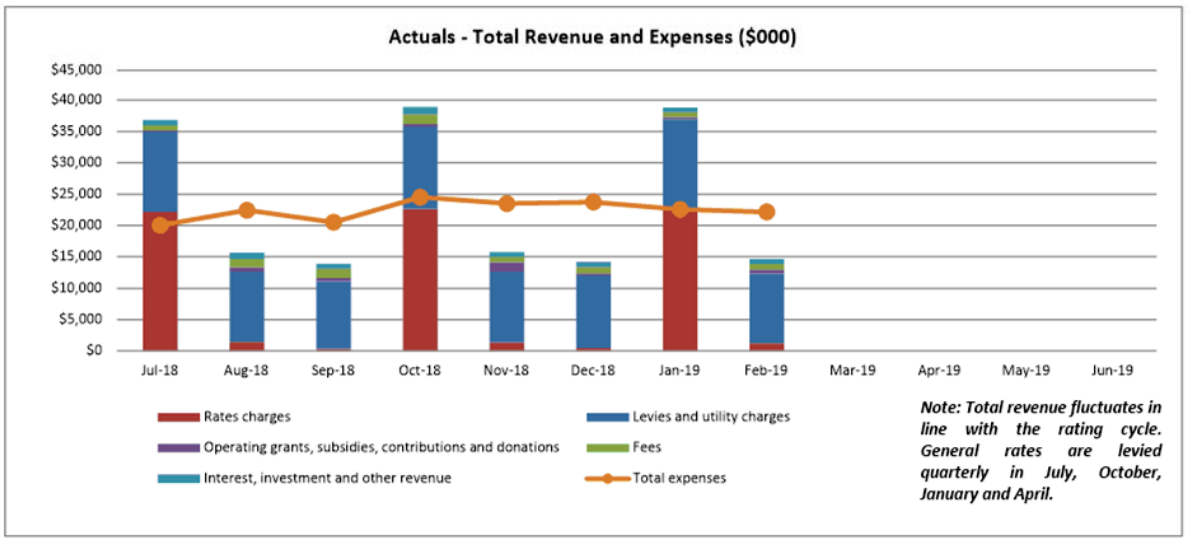


**3. STATEMENT OF COMPREHENSIVE INCOME - CONTINUED**

<b>LEVIES AND UTILITY CHARGES ANALYSIS</b>					
<b>For the period ending 28 February 2019</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	16,205	<b>16,048</b>	(157)
Special charges	723	723	663	<b>663</b>	-
SES separate charge	478	478	359	<b>361</b>	2
Environment separate charge	8,180	8,181	6,135	<b>6,116</b>	(19)
Separate charge landfill remediation	3,106	3,106	2,071	<b>2,064</b>	(7)
Wastewater charges	44,951	44,951	29,967	<b>29,389</b>	(578)
Water access charges	18,665	18,591	12,403	<b>12,351</b>	(52)
Water consumption charges	46,207	44,709	30,368	<b>29,409</b>	(959)
<b>Total levies and utility charges</b>	<b>146,618</b>	<b>145,046</b>	<b>98,171</b>	<b>96,401</b>	<b>(1,770)</b>

<b>MATERIALS AND SERVICES ANALYSIS</b>					
<b>For the period ending 28 February 2019</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	35,208	19,558	<b>19,793</b>	235
Consultants	4,500	4,551	2,380	<b>1,885</b>	(495)
Other Council outsourcing costs*	16,902	17,520	11,038	<b>11,547</b>	509
Purchase of materials	48,229	46,702	31,326	<b>30,936</b>	(390)
Office administration costs	8,649	8,456	5,424	<b>5,111</b>	(313)
Electricity charges	5,786	5,786	3,960	<b>3,597</b>	(363)
Plant operations	4,190	4,321	2,779	<b>2,527</b>	(252)
Information technology resources	2,820	2,744	1,719	<b>1,616</b>	(103)
General insurance	1,423	1,213	836	<b>817</b>	(19)
Community assistance**	1,583	1,627	1,201	<b>980</b>	(221)
Other material and service expenses	1,263	1,263	829	<b>898</b>	69
<b>Total materials and services</b>	<b>129,100</b>	<b>129,391</b>	<b>81,050</b>	<b>79,707</b>	<b>(1,343)</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 and awards, donations and sponsorships.







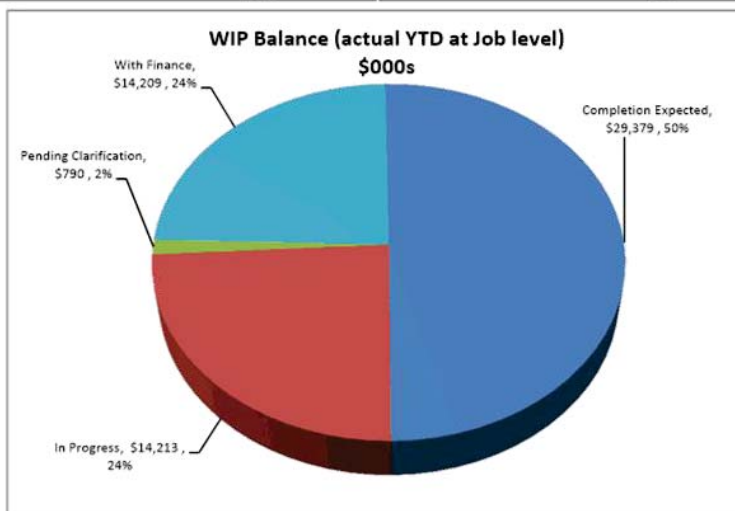
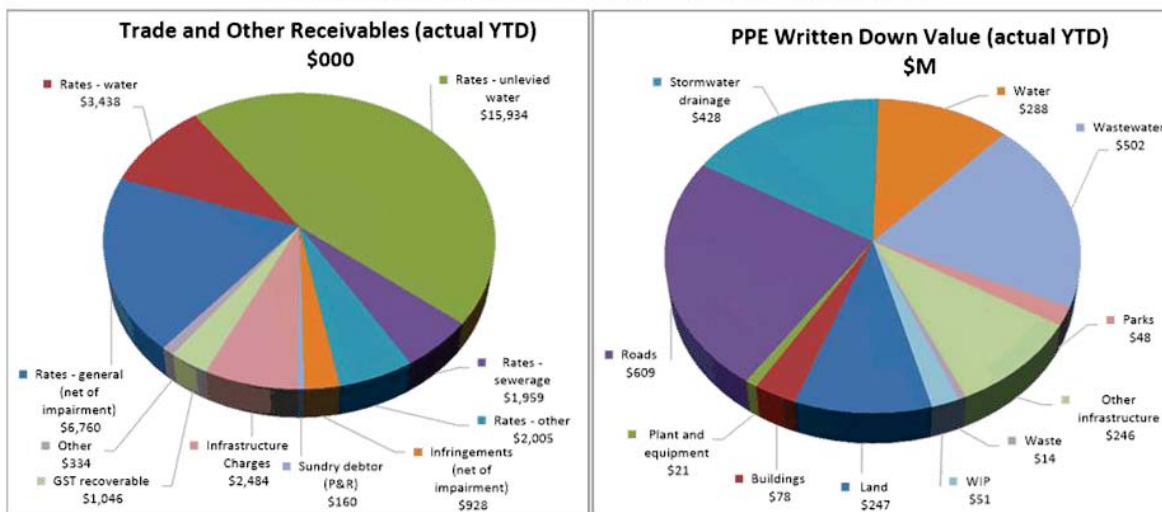
#### 4. STATEMENT OF FINANCIAL POSITION

<b>STATEMENT OF FINANCIAL POSITION</b>				
<b>As at 28 February 2019</b>				
	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	143,149	156,842	160,084
Trade and other receivables	27,273	33,477	33,509	35,048
Inventories	556	1,108	1,108	951
Non-current assets held for sale	262	11,113	11,113	11,113
Other current assets	2,073	2,033	2,033	2,335
<b>Total current assets</b>	<b>197,428</b>	<b>190,880</b>	<b>204,605</b>	<b>209,531</b>
<b>NON-CURRENT ASSETS</b>				
Investment property	1,091	1,091	1,091	1,091
Property, plant and equipment	2,608,476	2,568,368	2,540,163	2,531,680
Intangible assets	826	1,038	1,358	1,810
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>2,585,361</b>	<b>2,557,476</b>	<b>2,549,445</b>
<b>TOTAL ASSETS</b>	<b>2,822,606</b>	<b>2,776,241</b>	<b>2,762,081</b>	<b>2,758,976</b>
<b>CURRENT LIABILITIES</b>				
Trade and other payables	40,840	31,435	21,679	24,818
Borrowings - current	7,713	7,728	7,728	7,728
Provisions - current	13,742	14,284	14,041	11,230
Other current liabilities	1,747	4,654	11,737	11,445
<b>Total current liabilities</b>	<b>64,041</b>	<b>58,101</b>	<b>55,185</b>	<b>55,221</b>
<b>NON-CURRENT LIABILITIES</b>				
Borrowings - non-current	29,651	29,537	26,230	26,230
Provisions - non-current	12,115	13,428	12,905	14,151
<b>Total non-current liabilities</b>	<b>41,766</b>	<b>42,965</b>	<b>39,135</b>	<b>40,381</b>
<b>TOTAL LIABILITIES</b>	<b>105,807</b>	<b>101,066</b>	<b>94,320</b>	<b>95,602</b>
<b>NET COMMUNITY ASSETS</b>	<b>2,716,799</b>	<b>2,675,175</b>	<b>2,667,761</b>	<b>2,663,374</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	1,572,813	1,565,342	1,554,426
Constrained cash reserves	128,918	99,194	99,251	105,780
<b>TOTAL COMMUNITY EQUITY</b>	<b>2,716,799</b>	<b>2,675,175</b>	<b>2,667,761</b>	<b>2,663,374</b>





4. STATEMENT OF FINANCIAL POSITION - CONTINUED



PROPERTY, PLANT AND EQUIPMENT (PPE) MOVEMENT*				
For the period ending 28 February 2019				
	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	94,183	44,691	37,746
Depreciation in year	(62,532)	(61,754)	(41,270)	(40,365)
Disposals	(1,699)	(1,699)	(896)	(3,086)
Other adjustments**	-	-	-	(253)
<b>Closing balance</b>	<b>2,608,476</b>	<b>2,568,368</b>	<b>2,540,163</b>	<b>2,531,680</b>

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

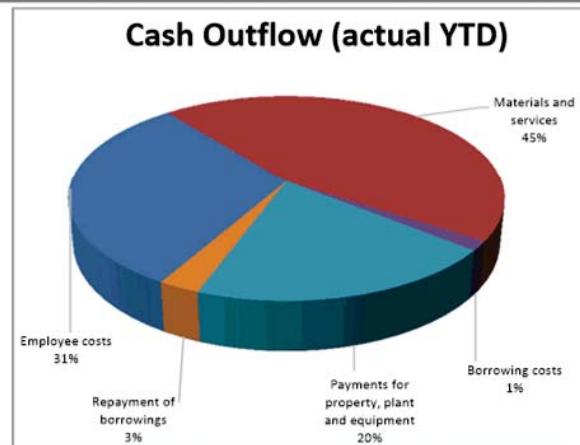
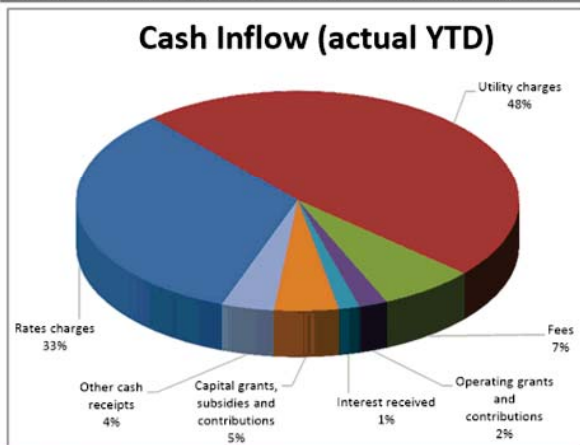
\*\* Other adjustments include transfers from asset classes, revaluation adjustments, prior period adjustments and depreciation thereon.





**5. STATEMENT OF CASH FLOWS**

<b>STATEMENT OF CASH FLOWS</b>				
<b>For the period ending 28 February 2019</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	264,828	194,042	187,171
Payments to suppliers and employees	(213,794)	(214,822)	(147,415)	(143,873)
Interest received	4,289	4,305	2,889	3,165
Dividend received*	1,000	1,000	-	1,500
Rental income	912	912	566	671
Non-capital grants and contributions	11,223	12,040	4,409	4,433
Borrowing costs	(2,809)	(2,809)	(2,809)	(2,809)
<b>Net cash inflow / (outflow) from operating activities</b>	<b>62,533</b>	<b>65,455</b>	<b>51,682</b>	<b>50,258</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Payments for property, plant and equipment	(66,880)	(83,964)	(42,791)	(37,457)
Payments for intangible assets	-	(16)	(16)	(386)
Proceeds from sale of property, plant and equipment	1,410	1,598	893	704
Capital grants, subsidies and contributions	32,501	20,549	10,047	9,938
Other cash flows from investing activities**	-	3,500	3,500	3,500
<b>Net cash inflow / (outflow) from investing activities</b>	<b>(32,969)</b>	<b>(58,333)</b>	<b>(28,367)</b>	<b>(23,701)</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>4,587</b>	<b>18,280</b>	<b>21,522</b>
Cash and cash equivalents at the beginning of the year	140,234	138,562	138,562	138,562
Cash and cash equivalents at the end of the financial year / period	167,263	143,149	156,842	160,084



<b>Total Cash Funding (Actual YTD)</b>	<b>211,082</b>	<b>Total Cash Expenditure (Actual YTD)</b>	<b>189,560</b>
Total Cash Funding (Annual Revised Budget)	311,233	Total Cash Expenditure (Annual Revised Budget)	306,646
% of Budget Achieved YTD	68%	% of Budget Achieved YTD	62%

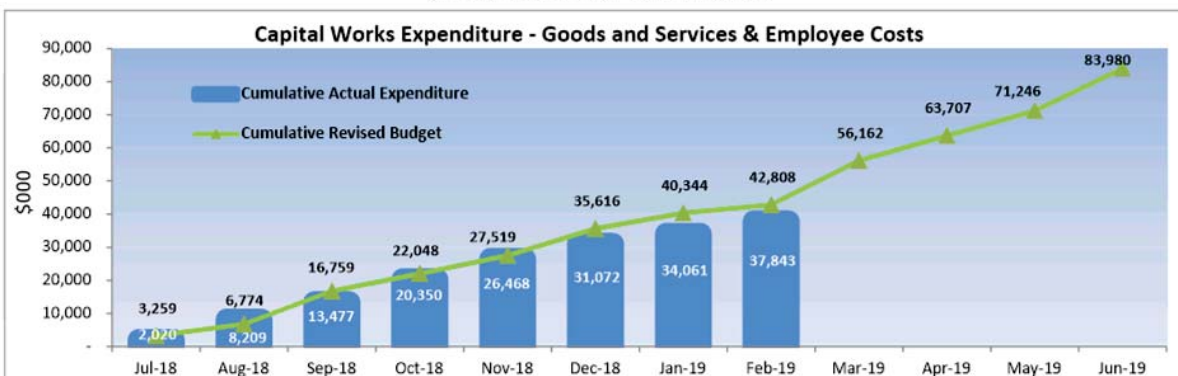
\* Reclassified as operating cash flow to align with Annual Financial Statements and permitted by Australian Accounting Standard AASB 107 Statement of Cash Flows.

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





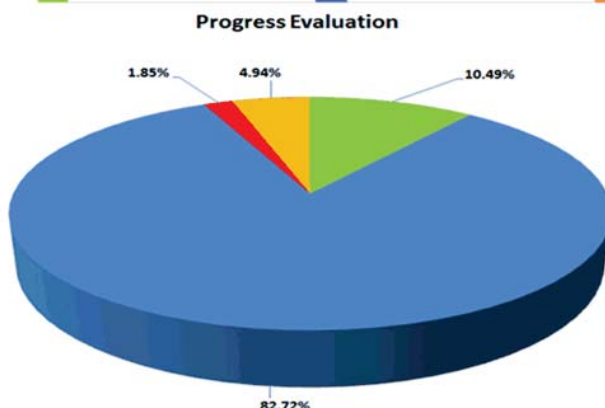
### 6. CAPITAL EXPENDITURE



	Annual Revised Budget \$'000	YTD Revised Budget \$'000	YTD Actual \$'000	YTD Variance \$'000
Capitalised goods and services	76,484	37,993	32,943	(5,050)
Capitalised employee costs	7,496	4,815	4,900	85
<b>Total</b>	<b>83,980</b>	<b>42,808</b>	<b>37,843</b>	<b>(4,965)</b>

### 7. PROGRAM AND PROJECT UPDATE

■ Favourable (budget under/schedule on track)
 ■ Meeting expectations (budget and schedule on track)
 ■ Within tolerance (either budget or schedule not on track)
 ■ Unfavourable (budget and schedule not on track)



Programs and projects 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 162 programs and projects.

Total Programs and Projects in Progress	Annual Revised Budget \$'000	YTD Actual \$'000	Commitments \$'000
Capital*	73,863	33,859	9,677
Operational	12,324	4,133	1,232

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

### Notable Projects

Financially significant programs and projects with an annual budget of more than \$1M constitute 22 programs and projects and accounts for 67.21% of the total programs and projects budget. The status of two notable projects are as follows:

Project description	Progress
Park upgrade at Three Paddocks Park, Wellington Point has been completed. It involved the development of the new park including recreational recommendations as per the Open Space Strategy, playground works and landscaping such as footpaths and shelters.	Favourable
The Economic Development Advisory Boards Action Plans Project engages the business community in the formulation of industry sector Action Plans. Progress to date include the Health Care and Social Assistance Industry Sector Plan 2018-2023 and the Education and Training Industry Sector Plan 2018-2023 both of which were adopted by Council in 2018. Most recently the Rural Enterprise Industry Sector Plan stakeholder consultations have been completed and the draft action plan is being developed.	Meeting Expectations

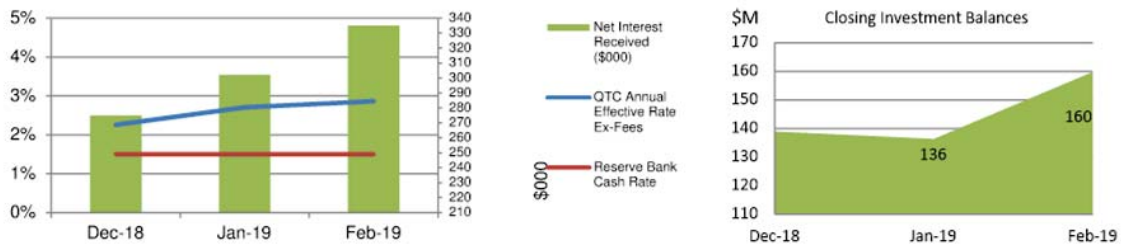




**8. INVESTMENT & BORROWINGS REPORT**

For the period ending 28 February 2019

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



**Total Investment at End of Month was \$159.73M**

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

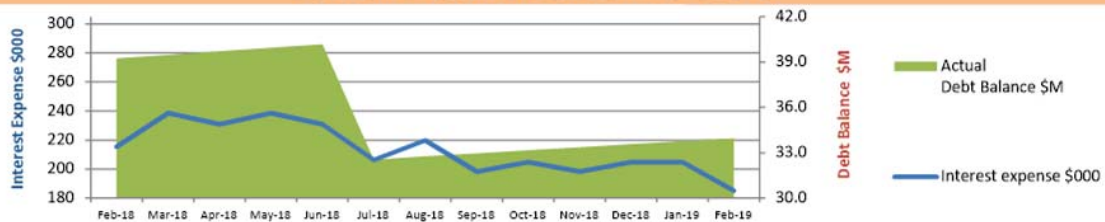
The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle.

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 2.86% exceeds the Bloomberg AusBond Bank Bill Index (previously the UBS Bank Bill Index) of 1.99% as at the end of February 2019 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 2019 which is reflected in the increasing debt balance.

**Total Borrowings at End of Month were \$33.96M**

General pool allocated to capital works is 99.41% and 0.59% 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 28 February 2019	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	300	(25)	3,900
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	-	2,233	(47)	2,186
Fleet Plant & Capital Equipment Reserve	To support the long term fleet replacement program	-	6,613	(2,009)	4,604
		<b>3,632</b>	<b>9,146</b>	<b>(2,086)</b>	<b>10,690</b>
<b>Constrained Works Reserve:</b>					
Public Parks Trunk Infrastructure Reserve	Capital projects for public parks trunk infrastructure	7,324	1,166	(2,439)	6,051
Land for Community Facilities Trunk Infrastructure Reserve	Land for community facilities trunk infrastructure	2,192	184	-	2,376
Water Supply Trunk Infrastructure Reserve	Upgrade, expansion or new projects for water supply trunk infrastructure	10,107	3,980	-	14,087
Sewerage Trunk Infrastructure Reserve	Upgrade, expansion or new projects for sewerage trunk infrastructure	9,222	1,285	(8)	10,499
Contributions	Unexpended capital grants and contributions received for specific projects	651	-	(119)	532
Local Roads Trunk Infrastructure Reserve	Capital projects for local roads trunk infrastructure	35,922	2,883	(3,370)	35,435
Cycleways Trunk Infrastructure Reserve	Capital projects for cycleways trunk infrastructure	10,783	937	(3)	11,717
Stormwater Trunk Infrastructure Reserve	Capital projects for stormwater trunk infrastructure	8,884	604	-	9,488
Contributions	Unexpended operating grants and contributions received for specific projects	919	-	(692)	227
Tree Planting Reserve	Acquisition and planting of trees on footpaths	88	22	(32)	78
		<b>86,092</b>	<b>11,061</b>	<b>(6,663)</b>	<b>90,490</b>
<b>Separate Charge Reserve - Environment:</b>					
Environment Charge Acquisition Reserve	Acquisitions of land and facilities to support or enhance environmental outcomes	234	917	-	1,151
Environment Charge Maintenance Reserve	Ongoing conservation and maintenance operations	1,708	5,199	(4,572)	2,335
SES Separate Charge Reserve	On-going costs of maintaining the Redland SES	-	361	(248)	113
		<b>1,942</b>	<b>6,477</b>	<b>(4,820)</b>	<b>3,599</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	-	165	-	165
SMBI Translink Reserve	Offset payment made to the State Govt. to assist with transport service to the Bay Islands	(8)	483	(482)	(7)
		<b>(8)</b>	<b>648</b>	<b>(482)</b>	<b>158</b>
<b>Special Charge Reserve - Canals:</b>					
Aquatic Paradise Canal Reserve	Maintenance and repairs of Aquatic Paradise canals	743	6	-	749
Sovereign Waters Lake Reserve	Maintenance and repairs of Sovereign Lake	422	3	-	425
1718 Raby Bay Canal Reserve	Service, facility or activity of works in respect of the canals of the Raby Bay canal estate	1,036	-	(816)	220
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>9</b>	<b>(816)</b>	<b>843</b>
<b>TOTALS</b>		<b>93,308</b>	<b>27,341</b>	<b>(14,869)</b>	<b>105,780</b>
	Closing cash and cash equivalents				<b>160,084</b>
	Reserves as percentage of cash balance				<b>66%</b>





## 10. REDLAND WATER STATEMENTS

<b>REDLAND WATER SUMMARY OPERATING STATEMENT</b>					
<b>For the period ending 28 February 2019</b>					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	112,745	111,173	74,686	<b>73,276</b>	(1,410)
Total expenses	66,297	65,023	43,226	<b>43,118</b>	(108)
Earnings before interest, tax and depreciation (EBITD)	46,448	46,150	31,460	<b>30,158</b>	(1,302)
Interest expense	15,352	15,352	10,234	<b>10,234</b>	-
Depreciation	23,228	23,268	15,502	<b>15,699</b>	197
<b>Operating surplus / (deficit)</b>	<b>7,868</b>	<b>7,530</b>	<b>5,724</b>	<b>4,225</b>	<b>(1,499)</b>

<b>REDLAND WATER CAPITAL FUNDING STATEMENT</b>					
<b>For the period ending 28 February 2019</b>					
	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	6,560	3,280	<b>1,532</b>	(1,748)
Net transfer (to) / from constrained capital reserves	(6,608)	(4,160)	(2,245)	<b>(5,257)</b>	(3,012)
Non-cash contributions	6,648	6,202	-	<b>39</b>	39
Funding from utility revenue	5,614	6,261	546	<b>4,890</b>	4,344
<b>Total sources of capital funding</b>	<b>12,452</b>	<b>14,863</b>	<b>1,581</b>	<b>1,204</b>	<b>(377)</b>
Contributed assets	6,648	6,202	-	-	-
Capitalised expenditure	5,804	8,661	1,581	<b>1,204</b>	(377)
<b>Total application of capital funds</b>	<b>12,452</b>	<b>14,863</b>	<b>1,581</b>	<b>1,204</b>	<b>(377)</b>

## 11. REDWASTE STATEMENTS

<b>REDWASTE OPERATING STATEMENT</b>					
<b>For the period ending 28 February 2019</b>					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	25,901	25,901	17,281	<b>17,310</b>	29
Total expenses	19,155	19,607	12,923	<b>13,297</b>	374
Earnings before interest, tax and depreciation (EBITD)	6,746	6,294	4,358	<b>4,013</b>	(345)
Interest expense	30	26	17	<b>17</b>	-
Depreciation	216	242	155	<b>195</b>	40
<b>Operating surplus / (deficit)</b>	<b>6,500</b>	<b>6,026</b>	<b>4,186</b>	<b>3,801</b>	<b>(385)</b>

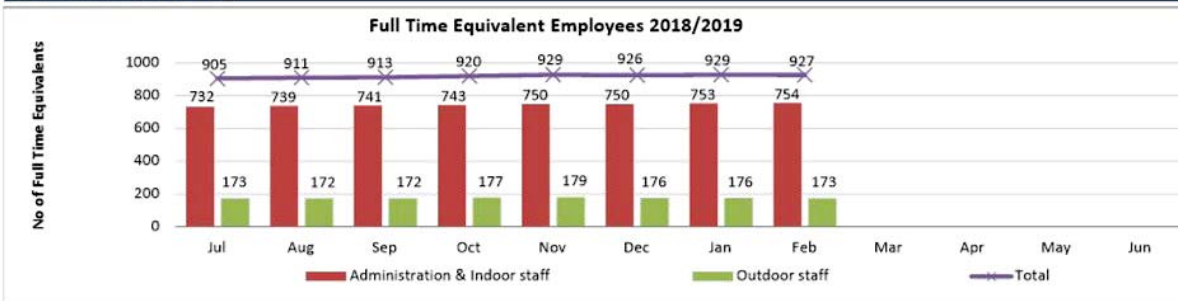
<b>REDWASTE CAPITAL FUNDING STATEMENT</b>					
<b>For the period ending 28 February 2019</b>					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Non-cash contributions	-	-	-	-	-
Funding from utility revenue	547	546	348	<b>(230)</b>	(578)
<b>Total sources of capital funding</b>	<b>547</b>	<b>546</b>	<b>348</b>	<b>406</b>	<b>58</b>
Capitalised expenditure	456	456	249	<b>307</b>	58
Loan redemption	91	90	99	<b>99</b>	-
<b>Total application of capital funds</b>	<b>547</b>	<b>546</b>	<b>348</b>	<b>406</b>	<b>58</b>





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

**Workforce Reporting**



Department Level	Employee Type							Total
	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part		
Office of CEO	7	2	27	4	6	1	47	
Organisational Services	10	6	168	12	30	5	231	
Community and Customer Services	37	5	240	61	37	9	389	
Infrastructure and Operations	29	7	311	12	19	-	378	
<b>Total</b>	<b>83</b>	<b>20</b>	<b>746</b>	<b>89</b>	<b>92</b>	<b>15</b>	<b>1,045</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	Feb-19	% Overdue	Feb-18	% Overdue	\$ Variance	% Variance	Comment
0 - 30	\$7,391,153	3.7%	\$6,570,170	3.4%	\$820,983	0.3%	
31 - 60	\$1,326	0.0%	\$0	0.0%	\$1,326	0.0%	
61 - 90	\$0	0.0%	\$0	0.0%	\$0	0.0%	
91 - 180	\$2,422,731	1.2%	\$2,059,378	1.1%	\$363,353	0.1%	
>180	\$4,471,200	2.2%	\$3,506,069	1.8%	\$965,131	0.4%	
<b>Total</b>	<b>\$14,286,410</b>	<b>7.1%</b>	<b>\$12,135,617</b>	<b>6.3%</b>	<b>\$2,150,793</b>	<b>0.8%</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 includes 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 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 to 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 OBSOLETE POL-2556 PENSIONER GENERAL RATE DEFERRAL POLICY

### Objective Reference:

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

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

**Report Author:** Thomas Turner, Team Leader Accounts Receivable and Payments

**Attachments:** 1. POL-2556 Pensioner General Rate Deferral Policy [↓](#)

### PURPOSE

To recommend that Council repeals Corporate Policy POL-2556 Pensioner General Rate Deferral Policy.

### BACKGROUND

Corporate Policy POL-2556 Pensioner General Rate Deferral Policy was adopted 11 February 2004 following a Councillor request for the formalisation of a policy position on the deferral of rates for home owners on an aged pension. The concern arose out of increasing land values (issued by the Department of Natural Resources, Mines and Energy) for pensioners who owned water front property. The policy has been accessed once by one pensioner ratepayer between 2004 and 2005 since its initial adoption.

### ISSUES

A review has been conducted of Corporate Policy POL-2556 Pensioner General Rate Deferral Policy.

Since its adoption in 2004, the policy has been accessed by one pensioner ratepayer for a short period between 2004 and 2005, no one has sought to access to the policy since 2005, which demonstrates a lack of need for the policy as it provides little benefit to an aged pensioner in financial difficulty. The policy creates the situation where the pensioner's debt increases rather than helping the pensioner reach an improved financial position.

Corporate Policy POL-2556 Pensioner General Rate Deferral Policy enables a part-deferral of the general rate. The owner must pay the minimum general rate applicable for the rating category the property is categorised into; the remaining portion will be deferred until a defined date in the future or until death. Interest continues to be applied to the deferred portion of the rate balance at 11% per annum.

The difficulty with a policy of this nature is the potential for a significant amount of debt that could accrue. The associated risk for some properties is that the debt may exceed the value of the property at the date of death. Along with this, the debt may come as a surprise to beneficiaries or leave beneficiaries with no option but to sell the home to clear the debt.

### STRATEGIC IMPLICATIONS

#### Legislative Requirements

Chapter 4, Part 10, section 125 of the *Local Government Regulation 2012* (Regulation) details the legislative requirements for an agreement to defer rates or charges.

(1) *This section applies if a concession to a ratepayer for rates or charges includes an agreement to defer the payment of the rates or charges.*

(2) *The agreement must state either—*

- a) *for an agreement under which the rates or charges become payable on a particular day—the due date for payment of the rates or charges; or*
- b) *for an agreement under which the rates or charges become payable when an event happens—a description of the event and the due date for payment of the rates or charges in reference to the event.*

*Example—*

*An agreement provides for general rates for land to be paid at the end of a stated period after the land is transmitted to the ratepayer's personal representative or sold.*

*(3) The agreement may also include a condition that the ratepayer must pay an additional charge in return for the local government agreeing to defer payment of the rates or charges.*

### **Risk Management**

Financial Services has consulted with a wide range of industry service providers and participated in hardship forums that have been attended by a broad range of stakeholders.

### **Financial**

There are no financial implications to Council if this policy is repealed.

### **People**

There is no change to pensioner ratepayer access to hardship relief or interaction with Council officers if this policy is repealed.

### **Environmental**

There are no environmental implications if this policy is repealed.

### **Social**

There are no social implications if this policy is repealed.

### **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
  - 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.

### **CONSULTATION**

<b>Consulted</b>	<b>Consultation Date</b>	<b>Comments/Actions</b>
Service Manager Financial Operations	23 January 2019	Consultation on historical elements of Corporate Policy 2556 Pensioner General Rate Deferral Policy. Report review.
Team Leader Billing Services	18 January 2019	Consultation on historical details of pensioner ratepayer who accessed the deferral facility during 2004-2005.
Supervisor Accounts Receivable	6 December 2018	Consultation and feedback on the effectiveness of the general rate deferral facility to assist pensioner ratepayers who experience financial hardship.
Hardship Forum Hosted by Urban Utilities	27 September 2018	Inaugural hardship forum attended by Service Manager – Financial Operations, Team Leader Accounts Receivable and Payments and Supervisor Accounts Receivable.

Consulted	Consultation Date	Comments/Actions
		Attendees worked together to better understand how hardship impacts our business, identify best practice and develop a consistent and socially responsible approach.

## OPTIONS

### Option One

That Council resolves to repeal and make obsolete Corporate Policy POL-2556 Pensioner General Rate Deferral Policy.

### Option Two

That Council resolves to note the content of the report and continue to address instances of pensioner ratepayer hardship through Corporate Policy POL-2556 Pensioner General Rate Deferral Policy.

## OFFICER'S RECOMMENDATION

**That Council resolves to repeal and make obsolete Corporate Policy POL-2556 Pensioner General Rate Deferral Policy.**

# policy document



Corporate POL-2556

## Pensioner General Rate Deferral Policy

### Head of Power

The *Local Government Regulation 2012* makes provision in Chapter 4, Part 10 Concessions for a local government to defer payment of rates or charges if it is satisfied the land is owned by a pensioner or the payment of the rates or charges will cause hardship to the land owner.

### Policy Objective

To assist aged members of the community who have difficulty meeting their full financial obligation to Council by providing a facility that enables the deferral of the General Rate until a stated time in the future.

### Policy Statement

Council will:

1. Assist aged members of the community who have difficulty meeting their full financial obligation to Council by deferring the General Rate on their principal place of residence until a stated time in the future.
2. Provide a facility, known as a Deferral Agreement, to members of the community who meet the following criteria:
  - i. The property on which the deferral is sought must be the applicant's principal place of residence.
  - ii. The applicant/s must:
    - a. be in receipt of an Age Pension and be a holder of either a:
      - i. Queensland Centrelink Aged Pension Concession Card; or
      - ii. Department of Veterans' Affairs Concession Card
    - b. be the registered owner/s of the property either singularly, jointly or severally.
    - c. be wholly responsible for the rates and charges levied on the property and sign a Statutory Declaration to this effect where the applicant holds ownership either jointly or severally.
    - d. be able to demonstrate a home equity of a minimum of 50%.
    - e. have current house insurance that covers fire damage.
    - f. seek independent financial advice prior to committing to a deferral agreement under this policy and provide written evidence of same.
    - g. complete a financial statement to validate that payment of the General Rate will cause financial hardship.
3. Apply the following conditions:
  - i. An additional charge will be applied in the form of interest at the compound rate of 11% per annum on the deferred amount.
  - ii. Payment of the deferred amount will become due and payable from the estate of the owner, or at an agreed date specified in the Deferral Agreement, or upon

#### CMR Team use only

**Department:** Office of CEO  
**Group:** Financial Services  
**Approved by:** Acting Chief Financial Officer  
**Date of Approval:** 11 March 2016

**Effective date:** 11 March 2016  
**Version:** 4  
**Review date:** 31 March 2019  
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# policy document



## Corporate POL-2556

cancellation of the Deferral Agreement by either party to the Agreement, or upon sale or transfer of any part of interest in the property, except in the following circumstances:

- If the property is transferred under the terms of a Will, Court Order or Intestacy Rules into either (a) the name of a spouse who continues to reside on the property, or (b) into the name of any progeny aged 65 years or over who has resided on the property for a minimum of 5 years and continues to reside on the property, and eligibility requirements for deferral of the General Rate are met in their own name, then application can be made to Council to continue the Deferral Agreement begun under previous owner's name.
- iii. Where a person who is approved for a Deferral Agreement is required, due to reasons of ill health or infirmity, to reside some or all of the time in alternative accommodation, such as a nursing home or with a relative, the residence will continue to be regarded as owner-occupied as long as it is not occupied on a paid tenancy basis during the absence of the approved person. If the home is tenanted the Deferral Agreement is cancelled and the amount deferred under the Agreement will become due and payable.
- iv. If a Deferral Agreement is entered into the approved person must maintain the balance of their financial obligation to Council for the Deferral Agreement to remain current, which is, all other rates and charges appearing on the Rate Notice must be paid in full by the due date for the Deferral Agreement to remain in effect.
- v. Eligibility to State Government and Council Pensioner Concessions are not affected by entering into a Deferral Agreement.

### Version Information

Version number	Date	Key Changes
4	11/12/2015	<ul style="list-style-type: none"> <li>• Change to Head of Power</li> <li>• Statements 3 to 7 demoted to points i to v under a newly worded statement 3</li> </ul>

#### CMR Team use only

**Department:** Office of CEO  
**Group:** Financial Services  
**Approved by:** Acting Chief Financial Officer  
**Date of Approval:** 11 March 2016

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## 12.3 CORPORATE POLICY POL-3120 DISCOUNTS AND WAIVERS OF FEES AND INFRINGEMENTS POLICY.

### Objective Reference:

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

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

**Report Author:** Thomas Turner, Team Leader Accounts Receivable and Payments

**Attachments:** 1. POL-3120 Discounts and Waivers of Fees and Infringements Policy [↓](#)

### PURPOSE

Corporate Policy *POL-3120 Discounts and Waivers of Fees and Infringements* has been reviewed in consideration of the legislative requirements to waive charges under the *Local Government Regulation 2012*. The purpose of the report is to remove reference to the word “charges” from Corporate Policy *POL-3120 Discounts and Waivers of Fees and Infringements*.

### BACKGROUND

Corporate Policy *POL-3120 Discounts and Waivers of Fees, Charges and Infringements* was adopted 22 February 2017 and contained reference to the waiving of statutory charges that are issued on the rate notice. The concern with the inclusion of these charges is that, in normal circumstances, they are fully recoverable under the *Local Government Regulation 2012*. In exceptional circumstances, Council is able to use its concessionary powers under the *Local Government Regulation 2012* to defer payment of the charges to a later date or event, or to rebate all or part of the charges.

### ISSUES

The *Local Government Regulation 2012* provides direction to Council’s on the treatment of the waiving of rates and charges. A Council resolution is required under Chapter 4, Part 10 to grant a ratepayer a concession for rates or charges. A review of Corporate Policy *POL-3120 Discounts and waivers of Fees and Infringements* identified that the reference to “charges” should be removed from the policy to comply with the *Local Government Regulation 2012*. The review also identified the administration of POL-3120 should move from the Corporate Governance Group to the Financial Services Group.

### STRATEGIC IMPLICATIONS

#### Legislative Requirements

Chapter 4, Part 10, sections 119 to 122 of the *Local Government Regulation 2012* (Regulation) details the legislative requirements of granting a concession of rates or charges.

- Section 119 of the Regulation states that, “A local government may grant a ratepayer a concession for rates or charges for land only under this part.”
- Section 120(1)(c) of the Regulation sets out the criteria for granting a concession, “The local government may grant the concession only if it is satisfied the payment of the rates or charges will cause hardship to the land owner.”
- Section 121(c) sets out the types of concession, which for voluntary transfers the following applies, “an agreement to accept a transfer of unencumbered land in full or part payment of the rates or charges.”
- Section 122 sets out the required content of the resolution for granting a concession.

- (1) *“The local government may grant the concession only by—
  - a) a resolution granting the concession to a stated ratepayer; or
  - b) if the concession is of a type mentioned in section 121(a) or (b)—a resolution granting the concession to a ratepayer who is a member of a stated class of ratepayers.”*
- (2) *The local government may make the resolution before the local government levies the rates or charges.*
- (3) *The local government may make a resolution under subsection (1)(a) only if the ratepayer has applied for the concession in a way accepted by the local government.*
- (4) *If the local government grants a concession by making a resolution under (1)(b), the concession may be granted only to the ratepayers whom the local government is satisfied are eligible for the concession.*
- (5) *The resolution may include conditions for granting the concession to the ratepayer.*
- (6) *Without limiting subsection (5), the conditions may include the following—
  - a) a condition requiring the ratepayer to show the local government particular information or documents or follow a procedure to be eligible for the concession.
  - b) a condition limiting the period for which the ratepayer is granted the concession.”*

### **Risk Management**

Financial Services and Corporate Governance Groups consulted in the amendment to this policy.

### **Financial**

There are no financial implications if the reference to “charges” is removed from the policy.

### **People**

There will be no change to ratepayer access to hardship relief or interaction with Council officers if the reference to “charges” is removed from this policy.

### **Environmental**

There are no environmental implications if the reference to “charges” is removed from the policy.

### **Social**

There are no social implications if the reference to “charges” is removed from the policy.

### **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**

- 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.



**CONSULTATION**

Consulted	Consultation Date	Comments/Actions
Chief Financial Officer Group Manager Corporate Governance Governance Service Manager Service Manager Financial Operations	2 February 2019	Meeting to review policy and administrative responsibility.
Governance Service Manager	18 February 2019	Feedback regarding policy amendments.
Chief Financial Officer	4 March 2019	Consult on policy review and report content.
Service Manager Financial Operations	4 March 2019	Review of report content.

**OPTIONS****Option One**

That Council resolves to adopt the revised Corporate Policy *POL-3120 Discounts and Waivers of Fees and Infringements*.

**Option Two**

That Council requests more information on, or changes to the revised Corporate Policy *POL-3120 Discounts and Waivers of Fees and Infringements*.

**OFFICER'S RECOMMENDATION**

**That Council resolves to adopt the revised Corporate Policy *POL-3120 Discounts and Waivers of Fees and Infringements*.**

# policy document



## Corporate POL-3120

### Discounts and Waivers of Fees and Infringements

#### Head of Power

- *Local Government Act 2009*
- Redland City Council Corporate Plan 2018-2023

#### Policy Objective

The objective of this Policy is to provide a framework to facilitate appropriate discounting and waivers of Council fees and infringements.

Note: this policy excludes:

- Community Service Obligations of Prescribed and Significant Businesses within Council (refer POL-2658).

#### Policy Statement

Council is committed to:

1. Considering requests to reduce or waive fees in accordance with established criteria and following established guidelines to ensure appropriate decision making, documentation and record keeping;
2. Considering requests to waive infringements through an appeal process, in accordance with established criteria and documented procedures as appropriate;
3. Providing discounts in certain circumstances, in accordance with approved guidelines;
4. Ensuring that there are clear written guidelines, procedures and record keeping for the application of discounts and waivers; and
5. In circumstances outside of established guidelines, providing an avenue for review through the Chief Executive Officer (CEO) to facilitate the waiver of fees, fines or orders in exceptional circumstances for a stated class of ratepayers i.e. those experiencing hardship, noting that the exceptional circumstances guideline is not an appeal mechanism, but reserved for situations of genuine exceptional circumstances, for which the applicant may be required to produce particular information or documents to be eligible for consideration. This is clearly defined in the *Local Government Regulation 2012* (s122), and delegated to the CEO.

#### Related Documents

- GL-3120-001 Fees and Waivers Relating to Development Applications
- GL-3120-002 Fees Discounts
- GL-3120-003 Fees Waivers
- GL-3120-004 Creative Arts, Redland Community Arts and Cultural Development Program
- GL-3120-005 Discounts and Waivers of Infringement Notices
- GL-3120-006 Exceptional Circumstances Waiver Guideline

Department: Organisational Services  
Group: Financial Services  
Approved by:  
Date of Approval:

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Effective date: 22 February 2017  
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## Corporate POL-3120

### Version Information

Version number	Date	Key Changes
1	23 November 2016	New policy
2	22 February 2017	Minor amendment to statement 5 – including reference to “a stated class of ratepayers” as required by the <i>Local Government Regulation 2012</i>
3	14 February 2019	Removal of charges Inclusion of related documents Inclusion of exclusions to this Policy Update reference to Corporate Plan 2018-2023 Move administration of policy from the Corporate Governance Group to the Financial Service Group

**Department:** Organisational Services  
**Group:** Financial Services  
**Approved by:**  
**Date of Approval:**

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**Effective date:** 22 February 2017  
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## 12.4 AMENDED LOCAL LAW MAKING PROCESS INCORPORATING NEW COMMUNITY ENGAGEMENT PROCESS

### 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. Local Law Making Process [↓](#)

### PURPOSE

The purpose of this report is to recommend Council adopt the amended process specified in the document titled “Local Law Making Process” (Attachment 1).

The amendments to the Local Law Making Process reflect best practice for community engagement in line with the IAP2 Public Participation Spectrum.

### BACKGROUND

Under the *Local Government Act 2009* (the Act), section 29(1) local law making process; provides that a local government may decide its own process for making local law to the extent that the process is not inconsistent with the Act.

On 17 April 2017 Council adopted a local law making process, developed in consultation with King and Company Solicitors and Council’s Strategy and Governance Unit. This process complied with the framework required by the Act, promoting best practice and transparent process in the development of local laws.

Since the adoption of the Local Law Making Process in 2017, changes in best practice for community engagement as well as analysis of recent community engagement exercises have warranted amendments to this document to ensure a current and effective process is adopted.

### ISSUES

Council’s local law making process has been updated in consultation with Minter Ellison Solicitors who have provided advice that the amendments continue to ensure the principles underpinning the *Local Government Act 2009*, section 4 are upheld, these include transparent and effective processes and decision making in the public interest.

The *Local Government Act 2009* provides power for local governments to make and enforce local laws for the good rule and government of its local government area. The Act provides an outcome based framework on how local governments are to make their local laws and allows a local government to develop its own detailed process within this framework.

By adopting a local law making process, Council can be confident that legislative requirements are being adhered to and that Ministerial evaluation of the process would result in an acceptable standard being met. The process provides a framework for an ethical and transparent practice for implementing or amending local laws. This ensures consistency with State legislation and guidelines and promotes a well-informed community contributing to decision making through consultation.

Amendments to the current process are detailed in the below table:

Section/Page (based on updated process)	Amendment Details	Reason for Amendment
All Step Numbers	Updated due to inclusion of new steps and deletion of steps.	Administrative
Part A	Removal of (b) which advised that the process did not apply to interim local laws.	Administrative
Part C, Step 1	Changed wording to reflect the wording used in Council resolutions and added section on resolving to adopt community consultation plan.	Administrative
Part C, Step 2	Repositioned to reflect correct order of steps.	Administrative
Part C, Step 3	Removed existing community consultation steps and replaced with provision for individual community engagement plans for each proposed change.	Administrative
Part C, Step 4	Added comment indicating community engagement and State interest checking can run concurrently.	Administrative
Part C, Step 5	Update requirements for a properly made submission.	Administrative
Part D, Step 1	Changed wording to reflect the wording used in Council resolutions and added section on resolving to adopt community consultation plan.	Administrative
Part D, Step 2	Repositioned to reflect correct order of steps.	Administrative
Part D, Step 3	Removed existing community consultation steps and replaced with provision for individual community engagement plans for each proposed change	Administrative
Part D, Step 4	Update requirements for a properly made submission.	Administrative

## 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.

The *Legislative Standards Act 1992* defines the fundamental legislative principles for drafting local laws.

National Competition Policy guidelines provide the procedure prescribed by regulation where an anti-competitive provision is identified in the Local Law.

### Risk Management

Through adoption of the amended Local Law Making process, Council is mitigating risks in the following areas:

- Legislative requirements met
- Consistency with State laws and local government principles
- Transparency and community interest and consultation
- Good governance and best practice processes
- Meeting standards set by State Government

### Financial

The recommendation of this report provides no direct financial impact, however should Council elect to undertake any form of direct mailout for individual local law changes, the costs associated with this activity have not been included in operational budget and will need to be funded separately.

## People

The recommended amendments to Redland City Council Local Law Making Process will have no impact on staff resources.

## Environmental

There are no environmental implications.

## Social

There are no social implications.

## Alignment with Council's Policy and Plans

The proposed process for making local laws 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

Consulted	Consultation Date	Comments/Actions
Group Manager Corporate Governance	January – February 2019	Review of finalised Local Law Making Process
Governance Service Manager	January – February 2019	Provided input into the revised document, ensured Governance principles were maintained. Reviewed finalised Local Law Making Process.
Policy and Local Laws Co-Ordinator	January – February 2019	Worked with communications and Governance Service Manager to develop new process. Ensured legislative principles were adhered to.
Senior Adviser Strategic Communication	January – February 2019	Provided subject matter expertise into community engagement and reviewed draft Local Law Making Process.
Senior Adviser Community Engagement	January – February 2019	Provided subject matter expertise into community engagement and reviewed draft Local Law Making Process.
Elected Representatives	January – February 2019	Workshop held 22 January 2019 to discuss potential changes.
Minter Elisson	February 2019	Reviewed draft Local Law Making Process and provided legal advice as to the processes adherence to legislation.

## OPTIONS

### Option One

That, under section 29(1) of the *Local Government Act 2009*, Council resolves to amend its process for making each local law of Council as specified in the document titled "Local Law Making Process" as attached.

### Option Two

That Council resolves, for the purposes of section 29(1) of the *Local Government Act 2009* not to adopt the process specified in the document titled "Local Law Making Process" as attached.

## OFFICER'S RECOMMENDATION

**That, under section 29(1) of the *Local Government Act 2009*, Council resolves to amend its process for making each local law of Council as specified in the document titled "Local Law Making Process" as attached.**



## LOCAL LAW MAKING PROCESS

### **Part A—Introduction**

For the purposes of section 29(1) of the *Local Government Act 2009*, the local government's process for making each local law of the local government is the process detailed below.

The process—

- (a) applies to the making of—
  - (i) each local law that incorporates a model local law; and
  - (ii) each local law that is a subordinate local law; and
  - (iii) each other local law; but
- (b) does not apply to a local law that is an interim local law.

### **Part B—Making a local law that incorporates a model local law**

The process (model local law making process) stated in this Part B must be used to make a local law that incorporates a model local law into the local laws of the local government.

- Step 1 — By resolution, propose to incorporate the model local law.
- Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- Step 3 — If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law—amend or repeal the existing local law so that there is no inconsistency.
- Step 4 — By resolution, incorporate the model local law.
- Step 5 — Let the public know that the local law has been made, by publishing notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 6 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 7 — Within 14 days after the notice is published in the gazette, give the Minister—

- (a) a copy of the notice; and
- (b) a copy of the local law in electronic form; and
- (c) if the local law contains 1 or more anti-competitive provisions—
  - (i) advice of each anti-competitive provision; and
  - (ii) the reasons for their inclusion.

Step 8 — Update the local government's register of its local laws.

### **Part C—Making an “other” local law**

The process (other local law making process) stated in this Part C must be used to make a local law (a proposed local law) other than—

- (a) a model local law; or
- (b) an interim local law; or
- (c) a subordinate local law.

Step 1 — By resolution, propose to make the proposed local law.

Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.

Step 3 — Undertake community engagement about the proposed local law for at least 21 days. A community engagement plan will be presented to Council for each proposed local law, outlining:

- (a) the nature of the engagement;
- (b) the period of engagement and the first and last days of the period;
- (c) where notice of the proposed local law will be displayed or published;
- (d) the information that will generally be stated about the proposed local law in any notice; and
- (e) where the proposed local law will be available for inspection or purchase.

If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, and the amendment doesn't affect an anti-competitive provision the local government may proceed to step 7 without satisfying any of steps 3 to 6 inclusive.

Step 4 — By resolution, decide whether to –

- (a) Proceed with the community engagement plan as presented; or
- (b) Proceed with the community engagement plan with amendments; or
- (c) Not proceed with the community engagement plan.



- Step 5 — If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 3, and this step 5, may be undertaken contemporaneously.
- Step 6 — Accept and consider every submission properly made to the local government.
- A submission is properly made to the local government if it —
- (a) is the written submission of any person about the proposed local law; and
  - (b) provides—
    - (i) their position on the proposed local law; and
    - (ii) the reasons relied on in support of the position; and
  - (c) is received by the local government on or before the last day of the consultation period; and
  - (d) includes the name and address of the person making the submission.
- Step 7 — By resolution, decide whether to—
- (a) proceed with the making of the proposed local law as advertised; or
  - (b) proceed with the making of the proposed local law with amendments; or
  - (c) make the proposed local law as advertised; or
  - (d) make the proposed local law with amendments; or
  - (e) not proceed with the making of the proposed local law.
- If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —
- (a) consult with the public at step 3; and
  - (b) accept and consider every submission properly made to the local government at step 6.
- For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.
- Step 8 — Let the public know that the local law has been made, by publishing notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.

- Step 9 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 10 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
  - (b) a copy of the local law in electronic form; and
  - (c) if the local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 11— Update the local government's register of its local laws.

#### **Part D—Making a subordinate local law**

The process (subordinate local law making process) stated in this Part D must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use steps 1 to 6 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorising law is made if—

- (a) in making the proposed authorising law, the local government has to satisfy—
  - (i) the model local law making process; or
  - (ii) the other local law making process; and
- (b) if the proposed authorising law is made under the other local law making process— the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 3 of the other local law making process is published.

For the avoidance of doubt, a subordinate local law made by the local government using the process detailed in this Part D may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the *Local Government Regulation 2012*, the competition policy guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website.

- Step 1 — By resolution, propose to make the proposed subordinate local law.
- Step 2 — Undertake a community engagement about the proposed subordinate local law for at least 21 days. A community engagement plan will be presented to

Council for each proposed local law, outlining:

- (a) the nature of the engagement;
- (b) the period of engagement and the first and last days of the period;
- (c) where notice of the proposed local law will be displayed or published;
- (d) the information that will generally be stated about the proposed local law in any notice; and
- (e) where the proposed local law will be available for inspection or purchase.

If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 6 without satisfying any of step 2 to step 5 inclusive.

Step 3 — By resolution, decide whether to –

- (a) Proceed with the community engagement plan as presented; or
- (b) Proceed with the community engagement plan with amendments; or
- (c) Not proceed with the community engagement plan.

Step 4 — If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 4, may be undertaken contemporaneously.

Step 5 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it—

- (a) is the written submission of any person about the proposed subordinate local law; and
- (b) provides—
  - (i) their position on the proposed subordinate local law; and
  - (ii) the reasons relied on in support of the position; and
- (c) is received by the local government on or before the last day of the consultation period; and
- (d) Includes the name and address of person making the submission.

Step 6 — By resolution, decide whether to—

- (a) proceed with the making of the proposed subordinate local law as advertised; or
- (b) proceed with the making of the proposed subordinate local law with amendments; or

- (c) make the proposed subordinate local law as advertised; or
- (d) make the proposed subordinate local law with amendments; or
- (e) not proceed with the making of the proposed subordinate local law.

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 2; and
- (b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

- Step 7 — Let the public know that the subordinate local law has been made, by publishing notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 8 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office.
- Step 9 — Within 14 days after the notice is published in the gazette, give the Minister—
  - (a) a copy of the notice; and
  - (b) a copy of the subordinate local law in electronic form; and
  - (c) if the subordinate local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 10 — Update the local government's register of its local laws.

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## 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 10.02.2019 to 23.02.2019 [↓](#)

#### 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 10.02.2019 to 16.02.2019

### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0280	Dwelling house	Mr Nathan Henderson	36 Cumming Parade Point Lookout QLD 4183	Code Assessment	15/02/2019	NA	Development Permit	2
RAL18/0147	Standard Format 1 into 2	John and Iris Casey	106 Passage Street Cleveland QLD 4163	Code Assessment	15/02/2019	NA	Development Permit	2
CAR18/0485	Design and Siting - Carport	Fluid Building Approvals	1 Bellenden Court Victoria Point QLD 4165	Referral Agency Response - Planning	15/02/2019	NA	Approved	4
CAR18/0490	Amenity and Aesthetics - Shipping Container	The Certifier Pty Ltd	11 Ilya Street Macleay Island QLD 4184	Referral Agency Response - Planning	12/02/2019	NA	Approved	5
CAR19/0017	Amenity and Aesthetics	David Wright Properties	11 Ray Street Macleay Island QLD 4184	Referral Agency Response - Planning	13/02/2019	NA	Approved	5
RAL18/0111	Reconfiguring a Lot - Standard Format - 1 into 3 lots	Betty Boop Investments Pty Ltd	38-40 Bay Street Redland Bay QLD 4165	Code Assessment	12/02/2019	NA	Development Permit	5
DBW18/0030	Secondary Dwelling and Ancillary Structures	Casey Jackson Homes Pty Ltd	31 Peach Tree Close Alexandra Hills QLD 4161	Code Assessment	15/02/2019	NA	Development Permit	7

## Decisions Made under Delegated Authority 10.02.2019 to 16.02.2019

### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
RAL18/0145	Change to Development Approval - SB004126 Standard Format Reconfiguration - 3 lots	Christopher J QUIN John Paul NOGASKI Site Town Planning Sylvia Jean NOGASKI	31 Peach Tree Close Alexandra Hills QLD 4161	Minor Change to Approval	13/02/2019	NA	Approved	7
RAL18/0146	Standard Format 1 into 2	Jeanette Macel HOLLINSHEAD Mark Gee HOLLINSHEAD	9 Cranford Street Birkdale QLD 4159	Code Assessment	12/02/2019	NA	Development Permit	8
CAR18/0496	Design and Siting - Domestic Additions	Strickland Certification Ply Ltd	22 Callaghan Way Capalaba QLD 4157	Referral Agency Response - Planning	15/02/2019	NA	Approved	9
RAL18/0148	Standard Format - 1 into 2	Lees Property Investment Trust	2 Jupiter Street Capalaba QLD 4157	Code Assessment	13/02/2019	NA	Development Permit	9
RAL19/0005	Extension to Currency Period - ROL005872 - 1 into 2 Standard Format	Benjamin Andrew PARKER	31 Lynch Crescent Birkdale QLD 4159	Minor Change to Approval	12/02/2019	NA	Approved	10



## Decisions Made under Delegated Authority 10.02.2019 to 16.02.2019

### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU17/0145	Apartment Building x 9	Cleveland Starz Pty Ltd As Trustee	5 Michelle Court Cleveland QLD 4163	Code Assessment	13/02/2019	NA	Development Permit	2
OPW18/0156	Operational Works for RAL - 1 into 4 Lots	Civil And Water Design	30 Scott Street Cleveland QLD 4163	Code Assessment	14/02/2019	NA	Development Permit	2
MCU18/0218	Child Care Centre	Town Planning Alliance Adelaide East Pty Ltd	18-22 Beveridge Road Thorntlands QLD 4164	Impact Assessment	13/02/2019	NA	Development Permit	3
RAL19/0001	Extension to Currency Period	Redlands Business Park Urban Systems Pty Ltd	Redlands Business Park 678 German Church Road Redland Bay QLD 4165	Minor Change to Approval	15/02/2019	NA	Approved	6
RAL19/0002	Extension to Currency Period	Redlands Business Park	Redlands Business Park 678 German Church Road Redland Bay QLD 4165	Minor Change to Approval	15/02/2019	NA	Approved	6
OPW18/0157	Operational Works for RAL - Bulk Earthworks	Andiworth Pty Ltd	43-51 Kinross Road Thorntlands QLD 4164	Code Assessment	14/02/2019	NA	Development Permit	7
OPW002283	Development Works - Residential 4 Townhouses	Vanfrank Pty Ltd As Trustee	207-209 Birkdale Road Birkdale QLD 4159	SFA - 15 Day Compliance Assessment	12/02/2019	NA	Compliance Certificate Approved	10

## Decisions Made under Delegated Authority 17.02.2019 to 23.02.2019

### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0046	Design and Siting - Carport	Fastrack Building Certification	31 Redgrove Avenue Wellington Point QLD 4160	Referral Agency Response - Planning	19/02/2019	NA	Approved	1
OPW18/0112	Operational Works - Domestic Driveway Crossover	John STARIHA	3-7 Main Road Wellington Point QLD 4160	Code Assessment	20/02/2019	NA	Development Permit	1
CAR18/0499	Design and Siting - Carport	The Certifier Pty Ltd	1 Compass Court Cleveland QLD 4163	Referral Agency Response - Planning	19/02/2019	NA	Approved	2
CAR19/0018	Design and Siting - Dwelling House	Building Code Approval Group Pty Ltd	28 Cumming Parade Point Lookout QLD 4183	Referral Agency Response - Planning	19/02/2019	NA	Approved	2
CAR19/0024	Design and Siting - Dwelling House	The Certifier Pty Ltd	88A Channel Street Cleveland QLD 4163	Referral Agency Response - Planning	18/02/2019	NA	Approved	2
RAL19/0004	Extension to currency period - ROL006135	Building Code Approval Group Pty Ltd	10-12 Dell Street Cleveland QLD 4163	Minor Change to Approval	20/02/2019	NA	Approved	2
CAR19/0027	Design and Siting - Shed	Douglas Edwin BIRT	25 Highgrove Street Thornlands QLD 4164	Referral Agency Response - Planning	20/02/2019	NA	Approved	3
CAR19/0035	Design and Siting - Shed and Garaport	Titan Garages	25 Macadamia Street Victoria Point QLD 4165	Referral Agency Response - Planning	21/02/2019	NA	Approved	4

## Decisions Made under Delegated Authority 17.02.2019 to 23.02.2019

### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0011	Design and Siting - Deck & Carport	Gold Coast Building Approvals	11 Richardson Street Russell Island QLD 4184	Referral Agency Response - Planning	18/02/2019	NA	Approved	5
CAR19/0012	Design and Siting - Deck and Carport	Gold Coast Building Approvals	10 Banksia Street Russell Island QLD 4184	Referral Agency Response - Planning	19/02/2019	NA	Approved	5
CAR19/0021	Design and Siting - Dwelling House	Mr Martyn W Osborn	20 Patterson Street Russell Island QLD 4184	Referral Agency Response - Planning	18/02/2019	NA	Approved	5
CAR19/0023	Design and Siting - Dwelling House	Martyn W OSBORN	36 Crescent Drive Russell Island QLD 4184	Referral Agency Response - Planning	19/02/2019	NA	Approved	5
CAR19/0031	Design and Siting - Dwelling House	Mr Paul Aldou	34 Tails Street Russell Island QLD 4184	Referral Agency Response - Planning	22/02/2019	NA	Approved	5
CAR19/0032	Design and Siting - Dwelling	Bay Island Designs	23 Benowa Street Macleay Island QLD 4184	Referral Agency Response - Planning	18/02/2019	NA	Approved	5
CAR19/0039	Design and Siting - Dwelling	Gold Coast Building Approvals	27 Mountain View Crescent Russell Island QLD 4184	Referral Agency Response - Planning	22/02/2019	NA	Approved	5
CAR19/0040	Design and Siting - Dwelling House	Applied Building Approvals	13 Byron Street Russell Island QLD 4184	Referral Agency Response - Planning	21/02/2019	NA	Approved	5

## Decisions Made under Delegated Authority 17.02.2019 to 23.02.2019

### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0044	Design & Siting - Dwelling House	Applied Building Approvals	22 Cowderoy Drive Russell Island QLD 4184	Referral Agency Response - Planning	22/02/2019	NA	Approved	5
CAR18/0369	Build Over or Near Relevant Infrastructure	Nauszika FARKAS	104 Vienna Road South Alexandra Hills QLD 4161	Referral Agency Response - Engineering	20/02/2019	NA	Approved	7
CAR18/0509	Design and Siting - Shed	Fluid Approvals	19 Abelia Street Alexandra Hills QLD 4161	Referral Agency Response - Planning	21/02/2019	NA	Approved	8
CAR19/0028	Design and Siting - Build over or near infrastructure - Shed	Titan Enterprises (Qld) Pty Ltd	1 Riaweena Street Thorneside QLD 4158	Referral Agency Response - Planning	20/02/2019	NA	Approved	10

## Decisions Made under Delegated Authority 17.02.2019 to 23.02.2019

### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0291	Change to Development Approval MCU012366 Apartment Units x 8	Taila Made Developments	347 Main Road Wellington Point QLD 4160	Minor Change to Approval	22/02/2019	NA	Approved	1
OPW18/0161	Prescribed Tidal Works	Gary Wolfe Properties Pty Ltd As Trustee	7 Grenoble Place Ormiston QLD 4160	Code Assessment	22/02/2019	NA	Development Permit	1
OPW18/0169	Operational Works for RAL - 1 into 2 Lots	M and C Chan Services Pty Ltd	4 Owen Street Wellington Point QLD 4160	Code Assessment	22/02/2019	NA	Development Permit	1
OPW18/0164	Prescribed Tidal Works - Pontoon	John ELLERS Natalia KARAVULAVA	41 Masthead Drive Cleveland QLD 4163	Code Assessment	20/02/2019	NA	Development Permit	2
OPW18/0168	Prescribed Tidal Works - Pontoon System	Elizabeth THOMAS Young Mens Christian Association Brisbane Incorporated Urban Strategies Pty Ltd	38 Raby Bay Boulevard Cleveland QLD 4163	Code Assessment	22/02/2019	NA	Development Permit	2
MCU18/0219	Education Facility		YMCA Victoria Point 126-128 Link Road Victoria Point QLD 4165	Code Assessment	19/02/2019	NA	Development Permit	4
MCU18/0286	Extension to Currency Period MC012237 - Apartment Building x 30	Mr Ian C Gordon Lago Constructions	143-147 Esplanade Redland Bay QLD 4165	Minor Change to Approval	22/02/2019	NA	Approved	5
MCU19/0007	Change to Development Approval - MC008145 Shopping Centre	Fox & Bell Pty Ltd	17 Bunker Road Victoria Point QLD 4165	Minor Change to Approval	19/02/2019	NA	Approved	6
CAR18/0419	Design and Siting - Carport	Gary John SHEPHERDSON	15 Platypus Court Capalaba QLD 4157	Referral Agency Response - Engineering	18/02/2019	NA	Approved	9

## Decisions Made under Delegated Authority 17.02.2019 to 23.02.2019

### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0242	Showroom, Outdoor Sales, Low Impact Industry	Barton Holdings Pty Ltd Consult Planning	103 Redland Bay Road Capalaba QLD 4157	Code Assessment	21/02/2019	NA	Development Permit	9
OPW18/0167	Operational Works for RAL - 1 into 3	ADG Engineers (Australia) Pty Ltd	50 Larbonya Crescent Capalaba QLD 4157	Code Assessment	22/02/2019	NA	Development Permit	9

## 13.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS AS AT 21 FEBRUARY 2019

### Objective Reference:

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

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

**Report Author:** Christy Englezakis, Senior Appeals Planner

**Attachments:** Nil

### PURPOSE

The purpose of this report is for Council to note the current development and planning related appeals and other related 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 &amp; ENVIRONMENT COURT APPEALS

<b>1.</b>	<b>File Number:</b>	CA11075/17 (MCU013296)
<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>Applicant:</b>		<b>Australian Innovation Centre Pty Ltd</b>
<b>Application Details:</b>		Reconfiguring a Lot (1 into 22 lots and park) at 289-301 Redland Bay Road, Thornlands (Lot 5 on RP14839)
<b>Appeal Details:</b>		Deemed refusal appeal
<b>Current Status:</b>		Appeal filed 23 November 2017. On 31 January 2018 Council solicitors notified the parties that it opposed the proposed development. Mediation was held on 6 March 2018. A review was held on 27 February 2019. A further without prejudice meeting is to be held prior to 12 April 2019. The matter is set down for a further review on 17 April 2019.

<b>3.</b>	<b>File Number:</b>	Appeal 461 of 2018 (MCU013977)
<b>Applicant:</b>		<b>Robyn Edwards and Ronald Edwards</b>
<b>Proposed Development:</b>		Material Change of Use for an Undefined Use (Rooming Accommodation) at 41 Ziegenfusz Road, Thornlands (Lot 291 on RP801793)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed 8 February 2018. A Directions Order was set down on 27 April 2018 detailing a timetable for the proceedings. Mediation was held on 31 May 2018. A review was held on 25 January 2019. The matter has been set down for a hearing in June 2019. Council resolved to settle the appeal on 6 February 2019.

<b>4.</b>	<b>File Number:</b>	Appeal 894 of 2018 (MCU013921)
<b>Applicant:</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 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. Mediation was held on 3 December 2018. The Joint Expert Report of Town Planners was completed 16 February 2018. A further without prejudice mediation is to be held on 19 March 2019 (rescheduled from 1 March 2019). The matter is set down for review on 21 March 2019.



<b>5.</b>	<b>File Number:</b>	Appeal 1506 of 2018 (MCU17/0149)
<b>Applicant:</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 and 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. A without prejudice meeting was held on 29 October 2018. A pre-call over review was held on 20 February 2019. A further review was held on 21 February 2019. A further review is to be held on 21 March 2019.

<b>6.</b>	<b>File Number:</b>	Appeal 2142 of 2018 (MCU013782)
<b>Applicant:</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. A without prejudice meeting was held on 19 July 2018. Appeal is adjourned until 18 April 2019.

<b>7.</b>	<b>File Number:</b>	Appeal 2171 of 2018 (ROL006209)
<b>Applicant:</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 Preliminary Approval
<b>Current Status:</b>		Appeal filed on 13 June 2018. Mediation was held on 29 June 2018. A second mediation was held on 2 October 2018. A third mediation was held on 22 October 2018. A further mediation is scheduled for 13 March 2019.

<b>8.</b>	<b>File Number:</b>	Appeal 2519 of 2018 (MCU17/0123)
<b>Applicant:</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. A second mediation was held on 17 January 2019. A third mediation was held on 25 January 2019. Council resolved to settle the appeal on 20 February 2019. The matter was set down for hearing on 25 February 2019. On Day 1 of the hearing, the appellant made a minor change application to the Court, seeking approval of the plans agreed upon by Council and the appellant. The Court approved the minor change application. The co-respondent also agreed to settle the appeal with the appellant, resolving the appeal. A final review is scheduled for 13 March 2019, for final orders to conclude the appeal.

<b>9.</b>	<b>File Number:</b>	Appeal 3344 of 2018 (ROL006039)
<b>Applicant:</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 SP164042)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 12 December 2018. A directions hearing was held on 28 September 2018. Mediation was held on 8 November 2018. A review was held on 29 January 2019. Council resolved to settle the appeal on 20 February 2019. An adjournment was sought on 22 February 2019 and was approved by the Court. A further review is to be held on 7 March 2019, at which the appellant will seek the Court's approval for the minor change. The appellant and Council are currently finalising the conditions package and a further review will be held on 15 March 2019 to seek final orders to bring the matter to a close.

<b>10.</b>	<b>File Number:</b>	Appeal 135 of 2018 (MCU013917)
<b>Applicant:</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.

<b>11.</b>	<b>File Number:</b>	Appeal 4270 of 2018 (MCU013936)
<b>Applicant:</b>		<b>Landmark Homes</b>
<b>Proposed Development:</b>		Material Change of Use for a Dwelling House 10 Water Street, Cleveland (Lot 57 on RP1691)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 29 November 2018. A without prejudice meeting was held on 21 February 2019. A directions hearing was held on 27 February 2019, at which the court made orders requiring the parties' experts to produce a joint expert report by 3 April 2019. A further without prejudice meeting is required to be held before 17 April 2019. A further review is scheduled for 24 April 2019.

### APPEALS TO THE QUEENSLAND COURT OF APPEAL

<b>12.</b>	<b>File Number:</b>	Appeal 8114 of 2018 (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 APPEALS AND OTHER MATTERS

No current matters.

**OFFICER'S RECOMMENDATION**

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

### 13.3 RAL18/0115 - 195-199 DELANCEY STREET, ORMISTON - SCHEDULE 11 REQUEST - KOALA HABITAT VALUE REPORT

**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment**Report Author:** Frances Eastall, Planning Officer**Attachments:**

1. [Ground Truthed Koala Habitat Value Map](#) ↓
2. [Ecology Report](#) ↓

**PURPOSE**

This proposal seeks to amend the habitat classification on Lot 11 on RP55933 (195-199 Delancey Street, Ormiston) from Medium Value Bushland Habitat to Rehabilitation Habitat through a request under Schedule 11 Part 4 of the *Planning Regulation 2017*. It is referred to Council for determination.

**BACKGROUND**

An application for reconfiguring a Lot (1 into 2) at 195-199 Delancey Street, Ormiston, was lodged with Council on 26/09/2018. As part of this application, the applicant has lodged a request to reclassify the koala habitat from Medium Value Bushland Habitat to Rehabilitation Habitat. The request is made under Schedule 11, Part 4 of the *Planning Regulation 2017*. The request has been lodged by DTS Group Pty Ltd on behalf of Bullfrog Constructions Pty Ltd. The owners of the property are Ms Jodie Lee Birleson and Mr Nathan James Parker.

**ISSUES****Site & Locality**

The subject site is zoned Environmental Protection (Redlands Planning Scheme 2006 zoning) and currently contains a dwelling house and ancillary domestic outbuildings. The site has a dual access from Delancey Street at the northern and southern ends of the front boundary.

The front part of the site consists mainly of non-native landscape vegetation and two (2) mature koala habitat trees (identified as Trees 86 – *Eucalyptus tereticornis* and 87 – *Corymbia intermedia*). The rear of the property is heavily vegetated and contains a number of regrowth native trees that are scattered throughout the area dominated by *Melaleuca quinquenervia* (broad-leaved paperbark), with *Eucalyptus tereticornis* (Queensland blue gum), *E. siderophloia* (grey ironbark), *Corymbia intermedia* (pink bloodwood), *Allocasuarina littoralis* (black she-oak), *Angophora leiocarpa* (smooth-barked apple) and *Acacia disparrima* (hickory wattle), in order of decreasing abundance.

The surrounding area directly to the north and adjacent to the west is zoned Urban Residential containing a mix of developed and undeveloped lots of varying sizes, some containing single dwellings and some containing multiple dwellings. Directly to the south and east lots are zoned Environmental Protection of a similar size with a smaller Environmental Protection zoned lot further south, both containing dwellings and ancillary structures, and a large Conservation zoned lot (owned by Council) is further to the south. A Community Purpose zoned lot is located adjacent to the north west containing a church and an Open Space zoned lot to the south west is currently vacant (owned by Ormiston College).

The site slopes from the front boundary toward the middle part of the site and then slopes up to the rear boundary. A drainage area runs through the middle/rear part of the site which accommodates natural overland flow toward Sturgeon Street.

The site contains the Acid Sulfate Soils Overlay, Bushfire Hazard Overlay, Flood Prone, Storm Tide and Drainage Constrained Land Overlay, Habitat Protection Overlay and the Waterways, Wetlands and Moreton Bay Overlay.

**Mapping/Aerials**

As shown in Figure 1 below, the State’s Koala Habitat Mapping shows the site being affected by the Medium Value Bushland (green) and Low Value Other (yellow) designations. Surrounding designations are Low Value Other (yellow), Low (light pink) and Medium Value (darker pink) Rehabilitation.

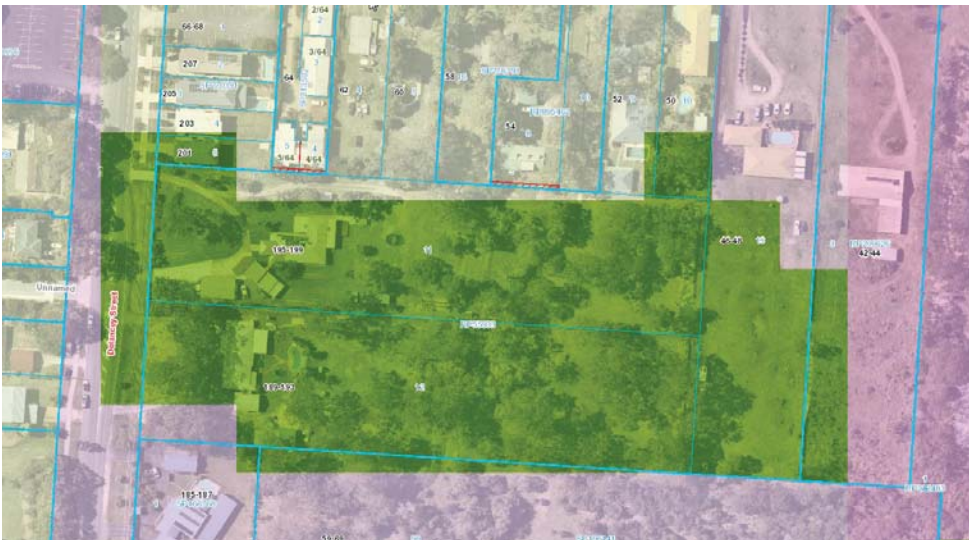


Figure 1 – Koala Habitat mapping

Figures 2 – 4 show a photographic montage of the site over the past 20 years. As can be seen, vegetation at the front of the site has diminished due to further development of the site and the construction of driveways and other structures.



Figure 2 – 1998 aerial photograph



Figure 3 – 2009 aerial photograph



Figure 4 – 2018 aerial photograph

### **Proposed Changes**

The applicant has applied to Council to have the koala habitat reclassified through Schedule 11, Part 4 of the *Planning Regulation 2017* as part of the reconfiguring a lot application. The relevant section states that:

- (1) *This section applies in relation to a development application to which section 4, 5, 6 or 7 applies, if a part of the premises is in a following area (each a koala habitat classification area)—*
  - (a) *a bushland habitat area;*
  - (b) *a rehabilitation habitat area;*
  - (c) *an area of koala habitat value;*
  - (d) *an area unsuitable for koalas.*
- (2) *The applicant may, in writing, request that the assessment manager decide that, for assessing and deciding the development application, the part is taken to be in a different koala habitat classification area.*
- (3) *The request must be accompanied by a report, prepared by an appropriately qualified person, about the koala habitat value of the part.*

The applicant's request asserts that the area at the front of site identified as Medium Value Bushland is more characteristic of 'Rehabilitation Habitat' and has provided an ecological report prepared by Green Tape Solutions in support of the request.

The applicant requests that the Schedule 11 mapping be amended to 'Rehabilitation Habitat' as a site assessment has determined that the site is incorrectly mapped as 'Medium Value Bushland' for the following reasons (refer Attachment 2 Ecology Report for photos referred to below):

- *"No sightings or evidence of the presence of koalas (such as scats or scratches) was observed within the site.*
- *With the exception of two mature koala habitat trees (identified as Trees 86 – Eucalyptus tereticornis and 87 – Corymbia intermedia in Figure 1), vegetation within the front portion of the site consists of non-native landscape vegetation associated with the residential dwelling (Plate 1).*
- *The rear of the site supports regrowth native vegetation dominated by Melaleuca quinquenervia (broad-leaved paperbark), with Eucalyptus tereticornis (Queensland blue gum), E. siderophloia (grey ironbark), Corymbia intermedia (pink bloodwood), Allocasuarina littoralis (black she-oak), Angophora leiocarpa (smooth-barked apple) and Acacia disparrima (hickory wattle) in order of decreasing abundance. This native vegetation community lacks structural and floristic diversity due to the lack of shrub layer and disturbance to the ground layer, which is regularly maintained by slashing (Plate 2).*
- *Native vegetation on the site does not form an intact native vegetation community and does not conform to a remnant regional ecosystem under the Queensland Regional Ecosystem Framework.*
- *Existing vegetation does not contribute to a significant waterway or ecological corridor on the site. The site is not directly connected to any surrounding areas of intact koala bushland habitat, with lots to the immediate east of the site (46 and 44 Sturgeon Street) completely lacking native canopy vegetation. Vegetation within the rear portion of the site, and that on the adjacent lot to the south (Lot 12 on RP55933 at 189 - 193 Delancey Street) does currently provide limited connectivity to Dundas Street Bushland Reserve to the south, however due to surrounding development on the northern side of the site, this vegetation forms a 'dead end', with no through connectivity available to the north (Appendix 1).*
- *The context of the site within surrounding urban development currently presents a barrier to koala movement and dispersal through the presence of road and rail infrastructure, fencing and presence of domestic pets.*
- *The broader area may support a koala population, as demonstrated by the number of koalas recorded within 2 km of the site retrieved from the WildNet database (Appendix 2). However, the site is not considered likely to be regularly utilised by koalas due to the existing barriers to movement and does not support bushland habitat, or optimal resources and opportunities for food, shelter, movement or dispersal."*

The report also states that based on the above findings, that the "current values do not meet the lower koala habitat classification area being an area unsuitable for koalas" and "given that vegetation within the rear portion of the site does currently provide limited connectivity to Dundas Street Bushland Reserve to the south, it is contended that the site provides medium rehabilitation values".

### **Assessment**

In assessing the request it is important to understand how the Regulation describes each of the habitat types. These definitions and an assessment of how the subject area aligns with these classifications is provided below.

**Bushland Habitat** is defined as land that:

- (i) is 2ha or more, or less than 2ha but within 50m of bushland; and
- (ii) contains mainly forested areas of native vegetation, including areas ranging from closed canopy forest to open woodland; and
- (iii) contains a variety of trees of the *Eucalyptus* genus typically used by koalas for food, shelter, movement or dispersal; and
- (iv) is not a plantation forest.

In response, the site does not contain or form part of a habitat area of 2 hectares or more but does adjoin bushland on the neighbouring lot to the south, which contains scattered trees and areas of grass and bare surfaces. Whilst there are multiple native species (and numerous exotic) identified over the eastern portion of the site, they are scattered with areas of grass and bare surfaces. Apart from this, the nearest bushland habitat towards the east is approximately 125m away on the other side of a busy arterial road and approximately 280m away to the south, which is also separated from the site by a road (refer to figure 5 below). The western portion of the site cannot be described as 'forested areas' as the vegetation over this part of the site is very sparse due to the location of the existing dwelling house, outbuildings and the driveways. There is no closed canopy or vegetation that could be described as open woodland over the western portion of the site and the two koala habitat trees present in this area are not in close proximity to other trees on adjoining lots. The eastern portion of the site does contain a variety of vegetation including koala habitat trees, however overall the site does not fully represent an area of bushland habitat due to the scattered nature of the vegetation and its fragmentation from other bushland areas. The site is clearly not a plantation forest.

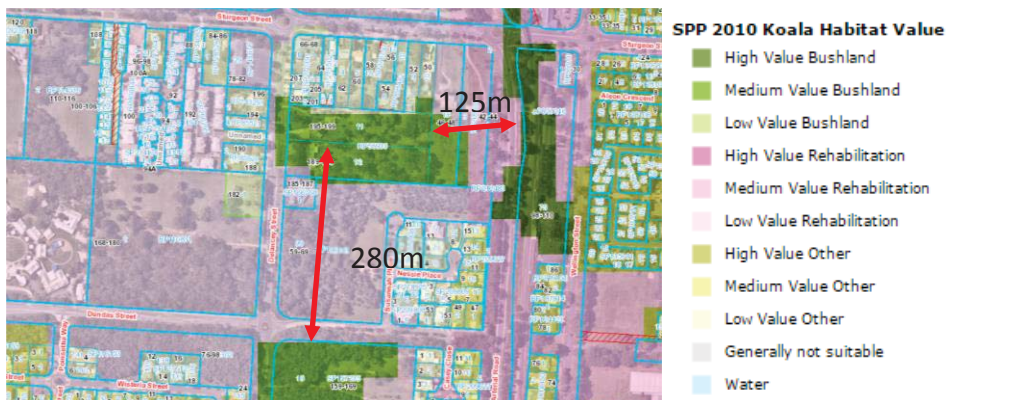


Figure 5 – The location of bushland habitat to the east and south of the site.

For these reasons, it is considered that the area identified as Medium Value Bushland is not characteristic of this habitat type.

The *Planning Regulation 2017* defines **Rehabilitation Habitat**:

- (i) is on a lot of 0.5ha or more; and
- (ii) contains native vegetation as forested areas, scattered trees, areas of grass and bare surfaces; and
- (iii) contains trees that koalas typically use for food or shelter; and
- (iv) allows for the movement and dispersal of koalas; and
- (v) allows for genetic exchange between koalas.

The site is more than 0.5ha and contains numerous trees that koalas typically use for food and shelter on the eastern portion of the site, which demonstrates consistency with (i), (ii) and (iii). The western portion of the site contains vegetation, however as noted above, apart from the two



koala habitat trees, is generally sparse and for the most part dominated by exotic palms and other non native trees and shrubs. The only area of remotely contiguous native species is on the eastern portion of the site where a number of trees are located including *Melaleuca quinquenervia* (broad-leaved paperbark), *Eucalyptus tereticornis* (Queensland blue gum), *E. siderophloia* (grey ironbark), *Corymbia intermedia* (pink bloodwood), *Allocasuarina littoralis* (black she-oak), *Angophora leiocarpa* (smooth-barked apple) and *Acacia disparrima* (hickory wattle). The site can be described as containing scattered trees and forested areas and for this reason the site would be representative of Rehabilitation Habitat.

In terms of (iv) and (v), presently the eastern part of the site provides connectivity to the Dundas Street Bushland Reserve to the south, however to the north it is interrupted by development, there is limited vegetation directly to the east and koala movement into the site is limited due to barriers from surrounding urban development including roads, fencing, pools, domestic animals, etc.

The *Planning Regulation 2017* defines an **area unsuitable for koalas** as:

- (i) *contains mainly bare and impervious surfaces; and*
- (ii) *is separated from other areas of koala habitat; and*
- (iii) *contains a high level of threats for koalas; and*

*(Examples of areas that contain a high level of threats for koalas - areas containing transport infrastructure, industrial areas, major urban centres)*

- (iv) *is within an area of at least 10,000ha which generally does not contain koalas.*

In evaluating the site, whilst most of the site toward the western and middle part of the site is bare and contains the house, shed and driveways etc, the site is within a 10,000ha area which could potentially contain koalas and would therefore be inconsistent with this description. It is concluded therefore that the site does not align with the 'generally not suitable' categorisation.

Overall, it is considered that 'Rehabilitation Habitat' is the best fit habitat type for the subject site, which also aligns with the low and medium rehabilitation habitat designations to the south and east. It is recommended that the area currently classified as Medium Value Bushland Habitat on the site be re-classified as Medium Value Rehabilitation Habitat as requested by the applicant.

While Schedule 11 of the *Planning Regulation 2017* does not identify how Council determines the value assigned to the habitat classification, it is important for Council to consider the implications of the assigned value for any subsequent development application assessment against the criteria in Schedule 10 of the Regulation. In this regard, it is noted that offset planting is only required for medium and high value rehabilitation habitat, and not for low value rehabilitation habitat. It is considered appropriate that any unavoidable clearing of koala habitat on the site is offset in accordance with the *Environmental Offsets Act 2014*, and a medium value rehabilitation classification is therefore considered appropriate.

### **State Referral Agencies**

The request does not trigger any referrals.

### **Public Consultation**

The request does not require public notification.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The request has been assessed in accordance with the Schedule 11, Part 4 of the *Planning Regulation 2017*.

### Risk Management

There are no direct appeal rights to the Planning and Environment Court against a decision to approve or refuse a request under Schedule 11 of the *Planning Regulation 2017*. However, any party can commence declaratory proceedings to the Court against this decision of Council.

### Financial

Any party can commence declaratory proceedings to the Court against this decision of Council. Such proceedings would incur legal and court costs.

### People

Not applicable. There are no implications for staff.

### Environmental

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

### Social

There are no social issues associated with the request.

### Alignment with Council's Policy and Plans

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

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Environmental Assessment Team	16/01/2019	Agrees with request for reclassification to Medium Value Rehabilitation

## OPTIONS

### Option One

That Council resolves to approve the reclassification of the area on Lot 11 on RP55933, identified as Medium Value Bushland Habitat to Medium Value Rehabilitation Habitat, under Schedule 11, Part 4 of the *Planning Regulation 2017*.

### Option Two

That Council resolves to refuse the applicant’s request to re-classify the koala habitat designation on the site (reasons for refusal must be identified).

## OFFICER’S RECOMMENDATION

**That Council resolves to approve the reclassification of the area on Lot 11 on RP55933, identified as Medium Value Bushland Habitat to Medium Value Rehabilitation Habitat, under Schedule 11, Part 4 of the *Planning Regulation 2017*.**

ATTACHMENT 1 – GROUND TRUTHED KOALA HABITAT VALUES



*Green Tape Solutions**Quality, Integrity, Experience***Date:** 9 October 2018

The Assessment Manager  
Redlands City Council  
PO Box 21  
Cleveland QLD 4163

Dear Sir/Madam

**RE: Request about Koala habitat area – 195 – 198 Delancey Street, Ormiston**

In accordance with Schedule 11, Part 4 of the *Planning Regulation 2017* and on behalf of our client, Bullfrog Constructions, we write to request your consideration of koala habitat reclassification for the site at 195 – 199 Delancey Street, Ormiston.

**Background**

The site consists of a single parcel (Lot 11 on RP55933) with an area of 10,220 m<sup>2</sup> (1.02 ha) and is zoned as Environmental Protection (EP) under the Redlands Planning Scheme. Infrastructure present on the site consists of an existing dwelling house and associated outbuildings and structures. A drainage feature is located within the central portion of the site.

The property is bounded to the north by lots zoned as Urban Residential (UR1), EP and Open Space. To the immediate east and south, the property is bounded by similar residential acreage lots that are also zoned as EP. Road and rail infrastructure includes Delancey Street to the immediate west of the site; Sturgeon Street, approximately 115 metres to the north; the Northern Arterial Road (approximately 115 metres to the east) and the Shorncliffe Rail Line (approximately 150 metres to the west). Bushland reserves and parkland within the surrounding area include Dundas Street Bushland Reserve and Dundas Street Park, located approximately 50 metres to the south of the site.

The part of the site to which this request pertains is subject to the following relevant overlays:

- South East Queensland State Planning Policy (SPP), *Planning Act 2016* and Planning Regulation 2017:
  - Matters of State Environmental Significance (MSES) – Wildlife habitat;
  - The site is mapped within the Priority Koala Assessable Development Area (PKADA) under the *Planning Act 2016* with koala habitat values mapping - Bushland habitat area: Medium value bushland, Low value rehabilitation and Low value other.

**Ground-truthed Koala Habitat Values**

A site assessment was undertaken by a suitably qualified ecologist to investigate the ecological values of the site. This assessment determined that the site is incorrectly mapped as a medium value bushland habitat area. The results of this assessment are summarised as follows:

- No sightings or evidence of the presence of koalas (such as scats or scratches) was observed within the site.
- With the exception of two mature koala habitat trees (identified as Trees 86 – *Eucalyptus tereticornis* and 87 – *Corymbia intermedia* in Figure 1), vegetation within the front portion of the site consists of non-native landscape vegetation associated with the residential dwelling (Plate 1).

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Telephone: 07 5428 6372 | Email: [admin@greentapesolutions.com.au](mailto:admin@greentapesolutions.com.au)

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Plate 1 – Existing site vegetation within the front portion of the site.

- The rear of the site supports regrowth native vegetation dominated by *Melaleuca quinquenervia* (broad-leaved paperbark), with *Eucalyptus tereticornis* (Queensland blue gum), *E. siderophloia* (grey ironbark), *Corymbia intermedia* (pink bloodwood), *Allocasuarina littoralis* (black she-oak), *Angophora leiocarpa* (smooth-barked apple) and *Acacia disparrima* (hickory wattle) in order of decreasing abundance. This native vegetation community lacks structural and floristic diversity due to the lack of shrub layer and disturbance to the ground layer, which is regularly maintained by slashing (Plate 2).



Plate 2 – Existing site vegetation within the rear portion of the site.

- Native vegetation on the site does not form an intact native vegetation community and does not conform to a remnant regional ecosystem under the Queensland Regional Ecosystem Framework.

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- Existing vegetation does not contribute to a significant waterway or ecological corridor on the site. The site is not directly connected to any surrounding areas of intact koala bushland habitat, with lots to the immediate east of the site (46 and 44 Sturgeon Street) completely lacking native canopy vegetation. Vegetation within the rear portion of the site, and that on the adjacent lot to the south (Lot 12 on RP RP55933 at 189 - 193 Delancey Street) does currently provide limited connectivity to Dundas Street Bushland Reserve to the south, however due to surrounding development on the northern side of the site, this vegetation forms a 'dead end', with no through connectivity available to the north (**Appendix 1**).
- The context of the site within surrounding urban development currently presents a barrier to koala movement and dispersal through the presence of road and rail infrastructure, fencing and presence of domestic pets.
- The broader area may support a koala population, as demonstrated by the number of koala recorded within 2 km of the site retrieved from the WildNet database (**Appendix 2**). However, the site is not considered likely to be regularly utilised by koalas due to the existing barriers to movement and does not support bushland habitat, or optimal resources and opportunities for food, shelter, movement or dispersal.

**Proposed Koala Habitat Classification**

Based on the findings of the site assessment, we propose that the part of the site to which the current bushland habitat area designation applies be reclassified as 'rehabilitation habitat area'. This requested classification is based on the criteria given this classification in Schedule 11, Part 4 - Section 10, Subsection (1)(c), of the *Planning Regulation 2017*, in that the part:

- i. is on a lot of 0.5 ha or more; and
- ii. contains native vegetation as scattered trees, areas of grass and bare surfaces; and
- iii. contains trees that koalas typically use for food or shelter; and
- iv. allows for the movement and dispersal of koalas, albeit limited; and
- v. allows for genetic exchange between koalas, based on iv. above.

The site does not allow for unimpeded movement and dispersal of koala but the current values do not meet the lower koala habitat classification area being 'an area unsuitable for koalas'. Given that vegetation within the rear portion of the site does currently provide limited connectivity to Dundas Street Bushland Reserve to the south, it is contended that the site provides medium rehabilitation values.

The proposal will require the removal of two (2) non-juvenile koala trees within the proposed mapped rehabilitation habitat area. Consequently, offset planting will be provided in accordance with the Queensland Environmental Offsets Policy Version 1.6. A total of 10 koala trees will be planted at the rear of the site. Details of the species and location of the offset will be provided at the operational works stage.

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We trust that the enclosed information satisfies your requirement. Should you have any queries regarding this matter, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Kelly Matthews', written over a horizontal line.

Kelly Matthews

Director

*Green Tape Solutions*

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## Appendix 1

# Ground-truthed Koala Habitat Value





**FIGURE 1:**  
**Ground-truthed Koala**  
**Habitat Values**  
**195 - 199 Delancey Street,**  
**Ormiston**



**Native canopy trees present on site**

- Koala Feed Tree
- Koala shelter tree
- Non-Koala Tree

**Ground-truthed Koala Habitat Values**

- Suitable for Rehabilitation - Medium Value Rehabilitation
- Site Boundary
- Cadastral

Notes:  
 Prepared from data supplied by Green Tape Solutions and HGL  
 Environmental 2017  
 Site Infrastructure and Impact Areas from Clew 2017  
 Base map Copyright Esri and its data suppliers.  
 Regional Ecosystems and OT Topo Base map  
 Copyright © State of Queensland (DNR).



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Document History			
Revision	Reason for Issue	Reviewer/Approved	Date
1	Client review	JCU	20/09/2018

Document Path: C:\Users\Kely\Green Tape Solutions\Dropbox\Projects\PR18125\_195-199 Delancey Street\GIS\Map\PR18125\_195 - 199 Delancey St\_Koala Values\_Rev A.mxd

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## Appendix 2

### Wildlife Online Database



# Queensland Government

## Wildlife Online Extract

### Search Criteria: Species List for a Specified Point

Species: All  
Type: Native  
Status: Rare and threatened species  
Records: All  
Date: All  
Latitude: -27.5131  
Longitude: 153.2533  
Distance: 2  
Email: [jasmine.vink@greentapesolutions.com.au](mailto:jasmine.vink@greentapesolutions.com.au)  
Date submitted: Monday 27 Aug 2018 08:17:58  
Date extracted: Monday 27 Aug 2018 08:20:03

The number of records retrieved = 9

### **Disclaimer**

As the DSITIA is still in a process of collating and vetting data, it is possible the information given is not complete. The information provided should only be used for the project for which it was requested and it should be appropriately acknowledged as being derived from Wildlife Online when it is used.

The State of Queensland does not invite reliance upon, nor accept responsibility for this information. Persons should satisfy themselves through independent means as to the accuracy and completeness of this information.

No statements, representations or warranties are made about the accuracy or completeness of this information. The State of Queensland disclaims all responsibility for this information and all liability (including without limitation, liability in negligence) for all expenses, losses, damages and costs you may incur as a result of the information being inaccurate or incomplete in any way for any reason.

Kingdom Class	Family	Scientific Name	Common Name	I	Q	A	Records
animals	Burhinidae	<i>Esacus magnirostris</i>	beach stone-curlew		V		2
animals	Charadriidae	<i>Charadrius mongolus</i>	lesser sand plover		E	E	6
animals	Charadriidae	<i>Charadrius leschenaultii</i>	greater sand plover		V	V	5
animals	Scolopacidae	<i>Calidris canutus</i>	red knot		E	E	5
animals	Scolopacidae	<i>Calidris ferruginea</i>	curlew sandpiper		E	CE	8
animals	Scolopacidae	<i>Calidris tenuirostris</i>	great knot		E	CE	17
animals	Scolopacidae	<i>Limosa lapponica baueri</i>	Western Alaskan bar-tailed godwit		V	V	78
animals	Scolopacidae	<i>Numenius madagascariensis</i>	eastern curlew		E	CE	74
animals	Phascolarctidae	<i>Phascolarctos cinereus</i>	koala		V	V	2577

## CODES

- I - Y indicates that the taxon is introduced to Queensland and has naturalised.
- Q - Indicates the Queensland conservation status of each taxon under the *Nature Conservation Act 1992*. The codes are Extinct in the Wild (PE), Endangered (E), Vulnerable (V), Near Threatened (NT), Least Concern (C) or Not Protected ( ).
- A - Indicates the Australian conservation status of each taxon under the *Environment Protection and Biodiversity Conservation Act 1999*. The values of EPBC are Conservation Dependent (CD), Critically Endangered (CE), Endangered (E), Extinct (EX), Extinct in the Wild (XW) and Vulnerable (V).
- Records - The first number indicates the total number of records of the taxon for the record option selected (i.e. All, Confirmed or Specimens). This number is output as 99999 if it equals or exceeds this value. The second number located after the / indicates the number of specimen records for the taxon. This number is output as 999 if it equals or exceeds this value.

**14 REPORTS FROM INFRASTRUCTURE & OPERATIONS**

There are no reports from Infrastructure & Operations.

**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 confidential reports in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

#### 19.1 Telecommunication Facility Leases

This matter is considered to be confidential under Section 275(1)(h) 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 other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 19.2 Cleveland Land Purchase

This matter is considered to be confidential under Section 275(1)(h) 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 other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 19.3 Barro Group Pty Ltd v Redland City Council P&E Appeal 1506/18

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 starting or defending legal proceedings involving the local government.

## 20 MEETING CLOSURE