

Redland
CITY COUNCIL

MINUTES

GENERAL MEETING

Wednesday, 22 May 2019

The Council Chambers
91 - 93 Bloomfield Street
CLEVELAND QLD

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GENERAL MEETING
HELD AT THE COUNCIL CHAMBERS, 91 - 93 BLOOMFIELD STREET, CLEVELAND QLD
ON WEDNESDAY, 22 MAY 2019 AT 9.30AM

1 DECLARATION OF OPENING

The Mayor declared the meeting open at 9.33am and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meets.

The Mayor also paid Council's respect to their elders, past and present, and extended that respect to other indigenous Australians who are present.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

MEMBERS PRESENT: Cr Karen Williams (Mayor), Cr Wendy Boglary (Division 1), Cr Peter Mitchell (Division 2), Cr Paul Gollè (Division 3), Cr Lance Hewlett (Deputy Mayor and Division 4), Cr Mark Edwards (Division 5), Cr Julie Talty (Division 6), Cr Murray Elliott (Division 7), Cr Tracey Huges (Division 8), Cr Paul Gleeson (Division 9), Cr Paul Bishop (Division 10)

EXECUTIVE LEADERSHIP TEAM: Andrew Chesterman (Chief Executive Officer), John Oberhardt (General Manager Organisational Services), Louise Rusan (General Manager Community & Customer Services), Deborah Corbett-Hall (Chief Financial Officer), Andrew Ross (General Counsel), Peter Best (General Manager Infrastructure & Operations)

MINUTES: Danielle Bugeja (Corporate Meetings & Registers Coordinator)

COUNCILLOR ABSENCES DURING THE MEETING

Councillor Wendy Boglary entered the meeting at 9.34am (during Item 3)

Councillor Murray Elliott entered the meeting at 9.44am (after Item 3)

Councillor Julie Talty left the meeting at 9.59am returning at 10.02am (during Item 8)

Councillor Murray Elliott left the meeting at 10.08am and returned at 10.10am (during Item 10)

Councillor Paul Gleeson left the meeting at 10.14am (during Item 12.1) and returned at 10.23am (during Item 13.3)

Councillor Tracey Huges left the meeting at 10.15am and returned at 10.18am (during Item 12.1)

Councillor Paul Bishop left the meeting at 11.04am and returned at 11.06am (during Item 13.4)

Councillor Peter Mitchell left the meeting at 11.04am and returned at 11.06am (during Item 13.4)

Councillor Karen Williams left the meeting at 11.10am and returned at 11.15am (during Item 13.5)

Councillor Murray Elliott left the meeting at 11.18am and returned at 11.20am (during Item 13.7)

Councillor Julie Talty left the meeting at 11.19am and returned at 11.24am (during Item 13.7)

Councillor Julie Talty left the meeting at 12.28pm and returned at 12.29pm (during closed session)

Councillor Murray Elliott left the meeting at 12.37pm and returned at 12.42pm (during closed session)

Councillor Paul Gleeson left the meeting at 12.57pm and returned at 12.57pm (during closed session)

Councillor Lance Hewlett left the meeting at 1.09pm and returned at 1.09pm (during closed session)

Councillor Lance Hewlett left the meeting at 1.13pm and returned at 1.13pm (during Item 19.10)

3 DEVOTIONAL SEGMENT

Josh Swarts of Shore Hope Presbyterian Church, also a member of the Minister's Fellowship led Council in a brief devotional segment.

4 DECLARATION OF MATERIAL PERSONAL INTEREST OR CONFLICT OF INTEREST ON ANY ITEMS OF BUSINESS

Cr Karen Williams declared a material personal interest in Item 13.5 *2019-2022 Healthy Land and Water Network Member Agreement* (see item for details).

Cr Lance Hewlett declared a conflict of interest in Item 19.10 *Palacio Property Group Pty Ltd V Redland City Council (Planning and Environment Court Appeal 894/18)* (see item for details).

Cr Peter Mitchell declared a conflict of interest during Item 10.2 regarding Item 19.10 *Palacio Property Group Pty Ltd V Redland City Council (Planning and Environment Court Appeal 894/18)* (refer Item 10.2 for vote) (see item for details).

5 RECOGNITION OF ACHIEVEMENT**5.1 WOW DAY SES 2019**

Councillor Wendy Boglary acknowledged WOW Day for State Emergency Services 2019.

Thank you Councillors. I actually thought how fitting it was that the minister just mentioned helpers of others and today is WOW Day, which is Wear Orange Wednesday to support our SES.

The Queensland State Emergency Service (SES) is a not-for-profit organisation that is supported through a partnership between the State Government and Local Councils such as ourselves and it's all for the benefit of the community.

Over Queensland there are over 6,000 'unpaid' volunteers from a variety of backgrounds and professions who respond to emergencies and disasters 24/7.

They are trained and equipped to help our communities across a range of functions. Here in the Redlands there is no doubt our SES volunteers have a serious WOW factor. Today we wear and pay tribute to our orange uniformed volunteers of which there are over 170 in Redlands.

Our SES volunteers provide assistance to our communities, helping the most vulnerable in emergency situations in every type of situation imaginable - storm damage, chain sawing to clear fallen trees, land search, forensic search, air observers, radio operators and flood boats.

They also provide agency support such as transport of meals and personnel for firefighting, incident management and marshalling, traffic management and education at community events.

Our Redlands SES are also ready to assist other communities as they have done previously in being deployed to Far North Queensland, Gold Coast, Gympie and they also train with other units and agencies for exercises.

So with our SES I am very proud to boast that we have an outstanding group of SES volunteers here in Redlands who are always willing to help and have won several State Awards over the years, recently coming 4th in the State Rescue Competition. SES a friendly group who train hard to empower themselves to assist others plus have a laugh along the way, if you ever go out with them in a truck.

Today I actually asked to borrow a shirt to wear, I actually couldn't put it on because I know the dedication, time and commitment the SES give. I did not feel worthy to wear it today.

On behalf of all my fellow councillors I say a huge heartfelt thank you to our orange volunteers as I know the number of times I have seen them in action and I know they won't let us down in the future. I'd like to ask everyone to pop onto their Facebook site today and let them know how much we really appreciate them.

5.2 WOW DAY SES 2019 AND DÎNER EN ROUGE VOLUNTEERS

Mayor Williams also acknowledged WOW Day for State Emergency Services 2019 and Dîner en Rouge volunteers.

Hear, hear to the SES volunteers in Redlands. They are outstanding.

I would like to take this opportunity to recognise the incredible community that we saw come together at the Dîner en Rouge Mayoral Fundraiser Event for Domestic and Family Violence on Saturday night.

Firstly I'd like to acknowledge the people who have supported it for many of years, particularly the steering committee, members of Zonta, Soroptimist, Redlands Rotary and people who have supported it in other ways through donations etc. The great news is having a result of having a target of \$200, 000 by 2020, we are well and truly surpass that. On Saturday night I was able to announce that in fact we have raised over \$330, 000 dollars, along with that a similar value tenfold in the awareness of those issues in our community.

I'd like to once again acknowledge Dan Holzapfel who committed another \$50,000 last week. It is an outstanding effort not to be seen anywhere I know of in the country, so we should be very incredibly proud of our community here in Redlands by supporting those who are impacted by domestic and family violence. Thank you to all of those involved.

6 RECEIPT AND CONFIRMATION OF MINUTES

COUNCIL RESOLUTION 2019/154

Moved by: Cr Paul Gleeson

Seconded by: Cr Mark Edwards

That the minutes of the General Meeting held on 8 May 2019 be confirmed.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

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.

7.2 PURCHASE OF LAND – CONSERVATION PURPOSES, ORMISTON

At the General Meeting 8 May 2019 (Item 19.2 refers), Council resolved as follows:

That Council resolves to:

- 1. request officers bring a further report back to Council by 30 June 2019, providing a detailed plan, valuation, affordability and feasibility of a purchase with the intent of retaining high conservation areas and reselling developable areas of the property; and*
- 2. maintain this report and attachments as confidential, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.*

A report will be brought back to Council by 30 June 2019.

8 PUBLIC PARTICIPATION**MOTION TO ADJOURN MEETING AT 9.51AM****COUNCIL RESOLUTION 2019/155**

Moved by: Cr Paul Bishop

Seconded by: Cr Paul Gleeson

That Council adjourn the meeting for a 15 minute public participation segment.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

1. Mr Steven Komorowski, a resident of Redland Bay, addressed Council regarding Moores Road Farm Carpark at Redland Bay. Mr Komorowski also tabled a petition, which will be addressed as a submission as the matter is currently under Public Notification.
2. Mrs Junita Grosvenor, a resident of Redland Bay, addressed Council regarding Weinam Creek PDA and Moores Road farmlands.

MOTION TO RESUME MEETING AT 10.08AM**COUNCIL RESOLUTION 2019/156**

Moved by: Cr Mark Edwards

Seconded by: Cr Tracey Huges

That the meeting proceedings resume.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

9 PETITIONS AND PRESENTATIONS

Nil

10 MOTION TO ALTER THE ORDER OF BUSINESS**10.1 MOTION TO ACCEPT A LATE ITEM****COUNCIL RESOLUTION 2019/157**

Moved by: Cr Mark Edwards

Seconded by: Cr Paul Gleeson

That a late confidential Item be accepted to the Agenda (*Deed of Variation*) and discussed as Item 19.9.

CARRIED 10/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Murray Elliott was not present when the motion was put.

10.2 MOTION TO ACCEPT A LATE ITEM**COUNCIL RESOLUTION 2019/158**

Moved by: Cr Paul Gleeson

Seconded by: Cr Paul Bishop

That a late confidential Item be accepted to the Agenda (*Palacio Property Group Pty Ltd V Redland City Council (Planning and Environment Court Appeal 894 18)*) and discussed as Item 19.10.

CARRIED 10/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Murray Elliott was absent from the meeting.

Cr Lance Hewlett declared a conflict of interest in Item 19.10 *Palacio Property Group Pty Ltd V Redland City Council (Planning and Environment Court Appeal 894/18)* (see item for details).

CONFLICT OF INTEREST - CR PETER MITCHELL

Cr Peter Mitchell declared a conflict of interest in Item 19.10 *Palacio Property Group Pty Ltd V Redland City Council (Planning and Environment Court Appeal 894/18)* (see item for details).

COUNCIL RESOLUTION 2019/159

Moved by: Cr Paul Bishop

Seconded by: Cr Paul Gleeson

That Cr Peter Mitchell has a conflict of interest in Item 19.10 *Palacio Property Group Pty Ltd V Redland City Council (Planning and Environment Court Appeal 894/18)*.

CARRIED 7/2

Crs Karen Williams, Paul Gollè, Lance Hewlett, Julie Talty, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Crs Wendy Boglary and Mark Edwards voted AGAINST the motion.

Cr Murray Elliott was not present when discussion took place, and consequently did not vote on this item.

Cr Mitchell did not participate in the vote.

COUNCIL RESOLUTION 2019/160

Moved by: Cr Paul Bishop

Seconded by: Cr Paul Gleeson

That Cr Peter Mitchell may participate in the meeting in relation to the matter, to which he has a perceived conflict of interest, including voting on the matter.

CARRIED 9/1

Crs Karen Williams, Wendy Boglary, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett voted AGAINST the motion.

Cr Mitchell did not participate in the vote.

11 REPORTS FROM THE OFFICE OF THE CEO

Nil

12 REPORTS FROM ORGANISATIONAL SERVICES**12.1 APRIL 2019 MONTHLY FINANCIAL REPORT****Objective Reference:** A3812360**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. April 2019 Monthly Financial Report [↓](#)**PURPOSE**

The purpose of this report is to note the year to date financial results as at 30 April 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***Revaluation of other infrastructure assets and condition assessment on final one third of the sewerage pump stations***

Inspection of the other infrastructure assets have been completed in line with the 2018-2019 comprehensive valuations and the final one third of the sewerage pump stations have been condition assessed, in accordance with Australian Accounting Standard 116 *Property, Plant and Equipment*.

STRATEGIC IMPLICATIONS

Council has either achieved or favourably exceeded the following key financial stability and sustainability ratios as at the end of April 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 April 2019 and continues to be a stretch target for Council with renewal spends of \$20.45M and depreciation expense of \$47.04M 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 April 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 April 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 April 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

Consulted	Date	Comment
Council departmental officers	Year to date April 2019	Consulted on financial results and outcomes
Financial Services Group officers	Year to date April 2019	Consulted on financial results and outcomes
Executive Leadership Team and Senior Leadership Team	Year to date April 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 April 2019 as presented in the attached Monthly Financial Report.

Option Two

That Council requests additional information.

COUNCIL RESOLUTION 2019/161

Moved by: Cr Mark Edwards

Seconded by: Cr Tracey Huges

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

CARRIED 9/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott and Paul Bishop voted FOR the motion.

Crs Tracey Huges and Paul Gleeson were not present when the motion was put.

Monthly Financial Report

April 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 30 April 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)	13,603	16,208	2,605	19%	✓
Recurrent Revenue	279,319	242,965	240,445	(2,520)	-1%	✗
Recurrent Expenditure	282,270	229,362	224,237	(5,125)	-2%	✓
Capital Works Expenditure	83,980	60,088	46,555	(13,533)	-23%	✓
Closing Cash & Cash Equivalents	143,149	131,842	150,492	18,650	14%	✓

Council reported a year to date operating surplus of \$16.2M which is favourable to the revised budget by \$2.6M. The favourable variance in recurrent expenditure is mainly due to underspend in contractor and consultant costs as well as underspend in bulk water 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 \$13.5M 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 73% 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 April 2019	Target
Operating Surplus Ratio (%)	✓	-1.06%	6.74%	Between 0% and 10% (on average over the long-term)
Asset Sustainability Ratio (%)	✗	75.05%	43.46%	Greater than 90% (on average over the long-term)
Net Financial Liabilities (%)*	✓	-32.15%	-52.47%	Less than 60% (on average over the long-term)
Level of Dependence on General Rate Revenue (%)	✓	34.92%	39.49%	Less than 40%
Ability to Pay Our Bills - Current Ratio	✓	3.29	3.64	Between 1.1 & 4.1
Ability to Repay Our Debt - Debt Servicing Ratio (%)	✓	2.81%	3.26%	Less than or equal to 15%
Cash Balance \$M	✓	\$143.149M	\$150.492M	Greater than or equal to \$50M
Cash Balances - Cash Capacity in Months	✓	7.89	8.39	Greater than 3 months
Longer Term Financial Stability - Debt to Asset Ratio (%)	✓	1.34%	1.24%	Less than or equal to 10%
Operating Performance (%)	✓	23.79%	20.57%	Greater than or equal to 10%
Interest Coverage Ratio (%)**	✓	-0.67%	-0.81%	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 30 April 2019					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Recurrent revenue					
Rates charges	100,486	100,486	98,204	97,779	(425)
Levies and utility charges	146,618	145,046	122,756	121,175	(1,581)
Less: Pensioner remissions and rebates	(3,493)	(3,413)	(3,329)	(3,198)	131
Fees	13,673	14,357	12,042	11,111	(931)
Rental income	912	912	736	719	(17)
Interest received	4,289	4,305	3,587	3,962	375
Dividend received	1,000	1,000	-	-	-
Sales revenue	3,735	3,745	3,103	3,043	(60)
Other income	694	841	772	753	(19)
Grants, subsidies and contributions	11,223	12,040	5,094	5,101	7
Total recurrent revenue	279,136	279,319	242,965	240,445	(2,520)
Recurrent expenses					
Employee benefits	86,248	87,379	72,340	71,092	(1,248)
Materials and services	129,100	129,391	102,415	99,322	(3,093)
Finance costs	2,840	2,856	2,376	2,401	25
Depreciation and amortisation	63,505	62,719	52,317	52,042	(275)
Other expenditure	507	630	500	328	(172)
Net internal costs	(713)	(705)	(586)	(948)	(362)
Total recurrent expenses	281,487	282,270	229,362	224,237	(5,125)
OPERATING SURPLUS / (DEFICIT)	(2,351)	(2,951)	13,603	16,208	2,605
Capital revenue					
Grants, subsidies and contributions	32,501	20,549	15,312	11,827	(3,485)
Non-cash contributions	6,868	10,219	4,989	497	(4,492)
Total capital revenue	39,369	30,768	20,301	12,324	(7,977)
Capital expenses					
(Gain) / loss on disposal of non-current assets	289	101	57	2,920	2,863
Total capital expenses	289	101	57	2,920	2,863
TOTAL INCOME	318,505	310,087	263,266	252,769	(10,497)
TOTAL EXPENSES	281,776	282,370	229,419	227,157	(2,262)
NET RESULT	36,729	27,716	33,847	25,612	(8,235)
Other comprehensive income / (loss)					
Items that will not be reclassified to a net result					
Revaluation of property, plant and equipment	-	-	-	-	-
TOTAL COMPREHENSIVE INCOME	36,729	27,716	33,847	25,612	(8,235)





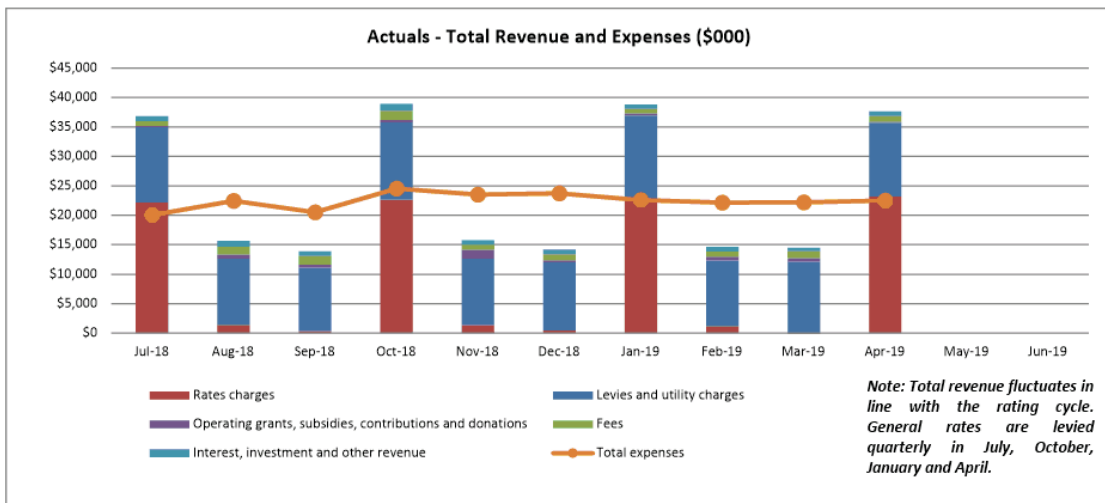
3. STATEMENT OF COMPREHENSIVE INCOME - CONTINUED

LEVIES AND UTILITY CHARGES ANALYSIS					
For the period ending 30 April 2019					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Levies and utility charges					
Refuse collection rate charge	24,307	24,307	20,256	20,117	(139)
Special charges	723	723	723	724	1
SES separate charge	478	478	478	481	3
Environment separate charge	8,180	8,181	8,180	8,163	(17)
Separate charge landfill remediation	3,106	3,106	2,589	2,583	(6)
Wastewater charges	44,951	44,951	37,459	36,787	(672)
Water access charges	18,665	18,591	15,498	15,461	(37)
Water consumption charges	46,207	44,709	37,573	36,859	(714)
Total levies and utility charges	146,618	145,046	122,756	121,175	(1,581)

MATERIALS AND SERVICES ANALYSIS					
For the period ending 30 April 2019					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Materials and services					
Contractors	33,755	35,288	25,552	24,587	(965)
Consultants	4,500	4,514	3,272	2,431	(841)
Other Council outsourcing costs*	16,902	17,486	13,982	14,650	668
Purchase of materials	48,229	46,911	39,078	38,103	(975)
Office administration costs	8,649	8,407	6,693	6,489	(204)
Electricity charges	5,786	5,786	4,966	4,744	(222)
Plant operations	4,190	4,291	3,509	3,249	(260)
Information technology resources	2,820	2,605	2,082	2,020	(62)
General insurance	1,423	1,213	1,024	913	(111)
Community assistance**	1,583	1,627	1,297	1,140	(157)
Other material and service expenses	1,263	1,263	960	996	36
Total materials and services	129,100	129,391	102,415	99,322	(3,093)

* 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.





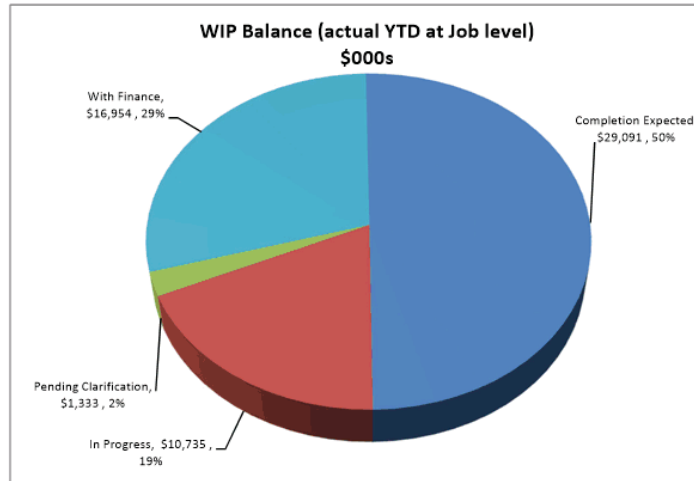
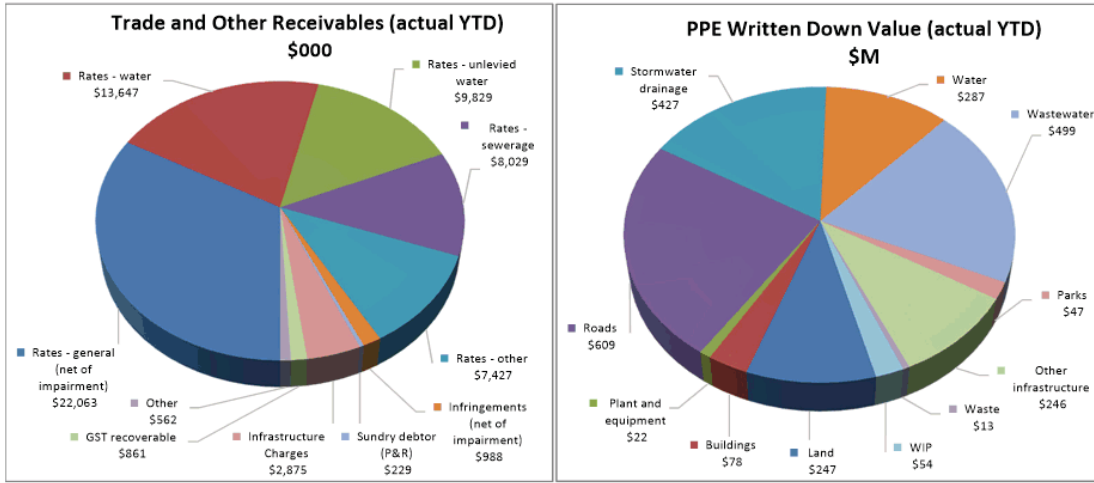
4. STATEMENT OF FINANCIAL POSITION

STATEMENT OF FINANCIAL POSITION				
As at 30 April 2019				
	Annual	Annual	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000
CURRENT ASSETS				
Cash and cash equivalents	167,263	143,149	131,842	150,492
Trade and other receivables	27,273	33,477	70,337	66,510
Inventories	556	1,108	1,108	946
Non-current assets held for sale	262	11,113	11,113	11,113
Other current assets	2,073	2,033	2,033	1,652
Total current assets	197,428	190,880	216,433	230,713
NON-CURRENT ASSETS				
Investment property	1,091	1,091	1,091	1,091
Property, plant and equipment	2,608,476	2,568,368	2,549,884	2,529,265
Intangible assets	826	1,038	1,198	1,686
Other financial assets	73	73	73	73
Investment in other entities	14,712	14,791	14,791	14,791
Total non-current assets	2,625,178	2,585,361	2,567,037	2,546,906
TOTAL ASSETS	2,822,606	2,776,241	2,783,470	2,777,619
CURRENT LIABILITIES				
Trade and other payables	40,840	31,435	21,854	25,433
Borrowings - current	7,713	7,728	7,728	7,728
Provisions - current	13,742	14,284	14,163	10,645
Other current liabilities	1,747	4,654	18,880	19,643
Total current liabilities	64,041	58,101	62,625	63,449
NON-CURRENT LIABILITIES				
Borrowings - non-current	29,651	29,537	26,633	26,633
Provisions - non-current	12,115	13,428	12,905	14,466
Total non-current liabilities	41,766	42,965	39,538	41,099
TOTAL LIABILITIES	105,807	101,066	102,163	104,548
NET COMMUNITY ASSETS	2,716,799	2,675,175	2,681,307	2,673,071
COMMUNITY EQUITY				
Asset revaluation surplus	1,070,838	1,003,168	1,003,168	1,003,168
Retained surplus	1,517,043	1,572,813	1,577,231	1,560,627
Constrained cash reserves	128,918	99,194	100,908	109,276
TOTAL COMMUNITY EQUITY	2,716,799	2,675,175	2,681,307	2,673,071





4. STATEMENT OF FINANCIAL POSITION - CONTINUED



PROPERTY, PLANT AND EQUIPMENT (PPE) MOVEMENT*				
For the period ending 30 April 2019				
	Annual	Annual	YTD	YTD
	Original	Revised	Revised	YTD
	Budget	Budget	Budget	Actual
	\$000	\$000	\$000	\$000
PPE movement				
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	65,060	46,658
Depreciation in year	(62,532)	(61,754)	(51,511)	(51,213)
Disposals	(1,699)	(1,699)	(1,303)	(3,820)
Other adjustments**	-	-	-	2
Closing balance	2,608,476	2,568,368	2,549,884	2,529,265

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

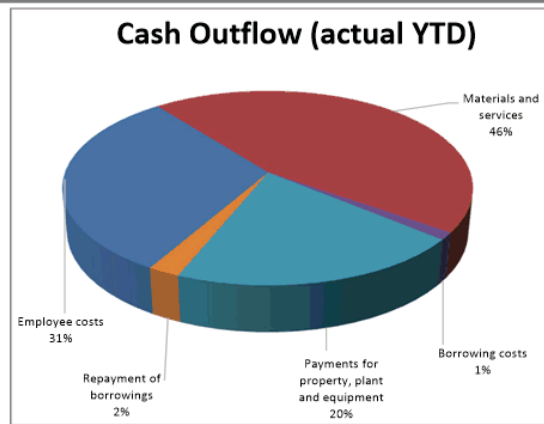
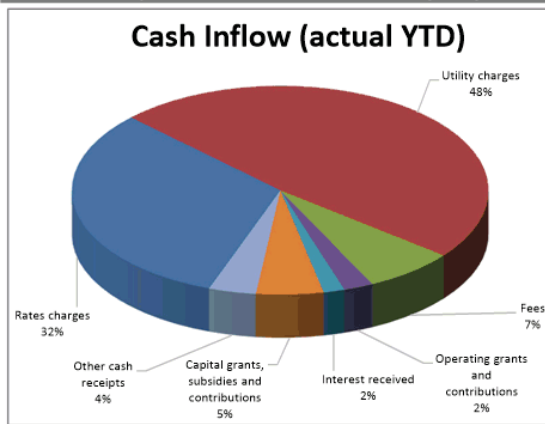
** Other adjustments include transfers between asset classes, revaluation adjustments, prior period adjustments and depreciation thereon.





5. STATEMENT OF CASH FLOWS

STATEMENT OF CASH FLOWS				
For the period ending 30 April 2019				
	Annual	Annual	YTD	YTD
	Original	Revised	Revised	Actual
	Budget	Budget	Budget	\$000
	\$000	\$000	\$000	
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts from customers	261,712	264,828	214,682	213,964
Payments to suppliers and employees	(213,794)	(214,822)	(182,946)	(176,479)
	47,919	50,006	31,736	37,485
Interest received	4,289	4,305	3,587	3,962
Dividend received*	1,000	1,000	-	1,500
Rental income	912	912	736	719
Non-capital grants and contributions	11,223	12,040	5,094	5,586
Borrowing costs	(2,809)	(2,809)	(2,809)	(2,809)
Net cash inflow / (outflow) from operating activities	62,533	65,455	38,344	46,443
CASH FLOWS FROM INVESTING ACTIVITIES				
Payments for property, plant and equipment	(66,880)	(83,964)	(60,071)	(46,160)
Payments for intangible assets	-	(16)	(16)	(395)
Proceeds from sale of property, plant and equipment	1,410	1,598	1,246	900
Capital grants, subsidies and contributions	32,501	20,549	15,312	12,677
Other cash flows from investing activities**	-	3,500	3,500	3,500
Net cash inflow / (outflow) from investing activities	(32,969)	(58,333)	(40,029)	(29,478)
CASH FLOWS FROM FINANCING ACTIVITIES				
Proceeds of borrowings	2,500	2,500	-	-
Repayment of borrowings	(5,035)	(5,035)	(5,035)	(5,035)
Net cash inflow / (outflow) from financing activities	(2,535)	(2,535)	(5,035)	(5,035)
Net increase / (decrease) in cash held	27,030	4,587	(6,720)	11,930
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	131,842	150,492



Total Cash Funding (Actual YTD)	242,808	Total Cash Expenditure (Actual YTD)	230,878
Total Cash Funding (Annual Revised Budget)	311,233	Total Cash Expenditure (Annual Revised Budget)	306,646
% of Budget Achieved YTD	78%	% of Budget Achieved YTD	75%

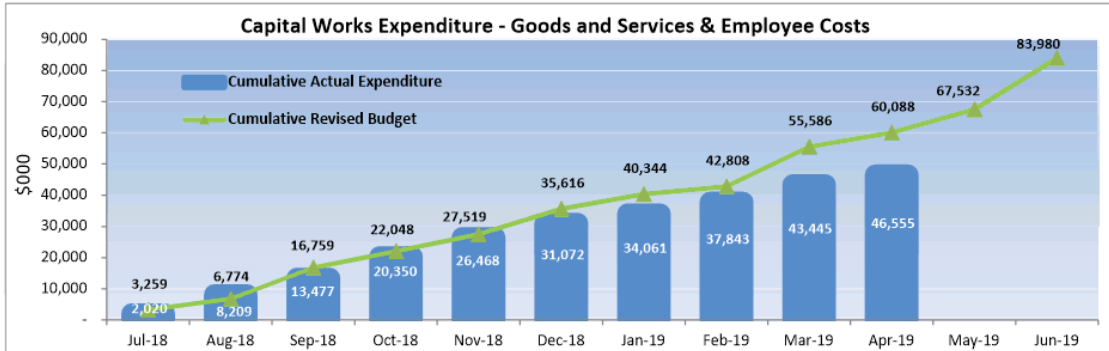
* Reclassified as operating cash flow to align with Annual Financial Statements and permitted by Australian Accounting Standard AASB 107 Statement of Cash Flows.

** 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.



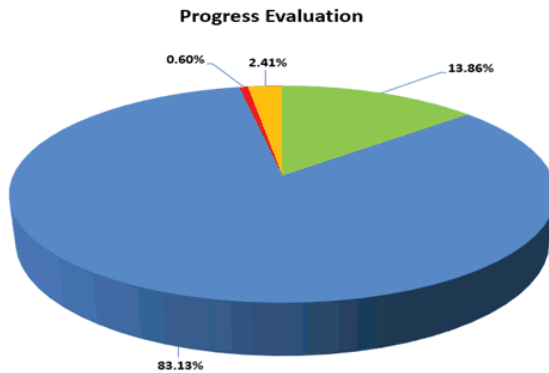


6. CAPITAL EXPENDITURE



	Annual Revised Budget \$'000	YTD Revised Budget \$'000	YTD Actual \$'000	YTD Variance \$'000
Capitalised goods and services	76,484	54,062	40,573	(13,489)
Capitalised employee costs	7,496	6,026	5,982	(44)
Total	83,980	60,088	46,555	(13,533)

7. PROGRAM AND PROJECT UPDATE



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 166 programs and projects.

	Annual Revised Budget \$'000	YTD Actual \$'000	Commitments \$'000
Total Programs and Projects in Progress			
Capital*	73,656	41,306	7,215
Operational	12,344	4,971	4,636

*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 21 programs and projects and accounts for 67.78% of the total programs and projects budget. The status of two notable projects are as follows:

Project description	Progress
Advancing Regional Innovation Program (ARIP) is an Advance Queensland funded partnership project with the goal of growing the local innovation ecosystem. Activities include mentoring, capability development and innovation spaces to connect entrepreneurs with each other and industry, and to coordinate local efforts.	Meeting Expectations
Amity Point Coastal Protection project concentrates on two locations adjacent to the Amity Point Campground and aims to protect the foreshore from erosion pressure and provide access across the foreshore for campground patrons.	Meeting Expectations

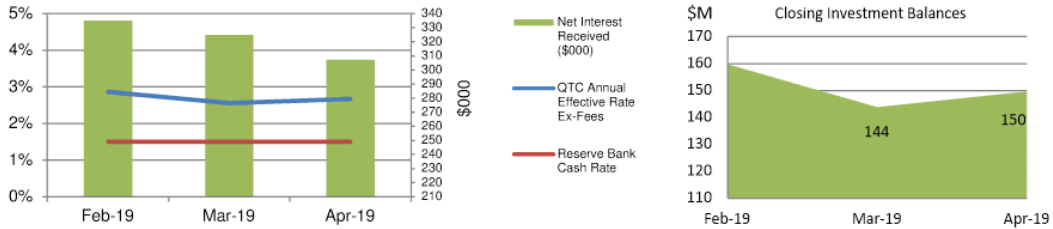




8. INVESTMENT & BORROWINGS REPORT

For the period ending 30 April 2019

INVESTMENT RETURNS - QUEENSLAND TREASURY CORPORATION (QTC)



Total Investment at End of Month was \$149.69M

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

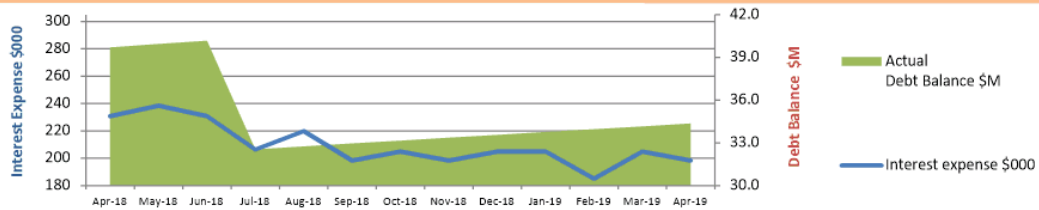
The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle.

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 2.67% exceeds the Bloomberg AusBond Bank Bill Index (previously the UBS Bank Bill Index) of 2.02% as at the end of April 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 \$34.36M

General pool allocated to capital works is 99.4% and 0.6% 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 30 April 2019	Purpose of reserve	Opening Balance \$'000	To Reserve \$'000	From Reserve \$'000	Closing Balance \$'000
Special Projects Reserve:					
Weinam Creek Reserve	Maintenance and improvements associated with Weinam Creek projects	3,625	450	(522)	3,553
Red Art Gallery Commissions & Donations Reserve	Purchases of art work for the RCC art collection	7	-	(7)	-
Raby Bay Reveitment Wall Reserve	To fund Raby Bay reveitment wall works program	-	2,978	(378)	2,600
Fleet Plant & Capital Equipment Reserve	To support the long term fleet replacement program	-	7,332	(2,375)	4,957
		3,632	10,760	(3,282)	11,110
Constrained Works Reserve:					
Public Parks Trunk Infrastructure Reserve	Capital projects for public parks trunk infrastructure	7,324	1,519	(773)	8,070
Land for Community Facilities Trunk Infrastructure Reserve	Land for community facilities trunk infrastructure	2,192	240	-	2,432
Water Supply Trunk Infrastructure Reserve	Upgrade, expansion or new projects for water supply trunk infrastructure	10,107	4,037	-	14,144
Sewerage Trunk Infrastructure Reserve	Upgrade, expansion or new projects for sewerage trunk infrastructure	9,222	1,620	(8)	10,834
Constrained Works Reserve-Capital Grants & Contributions	Unexpended capital grants and contributions received for specific projects	651	-	(222)	429
Local Roads Trunk Infrastructure Reserve	Capital projects for local roads trunk infrastructure	35,922	3,531	(4,623)	34,830
Cycleways Trunk Infrastructure Reserve	Capital projects for cycleways trunk infrastructure	10,783	1,218	(3)	11,998
Stormwater Trunk Infrastructure Reserve	Capital projects for stormwater trunk infrastructure	8,884	735	-	9,619
Constrained Works Reserve-Operating Grants & Contributions	Unexpended operating grants and contributions received for specific projects	919	-	(711)	208
Tree Planting Reserve	Acquisition and planting of trees on footpaths	88	34	(37)	85
		86,092	12,934	(6,377)	92,649
Separate Charge Reserve - Environment:					
Environment Charge Acquisition Reserve	Acquisitions of land and facilities to support or enhance environmental outcomes	234	1,224	-	1,458
Environment Charge Maintenance Reserve	Ongoing conservation and maintenance operations	1,708	6,939	(5,790)	2,857
SES Separate Charge Reserve	On-going costs of maintaining the Redland SES	-	482	(327)	155
		1,942	8,645	(6,117)	4,470
Special Charge Reserve - Other:					
Bay Island Rural Fire Levy Reserve	Pass on revenue collected from levy to the Bay Island Rural Fire Brigade	-	199	-	199
SMBI Translink Reserve*	Offset payment made to the State Govt. to assist with transport service to the Bay Islands	(8)	483	(475)	-
		(8)	682	(475)	199
Special Charge Reserve - Canals:					
Aquatic Paradise Canal Reserve	Maintenance and repairs of Aquatic Paradise canals	743	9	-	752
Sovereign Waters Lake Reserve	Maintenance and repairs of Sovereign Lake	422	5	-	427
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)
		1,650	14	(816)	848
TOTALS		93,308	33,035	(17,067)	109,276

Note: During the month the SMBI Translink reserve was closed. Prior to its closure the reserve was approximately \$6K overdrawn, which may be attributed to a number of different rating factor calculations. There remains a continuing unpaid rates debt and interest component that Council will continue to recover through normal operations.





10. REDLAND WATER STATEMENTS

REDLAND WATER SUMMARY OPERATING STATEMENT For the period ending 30 April 2019					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Total revenue	112,745	111,173	92,964	91,653	(1,311)
Total expenses	66,297	65,023	53,987	52,617	(1,370)
Earnings before interest, tax and depreciation (EBITD)	46,448	46,150	38,977	39,036	59
Interest expense	15,352	15,352	12,793	12,793	-
Depreciation	23,228	23,268	19,385	19,954	569
Operating surplus / (deficit)	7,868	7,530	6,799	6,289	(510)

REDLAND WATER CAPITAL FUNDING STATEMENT For the period ending 30 April 2019					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Capital contributions, donations, grants and subsidies	6,798	6,560	4,920	1,918	(3,002)
Net transfer (to) / from constrained capital reserves	(6,608)	(4,160)	(3,202)	(5,640)	(2,438)
Non-cash contributions	6,648	6,202	2,067	270	(1,797)
Funding from utility revenue	5,614	6,261	1,578	5,167	3,589
Total sources of capital funding	12,452	14,863	5,363	1,715	(3,648)
Contributed assets	6,648	6,202	2,067	209	(1,858)
Capitalised expenditure	5,804	8,661	3,296	1,506	(1,790)
Total application of capital funds	12,452	14,863	5,363	1,715	(3,648)

11. REDWASTE STATEMENTS

REDWASTE OPERATING STATEMENT For the period ending 30 April 2019					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Total revenue	25,901	25,901	21,606	21,758	152
Total expenses	19,155	19,607	16,282	16,529	247
Earnings before interest, tax and depreciation (EBITD)	6,746	6,294	5,324	5,229	(95)
Interest expense	30	26	22	22	-
Depreciation	216	242	198	230	32
Operating surplus / (deficit)	6,500	6,026	5,104	4,977	(127)

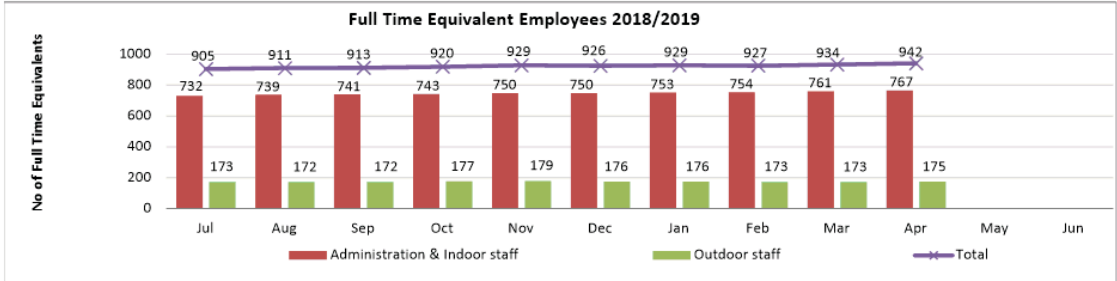
REDWASTE CAPITAL FUNDING STATEMENT For the period ending 30 April 2019					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Non-cash contributions	-	-	-	-	-
Funding from utility revenue	547	546	447	437	(10)
Total sources of capital funding	547	546	447	437	(10)
Capitalised expenditure	456	456	352	342	(10)
Loan redemption	91	90	95	95	-
Total application of capital funds	547	546	447	437	(10)





12. APPENDIX: ADDITIONAL AND NON-FINANCIAL INFORMATION

Workforce Reporting



April 2019: Headcount		Employee Type					
Department Level	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part	Total
Office of CEO	7	2	28	4	7	-	48
Organisational Services	7	6	175	14	25	6	233
Community and Customer Services	31	5	237	61	45	11	390
Infrastructure and Operations	29	6	313	14	21	1	384
Total	74	19	753	93	98	18	1,055

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	Apr-19	% Overdue	Apr-18	% Overdue	\$ Variance	% Variance	Comment
0 - 30	\$4,603	0.0%	\$1,202	0.0%	\$3,401	0.0%	Revenue Collection team continues to monitor and work with ratepayers who are unable to promptly meet their financial obligation to Council.
31 - 60	\$2,397	0.0%	\$1,285	0.0%	\$1,112	0.0%	
61 - 90	\$2,926,521	1.1%	\$2,729,777	1.1%	\$196,744	0.0%	
91 - 180	\$1,491,402	0.6%	\$1,376,072	0.5%	\$115,330	0.1%	
>180	\$3,349,719	1.2%	\$2,907,552	1.1%	\$442,167	0.1%	
Total	\$7,774,642	2.9%	\$7,015,888	2.7%	\$758,754	0.2%	





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*: <i>This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes</i>	$\frac{\text{Net Operating Surplus}}{\text{Total Operating Revenue}}$
Asset Sustainability Ratio*: <i>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</i>	$\frac{\text{Capital Expenditure on Replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation Expenditure on Infrastructure Assets}}$
Net Financial Liabilities*: <i>This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues</i>	$\frac{\text{Total Liabilities - Current Assets}}{\text{Total Operating Revenue}}$
Level of Dependence on General Rate Revenue: <i>This ratio measures Council's reliance on operating revenue from general rates (excludes utility revenues)</i>	$\frac{\text{General Rates - Pensioner Remissions}}{\text{Total Operating Revenue - Gain on Sale of Developed Land}}$
Current Ratio: <i>This measures the extent to which Council has liquid assets available to meet short term financial obligations</i>	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$
Debt Servicing Ratio: <i>This indicates Council's ability to meet current debt instalments with recurrent revenue</i>	$\frac{\text{Interest Expense} + \text{Loan Redemption}}{\text{Total Operating Revenue - Gain on Sale of Developed Land}}$
Cash Balance - \$M: <i>Cash balance includes cash on hand, cash at bank and other short term investments.</i>	$\text{Cash Held at Period End}$
Cash Capacity in Months: <i>This provides an indication as to the number of months cash held at period end would cover operating cash outflows</i>	$\frac{\text{Cash Held at Period End}}{[(\text{Cash Operating Costs} + \text{Interest Expense}) / \text{Period in Year}]}$
Longer Term Financial Stability - Debt to Asset Ratio: <i>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</i>	$\frac{\text{Current and Non-current loans}}{\text{Total Assets}}$
Operating Performance: <i>This ratio provides an indication of Council's cash flow capabilities</i>	$\frac{\text{Net Cash from Operations} + \text{Interest Revenue and Expense}}{\text{Cash Operating Revenue} + \text{Interest Revenue}}$
Interest Coverage Ratio: <i>This ratio demonstrates the extent to which operating revenues are being used to meet the financing charges</i>	$\frac{\text{Net Interest Expense on Debt Service}}{\text{Total Operating Revenue}}$

* 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 QUEENSLAND AUDIT OFFICE INTERIM MANAGEMENT REPORT 2018-19

Objective Reference: A3812360

Authorising Officer: Deborah Corbett-Hall, Chief Financial Officer

Responsible Officer: Deborah Corbett-Hall, Chief Financial Officer

Report Author: Joy Manalo, Service Manager Corporate Finance

Attachments: 1. QAO Interim Management Report 2018-19 [↓](#)

PURPOSE

The purpose of this report is to present the Queensland Audit Office (QAO) interim management report for 2018-19 to Council. Section 213 of the *Local Government Regulation 2012* requires the Mayor to present a copy of the auditor-general's observation report at the next ordinary meeting of Local Government following receipt of the auditor-general's report.

BACKGROUND

The QAO conducted an interim audit to understand and assess those aspects of Council's internal controls that relate to the financial statement audit objectives. The operating effectiveness of controls for the period 1 July 2018 to 28 February 2019 for revenue, expenditure and payroll was tested by the QAO. Council's overall internal control framework has been assessed as effective and the interim testing did not identify any internal control deficiencies. There were no financial reporting issues or other matters identified during the 2018-19 interim audit. QAO also noted that all financial reporting and audit deliverable milestones have been met to date.

QAO will continue the controls testing for the intervening period until 30 June 2019 and will provide Council with a management update at the completion of the final audit visit.

ISSUES

The interim management report details the resolved and unresolved financial reporting issues identified by the QAO in the previous financial year audit. The recommendation pertaining to the *decision to no longer backdate "on-maintenance" dates of developer contributed assets to be documented within policy* has been resolved. The implementation of the audit recommendations focussing on *inadequate finalisation of capital work in progress projects* and *insufficient responses to capital works confirmations provided by project managers* is being progressed by the Capital Asset Accounting Team and the respective business areas. QAO will follow up the implementation status at the final audit visit in August 2019.

The attachment includes comments from Financial Services in response to the audit observations. The final interim management report was received on 30 April 2019 and owing to the agenda and distribution timeframes, the General Meeting on 22 May 2019 is the next available ordinary meeting.

STRATEGIC IMPLICATIONS

Legislative Requirements

Section 213 of the *Local Government Regulation 2012* requires the Mayor to present a copy of the auditor-general's observation report at the next ordinary meeting of Local Government following receipt of the auditor-general's report.

Financial Services has offered to table the report to ensure compliance with legislation, noting coordination of the corrective actions and improvements will be undertaken by Council's Internal Audit Group.

Risk Management

Risk management is undertaken during the year with respect to the internal control environment and procedures.

Financial

There are no additional financial implications arising from this interim management letter.

People

No impact as the purpose of the report is to present the 2018-19 interim management report.

Environmental

No impact as the purpose of the report is to present the 2018-19 interim management report.

Social

No impact as the purpose of the report is to present the 2018-19 interim management report.

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.

8.3 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; and

8.5 Council uses meaningful tools to engage with the community on diverse issues so that the community is well informed and can contribute to decision making.

CONSULTATION

The Internal Audit Group will coordinate the action items agreed to in the interim management report and provide a progress report to the Executive Leadership Team on a monthly basis.

OPTIONS

Option One

That Council resolves to note the findings from the Queensland Audit Office final management report (referred to as the auditor-general's observation report in the *Local Government Regulation 2012*) for 2018-19.

Option Two

That Council requests additional information.

COUNCIL RESOLUTION 2019/162

Moved by: Cr Paul Bishop

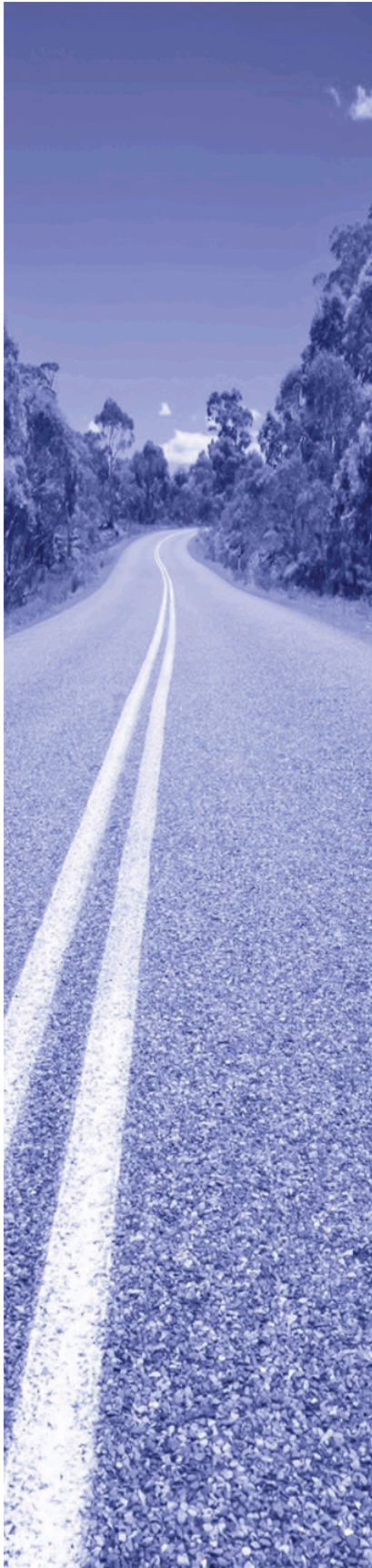
Seconded by: Cr Mark Edwards

That Council resolves to note the findings from the Queensland Audit Office final management report (referred to as the auditor-general's observation report in the *Local Government Regulation 2012*) for 2018-19.

CARRIED 10/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Cr Paul Gleeson was not present when the motion was put.



Redland City Council

2019 Interim report to the Mayor

29 April 2019



Our ref: 5-201

29 April 2019

Cr Karen Williams
Mayor
Redland City Council
PO Box 21
Cleveland QLD 4163

Dear Councillor Williams

2019 Interim report

We present to you our interim report for Redland City Council for the financial year ending 30 June 2019. This report details the results of our interim work performed to 22 March 2019. In this phase we assessed the design and implementation of your internal controls, and whether they are operating effectively. To date our work has not identified any significant deficiencies in your internal controls.

This report also includes our assessment of your internal control framework; and a summary of control deficiencies, financial reporting and other matters identified to date.

The *Auditor-General Act 2009* requires the auditor-general to report to parliament on an issue raised during an audit if he considers it to be significant.

If you have any questions or would like to discuss the audit report, please contact me on 3222 9787 or Peter Paterson on 3222 9750.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ashley Carle", with a stylized flourish at the end.

Ashley Carle
As delegate of the Auditor-General of Queensland

Enc.

cc. Mr Andrew Chesterman, Chief Executive
Councillor Paul Gleeson, Chair of the Audit Committee

Queensland Audit Office
Level 14, 53 Albert Street, Brisbane Qld 4000
PO Box 15396, City East Qld 4002

Phone 07 3149 6000
Email gao@qao.qld.gov.au
Web www.qao.qld.gov.au
 Queensland Audit Office (QAO)

1. Summary

Audit progress

Internal control assessment and issues	On track
<ul style="list-style-type: none"> • Testing of internal controls was completed for revenue, payroll and expenditure systems for the period 1 July 2018 to 28 February 2019. • We have also assessed the elements of your internal control environment, as well as the progress made towards resolving prior year issues. <p>Based on the results of our testing completed to date, we have assessed your internal control environment as Effective, meaning the environment does support an audit strategy that can rely upon these controls. There were no internal control issues identified during our 2019 interim audit.</p>	

Financial reporting issues and other matters	On track
<p>There were no financial reporting issues or other matters identified during our 2019 interim audit.</p>	











Areas of audit significance	On track
<ul style="list-style-type: none"> • Rates and Utility Charges – no significant issues identified as part of our testing completed to date. • Grants and Contributions – no significant issues identified as part of our testing completed to date. • Expenditure / Payables – no significant issues identified as part of our testing completed to date. • Employee Expenses / Employee Benefits – no significant issues identified as part of our testing completed to date. • Probity Surrounding Council Expenditure and Activities – no significant issues identified as part of our testing completed to date. • Related Parties – no significant issues identified as part of our work completed to date. 	




Milestones—financial reporting and audit deliverables	On track
<p>All financial reporting and audit deliverable milestones have been met to date.</p>	



2. Internal control issues

The following table summarises our reporting on deficiencies in internal controls.

	Number of significant deficiencies		Number of deficiencies		Rating
	Current year issues	Prior year unresolved issues	Current year issues	Prior year unresolved issues	
 Control environment Structures, policies, attitudes and values that influence daily operations	-	-	-	2	
 Risk assessment Processes for identifying, assessing and managing risk	-	-	-	-	
 Control activities Implementation of policies and procedures to prevent or detect errors and safeguard assets	-	-	-	-	
 Information and communication Systems to capture and communicate information to achieve reliable financial reporting	-	-	-	-	
 Monitoring activities Oversight of internal controls for existence and effectiveness	-	-	-	-	

-  **Effective**
No significant deficiencies identified.
-  **Generally effective**
One significant deficiency identified.
-  **Ineffective**
More than one significant deficiency identified.




3. Prior year issues



Status

The following table summarises the status of issues and other matters reported by audit in prior years.




Reference	Rating	Issue	Status
Internal control issues			
QAO letter 16/10/18		<p>The Decision to No Longer Backdate “On-Maintenance” Dates of Developer Contributed Assets to Be Documented within Policy.</p> <p><i>Issue</i> In the 2017, we raised an issue surrounding “On-Maintenance” dates of Developer Contributed Assets being backdated to the date that Engineering and Environment performed the final inspections of these assets. We are pleased to note that on 16 March 2018, the Service Manager Engineering and Environmental Assessment sent an email to the Engineering Assessment Team, instructing that this practice ceases, and our testing indicated that this process had ceased. This instruction is not formalised in Council Policy.</p> <p><i>Recommendation</i> We recommend that Council’s Policies be updated to include the requirement that “On-Maintenance” dates of Developer Contributed Assets are not are not to be backdated to the date the final inspection of these assets was conducted.</p>	Resolved
QAO letter 24/10/17		<p>Inadequate Finalisation of Capital Work in Progress Projects.</p> <p><i>Issue</i> There were projects that have been completed more than 12 months before year end, but the technical data had not been provided for these assets to be capitalised in the fixed asset register.</p> <p><i>Recommendation</i> We recommend that Project Managers finalise capital works in progress in a timely manner following completion of the project.</p>	<p>Management undertaking for corrective action</p> <p>Status will be followed up when performing testing over property, plant and equipment at the final audit visit.</p> <p><u>Management Response:</u> <i>There has been significant improvement across the business in this area. The Capital Asset and Accounting Team is continuously monitoring the timely provision of capitalisation data from the respective business areas.</i></p>

Reference	Rating	Issue	Status
<i>Internal control issues (continued)</i>			
<p>QAO letter 24/10/17</p>		<p>Insufficient Responses to Capital Works Confirmations Provided by Project Managers.</p> <p><i>Issue</i> We noted that “Work in Progress Audit Confirmations” were incomplete and in some instances the response provided was inadequate. For many of the projects we noted that should have been capitalised, the comments on this “Work in Progress Audit Confirmation” for these projects stated the project was ‘on-going’, or no comment had been provided for that project.</p> <p><i>Recommendation</i> We recommend that all Responsible Project Managers are reminded of the importance of the completion of this confirmation, and any other internal confirmations requested. It is recommended that Council considers implementing a process to ensure greater accountability for their responses.</p>	<p>Management undertaking for corrective action</p> <p>Status will be followed up when performing testing over property, plant and equipment at the final audit visit.</p> <p><u>Management Response:</u> <i>There has been significant improvement across the business in this area. WIP comments are provided by the respective Project Managers on a quarterly basis. A quarterly WIP report summary is also provided to the General Managers for their reference.</i></p>






4. Appendix A—Our rating definitions

Internal rating definitions

	Definition	Prioritisation of remedial action
Significant deficiency 	<p>A significant deficiency is a deficiency, or combination of deficiencies, in internal control that requires immediate remedial action. Also, we increase the rating from a deficiency to a significant deficiency based on:</p> <ul style="list-style-type: none"> the risk of material misstatement in the financial statements the risk to reputation the significance of non-compliance with policies and applicable laws and regulations the potential to cause financial loss including fraud, or where management has not taken appropriate timely action to resolve the deficiency. 	<p>This requires immediate management action to resolve.</p>
Deficiency 	<p>A deficiency arises when internal controls are ineffective or missing, and are unable to prevent, or detect and correct, misstatements in the financial statements. A deficiency may also result in non-compliance with policies and applicable laws and regulations and/or inappropriate use of public resources.</p>	<p>We expect management action will be taken in a timely manner to resolve deficiencies.</p>
Other matter 	<p>An other matter is expected to improve the efficiency and/or effectiveness of internal controls, but does not constitute a deficiency in internal controls. If an other matter is not resolved, we do not consider that it will result in a misstatement in the financial statements or non-compliance with legislative requirements.</p>	<p>Our recommendation may be implemented at management's discretion.</p>

Financial reporting issues

	Potential effect on the financial statements	Prioritisation of remedial action
High 	<p>We assess that there is a high likelihood of this causing a material misstatement in one or more components (transactions, balances and disclosures) of the financial statements, or there is the potential for financial loss including fraud.</p>	<p>This requires immediate management action to resolve.</p>
Medium 	<p>We assess that there is a medium likelihood of this causing a material misstatement in one or more components of the financial statements.</p>	<p>We expect management action will be taken in a timely manner.</p>
Low 	<p>We assess that there is a low likelihood of this causing a material misstatement in one or more components of the financial statements.</p>	<p>We recommend management action to resolve; however, a decision on whether any action is taken is at management's discretion.</p>



5. Appendix B—Information on internal controls



What is internal control?

'Internal control' is the processes, systems, records and activities that your entity designs, implements and maintains to provide you with reasonable assurance about the achievement of organisational objectives regarding:

- reliability of financial reporting
- effectiveness and efficiency of operations
- compliance with applicable laws and regulations.

Your governing body and executive management collectively are responsible for preparing reliable financial statements in accordance with generally accepted accounting principles. They are similarly responsible for maintaining effective internal control over financial reporting.

Our assessments of your internal control framework

The auditing standards that we must comply with require us to understand and assess those aspects of your internal control that relate to our financial statement audit objectives. In the planning phase of our audit, we sought to understand and evaluate how controls are designed and implemented. We communicated to you the results of our analysis in our external audit plan.

If we decide that we can rely on your controls, we must then test them to confirm they operated effectively. The results of our testing may highlight deficiencies in your internal controls. We assess whether any identified deficiencies in internal control constitute, individually or in combination, a significant deficiency in internal control.

Limitations of our reporting on internal control deficiencies

No system of internal control can provide absolute assurance about the absence of error or compliance. Even in the absence of identified control weaknesses, inherent limitations in your internal controls over financial reporting may not prevent or detect material misstatements.



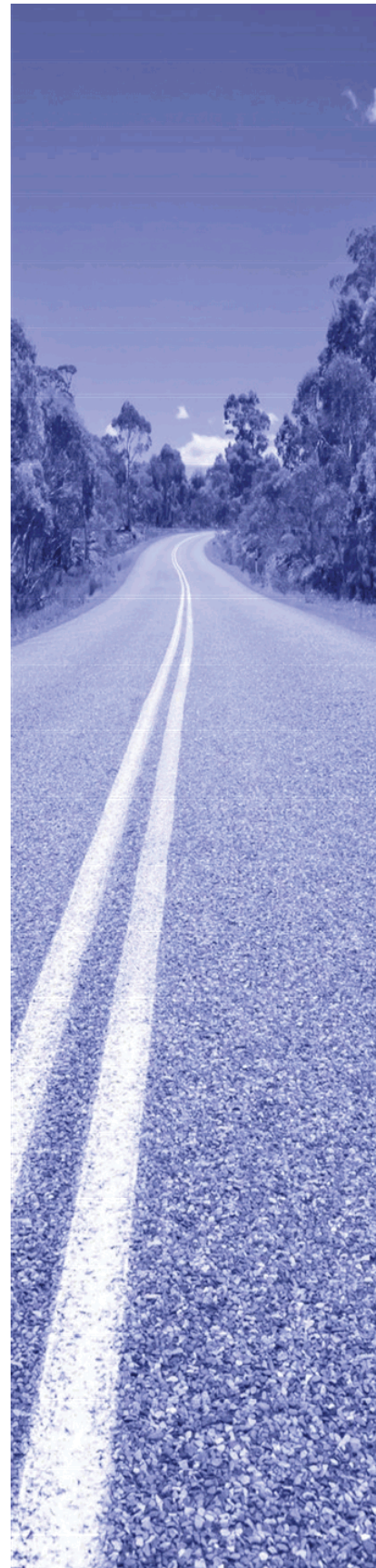
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PO Box 15396, City East Qld 4002



12.3 MAKING LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2015 AND UPDATING REGISTER OF ANIMALS IN PUBLIC PLACES

Objective Reference: A3812352

Authorising Officer: John Oberhardt, General Manager Organisational Services

Responsible Officer: Tony Beynon, Group Manager Corporate Governance

Report Author: Kristene Viller, Policy and Local Laws Coordinator

Attachments:

1. **Amending Local Law No. 2 (Local Law No.2 (Animal Management) 2015) 2019** [↓](#)
2. **Local Law No. 2 (Animal Management) 2015** [↓](#)
3. **Register of Animals in Public Places** [↓](#)
4. **Community Consultation Submission Review** [↓](#)

PURPOSE

The purpose of this report is to:

1. Present the results of the community consultation process that was undertaken for *Local Law No. 2 (Animal Management) 2015*.
2. Present the results of the community consultation process that was undertaken for *Local Law No. 2 (Animal Management) 2015*; Register - Animals in Public Places.
3. Proceed with the making of *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019*.
4. Proceed with the changes to *Local Law No. 2 (Animal Management) 2015*; Register - Animals in Public Places.

BACKGROUND

At the General Meeting on 7 March 2018 Council made a resolution to commence the process for amending *Local Law No. 2 (Animal Management) 2015*. The amendments include:

- inclusion of a provision making it an offence to abandon an animal;
- amending wording regarding animals in public places to allow for the inclusion of dogs subject of a proposed declaration notice to be identified separately; and
- update dictionary with new definitions relating to proposed regulated dogs.

At the General Meeting on 12 December 2018, Council further resolved to commence a community consultation process, inviting submission on the proposed local law amendments.

The amendments to *Local Law No. 2 (Animal Management) 2015* are detailed in the amending instrument (Attachment 1).

Please note that in the consolidated version of *Local Law No. 2 (Animal Management) 2015* (Attachment 2) the only changes made are:

Section	Amendment
Section 9(1)(a)	Remove the words 'species and breed' and replace with type
Section 9(1)(c)	Remove the words 'species and breed' and replace with type
Section 9 (5)	Inserted definition of animal of a particular type
Sections 54-56	Renumbered to 55 - 57
Section 54	Inserted new section on 'Abandonment of Animals'
Dictionary	Inserted new definition 'proposed declaration notice'
Dictionary	Inserted new definition 'regulated dog'

Council officers identified in January 2019 that *Local Law No.2 (Animal Management) 2015; Register – Animals in Public Places* prohibited regulated dogs from designated dog off-leash areas however, no such prohibition existed for dogs that are the subject of a proposed declaration notice.

In accordance with section 9 of *Local Law No.2 (Animal Management) 2015* it was determined that an amendment to *Local Law No.2 (Animal Management) 2015; Register - Animals in Public Places* was required for the safety of those attending dog off-leash areas. A community consultation was undertaken during April 2019.

Please note that in the consolidated version of *Local Law No.2 (Animal Management) 2015; Register – Animals in Public Places (Attachment 3)* the only changes made were to:

Section	Amendment
Part 1, Item 3, Column 1	Inclusion of 'a dog the subject of a proposed declaration notice'
Dictionary	Inclusion of new definition 'proposed declaration notice'
Dictionary	Inclusion of new definition 'regulated dog'

ISSUES

State Interest Checks

In accordance with Council's adopted local law making process a state interest check was completed on *Local Law No. 2 (Animal Management) 2015*.

All relevant State Government Departments were invited to provide comments on the draft local law. State Departments did not raise any concerns regarding the amendments.

Public Interest Review

The *Local Government Act 2009* (the Act) requires that any local law made with anti-competitive provisions is to comply with the procedures prescribed under a regulation for the review of the anti-competitive provisions. Review of the attached local laws found that no anti-competitive provisions were present.

Community Consultation

In accordance with Council's adopted local law making process and Council's resolution of 12 December 2018, community consultation was undertaken to allow the community the opportunity to provide comment on the proposed local laws. Submissions were invited from 10 April to 1 May 2019. All properly made submissions were considered. The report detailing the community feedback is provided in Attachment 4.

No proposed amendments were identified from the community consultation.

Local Law Implementation

Should Council make *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019* attached to this report, notice must be given to the public within one month, through publication in the Queensland Government Gazette and on Council's website. The law comes into effect on either the date published in the gazette or a date nominated by Council in the gazettal notice.

STRATEGIC IMPLICATIONS

Legislative Requirements

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

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

Part D of Council's adopted Local Law Making Process (adopted 20 March 2019) sets out the required steps for making the Amending Instrument. The first 6 steps in the Local Law Making Process involve making the Amending Instrument and steps 7 to 10 relate to notifying the public and Minister about the Amending Instrument.

Risk Management

The risks associated with making the local law has been managed by:

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

Financial

The cost of drafting the local law is funded through existing budget allocations within the Legal Services Unit.

People

The local law will have an impact on the resourcing within the Compliance Services Unit, who will take on the responsibility for enforcement provisions in the local laws. It is anticipated that this work will be absorbed by current resourcing.

Environmental

There are no environmental implications.

Social

Local Government provides for the good governance of the local government area through their local laws. *Local Law No. 2 (Animal Management) 2015* and *Local Law No. 2 (Animal Management) 2015*; Register – Animals in Public Places attached to this report has the potential to impact all members of the Redlands Community.

Community consultation provided the opportunity for community members to have their say on the proposal through providing a submission. The attached Community Consultation Report details the outcome of this consultation period.

Alignment with Council's Policy and Plans

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

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

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Service Manager Compliance	March 2018 – May 2019	Initial request for amendments. Provided feedback on community consultation submissions.
Compliance Services Project Officer	April 2019 – May 2019	Assisted in placing community consultation signage at DOLAs.
Senior Advisor Strategic Communication and Community Engagement	February 2019 – May 2019	Input into the community consultation approach.
Senior Advisor Community Engagement	February 2019 – May 2019	Preparation of community consultation material, management of Yoursay site and data collation. Provided input to analysis of responses.
Governance Service Manager	April 2019 – May 2019	Reviewed the community consultation results and the final report requesting adoption of the local Law.
Policy and Local Laws Coordinator	July 2018 – May 2019	Prepared Community consultation plan, reviewed results and prepared community consultation report, facilitated the drafting of amending instruments and conducted state interest checking process.
External Solicitors	March 2018 – May 2019	Prepared amending instruments and drafted amended consolidated local laws.
Elected Representatives	April 2019	All Councillors provided details on the community consultation process – dates of activities.

OPTIONS

Option One

That in accordance with Council's Local Law Making Process adopted on 20 March 2019, pursuant to section 29 of the *Local Government Act 2009*, Council resolves to:

1. receive and note the Community Consultation in the attached report, Community Consultation Submission Review (Attachment 4) and to implement the recommendations of this report;
2. proceed:
 - a. as advertised with the making of *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019*;
 - b. to make *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019*;
 - c. to adopt the consolidated version of *Local Law No. 2 (Animal Management) 2015*;
 - d. to give notice of the making of *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019* by publication in the Queensland Government Gazette.

3. proceed:
 - a. to adopt the consolidated version of *Local Law No. 2 (Animal Management) 2015*; Register – Animals in Public Places; and
 - b. give notice of the amendments by publication on Council’s website and media release; and
4. authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

Option Two

That Council resolves not to make *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019* and not to adopt consolidated *Local Law No. 2 (Animal Management) 2015*, Register – Animals in Public Places.

COUNCIL RESOLUTION 2019/163

Moved by: Cr Julie Talty

Seconded by: Cr Mark Edwards

That in accordance with Council’s Local Law Making Process adopted on 20 March 2019, pursuant to section 29 of the *Local Government Act 2009*, Council resolves to:

1. receive and note the Community Consultation in the attached report, Community Consultation Submission Review (Attachment 4) and to implement the recommendations of this report;
2. proceed:
 - a. as advertised with the making of *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019*;
 - b. to make *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019*;
 - c. to adopt the consolidated version of *Local Law No. 2 (Animal Management) 2015*;
 - d. to give notice of the making of *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019* by publication in the Queensland Government Gazette.
3. proceed:
 - a. to adopt the consolidated version of *Local Law No. 2 (Animal Management) 2015*; Register – Animals in Public Places; and
 - b. give notice of the amendments by publication on Council’s website and media release; and
4. authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

CARRIED 10/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Cr Paul Gleeson was not present when the motion was put.



**Amending Local Law No. 2
(Local Law No. 2 (Animal Management)
2015) 2019**

It is hereby certified that this a true and correct copy of *Amending
Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019* made, in accordance with the *Local
Government Act 2009*, by the Council of the City of Redland,
by resolution dated 5 June 2019

A. Chesterman
Chief Executive Officer



Redland City Council

Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019

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1
Redland City Council
Amending Local Law No. 2
(Local Law No. 2 (Animal Management) 2015) 2019

Redland City Council Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019

Part 1 Preliminary

1 Short title

This amending local law may be cited as *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019*.

2 Object

The object of this amending local law is to amend *Local Law No. 2 (Animal Management) 2015* to allow for the prohibition or restriction of animals of a particular type in public places and make it an offence to abandon an animal other than a regulated dog.

3 Commencement

This amending local law commences on the date of publication of the notice of the making of *Amending Local Law No. 2 (Local Law No. 2 (Animal Management) 2015) 2019* in the gazette.

Part 2 Amendment of Local Law No. 2 (Animal Management) 2015

4 Local Law Amended

The *Amending Local Law No.2 (Local Law No. 2 (Animal Management) 2015) 2019* amends *Local Law No. 2 (Animal Management) 2015*.

5 Amendment of s 9 (Prohibition and restriction of animals in public places)

- (1) Section 9(1)(a), 'species or breed'—
omit, insert—
type
- (2) Section 9(1)(c), 'species or breed'—
omit, insert—
type
- (3) Section 9(5)—

2
Redland City Council
Amending Local Law No. 2
(Local Law No. 2 (Animal Management) 2015) 2019

insert—

animal of a particular type means an animal specified by reference to 1 or more of the following factors—

- (a) species;
- (b) breed;
- (c) sex;
- (d) age;
- (e) number;
- (f) whether an animal is a declared dangerous animal;
- (g) whether an animal is a regulated dog;
- (h) whether an animal is a dog the subject of a proposed declaration notice.

6 Renumbering of ss 54—56

- (1) Sections 54 to 56—
renumber as sections 55 to 57.

7 Insertion of new s 54 (Abandonment of animals)

- (1) Part 7—
insert—

54 Abandonment of animals

- (1) This section applies to an animal other than a regulated dog.

Note—

The prohibition on abandoning a regulated dog is under section 68 of the *Animal Management (Cats and Dogs) Act 2008*.

- (2) An owner of an animal must not abandon an animal.
Maximum penalty—50 penalty units.
- (3) A person who surrenders an animal to the local government does not abandon the animal.
- (4) In this section—
abandon, an animal, includes leaving it for an unreasonable period, having regard to the health and safety of the animal.

8 Amendment of schedule (Dictionary)

- (1) Schedule—

3

Redland City Council
Amending Local Law No. 2
(Local Law No. 2 (Animal Management) 2015) 2019

insert—

proposed declaration notice has the meaning given under the *Animal Management (Cats and Dogs) Act 2008*.

regulated dog means a dog that under the *Animal Management (Cats and Dogs) Act 2008* is a declared dangerous dog, a declared menacing dog or a restricted dog.



Redland City Council

Local Law No. 2 (Animal Management) 2015

It is hereby certified that this a true and correct copy of *Local Law No. 2 (Animal Management) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 5 June 2019

A. Chesterman
Chief Executive Officer

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Redland City Council Local Law No. 2 (Animal Management) 2015

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 2 (Animal Management) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - (b) the prescription of minimum standards for keeping animals; and
 - (c) the proper control of animals in public places and koala conservation areas; and
 - (d) the management of dangerous or aggressive animals other than dogs;¹ and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws²

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2015*.

¹ The *Animal Management (Cats and Dogs) Act 2008* provides for the management of **regulated dogs**, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;³
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁵ for keeping an animal or animals in prescribed circumstances.
- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—

³ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

⁴ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁵ Keeping an animal for which an approval is required under this local law is a *prescribed activity* under schedule 2 of *Local Law No. 1 (Administration) 2015*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁶
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act⁷.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁸

Division 3 Minimum standards

7 Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.⁹
- Maximum penalty for subsection (2)—20 penalty units.
- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 4 Identification of registered dogs

8 Identification for dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a dog that is at

⁶ See note 4.

⁷ See the definition of *Planning Act* in the Act, schedule 4.

⁸ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

⁹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

a place other than the address stated in the registration notice for the dog.¹⁰

Part 3 Control of animals

Division 1 Animals in public places

9 Prohibition and restriction of animals in public places

- (1) The local government may, by resolution, specify—
 - (a) public places where animals, or animals of a particular type, are prohibited; and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies; and
 - (c) if a person may only bring an animal, or animals of a particular type, onto a public place subject to 1 or more conditions —
 - (i) the public place at which the conditions apply; and
 - (ii) particulars of the conditions which apply at the public place.
- (2) However, before making a resolution under subsection (1), the local government must—
 - (a) consult with the public for at least 21 days about—
 - (i) each prohibition proposed under subsection (1)(a) or (b); and
 - (ii) each restriction proposed under subsection (1)(c); and
 - (b) consider every submission properly made to it about—
 - (i) each prohibition proposed under subsection (1)(a) or (b); and
 - (ii) each restriction proposed under subsection (1)(c).
- (3) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of —
 - (a) a prohibition specified under subsection (1)(a) or (b); or
 - (b) a condition specified under subsection (1)(c).

Maximum penalty for subsection (3)—20 penalty units.

- (4) The local government must take reasonable steps to provide notice to members of the public regarding—
 - (a) each prohibition specified under subsection (1)(a) or (b); and
 - (b) each condition specified under subsection (1)(c).
- (5) In this section—

animal of a particular type means an animal specified by reference to 1 or more of

¹⁰ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

the following factors—

- (a) species;
- (b) breed;
- (c) sex;
- (d) age;
- (e) number;
- (f) whether an animal is a declared dangerous animal;
- (g) whether an animal is a regulated dog;
- (h) whether an animal is a dog the subject of a proposed declaration notice.

reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

- (a) if a prohibition specified under subsection (1)(a) applies in the place —the animals that are prohibited in the place; and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies; and
 - (c) if 1 or more conditions apply to the bringing of an animal or animals onto the place — particulars of the conditions which apply to the bringing of an animal or animals onto the place; and
 - (d) in general terms, the provisions of subsection (3).
- (6) The local government must keep a record available for public inspection identifying—
- (a) each prohibition specified under subsection (1)(a); and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies as specified under subsection (1)(b); and
 - (c) if 1 or more conditions apply to the bringing of an animal or animals onto a public place under subsection (1)(c) —
 - (i) the public place at which the conditions apply; and
 - (ii) particulars of the conditions which apply to the bringing of the animal or animals onto the place.
- (7) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a prohibition or restriction under subsection (1).
- (8) The repeal or amendment of a resolution about a prohibition or restriction under subsection (1) does not —
- (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
 - (b) affect the previous operation of this section or the resolution or anything suffered, done or begun under this section or the resolution; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under this section or the resolution; or

- (d) affect a penalty incurred in relation to an offence arising under this section; or
 - (e) affect an investigation or proceeding in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).
- (9) The investigation or proceeding may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.
- (10) Without limiting subsections (8) and (9), the repeal or amendment of a resolution about a prohibition or restriction under subsection (1) does not affect—
- (a) the proof of anything that has happened; or
 - (b) any right, privilege or liability saved by the operation of this section or the resolution; or
 - (c) any repeal or amendment made by the resolution.

10 Dog off-leash areas

- (1) The local government may, by resolution—
- (a) designate an area within a public place as an area where a dog is not required to be on a leash (a *dog off-leash area*); and
 - (b) for a dog off-leash area — designate the dog off-leash area as an area where a dog is not required to be on a leash —
 - (i) at any time; or
 - (ii) on specified days; or
 - (iii) during specified hours on specified days.
- (2) However, before making a resolution under subsection (1), the local government must—
- (a) consult with the public for at least 21 days about each designation proposed under subsection (1); and
 - (b) consider every submission properly made to it about each designation proposed under subsection (1).
- (3) The local government must take reasonable steps to provide notice to members of the public regarding each designation under subsection (1).
- (4) In this section—
- reasonable steps* include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of each designation under subsection (1).
- (5) The local government must keep a record available for public inspection identifying each designation under subsection (1).
- (6) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a designation under subsection (1).
- (7) The repeal or amendment of a resolution about a designation under subsection (1) does not —

- (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
 - (b) affect the previous operation of any provision of this local law or the resolution or anything suffered, done or begun under any provision of this local law or the resolution; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under any provision of this local law or the resolution; or
 - (d) affect a penalty incurred in relation to an offence arising under any provision of this local law; or
 - (e) affect an investigation or proceeding in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).
- (8) The investigation or proceeding may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.
- (9) Without limiting subsections (7) and (8), the repeal or amendment of a resolution about a designation under subsection (1) does not affect—
- (a) the proof of anything that has happened; or
 - (b) any right, privilege or liability saved by the operation of this section or the resolution; or
 - (c) any repeal or amendment made by the resolution.

11 Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
- (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

Maximum penalty for subsection (1)—20 penalty units.

- (2) An animal is under the *effective control* of someone only if—
- (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein which has a length

¹¹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

¹² See the definition of *declared dangerous animal* in the schedule.

- of not more than 2 m; or
- (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or
- (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
 - (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
 - (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
 - (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

12 Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

13 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.¹³

Maximum penalty for subsection (1)—20 penalty units.
- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner of the animal must ensure that it is not wandering at large.¹⁴

Maximum penalty for subsection (3)—20 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—
 - (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or

¹³ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁴ See the definition of *wandering at large* in the schedule.

- (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

13A Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.
- (2) The prescribed requirements may relate to one or more of the following—
 - (a) the enclosure in which the dog must be kept;
 - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala;
 - (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land;
 - (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

Maximum penalty for subsection (3)—20 penalty units.

- (4) In this section—

koala area means—

- (a) a koala habitat area; or
- (b) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

- (a) a conservation plan made under the *Nature Conservation Act 1992*; or
- (b) a State planning instrument.

Division 3 Aggressive behaviour by animals other than dogs

14 Limited application of division to dogs¹⁵

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

¹⁵ Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

15 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
- (d) otherwise—20 penalty units.

- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
- (d) otherwise—20 penalty units.

- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹⁶

16 Defences for offence against s 15

It is a defence to a prosecution for an offence against section 15 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the **accompanying person**), or the responsible person's or

¹⁶ See section 83 of that Act.

accompanying person's property.

Division 4 Dangerous animals other than dogs¹⁷

17 Declaration of dangerous animal other than a dog

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice¹⁸ about the declaration.

18 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,¹⁹ require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

19 Seizure of animals

- (1) An authorised person may seize²⁰ an animal, other than a dog,²¹ in the following circumstances—
 - (a) the animal is found wandering at large; or

¹⁷ Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

¹⁸ See the definition of **information notice** in *Local Law No.1 (Administration) 2015*, schedule 1.

¹⁹ See *Local Law No.1 (Administration) 2015*, section 28 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

²⁰ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

²¹ See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

- (b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.²²
- (2) An authorised person may seize a dog in the following circumstances—
- (a) the dog is found wandering at large; or
 - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
- (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

20 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,²³ under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or

²² The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: “If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government’s area.”

²³ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog.

- (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
- (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

21 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 19(1)(a) or section 19(2)(a); and
 - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

22 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

23 What is a notice of impounding

- (1) A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
 - (a) the animal has been impounded; and
 - (b) the animal may be reclaimed within the prescribed period provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been seized under section 19(1)(b) or 19(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
 - (v) no destruction order has been made for the animal.

- (2) In this section—
relevant compliance notice means the compliance notice mentioned in section 19(1)(b) or 19(2)(b).

24 Dealing with animal seized and impounded for wandering at large

- (1) Subsection (2) applies where—
- (a) an authorised person has impounded an animal seized under section 19(1)(a) or 19(2)(a); and
 - (b) the animal was not a declared dangerous animal at the time of being seized; and
 - (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person must give the owner or responsible person a notice of impounding.
- (3) Subsection (4) applies where—
- (a) an authorised person has impounded a declared dangerous animal seized under section 19(1)(a); or
 - (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.
- (4) The authorised person may—
- (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) make a destruction order for the animal under section 28.

25 Dealing with animal seized and impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal seized under section 19(1)(b) or 19(2)(b).
- (2) The authorised person may—
- (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

26 Dealing with animal seized and impounded for attacking etc a person or another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 19(1)(c).

- (2) The authorised person may²⁴—
 - (a) make a destruction order for the animal under section 28; or
 - (b) give the owner or responsible person a notice of impounding.

27 Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
 - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
 - (a) if subsection (3)(a) applies—
 - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
 - (b) if subsection (3)(b) applies—
 - (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

²⁴ An authorised person may also declare an animal as a declared dangerous animal under section 17 if specified criteria are met.

Division 4 Destruction of animal following notice**28 Destruction orders**

- (1) An authorised person may make an order (a *destruction order*) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
 - (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (b) the animal is a declared dangerous animal and was found wandering at large; or
 - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
 - (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by an information notice.²⁵
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 27(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—

²⁵ See note 18.

- (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 27(2)(b)-(d).
- (9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2015*.

appeal means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

29 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 27(2); or
- (b) if section 27(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or
- (c) if section 27(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 25(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

30 Sale, disposal or destruction of animals

- (1) The local government may—
- (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal mentioned in section 25(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.
- (4) An amount realised on sale of an impounded animal must be applied—
- (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

- The local government may give the animal away.
- The local government may have the animal destroyed.

Division 6 Other impounding matters

31 Register of impounded animals

- (1) This section applies to an animal other than a dog seized under section 125 of the Animal Management Act.
- (2) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (3) The register of impounded animals must contain the following information about each impounded animal—
- (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and

- (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (4) The register of impounded animals must be kept available for inspection by a person to whom section 31(5) of this local law applies, at the place where the animal is impounded or, if the place has no public office, at an office prescribed by subordinate local law.
 - (5) A person may inspect the Register only if the person satisfies the local government that the person is the owner of an impounded animal by, for example, providing to the local government a statutory declaration detailing the facts and circumstances of the seizure or impounding of the impounded animal.
 - (6) The owner of an impounded animal may only inspect that part of the information contained within the Register that relates to the impounding of the impounded animal for which that person is the owner.

32 Access to impounded animal

- (1) This section applies to an animal impounded under section 22.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

33 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government's facility for keeping impounded animals.
- Maximum penalty for subsection (1)—50 penalty units.
- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

34 Who may appeal

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

35 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
 - (a) filing notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

36 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

37 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

38 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

39 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Registration of cats**40 Registration obligation**

- (1) This section does not apply to—
 - (a) the operator of a cattery, pound or shelter; or
 - (b) the owner of a cat less than 12 weeks old.
- (2) An owner of a cat must comply with section 41 to register the cat within 14 days after starting to keep the cat in the local government area unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (3) A person who becomes an owner of a cat must comply with section 41 to register the cat in the local government area within 14 days unless the person has a reasonable excuse.
Maximum penalty — 20 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (2) or (3) for the defendant to prove that the cat is of a class of cat prescribed under a subordinate local law.

41 What the owner of a cat must do

To register a cat with the local government, the owner of the cat must—

- (a) give the local government a registration form for the cat that complies with section 42; and
- (b) ensure the registration form is accompanied by—
 - (i) the registration fee for the cat; and
 - (ii) if the cat is desexed — a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed; and
- (c) if a written notice is given to the owner under section 43 — give the chief executive officer of local government any other information or documents required to be given in the notice.

42 What registration form must state

A registration form for the registration of a cat must comply with requirements prescribed by subordinate local law.

43 Chief executive officer may ask for further information

- (1) This section applies if the owner of a cat gives the local government—
 - (a) a registration form for the cat under section 41; or
 - (b) a notice mentioned in section 46(3) or 48(2) for the cat.
- (2) The chief executive officer may, by written notice, require the owner to give other information or documents reasonably required to register the cat.
- (3) The notice must state a reasonable period of at least 14 days to comply with the notice.

44 Local government must give registration notice

- (1) This section applies if an owner of a cat complies with section 41 for the cat.
- (2) The local government must give the owner of the cat notice (a *registration notice*) that the cat has been registered by the local government.
- (3) The registration notice must—
 - (a) comply with the requirements prescribed by subordinate local law; and
 - (b) be accompanied by any registration device for the cat.

45 Duration of registration

The registration of a cat is for the period fixed by resolution of the local government for the cat.

46 Amendment of registration

- (1) If any information stated in the registration notice for a cat changes (the *changed information*), the owner of the cat must, within 7 days, give the local government notice of the changed information.
Maximum penalty — 5 penalty units.
- (2) The notice must be—
 - (a) in the approved form; and
 - (b) accompanied by other information or documents to enable the local government to record the changed information in the local government's register of cats.
- (3) If the owner complies with subsection (2), the local government must, within 14 days after receiving the notice, ensure the owner is given a written notice for the cat that includes the changed information.

47 Renewal of registration

- (1) This section applies if—
 - (a) a cat has been registered by the local government; and
 - (b) the local government has given the owner of the cat a registration notice.

- (2) The local government must give the owner notice (a *renewal notice*) to renew the registration for the cat.
- (3) The renewal notice must comply with requirements prescribed by subordinate local law.

48 What owner of a cat must do about renewal of registration

- (1) This section applies to the owner of a cat, whether or not the owner has been given a renewal notice.
- (2) The owner of the cat must, before the period of registration for the cat expires—
 - (a) if any information on the renewal notice has changed—give the local government written notice of the change (the *changed information*); and
 - (b) pay the registration fee for the cat; and
 - (c) if the cat is desexed—ensure the fee is accompanied by a signed veterinary surgeon’s certificate stating, or other evidence that, it has been desexed.

Maximum penalty — 20 penalty units.

- (3) However, if a registration form for the cat has already been accompanied by the certificate or evidence mentioned in subsection (2) for the cat, the certificate or evidence need not accompany the fee.

49 Local government’s obligations if owner complies

- (1) This section applies if the owner of a cat given a renewal notice under section 47 complies with section 48 for the cat.
- (2) The local government may ask the owner for other information or documents in the way mentioned in section 43.
- (3) The owner must give the local government the information or documents required to be given in the notice mentioned in section 43(2).

Maximum penalty — 5 penalty units.

- (4) If the owner complies with subsection (3), the local government must—
 - (a) within 7 days after receiving the notice mentioned in section 48(2), ensure the information is updated in the local government’s register of cats in a way that reflects the change; and
 - (b) within 14 days after receiving the fee, any information or documents mentioned in section 48(2) or other information or documents given under section 43, give the owner any registration device for the cat.

49A Obligations of owner of registered cat

- (1) The owner of a registered cat must not, without a reasonable excuse —
 - (a) fail to ensure that the cat carries the registration device required by resolution of the local government; and

- (b) fail to ensure that the registration device is attached to a collar worn by the cat; and
 - (c) fail to notify the local government within 14 days if the registration device for the cat has been lost or destroyed. Maximum penalty for each of paragraphs (a), (b) and (c)—20 penalty units.
- (2) The local government may grant an exemption to the requirement to attach the registration device to a collar worn by the cat where the owner can produce evidence to the satisfaction of the local government that reasonable circumstances for an exemption exist.

50 Cat not registered at commencement

- (1) This section applies to an owner of a cat other than the operator of a cattery, shelter or pound if the cat—
- (a) is not registered at the commencement of this local law; or
 - (b) is less than 12 weeks old.
- (2) The owner must ensure the cat is registered within 3 months after whichever is the later of—
- (a) the commencement of this local law; and
 - (b) the cat is 12 weeks old.

51 Registration of cat continues

A cat registered under chapter 3 of the *Animal Management (Cats and Dogs) Act 2008* before the commencement of this local law is taken to be registered under part 6.

Part 7 Miscellaneous**52 Sale of animals**

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).
- Maximum penalty for subsection (3)—50 penalty units.

53 Disposal of dead animals

- (1) If an animal is found dead on any land, an authorised person may give a compliance

notice to—

- (a) a person who was the owner or responsible person for the animal prior to its death; or
 - (b) for land other than a public place, and where there is no person who is known to have been the owner or responsible person for the animal prior to its death, the occupier of the land.
- (2) The compliance notice given by an authorised person under subsection (1) may require the person to remove and dispose of the carcass in a specified manner within the time specified in the notice.
- (3) If a person fails to comply with a compliance notice given under subsection (1), a local government worker may enter the land where the carcass is situated (if it is not a public place) and—
- (a) remove the carcass for disposal elsewhere; or
 - (b) at the authorised person's election, dispose of the carcass by burial on the land.
- (4) Subsection (3) applies—
- (a) whether or not there has been a prosecution for an offence; and
 - (b) subject to chapter 5, part 2 of the Act.
- (5) Despite subsections (1) to (4), but subject to section 145 of the Act, a local government worker may enter the land and remove or dispose of the carcass in a manner specified in subsection (3), if the state of decomposition of the carcass creates a potentially dangerous situation.
- (6) A person must not dispose of a dead animal in or upon a public place without the permission of an authorised person.
- Maximum penalty for subsection (6)—20 penalty units.

54 Abandonment of animals

- (1) This section applies to an animal other than a regulated dog.

Note—

The prohibition on abandoning a regulated dog is under section 68 of the *Animal Management (Cats and Dogs) Act 2008*.

- (2) An owner of an animal must not abandon an animal.
- Maximum penalty—50 penalty units.
- (3) A person who surrenders an animal to the local government does not abandon the animal.
- (4) In this section—
- abandon**, an animal, includes leaving it for an unreasonable period, having regard to the health and safety of the animal.

55 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;²⁶ or
- (b) the circumstances in which an approval is required for the keeping of animals;²⁷ or
- (c) minimum standards for keeping animals generally or animals of a particular species or breed;²⁸ or
- (d) the identification for dogs required under the *Animal Management (Cats and Dogs) Act 2008*;²⁹ or
- (e) animals whose faeces in public places must be removed and disposed of;³⁰ or
- (f) proper enclosure requirements;³¹ or
- (g) requirements for keeping a dog within a koala area;³² or
- (h) designation of an area as a koala area;³³ or
- (i) the criteria for declaring an animal other than a dog to be a declared dangerous animal;³⁴ or
- (j) the organisation or local government that operates a place or care for impounded animals;³⁵ or
- (k) the species, breed or class of animal that may be disposed of other than by public auction or tender;³⁶ or
- (l) the office at which the register of impounded animals is available for public inspection;³⁷ or
- (m) the class of cat prescribed for the purposes of section 40(4);³⁸ or
- (n) prescribed requirements for a registration form;³⁹ or
- (o) prescribed requirements for a registration notice;⁴⁰ or

²⁶ See section 5(1).

²⁷ See section 6(1).

²⁸ See section 7(1).

²⁹ See section 8.

³⁰ See section 12.

³¹ See section 13(2).

³² See section 13A(1).

³³ See section 13A(4).

³⁴ See section 17(1).

³⁵ See section 22(b).

³⁶ See section 30(1)(b).

³⁷ See section 31(3).

³⁸ See section 40(4).

³⁹ See section 42.

⁴⁰ See section 44(3).

- (p) prescribed requirements for a renewal notice;⁴¹
- (q) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;⁴² or
- (r) the exclusion of animals of a particular species from the application of this local law;⁴³ or
- (s) the declaration of a species of animal as a declared dangerous animal;⁴⁴ or
- (t) the period within which an impounded animal may be reclaimed.⁴⁵

56 Transitional provision for the prohibition and restriction of animals in public places

For the avoidance of doubt, the local government may make a resolution about a prohibition or restriction under section 9(1) contemporaneously with, or after, the commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about—

- (a) each prohibition proposed under section 9(1)(a) or (b); and
- (b) each restriction proposed under subsection (1)(c).

Example—

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by resolution, under section 29(1) of the *Local Government Act 2009*.

57 Transitional provision for dog off-leash areas

For the avoidance of doubt, the local government may make a resolution about a designation under section 10(1) contemporaneously with, or after, the commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about, each designation proposed under section 10(1).

Example—

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by resolution, under section 29(1) of the *Local Government Act 2009*.

⁴¹ See section 47(3).

⁴² See section 52(1).

⁴³ See the definition of *animal* in the schedule.

⁴⁴ See the definition of *declared dangerous animal* in the schedule.

⁴⁵ See the definition of *prescribed period* in the schedule.

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

approved form means a form approved by the chief executive officer of the local government.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

cattery means the operation of premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 cats.

changed information—

- (a) for section 46—see section 46(1); and
- (b) for section 48—see section 48(2).

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2015*, section 28.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁶

declared dangerous animal means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 17 of this local law to be a declared dangerous animal.

desex see *Animal Management (Cats and Dogs) Act 2008, schedule 2*.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 28(1).

dog off-leash area see section 10(1).

effective control see section 11(2).

koala area see section 13A(4).

notice of impounding see section 23(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the

⁴⁶ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

minor.

pound, for part 6, means premises maintained for the purpose of impounding animals.

prescribed period means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

proposed declaration notice has the meaning given under the *Animal Management (Cats and Dogs) Act 2008*.

registered, for a cat, means that the information about the cat is recorded in the local government's register of cats.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

registration device means a device to assist in identifying a cat decided by resolution of the local government.

Example of a registration device—a tag for the collar of a cat

registration fee, for a cat, means the fee fixed by the local government for the registration of the cat.

registration form, for the registration of a cat, means the approved form for registering cats in the local government area.

regulated dog means a dog that under the *Animal Management (Cats and Dogs) Act 2008* is a declared dangerous dog, a declared menacing dog or a restricted dog.

registration notice see section 44(2).

renewal notice see section 47(2).

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) if a minor has immediate control or custody of the animal — the parent or guardian of the minor; or
- (c) if a person other than a minor has immediate custody or control of the animal — the person who has immediate custody or control of the animal; or
- (d) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

restricted dog see *Animal Management (Cats and Dogs) Act 2008*, section 63.

shelter, for part 6, means premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned or unwanted animals.

State planning instrument see *Sustainable Planning Act 2009*, schedule 3.

the Act means the *Local Government Act 2009*.

veterinary surgeon has the meaning given in the *Veterinary Surgeons Act 1936*.

wandering at large means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.

Certification

This and the preceding 34 pages bearing my initials is a certified copy of *Local Law No. 2 (Animal Management) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

395324_1



Redland City Council

**Local Law No. 2 (Animal Management)
2015**

Register

Animals in Public Places



Redland City Council

Local Law No. 2 (Animal Management) 2015

Contents

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Register Prohibition and restriction of animals in public places

Local Law No. 2 (Animal Management) 2015

The dictionary in the schedule defines particular words used in this Register.

Part 1 Prohibition of animals in public places under section 9(1)(a) and (b) of Local Law No. 2 (Animal Management) 2015.

Item	Column 1 Prohibition	Column 2 Public Place
1	Public places where a person is prohibited from bringing a dog at any time.	<ul style="list-style-type: none"> <li data-bbox="818 827 1273 995">(a) Wellington Point Reserve, Wellington Point, but limited to the designated swimming beach and the playground and picnic area adjacent to the access road into Wellington Point Reserve. <li data-bbox="818 1010 1273 1121">(b) The reserve and the adjacent foreshore and seashore at Beth Boyd Park, Thorneside – other than the designated walkway. <li data-bbox="818 1136 1273 1415">(c) All foreshore and seashore at Raby Bay, Cleveland except the foreshore and seashore in front of Raby Bay Foreshore Park between the first groyne in an easterly direction from the intersection of Masthead Drive and Seacrest Court and the first groyne in a westerly direction from the intersection of Masthead Drive and Seacrest Court. <li data-bbox="818 1430 1273 1598">(d) The foreshore and seashore adjacent to W.H. Yeo Park, Victoria Point between the intersection of Thompson Street and Thompson Esplanade and west to the mouth of Moogurrumpum Creek. <li data-bbox="818 1612 1273 1768">(e) All reserves on Coochiemudlo Island and the foreshore and seashore of Coochiemudlo Island from the boat ramp at Main Beach, extending in— <ul style="list-style-type: none"> <li data-bbox="899 1738 1273 1768">(i) an easterly direction to Norfolk

Item	Column 1 Prohibition	Column 2 Public Place
		<p>Beach; and</p> <p>(ii) a northerly direction to Morwong Beach; and</p> <p>(iii) a westerly direction to the intersection of Elizabeth Street and Victoria Parade at Morwong Beach.</p> <p>(f) The foreshore and seashore adjacent to Redland Bay Esplanade, Redland Bay where Grey Street and Bay Street intersect.</p> <p>(g) The foreshore, seashore and reserve at Cylinder Beach, North Stradbroke Island between the foreshore and the roads abutting the reserve.</p> <p>(h) The foreshore and seashore at North Stradbroke Island, Main Beach between a point north east of Plant 7 Road and the access road adjacent to the Point Lookout Surf Lifesaving Club.</p> <p>(i) The foreshore and seashore in front of the swimming enclosures at Redland Bay, North Stradbroke Island, Russell Island, Macleay Island, Lamb Island and Karragarra Island.</p> <p>(j) The display garden and barbeque areas located at the Redlands Indigiscapes Centre, 17 Runnymede Road, Capalaba.</p> <p>(k) Myora Springs Reserve, North Stradbroke Island.</p> <p>(l) Empire Point Wader Roost, Ormiston (Lot 116 on SL8945).</p> <p>(m) All bathing reserves placed under the control of the local government.</p> <p>(p) Within 10 metres of any playground apparatus in a public place that is provided for the use of children.</p> <p>(q) In any shop other than —</p> <p>(i) a pet shop; or</p> <p>(ii) a veterinary shop/clinic; or</p>

Item	Column 1 Prohibition	Column 2 Public Place
		<p>(iii) if the animal is a dog or a cat – a dog grooming or pet care salon.</p> <p>(r) Swamp Box Conservation Area, Capalaba (Lot 900 on SP207204).</p>
2	Public places where a person is prohibited from bringing a dog during specified hours on specified days and particulars of the hours and days.	<p>(a) Subject to the prohibition specified in item 1(a), columns 1 and 2, Wellington Point Reserve, Wellington Point — the prohibition applies on Saturday, Sunday and statutory holidays, but only between the hours of 9.00 a.m. and 4.00 p.m.</p> <p>(b) The foreshore and seashore at the end of each of Edinburgh Street, Church Street and Wilson Street, Victoria Point — the prohibition applies on Saturday, Sunday and statutory holidays.</p> <p>(c) The reserve at W.H. Yeo Park, Victoria Point— the prohibition applies on Saturday, Sunday and statutory holidays, but only between the hours of 9.00 a.m. and 4.00 p.m.</p>
3	Public places where a person is prohibited from bringing a dog which is: (a) A regulated dog; or (b) A dog the subject of a proposed declaration notice.	Each public place which is designated as a dog off-leash area.
4	Public places where a person is prohibited from bringing a horse, camel or donkey at any time.	<p>(a) Wellington Point Recreation Reserve, Wellington Point.</p> <p>(b) Redlands Indigiscapes Centre, 17 Runnymede Road, Capalaba.</p> <p>(c) All bathing reserves placed under the control of the local government.</p>
5	Public places where a person is prohibited from bringing a horse at any time.	Subject to Item 4(a), (b) and (c), each park and reserve within the local government area which is designated by sign as a public place where a person is prohibited from bringing a horse at any time.

Redland City Council Local Law No. 2 (Animal Management) 2015

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Item	Column 1 Prohibition	Column 2 Public Place
6	Public places where a person is prohibited from bringing a goat, pig, cow, sheep, llama, alpaca, deer, fowl, peafowl, poultry, ostrich or emu at any time.	(a) All parks and reserves within the local government area. (b) All foreshore areas within the local government area. (c) All bathing reserves placed under the control of the local government.

Part 2 Restriction of animals in public places under section 9(1)(c) of Local Law No. 2 (Animal Management) 2015

Item	Column 1 Restriction	Column 2 Public Place
1	<p>Public places where a person may only bring a camel or donkey subject to conditions and particulars of the conditions.</p> <p>The conditions applicable to the bringing of a camel or donkey onto a public place identified in Item 1, Column 2 are that the responsible person for the animal must ensure that the animal does not do any of the following—</p> <ul style="list-style-type: none"> (a) enter any area which is not part of a designated trail system; (b) disturb feeding, resting or roosting shore birds or wading birds; (c) disturb mangroves, sea grass or other marine vegetation or cause other environmental harm. <p>These conditions do not apply if 1 or more camels or donkeys are brought onto a park or reserve by the holder of an approval granted under <i>Local Law No. 1 (Administration) 2015</i>—</p> <ul style="list-style-type: none"> (a) in the exercise of the rights of the holder of the approval; and (b) in accordance with the conditions specified in the approval. 	<ul style="list-style-type: none"> (a) All parks and reserves within the local government area. (b) All foreshore areas within the local government area.

<p>2</p>	<p>Public places where a person may only bring a horse subject to conditions and particulars of the conditions.</p> <p>The conditions applicable to the bringing of a horse onto a public place identified in Item 2, Column 2 are that the responsible person for the horse must ensure that the horse does not do any of the following—</p> <ul style="list-style-type: none"> (a) disturb feeding, resting or roosting shore birds or wading birds; (b) disturb mangroves, sea grass or other marine vegetation or cause other environmental harm. <p>These conditions do not apply if 1 or more horses are brought onto a park or reserve by the holder of an approval granted under <i>Local Law No. 1 (Administration) 2015</i>—</p> <ul style="list-style-type: none"> (a) in the exercise of the rights of the holder of the approval; and (b) in accordance with the conditions specified in the approval. 	<ul style="list-style-type: none"> (a) All parks and reserves within the local government area unless the park or reserve is a public place where a person is prohibited from bringing a horse at any time under Part 1, Item 4 or Item 5. (b) All foreshore areas within the local government area.
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Register Dog off-leash areas

Local Law No. 2 (Animal Management) 2015

Dog off-leash areas designated under section 10 of Local No. 2 (Animal Management) 2015

Item	Column 1 Public place designated as a dog off-leash area	Column 2 If the dog off-leash area is not a dog off-leash area at all times — the specified days and hours when a dog is not required to be on a leash
1	Point Lookout, North Stradbroke Island Area within the foreshore and seashore in front of the Point Lookout Hotel, Home Beach between Rocky Point and the Rocky Headland	
2	Dunwich - North Stradbroke Island Barton Street Park Lot 80 on SP228347 Area between the skatebowl and the fenced area at the eastern end of the park.	
3	Capalaba – Wentworth Drive Park Area within the fenced dog off leash enclosure Lot 7 on RP119832 and Lot 515 on RP159458	
4	Redland Bay – Charlie Buckler Sportsfield Area within the fenced dog off leash enclosure Lot 1 on RP 173525	

Redland City Council Local Law No. 2 (Animal Management) 2015

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5	Thornlands - Robert Mackie Park, Thornlands Area within the fenced dog off leash enclosure Lot 200 on RP188833	
6	Birkdale – Three Paddocks Park Area within the fenced dog off leash enclosure Lot 2 on SP131666	
7	Alexandra Hills – Windemere Road Park Area within the fenced dog off leash enclosure Lot 1 on RP182975	
8	Alexandra Hills – George Street Park Area within the fenced dog off leash enclosure Lot 101 on RP138749	
9	Birkdale – Aquatic Paradise Park West Area within the unfenced area as designated by sign Lot 420 on RP801831	
10	Capalaba – Brosnan Drive Park Area within the fenced dog off leash enclosure Lot 268 on RP203284	
11	Cleveland – G>J Walter Park Area within the unfenced area as designated by sign Lot 66 on SP11554	

12	Cleveland – Raby Bay Foreshore Park Area within the foreshore and seashore in front of Raby Bay Foreshore Park between the first groyne in an easterly direction from the intersection of Masthead Drive and Seacrest Court, Cleveland and the first groyne in a westerly direction from the intersection of Masthead Drive and Seacrest Court. Lot 449 on SL12369	
13	Coochiemudlo Island – Main Beach Victoria Parade Coochiemudlo Foreshore – West Area within the foreshore and seashore at Main Beach, Coochiemudlo Island between a point 113 metres west of the barge ramp, and extending in a westerly direction to a point 293 metres west of the barge ramp . Lot 22 on SP144276	(a) At all times during the months of May, June, July and August; and (b) During the months of January, February, November and December but only before 9.00 a.m. and after 5.00 p.m. each day.
14	Russell Island – Lions Boulevard Park Area within the foreshore and seashore in front of Lions Boulevard Park. Lots 71-81 on RP122082	(a) At all times during the months of May, June, July and August; and (b) During the months of January, February, November and December but only before 9.00 a.m. and after 5.00 p.m. each day.
15	Alexandra Hills – Hanover Drive Park Area within the fenced dog off leash enclosure Lot 300 on RP192407	
16	Alexandra Hills – Valentine Park Area within the fenced dog off leash enclosure Lot 16 on RP187810	
17	Birkdale, Lachlan Street Park Area within the fenced dog off leash enclosure Lot 86 on RP206419	

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18	Capalaba, Capalaba Regional Park Area within the fenced dog off leash enclosure Lot 1 on RP180899	
19	Lamb Island, Pioneer Park (Lamb) Area within the unfenced area as designated by sign Lot 15 on RP31222	
20	Macleay Island - Attunga Street Foreshore Area within the unfenced area as designated by sign Lot 528 on RP118164	
21	Mt Cotton – Mount Cotton Community Park Area within the fenced dog off leash enclosure Lot 915 on SP221149	
22	Ormiston – Redlands Softball Park Area within the fenced dog off leash enclosure Lot 1 on RP219150	
23	Russell Island – The Bay Islands Pioneer Childrens Memorial Park Area within the fenced dog off leash enclosure Lot 1 RP79337	
24	Redland Bay – Moogurrapum Creek Corridor – Gordon Road Area within the fenced dog off leash enclosure Lot 28 on SP144550	

25	Redland Bay – Orchid Beach Foreshore (South) Area within the fenced dog off leash enclosure Lot 901 on SP124449	
26	Thornlands – Manning Esplanade Foreshore Area within the fenced dog off leash enclosure Lot 805 on SP186651	
27	Victoria Point – Victoria Point Bushland Refuge Area within the fenced dog off leash enclosure Lot 4 on SP232581	
28	Victoria Point – Les Moore Park Area within the fenced dog off leash enclosure Lot 2 on RP222425	
29	Redland Bay – Beachwood Street Park Area within the fenced dog off leash enclosure Lot 900 on SP267633	
30	Capalaba – Gundagai Drive Park Area within the fenced dog off leash area enclosure Lot 903 on RP803254	
31	Victoria Point – Eprapah Creek Corridor – Victoria Point West Area within the fenced dog off leash area enclosure Lot 3 on RP907141	
32	Thornlands – Freshwater Street Park Area within the fenced dog off leash area enclosure Lot 8 on SP279427	

Redland City Council Local Law No. 2 (Animal Management) 2015

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Schedule Dictionary

bathing reserve means a bathing reserve placed under the control of the local government by gazette notice.

designated trail system means a system of trails which are—

- (a) physically defined; and
- (b) constructed by the local government for recreational use, including, without limitation, the riding of horses, camels and donkeys.

foreshore has the meaning given in the *Local Government Regulation 2012*.

park has the meaning given in *Subordinate Local law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

proposed declaration notice has the meaning given under the Animal Management (Cats and Dogs) Act 2008. ***regulated dog*** means a dog that under the *Animal Management (Cats and Dogs) Act 2008* is a declared dangerous dog, a declared menacing dog or a restricted dog.

reserve has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

seashore has the meaning given in section 62(2) of the *Local Government Regulation 2012*.

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Local Law 2 (Animal Management) 2015 Community Consultation Report

Prepared by Corporate Governance
May 2019



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Background

In March 2018, Council resolved to commence the Local Law Making Process for *Local Law No. 2 (Animal Management) 2015* and in December 2018 approved the community consultation approach. The amendments proposed provide Council with the ability to regulate the use of dog off leash parks and provide enforcement capabilities for incidents of animal abandonment.

When *Local Law No.2 (Animal Management) 2015* was enacted, no abandonment provision was included despite having been included in the previously enforced 1995 local law. It has been identified by Council officers that a provision to regulate abandoned animals will assist in promoting responsible pet ownership within the Redlands.

The *Animal Care and Protection Act 2001*, currently regulates abandonment of animals and Council has utilised similar language to ensure consistency with State Legislation whilst still allowing Council officers to respond where an issue is identified in the community.

The *Animal Management (Cats and Dogs) Act 2008*, outlines the process for regulating dogs as either dangerous or menacing. Council currently prohibits dogs that have been declared dangerous or menacing to use a designated dog off-leash area. The process for declaring a dog provides the owners of a dog subject to assessment to provide a submission to Council outlining why they believe their dog should not be regulated.

Council officers have identified that during this period of assessment where the status of the dog is being determined the local law still permits the dog in a dog off-leash area. To ensure the safety of the community the amendment proposed will prohibit the dog under assessment from using the dog off-leash park until a decision has been made.

Community Consultation Summary

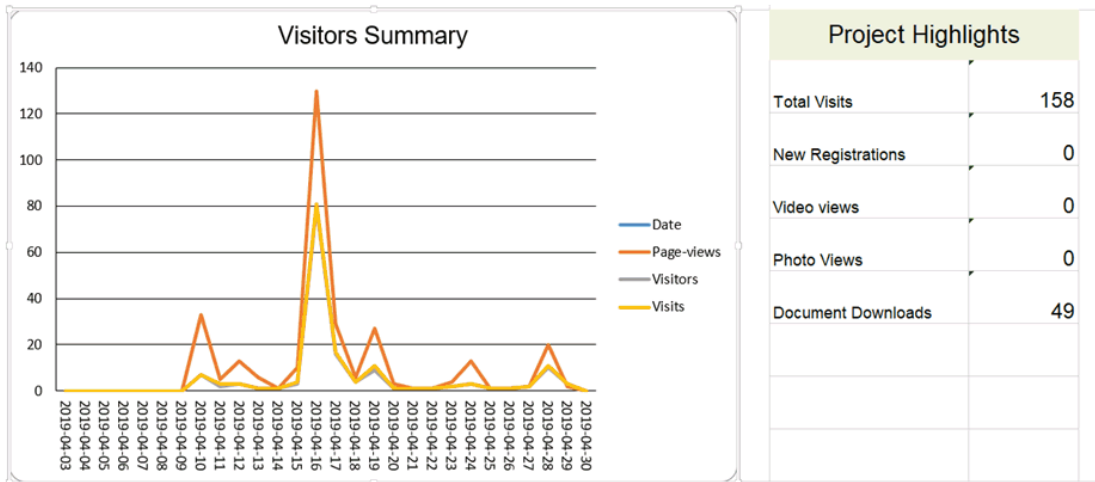
Community consultation opened on 10 April 2019 and closed 1 May 2019.

The community consultation was conducted using the IAP2's Public Participation Spectrum. The spectrum is designed to assist with the selection of the level of participation that defines the public's role in any community engagement program. This community engagement was conducted using the 'Inform' level of participation with the goal being to provide the public with balanced and objective information to assist them in understanding the problem, solution and obligations in relation to the abandonment of animals and the use of dog off-leash parks in Redlands Coast for animals under assessment as menacing.

Consultation was promoted through newspaper advertising, social media, signage at the dog off-leash parks and notices placed on community notice boards. To encourage participation across all stakeholder groups, a variety of feedback mechanisms were provided, including online (through the yoursay page), in person at Council customer service centres and via email to the corporate email address.

A total of 9 properly made submissions were received.

Summary of Visitors to the Yoursay site



Project Highlights	
Total Visits	158
New Registrations	0
Video views	0
Photo Views	0
Document Downloads	49

ENGAGED PARTICIPANTS	9		
Engaged Actions Performed	Registered	Unverified	Anonymous
Contributed on Forums	0	0	0
Participated in Surveys	0	0	9
Contributed to Newsfeeds	0	0	0
Participated in Quick Polls	0	0	0
Posted on Guestbooks	0	0	0
Contributed to Stories	0	0	0
Asked Questions	0	0	0
Placed Pins on Places	0	0	0
Contributed to Ideas	0	0	0

INFORMED PARTICIPANTS	67
Informed Actions Performed	Participants
Viewed a video	0
Viewed a photo	0
Downloaded a document	34
Visited the Key Dates page	1
Visited an FAQ list Page	0
Visited Instagram Page	0
Visited Multiple Project Pages	50
Contributed to a tool (engaged)	9

AWARE PARTICIPANTS	145
Aware Actions Performed	Participants
Visited at least one Page	145

Traffic-Channel	Aware-Visits	Informed-Visits	Engaged-Visits	
Direct		41	28	7
Referrals		1	1	0
Referrals		1	1	0
Social		96	36	2
Search Engine		12	7	0
.GOV sites		7	3	0

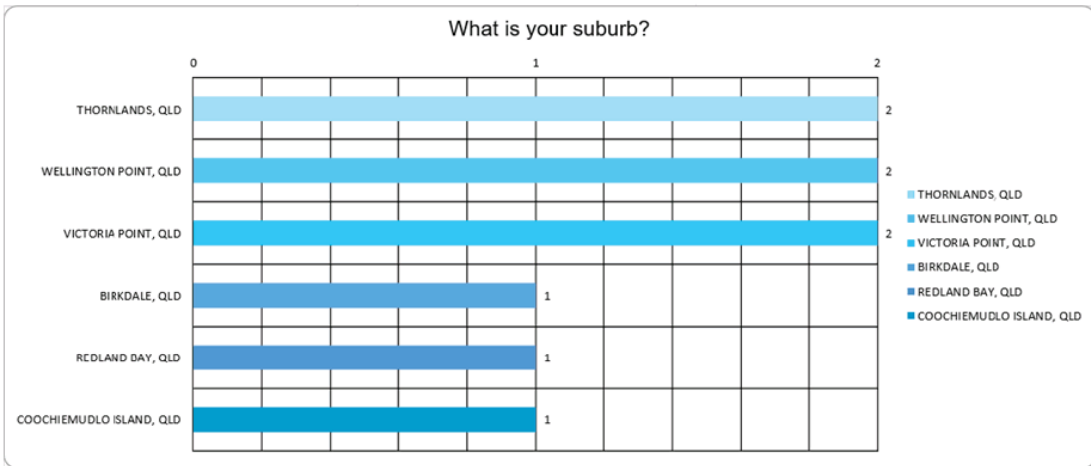
Social media is proving to generate the most visits to the site, however the more traditional channels including the advertisement in the Redland City Bulletin accounts for approximately half of the informed visitors and the majority of engaged visitors.

Community Consultation Metrics

Awareness and participation from the community was strong however submission numbers were low. Low submissions with this level of awareness indicate the community was interested in the changes and reasonably happy with the proposed amendments.

Community Consultation Metrics	
Activities Driving Awareness	Metrics
Facebook Post reach (RCC)	6597
Bulletin Advertisement	1
Signs Placed at DOLA's	32
Sign placed at Victoria Point Shopping Centre	5
Sign placed on community notice board IGA Crystal Waters	1
Sign placed at IGA Mount Cotton	1
Notices placed at locations on North Stradbroke Island	6
Correspondence sent to Chief Executive Officer of QYAC	1
Participation Activities	
Facebook post shares, likes and reactions (RCC)	76
Yoursay page visits	158
Yoursay documents views and downloads	49
Participants Providing Properly made submissions/feedback	
Yoursay contributions	9
Emails	0

Respondents were required to identify themselves for online submissions, the below graphic represents the suburbs that contributors reside in.



Data Review

The engagement provided the community with the opportunity to provide feedback on the proposed amendments to the local laws. In this case the amendments included:

1. Inclusion of provision giving Council the ability to issue an infringement to a person for abandoning an animal; and
2. Provides Council the ability to prohibit dogs under assessment as being potentially menacing or dangerous, from using Dog Off Leash Areas.

A summary of that feedback is below.

Facts and Circumstances	Local Law being commented on	Council Response
<i>Unnecessary. Most dog owners are responsible and over regulation will result in punishment of the 'average person' rather than protection.</i>	<i>Local Law No. 2 (Animal Management) 2015 and Register of Animals in Public Places</i>	<i>Proceed with amendment to ensure the safety of all users within a designated dog off leash area</i> <i>The Animal Management (Cats and Dogs) Act informs the process for regulating dogs either Dangerous or Menacing. To regulate a dog, a 'proposed notice' must be issued in the first instance to allow the dog owner an opportunity to provide submission as to why they believe the dog should not be regulated. It is during this proposed period that the inclusion of the prohibition will apply. The Local Law prohibits all dogs that have been declared dangerous or menacing from using a designated dog off leash area to ensure the safety of our community</i>
<i>I agree with both of them.</i>	<i>Local Law No. 2 (Animal Management) 2015 and Register of Animals in Public Places</i>	<i>No change</i>
<i>I think both these laws should be amended as proposed. With regard to the off-leash areas, I personally have seen very menacing dogs there and it is frightening.</i>	<i>Local Law No. 2 (Animal Management) 2015 and Register of Animals in Public Places</i>	<i>Proceed with amendment to ensure the safety of all users within a designated dog off leash area</i>
<i>I agree with the proposed changes but would like to see</i>	<i>Register of Animals in Public Places</i>	<i>Proceed with amendment to ensure the safety of all users</i>

Facts and Circumstances	Local Law being commented on	Council Response
<i>all off leash areas fenced for obvious reasons.</i>		<i>within a designated dog off leash area</i>
<i>I believe this is an excellent adjustment and should be extended to signage at the dog's home also. As a mum of a child hospitalized by a dog bite I have felt enormous community responsibility, 6 months later and no one knows about this dog.</i>	Register of Animals in Public Places	<i>Proceed with amendment to ensure the safety of all users within a designated dog off leash area</i> <i>All dogs regulated under the Animal Management (Cats and Dogs) Act are required to display a sign confirming the dog is declared Dangerous or Menacing. The sign is provided by Council and the property is reinspected annually to ensure compliance with the relevant conditions</i>
<i>Necessary to keep all dogs and humans safe. But 'menacing' is subjective. I have two dogs, one is large but extremely timid – she has been attacked three times at the dog park by small white fluffy dogs – the last time drawing blood. We can't go anymore.</i>	Register of Animals in Public Places	<i>Proceed with amendment to ensure the safety of all users within a designated dog off leash area</i>
<i>I would like the full information, what is not working now. As long as you do not get the park Nazi telling others what to do.</i>	Register of Animals in Public Places	<i>Proceed with amendment to ensure the safety of all users within a designated dog off leash area</i>
<i>I agree, if a dog is under assessment then there has been a previous issue. Until the dog has passed the assessment (or not), it should be restricted.</i>	Register of Animals in Public Places	<i>Proceed with amendment to ensure the safety of all users within a designated dog off leash area</i>

On topic feedback received (not properly made)

The community consultation sought to understand the community's position on the proposed local law changes to *Local Law No. 2 (Animal Management) 2015* and the register of Animals in Public Places. The below feedback was received against our Facebook post but does not meet the requirements for a properly made submission as no address was provided.

1. Anyone who abandons an animal should face charges. Animals are not accessories to be disposed of when the shine fades. As for the aggressive dogs, that is going to be hard as you are relying on one person's interpretation of 'aggressive'. I had a staffy for 13 years and she was the most gentle dog with kids and elderly people. You can't judge any type of dog as aggressive until you have fully investigated the situation. If a dog bites someone, don't just label them as aggressive, investigate to see if it genuinely is harmful or if that dog has been taunted by a human consistently until it finally snapped. Any human would snap under the same circumstances too. I am not saying that this is the case each and every time, just asking that it is looked at from both sides of the coin.
2. Canine behaviour is highly situationally determined. I can foresee some serious dilemmas with what is probably a very well-meaning change in local law. Quite often the anxiety of dog owners and handlers themselves is a driving force in undesirable canine behaviour. Furthermore, simply putting a leash on a dog in most cases causes acute increases in biological markers of neurological stress in the animal such as cortisol levels, so the grounds for denying a stressed animal access to decreasing such stress are actually a pitfall. That said, there are "off leash park" menaces and I personally choose not to use Redlands off-leash areas due to these menaces.
3. Assessment as being potentially menacing' is a rather vague and subjective assessment. It could easily cover most Chihuahuas (or alike breeds with 'small dog syndrome') and larger breeds that the local old ladies (with previously mentioned small breeds) are afraid of. Most people who take their dogs to dog parks have a sense of responsibility and quite a few have their dogs on leash because they are rescue dogs/are not trained enough to return/etc.
4. Me and my frenchie go to Ormiston dog park and most days it's the smaller dogs that are little aggressive. We love playing with the bigger dogs. Today we played with 2 very big dogs but left later, due to a smaller dog being aggressive. I can't see how the council will control these laws.
5. Little dogs can be aggressive too. They just can't inflict the same amount of damage as a large dog. I've long been an advocate of a level playing field for all dogs. All on leads, it's the only way to have full control of the dog.
6. I have an American Staffordshire who is old and has never hurt anyone. He loves people and kids but unfortunately other people look at him like he's a monster. I won't let him off leash because of this. My grandkids jump all over him and he has never hurt them in 7 years.

Other feedback received outside of the question surveyed

The below feedback was also received during the consultation period, this does not relate to the local law amendment but has been recorded and provided to the Animal Management Unit for consideration.

1. I have a dog that is old and has never left the premises and due to a neighbour that works for the council has let one of the dogs out and then call the council. Now he has an issue so he put us into the council for one not on a leash. I would like to know is what does the registration pay for cause I pay for everything for my dog that is well looked after and she is always on a leash and never leaves the yard unless she is on a leash, but let me tell you is that when I went to the council over the neighbour that works for the Redlands city council can walk his dog off a leash down the street and also at the park. I need answers.

I have already taken this up with you and it feels like I am just beating my head against a brick wall. All as I am told is the registration pays for dog parks that I don't use due to fleas and ticks and they are never treated also they say for picking up my dog when it gets put in which in the 8years of having her she has never been picked up. Then they tell me it is about desexing the dogs that have been wrongly treated or dumped my answer to that is why should I pay for something that I haven't caused when I have looked after my dog. The neighbour that is a Redlands council worker can do what he wants. I find this as a harassment to me and my dog that I fully care for.

2. I think I a dog is maintained in your back yard you should not pay a registration.

Recommendation

Following an analysis of the data received it is recommended that Council adopt the changes to *Local Law No. 2 (Animal Management) 2015* and the Register of Animals in Public Places.

Appendix 1 – Facebook Post Data

Post Details
✕

Redland City Council is 🤔 thinking about making a change. 👍 Like Page

Published by Kiah Hickson · 16 April at 09:26 · 🌐

🐾 Calling all animal lovers 🐱🐶

We're on a mission to protect the well-being of animals and their humans but we can't do it without your valuable input.

To have your voice heard, you can share your thoughts about the upcoming amendments here: <https://redlnd.cc/animalmanagement...> See more

Protecting the wellbeing of animals and their humans

Find out more about Redland City Council Local Law changes

👍 **Get more likes, comments and shares**
Boost this post for \$28 to reach up to 3,200 people.

6,597 <small>People reached</small>	613 <small>Engagements</small>	Boost Post
---	--	---

👤 Kirsty Masterson, Pamela McConnell and 32 others 7 Comments 11 shares

👍 Like
💬 Comment
➦ Share
📄 Create Tile
🌐

Performance for your post

6,597 People Reached

76 Reactions, comments & shares 📊

50 Like	36 On post	14 On shares
1 Love	0 On post	1 On shares
14 Comments	12 On Post	2 On Shares
11 Shares	11 On Post	0 On Shares

537 Post Clicks

37 Photo views	96 Link clicks 📊	404 Other Clicks 📊
--------------------------	---	---

NEGATIVE FEEDBACK

8 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

13 REPORTS FROM COMMUNITY & CUSTOMER SERVICES**13.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 AND 3 DEVELOPMENT APPLICATIONS**

Objective Reference: A3812357

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

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

Report Author: Jill Driscoll, Group Support Officer

Attachments: 1. Decisions made under delegated authority 07.04.2019 to 27.04.2019 [↓](#)

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.

COUNCIL RESOLUTION 2019/164

Moved by: Cr Peter Mitchell

Seconded by: Cr Mark Edwards

That Council resolves to note this report.

CARRIED 10/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Cr Paul Gleeson was not present when the motion was put.

Decisions Made Under Delegated Authority 07.04.2019 to 13.04.2019

CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0103	Design and Siting - Dwelling House	The Certifier Pty Ltd	148 Gordon Street Ormiston QLD 4160	Referral Agency Response - Planning	08/04/2019	NA	Approved	1
CAR19/0104	Design and Siting - Carport	KP Building Approvals Pty Ltd	21 Como Street Ormiston QLD 4160	Referral Agency Response - Planning	11/04/2019	NA	Approved	1
CAR19/0105	Design and Siting - Gatehouse	Professional Certification Group Pty Ltd	27 Cleveland Terrace Ormiston QLD 4160	Referral Agency Response - Planning	12/04/2019	NA	Approved	1
CAR19/0109	Design and Siting - Deck	Building Certification Consultants Pty Ltd	52-54 Beachcrest Road Wellington Point QLD 4160	Referral Agency Response - Planning	10/04/2019	NA	Approved	1
CAR19/0082	Design and Siting - Carport	The Certifier Pty Ltd	67 Fitzroy Street Cleveland QLD 4163	Referral Agency Response - Planning	12/04/2019	NA	Approved	2
CAR19/0102	Design and Siting - Garage	KP Building Approvals Pty Ltd	40 Moselle Drive Thornlands QLD 4164	Referral Agency Response - Planning	09/04/2019	NA	Approved	3
CAR19/0107	Design and Siting - Dwelling House	Gold Coast Building Approvals	38 Elizabeth Street Coochiemudlo Island QLD 4184	Referral Agency Response - Planning	12/04/2019	NA	Approved	4
CAR19/0119	Design and Siting - Patio	DBR Building Certification	9 Peggy Place Victoria Point QLD 4165	Referral Agency Response - Planning	09/04/2019	NA	Approved	4

Decisions Made Under Delegated Authority 07.04.2019 to 13.04.2019

CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU19/0025	Change to Development Approval MCU013815 - Multiple Dwelling x 4	Seaview Unit Trust	22 Moore Street Victoria Point QLD 4165	Minor Change to Approval	09/04/2019	NA	Approved	4
CAR19/0084	Design and Siting - Dwelling	Bartley Burns Certifiers & Planners	55 Peel Street Redland Bay QLD 4165	Referral Agency Response - Planning	10/04/2019	NA	Approved	5
CAR19/0115	Design and Siting - Dwelling	Baic	42 Highland Street Russell Island QLD 4184	Referral Agency Response - Planning	10/04/2019	NA	Approved	5
CAR19/0116	Design and Siting - Dwelling	Baic	88 Kings Road Russell Island QLD 4184	Referral Agency Response - Planning	11/04/2019	NA	Approved	5
MCU19/0013	Dwelling house	Applied Building Approvals	14 Schooner Street Russell Island QLD 4184	Code Assessment	09/04/2019	NA	Development Permit	5
CAR19/0111	Design and Siting - Carport	Gold Coast Building Approvals	4 Anne Street Russell Island QLD 4184	Referral Agency Response - Planning	08/04/2019	NA	Approved	5
CAR19/0117	Design and Siting - Dwelling	Baic	83 Kings Road Russell Island QLD 4184	Referral Agency Response - Planning	08/04/2019	NA	Approved	5
RAL18/0150	Reconfiguring a Lot - Standard Format - 2 into 3	Sutgold Pty Ltd	14 Jake Circuit Redland Bay QLD 4165	Code Assessment	08/04/2019	NA	Development Permit	6

Decisions Made Under Delegated Authority 07.04.2019 to 13.04.2019

CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0244	Dual Occupancy and Reconfiguring a Lot Standard Format 1 into 2 Lots	East Coast Surveys Pty Ltd	70 Delancey Street Ormiston QLD 4160	Code Assessment	09/04/2019	NA	Development Permit	8
RAL19/0011	Reconfiguring a Lot - Standard Format - 1 into 2	Bruno M SIMONETTO Helen N SIMONETTO	16-18 Maud Street Birkdale QLD 4159	Code Assessment	08/04/2019	NA	Development Permit	10
RAL19/0013	Reconfiguring a Lot - Standard Format - 1 into 2	Christine WHITE Peter Samuel WHITE	42 Clive Road Birkdale QLD 4159	Code Assessment	08/04/2019	NA	Development Permit	10

Decisions Made Under Delegated Authority 07.04.2019 to 13.04.2019

CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0112	Building Over/near relevant infrastructure - Retaining Wall	Bonafide Building Approvals	38 Cumming Parade Point Lookout QLD 4183	Referral Agency Response - Engineering Code	12/04/2019	NA	Approved	2
OPW18/0159	Operational Works for RAL - 1 into 2 lots	Raymond WASENBERG	1 Wetheral Place Alexandra Hills QLD 4161	Assessment Code	09/04/2019	NA	Development Permit	7
OPW19/0008	Operational Works for RAL - 1 into 62 Lots	Andiworth Pty Ltd	43-51 Kinross Road Thornlands QLD 4164	Assessment Code	11/04/2019	NA	Development Permit	7
OPW19/0009	Operational Works for RAL - 1 into 60 Lots	Andiworth Pty Ltd	43-51 Kinross Road Thornlands QLD 4164	Assessment Code	11/04/2019	NA	Development Permit	7

Decisions Made Under Delegated Authority 14.04.2019 to 20.04.2019

CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0122	Design and Siting - Carport	DBR Certification	4 Blake Street Cleveland QLD 4163	Referral Agency Response - Planning	18/04/2019	N/A	Approved	2
DBW19/0008	Domestic Additions - Deck	Simon MCDONNELL	20 Bigoon Road Point Lookout QLD 4183	Code Assessment	17/04/2019	N/A	Development Permit	2
MCU19/0035	Change to Development Approval - MCU013269	Tipuana Investments Pty Ltd As Trustee	69 Tramican Street Point Lookout QLD 4183	Minor Change to Approval	16/04/2019	N/A	Approved	2
RAL19/0015	Standard Format 1 into 2	Aston Grove Pty Ltd As Trustee	148 Shore Street North Cleveland QLD 4163	Code Assessment	18/04/2019	N/A	Development Permit	2
RAL19/0017	Rearranging Boundaries	Mariah GOODE	27 Sentinel Court Cleveland QLD 4163	Code Assessment	18/04/2019	N/A	Development Permit	2
RAL18/0144	Standard Format 1 into 2	The Certifier Pty Ltd	2 Constantina Close Thornlands QLD 4164	Code Assessment	15/04/2019	N/A	Development Permit	3
CAR19/0120	Design and Siting - Dwelling House	Bay Island Designs	21-22 Boat Harbour Avenue Macleay Island QLD 4184	Referral Agency Response - Planning	18/04/2019	N/A	Approved	5
CAR19/0124	Design and Siting - Dwelling	Bay Island Designs	10 Wren Court Macleay Island QLD 4184	Referral Agency Response - Planning	18/04/2019	N/A	Approved	5
CAR19/0100	Design and Siting - Carport	Fluid Building Approvals Logan	23 Rossington Street Birkdale QLD 4159	Referral Agency Response - Planning	16/04/2019	N/A	Approved	8
OPW19/0033	Change to Development Approval - OPW002218 Advertising Device x 18	Has Property Holdings Pty Ltd	108 Old Cleveland Road Capalaba QLD 4157	Minor Change to Approval	15/04/2019	N/A	Approved	9

Decisions Made Under Delegated Authority 14.04.2019 to 20.04.2019

CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0050	Design and Siting - Carport and Shed and BOS	Cyber Drafting & Design (Brisbane)	29 Boom Court Birkdale QLD 4159	Referral Agency Response - Planning	18/04/2019	N/A	Approved	10

Decisions Made Under Delegated Authority 14.04.2019 to 20.04.2019

CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU19/0019	Change to Development Approval - MCU012380 Shop, Refreshment Establishment, Education Facility and Reconfiguring a Lot (1 into 3 Lots)	Sumvista Pty Ltd	623-635 Main Road Wellington Point QLD 4160	Minor Change to Approval	15/4/2019	N/A	Approved	1
OPW19/0004	Operational Works - Prescribed Trial Works - Flow Slide Barrier	Redland City Council	Ballow Street Foreshore Old Ballow Street Amity QLD 4183	Code Assessment	17/04/2019	N/A	Development Permit	2
MCU18/0247	Hardware and trade supplies	Mr Paul Rollison	14 John Street Russell Island QLD 4184	Code Assessment	17/04/2019	N/A	Development Permit	5
OPW19/0010	Excavation & Fill (incl. Retaining walls)	Fion Haf MILLS Zachary James Nasen HENRY	3 Woodhaven Close Redland Bay QLD 4165	Code Assessment	16/04/2019	N/A	Development Permit	6
RAL17/0026	Other Changes - SB005137 Combined MCU Rezoning to Residential A & Standard Format Reconfiguration 52 lots & park (initially lodged for 65 Lots)	East Coast Surveys Pty Ltd Buckley Vann Town Planning Consultants	46-68 Muller Street Redland Bay QLD 4165	Other Change to Approval Impact	16/04/2019	N/A	Development Permit	6
MCU18/0275	Change to Development Approval - MCU18/0200 Apartment Building x 98 units & Multiple Dwelling x 41 units	LM Capalaba Pty Ltd	54-58 Mount Cotton Road Capalaba QLD 4157	Other Change to Approval Code	16/04/2019	N/A	Approved	9

Decisions Made Under Delegated Authority 21.04.2019 to 27.04.2019

CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
RAL19/0019	Standard Format - 2 into 2 lots	Mr Peter F Hunter Mrs Helena Hunter	6-8 Sleath Street Ormiston QLD 4160	Code Assessment	26/04/2019	N/A	Development Permit	1
MCU18/0256	New Dwelling House & Pool	Building Code Approval Group Pty Ltd	16 Captains Court Cleveland QLD 4163	Code Assessment	26/04/2019	N/A	Development Permit	2
CAR19/0126	Design and Siting - Carport	Fluid Approvals	1 Drevesen Avenue Cleveland QLD 4163	Referral Agency Response - Planning	24/04/2019	N/A	Approved	3
CAR19/0131	Design and Siting - Dwelling	Bartley Burns Certifiers & Planners	6 Raven Street Victoria Point QLD 4165	Referral Agency Response - Planning	26/04/2019	N/A	Approved	4
DBW19/0009	Domestic Additions	The Certifier Pty Ltd	33 Base Street Victoria Point QLD 4165	Code Assessment	24/04/2019	N/A	Development Permit	4
CAR18/0309.01	Change to Development Approval - Design and Siting - New Dwelling	Bartley Burns Certifiers & Planners	16 Broadwater Terrace Redland Bay QLD 4165	Minor Change to Approval	24/04/2019	N/A	Approved	5
RAL18/0079	Reconfiguring a Lot - Standard Format - 1 into 3 Lots	East Coast Surveys Pty Ltd	5 Joshua Place Redland Bay QLD 4165	Code Assessment	23/04/2019	N/A	Development Permit	6
CAR19/0135	Design and Siting & BOS - Carport	The Certifier Pty Ltd	6 Dinton Court Alexandra Hills QLD 4161	Referral Agency Response - Planning	23/04/2019	N/A	Approved	7
CAR19/0129	Design and Siting - Patio	Fastrack Building Certification	3 Park Lane Ormiston QLD 4160	Referral Agency Response - Planning	26/04/2019	N/A	Approved	8
RAL19/0021	Standard Format - 1 into 2 Lots	Christopher On	2 Dorsal Drive Birkdale QLD 4159	Code Assessment	26/04/2019	N/A	Development Permit	10

Decisions Made Under Delegated Authority 21.04.2019 to 27.04.2019

CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/00201	Multiple Dwelling x 11	Statewide Survey Group Pty Ltd Consulting Surveyors	21 Horatio Street Ormiston QLD 4160	Code Assessment	23/04/2019	N/A	Development Permit	1
MCU19/00039	Change to Development Approval - MCU013661 Apartment Building	Javica Pty Ltd	16 Wharf Street Cleveland QLD 4163	Minor Change to Approval	26/04/2019	N/A	Development Permit	2
OPW19/00028	Operational Works for RAL 1 into 3	Ray Wassenberg Consulting Engineer	42-44 Bay Street Redland Bay QLD 4165	Code Assessment	23/04/2019	N/A	Development Permit	5
OPW19/00038	Change to Development Approval	Carbone Developments Pty Ltd	161-165 Esplanade Redland Bay QLD 4165	Minor Change to Approval	23/04/2019	N/A	Approved	5
CWA19/00001	Civil & Landscaping Works - Multiple Dwelling x 55 & Childcare Centre	Andiworth Pty Ltd	43-51 Kinross Road Thornlands QLD 4164	Conditioned Works	23/04/2019	N/A	Permit	7

13.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS AS AT 29 APRIL 2019**Objective Reference:** A3812361**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.asp>

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PLANNING & ENVIRONMENT COURT APPEALS

1.	File Number:	CA11075/17 (MCU013296)
Appellants:		Lipoma Pty Ltd
		Lanrex Pty Ltd
		Victoria Point Lakeside Pty Ltd
Co-respondent (Applicant)		Nerinda Pty Ltd
Proposed Development:		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)
Appeal Details:		Submitter appeal against Council approval
Current Status:		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 was heard before the Court over four days, commencing 4 March 2019. The Court has reserved its decision.

2.	File Number:	Appeal 4515 of 2017 (ROL006084)
Applicant:		Australian Innovation Centre Pty Ltd
Application Details:		Reconfiguring a Lot (1 into 22 lots and park) at 289-301 Redland Bay Road, Thornlands (Lot 5 on RP14839)
Appeal Details:		Deemed refusal appeal
Current Status:		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 mediation was held on 11 April 2019. A review was held on 17 April 2019. The appeal is to be adjourned for mention on 28 June 2019.

3.	File Number:	Appeal 461 of 2018 (MCU013977)
Applicant:		Robyn Edwards and Ronald Edwards
Proposed Development:		Material Change of Use for an Undefined Use (Rooming Accommodation) at 41 Ziegenfusz Road, Thornlands (Lot 291 on RP801793)
Appeal Details:		Appeal against Council refusal
Current Status:		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. A further review is scheduled for 15 May 2019.

4.	File Number:	Appeal 894 of 2018 (MCU013921)
Applicant:		Palacio Property Group Pty Ltd
Proposed Development:		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)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed 9 March 2018. A without prejudice meeting was held on 17 May 2018. Settlement offer presented to Council 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 2019. A pre-callover review was held on 21 March and a hearing was set down for 2 and 3 May 2019. A further without prejudice mediation was held on 26 March 2019. Council declined a further settlement offer on 3 April 2019. The matter is set down for a further review on 9 May 2019.

5.	File Number:	Appeal 1506 of 2018 (MCU17/0149)
Applicant:		Barro Group Pty Ltd
Proposed Development:		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)
Appeal Details:		Appeal against Council refusal
Current Status:		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. The Appellant made a minor change application to the Minister on 15 March 2019. A further review was held on 21 March 2019. Council provided a response notice to the Minister on 5 April 2019. A review is scheduled for 15 May 2019.

6.	File Number:	Appeal 2142 of 2018 (MCU013782)
Applicant:		Binnaton Holdings Ltd
Proposed Development:		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)
Appeal Details:		Appeal against Council decision to issue a Preliminary Approval
Current Status:		Appeal filed on 11 June 2018. A review was to be held on 18 April 2019, however the Appellant filed a Notice of Discontinuance on 15 April 2019, discontinuing the whole of the proceedings against Council and concluding the appeal.

7.	File Number:	Appeal 2171 of 2018 (ROL006209)
Applicant:		Lorette Margaret Wigan
Proposed Development:		Reconfiguring a Lot for 1 into 29 lots and road 84-122 Taylor Road, Thornlands (Lot 1 on RP123222)
Appeal Details:		Appeal against Council decision to issue Preliminary Approval
Current Status:		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 fourth mediation was held on 8 April 2019. A further review was held on 12 April 2019. A further review is scheduled for 30 May 2019.

8.	File Number:	Appeal 135 of 2018 (MCU013917)
Applicant:		Maureen Joan Chapman
Proposed Development:		Material Change of Use for a Dwelling House 42 Magnolia Street, Russell Island (Lots 77, 78, 104 & 105 on RP129012)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed on 21 September 2018. Council solicitors corresponded with the Appellant's solicitor on 20 March 2019 to prompt them to take steps to progress or discontinue the appeal. The Appellant's solicitor confirmed on 1 April 2019 that the appellant intends to proceed with the appeal. The Appellant proposes to file an application in pending proceedings by 10 May 2019, for orders to progress the appeal.

9.	File Number:	Appeal 4270 of 2018 (MCU013936)
Applicant:		Landmark Homes
Proposed Development:		Material Change of Use for a Dwelling House 10 Water Street, Cleveland (Lot 57 on RP1691)
Appeal Details:		Appeal against Council refusal
Current Status:		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 directions hearing was held on 12 April 2019. The matter is listed for further review on 3 May 2019.

APPEALS TO THE QUEENSLAND COURT OF APPEAL

10.	File Number:	Appeal 8114 of 2018 (MCU012812)/ (QPEC Appeal 3641 of 2015)
Appellant:		Redland City Council
Respondent (applicant):		King of Gifts Pty Ltd and HTC Consulting Pty Ltd
Proposed Development:		Material Change of Use for Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay, Road, Alexandra Hills
Appeal Details:		Appeal against the decision of the Planning and Environment Court to allow the appeal and approve the development.
Current Status:		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. The matter was heard before the Court on 12 March 2019. The Court has reserved its decision.

DEVELOPMENT TRIBUNAL APPEALS AND OTHER MATTERS

No current matters.

COUNCIL RESOLUTION 2019/165

Moved by: Cr Paul Bishop

Seconded by: Cr Paul Gollè

That Council resolves to note this report.

CARRIED 10/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Cr Paul Gleeson was not present when the motion was put.

13.3 MCU18/0285 - MATERIAL CHANGE OF USE - MULTIPLE DWELLING X12**Objective Reference:** A3812354**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment**Report Author:** Ellen Dwyer, Acting Principal Planner**Attachments:**

1. Updated State Assessment & Referral Agency response [↓](#)
2. Conditions Package [↓](#)
3. Plans for Decision [↓](#)
4. Engineering Drawings [↓](#)
5. Stormwater Management Plan [↓](#)
6. Landscape Concept Plan [↓](#)
7. Acoustic Report [↓](#)
8. SARA Referral Agency Response [↓](#)

PURPOSE

Council has received an application seeking a development permit for a material change of use (code assessment) for a multiple dwelling (12 units) on an allotment zoned medium density residential, on land at 1 Harris Street, Wellington Point (Lot 1 on RP 97097).

The owner of the property is Maxwell Holdings Pty Ltd As Trustee and the applicant is Maxwell Holdings Pty Ltd c/- DTS Group.

The proposal is code assessable as per Table 5.4.3 of the medium density residential zone – categories of development assessment. The application was made in accordance with the *Planning Act 2016 (PACT)*. The proposal did require referral to the State.

Key Issues with the application are summarised below:

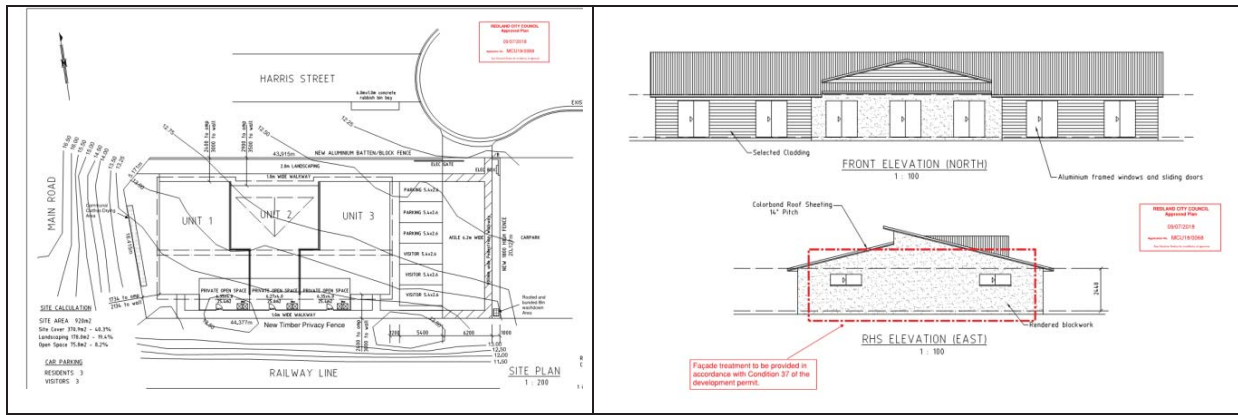
- Streetscape
- Open space
- Building height
- Car parking
- Waste collection

These issues have been addressed in the report. The application has been assessed against the relevant sections of the Redland City Plan (RCP), as well as other applicable planning instruments and is considered to comply with the benchmarks.

Accordingly it is recommended that the application be granted a development permit, subject to conditions. The applicant will be required to obtain a number of additional permits prior to construction of the development.

BACKGROUND**PLANNING HISTORY**

A previous application proposing a three unit multiple dwelling development was granted a development permit on 09/07/2018 (Council ref. MCU18/0068). This approval remains current.



ISSUES

DEVELOPMENT PROPOSAL & SITE DESCRIPTION

Proposal

The proposal is for a multiple dwelling comprising 12 one bedroom units. The proposed building height is 8.714m above natural ground level and will be two storey. The specific design parameters are as follows:

Description	Characteristics
Ground floor	2 units with one bedroom, living area bathroom and patio 12 resident parking spaces 2 visitor parking spaces
First Floor Plan	10 units with one bedroom, living area bathroom and balcony facing Harris Street
Site Cover	Approximately 597m ² over 920.7m ² = 64.9%
Open Space	Private open space: Ground floor units - 28m ² & 33.5m ² (units 11 and 12) First floor units – 11.58m ² (units 3 to 9) and 16.3m ² (unit 10)
Landscaping	281.95m ² = 30.65%

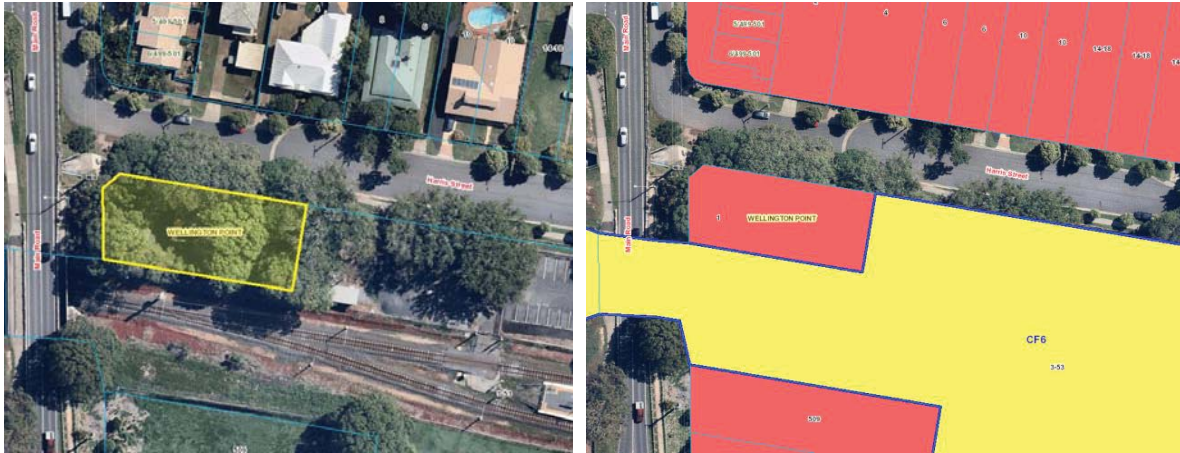
Site & Locality

The subject site has an area of 920.7m². The lot has a street frontage of approximately 43.9m to Harris Street and 16.4m to Main Road and depth of 20.1m.

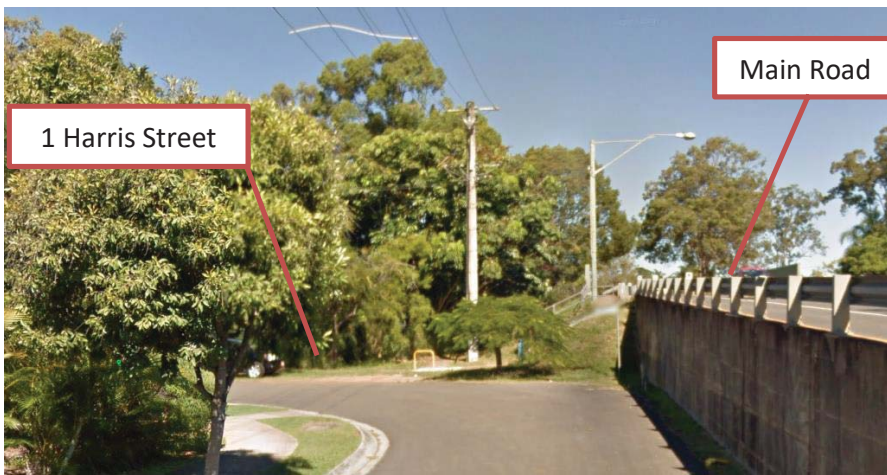
Adjacent allotments are zoned and developed as follows:

- North side – Medium density residential zone lots with dwelling houses and multiple dwellings across Harris Street.
- West side – Main Road and low density residential zone lots with dwelling houses further to the west.
- East and South side – Community facility zone abutting Cleveland Railway Line.

An aerial photo and a zoning map of the site are shown below.



The site is situated on the corner of Main Road and Harris Street however, access is only available from Harris Street which is a no through road. Main Road is significantly elevated when compared to the levels of the site, this is to allow for both a pedestrian and train underpass, as shown below.



The topography of the site slopes from a high point in the south-west corner of the site at a height of approximately 13.5m AHD, to a low point at the north-east corner of the site at a height of approximately 12.5m AHD. The site has moderate vegetation coverage with a mix of native and exotic species.

In the broader context, the site is located in the suburb of Wellington Point and directly abuts the Cleveland Railway Line. The site is located in close proximity to community and recreation uses including St James Parish of Waterloo Bay, Redlands College and Wellington Point State School, a number of local parks, shops and facilities. The site is located within a 280m walk north-west of the Wellington Point Train Station, which is serviced regularly by the local bus route. The site is located within walking distance to additional bus stops located along Main Road.

APPLICATION ASSESSMENT

Planning Act 2016 (PACT)

The application has been made in accordance with the *PACT Development Assessment Rules* and constitutes an application for material change of use under the RCP. Under section 45 of the PACT, a code assessment is an assessment that must be carried out only:

- (a) *against the assessment benchmarks in a categorising instrument for the development; and*
- (b) *having regard to any matters prescribed by a regulation.*

These are the applicable RCP codes, which are the assessment benchmarks:

- Medium density residential zone code
- Healthy waters code
- Infrastructure works code
- Landscape code
- Transport, servicing, access and parking code
- Airport environs overlay code

The applicable Planning Regulation matter is Schedule 11 – Koala habitat area.

Additionally, Section 60(2) of the PACT outlines for a development that requires code assessment, the assessment manager, after carrying out the assessment:

- must decide to approve the application to the extent the development complies with all of the assessment benchmarks for the development; and
- may decide to approve the application even if the development does not comply with some of the assessment benchmarks; and
- may impose development conditions on an approval; and
- may, to the extent the development does not comply with some or all the assessment benchmarks, decide to refuse the application only if compliance cannot be achieved by imposing development conditions.

SEQ Regional Plan 2017

The site is located within the Urban Footprint in the SEQ Regional Plan 2017.

State Policy & Regulations

State Policy / Regulation	Applicability to Application
State Planning Policy 2017 (SPP)	<ul style="list-style-type: none"> • Section 2.1 of the RCP states that all state interests in State Planning Policy April 2016, are integrated in the Scheme. There are no changes relevant to the application between the State Planning Policy April 2016 and July 2017.
Koala Habitat Area	<p>The subject site is mapped within a Priority Koala Assessable Development Area, and is subject to provisions of Schedule 11 of the <i>Planning Regulation 2017</i> in relation to Koala habitat.</p> <ul style="list-style-type: none"> • The site is classified as “Medium Value Other”, which does not require any monetary offsets or replanting. The habitat connectivity for koala movement is minimal in that the subject site is surrounded by roads and train. Some connectivity if

State Policy / Regulation	Applicability to Application
	it emanates can be facilitated through the existing street trees. During the construction phase, vegetation clearing will be undertaken under guidance of koala spotter. Recommended conditions of approval address this matter.

Redland City Plan (RCP)

The application has been assessed under the Redland City Plan version 1.0.

The application is subject to code assessment and as noted the following codes are applicable to the assessment:

- Medium density residential zone code;
- Healthy waters code;
- Infrastructure works code;
- Landscape code;
- Transport, servicing, access and parking code; and
- Airport environs overlay code.

The subject site is zoned medium density residential (MDR). A Multiple Dwelling is a consistent form of development in this zone, subject to Council approval. The proposed development has been assessed against the applicable benchmarks and is considered to comply. The most relevant parts of this assessment are discussed below.

Streetscape

Performance outcome PO12 of the medium density residential code states:

Design elements contribute to an interesting and attractive streetscape and building through:

- a) *the provision of projections and recesses in the facade which reflect changes of internal functions of buildings, including circulation;*
- b) *variations in material and building form;*
- c) *modulation in the facade, horizontally or vertically;*
- d) *articulation of building entrances and openings; and*
- e) *corner treatments to address both street frontages.*

Performance outcome PO14 of the medium density residential code states that:

Roof form assists in reducing the appearance of building bulk by:

- *articulating individual buildings;*
- *incorporating variety in design;*
- *incorporating a roof pitch, gable or the like in buildings up to 13m; and*
- *screening plant and equipment, such as vents, lift over-runs or solar energy and storm water collectors.*

The proposal is considered to generally meet PO12 and PO14, however it is recommended that the ground floor layout and units are amended by way of conditions to comply. The areas of compliance and areas where it is recommended that conditions are required have been outlined below in turn.

The building design is considered to meet PO12 and PO14 as follows:

- The nature of the site sitting below road level is such that the development is largely screened when viewed from Main Road. For low-rise development, as proposed, the second storey will be visible for traffic approaching from the north along Main Road. Existing vegetation screens the development on approach from the south.
- The proposed development incorporates articulation by extending every second balcony forward and repeating with the lower level screening, creating articulation both horizontally and vertically (Figure 2);
- Variation in building materials and elements including rendered walls, laser cut metal patterned screening, timber-look full vertical screening to part of the balconies, aluminium batten balustrade and vertical cladding to the roof projections;
- Revised screening from breeze blocks to metal laser cut pattern screening, create visual interest at the lower level whilst maintaining openings to provide a level of visibility from the car park to the street and vice-versa;
- Inclusion of a screening element to the underside of the slab at the driveway entrance to assist in concealing services in the car parking area;
- A pedestrian entry to the building, through a break in the screening, gate and landscaping features break the building form;
- Existing street trees will minimise building bulk as the roof is filtered through the street trees;
- The corner of the building addresses the street with angled roof form and extended balcony;
- The roof line presenting to Harris Street is broken up by alternating the pitch of the roof on top of every second balcony.



Figure 2. Built form and articulations.

It is recommended that the ground floor units, car parking layout and rear roof line are conditioned to comply with the performance outcomes as follows:

- The ground floor units do not have building entrances presenting to Harris Street. Conditions would require the deletion of the two units and replacement with one unit that has direct pedestrian access to Harris Street.

- The current design presents a largely blank wall with window to the Harris Street frontage at ground level. A condition to include the articulation of the entrance to the ground floor unit has been included to ensure this level of the development better addresses the street. A secondary access to the car park has been included for convenience.
- The location of private open space within the front setback does not contribute to an attractive streetscape and a condition to provide private open space to the rear (southern side) has been included.
- Bin storage is proposed directly behind the screening along the street frontage in the carpark. Bins will be visible from the street through this screening and will not contribute to an attractive streetscape. It is recommended that a condition be imposed requiring all bins be located at the rear of the carpark in a more visually discreet location.
- The building presents a very long, unbroken roof form to the rear of the site. This will be visible from the train line. A condition to amend the roof form to include variety in design is recommended to reduce the appearance of building bulk from the rear.

With the above conditions included the design is considered to achieve the abovementioned performance outcomes.

Open space

Performance outcome PO4 of the medium density residential code states that:

Development provides private open space that is:

- (1) useable in size and shape to meet the needs of a diversity of potential residents;*
- (2) functional and easily accessible from living or common areas to promote outdoor living as an extension of the dwelling;*
- (3) clearly identified as private open space; and*
- (4) provides a high level of privacy for residents and neighbours.*

The proposal complies with the performance outcomes by adopting the design elements in acceptable outcomes AO4.1 and AO4.2, as follows:

- all ground level units have a minimum 25m² of private open space;
- all above ground 1 bedroom units have a minimum 10m².

Building height

Performance outcome PO8 of the medium density residential code states that:

Building height:

- 1) in precinct MDR1 parkland living, Capalaba, is mid-rise and provides a transition up to higher buildings within the principal centre;*
- 2) in precinct MDR2 Mt Cotton Road Capalaba, is mid-rise but steps down from the principal centre to low rise residential areas south of Redland Bay Road;*
- 3) in precinct MDR3 Shore Street East, Cleveland, is mid-rise but creates a focal point between Cleveland principal centre and Toondah Harbour;*
- 4) in precinct MDR4 Cleveland, is mid-rise and reinforces the connection between Cleveland principal centre and Toondah Harbour;*

- 5) *in precinct MDR7 Erapah Creek, South East Thornlands and precinct MDR5 Esplanade, Redland Bay, is mid-rise, accommodating a slightly higher built form than surrounding medium density residential zoned land to optimise the amenity of their locations; and*
- 6) *is up to three storeys in all other areas.*

The proposal complies with the performance outcomes by adopting the acceptable outcome AO9.1 as the building does not exceed 13m.

Car parking

Performance outcome PO8 of the transport, servicing, access and parking code states:

On-site vehicle parking:

- (1) *is clearly defined, safe and easily accessible;*
- (2) *accommodates a sufficient number of vehicles, having regard to:*
 1. *the type and size of development;*
 2. *expected resident, employee and customer movements;*
 3. *the location of the use;*
 4. *the capacity of the existing road network to accommodate on-street parking; and*
 5. *access to public transport;*
- (3) *includes dedicated parking spaces for people with a disability, motor cycles and bicycles.*

The applicant has adopted the design elements and parking rates in acceptable outcomes AO8.1, AO8.2 and AO8.3, as follows:

- 2 visitor spaces on ground level;
- 12 resident spaces at ground level;
- the car parking design complies with Australian Standard 2890.1.

The application has met Council's deemed to comply solution and the development therefore complies with performance outcome PO8.

Waste management

Performance outcome PO14 of the infrastructure works code seeks the following:

Waste management facilities are provided such that:

there is a dedicated, sealed waste and recycling container storage area that is convenient and safe to use;

- (1) *there is adequate volume and separate containers for waste and recyclables likely to be generated;*
- (2) *spills or wash down from waste containers can be adequately contained; and*
- (3) *nuisance to adjoining properties is minimised.*

The proposed development is considered to meet the performance outcome. Items 1 through 3 above have been satisfied by dedicated storage locations for waste bins as shown on the supplied plans. The applicant is proposing 24 bins (12 x recycling and 12 x general waste) for kerbside collection. Item 4 above is satisfied as there is approximately 38m of frontage to the site. Factoring in a 6m driveway (plus 0.5m wings) this still leaves approximately 31m for bin storage along the frontage which could facilitate the 24 bins on kerbside collection days. The proposed development is within close proximity to the neighbouring train station, however it does not appear that there is an existing high demand for on-street parking along the frontage. It is also acknowledged that the proposed development will have sufficient off-street parking. It is not considered that the

location of the bins on bin collection days will cause nuisance to the adjoining properties. To ensure waste collection occurs in an efficient manner it is recommended that a condition requires that signage is provided for bin areas to be clear / no parking on bin collection days. The proposal is therefore compliant with performance outcome PO14.

Stormwater

The application is subject to assessment against the healthy waters code in regards to the stormwater solution provided for the site. The proposal will discharge stormwater to the kerb and channel in Harris Street to the north-east of the site. The applicant has proposed an internal stormwater network that includes a below-ground on-site detention tank (14m³) in the north eastern corner of the Lot. The concept stormwater design is considered to comply with the Healthy waters code and has been included as part of the approved plans. Conditioned works assessment is recommended to ensure detailed design plans are received and approved by Council to ensure compliance with the concept design.

INFRASTRUCTURE CHARGES

The proposed development is subject to infrastructure charges in accordance with the Adopted Infrastructure Charges Resolution. The total charge applicable to this development is:

Total charge: \$217,241.15

This charge has been calculated as follows in accordance with Council's [Adopted Infrastructure Charges Resolution \(No. 2.3\) August 2016](#).

Residential Component

(12 X Multiple Dwelling - 1 or 2 bedroom X \$20,494.45)	\$245,933.40
Residential Demand Credit	
(1 X Dwelling House - 3 or more bedroom X \$28,692.25)	\$28,692.25

Total Council Charge:	\$217,241.15
------------------------------	--------------

Offsets

There are no offsets that apply under Chapter 4 Part 2 of the *Planning Act 2016*.

Refunds

There are no refunds that apply under Chapter 4 Part 2 of the *Planning Act 2016*.

STATE REFERRALS

- **State Assessment & Referral Agency (SARA)** SARA provided a referral agency response dated 29/04/2019 (Ref. No: 1901-9280 SRA) in regards to material change of use State transport corridors and future State transport corridors. The Department indicated no objection to the proposed development subject to referral agency conditions in regards to access and noise attenuation measures. The Department's referral response, including conditions, will be attached to Council's decision notice.

PUBLIC CONSULTATION

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

DEEMED APPROVAL

The approval of this application has not been issued under Section 64 of the *Planning Act 2016*.

STRATEGIC IMPLICATIONS**Legislative Requirements**

In accordance with the *Planning Act 2016* this development application has been assessed against the Redlands Planning Scheme V7.1 and other relevant planning instruments.

Risk Management

The standard development application risks apply. In accordance with the *Planning Act 2016* the applicant may appeal to the Planning and Environment Court against a condition of approval or against a decision to refuse.

Financial

The applicant can appeal to the Planning and Environment Court against this decision of Council. Such proceedings would incur legal and Court costs.

People

There are no implications for staff.

Environmental

Where relevant, the environmental implications are detailed within the assessment in the 'Issues' section of this report.

Social

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

Alignment with Council's Policy and Plans

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

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Division 1 Councillor	21 December 2018 and 7 March 2019	Application called in for a decision by Council.

OPTIONS**Option One**

That Council resolves to issue a development permit for the material change of use application for a multiple dwelling on land described as Lot 1 on RP97097 and situated at 1 Harris Street Wellington Point, subject to the conditions in Attachment 1.

Option Two

That Council resolves to approve without conditions or subject to amended conditions.

Option Three

That Council resolves to refuse the application (grounds of refusal will need to be identified).

OFFICER'S RECOMMENDATION

Moved by: Cr Julie Talty
Seconded by: Cr Murray Elliott

That Council resolves to issue a development permit for the material change of use application for a multiple dwelling on land described as Lot 1 on RP97097 and situated at 1 Harris Street Wellington Point, subject to the conditions in Attachment 1.

AMENDMENT MOTION**COUNCIL RESOLUTION 2019/166**

Moved by: Cr Paul Bishop
Seconded by: Cr Mark Edwards

That a dot point 2 be added as follows:

- 2. Note the updated State Assessment & Referral Agency response as outlined in additional Attachment 1.**

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

The motion with the amendment became the motion and was put as follows:

COUNCIL RESOLUTION 2019/167

Moved by: Cr Julie Talty
Seconded by: Cr Murray Elliott

That Council resolves as follows:

- 1. To issue a development permit for the material change of use application for a multiple dwelling on land described as Lot 1 on RP97097 and situated at 1 Harris Street Wellington Point, subject to the conditions in Attachment 1; and**
- 2. Note the updated State Assessment & Referral Agency response as outlined in additional Attachment 1.**

CARRIED 9/2

Crs Karen Williams, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Paul Gleeson and Paul Bishop voted FOR the motion.

Crs Wendy Boglary and Tracey Huges voted AGAINST the motion.



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

RA29-N
Our reference: 1901-9208 SRA
Your reference: MCU18/0258

15 May 2019

The Chief Executive Officer
Redland City Council
PO Box 21
CLEVELAND QLD 4163

Via email: rcc@redland.qld.gov.au

Dear Sir/Madam

Changed referral agency response—with conditions

(Given under section 28 of the *Development Assessment Rules*, version 1.1)

On 30 April 2019 the department received notice from the assessment manager that the application had changed and requesting the department change its referral agency response. The department has considered the representations and now provides this changed referral agency response which replaces the response dated 12 February 2019.

Applicant details

Applicant name: Maxwell Holdings (QLD) Pty Ltd
c/- DTS Group

Applicant contact details: PO Box 3128
West End QLD 4101
planning@dtsqld.com.au

Location details

Street address: 1 Harris Street, Wellington Point QLD 4160

Real property description: Lot 1 on RP97097

Local government area: Redland City Council

Application details

Development Permit for a Material Change of Use Multiple Dwellings (12 Units).

1901-9208 SRA

Referral trigger

The development application was referred to the department under the following provision of the Planning Regulation 2017:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors and future State transport corridors.

Conditions

Under section 56(1)(b)(i) of *Planning Act 2016*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose condition

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Development Permit for Material Change of Use				
Proposed Ground Floor	Cyber Drafting & Design	10-Apr-19	18104 Sheet 4/8	H
Proposed First Floor	Cyber Drafting & Design	10-Apr-19	18104 Sheet 5/8	H
Stormwater Layout Plan	Civil and Water Design Pty Ltd	14/02/19	CWD-10854-DA-400	E

A copy of this response has been sent to the applicant for their information.

For further information please contact Isaac Harslett, Acting Principal Planning Officer, on 07 5644 3222 or via email GCSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Gareth Richardson

Manager, Planning and Development Services (SEQ South)

cc Maxwell Holdings (QLD) Pty Ltd c/- DTS Group, planning@dtsgroup.com.au

enc Attachment 1—Changed conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

1901-9208 SRA

Attachment 1—Changed conditions to be imposed

No.	Condition	Condition Timing
Development Permit for Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1- The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The development must provide a 2.2 metre southern setback and 1.5 metre eastern setback from the railway corridor generally in accordance with the Proposed Ground Floor, prepared by Cyber Drafting & Design, dated 10-April-19, reference 18104 Sheet 4/8, revision H.	At all times.
2.	Any excavation, filling/backfilling/compaction, retaining structures, batters, stormwater management measures and other works involving ground disturbance must not encroach upon or destabilise the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
3.	Stormwater conveyance must be carried out generally in accordance with Stormwater Layout Plan, prepared by Civil and Water Design Pty Ltd, dated 14/02/18, reference CWD-10854-DA-400, revision E.	At all times.
4.	Fencing must be provided along the southern and eastern site boundaries with the railway corridor in accordance with Queensland Rail drawing number QR-C-S3231 – ‘Standard Timber Fence 1800mm High Timber Paling Fence’ or Queensland Rail drawing number QR-C-S3229 – ‘Standard – Fencing 1.8m High Chain Link Security Fence with Top & Bottom Rail Using 50mm Diamond Mesh General Arrangement’.	Prior to the commencement of use and to be maintained at all times.
5.	The development must provide balconies facing Harris Street and away from the railway corridor generally in accordance with the Proposed First Floor, prepared by Cyber Drafting & Design, dated 10-Apr-19, reference 18104 Sheets 5/8, revision H.	At all times.

1901-9208 SRA

Attachment 2—Reason for decision to impose a condition

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development and its construction does not cause adverse structural impacts on state-transport infrastructure.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- To ensure that there is no unauthorised access onto the transport corridor and to protect impacts on the transport corridor.

GE78-N



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1901-9208 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Maxwell Holdings (QLD) Pty Ltd
 c/- DTS Group
 Applicant contact details: PO Box 3128
 West End QLD 4101
 planning@dtsqld.com.au

Location details

Street address: 1 Harris Street, Wellington Point QLD 4160
 Property description: Lot 1 on RP97097
 Local government area: Redland City Council

Development details and assessment matters

Nature of approval	Level of assessment	Development description	Applicable <i>State Development Assessment Provisions</i> version 2.4 (SDAP)
Development Permit	Code	Multiple Dwellings (12 Units)	State code 2: Development in a Railway Corridor (State code 2)

Reasons for the Department of State Development, Manufacturing, Infrastructure and Planning response

The reasons for the response are:

- The proposed development complies with all applicable performance outcomes of the SDAP, State code 2.
- The proposed development will be constructed in accordance with the approved plans, which have been designed by a Registered Professional Engineer of Queensland.
- The proposed development will ensure it will not impact the railway corridor network.

1901-9208 SRA

Response:

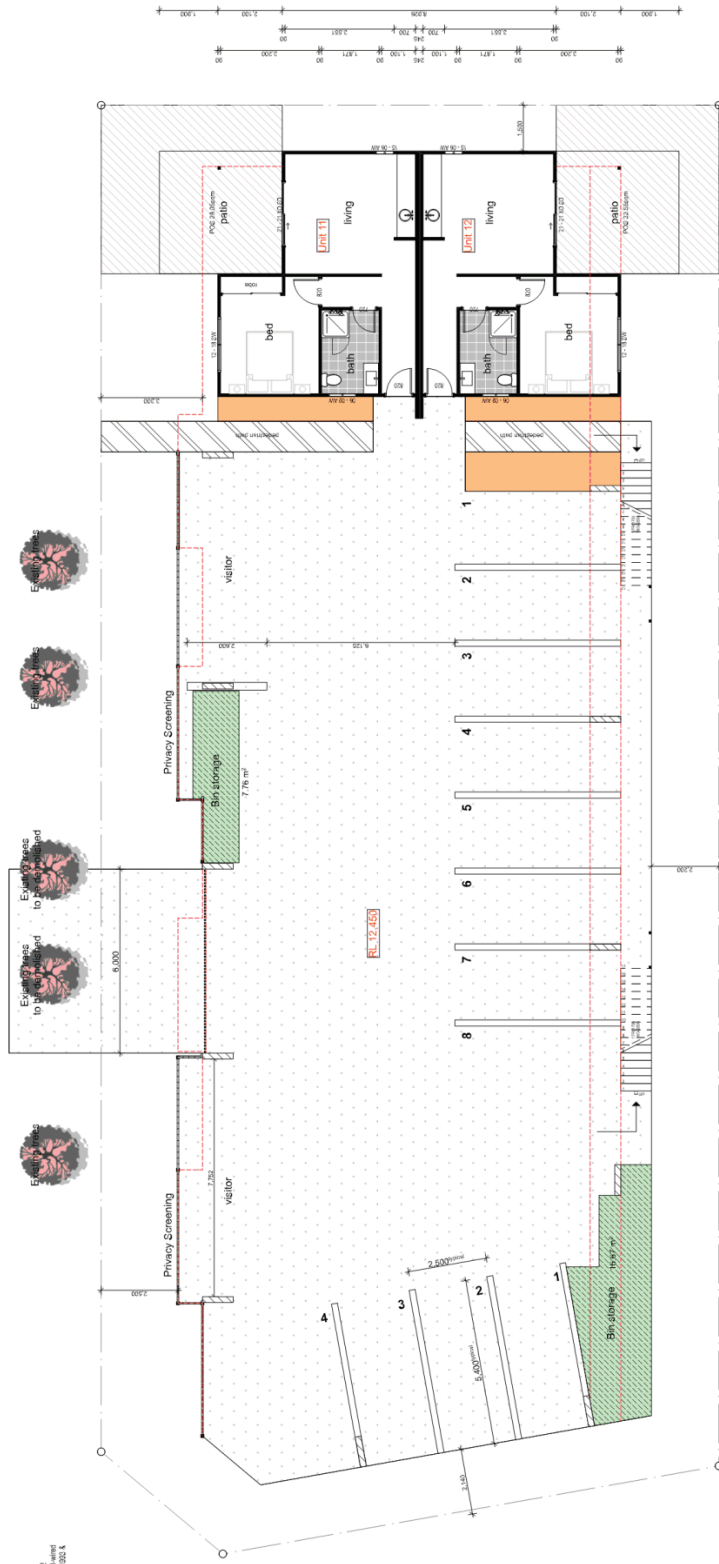
Nature of approval	Nature of response	Date of response
Development Permit	Approved, with conditions	15 May 2019

Relevant material

-
- *Planning Act 2016*
 - *Planning Regulation 2017*
 - *Development Assessment Rules, version 1.1*
 - SDAP
 - common material.

Legend:
 b. Bath
 br. Bedroom
 cl. Closets
 cor. Corridor
 cov. Carport
 d. Dining
 e. Entry
 f. Foyer
 g. Garage
 h. Hallway
 i. Kitchen
 j. Living
 k. Living
 l. Living
 m. Living
 n. Living
 o. Living
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 BT. Living
 BU. Living
 BV. Living
 BW. Living
 BX. Living
 BY. Living
 BZ. Living
 CA. Living
 CB. Living
 CC. Living
 CD. Living

PRELIMINARY DRAWINGS - NOT FOR CONSTRUCTION.



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
 SARA ref: 1901-92018 SFA
 Date: 15 May 2019

Proposed Ground Floor
 Scale: 1:100

AREA - Name	ID	Area
FIRST FLOOR		
U10 Living		49.9
U11 Living		43.5
U11 Bedroom		16.3
U11 Balcony		11.6
GROUND FLOOR		
U11 Living		44.2
U11 Bedroom		16.0
U11 Patio		16.0
Total		241.7 m²

REV	DATE	DESCRIPTION
E	06/02/19	DA REF phase update
F	12/02/19	DA REF phase update
G	20/02/19	DA REF phase update
H	10/04/19	DA REF phase update
I		DA REF phase update

CLIENT
 Maxwell Holdings
 1 Harris Street
 Wellington Point
 RP: 97107 local council

DRAWING:
 PROPOSED GROUND FLOOR
 SCALE
 AS SHOWN @ A3

JOB No.
 18104

DATE
 10-Apr-19

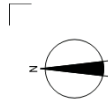
SHEET
 4 | 8

Dimensions shall not be obtained by scaling. All dimensions are in millimeters unless noted. The client is responsible for providing all data for the work to be performed and any problems shall be reported to the builder for clarification & completion.

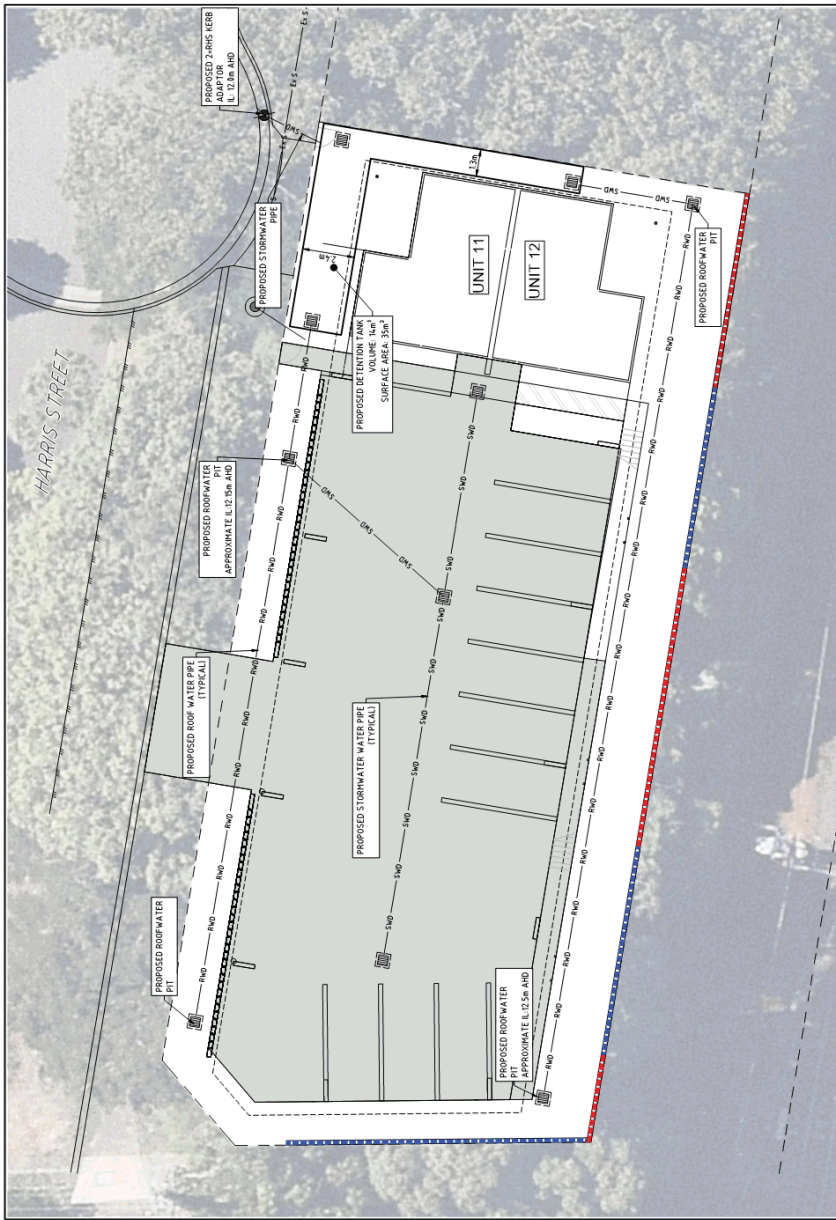
RICH TEMPLETON
 e. rich@cyberdrafting.com.au
 p. 07 2352 9159



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- LEGEND**
- EAP --- EXISTING CONTOUR (MAJOR)
 - EAS --- EXISTING CONTOUR (MINOR)
 - --- EXISTING LOT BOUNDARY
 - --- EXISTING LOT BOUNDARY - ADJACENT
 - --- EXISTING EDGE OF BITUMEN
 - E.S. --- EXISTING SEWER RETICULATION
 - E.W. --- EXISTING WATER RETICULATION
 - --- EXISTING FIRE HYDRANT
 - --- EXISTING SEWER MANHOLE
 - S.W. --- PROPOSED STORMWATER DRAINAGE
 - R.W. --- PROPOSED ROOFWATER DRAINAGE
 - --- PROPOSED FIELD INLET
 - --- PROPOSED RETAINING WALL - 0.4m TO 0.6m HIGH
 - --- PROPOSED RETAINING WALL - 0.6 TO 0.75m HIGH



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 1901-9208 SPA

Date: 15 May 2019

NAME TITLE
STORMWATER LAYOUT PLAN

REVIEW	K	30/05/18	DRAWING NUMBER
REVISION	SC <td>30/05/18</td> <td>CWD-10854-DA-400</td>	30/05/18	CWD-10854-DA-400
REVISION	E		

REV	DESCRIPTION	DATE
E	UPDATED ARCHITECTURE	14/02/19
D	UPDATED ARCHITECTURE	11/02/19
C	RESPONSE TO REF	06/02/19
B	DESIGN UPDATED	03/02/18
A	ORIGINAL ISSUE	30/05/18

STATUS DEVELOPMENT APPLICATION

APPROVED *[Signature]* RFD No 14/132

SCALE 0:5.5

Sheet No A1

PROJECT PROPOSED RESIDENCE
1 HARRIS STREET
WELLINGTON POINT

SURVEYOR SURVEYOR

CWD CIVIL & WATER DESIGN ENGINEERING EXCELLENCE

CLIENT MAXWELL HOLDINGS (QLD) PTY LTD

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

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Site Plan (as amended in Red)	Sheet 3 of 8 (Rev. H)	Cyber Drafting and Design	10/04/2019
Ground Floor (as amended in Red)	Sheet 4 of 8 (Rev. H)	Cyber Drafting and Design	10/04/2019
First Floor	Sheet 5 of 8 (Rev. H)	Cyber Drafting and Design	10/04/2019
West and North Elevations	Sheet 6 of 8 (Rev. H)	Cyber Drafting and Design	10/04/2019
East and South Elevations (as amended in Red)	Sheet 7 of 8 (Rev. H)	Cyber Drafting and Design	10/04/2019
Perspectives	Sheet 8 of 8 (Rev. H)	Cyber Drafting and Design	10/04/2019
Proposed Site Layout Plan	CWD-10854-DA-004-E	CWD	14/02/2019
Conceptual Earthwork Layout Plan	CWD-10854-DA-200-E	CWD	14/02/2019
Stormwater Layout Plan	CWD-10854-DA-400-E	CWD	14/02/2019
Stormwater Management Plan	10854-3.0	CWD	10/12/2018
Landscape Plan (amended in Red)	18104 Rev. E	Cyber Drafting & Design	12/02/2019
Acoustic Report	Ref: 2018061 Rev: R01G	Acoustic Works	20/12/2018

Table 1: Approved Plans and Documents

Design

<p>3. Submit an amended ground floor plan that incorporates the following changes:</p> <p>a) Delete the two ground floor units (Units 11 and 12) and replace with one unit that incorporates the following:</p> <ul style="list-style-type: none"> • Main unit entrance and pedestrian access presented to Harris Street; • Variation in built form to articulate the building entrance to the street; • Secondary pedestrian access to the car park; and • Private open space located to the rear (south) of the unit. <p>b) Relocate the bins on the northern side of the car park to the bin storage identified in the south-western corner of the car park, and extend the length of the visitor carpark in this location to allow more convenient access to this parking space.</p> <p>c) Remove the other visitor carpark and shift the location of the four carparks on the western side of the carparking area further north to allow sufficient space to accommodate all bins in the south-western corner.</p>	<p>As part of the request for conditioned works assessment.</p>
<p>4. Reduce the number of car parks on the western side of the car park to three (3) spaces to allow for all bins to be located in accordance with condition 3.</p>	<p>Prior to the use commencing.</p>
<p>5. Submit an amended south elevation plan that incorporates the following changes:</p> <p>a) Amended roof form incorporating variety in design and roof pitch.</p> <p><i>Note: A roof form as shown on the northern elevation would be considered acceptable.</i></p>	<p>As part of the request for conditioned works assessment.</p>
<p>6. Demolish or relocate/remove or obtain the relevant approvals for all existing structures on site in accordance with the approved plan(s) and cap all services prior to demolition commencing.</p>	<p>Prior to the use commencing.</p>
<p>7. Locate, design and install outdoor lighting, where required, to minimise the potential for light spillage to cause nuisance to neighbours.</p>	<p>Prior to the use commencing and ongoing.</p>

<p>8. Ensure that balconies visible from the road frontage are not enclosed by louvres and shutters, or the like, except where indicated on the approved plans.</p>	<p>Prior to the use commencing and ongoing.</p>
<p>9. Ensure air conditioning units where provided are to be screened from view of the street and adjoining premises.</p>	<p>Prior to the use commencing and ongoing.</p>
<p><u>Access and Parking</u></p>	
<p>10. Provide 13 car parks in accordance with approved plan. The total number of car parks must include:</p> <ul style="list-style-type: none"> • 11 resident/owner parking spaces • 2 visitor parking spaces <p>Access to car parking spaces, bicycle spaces, bin bays and driveways must remain unobstructed and available for their intended purpose.</p>	<p>Prior to the use commencing and ongoing.</p>
<p><u>Conditioned Works Assessment</u></p>	
<p>11. Submit to Council, and receive approval for, Conditioned Works Assessment for the documents and works referred to in Table 2:</p>	<p>Prior to site works commencing.</p>

Document or Works Item	Assessment Criteria
Stormwater	<ul style="list-style-type: none"> • Redland City Plan Healthy Waters Code • Redland City Plan Infrastructure Works Code • Redland City Plan Transport, Servicing, Access and Parking Code • Redland City Plan Planning Scheme Policy 2 – Infrastructure Works • Water Sensitive Urban Design Technical Guidelines for South East Queensland • State Planning Policy July 2017 • Queensland Urban Drainage Manual
Waste Management Plan	<ul style="list-style-type: none"> • Redland City Plan Infrastructure Works Code • Redland City Plan Planning Scheme Policy 2 – Infrastructure Works
Access and Parking	<ul style="list-style-type: none"> • Redland City Plan Infrastructure Works Code • Redland City Plan Transport, Servicing, Access and Parking Code • Redland City Plan Planning Scheme Policy 2 – Infrastructure Works • Australian Standard 2890:2009 – Parking Facilities Set
Roadworks	<ul style="list-style-type: none"> • Redland City Plan Healthy Waters Code • Redland City Plan Infrastructure Works Code • Redland City Plan Transport, Servicing, Access and Parking Code • Redland City Plan Planning Scheme Policy 2 – Infrastructure Works
Sediment and Erosion Control Plan/Program	<ul style="list-style-type: none"> • Redland City Plan Healthy Waters Code • Redland City Plan Infrastructure Works Code • Redland City Plan Planning Scheme Policy 2 – Infrastructure Works • International Erosion Control Association Best Practice Erosion and Sediment Control document
Electricity Reticulation Plan	<ul style="list-style-type: none"> • Redland City Plan Infrastructure Works Code • Redland City Plan Planning Scheme Policy 2 – Infrastructure Works
Ground Floor Plan	<ul style="list-style-type: none"> • Redland City Plan Medium Density Residential Zone Code
South Elevation Plan	<ul style="list-style-type: none"> • Redland City Plan Medium Density Residential Zone Code

Table 2: Conditioned Works Assessment

12. Comply with all conditions and approved plans in the Conditioned Works Approval.	Prior to the use commencing.
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Bonds	
13. Lodge with Council the bonds listed in Table 3:	Prior to requesting a pre-start meeting or works commencing, whichever is the sooner.

Bond Item	Amount	Returned
Road Cleaning Bond	\$2,000	When works accepted on maintenance by Council.
Road Opening Approval Bond	\$5,000	When works accepted on maintenance by Council.
TOTAL	\$7,000	

Table 3: Bonds

General	
14. Provide details to Council of the nominated Principal Contractor, including copies of the Principal Contractor's workcover and public liability currency certificates. The public liability insurance policy must be a minimum of ten million dollars and must indemnify Redland City Council.	Prior to requesting a pre-start meeting or works commencing, whichever is the sooner.
15. Provide temporary drainage during the building construction phase such that discharge from all constructed roofs and paved areas is disposed of to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM). Maintain the temporary system for the duration of the building works.	During construction.
16. Rectify, in consultation with Council, any damage to Council infrastructure as a result of construction activities, at no cost to Council.	Prior to the use commencing.

<p>17. Provide written certification from a Registered Professional Engineer Queensland (RPEQ) certifying that all civil works have been completed in accordance with the approved drawings and specifications and to the applicable Australian Standards.</p>	<p>Prior to on maintenance or the issue of a Certificate of Classification, whichever is the sooner.</p>
<p>18. Undertake the development works so that there is no risk to public safety at any time on the site, adjacent public land, road reserve or private property. Should the site be unattended or abandoned, public safety must still be maintained.</p>	<p>During the construction phase.</p>
<p>19. Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.</p>	<p>Prior to the use commencing.</p>
<p>20. Maintain all contributed assets for a minimum period of 12 months from the date the works are accepted on maintenance by Council. The works will be accepted off maintenance only where the works have been suitably maintained to any manufacturer's specifications and Council standards and are fit for purpose.</p>	<p>During the on maintenance period.</p>
<p>Roadworks</p>	

<p>21. Submit to Council for approval, engineering plans and details showing the following frontage works are in accordance with the assessment criteria listed in Table 2: Conditioned Works Assessment of this approval:</p> <ul style="list-style-type: none">a) Road construction including concrete kerb and channel and road pavement 7m wide (measured lip to lip);b) Footpath earthworks, topsoiling and turfing of all disturbed footpath areas;c) Reinstatement of concrete kerb and channel where required;d) Removal of all redundant vehicle crossovers;e) Entry treatment/access to the site;f) A 2.0m wide concrete pedestrian footpath R-RCC-4 at an alignment to be determined on site prior to Conditioned Works Approval, including standard verge profile (R-RCC-5);g) Adjustment and relocations necessary to public utility services resulting from these works;h) A minimum 5.5m wide type R-RCC-2 permanent vehicular crossover to the Harris Street frontage of the site;i) Signage for bin pick-up area to keep clear during collection periods.	<p>As part of the request for conditioned works assessment.</p>
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<p>22. Submit and have approved by Council a Road Opening Approval for any works being undertaken within the road reserve. Provide the following to Council as part of the application:</p> <p>a) A completed application form and associated fee, at the rate applicable at the time of payment. The current rate for the 2018/2019 Financial Year is:</p> <ul style="list-style-type: none"> • \$5,394 – this incorporates a refundable bond of \$5,000 and a non-refundable administration fee of \$394 <p>b) A copy of the contractor's Workcover insurance currency certificate.</p> <p>c) A copy of the contractor's Public Liability insurance currency certificate. The public liability insurance policy must be a minimum of ten million dollars and must indemnify Redland City Council.</p> <p>d) Submission of a Traffic Management Plan (TMP) and/or a Traffic Guidance Scheme (TGS) that is prepared and authorised by a person who holds a current DTMR 'Open Level' Traffic Management Design Certification and should include proposed haul routes for construction vehicles associated with the works, as applicable.</p>	<p>Prior to requesting a pre-start meeting or works commencing, whichever is the sooner.</p>
Stormwater Management	
<p>23. Convey roof water and surface water to lawful point of discharge being kerb and channel in Harris Street in accordance with the Redland City Plan Planning Scheme Policy 2 – Infrastructure Works.</p>	<p>Prior to the issue of a Certificate of Classification and ongoing.</p>
<p>24. Manage stormwater discharge from the site in accordance with the Redland City Plan Planning Scheme Policy 2 – Infrastructure Works, so as to not cause an actionable nuisance to adjoining properties.</p>	<p>Prior to the issue of a Certificate of Classification and ongoing.</p>
<p>25. Submit to Council, and receive Conditioned Works approval for, a stormwater plan and report that is generally in accordance with the approved stormwater management plan.</p>	<p>As part of request for conditioned works assessment.</p>
Utilities	

<p>26. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid at the time the works occur in accordance with the terms of any cost estimate provided to perform the works, or prior to plumbing final or the use commencing, whichever is the sooner.</p>	<p>At the time of works occurring.</p>
<p>27. Connect the development to external reticulated sewer, external reticulated water and underground electricity supply.</p>	<p>Prior to the issue of a Certificate of Classification.</p>
<p><u>Services</u></p>	
<p>28. Remove any redundant sewerage connections within the site or servicing the development and provide documentary evidence to Council or its delegate that this has occurred.</p>	<p>Prior to site works commencing.</p>
<p>29. Provide water connections and water meters in accordance with Council's Standard Drawings. Provide details to Council of the water meters and their locations.</p>	<p>Prior to on maintenance or issue of a Certificate of Classification, whichever is the sooner.</p>
<p><u>Waste Management</u></p>	
<p>30. Install screened refuse storage areas, located as indicated on the approved plan of development, for the storage of 24 bins. The storage area must be impervious, well drained, provided with a hose cock, enclosed and illuminated for night time use.</p>	<p>Prior to the issue of a Certificate of Classification and ongoing.</p>
<p><u>Erosion and Sediment Control</u></p>	
<p>31. Design, implement and maintain measures and practices in accordance with "Best Practice Erosion and Sediment Control" published by the International Erosion Control Association (Australasian Chapter) (2008).</p>	<p>During the construction phase.</p>

<p>32. Provide a stabilised construction exit at each exit point for the site. Maintain this area so that no loose debris is deposited on to adjoining roadways. Remove any material brought onto the road as soon as possible.</p>	<p>During construction phase.</p>
<p>33. Implement dust control measures at each phase of site development and operation in accordance with IECA (2008) Best Practice Erosion and Sediment Control.</p>	<p>During construction phase.</p>
<p><u>Survey and As Constructed Information</u></p>	
<p>34. Submit as constructed drawings and documentation for all works, prepared in accordance with the Redland City Plan Planning Scheme Policy 2 – Infrastructure Works.</p> <p>Include surveyed as constructed data showing works completed (digital and hard copies) and amended design plan data showing construction deviation from design plans (digital and hard copies). The digital data and the design data must be endorsed by a RPEQ and Landscape Architect holding AILA (Australian Institute of Landscape Architecture) membership and a registered surveyor using the certification clauses contained in Planning Scheme Policy 2 – Infrastructure Works.</p>	<p>As soon as all works are completed and prior to the request for on maintenance or the issue of a Certificate of Classification, whichever is the sooner.</p>
<p><u>Noise Attenuation</u></p>	
<p>35. Incorporate acoustic attenuation into the development as specified in section 9 of the approved acoustic report.</p>	<p>Prior to the use commencing and ongoing.</p>
<p><u>Landscape Works</u></p>	
<p>36. Undertake landscaping works in accordance with the approved landscape plans.</p>	<p>Prior to a compliance inspection or the use commencing, whichever is the sooner.</p>

<p>37. Undertake the following works:</p> <ul style="list-style-type: none"> • Turf all areas of disturbance within the road verge with turf cut from a weed free source. • Remove all weed species from the site, as identified in Part B of Council's Pest Management Plan 2012-2016. 	<p>Prior to a compliance inspection or the use commencing, whichever is the sooner.</p>
<p>38. Provide organic mulch to all garden bed areas at a minimum depth of 100mm.</p>	<p>Prior to a compliance inspection or the use commencing, whichever is the sooner.</p>
<p>39. Pay to Council a monetary contribution for street tree planting for three (3) street trees. The contribution must be calculated in accordance with the Redland City Plan Planning Scheme Policy 2 – Infrastructure Works and must be paid at the rate current at the time of payment under Council's Register of Fees. The current rate is \$177.00 per tree (2018/2019 Financial Year).</p>	<p>Prior to the use commencing.</p>
<p>40. Engage a qualified Arborist to undertake protection measures for the existing <i>Delonix regia</i> (Poinciana) located within the Harris Street road reserve by implementing tree protection measures in accordance with the guidelines of <i>Australian Standard AS4970-2009 "Protection of Trees on Development Sites"</i>. No works are to be undertaken within the tree protection zone unless otherwise agreed to by Council in writing.</p>	<p>Prior to, during and until completion of all construction works.</p>
<p>41. Provide Council with a written post-construction Arborist report demonstrating compliance with <i>AS4970-2009 Protection of Trees on Development Sites</i>.</p>	<p>On completion of all works and prior to the use commencing.</p>
<p><u>Inspections</u></p>	

42. Arrange with Council for the following inspections to be carried out at the relevant time in accordance with Table 4: Inspections below.

Inspection	Timing
Prestart	Prior to any works commencing.
Erosion and Sediment Control	Immediately after installation of erosion and sediment control measures.
Tree Protection	At any time where a variation is proposed to the tree protection measures or damage occurs to existing protected vegetation as a result of site works.
Driveway Crossover/Footpath	Box inspection to be undertaken with reinforcing mesh in place and supported on bar chairs prior to the concrete being poured.
Roadworks	At subgrade after boxing out of the road is completed.
	At 280mm below the finished AC surface level where the depth of the pavement exceeds 400mm.
	At pre-seal, prior to asphalt being placed.
On Maintenance	On completion of all civil and landscaping works to be transferred into public ownership as required by this approval and its conditions and prior to the commencement of the 12 months maintenance period.
Compliance Inspection	On completion of the development in accordance with the approval and its conditions.
Off Maintenance	At the end of the minimum 12 months maintenance period.

Table 4: Inspections

For the pre-start, on maintenance/compliance and off maintenance inspections, at least **five (5) business days** notice must be given to Council. For all other inspections, a minimum of **24 hours** notice must be given to Council.

The contributed assets must be accepted on maintenance and the development must pass a Compliance Inspection before the issue of a Certificate of Classification.

Advice Note: The Civil Consulting Engineer should inspect the works and satisfy themselves that the works are satisfactory prior to booking the respective inspections. In instances where Council's representative(s) fails an inspection, Council will charge a re-inspection fee prior to re-visiting the site. The cost of this re-inspection is identified in Council's Register of Fees and is reviewed each financial year.

ADDITIONAL APPROVALS

The following further **Development Permits** and/or **Compliance Permits** are necessary to allow the development to be carried out.

- Building Works approval.
- Building works – demolition:
 - Provide evidence to Council that a Demolition Permit has been issued for structures that are required to be removed and/or demolished from the site in association with this development.

Further approvals, other than a Development Permit or Compliance Permit, are also required for your development. This includes, but is not limited to, the following:

- Conditioned Works assessment as detailed in Table 2 of the conditions.
- Plumbing and drainage works.
- Capping of Sewer – for demolition of existing buildings on site.
- Road Opening Permit – for any works proposed within an existing road reserve.

REFERRAL AGENCY CONDITIONS

- **Queensland Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)**
Refer to the attached correspondence from the DSDMIP dated 29/04/2019 (DSDMIP reference 1901-9280 SRA).

ASSESSMENT MANAGER ADVICE

- **Infrastructure Charges**
Infrastructure charges apply to the development in accordance with the Adopted Infrastructure Charges Resolution (No. 2.3) 2016 levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.
 - **Live Connections**
Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.

Further information can be obtained from Redland Water on 07 3829 8999.
 - **Hours of Construction**
Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.
-

- **Asbestos Management & Removal**

Please be aware that where asbestos related materials are to be removed on a development site, appropriate measures must be taken to not cause a public health risk under the *Public Health Act 2005*. A suitably qualified asbestos removalist that holds a current Workplace Health & Safety A or B class asbestos removal licence must be engaged to remove more than 10m² of non-friable asbestos. The removal of friable asbestos must be undertaken by a business that holds a current Class A asbestos removal licence. For further information on asbestos visit the Queensland Government website www.deir.qld.gov.au/asbestos. For licensing enquiries please contact Workplace Health and Safety Queensland on 1300 362 128 or www.worksafe.qld.gov.au/injury-prevention-safety/asbestos

- **Coastal Processes and Sea Level Rise**

Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.

- **Services Installation**

It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

- **Fire Ants**

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

- **Cultural Heritage**

The *Aboriginal Cultural Heritage Act 2003* requires anyone who carries out a land use activity to exercise a duty of care. Further information on cultural heritage duty of care is available on the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) website: <https://www.datsip.qld.gov.au/resources/datsima/people-communities/cultural-heritage/cultural-heritage-duty-care.pdf>

The DATSIP has established a register and database of recorded cultural heritage matters, which is also available on the Department's website: <https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-search-request>

Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) is the registered cultural heritage body in the Redland City local government area. It is recommended you consult with QYAC in relation to aboriginal and cultural heritage matters prior to the commencement of works on site. QYAC can be contacted on 07 3415 2816 or admin@QYAC.net.au

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. Please contact DATSIP for further information.

- **Fauna Protection**

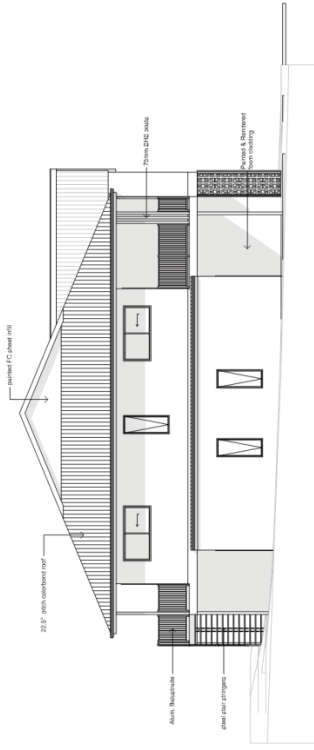
It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces,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

- **Environment Protection and Biodiversity Conservation Act**

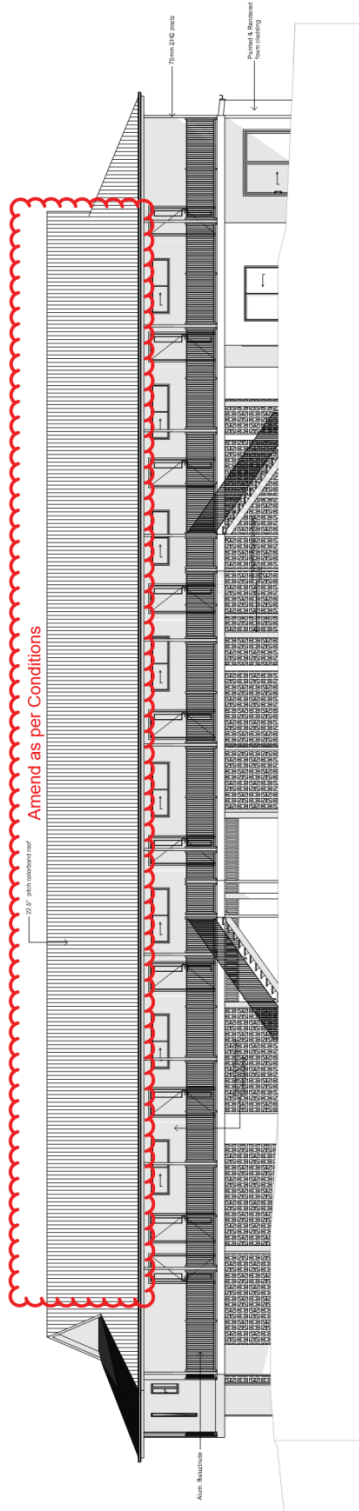
Under the Commonwealth Government's Environment Protection and Biodiversity Conservation Act (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing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

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

PRELIMINARY DRAWINGS - NOT FOR CONSTRUCTION.



East Elevation
Scale: 1:100



South Elevation
Scale: 1:100

REV	DATE	DESCRIPTION
E	06/02/19	DA REF: plate update
F	12/02/19	DA REF: plate update
G	2/20/2019	DA REF: plate update
H	1/20/2019	DA REF: plate update
I	1/20/2019	DA REF: plate update

CYBER DRAFTING & DESIGN
 14500 150th Avenue, Suite 1172
 Denver, Colorado 80227
 Phone: 303.333.3338

RICH TEMPLETON
 e. rich@cyberdrafting.com.au
 p. 07 2352 9159

Dimensions shall not be obtained by scaling.
 All dimensions are in millimeters unless noted
 otherwise. All drawings shall be read and
 checked prior to work being undertaken.
 Any problems shall be directed to the builder
 for clarification & completion.



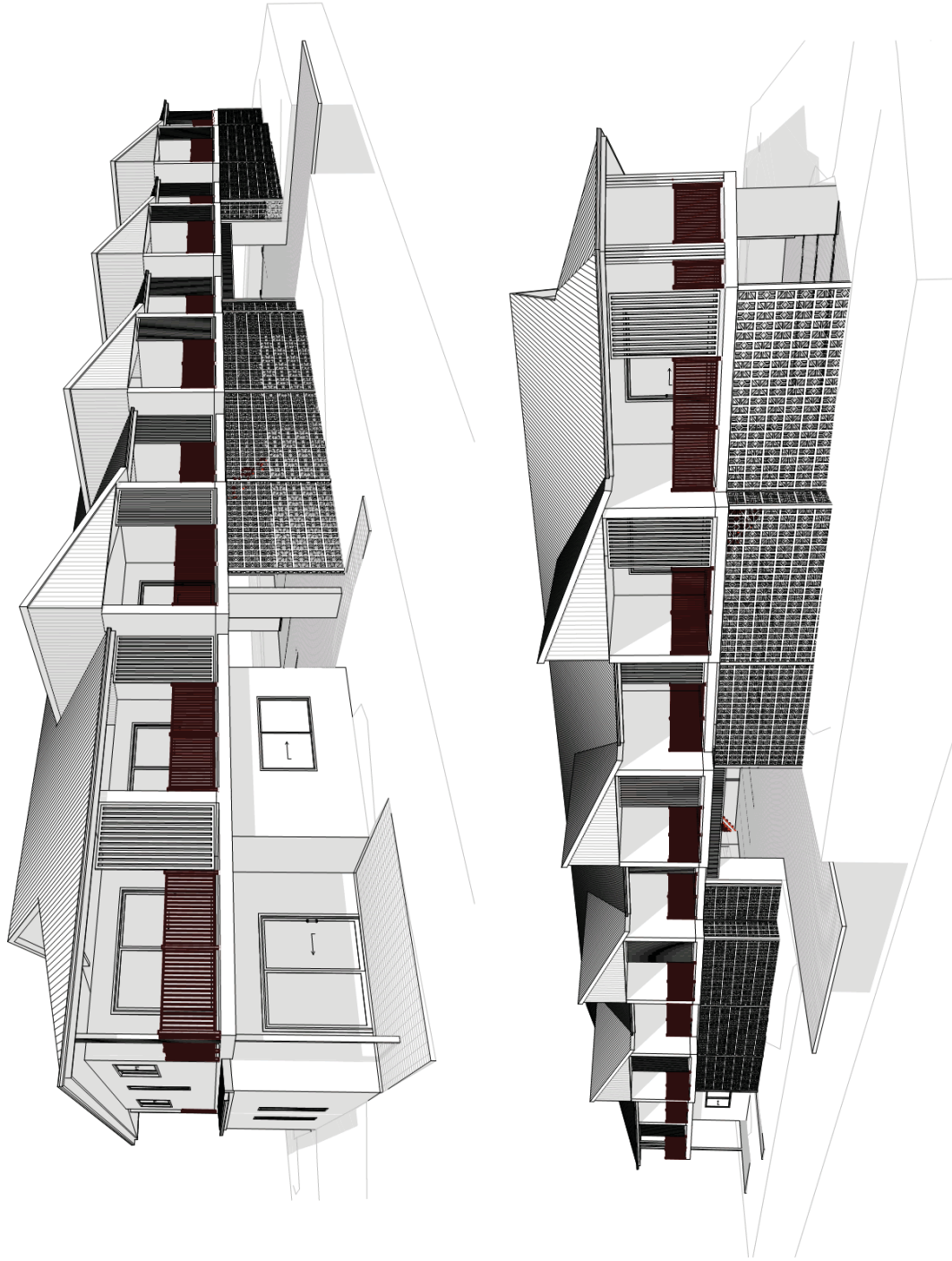
CLIENT
 Maxwell Holdings
 1 Harris Street
 Wellington Point
 RP: 97107 - local council -

DRAWING:
 PROPOSED ELEVATIONS
 SCALE
 AS SHOWN & AS

JOB No.
 18104
DATE
 10-Apr-19

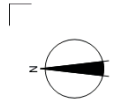
SHEET
 7 | 8

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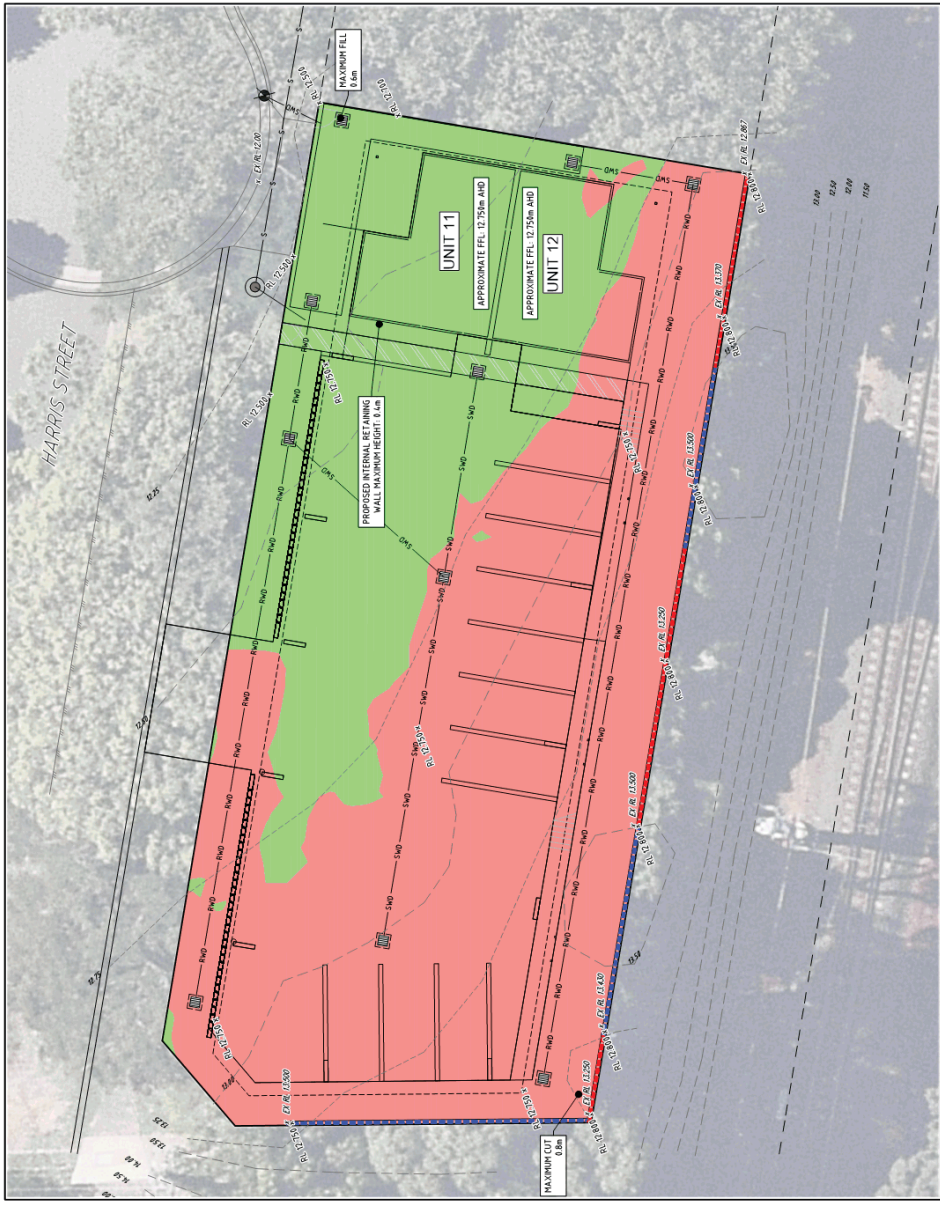
REV DATE DESCRIPTION E 18/02/19 DA REF none update F 12/02/19 DA REF none update G 20/02/19 DA REF none update H 10/04/19 DA REF none update COPYRIGHT ALL RIGHTS RESERVED. THE WORK IS COPYRIGHT AND CANNOT BE REPRODUCED OR COPIED BY ANY MEANS (WRITING, ELECTRICAL, OR MECHANICAL, WITHOUT PERMISSION FROM CYBER DRAFTING AND DESIGN)	RICH TEMPLETON e. rich@cyberdrafting.com.au p. 07 3303 9159	PROVISIONS ARE NOT TO BE APPLIED TO THE BUILDING. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE. CHECK DIMENSIONS SHALL BE VERIFIED. ANY PROVISIONS SHALL BE APPROVED TO THE BUILDER FOR CLARIFICATION & CORRECTION.	CLIENT Maxwell Holdings 1 Harris Street Wellington Point RP 371827 BSH1 COVD001 -	DRAWING PERSPECTIVES SCALE AS SHOWN @ A3	SHEET 18104 DATE 10-Apr-19 8 8
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EARTHWORKS LEGEND

- EARTHWORKS - CUT
- EARTHWORKS - FILL
- PROPOSED EARTHWORKS LEVEL
- EXISTING CONTOUR (M.A.S.R)
- EXISTING CONTOUR (M.M.M.R)
- EXISTING LEVEL
- PROPOSED RETAINING WALL - 0.4m TO 0.6m HIGH
- PROPOSED RETAINING WALL - 0.6 TO 0.75m HIGH



EARTHWORKS QUANTITIES

TOTAL CUT	165m ³
TOTAL FILL	67m ³
CUT TO SPILL	98m ³

QUANTITIES NOTE

ALL VOLUMES ARE COMPLETE IN PLACE
 NO ALLOWANCE FOR FOUNDATIONS
 NO ALLOWANCE FOR SERVICE TRENCHES
 NO ALLOWANCE FOR BULKING

EARTHWORKS NOTE

EARTHWORKS SHOWN ARE FOR BULK EARTHWORKS;
 FINALS TO BE DETERMINED
 ON SITE BY SITE SUPERINTENDENT

ESTIMATED BALANCE CUT AND FILL
 ALL LEVELS ARE PRELIMINARY AND SUBJECT TO
 DETAILED DESIGN AND ARCHITECT'S SPECIFICATION

RETAINING WALLS AND BATTERS TO BE CONFIRMED
 AT DETAILED DESIGN STAGE



CLIENT: MAXWELL HOLDINGS (QLD) PTY LTD

PROJECT: PROPOSED RESIDENCE
 1 HARRIS STREET
 WELLINGTON POINT

SURVEYOR: SURVEYOR

STATUS: DEVELOPMENT APPLICATION

APPROVED: [Signature] REF ID: 14732

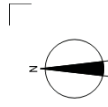
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REV	DESCRIPTION	DATE
E	UPDATED ARCHITECTURE	14/02/19
D	UPDATED ARCHITECTURE	11/02/19
C	RESPONSE TO REF	16/02/19
B	DESIGN UPDATED	20/11/18
A	ORIGINAL ISSUE	20/12/18

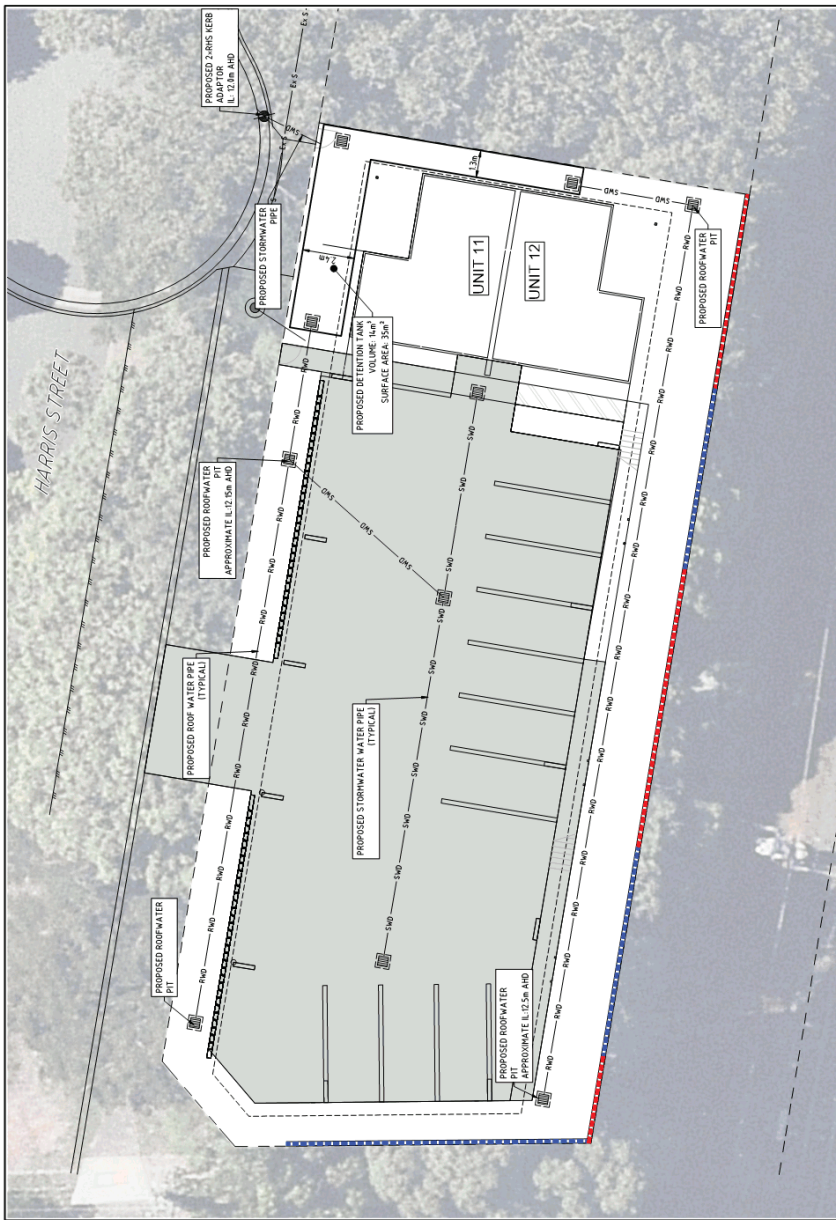
CONCEPTUAL EARTHWORK LAYOUT PLAN

REVIEW	JC	31/01/19
DESIGN	SC	31/01/19
DRAWN	SC	31/01/19
REVISION	E	

DRAWING NUMBER: CWD-10854-DA-200



- LEGEND**
- E10 --- EXISTING CONTOUR (MAJOR)
 - E15 --- EXISTING CONTOUR (MINOR)
 - EXISTING LOT BOUNDARY
 - EXISTING LOT BOUNDARY - ADJACENT
 - EXISTING EDGE OF SETBACK
 - EXISTING SEMI RETICULATION
 - EXISTING WATER RETICULATION
 - EXISTING FIRE HYDRANT
 - EXISTING SEWER MANHOLE
 - SWG --- PROPOSED STORMWATER DRAINAGE
 - SWG --- PROPOSED STORMWATER DRAINAGE
 - SWG --- PROPOSED FELD INLET
 - SWG --- PROPOSED RETAINING WALL - 0.4m TO 0.6m HIGH
 - SWG --- PROPOSED RETAINING WALL - 0.6 TO 0.75m HIGH



REVIEW	JC	31/01/19	DR	DATE
DESIGN	SC	31/01/19	SC	31/01/19
DRAWN	SC	31/01/19	SC	31/01/19

DRAWING TITLE: STORMWATER LAYOUT PLAN
 DRAWING NUMBER: CWD-10854-DA-400
 REVISION: E

REV	DESCRIPTION	DATE
E	UPDATED ARCHITECTURE	14/02/19
D	UPDATED ARCHITECTURE	11/02/19
C	RESPONSE TO REF	16/02/19
B	DESIGN UPDATED	03/02/19
A	ORIGINAL ISSUE	30/01/19

STATUS: DEVELOPMENT APPLICATION
 APPROVED BY: [Signature]
 REF ID: 14/132
 SCALE: 1:500
 SHEET: A1

PROJECT: PROPOSED RESIDENCE
 1 HARRIS STREET
 WELLINGTON POINT
 SURVEYOR: SURVEYOR

CLIENT: MAXWELL HOLDINGS (QLD) PTY LTD

 CIVIL & WATER DESIGN
 ENGINEERING EXCELLENCE



1 Harris Street, Wellington Point

Stormwater Management Plan

December 2018

Prepared for:

Maxwell Holding (Qld) Pty Ltd

Prepared by:

Civil and Water Design Pty Ltd





1 Harris Street, Wellington Point
Stormwater Management Plan

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Document Control:

Engineering Excellence

Document No.	Date of Issue	Prepared By (Author/s)		Reviewed By		Approved for Issue (RPEQ)	
		Name	Initials	Name	Initials	Name	RPEQ No.
10854 - 1.0	30/05/2018	Sajeel Cherakadavath	SC	Jeremy Cox	JC	Jeremy Cox	14732
10854 - 2.0	3/12/2018	Sajeel Cherakadavath	SC	Jeremy Cox	JC	Jeremy Cox	14732
10854- 3.0	10/12/2018	Sajeel Cherakadavath	SC	Jeremy Cox	JC	Jeremy Cox	14732

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1 Harris Street, Wellington Point
Stormwater Management Plan

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1 Harris Street, Wellington Point
Stormwater Management Plan

1 Introduction

This Stormwater Management Plan (SBSMP) has been prepared for the proposed development at 1 Harris Street, Wellington Point. The proposed site is located along Harris Street, approximately 150m west of Herbert Road. The site is located at 1 Harris Street, Wellington Point and is comprised of the following parcels of land:

- Lot 1 on RP97097;

The proposed works will comprise the following components:

- Construction of 12 units;
- Connection to sewer and water services;
- Constructing new stormwater infrastructure.

This SBSMP has been developed to support the Development Application (DA) for the development, and specifically to address:

- City Plan 2018 -Redland Planning Scheme Version 1.0., Planning scheme policy 2 – Infrastructure work Part 1.0: Healthy Waters;
- Integrated Planning Act 1997;
- Environmental Protection Act 1994;
- the local government Corporate Plan;
- South East Queensland Regional Water Quality Management Strategy (SEQWRMS);

2 Site Description

2.1 Location

The subject site (1 Harris Street, Wellington Point) is located 150m west of Herbert Road. It is approximately 921 m² in size with an existing residential building. Figure 1 shows the approximate location of the subject site.



Figure 1: Site Location

2.2 Existing and Proposed Land Use

Redlands Planning Scheme has classified the site as a Medium density residential zone. The proposed works are to construct twelve dwellings, thus adhering to the planning intent of the zone.

2.3 Topography and Site Drainage

Runoff on the site drains west to north east. Runoff from the site eventually contributes to Hilliards Creek.

Surface gradients onsite slope uniformly towards the front of the site at approximately 3%. Elevations range from the highest point onsite of approximately RL 13.50 metres AHD (south-west



1 Harris Street, Wellington Point
Stormwater Management Plan

boundary) and RL 12.25 metres AHD (near the north-eastern corner of the site). Stormwater Management Constraints

2.4 Site Constraints

Constraints identified for the site regarding stormwater management include:

- The runoff generated from the site flows towards the northern boundary of the site towards adjoining properties;
- Impacts to the stormwater conditions due to the increase in imperviousness will need to be treated prior to exiting the site;

2.5 Site Responses

The design response for the stormwater constraints have been identified as the following

- Collect and convey site generated runoff to the lawful point of discharge, up to the 100yr ARI event and ensure that no adverse impacts occur to neighbouring properties.
- The development will utilise engineering practices and methods to ensure that flows are treated prior to being discharged into the connection provided, to ensure no negative impact on the downstream system;

This Stormwater Management Plan has been developed to demonstrate the design response is appropriate in responding to the overland flow constraints onsite and are consistent with City Plan 2018 -Redland Planning Scheme Version 1.0.



1 Harris Street, Wellington Point
Stormwater Management Plan

3 Stormwater Quantity Management

3.1 Lawful Point of Discharge

Evidence of a lawful point of discharge should be provided as part of any design submitted for approval, as per the Queensland Urban Drainage Manual (Department of Energy and Water Supply 2013) and City Plan 2018 -Redland Planning Scheme Version 1.0., Planning scheme policy 2 – Infrastructure work Part 1.0: Healthy Waters.

The lawful point of discharge will be to the kerb and channel in Harris Street. Detailed calculations are shown in the following sections in accordance with Planning Scheme and QUDM

3.2 Stormwater Runoff

Peak discharges from the site and upstream catchment were calculated using the Rational Method. The discharge location for calculation purposes was assumed as the north eastern site boundary (Harris Street Cul-de-sac) This is consistent with the topography onsite. The Rational Method calculations were undertaken in accordance with the Queensland Urban Drainage Manual (QUDM 2017) and City Plan 2018 -Redland Planning Scheme Version 1.0, assuming that the proposed works are undertaken as planned, for a range of storm events.

3.2.1 Detailed Rational Assumptions

After reviewing current contours and external conditions, the catchment has been delineated and encapsulates the site and portions from outside of the site. Below shows the approximate catchment delineation. The catchment contributing to the Harris Street infrastructure as a whole was estimated to be approximately 0.107Ha

The site has currently an impervious fraction of approximately 40%, the site being mostly covered by vegetation. It is proposed that the site will have three dwellings. In the developed case, the sum area of the residential lots was assumed to have an overall impervious percentage of 80% as per QDUM guidelines and the Redland Planning Scheme. This results in an impervious fraction of 0.85 for the site. The external catchment is assumed to have an impervious fraction of 0.76 for lot.



1 Harris Street, Wellington Point
Stormwater Management Plan

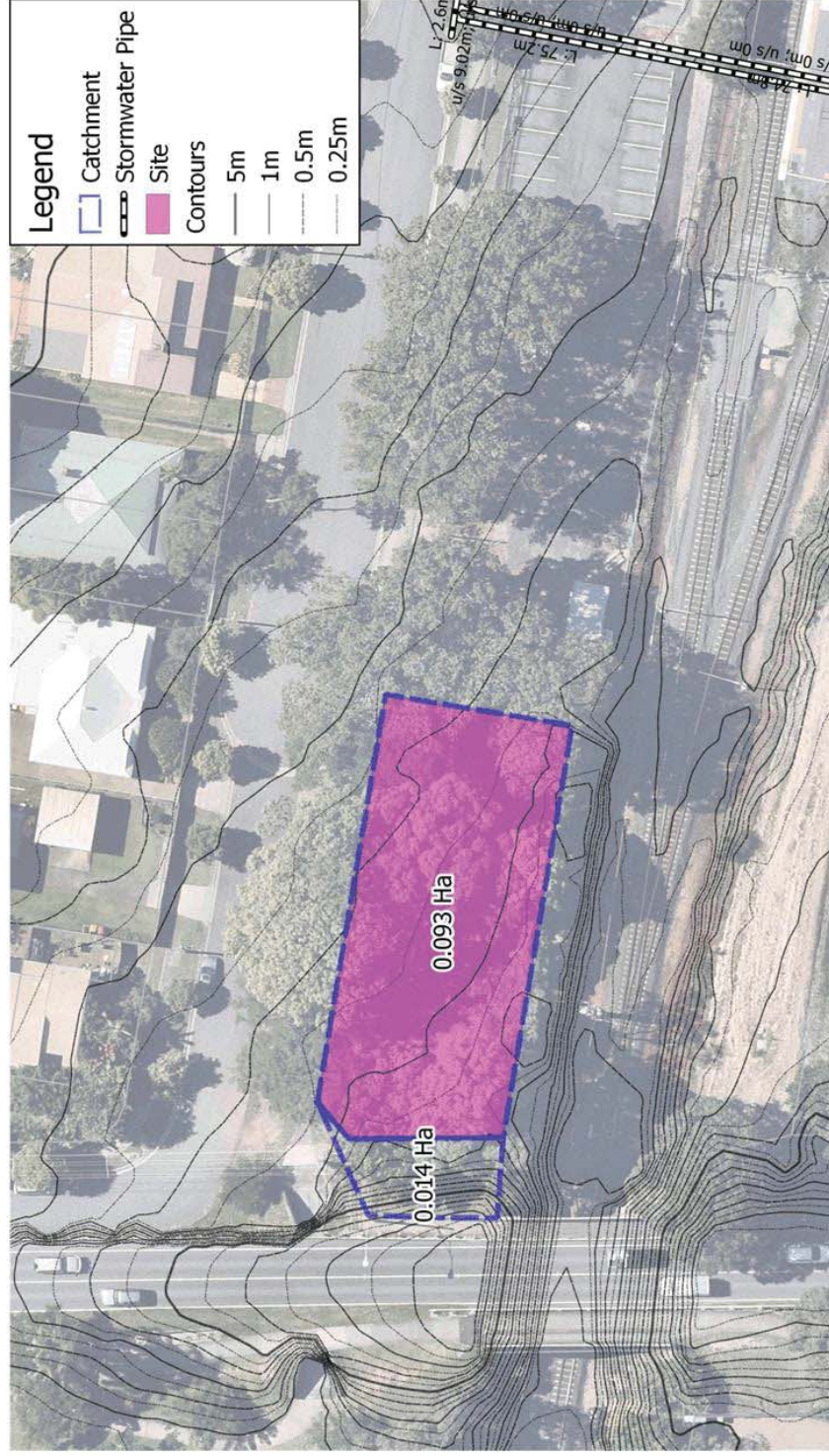


Figure 3.1: Catchment Delineation (Scale 1:600@A4)



1 Harris Street, Wellington Point
Stormwater Management Plan

3.2.2 Discussion of Expected Peak Discharges

Table 3.1 shows the peak discharges for existing and developed conditions for the catchment. Details of the runoff calculations can be found in Appendix B.

Table 3.1: Peak Stormwater Discharges for Site Catchment

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Peak Discharge m ³ /s		Change	
		Existing	Developed	m ³ /s	%
1	63%	0.016	0.018	0.002	10.29%
2	39%	0.022	0.024	0.002	10.29%
5	18%	0.031	0.034	0.003	10.29%
10	9.50%	0.036	0.040	0.004	10.29%
20	4.90%	0.043	0.048	0.004	10.29%
50	2%	0.055	0.061	0.006	10.29%
100	1%	0.064	0.069	0.005	8.39%

As shown in Table 3.1 above, peak discharges from the project site increased by up to 10.29 %. The increase of peak discharge is due to increasing the impervious area on site. The strategy for offsetting the impact on the catchment due to the development is discussed below.

3.2.3 Management of Increased Runoff

From the Planning scheme policy standards for inter-allotment drainage system requirements. As such, the design of the drainage system for this site is applicable to level III. The stormwater system must convey a 10 yr ARI event for allotment drainage, as this is multiple dwellings. Detention tank is the key management system.

It is proposed to discharge up to the 10 yr ARI runoff from the proposed development to the proposed detention tank then to the lawful point of discharge via twin RHS kerb adaptors. The proposed stormwater layout for the site is shown on Drawing CWD-10854-DA-400.

External flows is about catchment area of .014Ha (refer Figure 3.1) are assumed to be taken to Harris Street under fully developed conditions.





1 Harris Street, Wellington Point
Stormwater Management Plan

3.3 Downstream-Stormwater Infrastructure

The runoff on the site drains, generally, towards the north eastern boundary, where runoff is eventually conveyed to the existing gully pit (IL 8.12m AHD) 75m to west of the site.

3.4 Hydrographs

Hydrographs representing design rainfall runoff for the catchment were generated. These were generated to determine the detention requirements for the site, with regards to the catchment to mitigate flows to existing levels.

The XPRAFTS runoff routing model was used to generate the hydrographs. XPRAFTS was developed by XP Solutions. XPRAFTS uses “the Laurenson non-linear runoff routing procedure to develop a stormwater runoff hydrograph from either an actual event (a recorded rainfall time series) or a design storm utilising Intensity-Frequency-Duration data together with dimensionless storm temporal patterns, as well as standard AR&R 1987 data (Institution of Engineers, Australia, 1987).

The Laurenson runoff routing procedure used in XPRAFTS has the following advantages:

- It offers a model to simulate both rural and urban catchments.
- It allows for non-linear response from catchments over a large range of event magnitudes.
- It considers time-area and sub-catchment shape.
- It offers an efficient mathematical procedure for developing both rural, urban and mixed runoff hydrographs at any sub-catchment outlet.” (XPRAFTS V2009, XPSolutions)

The contributing catchments for the council system was modelled as sub-catchments in XPRAFTS. Catchment and link characteristics were entered into the model. The catchment storage/lag coefficient B_x and the initial losses were adjusted to match the peak discharges to those determined in the Rational Method calculations. Model parameters used are shown on Table 3.2.



1 Harris Street, Wellington Point
Stormwater Management Plan

Table 3.2: XPRAFTS Model Parameters

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Initial Pervious Loss (mm)	Continuing Pervious Losses (mm/hr)	Initial Impervious Loss (mm)	Continuing Impervious Losses (mm/hr)	Catchment Storage Coefficient, Bx	Storage Exponent, m
1	63%	11.50	0.5	1.15	0.0	0.75	0.8
2	39%	12.50	0.5	1.15	0.0	0.75	0.8
5	18%	13.50	0.5	1.25	0.0	0.75	0.8
10	9.5%	14.00	0.5	1.35	0.0	0.75	0.8
20	4.9%	14.50	0.5	1.40	0.0	0.75	0.8
50	2%	6.00	0.5	1.45	0.0	0.75	0.8
100	1%	0.00	0.5	0.60	0.0	0.75	0.8

A comparison of the XPRAFTS model and Rational Method peak discharges is shown on Table 3.3 for Existing Flows and Table 3.4 for Developed Flows. This comparison shows that the XPRAFTS model is adequately validated.

Table 3.3: Peak Stormwater Comparison - Existing

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Peak Discharge m ³ /s		Change		Critical Duration
		Rational	XPRAFTS	m ³ /s	%	
1	63%	0.016	0.016	0.000	0.00%	90
2	39%	0.022	0.022	0.000	0.00%	90
5	18%	0.031	0.031	0.000	0.00%	60
10	9.5%	0.036	0.036	0.000	0.00%	60
20	4.9%	0.043	0.043	0.000	0.00%	60
50	2%	0.055	0.055	0.000	0.00%	25
100	1%	0.064	0.064	0.000	0.00%	25

Table 3.4: Peak Stormwater Comparison – Developed

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Peak Discharge m ³ /s		Change		Critical Duration
		Rational	XPRAFTS	m ³ /s	%	
1	63%	0.018	0.017	-0.001	-7.78%	90
2	39%	0.024	0.023	-0.001	-2.92%	90
5	18%	0.034	0.035	0.001	2.65%	60
10	9.5%	0.040	0.041	0.001	2.50%	60
20	4.9%	0.048	0.049	0.001	1.46%	60
50	2%	0.061	0.061	0.000	0.66%	25
100	1%	0.069	0.070	0.001	1.16%	25



1 Harris Street, Wellington Point
Stormwater Management Plan

3.5 On site Detention Design

It is proposed that the detention be constructed to treat flows inasmuch that there is no adverse impact on the catchment. It is proposed that runoff generated from lot be conveyed into detention tank and then to kerb and channel in Harris Street.

Table 3.5. Detention Characteristics

Location	Within Access Driveway
Tank Type	Detention Tank
Depth	0.4 m
Footprint	35 m ²
Volume	14 m ³
Upper Outlet	0.3m wide by 0.15 high Orifice
Lower Outlet	0.225m Orifice
Lower Outlet Level	Tank Invert

The stormwater infrastructure on site has been sized to capture and convey up to the 10yr ARI event and discharge into the detention tank. As such, designated surcharge pits will have orifice plates to ensure that flows are limited that enter the detention tank. The overland flow on site is to remain as per existing whereby flows above the Q10 will be discharged over the southern boundary as per existing conditions as sheet flow.



1 Harris Street, Wellington Point
Stormwater Management Plan

Table 3.6. Tank Stage Storage-Discharge Relationship

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Stage (m)	Volume (m ³)	Basin Discharge (m ³ /s)
1	63%	0.117	3.905	0.016
2	39%	0.143	4.756	0.022
5	18%	0.175	5.835	0.030
10	9.5%	0.197	6.563	0.035
20	4.9%	0.231	7.689	0.040
50	2%	0.292	9.745	0.050
100	1%	0.330	11.004	0.060

Table 3.7: Peak Stormwater Comparison – Mitigated

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Peak Discharge m ³ /s		Change		Critical Duration
		Existing	Mitigated	m ³ /s	%	
1	63%	0.016	0.016	0.000	0.0%	90
2	39%	0.022	0.022	0.000	0.0%	90
5	18%	0.031	0.030	-0.001	-3.2%	60
10	9.5%	0.036	0.035	-0.001	-2.8%	60
20	4.9%	0.043	0.040	-0.003	-7.0%	60
50	2%	0.055	0.050	-0.005	-9.1%	25
100	1%	0.064	0.060	-0.004	-6.3%	25

It has therefore been demonstrated that the detention tank is adequately sized as to offset the impacts from the development on the downstream catchment



1 Harris Street, Wellington Point
Stormwater Management Plan

4 Conclusion

This report demonstrates that the drainage proposed for this development has been design in accordance with the relevant manuals and guidelines and is therefore consistent with the City Plan 2018 -Redland Planning Scheme Version 1.0.

This report demonstrates that the proposed development is adequate to satisfy the 'lawful point of discharge' as per the City Plan 2018 -Redland Planning Scheme Version 1.0. and QUDM.

Stormwater quality outcomes are proposed to be met by contribution to the offsets scheme.

This SBSMP is considered consistent with the Healthy waters code City Plan 2018 -Redland Planning Scheme Version 1.0.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Cox', is written over a light blue rectangular background.

Jeremy Cox
BEng (Civil), MIEAust, NPER, CPEng, RPEQ
Director
Civil and Water Design Pty Ltd



1 Harris Street, Wellington Point
Stormwater Management Plan

5 Bibliography

City Plan 2018 -Redland Planning Scheme Version 1.0.

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Appendix A Drawings



Appendix A

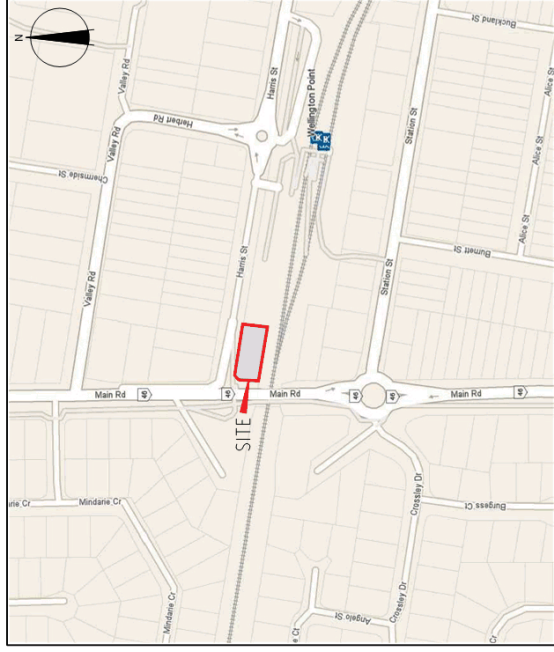


DEVELOPMENT APPLICATION 1 HARRIS STREET, WELLINGTON POINT

LOT 1 RP97097

DRAWING INDEX

PROJECT #	DRG #	DRG TITLE
CWD-10854-DA-	000	DRAWING SCHEDULE AND LOCALITY PLAN
	003	EXISTING SITE & FEATURES PLAN
	004	PROPOSED SITE LAYOUT PLAN
	200	CONCEPTUAL ENVIRONMENTAL LAYOUT PLAN
	400	STORMWATER LAYOUT PLAN



LOCALITY PLAN
SCALE N.T.S.

LEVELS IN MDP
(AUSTRALIAN HEIGHT DATUM)
GRID TO GDAS4
(GEODESIC DATUM OF AUSTRALIA 1954)



CLIENT: MAXWELL HOLDINGS (QLD) PTY LTD

PROJECT:
PROPOSED RESIDENCE
1 HARRIS STREET
WELLINGTON POINT

SURVEYOR: SURVEYOR

STATUS: DEVELOPMENT APPLICATION

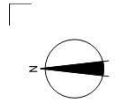
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Sheet 1005 A1

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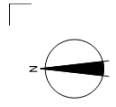
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 - 1:5 --- EXISTING CONTOUR (MINOR)
 - - - - - EXISTING LOT BOUNDARY
 - - - - - EXISTING LOT BOUNDARY - ADJACENT
 - 1:5 --- EXISTING EDGE OF BITUMEN
 - 1:5 --- EXISTING SEWER RETICULATION
 - 1:5 --- EXISTING WATER RETICULATION
 - EXISTING FIRE HYDRANT
 - EXISTING SCHED. MANHOLE

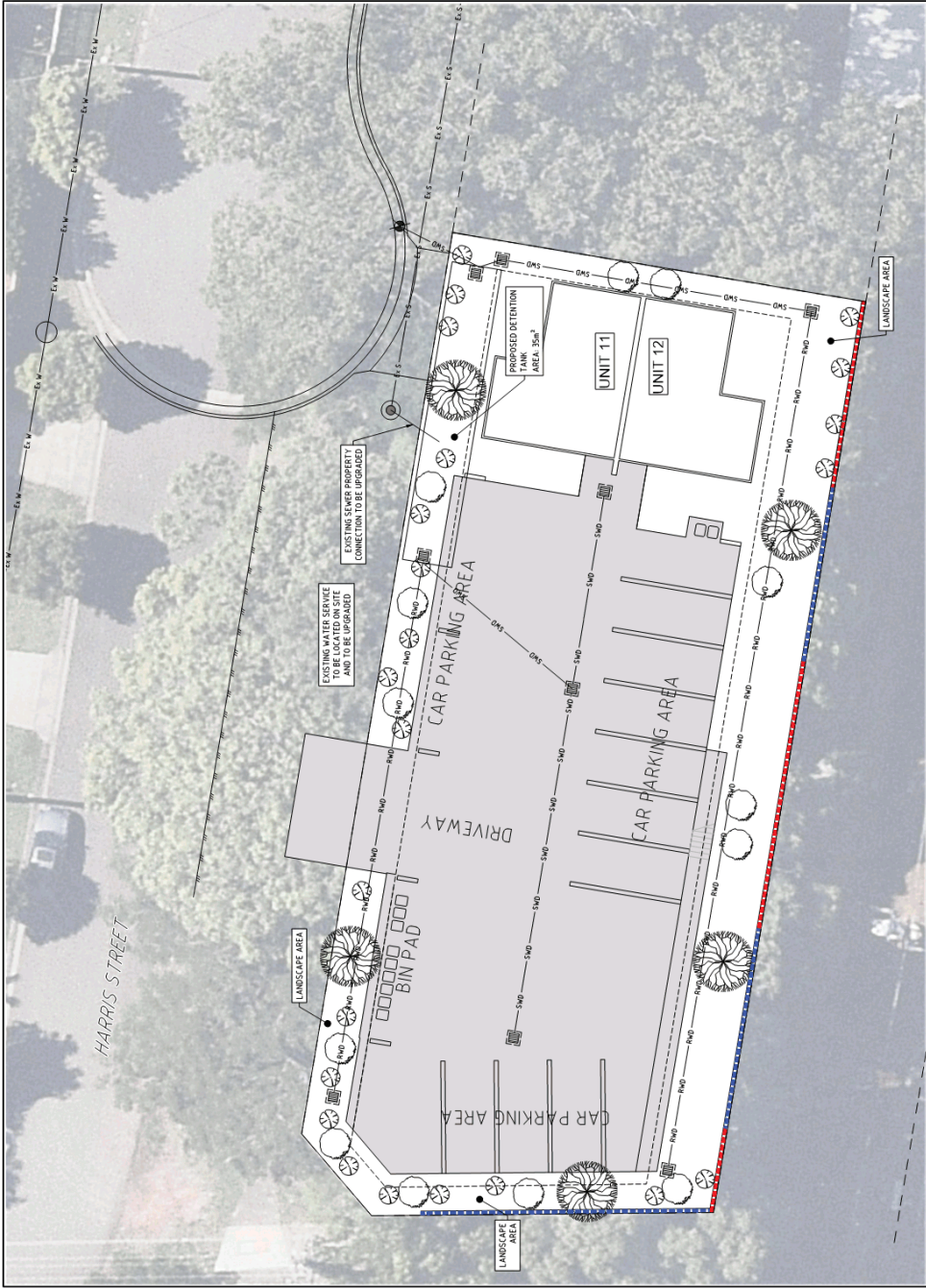


<p>CIVIL & WATER DESIGN ENGINEERING EXCELLENCE</p> <p>CLIENT: MAXWELL HOLDINGS (QLD) PTY LTD</p>	<p>PROJECT: PROPOSED RESIDENCE 1 HARRIS STREET WELLINGTON POINT</p> <p>SURVEYOR: SURVEYOR</p>	<p>STATUS: DEVELOPMENT APPLICATION</p> <p>APPROVED: <i>[Signature]</i> REF ID: 14732</p> <p>SCALE: 1:500 Scale 1:500</p>	<p>DRAWING TITLE: EXISTING SITE & FEATURES PLAN</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>REVIEW</td> <td>JC</td> <td>31/05/19</td> <td>DRAWING NUMBER</td> <td>CWD-10854-DA-003</td> <td>REVISION</td> <td>A</td> </tr> <tr> <td>DESIGN</td> <td>SC</td> <td>31/05/19</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>DRAWN</td> <td>SC</td> <td>31/05/19</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	REVIEW	JC	31/05/19	DRAWING NUMBER	CWD-10854-DA-003	REVISION	A	DESIGN	SC	31/05/19					DRAWN	SC	31/05/19				
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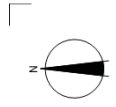


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- --- PROPOSED RETAINING WALL - 0.6 TO 0.75m HIGH



PROPOSED SITE LAYOUT PLAN													
<p>CLIENT MAXWELL HOLDINGS (QLD) PTY LTD</p> <p>PROJECT PROPOSED RESIDENCE 1 HARRIS STREET WELLINGTON POINT</p> <p>SURVEYOR SURVEYOR</p>	<p>STATUS DEVELOPMENT APPLICATION</p> <p>APPROVED <i>Ajpa</i> REF ID: 14732</p> <p>SCALE 1:200</p> <p>DATE 14/12/18</p>												
<p>CIVIL & WATER DESIGN ENGINEERING EXCELLENCE</p> <p>MAXWELL HOLDINGS (QLD) PTY LTD</p>													
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<p>DRAWING TITLE PROPOSED SITE LAYOUT PLAN</p> <p>DRAWING NUMBER CWD-10854-DA-004</p>													



EARTHWORKS LEGEND

- EARTHWORKS - CUT
- EARTHWORKS - FILL
- PROPOSED EARTHWORKS LEVEL
- EXISTING CONTOUR (M.A.S.R)
- EXISTING CONTOUR (M.M.M.R)
- EXISTING LEVEL
- PROPOSED RETAINING WALL - 0.4m TO 0.6m HIGH
- PROPOSED RETAINING WALL - 0.6 TO 0.75m HIGH

EARTHWORKS QUANTITIES

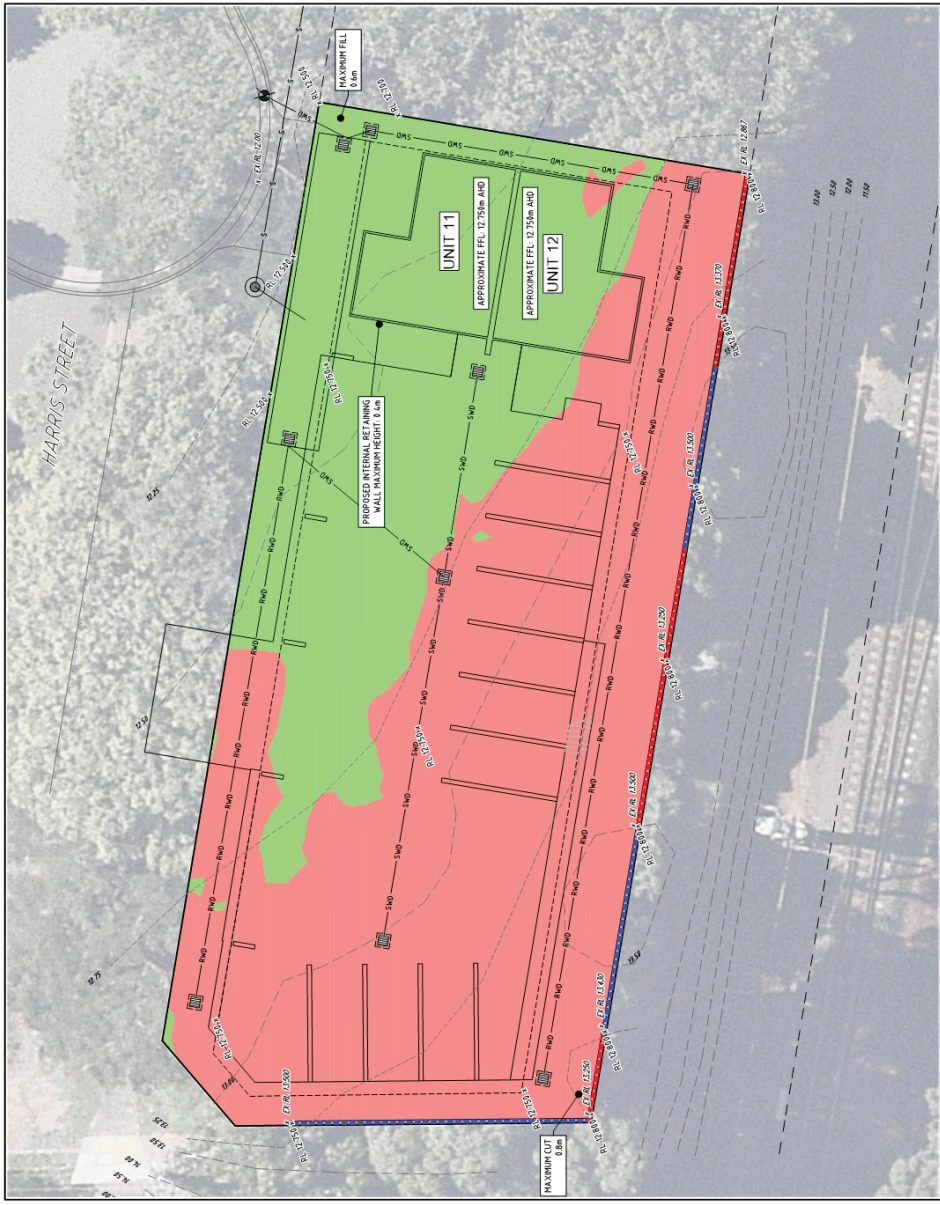
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TOTAL FILL	67m ³
CUT TO SPIRE	98m ³

QUANTITIES NOTE

ALL VOLUMES ARE COMPLETE IN PLACE
 NO ALLOWANCE FOR FOUNDATIONS
 NO ALLOWANCE FOR SERVICE TRENCHES
 NO ALLOWANCE FOR CURBS
 NO ALLOWANCE FOR BULKING

EARTHWORKS NOTE

EARTHWORKS SHOWN ARE FOR BULK EARTHWORKS;
 FINISHES TO BE DETERMINED
 ON SITE BY SITE SUPERINTENDENT



ESTIMATED BALANCE CUT AND FILL
 ALL LEVELS ARE PRELIMINARY AND SUBJECT TO
 DETAILED DESIGN AND ARCHITECT'S SPECIFICATION

RETAINING WALLS AND BATTERS TO BE CONFIRMED
 AT DETAILED DESIGN STAGE

CWD
 CIVIL & WATER DESIGN
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CLIENT: MAXWELL HOLDINGS (QLD) PTY LTD

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 APPROVED: [Signature]
 REF ID: 14732

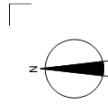
REV	DESCRIPTION	DATE
B	DESIGN UPDATED	30/10/18
A	ORIGINAL ISSUE	30/10/18

DRAWING TITLE: CONCEPTUAL EARTHWORK LAYOUT PLAN

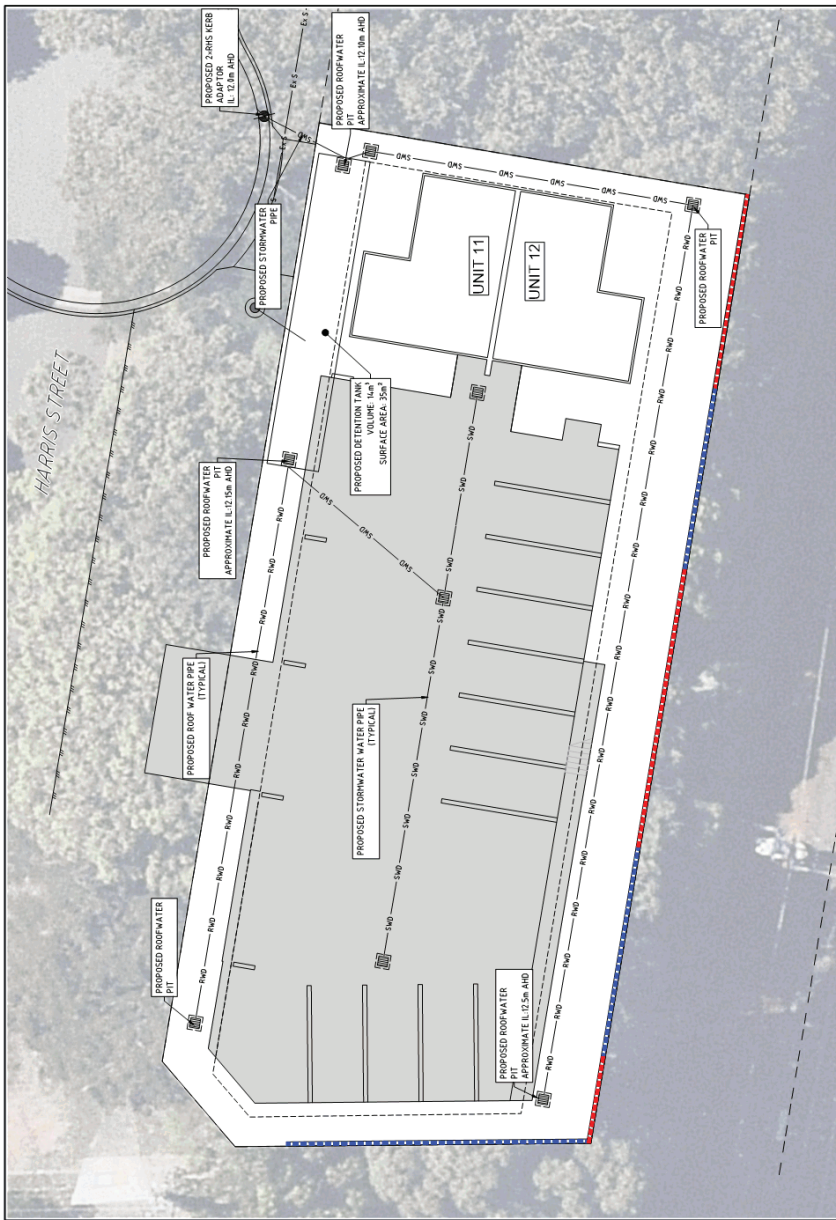
REVIEW	JC	31/05/18
DESIGN	SC	31/05/18
DRAWN	SC	31/05/18

DRAWING NUMBER: CWD-10854-DA-200

REVISION: B



- LEGEND**
- E-10 --- EXISTING CONTOUR (MAJOR)
 - E-5 --- EXISTING CONTOUR (MINOR)
 - - - - - EXISTING LOT BOUNDARY
 - - - - - EXISTING LOT BOUNDARY - ADJACENT
 - - - - - EXISTING EDGE OF SETBACK
 - E-1.5 --- EXISTING WATER RETICULATION
 - E-1.0 --- EXISTING FIRE HYDRANT
 - EXISTING SEWER MANHOLE
 - PROPOSED STORMWATER DRAINAGE
 - PROPOSED STORMWATER DRAINAGE
 - PROPOSED FIELD INLET
 - PROPOSED RETAINING WALL - 0.4m TO 0.8m HIGH
 - PROPOSED RETAINING WALL - 0.8 TO 0.75m HIGH



STORMWATER LAYOUT PLAN

REVIEW	J	31/01/18	DRAMA NUMBER	REVISION
DESIGN	SC	31/01/18	CWD-10854-DA-400	B
DRAWN	SC	31/01/18		

REV	DESCRIPTION	DATE
B	DESIGN UPDATED	14/12/17
A	ORIGINAL ISSUE	

STATUS DEVELOPMENT APPLICATION
 APPROVED BY THE LOCAL GOVERNMENT

APPROVED: *[Signature]* REF ID: 14/12/17

SCALE: 1:1000

DATE: 14/12/17

PROJECT: PROPOSED RESIDENCE
 1 HARRIS STREET
 WELLINGTON POINT

SURVEYOR: SURVEYOR

CWD CIVIL & WATER DESIGN
 ENGINEERING EXCELLENCE

CLIENT: MAXWELL HOLDINGS (QLD) PTY LTD

Appendix B Calculations



Appendix B



RATIONAL METHOD CALCULATIONS

Project: 1 Harris St, Wellington Point

Location of Discharge: Northern Eastern Boundary (Harris St Cul de sac)

Catchment Condition: Existing Site/Developed upstream

Other Comments:

Time of Concentration		10.0 minutes	
	Upstream	Site	Total
Sub-Catchment Areas	0.014	0.093	0.11 ha
C-10 Runoff Coefficients	0.760	0.76	
10yr 1hr Intensity (mm/hr)	65.84		

ARI (years)	Rainfall Intensity (mm/hr)	Depth (mm)	Fy	Runoff Coefficients		Discharges (cumecs)		TOTAL
				Upstream	Site	Upstream	Site	
1	89.2	15	0.80	0.61	0.61	0.002	0.014	0.016
2	114.0	19	0.85	0.65	0.65	0.003	0.019	0.022
5	142.3	24	0.95	0.72	0.72	0.004	0.027	0.031
10	159.0	27	1.00	0.76	0.76	0.005	0.031	0.036
20	182.0	30	1.05	0.80	0.80	0.006	0.038	0.043
50	212.6	35	1.15	0.87	0.87	0.007	0.048	0.055
100	236.2	39	1.20	0.91	0.91	0.008	0.056	0.064

Upper Catchment Slope	7.1%
Standard Inlet Time	10.0 min
Channel Travel Length	metres
Channel Fall	metres
Travel Time	min
Delta for	1.0
Time of Concentration @ u/s bdy	10.0

Equiv Travel Velocity
0.00 m/s

Table A1

RATIONAL METHOD CALCULATIONS

Project: 1 Harris St, Wellington Point

Location of Discharge: Northern Eastern Boundary (Harris St Cul de sac)

Catchment Condition: Developed Site/Developed upstream

Other Comments:

	10.0 minutes		
	Upstream	Site	Total
Sub-Catchment Areas	0.014	0.093	0.11
C10 Runoff Coefficients	0.76	0.85	ha
10yr 1hr Intensity (mm/hr)	65.84		

ARI (years)	Rainfall Intensity (mm/hr)	Depth (mm)	Fy	Runoff Coefficients		Discharges (cumecs)		TOTAL
				Upstream	Site	Upstream	Site	
1	89.2	15	0.80	0.61	0.68	0.002	0.016	0.018
2	114.0	19	0.85	0.65	0.72	0.003	0.021	0.024
5	142.3	24	0.95	0.72	0.81	0.004	0.030	0.034
10	159.0	27	1.00	0.76	0.85	0.005	0.035	0.040
20	182.0	30	1.05	0.80	0.89	0.006	0.042	0.048
50	212.6	35	1.15	0.87	0.98	0.007	0.054	0.061
100	236.2	39	1.20	0.91	1.00	0.008	0.061	0.069

Upper Catchment Slope	7.1%
Standard Inlet Time	10.0 min
Channel Travel Length	0 metres
Channel Fall	0 metres
Travel Time	0 min
Delta for	1
Time of Concentration @ u/s bdy	10.0

Equip Travel Velocity
0.00 m/s

Table A2

Appendix C Code

9.3.1.3 Healthy waters code – Specific benchmarks for assessment

Table 9.3.1.3.1—Benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Response outcomes
For assessable development		
Stormwater Drainage Design		
Editor's note—In order to demonstrate compliance with the performance outcomes in this section, a stormwater management plan is likely to be required. This should be prepared in accordance with the matters specified in Planning Scheme Policy 2 – Infrastructure works.		
PO1 To the extent practicable, natural drainage lines are retained, and their natural hydraulic capacity and channel characteristics are maintained or re-established.	AO1.1 All existing natural waterways and overland flow paths are retained.	RO1.1 N/A.
	AO1.2 The stormwater management system is designed in accordance with Planning Scheme Policy 2 – Infrastructure works.	RO1.2 Yes
PO2 On-site water management systems do not rely on existing artificial water bodies being retained, except where such water bodies: <ol style="list-style-type: none"> (1) perform significant ecological, water quality or recreation functions; (2) do not pose a significant risk to stream health or water quality; (3) are structurally sound; (4) do not pose any risk to community health and safety; and (5) will not create a significant maintenance or cost burden on the community over the short or long terms. 	No acceptable outcome is nominated. Editor's note—Council would generally expect that such waterbodies are not retained as many are currently in poor condition and need substantial rectification. Where an existing waterbody is proposed to be retained as an integral component of water management on the site, an assessment should be done in accordance with Planning Scheme Policy 2 – Infrastructure works. This assessment should be done in conjunction with an ecological assessment report so that conflicts between competing environmental values can be identified and resolved.	RO2 On-site water management system do not rely on existing artificial water bodies.

Performance outcomes	Acceptable outcomes	Response outcomes
<p>PO3</p> <p>The stormwater drainage system maintains the pre-development velocity and quantity of run-off outside of the site and does not otherwise worsen or cause nuisance to adjacent, upstream and downstream land.</p>	<p>AO3.1</p> <p>Stormwater drainage is designed in accordance with Planning Scheme Policy 2 – Infrastructure works.</p>	<p>RO3.1</p> <p>Stormwater designed accordance with Planning Scheme Policy 2- Infrastructure works.</p>
<p>PO4</p> <p>Stormwater drainage is designed and constructed to convey stormwater flow resulting from the relevant design storm under normal operating conditions.</p>	<p>AO4.1</p> <p>Stormwater drainage design meets the stormwater flow capacity requirements of the following design storm events:</p> <p>(1) where for the minor drainage system - as detailed in Table 9.3.1.3.2 - Minor Drainage System Design Storm Event by Road Frontage Classification and Zone; or</p> <p>(2) where for the major drainage system – 1% AEP.</p> <p>Editor's note—Refer to section 7 of the Queensland Urban Drainage Manual for descriptions of major and minor drainage systems.</p>	<p>RO4.1</p> <p>Stormwater designed accordance with Planning Scheme Policy 2- Infrastructure works.</p>
<p>PO5</p> <p>The stormwater drainage system is designed to function in the event of a minor system blockage.</p>	<p>AO5.1</p> <p>The major drainage system caters for 50% blockage in the minor drainage system without causing inundation of building floor levels.</p>	<p>RO5.1</p> <p>Stormwater designed accordance with Planning Scheme Policy 2- Infrastructure works.</p>
<p>PO6</p> <p>Roof and surface run-off is managed to prevent stormwater flows from entering buildings and to be directed to a lawful point of discharge.</p>	<p>AO6.1</p> <p>Roof and allotment drainage is provided in accordance with Planning Scheme Policy 2 – Infrastructure works.</p>	<p>RO6.1</p> <p>Stormwater designed accordance with Planning Scheme Policy 2- Infrastructure works.</p>
<p>PO7</p> <p>Where located within open space, stormwater devices or functions do not reduce the utility of that space for its intended recreational or ecological functions.</p>	<p>No acceptable outcome is nominated.</p>	<p>RO7</p> <p>N/A</p>

Performance outcomes	Acceptable outcomes	Response outcomes									
<p>PO8</p> <p>The full extent of maintenance requirements and costs associated with the devices used within the system are minimised.</p>	<p>No acceptable outcome is nominated.</p>	<p>RO8</p> <p>N/A</p>									
<p>Water quality – general</p> <p>Editor's note—In order to demonstrate compliance with the performance outcomes in this section, a waste water and stormwater quality management plan may be required. Such assessments should be prepared in accordance with the matters specified in Planning Scheme Policy 2 – Infrastructure works.</p>											
<p>PO9</p> <p>Development contributes to the protection of environmental values of receiving waters and does not adversely impact on water quality in Redland's waterways.</p>	<p>For development involving a site area of 2,500m² or more, or six or more residential lots or dwellings:</p> <p>AO9.1</p> <p>Stormwater run-off leaving a development site complies with the following design objectives:</p> <table border="1"> <thead> <tr> <th colspan="3">Minimum reductions in mean annual load unmitigated development (%)</th> </tr> <tr> <th>Total Suspended solids</th> <th>Total phosphorus</th> <th>Total nitrogen</th> </tr> </thead> <tbody> <tr> <td>80</td> <td>60</td> <td>45</td> </tr> </tbody> </table> <p>Otherwise, no acceptable outcome is nominated.</p>	Minimum reductions in mean annual load unmitigated development (%)			Total Suspended solids	Total phosphorus	Total nitrogen	80	60	45	<p>RO9</p> <p>Development does not impact on water quality in Redland's waterways.</p>
Minimum reductions in mean annual load unmitigated development (%)											
Total Suspended solids	Total phosphorus	Total nitrogen									
80	60	45									
<p>PO10</p> <p>The entry and transport of contaminants in stormwater or waste water is avoided.</p>	<p>No acceptable outcome is nominated.</p> <p>Editor's note—Applicants should refer to Planning Scheme Policy 2 – Infrastructure works for guidance.</p>	<p>RO10</p> <p>Contaminations to stormwater will be avoided. .</p>									
<p>Water quality – erosion prevention and sediment control</p> <p>Editor's note—In order to demonstrate compliance with the performance outcomes in this section, an erosion and sediment control plan is likely to be required. An erosion hazard assessment may also be required to establish the level risk for erosion and sediment pollution. Such assessments should be prepared in accordance with the matters specified in Planning Scheme Policy 2 – Infrastructure works.</p>											
<p>PO11</p> <p>Development does not increase either:</p> <p>(1) the concentration of sediment in waters or stormwater outside the development's sediment treatment train; or</p> <p>(2) run-off which causes erosion either on- site or off-site.</p>	<p>No acceptable outcome is nominated.</p>	<p>RO11</p> <p>Development does not increase sediment in water or run-off which causes erosion</p>									



Performance outcomes	Acceptable outcomes	Response outcomes
PO12 Development avoids unnecessary disturbance to soil, waterways or drainage channels.	No acceptable outcome is nominated.	RO12 Development will reduce disturbance to soil, waterways or drainage channels.
PO13 All soil surfaces are effectively stabilised against erosion.	No acceptable outcome is nominated.	RO13 Soils will be stabilized against erosion.
PO14 The functionality of the stormwater treatment train is protected from the impacts of erosion, turbidity and sedimentation, both within and external to the development site.	No acceptable outcome is nominated.	RO14 Yes
PO15 Areas outside the development site are not adversely impacted by erosion or sedimentation.	No acceptable outcome is nominated.	RO15 Yes
Water quality – acid sulfate soils		



<p>PO16</p> <p>Within the areas identified as potential acid sulfate soils on Figure 9.3.1.3.1 potential acid sulfate soils, the generation or release of acid and metal contaminants into the environment is avoided by:</p> <p>(1) not disturbing acid sulfate soils when excavating or otherwise removing soil or sediment, draining or extracting groundwater, and not undertaking filling that results in actual acid sulfate soils being moved below the water table or previously saturated acid sulfate soils being aerated; or</p> <p>(2) where disturbance of acid sulfate soils will not be avoided, development:</p> <p>(a) neutralises existing acidity and prevents the generation of acid and metal contaminants; and</p> <p>(b) prevents the release of surface or groundwater flows containing acid and metal contaminants into the environment.</p> <p>Editor's note—Where works are proposed within the areas identified as potential acid sulfate soils, it is likely that an on-site acid sulfate investigation will be requested. Such an investigation should conform to the Queensland Sampling Guidelines and the Laboratory Methods Guidelines or Australian Standard 4969. Where acid sulfate soils are to be disturbed, an environmental management plan should be prepared which outlines how the release of acid and metal contaminants is to be prevented. In preparing a management plan, regard should be given to the guidelines contained in State Planning Policy - State Interest Guideline Water Quality (Part E Supporting Information).</p>	<p>AO16.1</p> <p>Development does not involve:</p> <p>(1) excavating or otherwise removing 100m³ or more of soil or sediment at or below 5m AHD; or</p> <p>(2) permanently or temporarily extracting groundwater resulting in the aeration of previously saturated acid sulfate soils; or</p> <p>(3) filling in excess of 500m³ with an average depth of 0.5m or greater that results in:</p> <p>(a) actual acid sulfate soils being moved below the water table; or</p> <p>(b) previously saturated acid sulfate soils being aerated.</p>	<p>RO15</p> <p>Yes</p>
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Proposed Residential Development
1 Harris Street
Wellington Point

ACOUSTIC REPORT



Client:
Maxwell Holdings Pty Ltd

Reference:
2018061 R01G 1 Harris Street, Wellington Point RAIL VIB

Date Issued:
20th December 2018



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28/02/18	R01A	Karen McMorrow	Greg Pearce
20/03/18	R01B	Karen McMorrow	Greg Pearce
23/03/18	R01C	Karen McMorrow	Greg Pearce
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20/12/18	R01G	Karen McMorrow	Greg Pearce

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1. Introduction

The following revised report is in response to a request by Maxwell Holdings Pty Ltd for a noise impact assessment of a proposed residential development located at 1 Harris Street, Wellington Point. The report has been revised to address changes to the proposed layout. To facilitate the assessment, unattended noise monitoring was conducted for the following;

- Rail measurements were conducted to determine noise impacts associated with the Cleveland railway line.
- Vibration measurements were conducted at a location representative of the proposed development to determine vibration impacts from the railway line.

Based on the noise data obtained, the following was assessed:

- Rail noise impacting the proposed development.
- Vibration impacts to the proposed development.

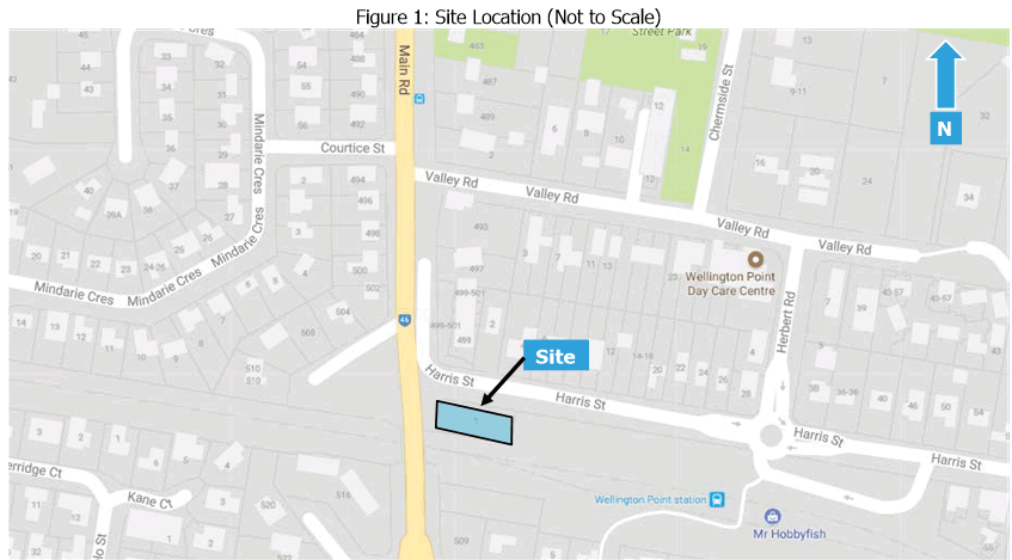
2. Site Description

2.1 Site Location

The site is described by the following;

1 Harris Street, Wellington Point
 Lot 1 on RP97097

Refer to Figure 1 for site location.



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A comprehensive site survey was conducted on the 12th of February 2018 and identified the following:

- a) The subject site currently contains a two storey residential dwelling which shall be demolished to make way for the proposed development.
- b) Harris Street bounds the site to the north, separating the development from residential land uses.
- c) To the south, the development is bound by the Cleveland railway line.
- d) Main Road bounds the site to the west with bushland and a car park to the east.

2.2 Proposal

The proposal is to construct a two storey residential building as follows:

- Site area of 920m².
- 2x residential units on ground level and 10x residential units on the first floor level.
- Each unit shall consist of a living room/kitchenette, bathroom and one bedroom.
- Car parking: 12 residential and 2 visitor spaces will be located on ground level.
- Private recreation areas are provided for each unit.
- Site access is via Harris Street.

Refer to the Appendices for development plans.

2.3 Zoning

Review of the Redland City Council interactive mapping indicates the site is zoned Medium Density Residential with surrounding properties zoned also as Medium Density Residential.

2.4 Acoustic Environment

The site is primarily affected by road traffic noise from Main Road, with rail noise from the Cleveland line also impacting the development.

3. Equipment

The following equipment was used to record noise levels:

- Rion NL42 Environmental Noise Monitors
- Norsonic 140 Sound Level Meter
- Svantek 979 Sound & Vibration Analyser
- BSWA Technology Co. Ltd Sound Calibrator

The sound measuring equipment holds current NATA Laboratory Certification and were field calibrated before and after the monitoring periods, with no significant drift from the reference signal recorded.

4. Noise Monitoring

4.1 Rail Noise Monitoring

A Rion NL42 environmental noise monitor was placed at 6 Harris Street, 52m from the nearest line to measure rail noise levels. The monitor was located in a free field position with the microphone approximately 1.9 metres above ground surface level. The noise monitor was set to record noise levels between the 12th and 17th of July 2017.

The environmental noise monitor was set to record noise levels in "A" Weighting, Fast response using 1 minute statistical intervals. Noise monitoring was conducted generally in accordance with Australian Standard AS1055:1997 *Acoustics – Description and measurement of environmental noise*. For the unattended noise monitoring locations refer to Figure 2.

Figure 2: Noise monitoring locations



4.2 Rail Vibration Monitoring

A Svantek Svan 979 was placed at approximately 3m from the southern site boundary to represent the proposed location of the nearest façade of the development to the railway line. The accelerometer was located in soil with vibration levels recorded on 20th March 2018 between 10am and 11am.

Vibration monitoring was conducted generally in accordance with the Department of Environment and Conservation's (NSW) *Assessing Vibration: A Technical Guideline* and the Department of Transport and Main Roads' *Development Affected by Environmental Emissions from Transport Policy*, Version 4, dated October 2017.

5. Measured Noise Levels

5.1 Measured Rail Noise Levels

Table 2 presents the measured average L_{Amax} noise levels from the unattended noise monitoring location over a 24 hour period on 12th July 2017. Data was compared to passenger train timetables provided by TransLink to determine the types of trains responsible for the recorded noise impacts.

Table 1: Unattended Measurements of Rail Noise Levels 12th July 2017

Train Type	L_{Amax} dB(A)
Passenger	70
Passenger	59
Passenger	70
Passenger	72
Passenger	69
Passenger	67
Passenger	62
Passenger	60
Passenger	70
Passenger	62
Passenger	67
Passenger	64
Passenger	63
Passenger	73
Passenger	72
L_{Amax}^*	67
Leq(24h)	39

*Single event maximum sound pressure level (L_{Amax}) is the arithmetic average of maximum levels from the highest 15 single events over a given 24 hours period.

The number of trains as shown on the TransLink website was approximately 96 passenger trains per day, with no freight trains using the railway.

5.2 Measured Rail Vibration Levels

Table 3 presents the measured average vibration levels from the noise monitoring location, recorded on 20th March 2018.

Table 2: Attended Measurements of Rail Vibration Levels 20th March 2018

Train Type	Weighted RMS Acceleration (root median square) m/s^2
Passenger	0.015
Passenger	0.024
Passenger	0.02
Passenger	0.032
Passenger	0.016
Passenger	0.03
Passenger	0.019
Passenger	0.039

6. Noise Criteria

6.1 Rail Noise Criteria

As the development is located in the vicinity of a railway corridor, the criteria detailed in Section 6.1.1 to 6.1.2 applies.

6.1.1 State Development Assessment Provisions (SDAP)

The applicable rail noise criteria is provided in the SDAP Version 2.4 dated 26th October 2018 by the Department of State Development, Manufacturing, Infrastructure and Planning. The SDAP *State Code 2: Development in a railway environment* sets out matters of interest for the assessment of developments near rail corridors. The applicable criteria for the development requires rail noise to be assessed in accordance with Table 2.2.2 of the policy as follows;

Table 3: SDAP Rail Noise Criteria

Performance Outcome	Acceptable Outcome
<p>PO24 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a railway or type 2 multi-modal corridor in habitable rooms.</p>	<p>AO24.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> to meet the following external noise criteria at all facades of the building envelope: <ol style="list-style-type: none"> ≤65 dB(A) Leq (24 hour) façade corrected ≤87 dB(A) (single event maximum sound pressure level) façade corrected in accordance with the Civil Engineering Technical Requirement – CIVIL-SR-014 Design of noise barriers adjacent to railways, Queensland Rail, 2011.
	<p>OR all of the following acceptable outcomes apply</p>
	<p>AO24.2 Buildings which include a habitable room are setback the maximum distance possible from a railway or type 2 multi-modal corridor.</p>
	<p>AO24.3 Buildings are designed and oriented so that habitable rooms are located furthest from a railway or type 2 multi-modal corridor.</p>
<p>PO25 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a railway or type 2 multi-modal corridor in outdoor spaces for passive recreation.</p>	<p>AO24.4 Buildings (other than a relevant residential building or relocated building) are designed and constructed using materials which ensure that habitable rooms meet the following internal noise criteria:</p> <ol style="list-style-type: none"> ≤45 dB(A) single event maximum sound pressure level. <p>Note: Habitable rooms of relevant residential buildings located within a transport noise corridor must comply with the Queensland Development Code MP4.4 Buildings in a transport noise corridor, Queensland Government, 2015. Transport noise corridors are mapped on the State Planning Policy interactive mapping system.</p>
	<p>AO25.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> to meet the following external noise criteria in outdoor spaces for passive recreation: <ol style="list-style-type: none"> ≤62 dB(A) Leq (24 hour) free field ≤84 dB(A) (single event maximum sound pressure level) free field <p>OR all of the following acceptable outcomes apply</p>

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Performance Outcome	Acceptable Outcome
	AO25.2 Each dwelling has access to an outdoor space for passive recreation which is shielded from a railway or type 2 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.
	AO25.3 Each dwelling with a balcony directly exposed to noise from a railway or type 2 multi-modal corridor has a continuous solid gap-free balustrade (other than gaps required for drainage purposes to comply with the Building Code of Australia).

6.1.2 Queensland Development Code MP4.4 – Rail Noise

To determine the minimum design requirements for any residential buildings located in a rail noise corridor overlay, the Queensland Development Code MP4.4 (QDC MP4.4) may be applied if no alternative solutions are provided. In accordance with QDC MP4.4, the noise categories are stated in Table 4.

Table 4: QDC MP4.4 Noise Categories

Noise Category	Single event maximum noise (L_{Amax}) for railway land
4	≥ 85
3	80-84
2	75-79
1	70-74
0	≤ 69

The building treatment for any future development onsite shall be determined at Building Approval stage, in general accordance with the QDC MP4.4. Alternative solution may be provided on request.

6.2 Rail Vibration Criteria

The applicable rail vibration criteria is provided in the Department of Transport and Main Roads' *Development Affected by Environmental Emissions from Transport Policy*, Version 4, dated October 2017. The applicable criteria for the development requires vibration to be assessed in accordance with Table 6 of the policy as follows:

Table 5: Vibration criteria (internal) for new sensitive development

State transport corridor	Development type	Environmental criteria
All transport corridors	Accommodation activities Night (10pm – 6am)	$\leq 0.13m/s^{1.75}$
	Accommodation activities Day (6am – 10pm)	$\leq 0.2m/s^{1.75}$

7. Predicted Rail Noise Levels

Rail noise modelling for the proposed development was based on the following information:

- SoundPLAN 7.3 "Nordic Prediction Method for Train Noise"
- Site layout, floor plans and elevations provided by Cyber Drafting & Design, Job No. 18104, drawings 1-8, dated 31-Oct-2018.
- Receiver heights were based on 1.5m above finished floor level.
- Calculations include +2.5dB facade correction.

Table 6 presents the SoundPLAN model verification to the unattended noise monitoring location results as shown in Table 2, Section 5.1.

Table 6: Comparison of measured and predicted noise levels

Location	Measured Rail Noise Level dB(A)		Predicted Rail Noise Level dB(A)		Correction
	L _{Aeq, 24h}	L _{Amax}	L _{Aeq, 24h}	L _{Amax}	
6 Harris Road	39	67	39	68	0

Table 7 presents the predicted rail noise impacts.

Table 7: Predicted Rail Noise Impacts

Unit	Floor	Room	Predicted Rail Noise Level, dB(A)		QDC Noise Category
			L _{Aeq, 24h}	L _{Amax}	
1	1	Kitchen & Living	44	73	1
1	1	Bed 1	48	77	2
2	1	Kitchen & Living	26	55	0
2	1	Bed 1	48	77	2
3	1	Kitchen & Living	26	55	0
3	1	Bed 1	48	77	2
4	1	Kitchen & Living	26	55	0
4	1	Bed 1	48	77	2
5	1	Kitchen & Living	26	55	0
5	1	Bed 1	48	77	2
6	1	Kitchen & Living	26	55	0
6	1	Bed 1	48	77	2
7	1	Kitchen & Living	26	55	0
7	1	Bed 1	48	77	2
8	1	Kitchen & Living	26	55	0
8	1	Bed 1	48	77	2
9	1	Kitchen & Living	26	55	0
9	1	Bed 1	48	77	2
10	1	Kitchen & Living	37	69	0
10	1	Bed 1	48	77	2
11	GRD	Kitchen & Living	43	72	1
11	GRD	Bed 1	25	54	0
12	GRD	Kitchen & Living	45	75	2
12	GRD	Bed 1	45	75	2

All facades are predicted to comply with the SDAP and RCC external criteria, with noise categories 0-2 applying to all locations in accordance with QDC MP 4.4 requirements. Refer to Section 9 for construction requirements.



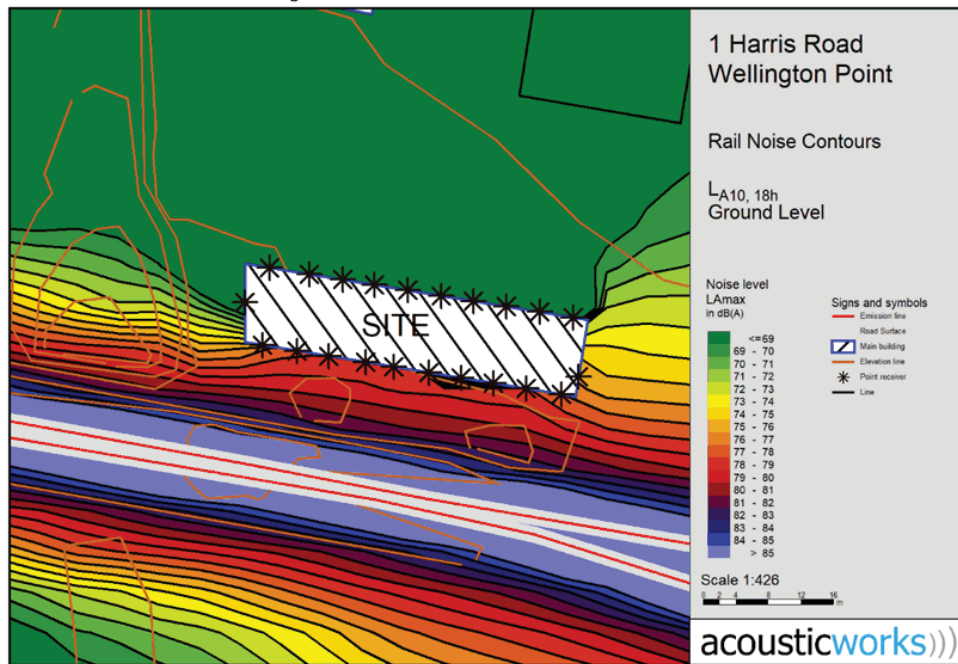
An assessment of rail noise levels at the private open spaces was also conducted with the results presented in Table 8.

Table 8: Predicted Rail Noise Levels – Private Recreation Areas

Unit	Location	Predicted Rail Noise Level, dB(A)	
		L _{Aeq} , 24h	L _{Amax}
12	Southern private recreation space	45	74

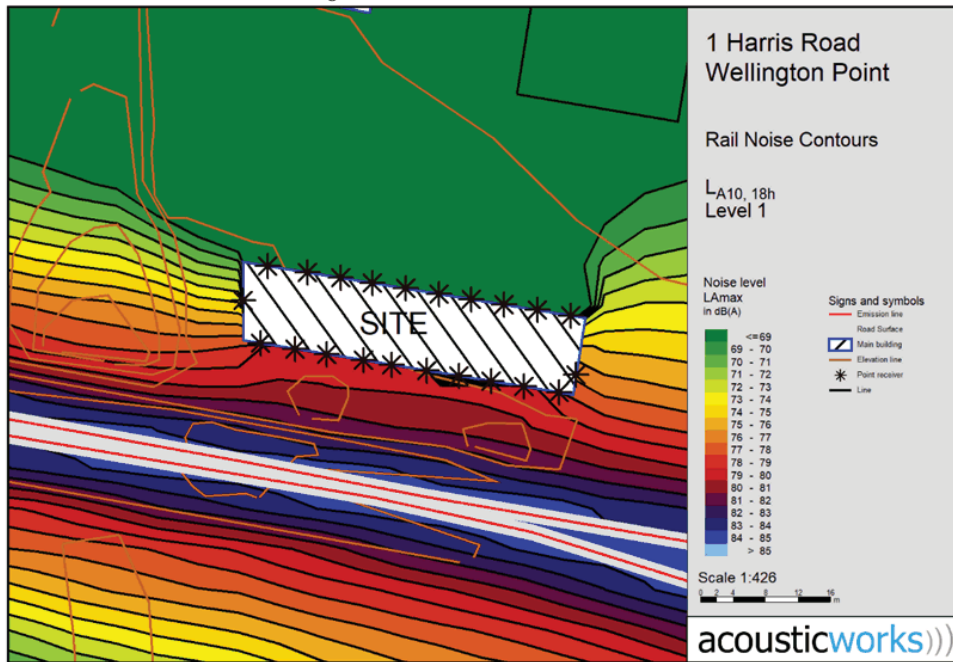
All private open spaces are predicted to comply with the SDAP criteria without the need for any additional for acoustic treatment. Figure 5 and Figure 6 presents the predicted rail noise contours for the development.

Figure 3: Predicted Rail Noise Levels – Ground Level



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Figure 4: Predicted Rail Noise Levels – Level 1



8. Predicted Rail Vibration Levels

Predicted vibration levels for the development were assessed based on the attended measurements detailed in Section 4.2. The data was then converted to $m/s^{1.75}$ based on the number of trains per day/night over the nominated time period in accordance with the criteria specified in Section 6.2.

Table 9: Predicted Rail Vibration Impacts

eVDV (Vibration dose value) Day (6am to 10pm) $m/s^{1.75}$	eVDV (Vibration dose value) Night (10pm to 6am) $m/s^{1.75}$
0.26	0.16

Based on the attended measurements, vibration levels are predicted to exceed the nominated criteria, therefore addition isolation treatment is required.

9. Recommendations

9.1 Rail Noise

All building treatments for residential units shall be determined at the Building Approval stage in accordance with the assessment requirements of the Queensland Development Code Part 4.4. For reference, preliminary noise categories are nominated in Table 10.

9.1.1 Glazing

The minimum glazing treatments are presented in Table 10, with the installed glazing systems to comply with the following:

- The minimum glass thickness specified shall not be reduced regardless of the R_w performance of the glazing system.
- If compliance cannot be achieved with the minimum R_w ratings, the glazing system shall be upgraded until compliance is achieved.
- Glazing specified with acoustic seals requires a Q-lon seal or an equivalent product, mohair seals are not acceptable.
- The glazier shall provide NATA test reports on request to verify compliance with the minimum R_w ratings. Generic reports are not acceptable.

Table 10: Minimum Glazing Treatments

Unit	Floor	Location	QDC Category	QDC R_w Ratings					QDC Glazing	Acoustic seals
				Wall	Roof	Glazing*	Entry door	Exposed Floors		
1	1	Kitchen & Living	1	35	35	27	28	-	4mm float	yes
1	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
2	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
2	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
3	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
3	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
4	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
4	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
5	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
5	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes

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Unit	Floor	Location	QDC Category	QDC Rw Ratings					QDC Glazing	Acoustic seals
				Wall	Roof	Glazing*	Entry door	Exposed Floors		
6	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
6	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
7	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
7	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
8	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
8	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
9	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
9	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
10	1	Kitchen & Living	0	-	-	-	-	-	4mm float	no
10	1	Bed 1	2	41	38	32	33	45	6.38mm lam	yes
11	GRD	Kitchen & Living	1	35	35	27	28	-	4mm float	yes
11	GRD	Bed 1	0	-	-	-	-	-	4mm float	no
12	GRD	Kitchen & Living	2	41	38	35	33	-	10.38mm lam	yes
12	GRD	Bed 1	2	41	38	35	-	-	10.38mm lam	yes

*If the total glazing area of a habitable room (living areas/bedrooms) is less than 1.8m², glazing with minimum Rw 24 (4mm float with standard weather seals) can be used for QDC Noise Category 1, glazing with minimum Rw 32 (6.38mm laminated glass with acoustic seals) can be used for Noise Category 2.

Any locations not identified in Table 10 shall require 4mm float for windows (minimum Rw 22) and 4mm toughened for sliding doors (minimum Rw 22).

9.1.2 Alternative Ventilation

To achieve the required internal noise levels for the development, we recommend that all locations nominated in Table 10 as Category 1-2 have the provision for an alternative ventilation system similar to air-conditioning or mechanical ventilation to allow doors and windows to be closed.

9.1.3 External Wall Construction

The QDC wall construction requirements are detailed in the table below with the QDC Noise Categories nominated in Table 10:

Table 11: Minimum Wall Treatments

QDC Noise Category	Wall R_w	Minimum Wall Treatments
2	41	Single leaf of brick masonry at least 110mm thick with at least 13mm thick render on each face OR Concrete brickwork at least 110mm thick OR In-situ concrete at least 100mm thick OR Precast concrete at least 100mm thick and without joints. OR 190mm core-filled blockwork OR 1 layer of 9mm FC externally with 90mm stud and 75mm glasswool batts (14kg/m ³) in the cavity with 13mm plasterboard internally.
1	35	Single leaf of brick masonry at least 110mm thick with at least 13mm thick render on each face OR Concrete brickwork at least 110mm thick OR In-situ concrete at least 100mm thick OR Precast concrete at least 100mm thick and without joints. OR 190mm core-filled blockwork OR Minimum 6mm thick fibre cement sheeting or weatherboards or plank cladding externally, minimum 90mm deep timber stud or 92mm metal stud, standard plasterboard at least 13mm thick internally. OR Minimum 6mm thick fibre cement sheeting or weatherboards or plank cladding externally with 70mm stud and 75mm glasswool batts (11kg/m ³) in the cavity with 13mm plasterboard internally.
0	N/A	Standard Construction

9.1.4 Roof Construction

The QDC roof construction requirements are detailed in the table below with the QDC Noise Categories nominated in Table 10:

Table 12: Minimum Roof Treatments

QDC Noise Category	Roof R_w	Minimum Roof Treatments
2	38	Concrete or terracotta tile or metal sheet roof with sarking, plasterboard ceiling at least 10mm thick fixed to ceiling cavity, mineral insulation or glass wool insulation at least 50mm thick with a density of at least 11kg/m ³ .
1	35	Concrete or terracotta tile or metal sheet roof with sarking, plasterboard ceiling at least 10mm thick fixed to ceiling cavity.
0	N/A	Standard Construction

9.1.5 Entry Doors

The QDC entry door construction requirements are detailed in the table below with the QDC Noise Categories nominated in Table 10:

Table 13: Minimum Entry Door Treatments

QDC Noise Category	Door R_w	Minimum Entry Door Treatments
2	33	Fixed so as to overlap the frame or rebate of the frame by not less than 10mm, fitted with the full perimeter <i>acoustically rated seals</i> and constructed of – (i) solid core, wood, particleboard or blockboard not less than 45mm thick; and/or (ii) acoustically laminated glass not less than 10.38mm thick.
1	28	Fixed so as to overlap the frame or rebate of the frame, constructed of – (i) wood, particleboard or blockboard not less than 33mm thick; or (ii) compressed fibre reinforced sheeting not less than 9mm thick; or (iii) other suitable material with a mass per unit area not less than 24.4kg/m ² ; or (iv) solid core timber door not less than 35mm thick fitted with full perimeter <i>acoustically rated seals</i> .
0	N/A	Standard Construction

9.1.6 Exposed Floors

The QDC exposed floors construction requirements are detailed in the table below with the QDC Noise Categories nominated in Table 10:

Table 14: Minimum Floor Treatments

QDC Noise Category	Floor R_w	Minimum Floor Treatments
2	45	Concrete slab at least 100mm thick OR Tongued and grooved boards at least 19mm thick with: (i) timber joists not less than 175mm x 50mm; and (ii) mineral insulation or glass wool insulation at least 75mm thick with a density of at least 11kg/m ³ positioned between joists and laid on plasterboard at least 10mm thick fixed to underside of joists; and (iii) mineral insulation or glass wool insulation at least 25mm thick with a density of at least 11kg/m ³ laid over entire floor, including tops of joists before flooring is laid; and (iv) secured to battens at least 75mm x 50mm; and (v) the assembled flooring laid over the joists, but not fixed to them, with battens lying between the joists.
0/1	N/A	Standard Construction

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9.2 Rail Vibration

Based on the attended measurements, vibration levels are predicted to exceed the nominated criteria, therefore addition isolation treatment is required to reduce impacts to compliant levels with the following option recommended:

- Embelton Multi-Plate Rubber Bearings for Building Isolation - The entire base plate is separated elastically from the ground that supports the building.

The isolation treatment is to be designed taking into account the loads and will require consultation between the structure/civil engineer and the supplier of the isolation treatment to determine minimum design requirement. Consultation with the supplier is required to verify the suitability of the nominated treatments.

10. Conclusion

An environmental noise assessment was conducted for the proposed residential development at 1 Harris Street, Wellington Point which considered the Cleveland line for rail noise and vibration impacts.

On the condition the recommendations detailed in Section 10 are implemented, compliance is predicted with SDAP assessment criteria.

If you should have any queries please do not hesitate to contact us.

Report Prepared By



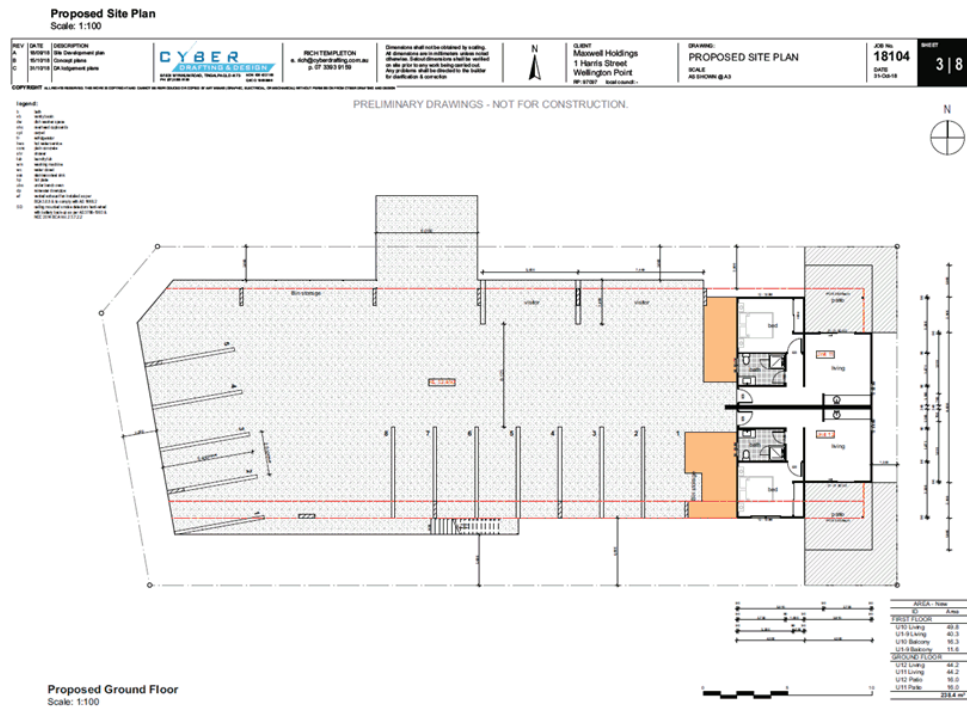
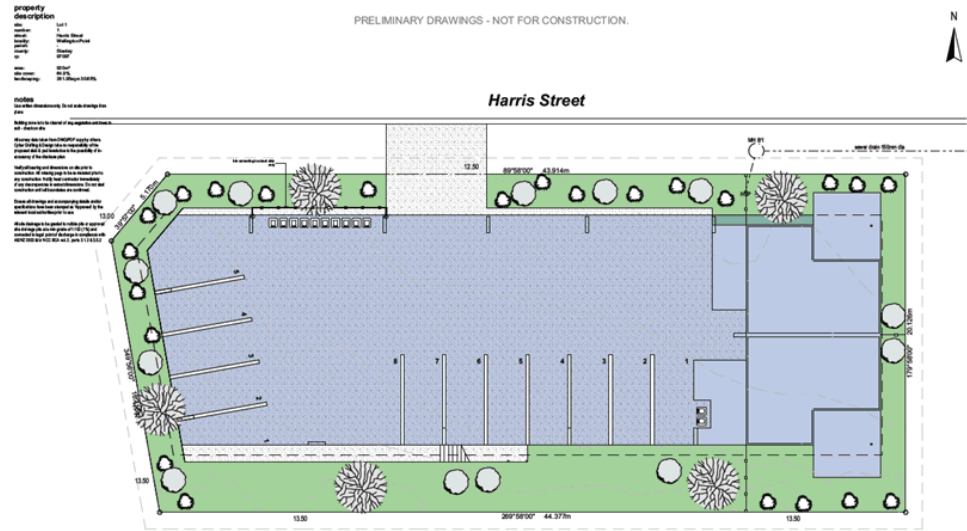
KAREN MCMORROW B.A.I

Acoustic Consultant

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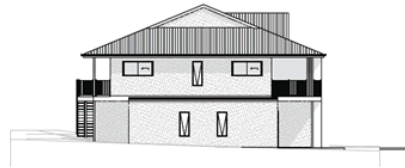
11. Appendices

11.1 Development Plans





PRELIMINARY DRAWINGS - NOT FOR CONSTRUCTION.



East Elevation
Scale: 1:100



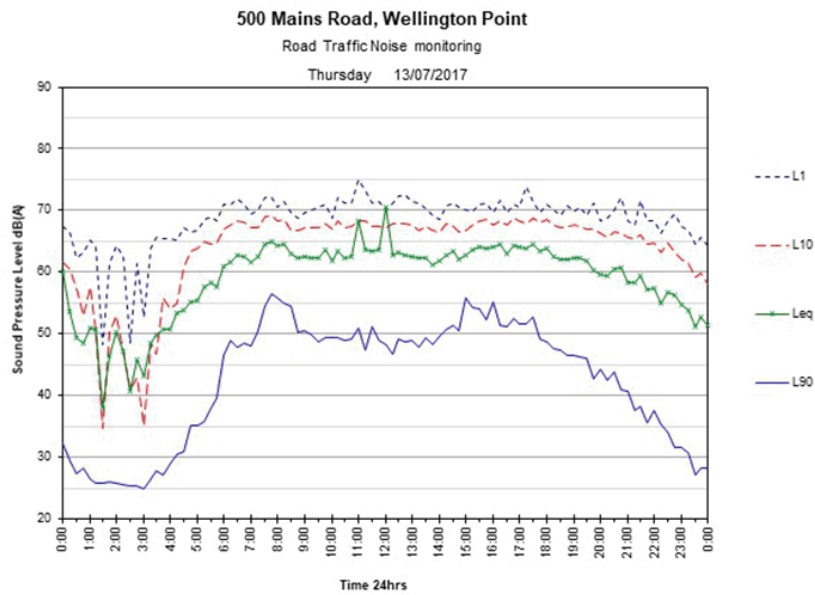
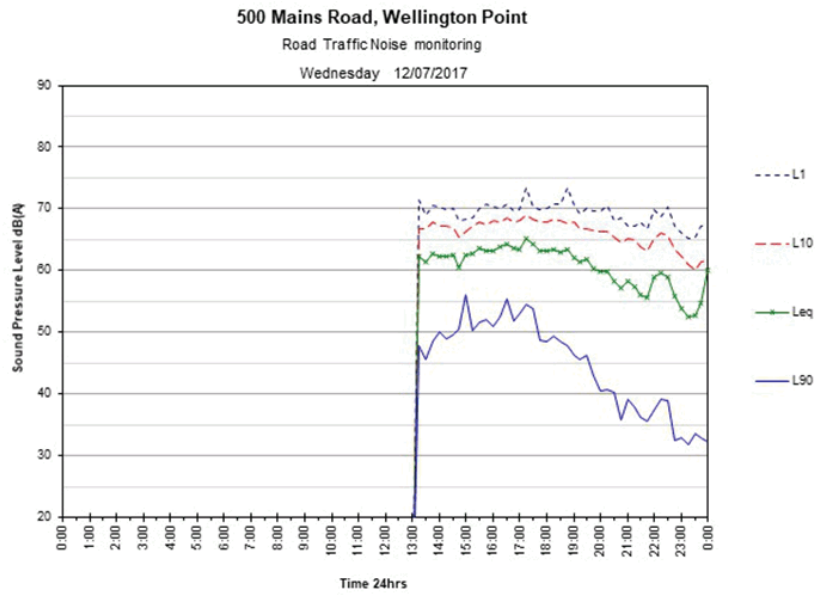
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Scale: 1:100

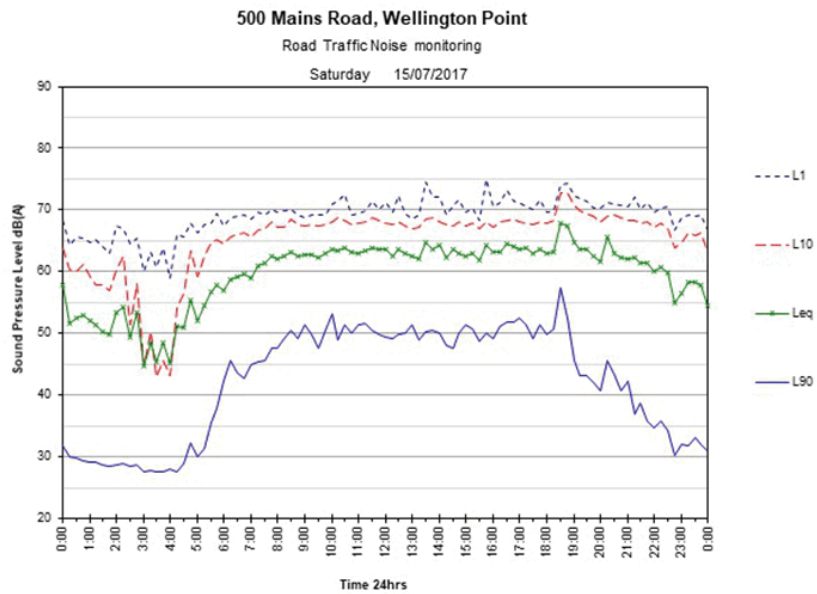
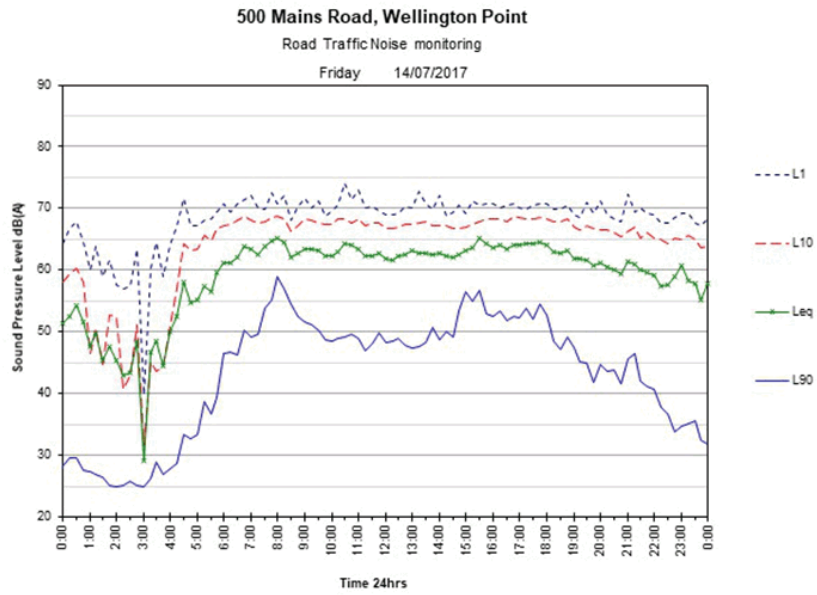
REV	DATE	DESCRIPTION		RICH TEMPLETON ARCHITECTURE 4 RIDGEMOUNT ROAD, WELLINGTON P. 07 350 9159	Checkmate shall not be construed as making any statement or giving any warranty, express or implied, in relation to the drawings, unless stated otherwise. It is the user's responsibility to ensure that the drawings are used for the purpose for which they were intended. Any person who uses the drawings for any other purpose shall do so at their own risk.	CLIENT Maxwell Holdings 1 Harris Street Wellington Point RP 07107	DRAWING PROPOSED ELEVATIONS SCALE AS SHOWN @A1	JOB NO. 18104 DATE 25/04/18	SHEET 7 8
A	25/04/18	Site Development plan							
B	25/04/18	Concept plan							
C	25/04/18	Site layout plan	COPYRIGHT © 2018 RICH TEMPLETON ARCHITECTURE. ALL RIGHTS RESERVED.						

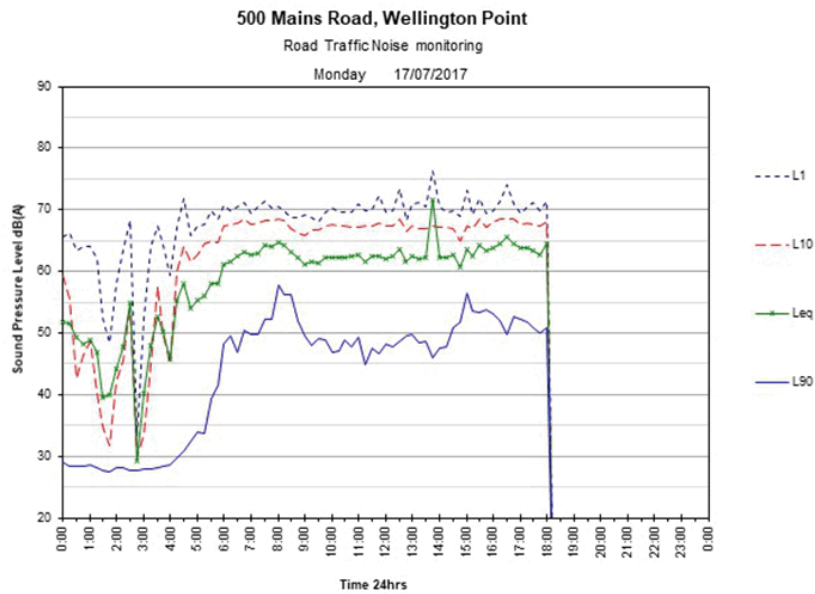
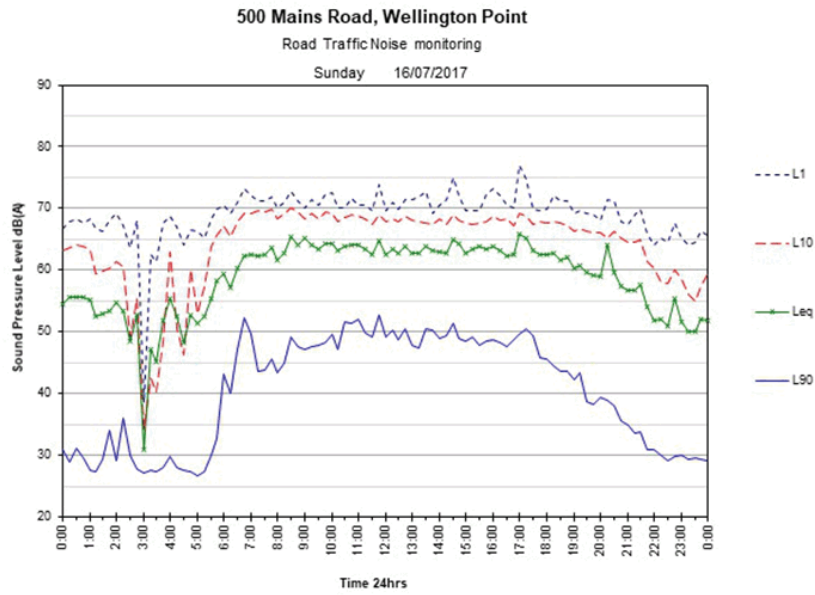


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A	25/04/18	Site Development plan							
B	25/04/18	Concept plan							
C	25/04/18	Site layout plan	COPYRIGHT © 2018 RICH TEMPLETON ARCHITECTURE. ALL RIGHTS RESERVED.						

11.2 Noise Monitoring Charts









Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Changed referral agency response—with conditions
Development Assessment Rules,

Applicant details

Location details

Application details

Referral trigger

-

Conditions

Planning Act 2016

Reasons for decision to impose condition

Approved plans and specifications

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Development Permit for Material Change of Use				



Manager, Planning and Development Services (SEQ South)

Attachment 1—Changed conditions to be imposed

No.	Condition	Condition Timing
Development Permit for Material Change of Use		
<i>Planning Act 2016</i>		

Attachment 2—Reason for decision to impose a condition

-
-
-
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Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1901-9208 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Maxwell Holdings (QLD) Pty Ltd
 c/- DTS Group
 Applicant contact details: PO Box 3128
 West End QLD 4101
 planning@dtsqld.com.au

Location details

Street address: 1 Harris Street, Wellington Point QLD 4160
 Property description: Lot 1 on RP97097
 Local government area: Redland City Council

Development details and assessment matters

Nature of approval	Level of assessment	Development description	Applicable <i>State Development Assessment Provisions</i> version 2.4 (SDAP)
Development Permit	Code	Multiple Dwellings (12 Units)	State code 2: Development in a Railway Corridor (State code 2)

Reasons for the Department of State Development, Manufacturing, Infrastructure and Planning response

The reasons for the response are:

- The proposed development complies with all applicable performance outcomes of the SDAP, State code 2.
- The proposed development will be constructed in accordance with the approved plans, which have been designed by a Registered Professional Engineer of Queensland.
- The proposed development will ensure it will not impact the railway corridor network.

1901-9208 SRA

Response:

Nature of approval	Nature of response	Date of response
Development Permit	Approved, with conditions	29 April 2019

Relevant material

-
- *Planning Act 2016*
 - *Planning Regulation 2017*
 - *Development Assessment Rules, version 1.1*
 - SDAP
 - common material.



1 Harris Street, Wellington Point

Stormwater Management Plan


December 2018

Prepared for:

Maxwell Holding (Qld) Pty Ltd

Prepared by:

Civil and Water Design Pty Ltd

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE	
SARA ref: 1901-9208 SRA	
Date: 29 April 2019	





1 Harris Street, Wellington Point
Stormwater Management Plan

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Springwood, QLD 4127
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Telephone 07 3472 5918
Mobile 0449 047 890

Document Control:

Engineering Excellence

Document No.	Date of Issue	Prepared By (Author/s)		Reviewed By		Approved for Issue (RPEQ)	
		Name	Initials	Name	Initials	Name	RPEQ No.
10854 - 1.0	30/05/2018	Sajeel Cherakadavath	SC	Jeremy Cox	JC	Jeremy Cox	14732
10854 - 2.0	3/12/2018	Sajeel Cherakadavath	SC	Jeremy Cox	JC	Jeremy Cox	14732
10854 - 3.0	10/12/2018	Sajeel Cherakadavath	SC	Jeremy Cox	JC	Jeremy Cox	14732

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1 Harris Street, Wellington Point
Stormwater Management Plan

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- Appendix B Calculations**
- Appendix C Code**





1 Harris Street, Wellington Point
Stormwater Management Plan

1 Introduction

This Stormwater Management Plan (SBSMP) has been prepared for the proposed development at 1 Harris Street, Wellington Point. The proposed site is located along Harris Street, approximately 150m west of Herbert Road. The site is located at 1 Harris Street, Wellington Point and is comprised of the following parcels of land:

- Lot 1 on RP97097;

The proposed works will comprise the following components:

- Construction of 12 units;
- Connection to sewer and water services;
- Constructing new stormwater infrastructure.

This SBSMP has been developed to support the Development Application (DA) for the development, and specifically to address:

- City Plan 2018 -Redland Planning Scheme Version 1.0., Planning scheme policy 2 – Infrastructure work Part 1.0: Healthy Waters;
- Integrated Planning Act 1997;
- Environmental Protection Act 1994;
- the local government Corporate Plan;
- South East Queensland Regional Water Quality Management Strategy (SEQWRMS);

2 Site Description

2.1 Location

The subject site (1 Harris Street, Wellington Point) is located 150m west of Herbert Road. It is approximately 921 m² in size with an existing residential building. Figure 1 shows the approximate location of the subject site.



Figure 1: Site Location

2.2 Existing and Proposed Land Use

Redlands Planning Scheme has classified the site as a Medium density residential zone. The proposed works are to construct twelve dwellings, thus adhering to the planning intent of the zone.

2.3 Topography and Site Drainage

Runoff on the site drains west to north east. Runoff from the site eventually contributes to Hilliards Creek.

Surface gradients onsite slope uniformly towards the front of the site at approximately 3%. Elevations range from the highest point onsite of approximately RL 13.50 metres AHD (south-west



1 Harris Street, Wellington Point
Stormwater Management Plan

boundary) and RL 12.25 metres AHD (near the north-eastern corner of the site). Stormwater Management Constraints

2.4 Site Constraints

Constraints identified for the site regarding stormwater management include:

- The runoff generated from the site flows towards the northern boundary of the site towards adjoining properties;
- Impacts to the stormwater conditions due to the increase in imperviousness will need to be treated prior to exiting the site;

2.5 Site Responses

The design response for the stormwater constraints have been identified as the following

- Collect and convey site generated runoff to the lawful point of discharge, up to the 100yr ARI event and ensure that no adverse impacts occur to neighbouring properties.
- The development will utilise engineering practices and methods to ensure that flows are treated prior to being discharged into the connection provided, to ensure no negative impact on the downstream system;

This Stormwater Management Plan has been developed to demonstrate the design response is appropriate in responding to the overland flow constraints onsite and are consistent with City Plan 2018 -Redland Planning Scheme Version 1.0.



1 Harris Street, Wellington Point
Stormwater Management Plan

3 Stormwater Quantity Management

3.1 Lawful Point of Discharge

Evidence of a lawful point of discharge should be provided as part of any design submitted for approval, as per the Queensland Urban Drainage Manual (Department of Energy and Water Supply 2013) and City Plan 2018 -Redland Planning Scheme Version 1.0., Planning scheme policy 2 – Infrastructure work Part 1.0: Healthy Waters.

The lawful point of discharge will be to the kerb and channel in Harris Street. Detailed calculations are shown in the following sections in accordance with Planning Scheme and QUDM

3.2 Stormwater Runoff

Peak discharges from the site and upstream catchment were calculated using the Rational Method. The discharge location for calculation purposes was assumed as the north eastern site boundary (Harris Street Cul-de-sac) This is consistent with the topography onsite. The Rational Method calculations were undertaken in accordance with the Queensland Urban Drainage Manual (QUDM 2017) and City Plan 2018 -Redland Planning Scheme Version 1.0, assuming that the proposed works are undertaken as planned, for a range of storm events.

3.2.1 Detailed Rational Assumptions

After reviewing current contours and external conditions, the catchment has been delineated and encapsulates the site and portions from outside of the site. Below shows the approximate catchment delineation. The catchment contributing to the Harris Street infrastructure as a whole was estimated to be approximately 0.107Ha

The site has currently an impervious fraction of approximately 40%, the site being mostly covered by vegetation. It is proposed that the site will have three dwellings. In the developed case, the sum area of the residential lots was assumed to have an overall impervious percentage of 80% as per QDUM guidelines and the Redland Planning Scheme. This results in an impervious fraction of 0.85 for the site. The external catchment is assumed to have an impervious fraction of 0.76 for lot.



1 Harris Street, Wellington Point
Stormwater Management Plan



Figure 3.1: Catchment Delineation (Scale 1:600@A4)



1 Harris Street, Wellington Point
Stormwater Management Plan

3.2.2 Discussion of Expected Peak Discharges

Table 3.1 shows the peak discharges for existing and developed conditions for the catchment. Details of the runoff calculations can be found in Appendix B.

Table 3.1: Peak Stormwater Discharges for Site Catchment

Average recurrence Interval (ARI, Year)	Annual	Peak Discharge		Change	
	Exceedance Probability	m ³ /s			
	(AEP)	Existing	Developed	m ³ /s	%
1	63%	0.016	0.018	0.002	10.29%
2	39%	0.022	0.024	0.002	10.29%
5	18%	0.031	0.034	0.003	10.29%
10	9.50%	0.036	0.040	0.004	10.29%
20	4.90%	0.043	0.048	0.004	10.29%
50	2%	0.055	0.061	0.006	10.29%
100	1%	0.064	0.069	0.005	8.39%

As shown in Table 3.1 above, peak discharges from the project site increased by up to 10.29 %. The increase of peak discharge is due to increasing the impervious area on site. The strategy for offsetting the impact on the catchment due to the development is discussed below.

3.2.3 Management of Increased Runoff

From the Planning scheme policy standards for inter-allotment drainage system requirements. As such, the design of the drainage system for this site is applicable to level III. The stormwater system must convey a 10 yr ARI event for allotment drainage, as this is multiple dwellings. Detention tank is the key management system.

It is proposed to discharge up to the 10 yr ARI runoff from the proposed development to the proposed detention tank then to the lawful point of discharge via twin RHS kerb adaptors. The proposed stormwater layout for the site is shown on Drawing CWD-10854-DA-400.

External flows is about catchment area of .014Ha (refer Figure 3.1) are assumed to be taken to Harris Street under fully developed conditions.





1 Harris Street, Wellington Point
Stormwater Management Plan

3.3 Downstream-Stormwater Infrastructure

The runoff on the site drains, generally, towards the north eastern boundary, where runoff is eventually conveyed to the existing gully pit (IL 8.12m AHD) 75m to west of the site.

3.4 Hydrographs

Hydrographs representing design rainfall runoff for the catchment were generated. These were generated to determine the detention requirements for the site, with regards to the catchment to mitigate flows to existing levels.

The XPRAFTS runoff routing model was used to generate the hydrographs. XPRAFTS was developed by XP Solutions. XPRAFTS uses “the Laurenson non-linear runoff routing procedure to develop a stormwater runoff hydrograph from either an actual event (a recorded rainfall time series) or a design storm utilising Intensity-Frequency-Duration data together with dimensionless storm temporal patterns, as well as standard AR&R 1987 data (Institution of Engineers, Australia, 1987).

The Laurenson runoff routing procedure used in XPRAFTS has the following advantages:

- It offers a model to simulate both rural and urban catchments.
- It allows for non-linear response from catchments over a large range of event magnitudes.
- It considers time-area and sub-catchment shape.
- It offers an efficient mathematical procedure for developing both rural, urban and mixed runoff hydrographs at any sub-catchment outlet.” (XPRAFTS V2009, XPSolutions)

The contributing catchments for the council system was modelled as sub-catchments in XPRAFTS. Catchment and link characteristics were entered into the model. The catchment storage/lag coefficient B_x and the initial losses were adjusted to match the peak discharges to those determined in the Rational Method calculations. Model parameters used are shown on Table 3.2.



1 Harris Street, Wellington Point
Stormwater Management Plan

Table 3.2: XPRAFTS Model Parameters

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Initial Pervious Loss (mm)	Continuing Pervious Losses (mm/hr)	Initial Impervious Loss (mm)	Continuing Impervious Losses (mm/hr)	Catchment Storage Coefficient, Bx	Storage Exponent, m
1	63%	11.50	0.5	1.15	0.0	0.75	0.8
2	39%	12.50	0.5	1.15	0.0	0.75	0.8
5	18%	13.50	0.5	1.25	0.0	0.75	0.8
10	9.5%	14.00	0.5	1.35	0.0	0.75	0.8
20	4.9%	14.50	0.5	1.40	0.0	0.75	0.8
50	2%	6.00	0.5	1.45	0.0	0.75	0.8
100	1%	0.00	0.5	0.60	0.0	0.75	0.8

A comparison of the XPRAFTS model and Rational Method peak discharges is shown on Table 3.3 for Existing Flows and Table 3.4 for Developed Flows. This comparison shows that the XPRAFTS model is adequately validated.

Table 3.3: Peak Stormwater Comparison - Existing

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Peak Discharge m ³ /s		Change		Critical Duration
		Rational	XPRAFTS	m ³ /s	%	
1	63%	0.016	0.016	0.000	0.00%	90
2	39%	0.022	0.022	0.000	0.00%	90
5	18%	0.031	0.031	0.000	0.00%	60
10	9.5%	0.036	0.036	0.000	0.00%	60
20	4.9%	0.043	0.043	0.000	0.00%	60
50	2%	0.055	0.055	0.000	0.00%	25
100	1%	0.064	0.064	0.000	0.00%	25

Table 3.4: Peak Stormwater Comparison – Developed

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Peak Discharge m ³ /s		Change		Critical Duration
		Rational	XPRAFTS	m ³ /s	%	
1	63%	0.018	0.017	-0.001	-7.78%	90
2	39%	0.024	0.023	-0.001	-2.92%	90
5	18%	0.034	0.035	0.001	2.65%	60
10	9.5%	0.040	0.041	0.001	2.50%	60
20	4.9%	0.048	0.049	0.001	1.46%	60
50	2%	0.061	0.061	0.000	0.66%	25
100	1%	0.069	0.070	0.001	1.16%	25



1 Harris Street, Wellington Point
Stormwater Management Plan

3.5 On site Detention Design

It is proposed that the detention be constructed to treat flows inasmuch that there is no adverse impact on the catchment. It is proposed that runoff generated from lot be conveyed into detention tank and then to kerb and channel in Harris Street.

Table 3.5. Detention Characteristics

Location	Within Access Driveway
Tank Type	Detention Tank
Depth	0.4 m
Footprint	35 m ²
Volume	14 m ³
Upper Outlet	0.3m wide by 0.15 high Orifice
Lower Outlet	0.225m Orifice
Lower Outlet Level	Tank Invert

The stormwater infrastructure on site has been sized to capture and convey up to the 10yr ARI event and discharge into the detention tank. As such, designated surcharge pits will have orifice plates to ensure that flows are limited that enter the detention tank. The overland flow on site is to remain as per existing whereby flows above the Q10 will be discharged over the southern boundary as per existing conditions as sheet flow.



1 Harris Street, Wellington Point
Stormwater Management Plan

Table 3.6. Tank Stage Storage-Discharge Relationship

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Stage (m)	Volume (m ³)	Basin Discharge (m ³ /s)
1	63%	0.117	3.905	0.016
2	39%	0.143	4.756	0.022
5	18%	0.175	5.835	0.030
10	9.5%	0.197	6.563	0.035
20	4.9%	0.231	7.689	0.040
50	2%	0.292	9.745	0.050
100	1%	0.330	11.004	0.060

Table 3.7: Peak Stormwater Comparison – Mitigated

Average recurrence Interval (ARI, Year)	Annual Exceedance Probability (AEP)	Peak Discharge m ³ /s		Change		Critical Duration
		Existing	Mitigated	m ³ /s	%	
1	63%	0.016	0.016	0.000	0.0%	90
2	39%	0.022	0.022	0.000	0.0%	90
5	18%	0.031	0.030	-0.001	-3.2%	60
10	9.5%	0.036	0.035	-0.001	-2.8%	60
20	4.9%	0.043	0.040	-0.003	-7.0%	60
50	2%	0.055	0.050	-0.005	-9.1%	25
100	1%	0.064	0.060	-0.004	-6.3%	25

It has therefore been demonstrated that the detention tank is adequately sized as to offset the impacts from the development on the downstream catchment



1 Harris Street, Wellington Point
Stormwater Management Plan

4 Conclusion

This report demonstrates that the drainage proposed for this development has been design in accordance with the relevant manuals and guidelines and is therefore consistent with the City Plan 2018 -Redland Planning Scheme Version 1.0.

This report demonstrates that the proposed development is adequate to satisfy the 'lawful point of discharge' as per the City Plan 2018 -Redland Planning Scheme Version 1.0. and QUDM.

Stormwater quality outcomes are proposed to be met by contribution to the offsets scheme.

This SBSMP is considered consistent with the Healthy waters code City Plan 2018 -Redland Planning Scheme Version 1.0.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Cox', is written over a light grey rectangular background.

Jeremy Cox
BEng (Civil), MIEAust, NPER, CPEng, RPEQ
Director
Civil and Water Design Pty Ltd



1 Harris Street, Wellington Point
Stormwater Management Plan

5 Bibliography

City Plan 2018 -Redland Planning Scheme Version 1.0.

Department of Energy and Water Supply (2008). *Queensland Urban Drainage Manual*.

Queensland Government (1994). *Environmental Protection Act 1994*.

Queensland Government (2016). *Planning Act 2016*.

Queensland Government (2011). *Environmental Protection (Water) Policy 2009*. Department of Environment and Resource Management. September 2011.

Queensland Government (2017). *State Planning Policy*. Department of State Development, Infrastructure and Planning. December 2017.

Appendix A Drawings



Appendix A

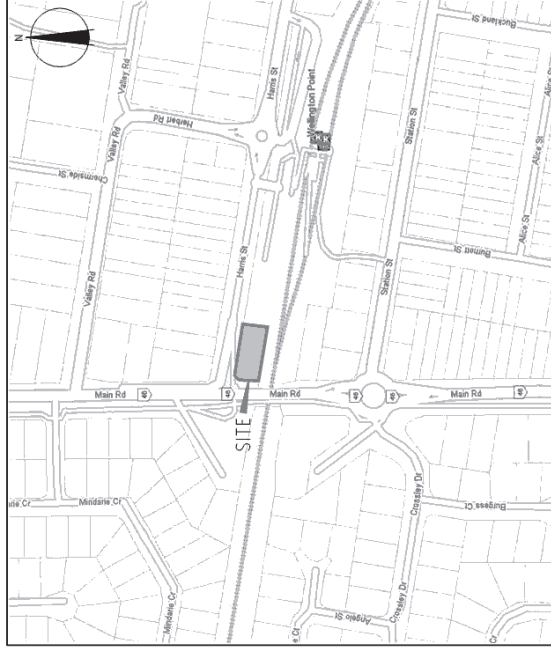


DEVELOPMENT APPLICATION 1 HARRIS STREET, WELLINGTON POINT

LOT 1 RP97097

DRAWING INDEX

PROJECT #	DRG #	DRG TITLE
CWD-10854-DA-	000	DRAWING SCHEDULE AND LOCALITY PLAN
	003	EXISTING SITE & FEATURES PLAN
	004	PROPOSED SITE LAYOUT PLAN
	200	CONCEPTUAL ENVIRONMENTAL LAYOUT PLAN
	400	STORMWATER LAYOUT PLAN



LOCALITY PLAN
SCALE N.T.S.

LEVELS IN MSL
(AUSTRALIAN HEIGHT DATUM)
GRID TO GDAS4
(GEODESIC DATUM OF AUSTRALIA 1954)

CWD
CIVIL & WATER
DESIGN
ENGINEERING EXCELLENCE

CLIENT: MAXWELL HOLDINGS (QLD) PTY LTD

PROJECT:
PROPOSED RESIDENCE
1 HARRIS STREET
WELLINGTON POINT

SURVEYOR

STATUS: DEVELOPMENT APPLICATION
APPROVED
APPROVED: *[Signature]*
REF ID: N 14132

SCALE: 1:500
DATE: 14/12/18
DRAWN: A1

DRAWING TITLE
DRAWING SCHEDULE AND LOCALITY PLAN

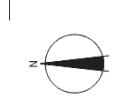
REVISION	DATE	BY	DESCRIPTION
A	14/12/18	SC	ORIGINAL ISSUE

REVISION	DATE	BY	DESCRIPTION
A	14/12/18	SC	ORIGINAL ISSUE

REVISION	DATE	BY	DESCRIPTION
A	14/12/18	SC	ORIGINAL ISSUE

REVISION	DATE	BY	DESCRIPTION
A	14/12/18	SC	ORIGINAL ISSUE

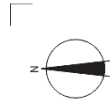
REVISION	DATE	BY	DESCRIPTION
A	14/12/18	SC	ORIGINAL ISSUE



- LEGEND**
- 7.0 --- EXISTING CONTOUR (MABRI)
 - 7.5 --- EXISTING CONTOUR (MABRI)
 - --- EXISTING LOT BOUNDARY
 - --- EXISTING LOT BOUNDARY - ADJACENT
 - --- EXISTING EDGE OF BITUMEN
 - 6.5 --- EXISTING SEWER RETICULATION
 - 6.5 --- EXISTING WATER RETICULATION
 - EXISTING FIRE HYDRANT
 - EXISTING SEWER MANHOLE



 CLERK MAXWELL HOLDINGS (QLD) PTY LTD	PROJECT PROPOSED RESIDENCE 1 HARRIS STREET WELLINGTON POINT	STATUS DEVELOPMENT APPLICATION <small>REF ID: DA/2019/0001/DA/2019/0001</small>	NAME TITLE EXISTING SITE & FEATURES PLAN
	SURVEYOR SURVEYOR	APPROVED SCALE 1:1000 DATE 14/12/18	REVISION K 30/05/18 DA/2019/0001 SC 30/05/18 CWD-10854-DA-003 DRAWN SC 30/05/18



EARTHWORKS LEGEND

- EARTHWORKS - CUT
- EARTHWORKS - FILL
- PROPOSED EARTHWORKS LEVEL
- RL 15.85 x
- EXISTING CONTOUR (M.A.S.P)
- EXISTING CONTOUR (M.M.S.P)
- EXISTING LEVEL
- PROPOSED RETAINING WALL - 8.4m TO 8.6m HIGH
- PROPOSED RETAINING WALL - 4.6 TO 6.75m HIGH

EARTHWORKS QUANTITIES

TOTAL CUT	155m ³
TOTAL FILL	67m ³
CUT TO SPOIL	79m ³

QUANTITIES NOTE

ALL VOLUMES ARE COMPLETE IN PLACE
NO ALLOWANCE FOR FOUNDATIONS
NO ALLOWANCE FOR SERVICES TRENCHES
NO ALLOWANCE FOR BULKING
NO ALLOWANCE FOR BUILDING

EARTHWORKS NOTE

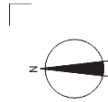
EARTHWORKS SHOWN ARE FOR BULK EARTHWORKS
FINAL TOP SURFACE TO BE DETERMINED
ON SITE BY SITE SUPERVISOR/ENGINEER



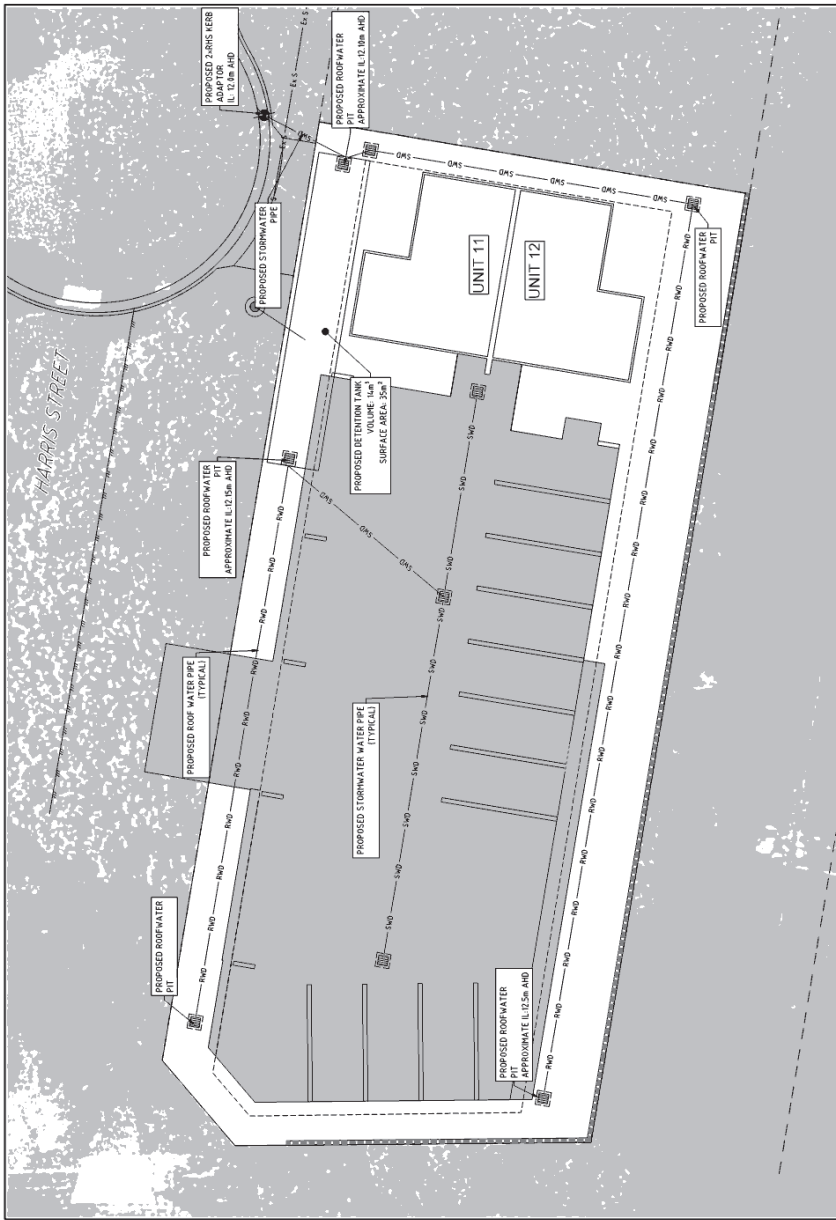
ESTIMATED BALANCE CUT AND FILL
ALL LEVELS ARE PRELIMINARY AND SUBJECT TO
DETAILED DESIGN AND ARCHITECT'S SPECIFICATION

RETAINING WALLS AND BATTERS TO BE CONFIRMED
AT DETAILED DESIGN STAGE

		PROJECT PROPOSED RESIDENCE 1 HARRIS STREET WELLINGTON POINT		STATUS DEVELOPMENT APPLICATION APPROVED		REF ID: 14732 SCALE: 1:100 DATE: 14/12/18		NAME/TITLE CONCESSIONAL EARTHWORK LAYOUT PLAN	
CLIENT MAXWELL HOLDINGS (QLD) PTY LTD		SUPERVISOR SURVEYOR		DESIGN UPDATED ORIGINAL ISSUE		REVISION B CWD-10854-DA-200		REVISION B	



- LEGEND**
- E.A.P. --- EXISTING CONTOUR (MAJOR)
 - E.A.S. --- EXISTING CONTOUR (MINOR)
 - EXISTING LOT BOUNDARY
 - EXISTING LOT BOUNDARY - ADJACENT
 - EXISTING EDGE OF BITUMEN
 - E.S. --- EXISTING SEWER RETICULATION
 - S.W. --- EXISTING WATER RETICULATION
 - EXISTING FIRE HYDRANT
 - EXISTING SEWER MANHOLE
 - S.W. --- PROPOSED STORMWATER DRAINAGE
 - R.W. --- PROPOSED ROOFWATER
 - PROPOSED FIELD INLET
 - PROPOSED RETAINING WALL - 0.4m TO 0.8m HIGH
 - PROPOSED RETAINING WALL - 0.6 TO 0.75m HIGH



STATUS DEVELOPMENT APPLICATION
 APPROVED *[Signature]* RFD No. 14732
 SCALE 1:100
 DATE 14/05/18

PROJECT PROPOSED RESIDENCE
 1 HARRIS STREET
 WELLINGTON POINT
 SURVEYOR SURVEYOR

CLIENT MAXWELL HOLDINGS (QLD) PTY LTD

NAME TITLE STORMWATER LAYOUT PLAN

REVISION	NO.	DATE	DESCRIPTION
B	1	14/05/18	DESIGN UPDATED
A	1	14/05/18	ORIGINAL ISSUE

REVIEW	BY	DATE	DESCRIPTION
DESIGN	SC	13/07/18	
SECTION	SC	13/05/18	
ISSUE	SC	13/05/18	

DRAWING NUMBER CWD-10854-DA-400

REVISION B

NO.	DATE	DESCRIPTION
1	14/05/18	DESIGN UPDATED
2	14/05/18	ORIGINAL ISSUE

NO.	DATE	DESCRIPTION
1	14/05/18	DESIGN UPDATED
2	14/05/18	ORIGINAL ISSUE

NO.	DATE	DESCRIPTION
1	14/05/18	DESIGN UPDATED
2	14/05/18	ORIGINAL ISSUE

NO.	DATE	DESCRIPTION
1	14/05/18	DESIGN UPDATED
2	14/05/18	ORIGINAL ISSUE

Appendix B Calculations



Appendix B



RATIONAL METHOD CALCULATIONS

Project: 1 Harris St, Wellington Point

Location of Discharge: Northern Eastern Boundary (Harris St Cul de sac)

Catchment Condition: Existing Site/Developed upstream

Other Comments:

	10.0 minutes		
	Upstream	Site	Total
Sub-Catchment Areas	0.014	0.093	0.11 ha
C-10 Runoff Coefficients	0.760	0.76	
10yr 1hr Intensity (mm/hr)	65.84		

ARI (years)	Rainfall Intensity (mm/hr)	Depth (mm)	Fy	Runoff Coefficients		Discharges (cumecs)		TOTAL
				Upstream	Site	Upstream	Site	
1	89.2	15	0.80	0.61	0.61	0.002	0.014	0.016
2	114.0	19	0.85	0.65	0.65	0.003	0.019	0.022
5	142.3	24	0.95	0.72	0.72	0.004	0.027	0.031
10	159.0	27	1.00	0.76	0.76	0.005	0.031	0.036
20	182.0	30	1.05	0.80	0.80	0.006	0.038	0.043
50	212.6	35	1.15	0.87	0.87	0.007	0.048	0.055
100	236.2	39	1.20	0.91	0.91	0.008	0.056	0.064

Upper Catchment Slope	7.1%
Standard Inlet Time	10.0 min
Channel Travel Length	metres
Channel Fall	metres
Travel Time	min
Delta for	1.0
Time of Concentration @ u/s bdy	10.0

Equip Travel Velocity
0.00 m/s

Table A1

RATIONAL METHOD CALCULATIONS

Project: 1 Harris St, Wellington Point

Location of Discharge: Northern Eastern Boundary (Harris St Cul de sac)

Catchment Condition: Developed Site/Developed upstream

Other Comments:

	10.0 minutes		
	Upstream	Site	Total
Sub-Catchment Areas	0.014	0.093	0.11 ha
C-10 Runoff Coefficients	0.76	0.85	
10yr 1hr Intensity (mm/hr)	65.84		

ARI (years)	Rainfall Intensity (mm/hr)		Depth (mm)	Fy	Runoff Coefficients		Discharges (cumecs)		TOTAL
	Upstream	Site			Upstream	Site	Upstream	Site	
1	89.2	15	15	0.80	0.61	0.68	0.002	0.016	0.000
2	114.0	19	19	0.85	0.65	0.72	0.003	0.021	0.000
5	142.3	24	24	0.95	0.72	0.81	0.004	0.030	0.000
10	159.0	27	27	1.00	0.76	0.85	0.005	0.035	0.000
20	182.0	30	30	1.05	0.80	0.89	0.006	0.042	0.000
50	212.6	35	35	1.15	0.87	0.98	0.007	0.054	0.000
100	236.2	39	39	1.20	0.91	1.00	0.008	0.061	0.000

Upper Catchment Slope	7.1%
Standard Inlet Time	10.0 min
Channel Travel Length	0 metres
Channel Fall	0 metres
Travel Time	0 min
Delta for	1
Time of Concentration @ u/s bdy	10.0
Equip Travel Velocity	0.00 m/s

Table A2

Appendix C Code

9.3.1.3 Healthy waters code – Specific benchmarks for assessment

Table 9.3.1.3.1—Benchmarks for assessable development

Performance outcomes	Acceptable outcomes	Response outcomes
For assessable development		
Stormwater Drainage Design		
<p><small>Editor's note—In order to demonstrate compliance with the performance outcomes in this section, a stormwater management plan is likely to be required. This should be prepared in accordance with the matters specified in Planning Scheme Policy 2 – Infrastructure works.</small></p>		
<p>PO1 To the extent practicable, natural drainage lines are retained, and their natural hydraulic capacity and channel characteristics are maintained or re-established.</p>	<p>AO1.1 All existing natural waterways and overland flow paths are retained.</p> <p>AO1.2 The stormwater management system is designed in accordance with Planning Scheme Policy 2 – Infrastructure works.</p>	<p>RO1.1 N/A.</p> <p>RO1.2 Yes</p>
<p>PO2 On-site water management systems do not rely on existing artificial water bodies being retained, except where such water bodies:</p> <ol style="list-style-type: none"> (1) perform significant ecological, water quality or recreation functions; (2) do not pose a significant risk to stream health or water quality; (3) are structurally sound; (4) do not pose any risk to community health and safety; and (5) will not create a significant maintenance or cost burden on the community over the short or long terms. 	<p>No acceptable outcome is nominated.</p> <p><small>Editor's note—Council would generally expect that such waterbodies are not retained as many are currently in poor condition and need substantial rectification. Where an existing waterbody is proposed to be retained as an integral component of water management on the site, an assessment should be done in accordance with Planning Scheme Policy 2 – Infrastructure works. This assessment should be done in conjunction with an ecological assessment report so that conflicts between competing environmental values can be identified and resolved.</small></p>	<p>RO2 On-site water management system do not rely on existing artificial water bodies.</p>

Performance outcomes	Acceptable outcomes	Response outcomes
<p>PO3</p> <p>The stormwater drainage system maintains the pre-development velocity and quantity of run-off outside of the site and does not otherwise worsen or cause nuisance to adjacent, upstream and downstream land.</p>	<p>AO3.1</p> <p>Stormwater drainage is designed in accordance with Planning Scheme Policy 2 – Infrastructure works.</p>	<p>RO3.1</p> <p>Stormwater designed accordance with Planning Scheme Policy 2- Infrastructure works.</p>
<p>PO4</p> <p>Stormwater drainage is designed and constructed to convey stormwater flow resulting from the relevant design storm under normal operating conditions.</p>	<p>AO4.1</p> <p>Stormwater drainage design meets the stormwater flow capacity requirements of the following design storm events:</p> <p>(1) where for the minor drainage system - as detailed in Table 9.3.1.3.2 - Minor Drainage System Design Storm Event by Road Frontage Classification and Zone; or</p> <p>(2) where for the major drainage system – 1% AEP.</p> <p>Editor's note—Refer to section 7 of the Queensland Urban Drainage Manual for descriptions of major and minor drainage systems.</p>	<p>RO4.1</p> <p>Stormwater designed accordance with Planning Scheme Policy 2- Infrastructure works.</p>
<p>PO5</p> <p>The stormwater drainage system is designed to function in the event of a minor system blockage.</p>	<p>AO5.1</p> <p>The major drainage system caters for 50% blockage in the minor drainage system without causing inundation of building floor levels.</p>	<p>RO5.1</p> <p>Stormwater designed accordance with Planning Scheme Policy 2- Infrastructure works.</p>
<p>PO6</p> <p>Roof and surface run-off is managed to prevent stormwater flows from entering buildings and to be directed to a lawful point of discharge.</p>	<p>AO6.1</p> <p>Roof and allotment drainage is provided in accordance with Planning Scheme Policy 2 – Infrastructure works.</p>	<p>RO6.1</p> <p>Stormwater designed accordance with Planning Scheme Policy 2- Infrastructure works.</p>
<p>PO7</p> <p>Where located within open space, stormwater devices or functions do not reduce the utility of that space for its intended recreational or ecological functions.</p>	<p>No acceptable outcome is nominated.</p>	<p>RO7</p> <p>N/A</p>

Performance outcomes	Acceptable outcomes	Response outcomes						
<p>PO8 The full extent of maintenance requirements and costs associated with the devices used within the system are minimised.</p>	No acceptable outcome is nominated.	<p>RO8 N/A</p>						
<p>Water quality – general Editor's note—In order to demonstrate compliance with the performance outcomes in this section, a waste water and stormwater quality management plan may be required. Such assessments should be prepared in accordance with the matters specified in Planning Scheme Policy 2 – Infrastructure works.</p>								
<p>PO9 Development contributes to the protection of environmental values of receiving waters and does not adversely impact on water quality in Redland's waterways.</p>	<p>For development involving a site area of 2,500m² or more, or six or more residential lots or dwellings: AO9.1 Stormwater run-off leaving a development site complies with the following design objectives: Minimum reductions in mean annual load unmitigated development (%)</p> <table border="1"> <thead> <tr> <th>Total Suspended solids</th> <th>Total phosphorus</th> <th>Total nitrogen</th> </tr> </thead> <tbody> <tr> <td>80</td> <td>60</td> <td>45</td> </tr> </tbody> </table> <p>Otherwise, no acceptable outcome is nominated.</p>	Total Suspended solids	Total phosphorus	Total nitrogen	80	60	45	<p>RO9 Development does not impact on water quality in Redland's waterways.</p>
Total Suspended solids	Total phosphorus	Total nitrogen						
80	60	45						
<p>PO10 The entry and transport of contaminants in stormwater or waste water is avoided.</p>	<p>No acceptable outcome is nominated. Editor's note—Applicants should refer to Planning Scheme Policy 2 – Infrastructure works for guidance.</p>	<p>RO10 Contaminations to stormwater will be avoided.</p>						
<p>Water quality – erosion prevention and sediment control Editor's note—In order to demonstrate compliance with the performance outcomes in this section, an erosion and sediment control plan is likely to be required. An erosion hazard assessment may also be required to establish the level risk for erosion and sediment pollution. Such assessments should be prepared in accordance with the matters specified in Planning Scheme Policy 2 – Infrastructure works.</p>								
<p>PO11 Development does not increase either: (1) the concentration of sediment in waters or stormwater outside the development's sediment treatment train; or (2) run-off which causes erosion either on- site or off-site.</p>	No acceptable outcome is nominated.	<p>RO11 Development does not increase sediment in water or run-off which causes erosion</p>						



Performance outcomes	Acceptable outcomes	Response outcomes
PO12 Development avoids unnecessary disturbance to soil, waterways or drainage channels.	No acceptable outcome is nominated.	RO12 Development will reduce disturbance to soil, waterways or drainage channels.
PO13 All soil surfaces are effectively stabilised against erosion.	No acceptable outcome is nominated.	RO13 Soils will be stabilized against erosion.
PO14 The functionality of the stormwater treatment train is protected from the impacts of erosion, turbidity and sedimentation, both within and external to the development site.	No acceptable outcome is nominated.	RO14 Yes
PO15 Areas outside the development site are not adversely impacted by erosion or sedimentation.	No acceptable outcome is nominated.	RO15 Yes
Water quality – acid sulfate soils		



<p>PO16 Within the areas identified as potential acid sulfate soils on Figure 9.3.1.3.1 potential acid sulfate soils, the generation or release of acid and metal contaminants into the environment is avoided by:</p> <p>(1) not disturbing acid sulfate soils when excavating or otherwise removing soil or sediment, draining or extracting groundwater, and not undertaking filling that results in actual acid sulfate soils being moved below the water table or previously saturated acid sulfate soils being aerated; or</p> <p>(2) where disturbance of acid sulfate soils will not be avoided, development:</p> <p>(a) neutralises existing acidity and prevents the generation of acid and metal contaminants; and</p> <p>(b) prevents the release of surface or groundwater flows containing acid and metal contaminants into the environment.</p> <p>Editor's note—Where works are proposed within the areas identified as potential acid sulfate soils, it is likely that an on-site acid sulfate investigation will be requested. Such an investigation should conform to the Queensland Sampling Guidelines and the Laboratory Methods Guidelines or Australian Standard 4969. Where acid sulfate soils are to be disturbed, an environmental management plan should be prepared which outlines how the release of acid and metal contaminants is to be prevented. In preparing a management plan, regard should be given to the guidelines contained in State Planning Policy - State Interest Guideline Water Quality (Part E Supporting Information).</p>	<p>AO16.1 Development does not involve:</p> <p>(1) excavating or otherwise removing 100m³ or more of soil or sediment at or below 5m AHD; or</p> <p>(2) permanently or temporarily extracting groundwater resulting in the aeration of previously saturated acid sulfate soils; or</p> <p>(3) filling in excess of 500m³ with an average depth of 0.5m or greater that results in:</p> <p>(a) actual acid sulfate soils being moved below the water table; or</p> <p>(b) previously saturated acid sulfate soils being aerated.</p>	<p>RO15 Yes</p>
--	---	---



13.4 RAL18/0116 AND RAL 18/0117 - 25 & 27-31 MCMILLAN ROAD, ALEXANDRA HILLS - SCHEDULE 11 REQUEST - KOALA HABITAT VALUE REPORT**Objective Reference:** A3812359**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment**Report Author:** Justin Leach, Senior Appeals Planner**Attachments:** 1. Koala Habitat Reclassification Request Letter [↓](#)**PURPOSE**

This proposal seeks to amend the habitat classification on Lots 1 and 2 RP178382 (25 and 27-31 Mcmillan Road, Alexandra Hills) from 'high value bushland habitat' to an 'area of koala habitat value' through a request under Schedule 11, Part 4 of the *Planning Regulation 2017*. The request is referred to Council for determination.

BACKGROUND

An application for Reconfiguring a Lot RAL18/0116 (2 into 3 lots) at 25 and 27-31 Mcmillan Road, Alexandra Hills, was lodged with Council on 03/10/2018. A second application for Reconfiguring a Lot RAL18/0117 (1 into 6 lots) at 27-31 Mcmillan Road, Alexandra Hills, was lodged with Council on 03/10/2018. As part of both applications, the applicant has lodged a request to reclassify the koala habitat from 'high value bushland habitat' to an 'area of koala habitat value' through a request under Schedule 11, Part 4 of the *Planning Regulation 2017*. The requests have been lodged by East Coast Surveys Pty Ltd (with supporting Koala Habitat Reclassification Request Letter by Green Tape Solutions) on behalf of the property owners Ajay Patel and Radha Patravali.

ISSUES**Site & Locality**

The subject site is zoned Urban Residential (Redlands Planning Scheme V7.2 zoning) and currently contains a dwelling house and ancillary domestic outbuildings. The site is currently accessed via two crossovers off Mcmillan Road at the eastern and western extents of the front boundary.

The site has a complex topography sloping down from the northern, western and southern boundaries to the eastern section of the site resulting in a small dam at the low point. Due to the surrounding lay of the land, the site also provides a stormwater management function for those properties upstream to the north and west, with stormwater following the natural contours to the dam and ultimately discharging to the Council Park immediately to the east of the site.

The vegetation across the site varies consisting of a small linear patch of native forest (13 total non-juvenile koala habitat trees (NJKHT)) towards the site frontage and several other species mostly of exotic origin across the remainder of the site. The koala habitat trees located at the frontage of the site include: *Eucalyptus racemosa* (scribbly gum), *Melaleuca quinquenervia* (broad-leaved paperbark), *Eucalyptus siderophloia* (grey ironbark) and *Lophostemon suaveolens* (brushbox).

The surrounding area directly to the west, north and east is zoned Urban Residential and is comprised generally of single detached dwellings on standard sized lots. The Council park (zoned as Open Space) immediately to the east of the site at 4 Sapphire Drive is recognised as part of the McDonald Drainage Reserve. To the south of the site across Mcmillan road is a large parcel of Conservation zoned (sub-area CN2) land, identified as the Squirrel Glider Conservation Reserve.

The subject site is not identified as being affected by the Redlands Planning Scheme V7.2 overlay mapping.

Mapping/Aerials

As shown in Figure 1 below, the State's koala habitat mapping shows the site being affected by the high value bushland (dark green) and medium value other (yellow) designation. Immediate surrounding designations include medium value other habitat to the west, north and east, while high value bushland is mapped largely to the south, generally over the Squirrel Glider Conservation Reserve. To the east of the subject site (within the McDonald Road Drainage Reserve) there is area designated as low value rehabilitation habitat (light pink).



Figure 1 – Koala Habitat Mapping

Figures 2 – 4 show aerial imagery of the site over the past 20 years. As can be seen, vegetation at the front of the site remain largely intact over time. It is noted that some clearing was undertaken on-site in recent years within 10 metres of existing structures.



Figure 2 – 1998 aerial photograph



Figure 3 – 2008 aerial photograph



Figure 4 – 2019 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 identified as 'high value bushland' is more characteristic of an 'area of koala habitat value' and has provided an ecological assessment prepared by Green Tape Solutions in support of the request. The results of the ecological assessment are summarised as follows:

- *No sightings or evidence of the presence of Koalas (such as scats or scratches) was observed within the site.*
- *Approximately 80% of the site supports non-native species within landscape amenity plantings associated with the existing residential dwelling (Plates 1 and 2). Native canopy species on site consist of Eucalyptus racemosa (scribbly gum), Melaleuca quinquenervia (broad-leaved paperbark), Eucalyptus siderophloia (grey ironbark) and Lophostemon suaveolens (brush box), however the site supports a low density of non-juvenile koala habitat trees.*
- *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.*
- *The context of the site within surrounding residential development currently presents a barrier to koala movement and dispersal through the presence of fencing and domestic pets (Plate 3).*
- *Existing vegetation does not contribute to a waterway or ecological corridor on the site. The site is not directly connected to any surrounding areas of koala habitat, with the presence of a major road (McMillan Road) constituting a significant barrier to the safe movement and dispersal of koalas. The site is also fenced with a 2 metre timber fence (fauna exclusion fence) which provides an additional barrier to wildlife movement.*
- *Note that fence will be maintained on site for safety purposes due to the location of the site and the surrounding high traffic zone. While a fauna friendly-fence could be envisaged as a mitigation measure for the future residential lot, it would be detrimental to encourage crossing of the road by koalas. The use of the very few trees on site would not be beneficial to koalas and it would be considered a better outcome to increase suitable vegetation for koalas within the Squirrel Glider Conservation Area.*
- *There is no evidence of koala use on site. The site does not provide any ecological connectivity and the presence of only few trees (less than 10 trees) is not considered sufficient to sustain a viable population of koalas.*
- *Research (McAlpine et al., 2005, McAlpine et al., 2006 and Rhodes et al. 2006) has shown that primary and secondary koala habitat patches should be larger than 50-100 ha in size to support a viable population of koalas. Alternately, a small cluster (patch of vegetation less than 50 ha) must be highly connected through corridors to sustain its use by koalas. Isolated habitat patches of up to 2 ha in size are likely to be of little use as breeding habitat for koalas as this equates roughly to the smallest home range size for an individual koala in high quality habitat. The subject site contains less than 10 non-juvenile koala trees and therefore, would provide very limited value to koalas. The Squirrel Glider Conservation Area, which is known to support a variety of wildlife including koalas, would provide sufficient habitat to sustain a viable local population of koalas. The removal of only few non-juvenile koala trees on the subject site would not have any impacts on the survival of the local koala population.*
- *The broader area supports a koala population, as demonstrated by the number of koala records within 2 km of the site retrieved from the WildNet database. However, the site is not*

considered likely to be utilised by koalas due to the barrier to movement (Mcmillan Road and presence of non-fauna friendly fences on site) and does not support bushland habitat, or optimal resources and opportunities for food, shelter, movement or dispersal.

Based on the findings above, the applicant requests that the Schedule 11 mapping be amended to an 'area of koala habitat value', based on the criteria given in Schedule 11, Part 4, Section 10 (1) (c) of the *Planning Regulation 2017*, in that the part:

- (i) is on a lot of less than 0.5ha; 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.*

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 is within 50m of bushland to the south across Mcmillan Road. Whilst there are multiple native species (and numerous exotic) identified over the site, they are scattered with areas of grass, bare surfaces and impervious hardstand areas present. Additionally, the site's 13 NJKHTs are restricted to a small linear patch of vegetation at the southern extent towards the site frontage, which could not be described as closed canopy forest or open woodland. Accordingly, the site as a whole cannot be described as containing mainly 'forested areas' of native vegetation.

Nevertheless, the site does contain a variety of trees of the Eucalyptus genus typically used by koalas for food, shelter, movement or dispersal. However, 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, particularly the Squirrel Glider Conservation Reserve across Mcmillan Road to the south. The site is clearly not a plantation forest.

For these reasons, it is considered that the area identified as high value bushland is not characteristic of this habitat type.

The other two classifications of koala habitat are 'rehabilitation habitat' and an 'area of koala habitat value'. These definitions are almost identical with the exception that 'rehabilitation habitat' is where it is located on a lot of 0.5ha or more, while an 'area of koala habitat value' is located on a lot of less than 0.5ha. As the lot is less than 0.5ha in size, the 'area of koala habitat value' definition is relevant to consider.

The *Planning Regulation 2017* defines an area of **Koala Habitat Value** as land that:

- (i) *is on a lot of less than 0.5ha; 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 less than 0.5ha and contains numerous trees that koalas typically use for food and shelter towards the southern (front) boundary of the site, which demonstrates consistency with (i), (ii) and (iii). The northern portion of the site contains vegetation, however as noted above, is generally sparse and for the most part dominated by exotic palms and other non native trees and shrubs. As per the ground truthed Tree Identification and Data Plan (dated 20/02/2019) the only area of remotely contiguous native species is within the southern extent of the site towards the frontage where a number of trees are located including *Eucalyptus resinifera* (Red mahogany), *Melaleuca quinquenervia* (broad-leaved paperbark) and *Eucalyptus siderophloia* (grey ironbark). Accordingly, the site can be described as containing scattered trees and forested areas and for this reason the site would be representative of an area of koala habitat value.

In terms of (iv) and (v), presently the vegetation provides connectivity to the Squirrel Glider Conservation Reserve across Mcmillan Road to the south, however this connectivity is largely interrupted by barriers such as residential development, fencing around the subject site, domestic animals and the road network.

Overall, it is considered that an 'area of koala habitat value' is the best fit habitat type for the subject site. It is recommended that the area currently classified as 'high value bushland habitat' on the site be re-classified as an 'area of koala habitat value' as requested by the applicant.

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 April 2019	Agrees with the request for reclassification to an area of koala habitat value.
Division 8 Councillor	03 October 2018 and 11 October 2018	Nil.

OPTIONS**Option One**

That Council resolves to approve the reclassification of the area on Lot 1 and Lot 2 on RP178382, identified as high value bushland habitat to an ‘area of koala habitat value’, under Schedule 11, Part 4 of the *Planning Regulation 2017* for Reconfiguring a Lot application RAL18/0116; and the reclassification of the area on Lot 1 on RP178382, identified as high value bushland habitat to an ‘area of koala habitat value’, under Schedule 11, Part 4 of the *Planning Regulation 2017* for Reconfiguring a Lot application RAL18/0117.

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 1 and Lot 2 on RP178382, identified as high value bushland habitat to an ‘area of koala habitat value’, under Schedule 11, Part 4 of the *Planning Regulation 2017* for Reconfiguring a Lot application RAL18/0116; and the reclassification of the area on Lot 1 on RP178382, identified as high value bushland habitat to an ‘area of koala habitat value’, under Schedule 11, Part 4 of the *Planning Regulation 2017* for Reconfiguring a Lot application RAL18/0117.

COUNCIL RESOLUTION 2019/168

Moved by: Cr Tracey Huges

Seconded by: Cr Wendy Boglary

That Council resolves to reclassify the area on Lot 1 and Lot 2 on RP178382 identified as high value bushland habitat to high value rehabilitation habitat, under Schedule 11, Part 4 of the *Planning Regulation 2017* for Reconfiguring a Lot application RAL18/0116; and reclassify the area on Lot 1 on RP178382 identified as high value bushland habitat to high value rehabilitation habitat, under Schedule 11, Part 4 of the *Planning Regulation 2017* for Reconfiguring a Lot application RAL18/0117.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Green Tape Solutions
Quality, Integrity, Experience

Date: 1 April 2019

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

Dear Sir/Madam

**RE: RESPONSE TO COUNCIL INFORMATION REQUEST FOR 27-31 MCMILLAN ROAD,
ALEXANDRA HILLS: RAL 18/0116 – KOALA HABITAT AREA**

Please find herewith our response to Items 1 – 4 raised by Redlands City Council in the information request relating to application number RAL 18/0116 dated 30 October 2018.

Item 1 - Provide a tree plot identifying which trees and shrubs are exotic and which trees are non-juvenile koala habitat trees. For identified non-juvenile koala habitat trees, label each with individual height and DBH (as trunk diameter or circumference).

Item 2 - Illustrate the location and canopy extent of all non-juvenile koala habitat trees relative to areas of proposed cut or fill. Consider the effect of cut with respect to stormwater conveyance and discharge.

Item 3 - The Green Tape Solutions koala habitat reclassification analysis discusses hindrance to koala movement and habitat connectivity with respect to current barriers, but not with respect to removal or mitigation of barriers. Advise how proposed development could mitigate against the effects of existing barriers. Provide analysis in the context of the larger tract of nearby bushland in McMillan Road.

Item 4 - Provide confirmation as to which Part of Planning Regulation Schedule 11 should be invoked for Council determination of the correct koala habitat designation.

Background

The site consists of a single parcel (Lot 1 on RP178382) with an area of 3,267 m² (0.33 ha) and is zoned as Urban Residential (UR) under the Redlands Planning Scheme. Infrastructure present on the site consists of an existing dwelling house and associated outbuildings and structures. The property is bounded by existing medium density residential allotments along the northern, eastern and western boundaries. McMillan Road separates the site from a bushland reserve (Squirrel Glider Conservation Area) located to the south.

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; and

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Telephone: 07 5428 6372 | Email: admin@greentapesolutions.com.au



- Koala assessable development area under the *Planning Act 2016* mapped within the Priority Koala Assessable Development Area (PKADA) and Koala habitat values mapping - Bushland habitat area: High value bushland.

Note that some landscaping vegetation located within 10 m of the existing dwelling were cleared in June/July 2018. This clearing was lawfully undertaken under the supervision of a qualified arborist. No Koala trees were removed as part of this clearing activity.

In accordance with Schedule 11, Part 4, Section 9 of the *Planning Regulation 2017*, a request to reclassify koala habitat mapped over the site was made on 13 August 2018.

Information Request Response

Items 1 and 2 – Non-juvenile Koala Habitat Trees

Please see attached arboricultural report prepared by Redlands Tree Service (version 01, dated 20 February 2019) which provides a tree plot showing the locations of non-juvenile Koala habitat trees (NJKHTs) and details regarding the diameter at breast height (DBH), height, canopy spread and condition of these trees. A total of 13 NJKHTs are located within the site boundary.

Items 3 and 4 - 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 high 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.
- Approximately 80% of the site supports non-native species within landscape amenity plantings associated with the existing residential dwelling (Plates 1 and 2). Native canopy species on site consist of *Eucalyptus racemosa* (scribbly gum), *Melaleuca quinquenervia* (broad-leaved paperbark), *Eucalyptus siderophloia* (grey ironbark) and *Lophostemon suaveolens* (brush box), however the site supports a low density of non-juvenile koala habitat trees.
- 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.
- The context of the site within surrounding residential development currently presents a barrier to Koala movement and dispersal through the presence of fencing and domestic pets (Plate 3).
- Existing vegetation does not contribute to a waterway or ecological corridor on the site. The site is not directly connected to any surrounding areas of koala habitat, with the presence of a major road (McMillan Road) constituting a significant barrier to the safe movement and dispersal of Koalas. The site is also fenced with a 2 metre timber fence (fauna exclusion fence) which provides an additional barrier to wildlife movement.
- Note that fence will be maintained on site for safety purposes due to the location of the site and the surrounding high traffic zone. While a fauna friendly-fence could be envisaged as a mitigation measure for the future residential lot, it would be detrimental to encourage crossing of the road by Koalas. The use of the very few trees on site would not be beneficial to Koala and it would be considered a better outcome to increase suitable vegetation for Koalas within the Squirrel Glider Conservation Area.



- There is no evidence of Koala use on site. The site does not provide any ecological connectivity and the presence of only few trees (less than 10 trees) is not considered sufficient to sustain a viable population of Koalas.
- Research (McAlpine *et al.*, 2005, McAlpine *et al.*, 2006 and Rhodes *et al.* 2006) has shown that primary and secondary Koala habitat patches should be larger than 50-100 ha in size to support a viable population of Koalas. Alternately, a small cluster (patch of vegetation less than 50 ha) must be highly connected through corridors to sustain its use by Koalas. Isolated habitat patches of up to 2 ha in size are likely to be of little use as breeding habitat for Koalas as this equates roughly to the smallest home range size for an individual koala in high quality habitat. The subject site contains less than 10 non-juvenile koala trees and therefore, would provide very limited value to Koalas. The Squirrel Glider Conservation Area, which is known to support a variety of wildlife including Koalas, would provide sufficient habitat to sustain a viable local population of Koalas. The removal of only few non-juvenile koala trees on the subject site would not have any impacts on the survival of the local Koala population.
- The broader area supports a Koala population, as demonstrated by the number of Koala records within 2 km of the site retrieved from the WildNet database. However, the site is not considered likely to be utilised by Koalas due to the barrier to movement (McMillan Road and presence of non-fauna friendly fences on site) 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 an area of '**Koala habitat value**' other than Bushland Habitat Area or Rehabilitation Habitat Area. This requested classification is based on the criteria given in Schedule 11, Part 4, Section 10 of the *Planning Regulation 2017*, in that the part:

- i. is on a lot of less than 0.5 ha; and
- ii. contains native vegetation as scattered trees; 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 is fully fenced and future owners will require to maintain this fencing for safety purposes. Fauna friendly-fencing would not be appropriate for this site, as it would be detrimental to encourage Koalas to cross McMillan Road with the resultant risk of an increase in mortality. Furthermore, our field assessment confirmed that Koalas do not use the site and the installation of fencing as part of the future development will not have any impact on the movement of Koala within this area.

Consequently, the site does not allow for movement and dispersal of Koala but the current values do not meet the lower koala habitat classification area being "an area unsuitable for koalas".

Green Tape Solutions
Quality, Integrity, Experience

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



Kelly Matthews
Director
Green Tape Solutions

**References:**

McAlpine, C. A., J. G. Callaghan, D. Lunney, M. E. Bowen, J. R. Rhodes, D. L. Mitchell, and H. P. Possingham. (2005). Conserving South-East Queensland Koalas: How much habitat is enough? In G. L. Siepen and D. Jones (Eds.), *Proceedings of the 2005 South-East Queensland Biodiversity Conference* (pp. 11-17 Part II). Gatton, Australia: The University of Qld, Gatton Printery.

McAlpine, C.A., Rhodes, J.R., Callaghan, J., Bowen, M., Lunney, D., Mitchell, D., Pullar, D., Possingham, H.P. (2006). The importance of forest area and configuration relative to local habitat factors for conserving forest mammals: A case study of koalas in Queensland, Australia. *Biological Conservation* 132, 153-165.

Rhodes, J. R., T. Wiegand, C. A. McAlpine, J. Callaghan, D. Lunney, M. Bowen, and H. P. Possingham. (2006). Modeling species distributions to improve conservation in semiurban landscapes: koala case study. *Conservation Biology*. 20, 449-459.

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Plate 1 – Existing site vegetation and infrastructure.



Plate 2 – Existing site vegetation.

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Plate 3 – Street frontage along McMillan Road.

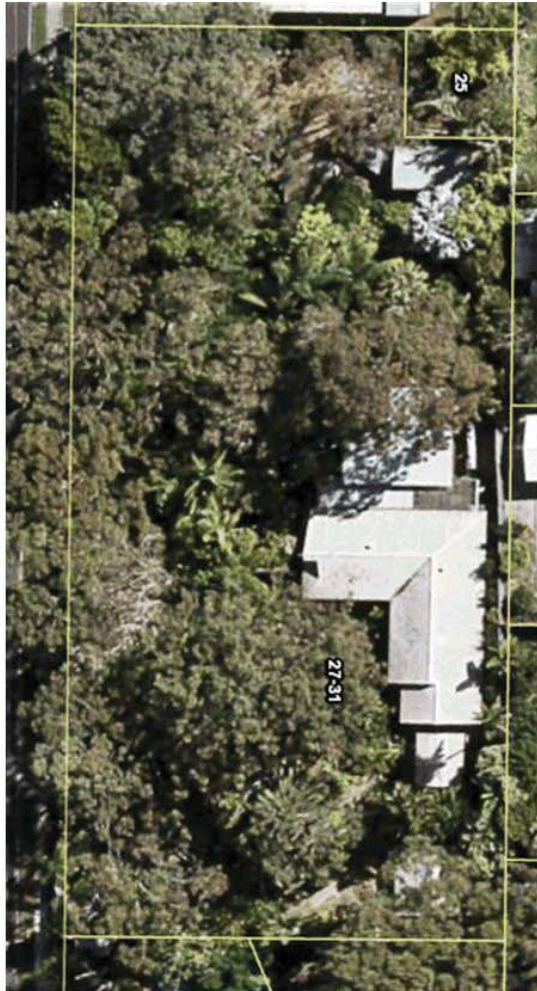


Plate 4 – View along McMillan Road looking east with Squirrel Glider Conservation Area on the right.



Attachment I - Arboricultural Assessment Report

Preliminary Arboricultural Report
27-31 Mcmillan Road, Alexandra Hills



Version 01..... 20/02/19

Client

East Coast Surveys
27-31 Mcmillan Road,
Alexandra Hills

Prepared for
Redland City Council



Andrew Stovell
Consulting Arborist

PO Box 7177
Redland Bay QLD 4165

T: 07 3829 0000
F: 07 3206 9722

andrew.stovell@redlandstreeservice.com.au

Documents Referenced

C101 East Coast Surveys Detail & Level Survey Plan Ref 5815

Scope: This is a Preliminary assessment on current drawings provided by the client. Tree details have been collected considering the current development intent, this includes

- Data collection on species

Job no: Date: 20/02/ 2019 Revision: A

Site visit

The details of the site visit on the following page shows an accurate reflection of the current vegetation on the block. The block has 13 Koala trees within the boundary lines. Consideration to Australian Standards AS4970 has included large koala trees on neighbouring properties.

Sincerely



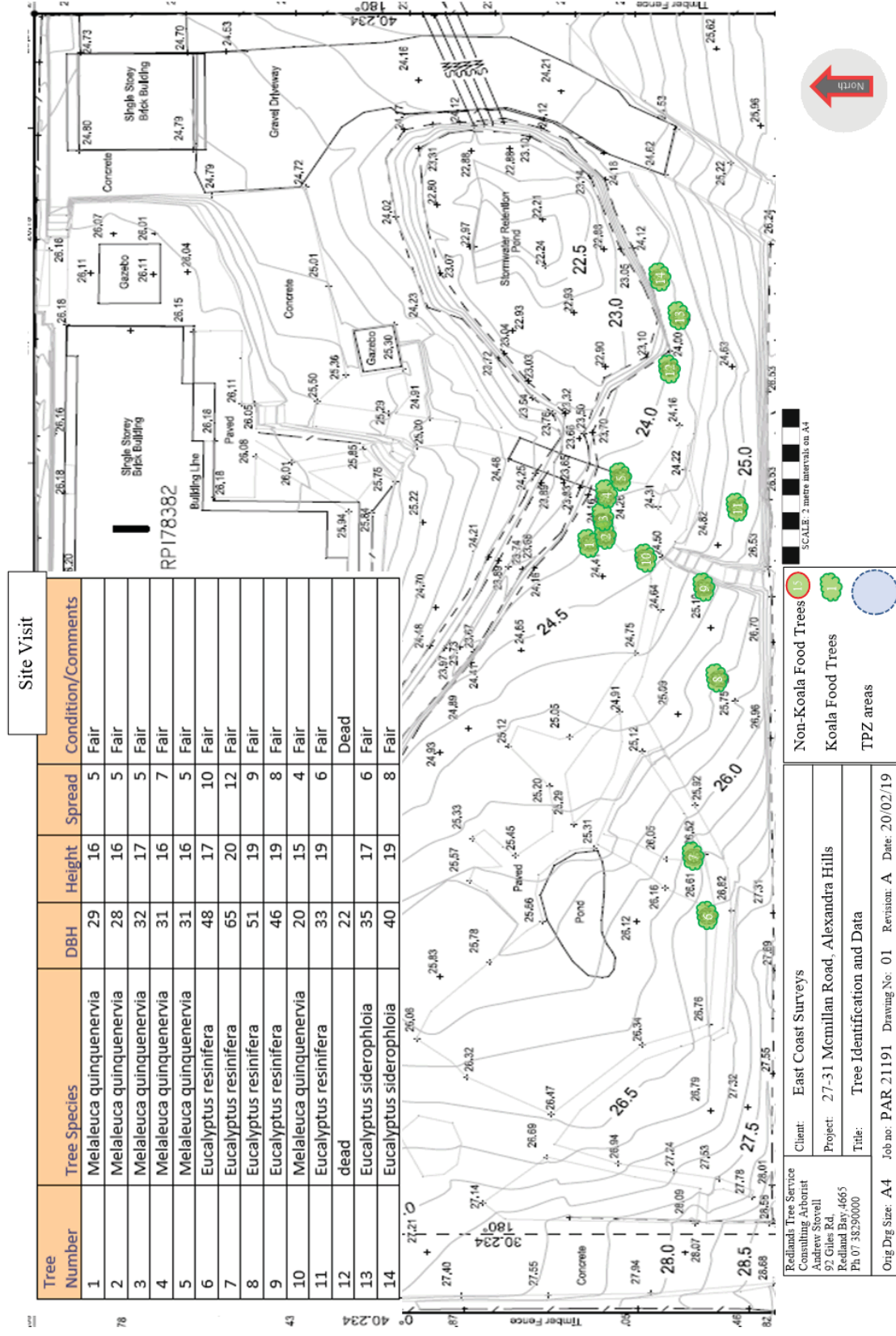
Andrew Stovell

Dip Arb.
Certified Arborist

Qualifications and Experience

Diploma Arboriculture
ISA Certified Arborist 0046a
NRW Certificate in the QLD Regional Ecosystem Framework
EPA Certificate in Vegetation structure and Remnant Status
International Society of Arboriculture Tree Risk Assessment Qualification
Practising Arborist in South East QLD since 1996.
Member of the QLD Arboricultural Association since 1999
Member of the International Society of Arboriculture since 2004
Member of the Arboriculture Australia since 2010





Disclaimer

Reports are prepared assuming the person making the request has good title and ownership, legitimacy of purpose, the authority to grant access and/or engage service. This report is prepared with reasonable care. To the extent permitted by law, the author accepts no responsibility for any loss or damage sustained by a recipient as a result of acting on its recommendations.

The author can neither guarantee nor be responsible for the accuracy of information in this report provided by others. Information provided in a verbal or written report covers only those items examined. It reflects their condition at the time of inspection only. Unless otherwise specified, inspection is limited to visual inspection from ground level without dissection, excavation, drilling, physical or nutritional analysis or quantification of structural integrity. No responsibility is accepted for the consequences of internal or sub-surface defects which present no discernible external symptoms.

The report shall not be used for any other purpose or conveyed externally in whole, part or meaning without the prior written consent of the author.

Sketches, diagrams, graphs and photographs used as visual aids are not necessarily to scale.

Unauthorised alteration or separate use of any part of the report is prohibited and invalidates the whole report.

In order to achieve intended outcomes, any works recommended by Redlands Tree Service are to be carried out by appropriately qualified persons and in compliance with relevant industry and Australian Standards.

The author accepts no responsibility for the consequences of work performed outside specification, by inappropriately qualified staff or without consultant supervision where it has been recommended.

The conclusions reached and recommendations made do not imply that plants, built landscape or structures will withstand future adverse natural or man-made conditions.

There is no warranty or guarantee that problems, deficiencies, faults or failures of plants or property inspected may not arise in the future. Regular re-inspection will be required to identify emerging disorders.

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Methodology

Redlands Tree Service arborists have followed industry best practice in the assessment of the trees included in this report. The combined methodologies of V.T.A. (Mattheck and Breloer 1994), Evaluation of Hazard trees in Urban areas by Matheny and Clarke and

TRAQ Tree Risk Assessment Qualification system has been adopted to complete this survey.

AS4970 Protection of trees on Development Site 2009.

All trees were assessed from ground level.

Mayor Williams declared a Material Personal Interest in the following item, stating that she is a member of the South East Queensland Council of Mayors. Mayor Williams is appointed to the board of Healthy Hand and Water for which she receives a sitting fee. Mayor Williams chose to exclude herself from the meeting while the matter was debated and the vote taken. Mayor Williams left the meeting at 11.10am (before Item 13.5) and returned at 11.15am (after Item 13.5). Deputy Mayor Lance Hewlett assumed the chair while Mayor Williams was out of the room.

13.5 2019-2022 HEALTHY LAND AND WATER NETWORK MEMBER AGREEMENT

Objective Reference: A3812362

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

Responsible Officer: Graham Simpson, Group Manager Environment & Regulation

Report Author: Dale Watson, Natural Environment Officer

Attachments: Nil

PURPOSE

This report seeks endorsement for a three year Network Member Agreement (including funding) with Healthy Land and Water (HLW) from 1 July 2019 to 31 June 2022. This report also seeks endorsement of the *Local Government Regulation 2012* (Qld) exception s.235(b) for the 2019-2022 HLW Network Member Agreement (exemption for having to tender because of the specialised nature of the services).

BACKGROUND

Redland City Council has been an investing member of Healthy Waterways since 1994. Redlands was one of six foundation Councils involved in background and pilot studies for an estuarine and bay monitoring program designed to establish and monitor the impact of point source pollution on receiving estuarine and marine environments. This led to significant upgrades of many sewage treatment plants discharging to Moreton Bay.

The research and development work continued and in 2002, Healthy Waterways expanded into an integrated freshwater, estuarine and marine monitoring program and the focus shifted to understand catchment and diffuse sources of pollution entering our waterways – mainly sediments and nutrients.

Healthy Waterways Limited commenced processes to become a company in 2013 and invited investing members to become a company member. In April 2014, Council resolved to adopt the Healthy Waterways Ltd Limited Company Constitution and Network Rules amendments and become a Class A Company member.

In June 2016, Healthy Waterways Limited merged with SEQ Catchments and formalised the establishment of a joint entity, Healthy Waterways and Catchments. Healthy Waterways and Catchments was formed as a community-focused, science-based waterway and natural asset management organisation which will improve the coordination and implementation of best practice catchment management.

On 28 July 2016 Council entered into a Deed of Agreement with then Healthy Waterways Limited to fund a three year program of works that consisted of:

- 2016/2017 - \$124,000
- 2017/2018 - \$121,000
- 2018/2019 - \$119,000

The merger arrangement between then Healthy Waterways Limited and SEQ Catchments formally commenced on 1 July 2017 as Healthy Land and Water (HLW). The agreement was formally taken over by HLW and agreed by Council on 13 July 2017.

The 3-year (2016 to 2019) funding deed of agreement with HLW is due to expire on 30 June 2019 and a new 3-year (2019 to 2022) funding agreement is proposed between Council and HLW.

The HLW partnership enables collaboration among universities, government, industry and community to leverage funds for science, modelling, education and capacity building. Council realises benefits from our contributions to HLW through delivery of research and development into products that monitor, plan and implement waterway health actions via collaboration.

Council gains access to member networks, innovative science, advice, support, best practice guidelines and resources, education, regional marketing, communication, branding and promotion opportunities.

ISSUES

Proposed Core Program 2019-2022 HLW Network Member Agreement

Under the proposed new agreement, HLW has presented to members a core program of service delivery. This core program essentially includes the following components:

- Waterways Environmental Health Monitoring Program (EHMP)
- Annual SEQ Waterways Report Card
- Water by Design Program
- Science and Innovation expertise

There are considered to be multiple cost efficiencies for Council under the current agreement that could not be achieved internally without a substantial increase in cost to do the same science and monitoring. The un-priced benefit is the economy of scale gained from collective membership and leveraging.

Organisational benefits include:

- a. Redland Water and Waste (RWW) environmental compliance reporting is reliant on HLW EHMP program data and information to meet license conditions requirements for the Carbrook Wetlands, Tingalpa, and Erapah Creek receiving environments (freshwater, estuarine and marine). These receiving environments receive discharges respectively from Mount Cotton, Capalaba, Thorneside and Victoria Point wastewater treatment plants. The value of this work to RWW exceeds the \$100,000 per year contribution to HLW budgeted by RWW. It is noted that RWW funds its own monitoring and reporting for Hilliards Creek receiving environments and Cleveland wastewater treatment plant discharges.
- b. Annual benchmarking through the Report Card detailing Redlands freshwater, estuarine and marine grades for waterway health (condition, water quality, habitat and pollutant load), that complements our local fresh waterways health monitoring program. Of increasing value to the annual report card are the social and economic indicators.
- c. Access to 15 plus years of water quality data through WaterNav and PowerBI data which can be integrated with locally collected data and a thorough current condition and direction can be established for local waterways. Access to resources and publications.
- d. Access to the Department of Environment and Science (DES) funded and HLW coordinated Stormwater/Erosion and Sediment Control Community of Practice provides a valuable source of knowledge sharing, networking, case studies and legislation updates for Council officers.
- e. Access to experts and scientific knowledge through the various Scientific Expert Panels.

HLW also provides an advocacy role representing the interests of members at State forums.

As one of the original members, Council benefits through leveraging the collective contributions of all HLW Network members to save the community valuable resources.

Non-core Service activities

The evolution of HLW to develop the core program for the proposed 2019-2022 HLW Network Member Agreement has led to a number of activities and services now either receiving reduced or no funding or resourcing.

HLW has proposed a CorePlus program which network members can elect to make additional funding contributions to participate in these programs. Council officers do not consider these programs to be essential at present and have therefore indicated that no additional funding will be considered for these activities and programs.

It is also noted that there has been a change or reduction in funding and servicing of some existing programs which are utilised by Local Governments in South-East Queensland (SEQ). This has required Local Governments to directly contribute to managing some of these activities in order for them to continue as they form key elements for the on-going delivery of Council's environmental partnership programs. In particular the following is noted:

- a. **South East Queensland Fire and Biodiversity Consortium (SEQFBC)** – Council currently partners with SEQFBC/HLW which has the following benefits for Council: education/workshops, Fire Technical Notes/Manuals/Scientific papers, training, projects, forums, networking, support with technical information, and advice on fire management and planning in SEQ.

Due to reduced funding of the Federal Government's National Landcare Program 2 (NLP2), there has been a reduction in funding for this program which is being supplemented by SEQ Local Governments.

- b. **Land for Wildlife** – From January 2019 the delivery of the Land for Wildlife (LFW) program in South-East Queensland, which had been overseen by a Steering Committee comprised of representatives from Local Governments in liaison with HLW has changed. Due to changes in funding proposed by HLW, the LFW Steering Committee moved to a new arrangement for the regional coordination of the program. The LFW Regional Coordinator position is now managed and fully funded by participating SEQ Local Governments rather than HLW.
- c. **Community Science Water Quality Database** - monitoring and coordination of the database lost its funding and support on 30 June 2018. Council's volunteer program uses this database to store community collected data and a verification service of the data is provided by the database. Currently the database is 'live' but there is technical issues and other database fixes or alternative options will require additional and ongoing funding, which is not covered through the HLW Network Agreement funding.

Though the additional funding is relatively small to sustain these programs it does reflect a lessening in service provision under previous partnership arrangements. Council officers will continue to monitor and review the ongoing support required for these programs as part of maintaining current business as usual environmental partnership programs.

Reduction in Core Funding Contribution to the Ecosystem Health Monitoring Program (EHMP)

Since the original proposed HLW Network Member Agreement for 2019-2022 was proposed to each member early in 2019, HLW have advised that present indications are that the funding

commitments for the Core program are \$600k per annum less than is required to deliver the full Core program.

This has led to recent discussion across the HLW membership about options that may lead to a reduction in the scope of the Core program or the need to obtain additional funding streams.

HLW indicate that reduction in scope of the Core program or non-delivery of elements of the program would be problematic for those who have provided their full contribution to the Core program and who therefore reasonably expect that the full program will be delivered.

As a result, HLW has advised it is unable to proceed with the execution of contracts associated with the delivery of the Core program in the absence of either the balance of the funds or a decision to reduce the Core program deliverables.

HLW has sought feedback from all members about what elements of the Core program are non-negotiable and it the intention that the Core program will reflect this feedback and satisfy the investment by Council and other network members.

Therefore, whilst Council and other network members have been asked to notify our funding intentions by 30 May 2019, there is a possibility that the scope of the Core program will change and this is reflected in the recommendation of this report to delegate the Chief Executive Officer with the ability to finalise the final HLW Network Member Agreement for 2019-2022.

STRATEGIC IMPLICATIONS

Legislative Requirements

Under the *Local Government Regulation 2012* (LGR), the HLW Network Member Agreement and funding is classed as a “large-sized contractual arrangement”, for which a tender is generally required – unless an exception applies. The exceptions for having to tender relevantly include where Council has resolved either:

- a) *“there is only 1 supplier who is reasonably available”* (LGR, s.235(a)); or
- b) *“because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders”* (LGR, s.235(b)).

In February 2010, when Council first contracted with Healthy Waters Limited, Council made a resolution under (the then equivalent of) exception (b) above. Given the nature of the services that HLW is providing (and Council’s status as a member of HLW), it is considered that exception s.235(b) is readily justified.

This report seeks endorsement to apply exception s.235(b) of the LGR to the 2019-2022 HLW Network Member Agreement contract (exemption for having to tender because of the specialised nature of the services).

Risk Management

The current HLW Network Member Agreement has been reviewed by Council’s Legal team and suggested changes were returned to HLW. The majority of suggested changes were administrative and have been accepted by HLW.

Financial

Proposed Core Program Funding budget contributions for the 2019-2022 HLW Network Member Agreement are:

- 2019/2020 - \$125,600

- 2020/2021 - \$128,000
- 2021/2022 - \$130,420

The new membership agreement if endorsed, will be paid from existing operational budgets split 80% Redland Water and Waste (RWW) and 20% Environment and Regulation Group (ERG), to reflect respective benefits received under the agreement.

People

Endorsement of the HLW Network Member Agreement will allow staff to access the multiple benefits of scientific research, monitoring, evaluation and innovative and science-based solutions available through on-going membership with HLW.

Environmental

Endorsement of the HLW Network Member Agreement will allow Council to utilise HLW's research and development of products that monitor, plan and implement waterway health actions to continue to benefit the natural environment.

Social

There are no significant social implications associated with the HLW Network Member Agreement. HLW's monitoring of social indicators as part of the HLW annual report card may drive actions for social change in the future.

Alignment with Council's Policy and Plans

HLW's mission to inspire and connect people with evidence-based tools and on-ground action to protect the natural environment and support the economy for future generations, aligns well with Council's Community and Corporate Plans' goals for a Healthy Natural Environment and strategies to address the decline in the health of Redlands waterways and improve water quality, aquatic populations and their biodiversity.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Group Manager - Water and Waste Infrastructure	16/11/2018 and 16/04/2019	It is imperative that Redland City Council remains a participating member of the Healthy Waterways program. Advice regarding HLW Network Member Program contributions regarding RWW
Solicitor - Legal Services Unit	20/03/2019	Recommended amendments to contractual components of original HLW Network Member Agreement
Environment Officer – Environment and Education	16/04/2019	Advice regarding HLW Network Member Program contributions
Service Manager – Water Quality and Environmental Compliance (RWW)	16/04/2019	Advice regarding HLW Network Member Program contributions regarding RWW
Senior Procurement Officer	23/04/2019	Recommended exception under LGR, s.235(b) for HLW Network Member Agreement
Service Manager – Health and Environment	01/05/2019	Advice regarding impact on HLW Network Member Agreement on Healthy Water Play Program
Senior Extension Officer - Habitat Protection	01/05/2019	Advice regarding impact of HLW Network Member Agreement on Land for Wildlife Program

OPTIONS**Option One**

That Council resolves to:

1. recognise the multiple benefits Council realise from on-going membership with Healthy Land and Water (HLW);
2. endorse the entering into a Network Member Agreement with Healthy Land and Water (HLW) from 1 July 2019 to 31 June 2022, including payment of the Contribution to HLW in the following instalments:
 - o 2019/2020 - \$125,600
 - o 2020/2021 - \$128,000
 - o 2021/2022 - \$130,420
3. endorse exception s.235(b) of the *Local Government Regulation 2012* Queensland, for the 2019-2022 HLW Network Member Agreement (exemption for having to tender because of the specialised nature of the services); and
4. delegate authority to the Chief Executive Officer under section 257(1)(b) of the *Local Government Act 2009*, to make, vary, negotiate and discharge the agreement, including signing all relevant documents, and execute all associated documentation.

Option Two

That Council resolves to:

1. recognise the multiple benefits Council realise from on-going membership with Healthy Land and Water (HLW); and
2. not endorse the Network Member Agreement with Healthy Land and Water (HLW) from 1 July 2019 to 31 June 2022.

COUNCIL RESOLUTION 2019/169

Moved by: Cr Murray Elliott

Seconded by: Cr Paul Bishop

That Council resolves to:

1. recognise the multiple benefits Council realise from on-going membership with Healthy Land and Water (HLW);
2. endorse the entering into a Network Member Agreement with Healthy Land and Water (HLW) from 1 July 2019 to 31 June 2022, including payment of the Contribution to HLW in the following instalments:
 - o 2019/2020 - \$125,600
 - o 2020/2021 - \$128,000
 - o 2021/2022 - \$130,420
3. endorse exception s.235(b) of the *Local Government Regulation 2012* Queensland, for the 2019-2022 HLW Network Member Agreement (exemption for having to tender because of the specialised nature of the services); and
4. delegate authority to the Chief Executive Officer under section 257(1)(b) of the *Local Government Act 2009*, to make, vary, negotiate and discharge the agreement, including signing all relevant documents, and execute all associated documentation.

CARRIED 10/0

Crs Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Karen Williams was not present when the motion was put.

13.6 MACLEAY ISLAND PROGRESS ASSOCIATION COMMUNITY LIBRARY**Objective Reference:** A3812351**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Gary Photinos, Group Manager Customer & Cultural Services**Report Author:** Jo Jones, Library Services Manager**Attachments:** Nil**PURPOSE**

The purpose of this report is to confirm Council's continuing financial support for the Macleay Island Progress Association for three years to assist with the operation of a part-time community owned library and to seek a delegated authority for the CEO to enter into and manage all aspects of a three year funding agreement to commence 1 July 2019 and end 30 June 2022. A new funding agreement will enable Council to manage the funding arrangements effectively and monitor delivery of services.

BACKGROUND

Council adopted the Library Services Strategy in November 2017. The Library Services Strategy 2017-2022 supports a partnership approach to delivering community outcomes.

The Macleay Island Progress Association has operated a community library and a review of Council's records has identified financial support dating back at least thirty years. The last formal funding agreement with the Association was negotiated in 2011.

The previous agreement involved the Macleay Island Progress Association managing Redland Libraries' stock, with a manual check in and check out process and completing paper based records of new memberships.

Redland Libraries has implemented a new radio frequency identification system in March 2019, and ongoing discussions with the Macleay Island Progress Association have identified a new way of working with the group. The new agreement will outline Council funding, supply of books and a partnership approach to programs which will assist a local, volunteer based community library service to be delivered on Macleay Island. The agreement will set out governance arrangements including key performance indicators and reporting requirements and will be approved by the CEO under delegated authority.

ISSUES

The Macleay Island Progress Association provides a valuable community library service within its facilities on the Island. As with all libraries in addition to the good range of books available for loan, additional community services such as being a safe and pleasant place to visit, providing information on community events, supporting local culture and arts and reading programs are provided and primarily run by volunteers. The majority of books and other items are obtained through donations.

Daily running costs of the library, equipment, new books and ongoing improvements are obtained from fundraising and an annual funding allocation from Council. The library operates on a part time basis on Monday, Tuesday and Saturday.

Early literacy is a key priority for the library service and statistics indicate that there is a particular need for support on all of the Southern Moreton Bay Islands. Ongoing support for the community library will enable the existing partnership work with the community to develop, supporting the outcomes of the state library funded, and the early childhood literacy program First 5 Forever.

STRATEGIC IMPLICATIONS

Legislative Requirements

There are no legislative requirements associated with the operation of a community library. Council does have a Financial Assistance to Community Sector policy which deals with the legislative requirements associated funding community organisations.

Risk Management

There is a risk that ceasing or reducing funding for the operation of a community library would result in a reduction of community services on Macleay Island. This would mean more limited opportunities for the delivery of literacy programs on the Island.

Financial

Under the Memorandum of Understanding with the Macleay Island Progress Association, which was signed in 2011, Council funded the community library at \$13,225 per annum excluding GST. The same level of funding of \$13,225 ex GST has been proposed for inclusion in the budget for 2019/20 financial year with provision for CPI increases in future years for consistency with other community group's agreements.

People

The Redland Library service will provide support to the community library through its extension programs, in particular the First 5 Forever early years literacy program.

Environmental

There have been no environmental impacts identified with the proposed funding agreement.

Social

The Australian Early Development Census community profile, published in 2018, highlights that Macleay Island has scope for improvement in children's communication skills and general knowledge. The partnership between Council and the Macleay Island Community Library, particularly through early literacy programming, seeks to improve early literacy skills for families on Macleay Island and therefore the continued support for Macleay Island would provide social benefits for the community.

Alignment with Council's Policy and Plans

Support for the Macleay Island community Library is consistent with Council's Library Services Strategy 2017-2022, in particular goal three which is to activate and engage through programs and partnerships.

The funding agreement meets the policy objectives of the Financial Assistance to the Community Sector Policy POL-3082, by assisting community organisations to provide services, build community infrastructure, and support a robust living culture on the Redlands Coast.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Macleay Island Progress Association – new committee members	February 2019	The committee advised they are reliant on the operational funding from Council to continue to deliver the services. The committee are looking for opportunities to work in partnership with Redland Libraries to promote literacy and support the Macleay Island Community.
Division 5 Councillor	May 2019	Division 5 Councillor is supportive of continuation of funding for the Progress Association to operate a community library.

OPTIONS**Option One**

That Council resolves to:

1. confirm its continuing financial support for the Macleay Island Progress Association for three years to assist with the operation of a part-time community owned library being \$13,225 excluding GST in 2019/2020 with provision for CPI increases in year 2 and 3; and
2. delegate authority to the Chief Executive Officer, under section 257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary and discharge all documentation associated with the funding for the Macleay Island Progress Association to operate a community library service from 1 July 2019 to 30 June 2022 subject to budget approval.

Option Two

That Council resolves to:

1. provide financial assistance to the Macleay Island Progress for the operation of a community library through a three year phased funding agreement with \$13,225 excluding GST in year one, \$6,627 excluding GST in year two and \$3,313 excluding GST in year three with no further funding after July 2022; and
2. delegate authority to the Chief Executive Officer, under section 257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary and discharge all documentation associated with the funding for the Macleay Island Progress Association to operate a community library service from 1 July 2019 to 30 June 2020, subject to budget approval.

COUNCIL RESOLUTION 2019/170

Moved by: Cr Mark Edwards

Seconded by: Cr Wendy Boglary

That Council resolves to:

1. confirm its continuing financial support for the Macleay Island Progress Association for three years to assist with the operation of a part-time community owned library being \$13,225 excluding GST in 2019/2020 with provision for CPI increases in year 2 and 3; and
2. delegate authority to the Chief Executive Officer, under section 257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary and discharge all documentation associated with the funding for the Macleay Island Progress Association to operate a community library service from 1 July 2019 to 30 June 2022 subject to budget approval.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

13.7 POL-3086 HOMELESSNESS POLICY - NEW POLICY**Objective Reference:** A3812356**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Kim Kerwin, Group Manager Community & Economic Development**Report Author:** Christine Potito, Senior Adviser Community Development**Attachments:** 1. POL-3086 Homelessness [↓](#)**PURPOSE**

The purpose of this report is to seek Council approval of the POL 3086 Homelessness Policy in Attachment 1.

BACKGROUND

Homelessness is an issue that impacts all communities. At the last census there were 116,427 people across Australia classified as being homeless¹.

The definition of homelessness includes people who are living in improvised dwellings, tents or sleeping out, people living in supported accommodation, staying temporarily with others or living in boarding houses or temporary lodgings. The largest group of homeless persons were those living in severely crowded dwellings (44 per cent) whilst 7 per cent were sleeping rough.

The causes of homelessness are varied and complex and homelessness is often accompanied by other issues including poverty, drug and alcohol addictions, mental health issues and disabilities as well as lack of social support, which are not easy to resolve quickly.

The exact number of people who are homeless in Redland City is difficult to estimate, the most recent Australian Bureau of Statistics Census (2016) estimated a total of 247² people were homeless on census night. At times groups of people who are experiencing homelessness are reported to be camping in various Council controlled reserves across the city.

Funding for homelessness services is provided by both the Queensland and Commonwealth Governments through the National Housing and Homelessness Agreement. The State Government administers funding to Specialist Homelessness Services in Queensland. There are two funded Specialist Homelessness Services located in Redland City, these are; INSYNC Youth Services which provides accommodation and support to young people aged 16 – 21 and Maybanke Inc. Women's Refuge providing accommodation and support to women and children escaping domestic and family violence.

The State Government also provides funding for Outreach Access Services to people who are homeless in public spaces and other locations. These services actively initiate face to face contact with homeless people to provide access, assessment and appropriate referral. There is no funded Outreach Access Service located or available within Redland City. In the absence of a funded outreach service; emergency relief and meals are currently being provided in a voluntary capacity by the Redlands Community Centre and the Night Ninjas.

¹<http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/2049.0Main%20Features12016?opendocument&tabname=Summary&prodno=2049.0&issue=2016&num=&view=>

² <https://profile.id.com.au/redland/highlights-2016?WebID=10>

Mayor Karen Williams wrote to the Honourable Mick de Brenni, Minister for Housing and Public Works in November 2018 and March 2019 and has met with him to discuss homelessness across the city. The Mayor has also separately met with a number of local service providers regarding the matter.

In the absence of a funded outreach service officers have been working with local community organisations and State Government agencies to build capacity in the service system through the establishment of a coordinated multi agency response to homelessness. The purpose of the coordinated response is to improve communication between services and improve referral pathways and access to the homelessness service system.

ISSUES

Role of Council

The role of Council in responding to homelessness is not well understood. A clear policy position is intended to resolve the tension between the need for a compassionate response to those who are most vulnerable and the needs of the general community to feel safe when accessing and using public spaces.

Responding to people rough sleeping on Council owned land involves several Council service areas; i.e. customer service, local laws, parks and conservation and community safety. Without a clearly articulated policy position the response to each incident can be time consuming and delay responses to those who are in need.

Public space management

Council regulates the use of public space by prohibiting or restricting camping, sleeping, occupying or remaining overnight on Council controlled areas through the application of Local Law No. 4 and Subordinate Local Law No. 4 for Local Government Controlled Areas, Facilities and Roads.

Council recognises that people experiencing homelessness are significantly impacted by public space management. The Local Law requires the local laws team to issue notices to leave and ensure people are moved on from sites. The parks and conservation team then routinely clean up the site and ensure it is safe for the general public to use.

Public health and safety impacts

There are significant health and sanitation issues when people camp in public areas without running water, toilets or waste disposal areas. Officers report the presence of litter, broken glass and discarded syringes that also pose public health risks. Environmental damage resulting from lighting fires and destruction to the environment from damaging trees and digging holes have been reported. Complaints from local businesses adjacent to areas where people are rough sleeping raise concerns about graffiti and vandalism to businesses.

Coordinated local responses

Council can play a role in attempting to link people experiencing homelessness to appropriate local services for practical support and assistance. Council is working to coordinate and strengthen connections between community service providers and State Government agencies to improve local service system responses.

Council's Community Safety Adviser works with internal Council service areas, external community organisations and with government agencies to facilitate the referral of people rough sleeping to appropriate support services. A coordinated and resourced local homelessness service system is critical to meeting the needs of Redland City's homeless population.

STRATEGIC IMPLICATIONS**Legislative Requirements**

There are no known legislative requirements.

Risk Management

The POL-3086 Homelessness Policy provides clear policy position on Council's role and response to homelessness occurring on public spaces and Council owned land.

Financial

There are no known financial impacts.

People

This policy impacts officers in the following Council service areas:

- Environment and Regulation – Local Laws Team
- City Operations – Parks and Conservation
- Community and Economic Development – Strengthening Communities Unit
- Customer and Cultural Services – Integrated Customer Contact Centre (ICCC)

Environmental

There are no known environmental impacts.

Social

The homelessness policy clearly articulates Council's commitment towards improving services to those who are homeless, and Council's role and approach in responding to homelessness in Redland City. The policy recognises the complexity of homelessness and the vulnerability of those who are experiencing it whilst balancing the rights of the public to access and enjoy use of public space and feel safe.

Alignment with Council's Policy and Plans

This policy aligns with the Corporate Plan 2018-2023 Strong and Connected Communities Outcomes.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Councillors	30/04/2019	Exposure draft policy circulated.
Executive Leadership Team	04/03/2019	Supported.
Group Manager Environment and Regulation	22/01/2019	Supported.
Team Leader Local Laws	14/01/2019	Supported.
Service Manager Compliance	14/01/2019	Supported.
Community Safety Adviser	14/01/2019	Supported.

OPTIONS**Option One**

That Council resolves to adopt POL-3086 Homelessness Policy.

Option Two

That Council resolves to request further information or significant changes to the policy and revised documents be brought back to Council at an ensuing General Meeting for consideration.

Option Three

That Council resolves to not adopt the POL-3086 Homelessness Policy and officers continue to respond to homelessness in the City without a policy.

COUNCIL RESOLUTION 2019/171

Moved by: Cr Paul Bishop

Seconded by: Cr Tracey Huges

That Council resolves to adopt POL-3086 – Homelessness Policy.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

policy document



POL-3086

Homelessness

Head of Power

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015.

Policy Objective

The policy aims to reduce the incidence of homelessness in Redland City, improve responses to people experiencing homelessness and ensure all members of the community can enjoy the use of public space and feel safe.

Policy Statement

Redland City Council recognises that people experiencing homelessness are some of the most vulnerable and disadvantaged people in our community. Access to secure, appropriate and affordable housing is a basic requirement for all people and an essential component of an inclusive, vibrant and sustainable city.

The causes of homelessness are complex and multifaceted requiring action from all levels of government and the community. The federal and state governments are responsible for funding and providing services to assist people experiencing homelessness. Council's role in addressing homelessness is to facilitate and coordinate local responses and ensure provisions for affordable housing are included in planning instruments.

Council is committed to:

1. Undertaking a compassionate and balanced approach to public space management and upholding the needs of all members of the community to enjoy the use of public space and to feel safe.
2. Developing partnerships with community service providers, state government agencies, other local governments and the business community to work collaboratively and innovatively to maximise efforts to ensure the coordinated delivery of services for homeless people within the city.
3. Advocating and lobbying the federal and state governments to reduce the incidence of homelessness within Redland City through the provision of appropriately funded services and effective housing, employment and social services policies.

Associated Documents

GL-3086-001 Homelessness

Document Control

Refer to POL-0001 (Policy Development Manual) for information as to who can approve a new or amended policy.

Approved documents must be submitted to Corporate Meetings & Registers Team for registration on the Policies, Guidelines and Procedures Register.

Version Information

Version number	Date	Key Changes
1	April 2019	New policy

CMR Team use only

Department: Community & Customer Services
Group: Community and Economic Development
Approved by: General Meeting
Date of Approval: 22 May 2019

Effective date: 22 May 2019
Version: 1
Review date: 22 May 2022
Page: 1 of 1

14 REPORTS FROM INFRASTRUCTURE & OPERATIONS**14.1 FUTURE USE OF COMMUNITY FACILITY - WINTER MEMORIAL PARK****Objective Reference:** A3812363**Authorising Officer:** Peter Best, General Manager Infrastructure & Operations**Responsible Officer:** Sherry Clarke, Group Manager City Operations**Report Author:** James O'Reilly, Strategic Advisor Social Planning
Laurence Blacka, Service Manager City Sport & Venues**Attachments:** Nil**PURPOSE**

The purpose of this report is to inform Councillors of the vacant community facility situated in Winter Memorial Park Capalaba and seek a resolution of Council to enter into a lease agreement with the Bayside Initiatives Group (BIG) over the community facility for a term of one (1) year.

BACKGROUND

The Winter Memorial Park community facility situated at 53 Mount Cotton Road Capalaba, is a low-rise structure which has historically been utilised for the delivery of community services by various organisations.

The facility was originally located at 8 Passage Street Cleveland, where it was used for Vietnam Veteran support services under the ownership and management of the Cleveland Returned Services League (RSL). The facility was unconditionally donated to Redland City Council in 2005 by the RSL.

In 2006, Council relocated the facility to 53 Mount Cotton Road Capalaba, where it was repurposed by BoysTown (now Yourtown) as a learning centre for underprivileged children. This location was recommended due to its proximity to public transport, walkability to commercial centres, compatibility with the land zoning, and activation of an otherwise underutilised park.

Yourtown continued to provide the aforementioned services to from the facility over a period of 10 years under a lease agreement with Council, whilst also maintaining Winter Memorial Park as a favourable arrangement for the community.

In June 2018, Yourtown advised Council that the organisation would not be renewing a tenancy arrangement over the facility. Yourtown vacated the facility in July 2018, which was succeeded by a building compliance inspection by Council's Facility Services Unit. The building is now fully compliant for occupancy and available for future use as a community facility.

This presents Council with the opportunity to dispose of the subject facility (a valuable non-current asset) directly to an appropriate community organisation, creating social benefits and enhancing quality of life for the Redlands community

ISSUES**Redlands Community Service Sector**

Having a robust and responsive service sector is essential for maintaining and enhancing quality of life for local communities. In Redland City, the strength of the social service sector is particularly important in responding to a rapidly growing aged community as well as a significant population of people with core assistance needs.

This is demonstrated through demographic indicators captured by the Strengthening Communities Unit from 2016 Australian Census, showing that Redland City (at 5.5%) now surpasses the Australian (5.1%), Queensland (5.2%) and greater Brisbane (4.9%) population percentage of persons requiring assistance with core activities.

In addition to an increased local demand for support services, the community sector is also undergoing a period of uncertainty in relation to Federal Government funding reform.

- The (1 July 2018) roll out of the National Disability Insurance Scheme (NDIS) and reform to the My Aged Care system has shifted funding toward client orientated packages, and away from block funding direct to providers.
- These changes to the funding landscape have left some services highly susceptible to change, particularly those in a niche market filling gaps between clinical support, case management and generalist services.
- Additional uncertainty between contractual funding arrangements from the Queensland State Government (the State) exacerbates the 'unknowns' for some of these service providers, impacting both future planning and security of service to clientele accessing support.

Subsequently, the aforementioned changes in the funding landscape and the subject impacts to smaller niche social services may potentially result in detrimental impacts to the local economic benefits that this sector has previously provided to the city.

As client orientated funding through the NDIS creates a more open and competitive market place for social services, the local economic performance of this sector may be subject to dilution through other suppliers, potentially external to Redland City.

Bayside Initiatives Group Inc.

Bayside Initiatives Group Inc. (BIG) is a peer-operated mental health community run service located in Capalaba, which has played an integral role in the mental health and wellbeing of Redland City residents for over 20 years. Offering mental health services, LGBTIQ+ support, and individual outreach programs, BIG are the last and only service of this kind in Redland City and the first fully consumer run organisation in Queensland.

BIG offers a critical link in the local service sector addressing service gaps between clinical services and case management. Larger funded organisations (i.e. Metro South Addition, Mental Health Services, and Open Minds) utilise BIG's services and facilities on a day to day basis. BIG's unique offering has been recognised as two-time winner of the Earl Dues Award (the highest national award bestowed at Australian Mental Health Week).

BIG is one such community organisation experiencing significant uncertainty as a result of funding changes in the community services sector, and insecurity between contract financial offerings (in the 2019/20 FY) from the Department Of Health.

BIG currently occupies an industrial shed in Capalaba under a commercial lease arrangement, which is financially unsustainable for the continuity of their services, in addition to a potential decrease in contractual funding. This puts a unique local service supporting upwards of 800 residents a year, and local employer at imminent risk of service closure.

Recommended Future Use

Council's Strategic Advisor Social Planning provided preliminary recommendations to Council's Community Land and Facilities Panel (CLFP) in relation to the future use of the vacant community facility in Winter Memorial Park. This panel of designated multidisciplinary Council officers assesses applications by not for profit organisations under Council's Leasing of Council Land and Facilities Policy (POL-3071).

In support of the policy objectives stipulated in Council's Strong Communities Policy (POL-3087), it was the unanimous recommendation of the CLFP to dispose of the asset (under a one year lease agreement) to Bayside Initiatives Group Inc.

This one year lease agreement will provide exclusive use to BIG for continuity of service delivery to the community in the interim period between accessing secure funding. It is proposed that the one year tenancy arrangement will be subject to reassessment (prior to expiration) when BIG's financial viability can be substantiated against the cost recovery of maintenance and operational costs (and more permanent tenancy) of the Winter Memorial park community facility.

The use of the Winter Memorial Park community facility by BIG will ensure that the service (currently operating in Capalaba) is not dissolved, or displaced, and that clientele access the services are not unduly affected by locational change.

This model of operation also promotes the most effective use of the facility, promotes the sites accessibility to public transport and commercial centres, and provides passive surveillance over an underutilised park. The proposed use of the facility is in keeping with the intended use of the land, and will be adequately serviced by existing (on site) parking infrastructure.

BIG currently requires an affordable centralised premises from which to provide services, which would secure a needed service in the region in the form of a gateway to the funded service sector. Providing security of service coverage through the recommended disposal of the facility to BIG would facilitate best practice in this regard.

The recommended disposal of the facility to BIG also facilitates continuity of community health and service needs in Redland City (in a highly accessible location) to ensure community wellbeing. Modelling the use of social infrastructure to alleviate the costs worn by not for profits is critical in supporting the ongoing viability of the subject social services.

STRATEGIC IMPLICATIONS

Legal

Legislative definitions

The following definitions from s224 of the *Local Government Regulation 2012* (LGR) are provided for ease of reference.

- A **valuable non-current asset** is (a) land; or (b) another non-current asset that has an apparent value that is equal to or more than a limit set by the local government.
- A **valuable non-current asset contract** is a contract for the disposal of a valuable non-current asset.
- The **disposal** of a valuable non-current asset by a local government includes the disposal of all or any part of an interest in the asset (Example— the grant of a lease over land or a building).

Legislative requirements

- s227(a) of the LGR provides that a local government cannot enter into a valuable non-current asset contract unless it first invites written tenders for the contract under s228. This section is subject to Division 4.
- Division 4 s236 provides for exceptions to valuable non-current asset contracts. s236(1)(b)(ii) of the LGR provides that subject to subsections (2) to (4), a local government may dispose of a valuable non-current asset other than by tender or auction if the valuable non-current asset is disposed of to a community organisation.
- s236(2) of the LGR provides that an exception mentioned in s236 (1)(a) to (e) of the LGR applies only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other than by tender or auction.
- A tender process will not be required should Council resolve that the exception under s236(1)(b)(ii) (to dispose of the valuable non-current asset) may apply to the local government if the contract is awarded to a community organisation.

Risk Management

All new leases require building and public liability insurance to be maintained by the committee. Facilities Services will conduct inspections to ensure compliance with occupant safety and building condition, and there are clauses under the lease to address any non-compliance to these.

Financial

There are no financial or other cost implications to Council regarding disposal of the community facility in Winter Memorial Park to a community organisation. The Lessee will pay the cost of establishing the lease through Council's nominated solicitors. Utility charges including water charges, electricity and telecommunications will be the responsibility of the lessee.

Upon reassessment of the one year lease (prior to expiration) Council will seek to obtain full cost recovery of operational and maintenance costs from the lessee (in addition to the aforementioned charges) in the form of rent payable monthly in advance and indexed to CPI annually. This rental arrangement will recognise the not-for-profit operating status of BIG, and the community benefit derived from the service provider's occupation of the facility.

No rental charge will be initiated in the initial one year lease offering. The opportunity for more secure tenancy arrangements will be assessed prior to expiration.

Subject to reassessment of the lease (prior to expiration) a rental value will be developed by Council officers, to cover the cost of condition assessment, statutory, preventative condition based and unplanned maintenance and include agency management and operational costs associated with running of the asset.

If no lease is provided over the facility, Council will manage all future operational and maintenance costs associated with the vacant community facility in Winter Memorial Park, and promote the facility under a for hire arrangement to the community.

During FY2019/2020 a new accounting standard *AASB16 Leases*, will be introduced, however it will not impact Council's position as lessor in this arrangement.

People

There are no identified impacts on people.

Environmental

There are no identified environmental impacts.

Social

Council's Strengthening Communities Unit engagement with community networks and community organisations (Bayside Housing Network, Redlands Community Centre, and Mental Health Network) has provided insight into current service gaps and demands.

Embedding social services in the vacant community facility in Winter Memorial Park will assist to address these service gaps, expanding generalist counselling services and providing seamless referral pathways into the funded service sector.

Support of this recommendation will facilitate continuity of the full suite of support services and programs provided by BIG, creating direct social benefits and enhancing quality of life for the Redland's community.

Alignment with Council's Policy and Plans**Redland City Council Corporate Plan 2018-2023**

The proposed recommendation promotes direct alignment with several corporate plan outcomes including supporting community health, and wellbeing through a full range of services and programs.

Social Infrastructure Policy (POL-3088)

Council is committed to the provision of a high quality, functional network of social infrastructure which will support community health and wellbeing and assist in meeting the needs and aspirations of the Redland community.

Strong Communities Policy (POL-3087)

Council is committed to supporting a strong community which can be recognised as a connected community with access to the full range of options required for a rich community life and an active attachment to place.

Council Land and Facilities (POL-3071)

Council is committed to providing access to Council owned or managed land and facilities for the delivery of opportunities which contribute to building safe, strong and self-reliant communities.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Community Development Officer	23 August 2018	Provision of advice and support for future use recommendation of Winter Memorial Park Community Facility (Community Land and Facilities Panel member).
Community Safety Officer	23 August 2018	Provision of advice and support for future use recommendation of Winter Memorial Park Community Facility (Community Land and Facilities Panel member).
Service Manager City Sports & Venues	23 August 2018	Provision of advice and support for future use recommendation of Winter Memorial Park Community Facility (Community Land and Facilities Panel member).
Local Sports and Recreation Officer	23 August 2018	Provision of advice and support for future use recommendation of Winter Memorial Park Community Facility (Community Land and Facilities Panel member).
Senior Leasing Officer	23 August 2018	Provision of advice and support for future use recommendation of Winter Memorial Park Community

Consulted	Consultation Date	Comments/Actions
		Facility (Community Land and Facilities Panel member).
Division 9 Councillor	5 November 2018	Consultation with Division 9 Councillor in relation to vacant community facility and expression of interest raised by Bayside Initiatives Group. Councillor expressed concern in relation to noise generating uses, residential uses abutting the site, and car parking availability.
Legal Services – Senior Solicitor	25 February 2019	Confirmation of legal advice on LGR and position regarding asset disposal.
Coordinator Bayside Initiatives Group	26 April 2019	Consultation in response to request for assistance. Opportunities discussed to support ongoing service delivery.
Group Manager Customer & Cultural Services	29 April 2019	Provision of advice for future of Winter Memorial Park. Provided relocation history and previous use of the subject facility.
Mayor of Redland City	29 April 2019	Provision of advice and information to potential community impacts associated with loss of social services in Redland City.

OPTIONS

Option One

That Council resolves to:

1. apply the exception under s236(1)(b)(ii) of the *Local Government Regulation 2012*, for Council to dispose of the community facility in Winter Memorial Park, as a valuable non-current asset, other than by tender or auction to a community organisation;
2. offer a lease agreement to the Bayside Initiatives Group Inc. over Lot 6 on RP87680 situated at 53 Mount Cotton Road Capalaba, for a term of one (1) year, with reassessment prior to expiration; and
3. delegate authority to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary, and discharge all documents in regard to this matter.
4. agree the lease preparation costs to be paid by the lessee.

Option Two

That Council resolves to note the report and undertake an expression of interest process to obtain possible alternative users of the community facility in Winter Memorial Park.

COUNCIL RESOLUTION 2019/172

Moved by: Cr Paul Gleeson

Seconded by: Cr Paul Bishop

That Council resolves to:

1. apply the exception under s236(1)(b)(ii) of the *Local Government Regulation 2012*, for Council to dispose of the community facility in Winter Memorial Park, as a valuable non-current asset, other than by tender or auction to a community organisation;
2. offer a lease agreement to the Bayside Initiatives Group Inc. over Lot 6 on RP87680 situated at 53 Mount Cotton Road Capalaba, for a term of one (1) year, with reassessment prior to expiration; and
3. delegate authority to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary, and discharge all documents in regard to this matter.
4. agree the lease preparation costs to be paid by the lessee.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

15 MAYORAL MINUTE

Nil

16 NOTICES OF MOTION TO REPEAL OR AMEND A RESOLUTION

Nil

17 NOTICES OF MOTION

Nil

18 URGENT BUSINESS WITHOUT NOTICE

Nil

19 CONFIDENTIAL ITEMS**COUNCIL RESOLUTION 2019/173**

Moved by: Cr Murray Elliott

Seconded by: Cr Wendy Boglary

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 Sole Supplier Exemption Postal Services Contract

This matter is considered to be confidential under Section 275(1)(e) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

19.2 Redland Investment Corporation 2018/2019 YTD March Financial Report

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 Disposal of Asset

This matter is considered to be confidential under Section 275(1)(c) and (e) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the local government's budget and contracts proposed to be made by it.

19.4 Round 2 2018/19 Sponsorship Applications requesting over \$15,000

This matter is considered to be confidential under Section 275(1)(e) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

19.5 Redland Aquatic and Emergency Precinct Land Exchange Administrative Amendment

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.

19.6 Raby Bay Revetment Wall Trial and Report

This matter is considered to be confidential under Section 275(1)(c) and (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 the local government's budget and 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.

19.7 PDG-40015-2 Moreton Bay Cycleway Section 1 (Cameron Court to School Road) - Victoria Point - Award of Contract over \$2m

This matter is considered to be confidential under Section 275(1)(e) of *the Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

19.8 Station Master's Cottage - Expression of Interest

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.

19.9 Deed of Variation

This matter is considered to be confidential under Section 275(1)(e) and (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 contracts proposed to be made by it and 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.

19.10 Palacio Property Group Pty Ltd V Redland City Council (Planning and Environment Court Appeal 894/18)

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 with starting or defending legal proceedings involving the local government.

CARRIED 10/1

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Cr Paul Gleeson voted AGAINST the motion.

MOTION TO MOVE OUT OF CLOSED SESSION AT 1.10PM**COUNCIL RESOLUTION 2019/174**

Moved by: Cr Murray Elliott

Seconded by: Cr Lance Hewlett

That Council moves out of Closed Council into Open Council.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

19.1 SOLE SUPPLIER EXEMPTION POSTAL SERVICES CONTRACT**COUNCIL RESOLUTION 2019/175**

Moved by: Cr Murray Elliott

Seconded by: Cr Paul Bishop

That Council resolves as follows:

1. In accordance with section 235(a) and (b) of the *Local Government Regulation 2012*, Redland City Council is satisfied that the supplier named in the body of the report is the only supplier reasonably available to supply the services outlined in the report that are required by Council;
2. A new contractual arrangement is entered into by Council commencing 01 January 2020 for a period of 36 months under the sole supplier exemption; and
3. That this report remains confidential until the contract has been signed and awarded to the potential sole supplier subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

19.2 REDLAND INVESTMENT CORPORATION 2018/2019 YTD MARCH FINANCIAL REPORT**COUNCIL RESOLUTION 2019/176**

Moved by: Cr Mark Edwards

Seconded by: Cr Peter Mitchell

That the Council resolves as follows:

1. To note the 2018/2019 March YTD Financial Report; and
2. That the attachment and report remain confidential until the Annual Certified Financial Statements are published by Redland Investment Corporation, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

19.3 DISPOSAL OF ASSET**COUNCIL RESOLUTION 2019/177**

Moved by: Cr Murray Elliott

Seconded by: Cr Paul Gleeson

That Council resolves to:

1. dispose the asset to the preferred contractor; and
2. ensure that the report and annexures remain confidential until the finalisation of the disposal contract, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

19.4 ROUND 2 2018/19 SPONSORSHIP APPLICATIONS REQUESTING OVER \$15,000**COUNCIL RESOLUTION 2019/178**

Moved by: Cr Wendy Boglary

Seconded by: Cr Peter Mitchell

That Council resolves as follows:

1. To accept the Sponsorship Assessment Panel's recommendation for application S19-R2-008 – Quandamooka Yoolooburrabee Aboriginal Corporation for cash sponsorship and in-kind support; and
2. That this report and attachment remain confidential until the applicant has been advised of the outcome, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 10/1

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Cr Paul Gleeson voted AGAINST the motion.

19.5 REDLAND AQUATIC AND EMERGENCY PRECINCT LAND EXCHANGE ADMINISTRATIVE AMENDMENT**COUNCIL RESOLUTION 2019/179**

Moved by: Cr Tracey Huges

Seconded by: Cr Mark Edwards

That Council resolves as follows:

1. To repeal clause 1 and 2 of resolution 19.5 dated 20 February 2019, and for clarity reinstate clause 2 of Council resolution 13.1.1 dated 27 January 2016 directing Redland Investment Corporation to transfer Lot 1 RP810161 located at 61 McMillan Road, Alexandra Hills back to Council;
2. That the exception in subsection 236(1)(c)(v) of the *Local Government Regulation 2012* applies to the disposal of the land to the State without tender or auction, having satisfied itself that the public interest and sound contracting principles apply;
3. That Council transfer Lot 1 RP810161 located at 61 McMillan Road Alexandra Hills to the State in exchange for Lot 1 CP910606 located at 37 Wellington Street, Cleveland being transferred by the State to Council as freehold; and
4. That this report is to remain confidential until all transactions associated with the land transfer have been completed, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

19.6 RABY BAY REVETMENT WALL TRIAL AND REPORT**COUNCIL RESOLUTION 2019/180**

Moved by: Cr Peter Mitchell

Seconded by: Cr Wendy Boglary

That Council resolves to:

1. note the recommendations of the Raby Bay Repair Trial Assessment Report;
2. note the implementation of Raby Bay Revetment Wall Stabilisation Program; and
3. maintain this report and attachment as confidential until the contract is awarded, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

19.7 PDG-40015-2 MORETON BAY CYCLEWAY SECTION 1 (CAMERON COURT TO SCHOOL ROAD) - VICTORIA POINT - AWARD OF CONTRACT OVER \$2M**COUNCIL RESOLUTION 2019/181**

Moved by: Cr Wendy Boglary

Seconded by: Cr Mark Edwards

That Council resolve to:

1. accept the tender (PDG-40015-2) from and enter into a contract with Alder Constructions Pty Ltd for up to the value of \$1,833,875.00 excluding GST, (\$2,017,262.50 including GST);
2. delegate authority to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary, and discharge the contract and all associated documentation;
3. approve the funding submitted for the Moreton Bay Cycleway (section 1) project within the FY2019/20 Capital Works Program, to enable Council to enter into a contract during FY2018/19 for whole of works for section 1 of the project; and
4. maintain this report as confidential until the contract is awarded and details published in accordance with legislative requirements, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 9/2

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Crs Julie Talty and Paul Gleeson voted AGAINST the motion.

19.8 STATION MASTER'S COTTAGE - EXPRESSION OF INTEREST**COUNCIL RESOLUTION 2019/182**

Moved by: Cr Wendy Boglary

Seconded by: Cr Peter Mitchell

That Council resolves to:

1. apply the exception under s236(1)(b)(ii) of the *Local Government Regulation 2012*, for Council to dispose of the Station Master's Cottage, as a valuable non-current asset, other than by tender or auction to a community organisation;
2. offer a lease agreement to the Redland Centre for Women over Lot 10 on SP289024 situated at 120 Shore Street North, Cleveland, for a term of five (5) years;
3. delegate authority to the Chief Executive Officer under s.257(1)(b) of *the Local Government Act 2009*, to negotiate, make, vary, and discharge all documents in regard to this matter; and
4. maintain this report as confidential, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 8/3

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott and Paul Bishop voted FOR the motion.

Crs Paul Gollè, Tracey Huges and Paul Gleeson voted AGAINST the motion.

19.9 DEED OF VARIATION**COUNCIL RESOLUTION 2019/183**

Moved by: Cr Peter Mitchell

Seconded by: Cr Mark Edwards

That Council resolves to:

1. agree to the Deed of Variation at Annexure 1 of the report;
2. delegate to the Chief Executive Officer pursuant to section 257(1)(b) of the *Local Government Act 2009 (Qld)* power to negotiate, make, vary and discharge the Deed of Variation at Annexure 1 of the report; and
3. ensure that the report and annexures remain confidential, until the amendment to the contract is completed, considering the same extent and the same period as documents which they relate to is measured, subject to maintaining confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 10/1

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges and Paul Gleeson voted FOR the motion.

Cr Paul Bishop voted AGAINST the motion.

Cr Lance Hewlett declared a conflict of interest in the following item, stating that Palacio Group was a sponsor of the Redlands Coast Community Breakfast which was organised by Councillor Hewlett’s wife, Sheena Hewlett. Cr Hewlett chose to exclude himself from the meeting while the matter was debated and the vote taken. Councillor Lance Hewlett left the meeting at 1.09pm (before Item 19.10) and returned at 1.09pm (after Item 19.10).

Cr Peter Mitchell declared a conflict of interest in the following item, stating that he is an executive with the owner of Palacio Group on a not for profit group committee namely Redfest also known as Strawberry Festival. Cr Mitchell considered his position and believes he could participate in the debate and vote on this matter in the public interest. A vote was taken (refer Item 10.2) and it was decided that Cr Mitchell did have a conflict and that he could participate in the meeting, in relation to this item, including voting on the matter. Cr Mitchell voted in the affirmative.

19.10 PALACIO PROPERTY GROUP PTY LTD V REDLAND CITY COUNCIL (PLANNING AND ENVIRONMENT COURT APPEAL 894/18)

COUNCIL RESOLUTION 2019/184

Moved by: Cr Mark Edwards

Seconded by: Cr Wendy Boglary

Council resolves to:

- 1. instruct its solicitors to take all necessary steps to resolve the appeal and negotiate the terms of a confidential settlement agreement; and**
- 2. maintain this report and attachment as confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.**

CARRIED 10/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was not present when the motion was put.

20 MEETING CLOSURE

The Meeting closed at 1.13pm.

The minutes of this meeting were confirmed at the General Meeting held on 5 June 2019.

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CHAIRPERSON