



Redland
CITY COUNCIL

MINUTES

GENERAL MEETING

Wednesday, 17 July 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, 17 JULY 2019 AT 9.30AM**

1 DECLARATION OF OPENING

The Mayor declared the meeting open at 9.36am 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), Peter Best (General Manager Infrastructure & Operations), Deborah Corbett-Hall (Chief Financial Officer), Andrew Ross (General Counsel)

MINUTES: Debra Weeks (Corporate Meetings & Registers Coordinator)

COUNCILLOR ABSENCES DURING THE MEETING

Cr Talty entered the meeting at 9.37am (during Item 1)

Cr Murray Elliott entered the meeting at 9.43am (after Item 3)

Cr Paul Gleeson left the meeting at 10.59am and returned at 11.02am (during Item 13.7)

Cr Murray Elliott left the meeting at 11.34am and returned at 11.37am (during Item 17)

Cr Julie Talty left the meeting at 11.54am and returned at 11.57am (during Item 17)

Cr Wendy Boglary left the meeting at 11.54am and returned at 11.56am (during Item 17)

Cr Lance Hewlett left the meeting at 12.01pm and returned at 12.06pm (during Item 17)

Cr Paul Gleeson entered the meeting at 12.27pm and returned at 12.31pm (during Item 17)

Cr Murray Elliott left the meeting at 12.29pm and returned at 12.30pm (during Item 17)

Mayor Karen Williams left the meeting at 12.51pm and returned at 12.56pm (during confidential)

Cr Julie Talty left the meeting at 12.51pm and returned at 12.56pm (during confidential)

Cr Paul Bishop left the meeting at 12.56 and returned at 12.59 (during confidential)

Cr Murray Elliott left the meeting at 1.26pm and returned at 1.28pm (during Item confidential)

3 DEVOTIONAL SEGMENT

Pastor Sharryn Rasmussen from the Harvest City 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

Nil

5 RECOGNITION OF ACHIEVEMENT**5.1 QUEEN'S BIRTHDAY LIST 2019**

The Mayor recognised seven residents who were acknowledged on the Queen's Birthday Honour's List and presented them with a certificate.

Earlier today I had the pleasure of honouring some very inspiring Redlanders.

Our seven local Queen's Birthday 2019 Honours recipients join a prestigious list of people who have contributed in some significant way to their community, to their country and, in some cases, to the world. They are people who embody the ideals of commitment, determination and selflessness, setting a wonderful example to us all.

Some of these inspiring people and their families are here with us today and I acknowledge and honour:

- **Wayne Cole OAM** for service to Surf Life Saving
- **William (Bill) Corten OAM** for service to the maritime recreation industry
- **Louise Saunders OAM** for service to wildlife conservation and the visual arts
- **Colin Sutcliffe OAM** for service to the community of Capalaba and to education

I also pay tribute to the following recipients who are unable to join us today:

- **Associate Professor Alexander Forrest AO** for distinguished service to dentistry, particularly to forensic odontology, and to education in the field of head and neck anatomy;
- **Paul Clauson AM** for significant service to the law, and to the people and Parliament of Queensland; and
- **James (Jim) Gable OAM** for service to veterans and their families.

The significant difference you have all made to the Redlands Coast community and beyond has now been recognised nationally.

This is a remarkable testament to the community spirit and passion within our city; and we are so proud that you have chosen to call Redlands Coast your home.

To Wayne, Bill, Louise and Colin here today, on behalf of Redlands Coast and all those you have helped and inspired we thank you for your service to our community and country.

We truly appreciate what you do.

5.2 CR PAUL GOLLÈ

The Mayor acknowledged and congratulated Cr Paul Gollè on his recent marriage.

6 RECEIPT AND CONFIRMATION OF MINUTES**COUNCIL RESOLUTION 2019/232**

Moved by: Cr Paul Bishop
Seconded by: Cr Tracey Huges

That the minutes of the General Meeting held on 19 June 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.

COUNCIL RESOLUTION 2019/233

Moved by: Cr Tracey Huges
Seconded by: Cr Mark Edwards

That the minutes of the Special Budget Meeting held on 27 June 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 SOUTHERN MORETON BAY ISLAND (SMBI) PASSENGER FERRY TERMINAL UPGRADE

At the General Meeting 19 June 2019 (Item 19.3 refers), Council resolved as follows:

That Council resolves as follows:

- 1. To accept the Queensland State Government's (the State's) Southern Moreton Bay Island passenger ferry terminal upgrade funding offer and future ownership proposal, made by letter dated 28 March 2019, by the State Minister for Transport and Main Roads to the Mayor of Redland City Council.*
- 2. To request the Mayor and Chief Executive Officer to write to the State Minister for Transport and Main Roads and the Director General Department of Transport and Main Roads respectively, confirming Council's acceptance of the State's offer.*
- 3. To bring back to Council for approval, a Deed of Agreement between the Department of Transport and Main Roads and Council, for the upgrade of the Southern Moreton Bay Island passenger ferry terminals, which may include, but not be limited to, passenger ferry terminal upgrade funding arrangements, post upgrade ownership and tenure arrangements and post upgrade commercial and development opportunities.*
- 4. That this report and attachments remain confidential until a Deed of Agreement for the upgrade of the Southern Moreton Bay Island passenger ferry terminals between the State and Council has been executed, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.*

A report will be brought to a future meeting of Council.

8 PUBLIC PARTICIPATION**MOTION TO ADJOURN MEETING AT 9.51AM****COUNCIL RESOLUTION 2019/234**

Moved by: Cr Paul Bishop

Seconded by: Cr Julie Talty

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. Anthony Moloney, resident of Mt Cotton addressed Council regarding Barro Group Pty Ltd

MOTION TO RESUME MEETING AT 9.59AM**COUNCIL RESOLUTION 2019/235**

Moved by: Cr Mark Edwards

Seconded by: Cr Julie Talty

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**9.1 PETITION CR EDWARDS – RESIDENTS OF SOUTHERN MORETON BAY ISLANDS WITH VARIOUS REQUESTS FOR THE BAY ISLAND AQUATIC CENTRE (BIAC) ON RUSSELL ISLAND****MOTION**

Moved by: Cr Mark Edwards

Seconded by: Cr Paul Bishop

That the petition is of an operational nature and be received and referred to the Chief Executive Officer for consideration.

PROCEDURAL RESOLUTION 2019/236

Moved by: Cr Paul Gleeson

That the motion be put.

LOST 1/10

Cr Paul Gleeson voted FOR the motion.

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

COUNCIL RESOLUTION 2019/237

Moved by: Cr Mark Edwards

Seconded by: Cr Paul Bishop

That the petition is of an operational nature and be received and referred to the Chief Executive Officer for consideration.

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.

9.2 PETITION CR TALTY – RESIDENTS OF MT COTTON REQUESTING COUNCIL REQUEST THE STATE GOVERNMENT TO JOIN THE CURRENT BARRO GROUP PTY LTD COURT CASE

COUNCIL RESOLUTION 2019/238

Moved by: Cr Julie Talty

Seconded by: Cr Wendy Boglary

That the petition be received for consideration and stand as an order of the day for the meeting today.

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.

10 MOTION TO ALTER THE ORDER OF BUSINESS

Nil

11 REPORTS FROM THE OFFICE OF THE CEO

Nil

12 REPORTS FROM ORGANISATIONAL SERVICES**12.1 ANZ LETTER OF OFFER AND CORPORATE GUARANTEE****Objective Reference:** A3938385**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:** Nil**PURPOSE**

The purpose of this report is to seek Council approval to enter into and perform the obligations under the Australia and New Zealand Banking Group Limited (ANZ) letter of offer and provide corporate guarantee and indemnity limited to the amount of \$3,235,000 on account of Redland Investment Corporation Pty Ltd (RIC). The security is being provided by Council in favour of ANZ to secure RIC's obligations under the facility letter of offer. Further, Council is requested to delegate to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* the authority to sign the ANZ letter of offer and the corresponding corporate guarantee and indemnity.

BACKGROUND

Under the existing banking services contract (*Tender T-1674-13/14-FNS*), ANZ reviews the facilities offered by it to the Redland City Council Group. The Redland City Council Group refers to Redland City Council (RCC), its wholly owned subsidiary Redland Investment Corporation (RIC) and the subsidiaries of Redland Investment Corporation.

The summary of facilities offered to the Redland City Council Group under the current letter of offer includes:

- Interchangeable Facility – Limit \$2,550,000, covering both the Standby Letter of Credit or Guarantee Facility and the Work Cover Bond Facility – guaranteed payment by ANZ on behalf of RCC as a “payment of last resort” to a third party;
- Commercial Card Facility – Limit \$385,000 – to facilitate purchase of materials and services required for operations with ANZ Corporate Cards (currently 69 active cards);
- Electronic Payaway Facility – \$5,000,000 – ANZ daily exposure limit for payments using the ANZ electronic banking service. This facility is available only to Redland City Council; and
- Overdraft Facility for RIC - \$300,000 – This facility is to assist with RIC's working capital requirements.

ISSUES

ANZ's letter of offer was revised to accommodate RIC's request for an additional overdraft facility amounting to \$300,000. This facility is to assist with RIC's working capital requirements.

The ANZ letter of offer proposes a change in the security arrangements by including a corporate guarantee and indemnity provided by RCC on account of RIC. RCC is required to execute the corporate guarantee and indemnity; seek approval from the State of Queensland Treasurer under the *Statutory Bodies Financial Arrangements Act 1982 (SBFAA)* and Council approval for renewal of the existing facilities and the additional overdraft facility for RIC.

The required approval under SBFAA was sought by Council in February 2019 and the amended approval was granted by the State of Queensland Treasurer on 2 June 2019. Under sections 60A, 71 and 73 of the *SBFAA*, the Treasurer granted specific approval for Council to provide the guarantee in favour of ANZ to secure RIC's obligations under the Facility. The approval is subject to the condition that the amount secured by the guarantee does not exceed \$3,235,000.

To comply with the requirement for Council approval, as per advice from Legal Services, ANZ was provided with the existing delegation granted to the Chief Executive Officer through Council resolution dated 20 August 2014. This resolution delegates authority to the Chief Executive Officer (under s.257(1)(b) of the *Local Government Act 2009*) to make, vary and discharge all contracts under *Tender T-1674-13/14-FNS* in accordance with the agreed contract terms.

According to Legal Services, the above delegation authorises Council to award contracts for the provision of banking, financing and transaction services to ANZ and delegates to the Chief Executive Officer the power to make, vary and discharge all contracts related to the relevant tender and to sign and amend all relevant documentation. Further, the extension of banking services to RIC, Council's wholly owned subsidiary company, in addition to Council is a variation to the existing contract and is within the power delegated to the Chief Executive Officer; it is a condition precedent to this variation that Council guarantees RIC's obligations.

However, following its review, ANZ has taken the position that a specific Council resolution is required to delegate to the Chief Executive Officer the signing of both the Letter of Offer as Borrower and Guarantor and the Guarantee as Guarantor.

Legal Services Recommendation

As ANZ is the entity that must be satisfied as to the delegation, Legal Services recommends that a report be presented to Council to seek a specific approval of the guarantee and a delegation to the Chief Executive Officer to execute all relevant documents. This will ensure that all parties have sufficient certainty and will remove any grounds of review.

STRATEGIC IMPLICATIONS

Legislative Requirements

Section 257(1)(b) of the *Local Government Act 2009* stipulates that a local government may, by resolution, delegate a power under this Act or another Act to the Chief Executive Officer.

Risk Management

The State of Queensland Treasurer's approval has been sought for Council to provide the corporate guarantee and indemnity in favour of ANZ to secure RIC's obligations under the facility.

Legal Services reviewed the facility terms incorporated in the ANZ letter of offer and considers that the facility terms do not contain substantial amendments that are of concern. The corporate guarantee and indemnity is also considered to be reasonable.

Financial

Nil impact on budgets as the purpose of the report is to seek Council approval of the ANZ letter of offer including the corporate guarantee and indemnity and the corresponding delegation of authority to the Chief Executive Officer. In accordance with the new security provisions of the facility terms, ANZ requires a corporate guarantee and indemnity limited to the amount of \$3,235,000 to be executed by RCC on account of RIC.

People

Nil impact as the purpose of the report is to seek Council approval of the ANZ letter of offer including the corporate guarantee and indemnity and the corresponding delegation of authority to the Chief Executive Officer.

Environmental

Nil impact as the purpose of the report is to seek Council approval of the ANZ letter of offer including the corporate guarantee and indemnity and the corresponding delegation of authority to the Chief Executive Officer.

Social

Nil impact as the purpose of the report is to seek Council approval of the ANZ letter of offer including the corporate guarantee and indemnity and the corresponding delegation of authority to the Chief Executive Officer.

Alignment with Council's Policy and Plans

This report has a relationship with the following items of Council's 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.
- 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

Position Title	Consultation Date	Comments/Actions
Solicitor	23 October 2018	Review of the ANZ letter of offer and provision of advice on how to satisfy the requirements

OPTIONS**Option One**

That Council resolves as follows:

1. To enter into and perform the obligations under both:
 - a) The ANZ letter of offer dated 31 December 2018 (the "Letter of Offer") in its capacity as Borrower and as Guarantor.
 - b) The corporate guarantee and indemnity limited to the amount of \$3,235,000 in favour of ANZ to secure Redland Investment Corporation's obligations under the Letter of Offer (the "Guarantee").
2. To delegate to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* the authority to sign both the Letter of Offer (as Borrower and Guarantor) and the Guarantee (as Guarantor).

Option Two

That Council resolves to request additional information.

COUNCIL RESOLUTION 2019/239

Moved by: Cr Tracey Huges

Seconded by: Cr Mark Edwards

That Council resolves as follows:

1. To enter into and perform the obligations under both:
 - a) The ANZ letter of offer dated 31 December 2018 (the "Letter of Offer") in its capacity as Borrower and as Guarantor.
 - b) The corporate guarantee and indemnity limited to the amount of \$3,235,000 in favour of ANZ to secure Redland Investment Corporation's obligations under the Letter of Offer (the "Guarantee").
2. To delegate to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* the authority to sign both the Letter of Offer (as Borrower and Guarantor) and the Guarantee (as Guarantor).

CARRIED 9/2

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

Crs Wendy Boglary and Paul Bishop voted AGAINST the motion.

12.2 2019-2020 REGISTER OF FEES MINOR AMENDMENTS

Objective Reference: A3938519

Authorising Officer: Deborah Corbett-Hall, Chief Financial Officer

Responsible Officer: Deborah Corbett-Hall, Chief Financial Officer

Report Author: Chantell Sharp, Acting Finance Officer
Audrey Johnston, Senior Management Accountant

Attachments: 1. 2019-2020 FEE AMENDMENTS ↓

PURPOSE

The purpose of this report is to make some minor amendments to the 2019-2020 Register of Fees as requested by the respective business areas across Council.

BACKGROUND

The 2019-2020 Register of Fees was adopted at the General Meeting on 5 June 2019, to take effect 1 July 2019. The Register of Fees supports Council's budget and long term financial position. Following a review of the adopted schedules, some minor administrative amendments are required to effectively apply the relevant fees, remove obsolete fees, and to provide clarity in their application.

ISSUES

Council officers continually look to improve the Register of Fees for ease of understanding, completeness and alignment with Council's revenue principles. The proposed amendments include:

- deletion of fees for services that Council no longer provides;
- new and additional fees to provide completeness in the Register of Fees for the full range of services that Council provides, and splitting certain fees to provide a more detailed breakdown; and
- amendments to wording and pricing to provide greater clarity and to more appropriately recover the cost of providing certain services.

STRATEGIC IMPLICATIONS

Legislative Requirements

Section 98 of the *Local Government Act 2009* requires a local government to keep a register of cost recovery fees. For transparency, Redland City Council publishes all its annual fees and not just cost recovery fees.

Legislation also allows Council to adjust its fees at any time by resolution of Council.

Risk Management

Council benchmarks with other local governments and similar service providers on a periodic basis. Council monitors its budget variances on a monthly basis. Additionally, Council reviews its long term financial strategy on an annual basis and considers the weighted indices, growth and price factors.

Financial

Expected revenue from additional fees and pricing amendments have been factored into the 2019-2020 budget.

People

Nil impact expected as the purpose of this report is to make minor amendments to the 2019-2020 Register of Fees.

Environmental

Nil impact expected as the purpose of this report is to make minor amendments to the 2019-2020 Register of Fees.

Social

Nil impact expected as the purpose of this report is to make minor amendments to the 2019-2020 Register of Fees.

Alignment with Council's Policy and Plans

This report has a relationship with the following items of Council's 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	Consultation Date	Comments/Actions
Redland City Council business areas	19 June 2019	Correspondence by Finance Business Partnering Unit to whole of Council requesting any amendments to 2019-20 Fees.
Business Partnering Unit	25 June 2019	Revision of proposed amendments.
Acting Service Manager, Business Partnering Unit	26 June 2019	Final review and approval of amendments.
Service Manager, Network Operations Senior Business Support Officer, Plumbing Services Group Administration Network Coordinator, Environment and Regulation Business Analyst Performance & Innovation	27 June 2019	Fee amendments reviewed and approved by submitting business areas.

OPTIONS**Option One**

That Council resolves to adopt the proposed amendments to the 2019-2020 Register of Fees for Redland City Council as detailed in the attached documentation.

Option Two

That Council resolves not to amend the proposed amendments to the 2019-2020 Register of Fees for Redland City Council.

COUNCIL RESOLUTION 2019/240

Moved by: Cr Paul Bishop

Seconded by: Cr Peter Mitchell

That Council resolves to adopt the proposed amendments to the 2019-2020 Register of Fees for Redland City Council as detailed in the attached documentation.

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.

FEES FOR DELETION

Fee Code	Description	Unit	Base Charge \$	GST \$	Final Charge \$
WATER SUPPLY					
WRSP1.3	Water Service 25mm Connection to water main - short side, costs for road crossing additional	per connection			POA
ROADS & DRAINAGE					
	Pipe Driveway Crossover (Installed by Council) <i>Standard pipe crossing (375mm-450mm diameter):</i>				
PDC1.0	4.0m long		per driveway 2,153.40		
PDC1.1	4.8m long		per driveway 2,489.55		
PDC1.2	6.0m long		per driveway 2,716.00		

NEW AND ADDITIONAL FEES

Fee Code	Description	Unit	Base Charge \$	GST \$	Final Charge \$	Type
WATER SUPPLY						
WRSP1.9	Relocation residential water service - Raise/ Lower	per connection	273.90		273.90	C
WRSP1.10	New Residential - Standard Long	per connection	2,827.40		2,827.40	C
WRSP1.11	New Residential - Non Standard	per connection			POA	C
WRSP1.12	Hydrant (New Commercial / Fire service)	per connection			POA	C
WRSP1.13	Main Connection (Development)	per connection			POA	C
WRSP1.14	Relocation	per connection			POA	C
WRSP1.15	Upsize/ Downsize	per connection			POA	C
PLANNING ASSESSMENT GENERAL FEES						
PAGEN1.27	Request to extend currency period - Minor (including dwelling houses and ancillary uses, operational works and prescribed tidal works)	per application	357.00		357.00	R
PAGEN1.28	Request to extend currency period - Major (other)	per application			20% of current application fee or \$894 whichever is greater (capped at \$2,500)	R
PROPERTY SERVICES						
PSERV1.0	Telecommunication Lease: Council owned land	each	600.00		600.00 Payable on demand	O
PSERV1.1	Telecommunication Lease: Trustee (reserve) land - Consistent use	each	600.00		600.00 Payable on demand	O
PSERV1.2	Telecommunication Lease: Trustee (reserve) land - Inconsistent use	each	800.00		800.00 Payable on demand	O
PSERV1.3	Administration fee for consideration of request to buy council land	each	300.00		300.00	O
PSERV1.4	Consideration for easement where Council Grantee	each	500.00		500.00	O
PSERV1.5	Preparation and execution of Licence to occupy agreement	each	300.00		300.00	O
WATER SUPPLY						
WRSP1.0	Water Meter Search	per search	50.35		50.35	C
WRSP1.1	Verification Meter Accuracy	per verification			POA	C
DOMESTIC PLUMBING AND DRAINAGE						
DOMPD2.9	Request to Extend Currency Period	per application	250.00		250.00	R

FEE AMENDMENTS

Fee Code	Adopted 5 June 2019				Proposed Amendments					
	Description	Unit	Base Charge \$	GST \$	Final Charge \$	Description	Unit	Base Charge \$	GST \$	Final Charge \$
DEVELOPMENT CONTROL										
	Advertising Signage									
DC1.11	Application for signage: advertising sign that includes permanent advanced technology sign.	per sign	1,049.70		1,049.70 per sign plus \$218.30 per additional advanced technology sign					1,049.70 per sign plus \$218.30 per additional advanced technology sign
WATER SUPPLY										
WRSP.1.2	Water service 20mm connection to water main - short side, costs for road crossing additional	per connection			POA New Residential - Standard Short					1,737.40
WRSP.1.4	Water disconnection	per application			POA Standard 20mm or 25mm water disconnection					1,566.00
WRSP.1.7	New Water service quotation	per connection	91.80		91.80 New Non standard Water service quotation		per application			
OPERATIONAL WORKS GENERAL FEES										
	Negotiated Decision Request									
OPWGEN.1.4	Minor Negotiated Decision Request - Dwelling House and ancillary uses	per application	357.00		357.00 Negotiated Decision Request - dwelling house and ancillary uses					
MATERIAL CHANGE OF USE										
COMMERCIAL - Material Change of Use - Category 1										
	Office, outdoor sales, garden centre, showroom, hotel, nightclub, entertainment facility, food and drink outlet, shop, veterinary services, funeral parlour, car wash, adult store, bar, club, crematorium, hardware and trades supplies, markets, wholesale nursery, winery.	base fee + per unit	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			
MCU1.0		base fee + per unit	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			
COMMERCIAL - Material Change of Use - Category 2										
	Service station, shopping centre	base fee + per unit	8,485.05		8,485.05 plus \$645 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			
MCU1.2		base fee + per unit	8,485.05		8,485.05 plus \$645 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			
COMMUNITY - Material Change of Use - Category 2										
	Child care centre, cemetery, educational establishment, hospital, health care services, community care centre, detention facility	base fee + per unit	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			
MCU1.4		base fee + per unit	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			
INDUSTRIAL - Material Change of Use - Category 3										
	Industrial - Material Change of Use - Category 3 Low, medium and high impact industry, service industry, transport depot, warehouse, special industry	base fee + per unit	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			
MCU1.7		base fee + per unit	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			

FEE AMENDMENTS

Fee Code	Description	Adopted 5 June 2019			Proposed Amendments					
		Unit	Base charge \$	GST \$	Final charge \$	Description	Unit	Base Charge \$	GST \$	Final Charge \$
MATERIAL CHANGE OF USE										
INFRASTRUCTURE - Material Change of Use - Category 2										
MCU.10	Air Services (includes helipad), port services, utility installation, major electricity infrastructure, renewable energy facility, substation	base fee + per unit	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ² . If non GFA associated with use, then \$662 per ha (> 1 ha)		base fee + per unit (payable for each use)			
MCU.16	RESIDENTIAL - Material Change of Use - Category 4 Retirement facility and residential care facility (comprising units), relocatable home park, multiple dwelling, short term accommodation, tourist park, rooming accommodation, resort complex	base fee + per unit	5,511.45		5,511.45 plus \$148 per unit over 5 units		base fee + per unit (payable for each use)			
MCU.21	RURAL - Material Change of Use - Category 2 Animal keeping, intensive animal industry, rural industry, agricultural supply store, aquaculture, intensive horticulture	base fee + per unit	55,756.10		55,756.10 plus \$662 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ²
MCU.22	SPORT & RECREATION - Material Change of Use - Category 1 Indoor sport and recreation, function facility, theatre	base fee + per unit	5,756.10		5,756.10 plus \$662 per 100m ² of GFA above 500m ²		base fee + per unit (payable for each use)			
MCU.24	SPORT & RECREATION - Material Change of Use - category 3 Major sport, recreation and entertainment facility, motor sport facility, tourist attraction	base fee + per unit	11,512.20		11,512.20 plus \$1,324 per ha (> 1 ha)		base fee + per unit (payable for each use)			
PROPERTY SEARCHES										
PPEAR.1.2	Domestic Conveyance Property Search - includes details of property, valuation, rates and water plus domestic building & plumbing report	per application	315.00		315.00			309.10		309.10
COMMERCIAL HYDRAULICS (Attached Class 1a, 1b and Class 2.9)										
COMHD.0	Compliance certificate Hydraulic inspection - Base fee	per application						259.00		259.00
COMMERCIAL HYDRAULICS (Attached Class 1a, 1b and Class 2.9)										

FEE AMENDMENTS

Fee Code	Adopted 5 June 2019				Proposed Amendments					
	Description	Unit	Base Charge \$	GST \$	Final Charge \$	Description	Unit	Base Charge \$	GST \$	Final Charge \$
DOMESTIC PLUMBING AND DRAINAGE (Single Detached CLASS 1a)										
Compliance Permit - Drainage Sundry										
DOMPD1.0	New or Secondary Domestic Dwelling - Application Fee (Base Fee \$450.00 + \$80.00 per Fixture) Includes Inspection Fees - Sewered Properties	per application	459.00		459.00 plus \$80 per fixture	New or Secondary Domestic Dwelling - Application Fee (Base Fee \$459.00 + \$82.00 per Fixture) Includes Inspection Fees - Sewered Properties		459.00		459.00 plus \$82 per fixture
	Concurrence Assessment Agency Fee									
DOMPD1.7	Inspection fee for after approval period has expired	per inspection	243.00		243.00	Late Final Inspection (where applicable)				
INFRASTRUCTURE PLANNING & CHARGES										
INFPCL1.0	Recalculation of a credit for a previous or existing lawful use, including a prescribed financial contribution (PFC)	per application	404.00		404.00	Recalculation of a credit for a previous or existing lawful use, including a prescribed financial contribution (PFC)				

12.3 LOCAL LAW NO. 7 (BATHING RESERVES) 2015 AMENDMENTS**Objective Reference:** A3938520**Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance**Report Author:** Kristene Viller, Policy and Local Laws Coordinator**Attachments:**

1. **Local Law No. 7 (Bathing Reserves) 2015** ↓
2. **Community Consultation Activity Plan** ↓

PURPOSE

The purpose of this report is to:

1. Recommend the commencement of the Local Law Making Process to amend *Local Law No. 7 (Bathing Reserves) 2015*. The amendment proposed will reduce the outward boundary of the proposed Wellington Point Bathing Area to up to 200m from a fixed 200m.
2. Recommend proceeding to community consultation based on the community consultation activity plan (Attachment 2).

BACKGROUND

Council at the General Meeting on 19 June 2019, adopted changes to *Local Law No. 7 (Bathing Reserves) 2015* to reduce the seaward boundary from 400m to 200m. This change was made following the community consultation that was undertaken on *Subordinate Local Law No. 7 (Bathing Reserves) 2015* in November 2018. The community provided feedback to Council regarding the seaward boundary and the requirement for it to be substantially reduced to between 50 -100m.

The interim boundary reduction to 200m was undertaken as the change was deemed insubstantial and would be able to be in place prior to the gazettal by the State of the Wellington Point bathing reserve. The intention remained to reduce the boundary further following a period of community consultation.

A review of the area at Wellington Point by Council officers has identified that the fixed 200m outer boundary is not appropriate as unlike the other bathing areas, the distance from the sand to the water at Wellington Point is much shorter meaning most of the 200m will be available for bathers, and unassisted bathers rarely swim out more that 50 – 100m from the shore.

The agreement with Surf Lifesaving Queensland will be amended to instruct lifeguards that unless there is an event being held at Wellington Point requiring a 200m seaward boundary the back markers should be placed no further than 100m.

ISSUES

An amendment to *Local Law No. 7 (Bathing Reserves) 2015* has been drafted in accordance with Council's adopted Local Law Making Process and the *Local Government Act 2009*.

Please note that in the consolidated version of Local Law No. 7 (Bathing Reserves) 2015 (Attachment 1) the only changes made are to:

Section	Amendment
Section 6(4)(d)	Amendment to seaward boundary from 200m to up to 200m
Section 6(4)(d)	Replace 'of the imaginary line' with 'identified by the placement of marker buoys'.

Community Consultation

It is proposed that the community consultation on draft *Local Law No. 7 (Bathing Reserves) 2015* is conducted for a period of 21 days, commencing on 22 July 2019 and concluding on 12 August 2019. In accordance with the adopted Local Law Making Process a community engagement plan has been provided (Attachment 2) outlining:

- a) The nature of the engagement.
- b) The period of engagement.
- c) Where notice of the proposed local law will be displayed or published.
- d) The information that will generally be stated about the proposed local law in any notice.
- e) Where the proposed local law will be available for inspection or purchase.

All comments received will be reviewed and those that address the changes to the local law will be considered in the final community consultation report.

Anti-competitive provisions

Section 38 of the *Local Government Act 2009* requires Council to review for any possible anti-competitive provisions when making local and subordinate local laws. An anti-competitive provision is a provision that is identified as creating barriers for entry into a market, or barriers within a market.

A review of any anti-competitive provisions has been undertaken and advice sought from Council's external lawyers.

The review found that there are no anti-competitive provisions within the local law.

State Interest Checks

Section 29A of the *Local Government Act 2009* requires state interest checks to be completed on all local laws.

STRATEGIC IMPLICATIONS

Legislative Requirements

The *Local Government Act 2009* details prescriptive provisions that local governments are required to adhere to in the process of making, recording and reviewing local laws.

The amended Local Law attached to this report has been drafted 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*.

Risk Management

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

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

Financial

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

People

The community consultation process will have an impact on resourcing within the Strategy and Governance Unit and Communication, Engagement and Tourism Unit. It is anticipated the 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 its local laws. The Local Law attached to this report has the potential to impact members of the Redlands community.

The community consultation process aims to ensure an equitable and transparent process, with opportunity for the community to comment regarding the proposed amendments.

The community consultation for the proposed changes are being undertaken at "Consult" level in accordance with the IAP2 Public Participation Spectrum. The goal being to obtain public feedback on the proposed changes to the Local Law.

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 City Sports and Venues	June 2019 – July 2019	Requested the change to the seaward boundary. Draft amendments were prepared and provided for approval. Date the paper would be presented to Council was provided.
Senior Adviser Strategic Communication and	June 2019 – July 2019	Provided advice as to the content and nature of the community consultation and the individual activities to be

Consulted	Consultation Date	Comments/Actions
Community Engagement		included and the potential commencement time.
Policy and Local Laws Coordinator	June 2019 – July 2019	Facilitated the initial research, sought legal advice on the changes, drafted the amendments, and sought external review of drafting changes and internal review and approval. Prepared paper seeking to commence the local law making process and approval to commence community consultation.
External Solicitors	June 2019 – July 2019	Reviewed draft amendments and amending instrument and conducted anti-competitive assessment.
Senior Adviser Community Engagement	June 2019 – July 2019	Provided advice as to the content and nature of the community consultation and the individual activities to be included and the potential commencement time.
Governance Service Manager	June 2019 – July 2019	Reviewed the paper seeking approval to commence the local law making process and the approval to commence community consultation. Reviewed the community consultation plan.
Elected Representative	June 2019 – July 2019	Divisional Councillor consulted regarding date paper to be presented to Council and proposed community consultation plan.

OPTIONS

Option One

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 as follows:

1. To commence the Local Law Making Process for *Local Law No. 7 (Bathing Reserves) 2015* (Attachment 1).
2. To undertake a State Interest Check on the proposed amendments to *Local Law No. 7 (Bathing Reserves) 2015*.
3. To engage with the community for at least 21 days (the consultation period) about *Local Law No. 7 (Bathing Reserves) 2015* in accordance with the community consultation plan (Attachment 2).
4. To accept and review all comments received in relation to the proposed changes to *Local Law No. 7 (Bathing Reserves) 2015*.

Option Two

That Council resolves to not proceed with the Local Law Making Process for *Local Law No. 7 (Bathing Reserves) 2015*.

COUNCIL RESOLUTION 2019/241

Moved by: Cr Wendy Boglary

Seconded by: Cr Paul Bishop

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 as follows:

1. To commence the Local Law Making Process for Local Law No. 7 (Bathing Reserves) 2015. (Attachment 1)
2. To undertake a State Interest Check on the proposed amendments to Local Law No. 7 (Bathing Reserves) 2015.
3. To engage with the community for at least 21 days (the consultation period) about Local Law No. 7 (Bathing Reserves) 2015 in accordance with the community consultation plan (Attachment 2).
4. To accept and review all comments received in relation to the proposed changes to Local Law No. 7 (Bathing Reserves) 2015.

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.



Redland City Council

Local Law No. 7 (Bathing Reserves) 2015

It is hereby certified that this a true and correct copy of *Amending Local Law No. 4 (Local Law No. 7 (Bathing Reserves) 2015) 2019* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated **xxx** 2019

A. Chesterman
Chief Executive Officer



Redland City Council

Local Law No. 7 (Bathing Reserves) 2015

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 7 (Bathing Reserves) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to enhance the public safety and convenience of bathing reserves placed under the local government's control¹ through orderly management and regulation of activities within these reserves.
- (2) The purpose is achieved by providing for—
 - (a) the designation and management of safe, supervised bathing areas within bathing reserves; and
 - (b) the regulation of conduct and the use of aquatic equipment within bathing reserves; and
 - (c) the assignment of responsibility to life-saving clubs for managing, patrolling and supervising bathing reserves; and
 - (d) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

3 Definitions—the dictionary

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

4 Relationship with other laws²

- (1) This local law is to be read with *Local Law No. 1 (Administration) 2015*.
- (2) However, a reference to an authorised person in *Local Law No. 1 (Administration) 2015* does not include an authorised person appointed under this local law.

Part 2 Bathing reserves

Division 1 Designation of bathing reserves

5 Signs indicating existence of bathing reserve

- (1) If the local government proposes to regulate the use of a bathing reserve under this local law, the local government must erect and maintain signs (*reserve signs*) in prominent positions on or adjacent to the foreshore to indicate the existence of the bathing reserve.
- (2) Reserve signs must be erected at the lateral boundaries of the bathing reserve indicating the position of the boundaries.
- (3) The signs must face both seawards and shorewards.

¹ As declared by gazette notice under the Act.

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 the Commonwealth. See the Act, section 27.

Division 2 Bathing areas

6 Bathing areas

- (1) An authorised person may mark out an area (a bathing area) within a bathing reserve.
- (2) The area selected as a bathing area must be the part of the bathing reserve that is, in the authorised person's opinion, the safest and most suitable for bathing in view of the prevailing conditions.
- (3) The bathing area is marked out by placing 2 patrol flags at different points on or adjacent to the foreshore.
- (4) The bathing area consists of the area defined by—
 - (a) an imaginary line between the 2 patrol flags; and
 - (b) lateral boundaries extending seaward from each patrol flag at right angles from the imaginary line; and
 - (c) for all bathing reserves other than Wellington Point—an outer boundary parallel to, and 400 metres to the seaward side of, the imaginary line; and
 - (d) for Wellington Point bathing reserve—an outer boundary parallel to the imaginary line that is—
 - (i) up to 200 metres to the seaward side of the imaginary line and marked by buoys; or
 - (ii) if no buoys are present—100m to the seaward side of the imaginary line.
- (5) Where the boundary of the bathing reserve is less than 400 metres to the seaward side of an imaginary line between the 2 patrol flags, then the boundary of the bathing area shall be the outer boundary of the bathing reserve.
- (6) An authorised person may, in view of prevailing conditions, change the boundaries of a bathing area by changing the position of the patrol flags.
- (7) Patrol flags must not be exhibited if the bathing area is not under surveillance by a life-saving patrol.

7 Flags to inform bathers about prevailing conditions

- (1) This section applies if—
 - (a) an authorised person has marked out a bathing area under section 6; and
 - (b) in the authorised person's opinion, there are potentially hazardous conditions prevailing within the bathing area.
- (2) The authorised person must exhibit in a prominent position on or adjacent to the foreshore a yellow flag warning bathers of the potentially hazardous conditions.

8 Closure of bathing reserve

- (1) An authorised person may close a bathing reserve or part of a bathing reserve to bathing by erecting a red flag in a prominent position on or adjacent to the

foreshore.³

Example—

The authorised person may close the bathing reserve if the prevailing conditions pose a risk to the lives of members of the public bathing in the reserve.

- (2) If patrol flags marking out a bathing area have been placed in position, the patrol flags must be removed on closure of the bathing reserve or a part of the bathing reserve in which the bathing area is situated.
- (3) A person must not bathe in a bathing reserve or part of a bathing reserve while the reserve or the relevant part of the reserve is closed to bathing.

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

Division 3 Reservation for training, competitions and special occasions

9 Reservation for life-saving training

- (1) An authorised person may—
 - (a) temporarily set apart the whole or a part of a bathing reserve for life-saving training; and
 - (b) impose restrictions on access to the area set apart.
- (2) However an authorised person may not set apart any part of a bathing reserve for life-saving training exclusively.
- (3) An area set apart under this section, and the restrictions applying to access, must be clearly indicated by signs erected in prominent positions on the bathing reserve.

10 Reservation for competitions and special occasions

- (1) For the purposes of *Local Law No.1 (Administration) 2015*, section 5(b), it is a prescribed activity⁴ to—
 - (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
 - (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.
- (2) Where an approval for an activity mentioned in subsection (1) permits restrictions on access to any part of a bathing reserve, the area set apart for the activity and the restrictions applying to access must be clearly indicated by signs erected in prominent positions on the bathing reserve.
- (3) A person must not contravene a restriction on access imposed under this section.
Maximum penalty for subsection (3)—20 penalty units.

³ Although this local law does not require strict compliance with Australian Standard No. 2416 (Design and Application of Water Safety Signs), that standard should, where practicable, be complied with.

⁴ *Local Law No.1 (Administration) 2015*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

Part 3 Use of aquatic equipment in bathing reserves

11 Prohibition of use of aquatic equipment in bathing areas

- (1) A person must not use aquatic equipment in a bathing area.
Maximum penalty for subsection (1)—20 penalty units.
- (2) However—
 - (a) this section does not prevent the use of aquatic equipment if its use at a place within a bathing reserve is authorised under another law; and
 - (b) a rubber float or board that does not give rise to risk of injury to other bathers may be used in a bathing area; and
 - (c) if an authorised person authorises the use of other aquatic equipment in a bathing area, the equipment may be used subject to conditions fixed by the authorised person when giving the authorisation; and
 - (d) life-saving equipment may be used in a bathing area by members of a life-saving patrol for surveillance of the bathing area or to assist bathers in distress.

12 Restrictions on use of aquatic equipment in bathing reserves

- (1) The local government may, by subordinate local law, prohibit or restrict the use of aquatic equipment or a specified class of aquatic equipment within a bathing reserve or a particular part of a bathing reserve.
- (2) Notice of a prohibition or restriction imposed under this section must be included on the reserve signs or on notices adjacent to the reserve signs.
- (3) A person must not use aquatic equipment in contravention of a prohibition or restriction imposed under this section unless authorised to do so by an authorised person under section 13, or authorised under another law.
Maximum penalty for subsection (3)—20 penalty units.

13 Reservation of areas for use of aquatic equipment

- (1) An authorised person may temporarily set apart a particular part of a bathing reserve for the use of aquatic equipment of a particular type.
- (2) A part of the bathing reserve set apart under this section must be defined by signs and flags or in some other way that clearly indicates the relevant part of the reserve and the use for which it is set apart.
- (3) If a part of a bathing reserve is set apart for the use of aquatic equipment of a particular type under this section, a person must not—
 - (a) use aquatic equipment of the relevant type in the bathing reserve outside the part of the reserve set apart for its use; or
 - (b) use aquatic equipment, in the relevant part of the reserve, that is not of the type for which the relevant part of the reserve is set apart.
Maximum penalty for subsection (3)—20 penalty units.

Part 4 Behaviour in bathing reserves

14 Dangerous objects

- (1) A person must not bring an item of aquatic equipment or other object into a bathing reserve, or use aquatic equipment or anything else in a bathing reserve, if the item or object is dangerous.

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

- (2) This section does not apply to life-saving equipment used by members of a life-saving patrol for surveillance of the bathing reserve or to assist bathers in distress.

15 Prohibited equipment

- (1) A person must not have prohibited equipment in a bathing reserve.

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

- (2) However, this section does not apply in circumstances excluded under a subordinate local law from the application of this section.

- (3) In this section—

prohibited equipment means—

- (a) a spear gun; or
- (b) a fishing spear; or
- (c) another object classified as prohibited equipment under a subordinate local law for this paragraph.

16 Dangerous conduct

A person must not use aquatic equipment or anything else in a bathing reserve in a way that creates a risk to the safety of others.

Maximum penalty—20 penalty units.

17 Emergency evacuation alarm

- (1) If an emergency evacuation alarm is given, a person within a bathing reserve—

- (a) must leave the water as soon as practicable; and
- (b) must not enter or re-enter the water until the all-clear is given.

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

- (2) An emergency evacuation alarm is given by—

- (a) the prolonged ringing of a bell or sounding of a siren; and
- (b) the exhibition of a red flag.

- (3) The all-clear is given by—

- (a) a short ringing of the bell or sounding of the siren; and
- (b) the replacement of the red flag by a yellow flag.

- (4) An emergency evacuation and the all-clear may also be given in ways recognised by SLSQ.

Example—

The emergency evacuation alarm may be given by holding up a red and white quartered flag and the all-clear may be given by taking down the flag when the danger has passed.

18 False alarms

A person must not, without the authority of an authorised person—

- (a) give an emergency evacuation alarm or do anything likely to be reasonably interpreted as an emergency evacuation alarm; or
- (b) give the all-clear after an emergency evacuation alarm or do anything likely to be reasonably interpreted as the all-clear after an emergency evacuation alarm.

Maximum penalty—50 penalty units.

Part 5 Life-saving clubs and powers of authorised persons**Division 1 Life-saving clubs and patrols****19 Recognised life-saving clubs**

- (1) The local government may, after consultation with interested life-saving clubs, assign to a life-saving club the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.
- (2) The responsibility—
 - (a) may be assigned on conditions the local government considers appropriate; and
 - (b) may only be assigned with the agreement of the club to which the responsibility is assigned.

20 Enclosure for life-saving patrols

A recognised life-saving club may, with the local government's written approval, enclose a part of a bathing reserve for the exclusive use of members of life-saving patrols.

21 Distinctive clothing

A member of a life-saving patrol must wear a distinctive uniform appropriate to the member's rank in a design approved by SLSQ.

Division 2 Powers of authorised persons**22 Power to remove or reduce danger**

- (1) If a person brings a dangerous object or dangerous item of aquatic equipment onto a bathing reserve, an authorised person may direct the person to take specified action to remove or reduce the danger posed by the object or item.

Example—

If a person brings a beach umbrella onto a bathing reserve and the umbrella appears likely to blow away, an authorised person might direct the person to take specified action to secure the umbrella.

- (2) A person must comply with a direction under this section.

Maximum penalty for subsection (2)—20 penalty units.

23 Power to stop dangerous and antisocial conduct

- (1) If a person behaves in a bathing reserve in a way that endangers the safety of the person or someone else, or causes a nuisance to someone else, an authorised person may direct the person to stop the behaviour.

- (2) A person must comply with a direction under this section.

Maximum penalty for subsection (2)—20 penalty units.

24 Power to require bathers to leave water

- (1) An authorised person may give a direction to a bather to leave the water if—

- (a) the bathing reserve, or the relevant part of the bathing reserve, is closed to bathing; or
- (b) an emergency evacuation alarm has been given; or
- (c) there is some other risk to the bather's safety.

- (2) A person must comply with a direction under this section.

Maximum penalty for subsection (2)—20 penalty units.

25 Seizure and detention of dangerous objects and prohibited equipment

- (1) This section applies if, in a bathing reserve, a person—

- (a) possesses, uses or has used a dangerous object or dangerous item of aquatic equipment; or
- (b) uses or has used an object in a dangerous way; or
- (c) has prohibited equipment.

- (2) An authorised person may seize the object, item or equipment (the seized thing).

- (3) The authorised person must give the person from whom the seized thing is taken a receipt—

- (a) stating the nature of the seized thing; and
- (b) stating the date and time of seizure; and
- (c) stating a period (which must be at least 1 hour and not more than 6 months) for which the seized thing is to be detained; and
- (d) stating a place where the seized thing may be reclaimed.

- (4) The seized thing must, if not reclaimed on the day on which it was seized, be delivered into the custody of the local government or the life-saving club of which the authorised person is a member.

- (5) The local government or the relevant life-saving club must take all reasonable measures to ensure the safe custody of the seized thing.

- (6) At the conclusion of the period fixed for its detention under subsection (3)(c), if

the seized thing is in the custody of a life-saving club it must be delivered into the custody of the local government.

- (7) At the conclusion of the period fixed for its detention under subsection (3)(c), the seized thing must be dealt with by the local government as an impounded item under *Local Law No.1 (Administration) 2015*, section 40.

Part 6 Authorised persons

26 Who are authorised persons

- (1) The following persons are authorised persons for this local law—
- a person who is an authorised person under a subordinate local law for this paragraph;
 - a person appointed as an authorised person for this local law under this section.

Example for paragraph (a)—

- The subordinate local laws might provide that a person who holds a particular rank in a life-saving patrol is an authorised person.
 - The subordinate local laws might provide that a life guard or a beach inspector is, while he or she holds that position, an authorised person.
- (2) A local government may appoint any of the following persons as authorised persons for this local law—
- employees of the local government;
 - other persons who are eligible for appointment as authorised persons under the Act.⁵
- (3) An appointment of a person as an authorised person under this section must state the provisions of this local law for which the person is appointed as an authorised person.
- (4) A local government may appoint a person as an authorised person under this section only if—
- the local government considers the person has the necessary expertise or experience for the appointment; or
 - the person has satisfactorily finished training approved by the local government for the appointment.

27 Limitation on authorised person's powers

An authorised person's powers may be limited in the person's instrument of appointment or under a subordinate local law for this section.

28 Authorised person's appointment conditions

- An authorised person holds office on the conditions stated in the instrument of appointment or a subordinate local law for this subsection.
- An authorised person—

⁵ See the Act, chapter 6, part 6.

- (a) if the instrument or subordinate local law provides for a term of appointment—ceases holding office at the end of the term; and
 - (b) if appointed as an authorised person under section 26(1)(b)—may resign by signed notice of resignation given to the local government; and
 - (c) if the person holds a particular rank or position, and is an authorised person under a subordinate local law because he or she holds the relevant rank or position—ceases holding office as an authorised person on ceasing to hold the relevant rank or position; and
 - (d) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the main office).
- (3) However, an authorised person may not resign from the office of authorised person (the secondary office) under subsection (2)(b) if a condition of the authorised person's employment in the main office requires the authorised person to hold the secondary office.

29 Authorised person's identity card

- (1) Each authorised person must hold an identity card issued by the local government or a recognised life-saving club.
- (2) An identity card issued by the local government must—
 - (a) contain a recent photograph of the authorised person; and
 - (b) be signed by the authorised person; and
 - (c) identify the person as an authorised person for the local government; and
 - (d) include an expiry date.
- (3) An identity card issued by a recognised life-saving club must—
 - (a) contain a recent photograph of the authorised person or state the authorised person's date of birth; and
 - (b) be signed by the authorised person; and
 - (c) identify the person as an authorised person for the life-saving club; and
 - (d) include an expiry date.
- (4) A person who ceases to be an authorised person must return the person's identity card to the local government or the life-saving club that issued it within 21 days after the person ceases to be an authorised person.
Maximum penalty for subsection (4)—10 penalty units.
- (5) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

30 Production of identity card

- (1) An authorised person may exercise a power in relation to someone else (the *other person*) only if the authorised person—
 - (a) first produces his or her identity card for the other person's inspection; or
 - (b) has the identity card displayed so it is clearly visible to the other person.

- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

31 Offence

A person must not pretend to be an authorised person or a member of a life-saving patrol.

Maximum penalty—50 penalty units.

32 Protection from liability

- (1) This section applies to—
- (a) an authorised person; and
 - (b) a person acting under the direction of an authorised person.
- (2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.
- (3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

Part 7 Miscellaneous**33 Compliance with Australian standards**

- (1) The flags and signs to be used for the purposes of this local law should comply with any relevant Australian Standard issued or approved by the Standards Association of Australia.
- (2) However, non-compliance with an applicable standard does not invalidate anything done under this local law.

34 Obstruction of authorised persons and life-savers

- (1) A person must not obstruct an authorised person or a member of a life-saving patrol in the conduct of their duties.
Maximum penalty for subsection (1)—50 penalty units.
- (2) A person must not use insulting or abusive language to an authorised person or a member of a life-saving patrol.
Maximum penalty for subsection (2)—20 penalty units.

35 Interference with flags and life-saving equipment

- (1) A person must not, without the approval of an authorised person, damage, destroy or interfere with a sign or flag erected or placed under this local law.
Maximum penalty for subsection (1)—50 penalty units.
- (2) A person must not, without the approval of an authorised person, interfere with life-saving equipment on a bathing reserve.
Maximum penalty for subsection (2)—50 penalty units.

36 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prohibiting or restricting the use of aquatic equipment;⁶ or
- (b) the classification of objects as prohibited equipment;⁷ or
- (c) the circumstances in which a person may have prohibited equipment in a bathing reserve;⁸ or
- (d) the appointment of authorised persons for this local law;⁹ or
- (e) the limitation of an authorised person's powers;¹⁰ or
- (f) conditions of office for authorised persons.¹¹

⁶ See section 12(1).

⁷ See section 15(3).

⁸ See section 15(2).

⁹ See section 26(1)(a).

¹⁰ See section 27.

¹¹ See section 28(1).

Schedule Dictionary

Section 3

aquatic equipment means—

- (a) a boat or vessel; or
- (b) a surf ski; or
- (c) a jet ski; or
- (d) a surf board; or
- (e) a sail board; or
- (f) a body board; or
- (g) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

authorised person means a person who is an authorised person for this local law under part 6.

bathing includes all activities involving the immersion or partial immersion of the body in water.

bathing area see section 6.

bathing reserve—

- (a) means a part of the seashore, adjacent land under the sea, and sea placed under the control of the local government as a bathing reserve under the Act; and
- (b) includes each area of bathing reserve identified in schedule 6 of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

dangerous item of aquatic equipment means an item of aquatic equipment that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

Examples of dangerous items of aquatic equipment—

- A surfboard with sharp or broken edges.
- A boat with projections liable to cause injury to bathers.

dangerous object means an object that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

life-saving club means a body—

- (a) affiliated with—
 - (i) Surf Life Saving Queensland Inc (SLSQ); or
 - (ii) the Head Centre of the Royal Life Saving Society; and
- (b) accredited by the Department of Community Safety.

life-saving equipment means equipment for use in sea rescue, life-saving, or the provision of first aid.

life-saving patrol means the members of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

patrol flag means a red and yellow flag of the design prescribed by Australian Standard No.

2416.

recognised life-saving club means a life-saving club to which the local government has assigned the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.¹²

reserve sign see section 5(1).

SLSQ means Surf Life Saving Queensland Inc.

surveillance means the visual supervision of an area.

the Act means the *Local Government Act 2009*.

¹² See section 19.

DRAFT

**Wellington Point Bathing Reserve
Local Law Community Consultation
Draft Community Consultation Activity Plan**

Objective: Utilising the IAP2 Public Participation Spectrum community consultation will be undertaken at the ‘Consult’ level.

PUBLIC PARTICIPATION GOAL	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PROMISE TO THE PUBLIC	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. We will keep you informed.	To obtain public feedback on analysis, alternatives and/or decisions. We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	To place final decision making in the hands of the public. We will implement what you decide.

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It will provide the Redlands Coast Community with information regarding the Local Law amendments. Information will include consultation dates and direct interested parties to the yoursay page to make comment.

Timing: Community consultation will commence 24 July 2019 and close 13 August 2019.

Activity Plan:

ACTIVITY	CONTENT / COMPONENT PARTS	WHO	ITEMS	BUDGET	Comments
Councillor briefing	Briefing covering amendment background, consultation process and dates.	Local Laws	na	na	Absorbed in current budget allocations
Yoursay project page	Content and functionality to include background, community consultation dates, and comment capture facility.	CET, Local Laws	na	na	Absorbed in current budget allocations
Press ad	Display ad in the Redland City Bulletin - appearing 24 July, 2019. Content to include background, community consultation as 'Consult' level only, community consultation dates, and detail on how to make comment (not submissions).	CET, Local Laws	1	\$509	T42 (186mm x 129mm). Booking deadline 3pm previous Wednesday.
Community Groups	Letter emailed to identified community groups. Content to include background, community consultation dates, and detail on how to make comment.	CET, Local Laws	10	na	Absorbed in current budget allocations
Social media	Social media channels used to create awareness of notification.	CET, Councilors	na	na	Absorbed in current budget allocations
RCC Call Centre scripting	Covering proposed amendment, community consultation dates and detail on how community can make comment.	CET, Local Laws	na	na	Absorbed in current budget allocations
			Total	\$509	

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

Objective Reference: A3878697

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

Responsible Officer: Charlotte Hughes, Acting Service Manager Planning Assessment

Report Author: Jill Driscoll, Group Support Officer

Attachments: 1. Decisions made under delegated authority 26.05.2019 to 15.06.2019 ↓

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 2019/242

Moved by: Cr Mark Edwards

Seconded by: Cr Wendy Boglary

That Council resolves to note this report.

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.

Decisions Made Under Delegated Authority 26.5.2019 to 01.06.2019

CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0141	Design and Siting - Dwelling House	Bartley Burns Certifiers & Planners	3 Nandeebie Court Cleveland QLD 4163	Referral Agency Response - Planning	27/05/2019	NA	Approved	2
CAR19/0195	Design and Siting - Carport	Shaun Michael WINKS	13 Booran Street Point Lookout QLD 4183	Referral Agency Response - Planning	30/05/2019	NA	Approved	2
DBW19/0005	Domestic Additions - Patio	Fastrack Building Certification	14 Plymouth Court Cleveland QLD 4163	Code Assessment	30/05/2019	NA	Development Permit	2
DBW19/0012	MIXED DEVELOPMENT OR UNDETERMINED USE - Covered Entry, Ramp and Pathway	North Stradbroke Island Historical Museum Assoc	Dunwich Museum 15 Welsby Street Dunwich QLD 4183	Code Assessment	30/05/2019	NA	Development Permit	2
CAR19/0178	Design and Siting - Carport	The Certifier Pty Ltd	32 Gretchen Circuit Thornlands QLD 4164	Referral Agency Response - Planning	31/05/2019	NA	Approved	3
RAL19/0031	Change to Development Approval - S/3937/1 Conv - SUBDIVISION INTO TWO LOTS - STANDARD Additional Lots CONSTRUCTION OF NEW ROAD WATER RETICULATION / SEA VIEW PARK	Deanne Michelle UKOVICH Jason Raoul UKOVICH Totalspan (Capalaba)	21-45 Trundle Road Thornlands QLD 4164	Minor Change to Approval	28/05/2019	NA	Approved	3
CAR19/0161	Design & Siting - Dwelling House and Carport	Applied Building Approvals	10 Guthrie Street Russell Island QLD 4184	Referral Agency Response - Planning	27/05/2019	NA	Approved	5

Decisions Made Under Delegated Authority 26.5.2019 to 01.06.2019

CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0176	Design and Siting - Dwelling House	Gold Coast Building Approvals	145 Canaipa Road Russell Island QLD 4184	Referral Agency Response - Planning	29/05/2019	NA	Approved	5
CAR19/0183	Design and Siting - Dwelling House	Nerang Creative Design Pty Ltd	23 Highland Street Russell Island QLD 4184	Referral Agency Response - Planning	27/05/2019	NA	Approved	5
CAR19/0167	Design and Siting - Patio	Mark Lawrence SMITH	85 Capella Drive Redland Bay QLD 4165	Referral Agency Response - Planning	30/05/2019	NA	Approved	6
CAR19/0201	Design and Siting - Shed	Raymond Leslie KRICKER	21 Begonia Crescent Mount Colton QLD 4165	Referral Agency Response - Planning	31/05/2019	NA	Approved	6
CAR18/0336.01	Change to Development Approval - CAR18/0336 - Design & siting	Andiworth Pty Ltd Ausbuild Pty Ltd	53-65 Kinross Road Thornlands QLD 4164	Minor Change to Approval	31/05/2019	NA	Approved	7
CAR19/0168	Design and Siting - Domestic Additions	The Certifier Pty Ltd	11 Dellamarra Close Alexandra Hills QLD 4161	Referral Agency Response - Planning	27/05/2019	NA	Approved	7
CAR19/0175	Design and Siting - Carport	Strickland Certification Pty Ltd	13 Cambridge Drive Alexandra Hills QLD 4161	Referral Agency Response - Planning	30/05/2019	NA	Approved	7
DBW17/0044.01	Change to Development Approval DBW17/0044 - Domestic Outbuilding x 3	Mr Alan H KING The Certifier Pty Ltd	519-521 Redland Bay Road Capalaba QLD 4157	Minor Change to Approval	30/05/2019	NA	Approved	7
DBW18/0084	Building Work - Dwelling House (deck)	The Certifier Pty Ltd	30 Keel Street Birkdale QLD 4159	Code Assessment	27/05/2019	NA	Refused	10

Decisions Made Under Delegated Authority 26.5.2019 to 01.06.2019

CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW19/0016	Operational Works for RAL - 2 into 5 Lots	Edgarange Pty Ltd Sutgold Pty Ltd	56-58 Panorama Drive Thornlands QLD 4164	Code Assessment	28/05/2019	NA	Development Permit	3
CAR19/0139	Build Over or Near Relevant Infrastructure - Restaurant	DCB Developments Pty Ltd Molus Consulting Pty Ltd	Victoria Point Shopping Centre 2-34 Bunker Road Victoria Point QLD 4165	Referral Agency Response - Engineering	27/05/2019	NA	Approved	4
MCU18/0206	Tourist Accommodation x3 and Caretaker's Dwelling x1	Mrs Vicki I ST JOHN	46 Scarborough Terrace Macleay Island QLD 4184	Code Assessment	29/05/2019	NA	Development Permit	5
MCU19/0042	Change to Development Approval - MCU013813 Multiple Dwelling x 4	Seaview Unit Trust	23 Moore Street Victoria Point QLD 4165	Minor Change to Approval	29/05/2019	NA	Approved	5
OPW19/0024	Operational Works for RAL - 4 into 5 lots	Murray Ian STEED	45 Peel Street Redland Bay QLD 4165	Code Assessment	28/05/2019	NA	Development Permit	5
OPW19/0022	Clearing Vegetation under planning scheme	Matthew John BOSANKO Tracey Leigh BOSANKO	340-342 Avalon Road Sheldon QLD 4157	Code Assessment Code Assessment	31/05/2019	NA	Development Permit	6

Decisions Made Under Delegated Authority 02.06.2019 to 08.06.2019

CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0188	Design and Siting - Dwelling (Future Lot 1)	Frenlush Pty Ltd As Trustee Professional Certification Group Pty Ltd	71 Channel Street Cleveland QLD 4163	Referral Agency Response - Planning	07/06/2019	NA	Approved	2
MCU19/0049	Dwelling house	Steve Bartley & Associates Pty Ltd	7 Genoa Court Cleveland QLD 4163	Code Assessment	06/06/2019	NA	Development Permit	2
MCU19/0015	Dwelling house	Ms Xiaoling ZHU	22B Sentinel Court Cleveland QLD 4163	Code Assessment	06/06/2019	NA	Development Permit	2
RAL19/0027	Reconfiguring a Lot - Standard Format - 1 into 2	Philip Murray IMPEY	8 Scott Street Cleveland QLD 4163	Code Assessment	03/06/2019	NA	Development Permit	2
RAL19/0033	Change to Development Approval - ROL006030 Boundary Realignment - 2 into 2 lots	David Michael SMALL Peter SMALL The Certifier Pty Ltd	71-73 Passage Street Cleveland QLD 4163	Minor Change to Approval	04/06/2019	NA	Approved	2
CAR19/0186	Build Over Sewer - Shed	Troy Lockington RICE	9 Seavista Court Victoria Point QLD 4165	Referral Agency Response - Engineering	28/05/2019	NA	Approved	4
CAR19/0180	Design and Siting - Carport	Applied Building Approvals	72 Wahine Drive Russell Island QLD 4184	Referral Agency Response - Planning	17/06/2019	NA	Approved	5
CAR19/0185	Design and Siting - Patio	Pronto Building Approvals	9 Moreton View Parade Redland Bay QLD 4165	Referral Agency Response - Planning	04/06/2019	NA	Approved	5
CAR19/0190	Design and Siting - Dwelling House	The Certifier Pty Ltd	22 Patterson Street Russell Island QLD 4184	Referral Agency Response - Planning	05/06/2019	NA	Approved	5

Decisions Made Under Delegated Authority 02.06.2019 to 08.06.2019

CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0135	Design and Siting - BOS	The Certifier Pty Ltd	6 Dinton Court Alexandra Hills	Referral Agency Response - Planning	07/06/2019	NA	Refused	7
CAR19/0193	Design and Siting - Domestic Additions	Bartley Burns Certifiers & Planners	6 Elizabeth Drive Alexandra Hills QLD 4161	Referral Agency Response - Planning	04/06/2019	NA	Approved	8
MCU18/0102.02	Change to Development approval MCU18/0102 - Multiple Dwelling	Casa Consultants Pty Ltd As Trustee Urban Strategies Pty Ltd	15 Armando Street Alexandra Hills QLD 4161	Minor Change to Approval	03/06/2019	NA	Approved	8

Decisions Made Under Delegated Authority 02.06.2019 to 08.06.2019

CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW19/0037	Prescribed Tidal Works - Pontoon	Aqua Pontoons Pty Ltd	4-5 Bonaventure Court Cleveland QLD 4163	Code Assessment	04/06/2019	NA	Development Permit	2
OPW19/0018	Driveway Crossover	Jade Alexandra BURNIE	16 Oakland Avenue Redland Bay QLD 4165	Code Assessment	03/06/2019	NA	Development Permit	5
CWA19/0001.02	Change to Development Approval	Andiworth Pty Ltd	43-51 Kinross Road Thornlands QLD 4164	Minor Change to Approval	06/06/2019	NA	Approved	7
MCU17/0072.01	Change to Development Approval - MCU17/0072 Health Care Centre	Abbicon Projects C/- DTS Group Qld	CAPALABA SHOPPING 7/189-201 Old Cleveland Road Capalaba QLD 4157	Minor Change to Approval	06/06/2019	NA	Approved	9
MCU19/0055	Change to Development Approval - MCU013357 Multiple Dwelling x 5	Bax Investments Pty Ltd Modern Concept Homes Pty Ltd	93-95 Railway Parade Thorneside QLD 4158	Minor Change to Approval	03/06/2019	NA	Approved	10
OPW18/0133.01	Change to Development Approval	David Nixon FIFE Melinda Grace FIFE	10 Whitehall Avenue Birkdale QLD 4159	Minor Change to Approval	05/06/2019	NA	Approved	10

Decisions Made Under Delegated Authority 09.06.2019 to 15.06.2019

CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0071	Build Over or Near Relevant Infrastructure	Glenn MURRANT	58 Trafalgar Vale Avenue Wellington Point QLD 4160	Referral Agency Response - Engineering	14/06/2019	N/A	Approved	1
CAR19/0192	Design and Siting - Carport	Shaun Michael WINKS	26 Sheena Street Wellington Point QLD 4160	Referral Agency Response - Planning	10/06/2019	N/A	Approved	1
MCU19/0053	Dwelling House in the Coastal Protection (Erosion Prone Areas) Overlay	Kym STALEY-BIGGS Paul BIGGS	54 Beachcrest Road Wellington Point QLD 4160	Code Assessment	11/06/2019	N/A	Development Permit	1
CAR19/0174	Design and Siting & BOS Carport	Building Approvals Qld Yvonne J NELSON	200 Russell Street Cleveland QLD 4163	Referral Agency Response - Planning	13/06/2019	N/A	Approved	2
CAR19/0211	Design and Siting - Dwelling House	Building Code Approval Group Pty Ltd	32 Scott Street Cleveland QLD 4163	Referral Agency Response - Planning	11/06/2019	N/A	Approved	2
MCU19/0041	Dwelling House within 9m of revetment wall	Antech Constructions Pty Ltd	4-5 Bonaventure Court Cleveland QLD 4163	Code Assessment	10/06/2019	N/A	Development Permit	2
MCU19/0062	Change to Development Approval - MC009645 Community Facility	Lions Club Redland Bay, The Certifier Pty Ltd	Linear-Gallery Park 122 Shore Street North Cleveland QLD 4163	Minor Change to Approval	13/6/2019	N/A	Approved	2
CAR19/0202	Design and Siting - Shed	The Certifier Pty Ltd	11 Albert Street Victoria Point QLD 4165	Referral Agency Response - Planning	31/05/2019	N/A	Approved	4

Decisions Made Under Delegated Authority 09.06.2019 to 15.06.2019

CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0181	Amenity and Aesthetics - Dwelling	Bay Island Designs	15-17 Devaney Street Macleay Island QLD 4184	Referral Agency Response - Planning	10/06/2019	N/A	Approved	5
CAR19/0182	Design and Siting - Patio	KP Building Approvals Pty Ltd	10 Mcbean Road Karragarra Island QLD 4184	Referral Agency Response - Planning	30/05/2019	N/A	Approved	5
CAR19/0204	Design and Siting - Dwelling House	Applied Building Approvals	61 Falconhurst Road Russell Island QLD 4184	Referral Agency Response - Planning	14/06/2019	N/A	Approved	5
RAL19/0035	Change to Development Approval - SB400501 Conv - SUBDIVISION INTO TWO LOTS - STANDARD	Danuta Barbara CHIDGEY Luke Andrew CHIDGEY Northgroup Consulting	519 West Mount Cotton Road Mount Cotton QLD 4165	Minor Change to Approval	14/06/2019	N/A	Approved	6
CAR19/0184	Design and Siting - Secondary dwelling	Bartley Burns Certifiers & Planners	18 Nottinghill Street Birkdale QLD 4159	Referral Agency Response - Planning	30/05/2019	N/A	Approved	8
CAR19/0198	Design and Siting - Domestic Additions	Robin Adrian DAVIES Tomoko ICHIKAWA	7 Lords Street Wellington Point QLD 4160	Referral Agency Response - Planning	30/05/2019	N/A	Approved	8

Decisions Made Under Delegated Authority 09.06.2019 to 15.06.2019

CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0208	Multiple Dwelling x 8	Mr Wells (Tranquil Waters)	28 & 30 Base Street, Victoria Point	Code Assessment	14/06/2019	N/A	Development Permit	4
MCU19/0005	Short-term accommodation - Motel	Marley Investment Group Pty Ltd As Trustee	21 Canaipa Road Russell Island QLD 4184	Code Assessment	10/06/2019	N/A	Development Permit	5
RAL18/0116	Reconfiguring a Lot - 2 into 3	Ajay PATEL & Radha PATRAVALI	25 & 27-31 Mcmillan Road, Alexandra Hills	Code Assessment	10/06/2019	N/A	Approved	8
RAL18/0117	Reconfiguring a Lot - 1 into 6	Ajay PATEL & Radha PATRAVALI	27-31 Mcmillan Road, Alexandra Hills	Code Assessment	10/06/2019	N/A	Approved	8

13.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS AS AT 18 JUNE 2019**Objective Reference:** A3938522**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Kim Kerwin, Group Manager Community & Economic Development**Report Author:** Christy Englezakis, Senior Appeals Planner**Attachments:** Nil**PURPOSE**

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

BACKGROUND

Information on appeals may be found as follows:

1. Planning and Environment Court

a) Information on current appeals and declarations with the Planning and Environment Court involving Redland City Council can be found at the District Court web site using the "Search civil files (eCourts) Party Search" service:

<http://www.courts.qld.gov.au/services/search-for-a-court-file/search-civil-files-ecourts>

b) Judgments of the Planning and Environment Court can be viewed via the Supreme Court of Queensland Library web site under the Planning and Environment Court link:

<http://www.sclqld.org.au/qjudgment/>

2. Court of Appeal

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

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

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

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

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

The database contains:

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

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

4. Department of Housing and Public Works (DHPW)

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

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

PLANNING & 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. 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. Council considered the Appellant's amended plans at the 19 June 2019 General Meeting and resolved to reject the amended plans and seek to further negotiate with the Appellant. The Appellant responded on 24 June 2019 offering to discontinue the appeal. The appeal has been adjourned for mention on 28 June 2019.

3.	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. A settlement offer was presented to Council on 10 October 2018. Council resolved to decline the offer. Mediation was held on 3 December 2018. A further without prejudice mediation was held on 26 March 2019. Council declined a further settlement offer on 3 April 2019. A review was held on 9 May 2019. A further review was held on 17 May 2019. Council resolved to settle the appeal on 22 May 2019. The matter was settled by way of confidential Settlement Deed and Infrastructure Agreement, executed on 4 June 2019. The Appellant filed the Notice of Discontinuance on 5 June 2019. The appeal is now resolved.

4.	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. The Appellant also made an amendment application to the Department of Environment and Science (DES) on 18 March 2019, seeking changes to the Environmental Authority. A further review was held on 21 March 2019. On 5 April 2019, Council provided a response notice to the Minister and submitted a request to the Department of Environment and Science that the environmental authority be amended in accordance with expert advice. A review was held on 15 May 2019. On 19 June 2019, Council resolved to seek orders allowing additional time for the Minister to decide the change application and to identify any remaining issues in dispute. The Minister decided the change application on 19 June 2019. Council received notice of the decision on 20 June 2019. A review was held on 21 June 2019 and the Court set the matter down for further review on 25 July 2019.

5.	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 19 July 2019.

6.	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. The Appellant filed an application in pending proceedings on 10 May 2019, for orders to progress the appeal. A review was held on 30 May 2019. A without prejudice mediation is scheduled for 11 July 2019. A further review is scheduled for 19 July 2019.

7.	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 Appellant provided amended plans to Council on 24 April 2019. A review was held on 29 May 2019. On 4 June 2019, Council's delegate approved a recommendation by officers that Council settle the appeal on the basis of the amended plans. The Appellant agreed to settle the appeal on 4 June 2019. On 5 June 2019, the Court made a Judgment allowing the appeal and approving the amended development proposal, thereby resolving the appeal.

8.	File Number:	Appeal 1452 of 2019 (ENF007717)
Applicant:		John Bonett
Enforcement Action:		Unlawful Use of Premises 45 Arthur Street and 47 – 49 Arthur Street, Macleay Island (Lot 76 RP124837 and Lot 77 SP162705)
Appeal Details:		Appeal against Council enforcement notice
Current Status:		Appeal filed on 26 April 2019.

APPEALS TO THE QUEENSLAND COURT OF APPEAL

9.	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 2019/243

Moved by: Cr Peter Mitchell

Seconded by: Cr Julie Talty

That Council resolves to note this report.

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.

13.3 MCU19/0003 - VARIATION REQUEST - 17-19 & PART OF 21 PASSAGE STREET, CLEVELAND**Objective Reference:** A3938523**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Kim Kerwin, Group Manager Community & Economic Development**Report Author:** Brett Dibden, Planning Officer

Attachments:

1. [MDR4 Precinct Map](#) ↓
2. [Site Location & Zone Map](#) ↓
3. [RPS MDR1 Sub-Area Cleveland Locations](#) ↓
4. [Toondah PDA Map 4 - Height Plan](#) ↓
5. [Applicant's Planning Report](#) ↓

PURPOSE

Council has received an application seeking a preliminary approval for a Material Change of Use (6-storey multiple dwelling with ground level commercial office), with a future development application required for a development permit to be granted. The application also includes a variation request to vary the operation of City Plan so that the height provisions for precinct MDR4 in the Tables of Assessment of the Medium Density Zone Code will apply to the future development application. The subject site is 17-19 and part of 21 Passage Street, Cleveland, described as Lot 101 on SP278900, and EMT A on Lot 0 on SP278900. The owner is Aquence Towers Pty Ltd and the applicant is the owner C/- Urban Systems Pty Ltd.

Key issues with the application are summarised below:

- Building height
- Streetscape
- Amenity
- Submission rights
- Current applications

The development does not comply with the relevant benchmark in relation to building height however, it is concluded that an increase in building height for the subject site, given its strategic location on Middle Street between the Cleveland CBD and the Toondah Priority Development Area should be supported. It is found that the site has characteristics that would allow development to align with the outcomes sought for precinct MDR4. The impacts on streetscape and amenity are considered as able to meet the relevant assessment benchmarks, and will be addressed in full should a preliminary approval be granted and the applicant lodges detailed plans to seek a development permit. As such, a variation request is also supported.

The balance of the issues described above have been addressed in the report. It is recommended that the application be granted a **preliminary approval**, subject to conditions, with the preliminary approval to include a **variation approval** to vary the effect of City Plan to apply the MDR4 precinct height provisions to the subject development.

BACKGROUND

An application was lodged on 17 December 2009 (MC012013) for a six-storey apartment building over 211 Middle Street and 21-23 Passage Street, Cleveland. Following concerns with the bulk and scale raised by Council officers, the application was changed to include 2 storey multiple dwellings on the southern side of the site and a 5 storey apartment building in the northern corner of the site. A Development Permit was issued on 26 September 2013. A permissible change application was lodged on 30 August 2016 to change conditions 18 and 23 of the approval to reflect the staging (2 storey multiple dwellings (stage 1) and a 5 storey apartment building (stage 2) and a decision notice was issued on 21 September 2016.

An application was lodged on 4 January 2017 (MCU013906) for a 7 storey apartment building, shop and commercial office located in the same part of the site as the approved 5 storey development. Issues were raised regarding building height amongst other matters. Amended plans were provided reducing the building height to 6 storeys by locating one level of parking in a basement, however the application is yet to be decided with issues of height, bulk and scale unresolved.

ISSUES**Development Proposal & Site Description****Proposal**

Council has received an application seeking a preliminary approval for a Material Change of Use (6-storey multiple dwelling with ground level commercial office) that includes a variation request to vary the operation of City Plan so that the height provisions for Precinct MDR4 in the Tables of Assessment of the Medium Density Zone Code will apply to any future development application associated with the development.

Site & Locality

The site is located on the corner of Passage Street and Middle Street and is currently improved by a sales office and a dwelling house (refer Attachment 2). The site is predominantly clear of vegetation. The site falls to the east at a gentle gradient.

The immediate surrounding area is a mix of Neighbourhood Centre and Medium Density Residential with Recreation and Open Space zoned land located further north and Community Facilities zoned land to the south and south west. The existing surrounding land uses consist of the Cleveland RSL to the north-west, Bay Air Motel to the north, a mix of dwelling houses and multiple dwellings to the east and office tenancies further to the west. There are a number of 5 to 8 storey apartment buildings within a block of the subject site, including one 6 storey apartment building across the road to the south-west. There is also a 2 storey multiple dwelling development located directly to the south (built as Stage 1 of the previous approval which included this site). The Cleveland CBD is located approximately one kilometre west of the site. The site is in close proximity to the Toondah Harbour Priority Development Area (PDA) and ferry terminal that provides access to North Stradbroke Island.

APPLICATION ASSESSMENT

Planning Act 2016

The application has been made in accordance with the *Planning Act 2016 (PA) Development Assessment Rules* and constitutes an application for a preliminary approval for Material Change of Use that includes a variation request, under City Plan.

The application is assessed in two parts. Part A will consider the application for a preliminary approval for Material Change of Use. Part B will then consider the variation request.

Part A – Preliminary Approval

In assessing this application s.45(5) of the PA provides that:

*‘An **impact assessment** is an assessment that—*

(a) must be carried out—

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

(b) may be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.

• *Examples of another relevant matter—*

- *a planning need*
- *the current relevance of the assessment benchmarks in the light of changed circumstances*
- *whether assessment benchmarks or other prescribed matters were based on material errors’*

S.60 of the PA relevantly provides that:

*‘...(3)To the extent the application involves development that requires **impact assessment**, and subject to section 62, the assessment manager, after carrying out the assessment, must decide—*

(a) to approve all or part of the application; or

(b) to approve all or part of the application, but impose development conditions on the approval; or

(c) to refuse the application.

(5) The assessment manager may give a preliminary approval for all or part of the development application, even though the development application sought a development permit.

(6) If an assessment manager approves only part of a development application, the rest is taken to be refused.’

Assessment Benchmarks

City Plan

The application has been assessed under City Plan V1.

The application is subject to impact assessment. In this regard, the application is subject to assessment against the entire planning scheme. However it is recognised that the following codes are relevant to the application:

- Medium Density Residential Zone Code
- Healthy Waters Code

- Infrastructure Works Code
- Landscaping Code
- Transport, Servicing, Access and Parking Code

Section 49(2) of the PA is relevant to a preliminary approval, providing that:

(2) A preliminary approval is the part of a decision notice for a development application that—

- (a) approves the development to the extent stated in the decision notice; but
- (b) does not authorise the carrying out of assessable development.

As such, a preliminary approval may be conceptual in nature, and does not require detailed assessment of plans required as part of a request for a development permit. In this instance the applicant has provided a description of the development on the application form and has provided additional supporting information in the submitted planning report.

The following issues have been identified as relevant to the assessment:

Building Height

Table 5.4.4 – Building Height in the MDR Zone Code Table of Assessment nominates a 13m building height in the MDR Zone. The applicant has included elevation plans on P.4 of the planning report that indicates a maximum building height of approximately 22m and 6 storeys (refer Attachment 5). Overall Outcome 2(f) in Section 6.2.3.2 – Purpose of the MDR Zone Code, states:

‘development is generally two to three storeys in height, unless otherwise intended in a particular precinct;’

The development at 6 storeys does not meet the overall outcome given the site is not located in a precinct. In making a decision on this application, and in accordance with Section 45(5) of the Planning Act 2016, it is considered that there are other relevant matters to consider.

Other Relevant Matters

- **Submissions** – The proposed development is Impact Assessable and required public notification. The application was publicly notified for 30 business days from 21 February 2019 to 4 April 2019, in accordance with Section 53(4)(b)(i) of the DA Rules. A notice of compliance for public notification was received on 9 May 2019. There was one (1) properly made submission received during the notification period.

1.	Issue Out of character with other buildings in the immediate area.
	Applicant Response Not provided.
	Officer's Comment The immediate area is zoned MDR. The MDR Code provides for higher density living and differing heights within sub areas, however, this site has a 13m height limit. It is noted that there is development in the immediate area containing buildings with varying heights. Further discussion on this is provided in the assessment section of this report.
2.	Issue There are currently 2 and 3 storey developments on adjoining lots. There is no logic as to why a developer would build a 2 storey and then proceed with a high-rise building right beside it which will cause overshadowing.
	Applicant Response Not provided.
	Officer's Comment There is already an existing approval for a 2 stage development which includes the 2 storey multiple dwelling development to the adjoining site to the south and a 5 storey (plus roof terrace) apartment building on the subject site. Stage 1 has been constructed. The current proposal is for an additional storey. This is discussed further in the report.

3.	Issue Access for the proposed apartment block should be via Middle Street, not through the existing Easement and the driveway should not be used by residents, garbage trucks, etc, which will result in an increase of general traffic.
	Applicant Response Not provided.
	Officer's Comment The easement was created as part of a 2 stage development to provide access to the approved 5 storey apartment building. The 2 storey multiple dwelling development to the south was constructed as Stage 1. The easement area will also provide for onsite rubbish collection for the approved apartment building. The number of units and/or proposed uses will not result in a significant increase to traffic compared with that already approved.
4.	Issue Passage Street has a nice streetscape with Palm Trees and historical fig trees and buildings in the RSL precinct. Allowing the building height will result in further increase in height in the immediate vicinity and qualities of the area will be lost.
	Applicant Response Not provided.
	Officer's Comment The immediate area is zoned MDR. Although the MDR Code provides for differing heights up to 22m, the subject site is limited to 13m. Existing approvals exist within the area, including an approved 5 storey apartment on this site, which will result in a change to the streetscape.

- Existing approvals** – There is an existing approval for a 5 storey (plus roof terrace) Apartment Building as part of a 2-stage development approved first in 2013, and with minor changes approved in 2016 (Council ref. MC012013). This approval has some relevance to the assessment as the approval demonstrated that a 5 to 6 storey residential development can be located on the subject site with the relevant assessment matters of building height, streetscape and amenity addressed through a combination of building design and conditions of approval. The weight given to the current assessment is considered to be reduced given the application was assessed under a superseded planning scheme and superseded legislation, although the planning principles underpinning the assessment of the current development are in essence the same as those that applied to the approved development with regards to streetscape, built form and amenity.

In the previous approval it was determined that a building on the subject site with a 19m height would take advantage of its strategic position being located on a prominent corner, representing a key transport and pedestrian link between Cleveland Central Business District (CBD) and Toondah Harbour Priority Development Area (PDA). Sufficient separation could be achieved to surrounding development to ensure no overshadowing and prevent overlooking, and the building design included an articulated roof design and extension use of screens and balconies to break up the built form, to provide an acceptable streetscape.

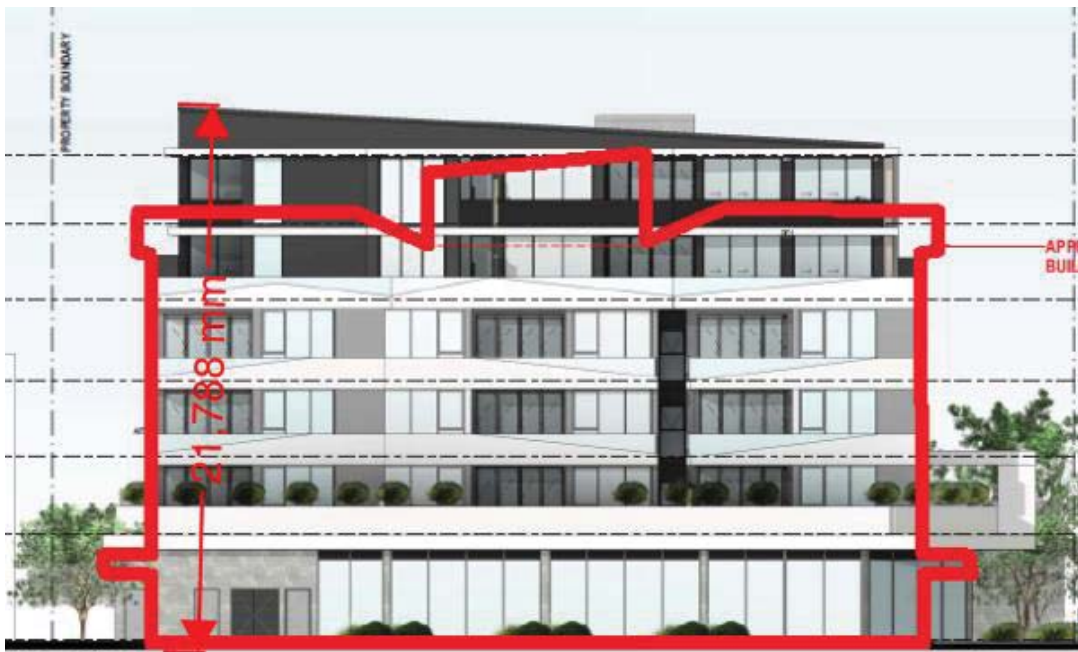


Figure 11 - Middle St Elevation

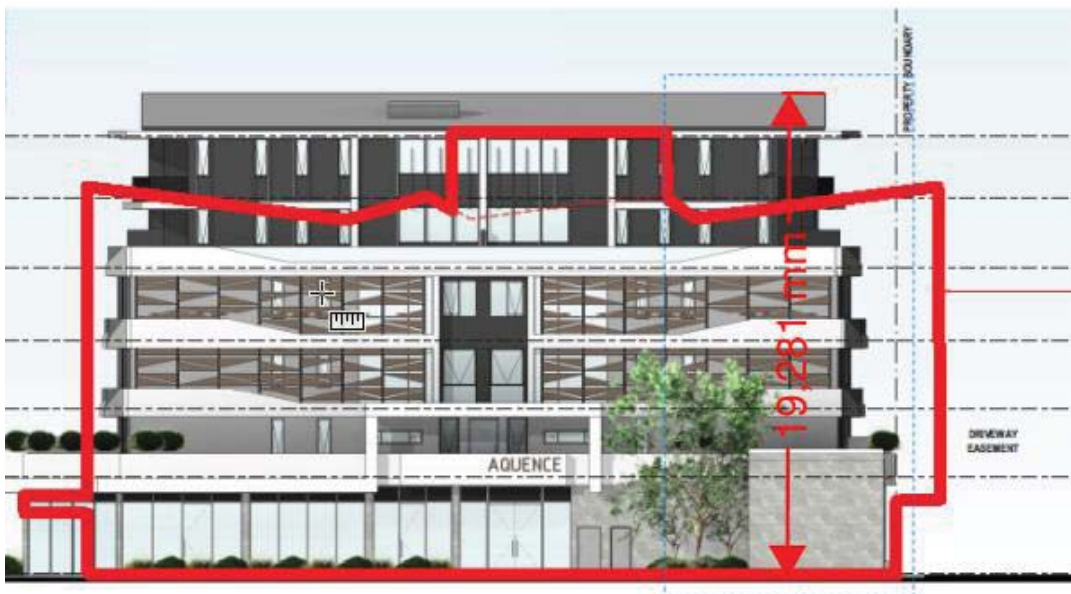


Figure 1 – Proposed Building with Approved Highlighted in Red

Although the concept design is slightly higher than the approved building, it is not significantly higher. Further, despite the 6th floor extending almost the full width of the building, the development as a whole is considered to provide an acceptable streetscape through a varied built form with elements including a pitched skillion roof (greater building articulation/cladding mix on Middle Street elevation where roof appears flat), contrasting cladding and some stepping in height from the sides to the middle of the building. Further, the size of the lot would also allow development to be sited to limit overshadowing or overlooking.

As such, it is considered that a 6 storey building height could be supported on the subject site given its location, lot size and through appropriate design, discussed further in the response to Performance Outcome PO10 of the MDR Zone Code below. A change in the operation of the height provisions is discussed in Part B of the assessment with regards to the variation request. If the variation request is approved, the decision will resolve the conflict with Overall Outcome 2(f), in accordance with Section 60(2)(b) of the Planning Act.

- **Toondah PDA** – The Toondah Harbour PDA covers approximately 67 hectares including 18 hectares of land 1km east of Cleveland Town Centre. The subject site is not located within the PDA and any development on the subject site is not subject to the provisions of the PDA Development Scheme. The precinct of the PDA located adjacent to the MDR block is intended to accommodate mixed use residential (7 storeys - refer Attachment 4). The development site is located between the Cleveland CBD and the Toondah PDA and arguably aligns with the purpose of the MDR4 precinct as the:
 - Development assists in providing connections between Cleveland principal centre and the surrounding area;
 - Building height reinforces the role and vibrancy of Cleveland as a principal centre and the connection between the centre and Toondah Harbour; and
 - Development consolidates underutilised sites.

A 3 to 6 storey development on the subject site achieves the first by being located at a prominent corner, representing a key transport and pedestrian link between Toondah PDA, the Neighbourhood Centre straddling Middle Street and Passage Streets, and the Cleveland CBD. It is considered that the development of the site for a 3 to 6 storey building height will provide an efficient use of its strategic position, and will provide a suitable streetscape intended for this locality.

- **Heights of other development approved in the area** – If approved, the development will not look out of place given the proliferation of mid-rise development to the east and west of the site (refer Figure 8 on p. 17 of Attachment 5). A mid-rise development on this site will provide a transition between an underutilised part of the block (the only lot undeveloped once the adjoining hotel is constructed), and the 2-3 storey predominant building height before stepping up again in the Toondah PDA.

It is considered that, while the development does not meet the applicable assessment benchmark, in relation to building height, when weighed against other relevant matters including existing approvals and locational context, it is recommended that the proposal should be supported despite the conflict with Overall Outcome 2(f), subject to the following assessment. Performance Outcomes PO9 and PO10 are relevant to the assessment of building height:

Performance Outcome	Response
<p>PO9 Building height:</p> <ol style="list-style-type: none"> 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; 	<p>There is a conflict with PO(9) which relates to the overall outcome for building height discussed in the preceding section. Should the related variation request be approved, the conflict will be resolved because the MDR4 height requirements in the Tables of Assessment will apply in lieu of the MDR provisions.</p>

Performance Outcome	Response
<p>4. in precinct MDR4 Cleveland, is mid-rise and reinforces the connection between Cleveland principal centre and Toondah Harbour;</p> <p>5. in precinct MDR7 Eprapah 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 to optimise the amenity of their locations; and</p> <p>6. is up to three storeys in all other areas.</p>	
<p>PO10 Where building height over 13m is intended, buildings step down in height and scale to be of a similar size to intended building height on adjoining residential zoned land.</p>	<p>A 2 storey development adjoins the southern boundary and a 3 storey hotel has been approved on the 2 lots adjoining to the east. It is considered that the 6m – 8m wide easement provides adequate separation to the southern boundary so that the difference in heights will not be as noticeable, however the setback to the existing/approved development to the east is much less, and the change in building heights will therefore have more of an impact on streetscape. Other examples of high-rise development in the surrounding area are located in one of the precincts which support greater height, and it is expected that these will develop over time. Once the adjoining lot to the east develops the difference in height will be 3 storeys, and therefore would not be the same height as the proposed development. To address the difference in height, an appropriate condition is recommended to reduce the width of the upper storey along the eastern boundary to provide an appropriate transition in height.</p>

Streetscape

Performance Outcomes PO11, PO13, PO16 and PO17 are relevant to the assessment of streetscape:

Performance Outcome	Response
<p>PO11 Building setbacks (other than basements):</p> <ol style="list-style-type: none"> 1. create an attractive, consistent and cohesive streetscape; 	<p>Existing front setbacks range from approximately 1.5m to more than 8m along Passage Street, and 0m (to the porte-cochere of approved but unconstructed hotel at 217 Middle Street) to 12m along Middle Street. No detailed plans have been submitted with the application, however it is considered that appropriate setbacks for a 6 storey building could be easily facilitated due to the relatively large lot size (1583m²) and generous lot depth (40m), which would allow a future development to provide an attractive, consistent and cohesive streetscape.</p>
<p>PO13 Design elements contribute to an interesting and attractive streetscape and building through:</p> <ol style="list-style-type: none"> 2. the provision of projections and recesses in the facade which reflect changes of internal functions of buildings, including circulation; 3. variations in material and building form; 4. modulation in the facade, horizontally or vertically; 5. articulation of building entrances and openings; and 6. corner treatments to address both street 	<p>The street elevations included in the planning report are indicative only, with detailed plans to be submitted as part of the subsequent MCU application for a development permit, should a preliminary approval be granted. The concept design includes variation in material and building form both vertically and horizontally through use of contrasting cladding materials, colour and texture. The building entrance to Passage Street is framed by projections to accentuate this feature, and awnings over the footpath along both street frontages with podium planting above, which when combined with building articulation and</p>

Performance Outcome	Response
frontages.	contrasting cladding finishes would provide adequate corner treatment to reflect the prominent location.
PO16 Parking facilities are located so that they do not dominate the streetscape or the building form when viewed from the street.	Parking details have not been provided, however it is intended to use the easement on Lot 0 to provide access to the development, which will allow the design to contain parking within the building without being visible from the street, and thus will not dominate the streetscape.
PO17 Development is designed to create an attractive streetscape and discourage crime and anti-social behaviour by: <ol style="list-style-type: none"> 1. maximising opportunities for casual surveillance of public places, pedestrian and cycle paths and car parking areas; 2. ensuring spaces are well lit; 3. minimising potential concealment and entrapment opportunities; and 4. providing direct movements with clear unobscured sight lines. 	Future development on the site can achieve appropriate crime prevention through environmental design (CPTED) outcomes without impacting on streetscape by addressing the street along both frontages through continuous floor to ceiling windows. Assessment of 'Back of house' features including parking areas can be appropriately lit and designed to minimise concealment and entrapment opportunities. The main entry is from Passage Street with direct line-of-sight provided.

Amenity

Performance Outcomes PO11, PO13, PO18, PO20, PO21 and PO23 are relevant for the assessment of amenity:

Performance Outcome	Response
PO11 Building setbacks (other than basements): <ol style="list-style-type: none"> 1. create an attractive, consistent and cohesive streetscape; 2. maintain appropriate levels of light and solar penetration, air circulation, privacy and amenity for existing and future buildings; 3. do not prejudice the development or amenity of adjoining sites; 4. assist in retaining native vegetation and allow for the introduction of landscaping to complement building massing and to screen buildings; 5. provide useable open space for the occupants; and 6. provide space for service functions including car parking and clothes drying. 	A negative amenity outcome for adjoining uses may come about as a result of unreasonable overshadowing by an adjoining taller building; overlooking into private open space of habitable room windows; and poor ventilation resulting from buildings being close together. The subject site is separated by a 6m – 8m wide driveway from the development to the south, which is sufficient to provide adequate solar access; reduce the potential for overlooking and provide good air circulation. The dwelling to the east is located approximately 3.5m from the side boundary, and the approved hotel has setbacks ranging from 2m to more than 12m. The development will be located 4m from this boundary; the combined separation will reduce the potential for overshadowing while providing adequate ventilation. The 6m plus setback is considered adequate to provide an appropriate privacy outcome, however privacy screens may be considered as part of the subsequent application.
PO13 Privacy between dwelling units on the site and adjoining sites is achieved by effective building design and the location of windows and outdoor open spaces to prevent overlooking into habitable rooms or private open space areas or through the use of screening devices. Where screening devices are used, they are integrated with the building design.	Refer to response to PO11 in this section.

Performance Outcome	Response
<p>PO18 Privacy between dwelling units on the site and adjoining sites is achieved by effective building design and the location of windows and outdoor open spaces to prevent overlooking into habitable rooms or private open space areas or through the use of screening devices. Where screening devices are used, they are integrated with the building design.</p>	<p>It is considered that privacy can be addressed through appropriate setbacks combined with privacy screens, where required. This issue will be addressed as part of the subsequent MCU application.</p>
<p>PO20 Development minimises impacts on surrounding residential amenity and provides a high level of on-site amenity for occupants, having regard to noise, odour, vibration, air or light emissions.</p>	<p>A noise impact assessment will be required as part of a future MCU application to assess noise impacts, while conditions can be included where relevant to ensure environmental emissions will not have an unacceptable impact on amenity for surrounding residential uses.</p>
<p>PO21 Siting and design achieves a high level of amenity for occupants by minimising impacts from noise generating areas, such as streets, driveways, car parking areas, service areas, private and communal open space areas and mechanical equipment.</p>	<p>Detailed design does not form part of this assessment, however access for parking and waste collection will be via the easement on Lot 0, and will be subject to noise assessment, which will also consider noise from mechanical plant. The location of private and communal open space areas are unknown at this time, however given the separation between uses it is unlikely that noise from these areas will have any adverse impact on the amenity of surrounding uses, and would be subject to the usual environmental noise criteria under the Environmental Protection (Noise) Policy should complaints be received from development approved subsequent to any preliminary approval.</p>
<p>PO23 Waste disposal and servicing areas are not visible from public places and do not have adverse amenity impacts on adjoining properties.</p>	<p>This detail is unknown at this stage, however waste bins and servicing areas will be subject to detailed assessment at a later stage before development can be approved, to ensure appropriate amenity outcomes for adjoining properties.</p>

Access and Parking

The assessment of access and parking elements will be undertaken at a later stage, when detailed plans are submitted as part of a future MCU application. Approval of the current application will not prejudice the assessment of the future MCU in terms of access and parking. Access will be via the easement over the adjoining Lot 0 to the south, and it is likely 2 levels of parking will be provided.

Open Space

Assessment of communal and open space does not form part of this assessment, and will be undertaken at a future stage. However, given the large lot size and generous frontage widths, it is considered that adequate open space can be provided for the development.

Landscaping

Details of landscaping are unknown at this stage and do not form part of the assessment, however adequate buffer planting to both street frontages and along the eastern boundary can be achieved given the lot size and frontage width. Landscaping to the southern boundary is not considered necessary given the location of the shared driveway between the proposed use and the existing multiple dwelling development.

Stormwater Management

Stormwater assessment is not relevant to the current assessment, and will be addressed as part of a later application. Given the previous approval for a similar development, appropriate stormwater management can be achieved for a future development.

Infrastructure

A future development can be serviced by existing utility infrastructure, and can be conditioned as part of a future application.

Waste Management

Waste management assessment does not form part of the current application and will be considered as part of the detailed assessment of the future MCU.

QDC MP1.4

Relevant infrastructure for the purposes of the QDC MP1.4 includes a 150mm sewer main runs north-south inside the east side boundary, and a 100mm water main in the Middle Street verge. Assessment is not relevant to the current application, and it is considered that a future application will be able to address any impacts associated with the development on relevant infrastructure.

Having regard to any matters prescribed by a regulation

Section 30 of the Planning Regulation provides that:

Assessment benchmarks generally—Act, s 45

(1) For section 45(5)(a)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.

(2) Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—

(a) the assessment benchmarks stated in—

(i) the regional plan for a region; and

(ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

(iii) a temporary State planning policy applying to the premises;

(b) if the development is not in a local government area—any local planning instrument for a local government area that may be materially affected by the development;

(c) if the local government is an infrastructure provider—the local government's LGIP.

(3) However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

Section 30 of the Planning Regulation refers to the assessment benchmarks the assessment manager must have regard to generally, however the assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development. An assessment of the assessment benchmarks with respect to Section 30 is included below:

- **Schedules 9 and 10 of the Planning Regulation** – The development does not include building work made assessable under the Building Act, therefore Schedule 9 is not relevant to the

assessment. The development does not include any prohibited development, therefore Schedule 10 does not apply. As such, no weight is given to the current assessment.

- **SEQ Regional Plan** – The site is located within the Urban Footprint. The Regional Plan provides for a focus on transit-oriented development, and higher densities in and around activity centres. The Cleveland Activity Centre needs more people in and around the centre to maintain vibrancy and services. It is also recognised that the Urban Footprint contains areas that have been underutilised for a sustained period. Given the subject site is considered sufficiently large enough to accommodate a higher density and more compact urban form, while maximising efficiencies in terms of infrastructure provision, the outcomes sought for consolidating urban growth as part of a compact settlement pattern within an established community, are recognised. As such, some weight should be given to the SEQ Regional Plan when considering overarching principles around urban infill development in a locational and site-specific context.
- **State Planning Policy (SPP)** – The State interests identified in the SPP are appropriately integrated into City Plan, and therefore consideration of the SPP is not relevant to the application.
- **Temporary State Planning Policy** – There are no temporary local planning instruments relevant to the development.
- **Local Government Infrastructure Plan (LGIP)** – There is no trunk infrastructure identified in the LGIP as relevant to the development.

Section 31 refers to matters impact assessment must have regard to, generally—Act, s 45

(1) For section 45(5)(a)(ii) of the Act, the impact assessment must be carried out having regard to—

(a) the matters stated in schedules 9 and 10 for the development; and

(b) if the prescribed assessment manager is the chief executive—

(i) the strategic outcomes for the local government area stated in the planning scheme; and

(ii) the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme; and

(iii) the strategic intent and desired regional outcomes stated in the regional plan for a region; and

(iv) the State Planning Policy, parts C and D; and

(v) for premises designated by the Minister—the designation for the premises; and

(c) if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and

(d) if the prescribed assessment manager is a person other than the chief executive—

(i) the regional plan for a region; and

(ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

(iii) for designated premises—the designation for the premises; and

(e) any temporary State planning policy applying to the premises; and

(f) any development approval for, and any lawful use of, the premises or adjacent premises; and

(g) the common material.

(2) However—

(a) an assessment manager may, in assessing development requiring impact assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and

(b) if an assessment manager is required to carry out impact assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.

For the purposes of Section 31, the assessment manager is not the chief executive. An assessment against the planning scheme, regional plan, and SPP have been undertaken in the previous sections. An assessment against Schedule 11 of the Planning Regulation is included below in addition to the common material and strategic elements of the planning scheme:

- **Schedule 11 of the Planning Regulation** – The site is designated ‘High Value Other’, as such there are no offset or replanting requirements under Schedule 11. Existing surrounding land use has already compromised and diminished habitat values as allowed for in Part 2. Koalas are not encouraged into urban infill development, however street trees will provide safe koala movement should koalas be in the area. As such, there are no requirements under Schedule 11, and no weight is given to the current assessment.
- **City Plan Strategic Elements** – Housing choices in the medium density and low-medium density residential zones specifies that medium rise development generally occurs close to the principal centres, with lower-rise development in other parts of the low-medium and medium density residential zones. The MDR precincts generally align with this pattern, with building heights tending to decrease as the distance from the Cleveland CBD increases except in the precinct areas. The block bounded by Passage, Middle, Queen and Wharf Streets is quite large at approximately 4 hectares and parts of the block are located adjacent to, or across the road from, precincts which allow greater building heights, including the MDR4 precinct directly across the road from the subject site to the north and west. The block also adjoins the Toondah PDA to the east (refer ‘Other Relevant Matters’). The MDR zoning reflects the relatively small lot size and fragmented landownership in this part of the City, which has resulted in the majority of the land developing over the past 10 years for townhouses. Most of the block has developed except for the subject site and the adjoining site to the east which has an approval for a 3 storey hotel development. The lots located in Precincts MDR3 and MDR4 tend to be larger lots, which allow for higher density uses between the Cleveland CBD and Toondah Harbour (refer Attachment 4). The subject lot is a larger lot, which could allow for a similar higher density use while providing adequate separation to adjoining uses to minimise overshadowing/overlooking impacts. As such, it is considered that a 19m building height for the subject site can achieve the strategic intent for development in this part of the City while still allowing the balance of the site to maintain a reduced height.
- **Common Material** – The applicant provided a planning report which included reasons for the variation request (listed in the “Proposal” section of the report), including a rationale for the proposal to consider the site’s location between the Cleveland CBD and the Toondah PDA, and the building form primarily along Middle Street within a block of the development. The Toondah Harbour PDA covers approximately 67 hectares including 18 hectares over land 1km east of Cleveland Town Centre. The subject site is not located within the PDA and any development on the subject site is not subject to the provisions of the PDA Development Scheme. The precinct of the PDA located adjacent to the MDR block is intended to accommodate mixed use residential (7 storeys - refer Attachment 4). The development site is

located between the Cleveland CBD and the Toondah PDA and arguably aligns with the purpose of the MDR4 precinct as the:

1. development assists in providing connections between Cleveland principal centre and the surrounding area;
2. building height reinforces the role and vibrancy of Cleveland as a principal centre and the connection between the centre and Toondah Harbour; and
3. development consolidates underutilised sites.

A 3 to 6 storey development on the subject site achieves the first by being located at a prominent corner, representing a key transport and pedestrian link between Toondah PDA, the Neighbourhood Centre straddling Middle Street and Passage Streets, and the Cleveland CBD. It is considered that the development of the site for a 3 to 6 storey building height will provide an efficient use of its strategic position, and will provide a suitable streetscape intended for this locality, and will not look out of place in its context given proliferation of mid-rise development to the east and west of the site (refer Figure 8 on p. 17 of Attachment 5). A mid-rise development on this site will provide a transition between an underutilised part of the block and the predominant 1 to 3 storey development adjoining.

- **Existing approvals** – As detailed previously, there is an existing 5 storey (plus roof terrace) Apartment Building as part of a 2-stage development approved first in 2013, and with minor changes approved in 2016 (Council ref. MC012013). This approval has some relevance to the assessment as the approval demonstrated that a 5 to 6 storey residential development can be located on the subject site with the relevant assessment matters of building height, streetscape and amenity addressed through a combination of building design and conditions of approval. However, the weight given to the current assessment is considered to be reduced given the application was assessed under a superseded planning scheme and superseded legislation, though the planning principles underpinning the assessment of the current development are in essence the same as those that applied to the approved development.

It is considered that the issues most affected by an increase in building height being streetscape, building design and amenity, can be addressed given the size and depth of the subject lot and will allow an appropriate design to be supported as part of a subsequent material change of use application. Some weight should also be given to the SEQ Regional Plan when considering overarching principles around urban infill development in a locational and site-specific context. Also given the development is located close to the Cleveland CBD, it accords with the strategic intent for higher density living for this part of the City, particularly given the site's prominent location. Further, although a previous approval for a 5 storey (plus roof terrace) residential development on the subject site was approved under both superseded legislation and planning scheme, the planning principles are essentially the same, therefore some weight should be given to past approvals when decided the current application. Issues raised in a submission have been addressed in the report. In this regard, it is considered that the MDR4 precinct is a more appropriate designation for the subject site proposed development can be supported in concept subject to a condition requiring additional stepping of building height to respect the transition of building heights to the east, with sufficient separation provided to the existing development to the south.

Conclusion

The assessment principally considered impacts associated with building height with regards to streetscape and amenity. Although assessment of the detailed design would occur in the subsequent material change of use to upgrade the preliminary approval (if approved) to a development permit, it is considered that sufficient information has been provided to assess the development as a concept, which is one form that a preliminary approval may take.

The assessment identified one critical issue that should form part of the recommendation, and that is where buildings are over 13m in height, that they step down in height in scale to be of a similar height to adjoining residential zoned land. It was considered that there is sufficient separation to multiple dwelling development to the south due to the 6-8m wide easement, however the development should address the difference in height and scale to the existing and approved development adjoining to the east. A condition will be included in the recommendation section to this effect.

Otherwise, it is considered that a 6 storey development could be located on the subject site and achieve appropriate streetscape and amenity outcomes through building design, appropriate setbacks and landscaping. As such, it is recommended that a preliminary approval for a 6 storey mixed use development be approved.

Part B – Variation Request

S.61 of the Planning Act relevantly provides that:

'...(2) When assessing the variation request, the assessment manager must consider—

(a) the result of the assessment of that part of the development application that is not the variation request; and

(b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and

(c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and

(d) any other matter prescribed by regulation.

(3) The assessment manager must decide—

(a) to approve—

(i) all or some of the variations sought; or

(ii) different variations from those sought; or

(b) to refuse the variations sought.

Result of the assessment of that part of the development application that is not the variation request.

Consistency of the variations sought with the rest of the local planning instrument that is sought to be varied.

The variation request seeks to change the operation of the Tables of Assessment and assessment benchmarks in the MDR Zone Code to future development applications so that the MDR4 building height nominated in Table 6.2.3.3.2 – Building Height, applies in lieu of the 13m building height that is currently relevant to the subject site. It is considered that the proposed changes are consistent with the rest of the local planning instrument that is sought to be varied.

The effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters.

One submission was received objecting to the development, with grounds relating to character, amenity, traffic and streetscape, which is detailed in detail in Part A of the assessment. Given a submission was received with the current application, it is considered that sufficient information was available to inform this process. If the current application is approved, and the applicant lodges an MCU application to upgrade the preliminary approval to a development permit, sufficient information would be available for potential submitters should the development exceed the 19m impact assessment threshold, which the street elevation plans included in the planning report indicate.

If the variation request is approved, development exceeding the current impact assessment threshold of 13m and up to 19m in height, would remove the rights for submitters for a future code assessable application. However, given only one submission was received for the application, with the same submission lodged for the related application MCU013906, it is considered unlikely that other submissions would be received if the development is substantially the same.

Any other matter prescribed by regulation

Section 32 of the Planning Regulation requires that an assessment manager must consider the following matters when assessing a variation request, to the extent relevant:

- a) *The common material;*
- b) *The regional plan for a region;*
- c) *The State Planning Policy, to the extent the State planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;*
- d) *Any temporary State planning policy.*

All of the relevant matters have been considered elsewhere in this report and it is concluded would not provide any reasons to refuse the variation request.

Conclusion

It is considered that the additional height can be supported on the subject site given the site characteristics (lot size and depth) can support an increased building height while providing an acceptable streetscape and building design while addressing amenity. The site is also located in a prominent corner on Middle Street between the Cleveland CBD and Toondah PDA, where buildings of 5 to 8 storeys have been approved and/or constructed, which has been raised by the applicant as grounds to support an increase in building height. Approval of the variation request to vary the operation of the Tables of Assessment for the MDR Zone Code are considered to be consistent with the overall outcomes of the MDR Zone Code, which is the most relevant assessment benchmark considered as part of the assessment. Although submission rights will be lost for buildings over 13m, impact assessment will still triggered for buildings over 19m, with one submission received and considered during the assessment of the current application. Given, only one submission was received it is considered unlikely that new submissions will be received when the applicant seeks to upgrade the preliminary approval to a development permit.

INFRASTRUCTURE CHARGES

The proposed development is for a preliminary approval, and will be subject to infrastructure charges in accordance with the Adopted Infrastructure Charges Resolution, at such time that the applicant seeks upgrade the preliminary approval to a development permit.

STATE REFERRALS

The application did not trigger any referral requirements.

STRATEGIC IMPLICATIONS**Legislative Requirements**

In accordance with the *Planning Act 2016* this development application has been assessed against the City Plan and other relevant planning instruments.

Risk Management

Standard development application risks apply. In accordance with the *Planning Act 2016* the applicant may appeal to the Planning and Environment Court against a decision to refuse or a provision of the development approval. A submitter also has appeal rights.

Financial

If an appeal against the decision is filed, subsequent legal costs will apply.

People

Not applicable. There are no implications for staff.

Environmental

Not applicable. There are no implications for the environment.

Social

Not applicable. There are no social implications.

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
Divisional Councillor	16 May 2019	No comments provided

OPTIONS**Option One**

The Council resolves as follows:

1. To issue a preliminary approval for the Material Change of Use application for a 6 storey mixed use Multiple dwelling and ground level commercial office, on land described as Lot 101 on SP278900 and part of Lot 0 on SP278900, and situated at situated at 17-19 and part of 21 Passage Street, Cleveland subject to the following conditions:
 - a) Design the development to step down in height and scale to be of a similar size to the intended building height on the adjoining residential zoned land to the east, in accordance with Performance Outcome PO10 of the Medium Density Residential Zone Code.

2. To approve the variations sought to vary the effect of the City Plan in accordance with section 61 of the *Planning Act 2016*, on land described as Lot 101 on SP278900 and part of Lot 0 on SP278900, and situated at 17-19 and part of 21 Passage Street, Cleveland as follows:
 - a) Apply the relevant MDR4 Precinct provisions including Table 6.2.3.3.1 – Building Height, in the Medium Density Residential Zone Code, to the development that is subject of the variation approval or development that is the natural and ordinary consequence of the development that is the subject of the variation approval.

Option Two

That Council resolves as follows:

1. To issue a preliminary approval subject to different conditions.
2. To approve different variations to the City Plan to those requested.

Option Three

That Council resolves as follows:

1. To refuse the preliminary approval (reasons for refusal must be identified).
2. To refuse the variations requested (reasons for refusal must be identified).

COUNCIL RESOLUTION 2019/244

Moved by: Cr Julie Talty
Seconded by: Cr Mark Edwards

The Council resolves as follows:

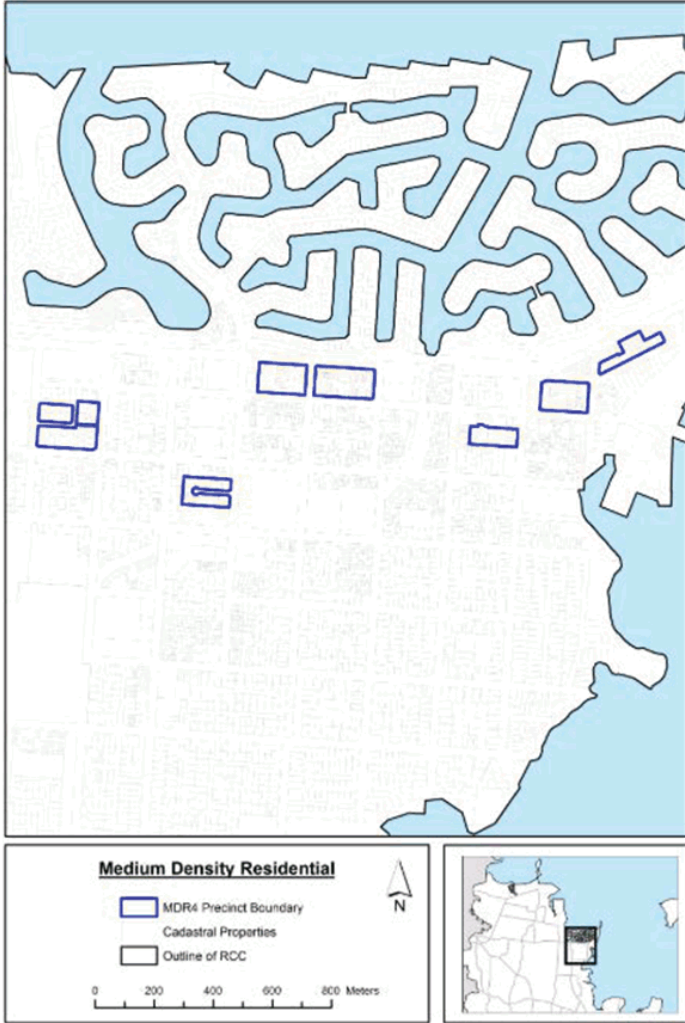
1. To issue a preliminary approval for the Material Change of Use application for a 6 storey mixed use Multiple dwelling and ground level commercial office, on land described as Lot 101 on SP278900 and part of Lot 0 on SP278900, and situated at situated at 17-19 and part of 21 Passage Street, Cleveland subject to the following conditions:
 - a) Design the development to step down in height and scale to be of a similar size to the intended building height on the adjoining residential zoned land to the east, in accordance with Performance Outcome PO10 of the Medium Density Residential Zone Code.
2. To approve the variations sought to vary the effect of the City Plan in accordance with section 61 of the *Planning Act 2016*, on land described as Lot 101 on SP278900 and part of Lot 0 on SP278900, and situated at 17-19 and part of 21 Passage Street, Cleveland as follows:
 - a) Apply the relevant MDR4 Precinct provisions including Table 6.2.3.3.1 – Building Height, in the Medium Density Residential Zone Code, to the development that is subject of the variation approval or development that is the natural and ordinary consequence of the development that is the subject of the variation approval.

CARRIED 7/4

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

Crs Wendy Boglary, Murray Elliott, Tracey Huges and Paul Bishop voted AGAINST the motion.

ATTACHMENT 1 - Figure 6.2.3.2.4—Precinct MDR4: Cleveland



ATTACHMENT 2 – Subject Site & City Plan Zoning

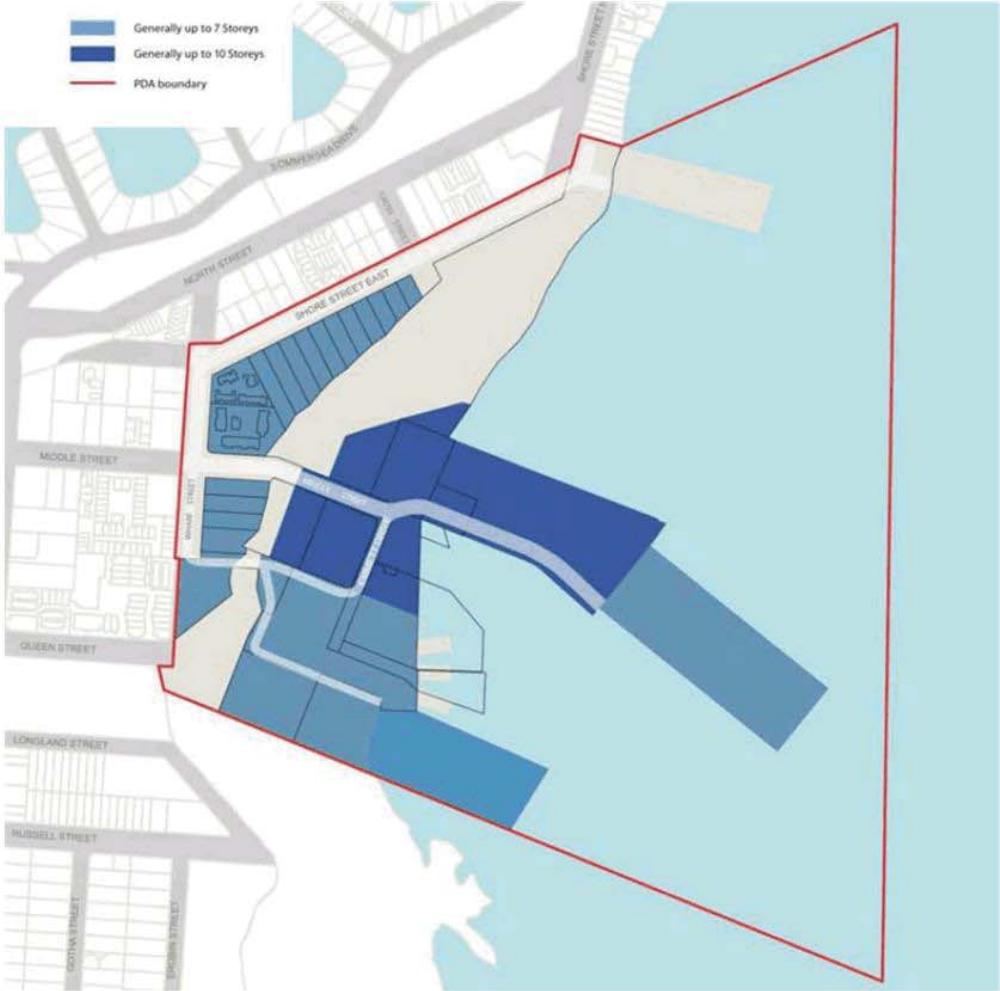


ATTACHMENT 3 – RPS MDR Sub-Area 1 – Cleveland Locations Including Heights



Location	Maximum Building Height	Storeys
6 Channel Street, Shore Street, Middle Sts	22m	6
7 Passage Street	19m	5
8 Queen Street, Passage Street, Middle Sts	13m	3
9 Middle Street, Shore Street, Wharf Sts	19m	5
10 Wharf Street, Shore Street, Middle Sts	19m	5
11 North Street, Shore Street East	13m	3

ATTACHMENT 4 - Map 4: Height Plan. Extract from Toondah Harbour Priority Development Area Development Scheme.





TOWN PLANNING ASSESSMENT REPORT

Application for a Preliminary Approval

Div. 2 S. 50 (3) - Planning Act 2016
(including a variation request)



Lot 101 SP 278900 & Emt. A SP278900

17-19 Passage Street, Cleveland

Prepared for Aquence Towers Pty Ltd
19 September 2018



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SUPPORTING DOCUMENTATION

Planning Report
DA Form 1
Owners' Consents

1 Application under s.50 (Qld) Planning Act 2016 – Preliminary Development Approval (including a variation request) – Lot 101 and Lot 0 on SP278900, 17-19 Passage Street, Cleveland



The person responsible for this report is:



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2 | *Application under s.50 (Qld) Planning Act 2016 – Preliminary Development Approval (including a variation request) – Lot 101 and Lot 0 on SP278900, 17-19 Passage Street, Cleveland*



1. INTRODUCTION

Urban Systems Pty Ltd has been commissioned by Aquence Towers Pty Ltd to prepare a development application to Redland City Council seeking a preliminary approval, including a variation request under s.50(3) of the Planning Act 2016, for a material change of use — 6-storey apartment building, shop and commercial office at 17-19 and 21 Passage Street, Cleveland Qld 4163 (Lot 101 on SP278900 and emt. A on Lot 0/SP278900).

The purpose of this town planning report is to provide the Council with an assessment of the proposal against the relevant state, regional and local planning provisions.

2. EXECUTIVE SUMMARY

1. This application seeks a preliminary development approval, incorporating a variation request, for an apartment building at the intersection of Middle and Passage Streets, described as 17-19 and 21 Passage Street, Cleveland.
2. The site comprises Lot 101 on SP278900 and emt. 0/SP278900, a combined 1833m² - including the 300m² reciprocal access easement benefitting Lot 101.
3. The easement and Lot 101 were created as stage 1 of a wider approved 2-stage development, stage 1 of which (2 storey attached houses) is constructed and well established, within the Medium Density Residential Zone (Sub Area MDR1) of the current (2006 v. 7.2) planning scheme.
4. This application seeks a preliminary approval to permit the development of a 6-storey apartment complex on the site and a variation to the site's classification of MDR in the now adopted Redland City Plan 2018, to the precinct designation of MDR4, to reflect the preliminary approval.
5. The variation request is in response to the planning direction exhibited in the new scheme, of increased residential densities and building heights for the corridor between the Cleveland CBD and Toondah Harbour, as applied to many lots of a very similar nature to the subject site.
6. The application is to apply similar planning principals to the subject site and put in place a variation to that newly adopted scheme that reflects a more uniform and logical application of the spot 'up-zoning' exhibited in the aforementioned corridor.
7. The newly designed stage 2 will provide an enhanced and signature corner development on a prominent and centrally located site at the intersection of 2 major Cleveland thoroughfares. The development will assist in achieving the desired densities across the locality. Those MDR densities, to be established by mid-rise development (3 – 5 storeys in the 2006 scheme) that appear to have lagged through successive developments of townhouses on adjoining and nearby sites.

3 | *Application under s.50 (Qld) Planning Act 2016 – Preliminary Development Approval (including a variation request) – Lot 101 and Lot 0 on SP278900, 17-19 Passage Street, Cleveland*



8. The proposed development is on the north-west corner of the urban block, and at a wide intersection. It mirrors similar heights approved and constructed between the Cleveland Centre and the bay, and generates minimal, if any, added impact on the locality.
9. The specific benchmarks for assessable development described in Table 6.2.3.3.1—Benchmarks for assessable development – in the Redland City Plan 2018 describe precisely the form proposed for preliminary approval. Both MDR 4 and MDR3 sub-precincts match the scale and form of the proposal.

(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;

10. The re-designed stage 2 also represents a refined and improved architectural and climatically responsive design, and complies – or can be conditioned to comply – with all relevant development requirements of the new scheme.
11. There are no identified referral agencies for the development.
12. The application for preliminary approval and variation is Impact Assessable development – with a 30 days notification period.

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3. PARTICULARS OF THE DEVELOPMENT APPLICATION

3.0 Development Application Details

Applicant details	Aquence Towers Pty Ltd c/- Urban Systems Pty Ltd
Contact name	Flan Morley - Urban Systems Pty Ltd Mob: 0417 191 602 or Paul Toohey 0401 566 447
Development approval sought	Preliminary Development Approval for mid-rise mixed-use apartment development (s.50 of the Planning Act (Qld) 2016) – incorporating a variation request under s.50(3) of the Act to have the site included in the MDR4 precinct in the Redland City Plan 2018 (i.e. a variation to precinct map Fig. 6.2.3.2.4)
Responsible Entity	Redland City Council
Applicable planning schemes	Redlands Planning Scheme 2006 - V7.2 - 2018 and Redland City Plan 2018
Level of assessment	Impact assessment – Advertising Required - 30 days due to the variation request component
Referral Agencies	None identified
Regional Plan (land use designation)	South East Queensland Regional Plan 2017 (Urban Footprint)
Zone	Medium Density Residential – Sub-area MDR1
Overlays and Implications for Assessment Level (if any)	<ul style="list-style-type: none"> • Acid Sulfate Soils Overlay • Heritage Place and Character Precinct Overlay • Road and Rail Noise Impact Overlay
Relevant Codes	<ul style="list-style-type: none"> • Medium Density Residential Zone Code • Apartment Building Code • Access and Parking Code • Erosion Prevention and Sediment Control Code • Excavation and Fill Code • Infrastructure Works Code • Landscape Code • Stormwater Management Code • Acid Sulphate Soils Overlay Code • Heritage Place and Character Precinct Overlay Code • Road and Rail Noise Impacts Overlay Code

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4. SITE DETAILS

4.0 Location

The site is located in the suburb of Cleveland – on Middle Street, between the CBD and Toondah Harbour.

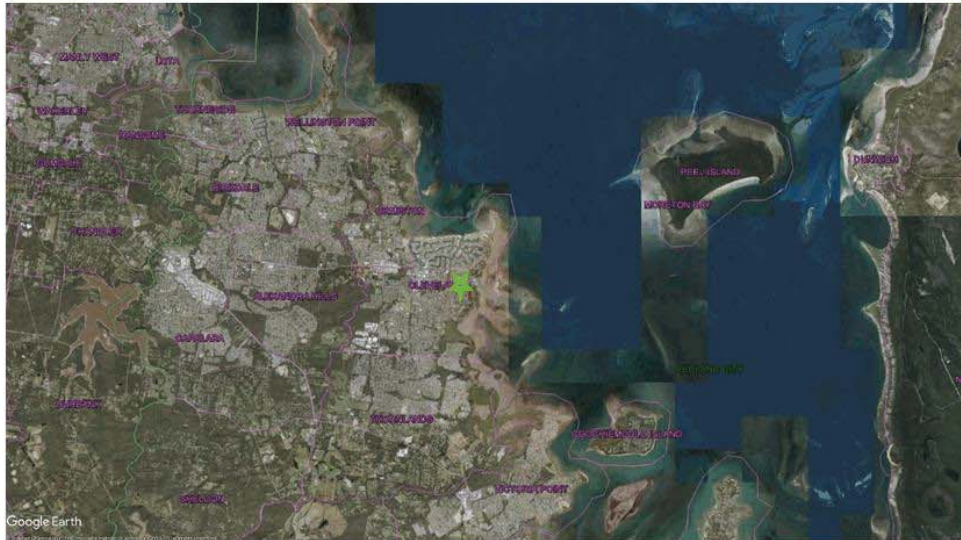


Figure 1—Context Image (Queensland Government)

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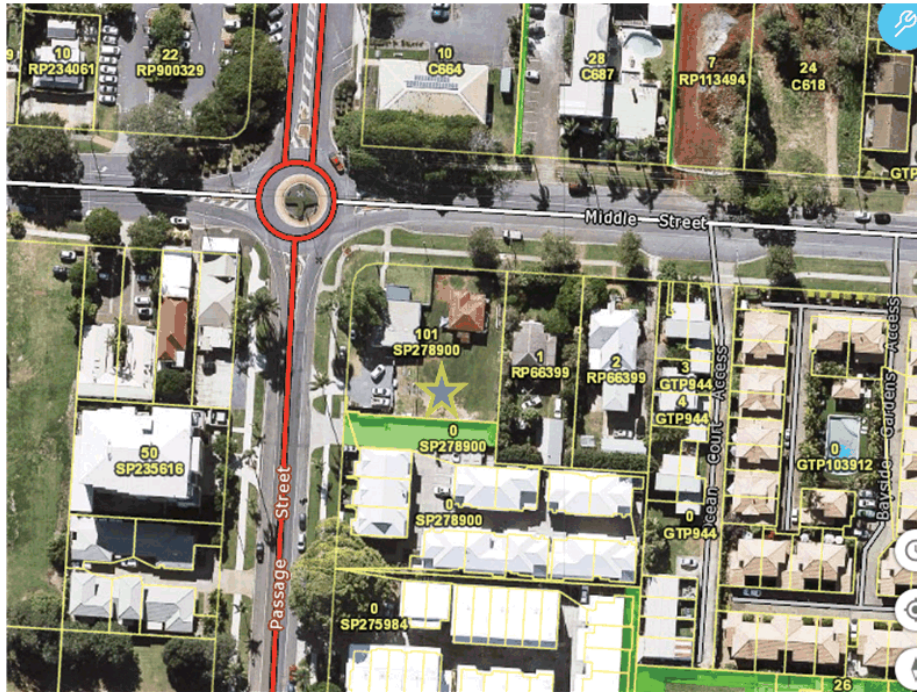


Figure 2 – Cadastre – star indicates site

4.1 Site Details

Site address	17-19 Passage Street, Cleveland QLD 4163
Land owner/s	Aquence Towers Pty Ltd
Real property description	Lot 101 on SP278900 and emt. A 0/SP278900
Site area	1833m ² (including 300m ² of access easement between stage 1 and proposed stage 2)

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4.2 Surrounding Land Uses

North	<p>Adjoining — Middle Street adjoins to the north.</p> <p>Further afield — The RSL Veterans Community Centre (includes a currently-under-re-development carpark, community centre, offices and club), various multiple dwelling developments and Raby Bay.</p>
East	<p>Adjoining — A one storey dwelling house on a 1012m² zoned for medium density residential purposes (but approved for a 3-storey motel development).</p> <p>Further afield — Various town house developments, along with the Australian Industry Trade College, Stradbroke Ferries and the Toondah Harbour PDA area.</p>
South	<p>Adjoining — 12 low rise townhouses, developed as the first stage of the approved development over the wider site (MCU012013).</p> <p>Further afield—Various two to three storey multiple dwellings (town houses) and the Star of the Sea Catholic Primary School.</p>
West	<p>Adjoining—Passage Street adjoins to the west. Across Passage Street is a recently developed 6 storey apartment building.</p> <p>Further afield—various small-scale commercial structures extend along Middle Street, with a recently constructed six storey multiple dwelling, a large vacant lot owned by the RSL and used as a public carpark, townhouses and dwelling houses located behind.</p>

3.4 Site Characteristics

Existing land use	The site is currently occupied by a low set dwelling house and sales information office. Both structures are to be removed to allow for the proposed development.
Area and dimensions	The site is a regular square shape and is 1583.5m ² in area. The site also includes the aforementioned access easement A (area of 300 m ²).

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Frontage and access	The site has a frontage of approximately 40m to both Passage and Middle Streets. Easement A has a frontage to Passage Street of approx. 12.5 metres. Access to the property is currently via Passage Street. The crossover is to be removed to allow for the proposed development and access will be afforded by the shared driveway and crossover to Passage Street via the access easement.
Topography	The site is relatively flat, with a slight slope from approximately 8.4m AHD at the south boundary, to approximately 7.6m at the north boundary fronting Middle Street.
Existing vegetation	The surrounding locality is defined by a mixture of uses, with commercial development along Middle Street, in conjunction with local parks, community facilities (e.g. schools) and low to medium density residential housing.
Existing waterways and wetlands	Much of the site is covered by grass, along with some ornamental vegetation throughout. Note, no protected vegetation exists on the site. There are no waterways affected by the proposal.
Contaminated land	The land is not identified on the Environmental Land Register / Contaminated Land Register.
Cultural Heritage	There is no known cultural heritage or artefacts on the site. The application seeks to make a minor change to one tenancy, with minor changes to car park configuration.
Existing easements	A vehicular access easement (A on SP278900) benefits the site and will be utilised as shared access with the adjoining stage one townhouse development to the south.
Existing services	The site is fully serviced with reticulated water, sewerage, electricity and telecommunications, with stormwater lawfully discharged to the kerb and channel system.

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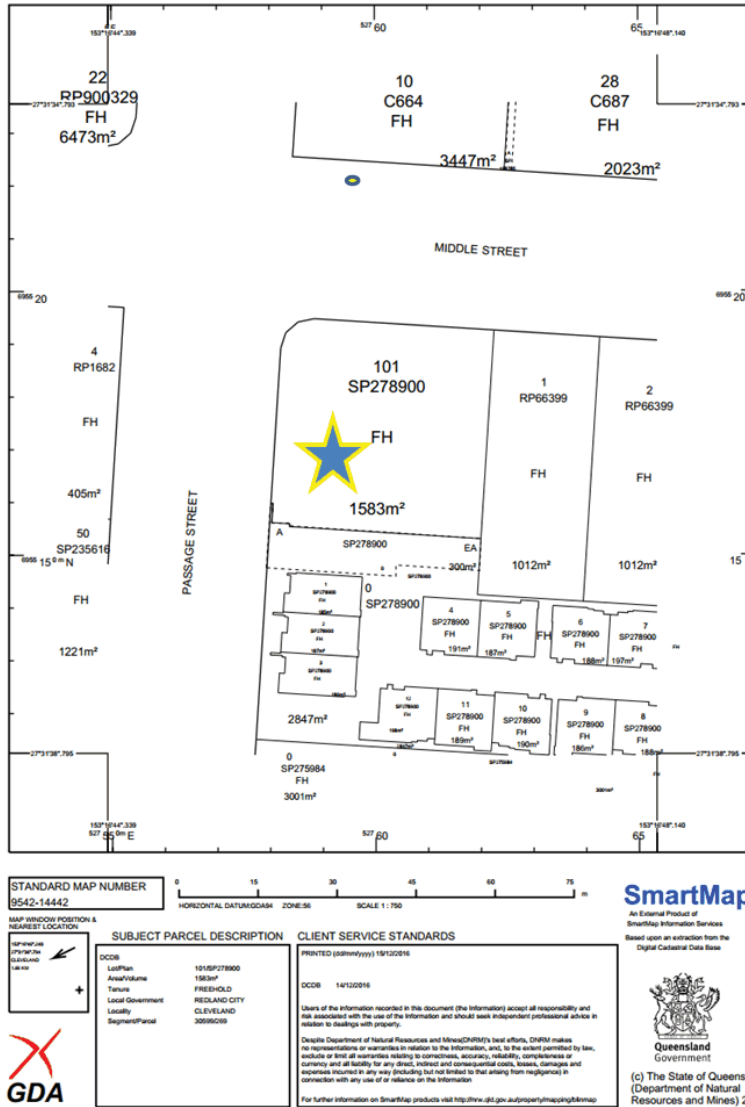


Figure 3 – Queensland Smartmap

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5. BACKGROUND

5.0 Applications and Approvals

2013

MCU012013 - An approval for a five-storey residential apartment building and town house development on the subject site and adjoining land comprising 30 units and 12 town houses was approved by Redland City Council on 26 September 2013.

The approved development was staged, with the town house component (now constructed) being stage 1 and the approved tower being stage 2.

Car parking for the tower component of the proposal was provided at ground level, via a newly created access easement benefitting both stages and all subsequent lots. Underground stormwater tanks were proposed under the approved tower.

The currency period for the approval was extended by Council on 20 October 2017 for a further 4 years.

2016

MCU013906 - Following a pre-lodgement meeting with the Council, at which the re-design of the approved stage 2 – 5-storey component - of the existing approved development was discussed, an application was made for a new proposal, and advertised, attracting one submission.

The application (MCU013906) lodged in December 2016 was initially for a 7-storey, mixed use building with ground and 1st floor car parking.

On 9 January 2018, the proposal was revised to a 6-storey development proposal comprising dwelling units on levels 2 to 6; basement and ground level car parking; and ground floor cafe and office uses facing Middle Street.

That application, MCU013906, has been placed on hold to permit the now requested preliminary approval and variation request to be determined.

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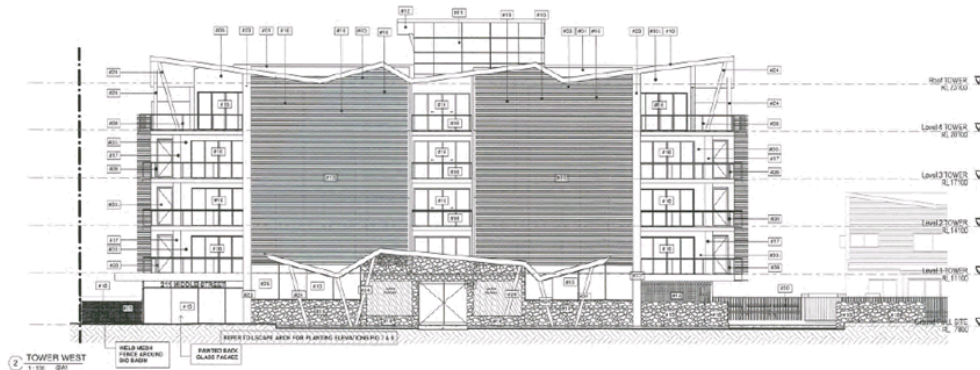


Figure 4 – Currently approved Passage Street elevation

5.1 Site Photos



Figure 5 — Facing South from Middle Street Towards the Subject Site – note the 6-storey development in the right background across Passage Street

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Figure 6 — Facing East from Passage Street towards the Subject Site

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6. THE PROPOSAL

6.0 Summary

A preliminary approval is requested for a mid-rise 6-storey apartment building development, in the context of the concomitant variation request to override what appears, given the current approval and subsequent discussions with the Council, to be an omission to designate the site within the MDR4 precinct in the new Redland City Plan.

The variation request is to vary the operation of the precinct map *Figure 6.2.3.2.4 Precinct MDR4* in the newly adopted Redland City planning scheme and for the site to be treated as being within the MDR4 precinct.

The variation, if made, will see the site aligned with similar sites in the vicinity which have been either already developed with, or have been designated for, 6-storey mid-rise development.

The site has a current approval for a 5-storey (+ roof terrace) apartment building. The approved building has a stepped in 6th level and a maximum overall height of 19.3metres (approx.).

The reasons for the variation requested can be summarised by the following:

- The incompatibility of the general MDR designation in the new planning scheme with the existing approval in place over the site.
- The similarity of the site in terms of location and size to many other sites between the Cleveland CBD and designated MDR4 in the adopted scheme.
- The extent to which similarly featured nearby land has in fact been developed at 6 storeys.
- The direction of the adopted scheme in setting more ambitious residential densities and heights in the corridor running between the Cleveland CBD and Toondah Harbour.

6.1 Planning Act 2016

The concept of a preliminary approval overriding the planning scheme that existed in SPA was retained under the *Planning Act 2016*, but it is now called a "Variation Request", which, if supported, results in a "Variation Approval".

A Variation Approval becomes a "Local Categorising Instrument" which might specify the relevant levels of assessment for different development types, as well as the assessment benchmarks that apply to development. These are generally site specific and may, or may not, call up standards and codes from a Planning Scheme in addition to other custom requirements.

Under the *Planning Act 2016* a Variation Approval means: "*the part of a preliminary approval for premises that varies the effect of any local planning instrument in effect for the premises.*"

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A Variation Request means “*part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises.*”

In the present case, the preliminary approval sought is for a mid-rise 6-storey mixed use apartment building. The variation request is simply to have the subject site be considered to be included in the MDR4 precinct in the adopted scheme.

Section 61 of the Act provides guidance for how Variation Requests should be assessed and decided.

When assessing the variation request, the assessment manager must consider—

- *the result of the assessment of that part of the development application that is not the variation request; and*
- *the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and*
- *the effect the variations would have on submission*
- *rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and*
- *any other matter prescribed by regulation.*

The assessment manager must decide—

- (a) *to approve—*
- (i) *all or some of the variations sought; or*
 - (ii) *different variations from those sought; or*
- (b) *to refuse the variations sought.*

The Act, at section 32, stipulates that the assessment manager must consider, to the extent the matter is relevant to that particular request: *the common material, the regional plan, the State Planning Policy, and any temporary State planning policy.*

6.2 Considerations

There is no suggestion that the proposed variation to the precinct designations in the Redland City Plan, or the proposal to develop the site for greater than 3-storeys (the height envisaged in the general MDR zone in the City Plan), has any bearing on the regional plan, or any temporary State planning Policy. The State Planning Policy is addressed below.

The development of the site for mid-rise 6-storey apartments, and the requested variation to the new City Plan MDR4 precinct designation, align perfectly with the residential strategies set out the new City Plan and the Redlands Housing Strategy 2011 – 2031.

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The variation requested is to address what appears an error in the MDR4 designations in the new City Plan in overlooking the current approval in place on the site, and furthers the City Plan's intent with regards the corridor between the CBD and Toondah Harbour, as expressed in the MDR4 designation, where:

'development assists in providing connections between Cleveland principal centre and the surrounding area, (with) building height that reinforces the role and vibrancy of Cleveland as a principal centre and the connection between the centre and Toondah Harbour; and new development consolidates underutilised sites.' Fig. 6.2.3.2.4 Redland City Plan.



Figure 7 – MDR Precincts – 2018 adopted Redland City Plan – Subject site shown by star

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Figure 8 – Location of Buildings 5 Storeys and Taller in Area

6.3 Redlands Housing Strategy 2011 - 2031

Council’s Redlands Housing Strategy 2011-2031 was finalised in June 2011, and, whilst a little dated, the issues facing Redlands identified then are still very relevant now: housing affordability; ageing of the population, the need to revitalise the Cleveland Activity Centre; and the need for housing diversity.

The Housing Strategy discusses the challenge of land supply over the next 20 years and the tension between environmental preservation and housing development for Redland City.

The Housing Strategy notes the Planning Scheme Review identified a number of well serviced locations, in which it would be desirable to locate the majority of new infill housing (refer Figure 9).

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Figure 9 – Close up of Cleveland and surrounds – from Redlands Housing Strategy 2011 – 2031 Map showing well serviced locations

The subject site is located in an identified “well serviced location” and is also located within the 800 metres walkable catchment to the identified proposed bus interchange in Cleveland.

The site is just outside of the nominal 800 metres supposed walkable catchment to the Cleveland rail station, but it is still accessible to this important public transport facility. In fact, the walk is flat, with well-maintained and wide pathway linkages that would extend the one-size-fits-all 800 metres radius normally raised as the easily walkable limit.

The site is also directly opposite a proposed Local Centre (refer Figure 7) and has easy access to parkland. It is within walking distance and has direct bus connections to the Cleveland Principal Regional Activity Centre.

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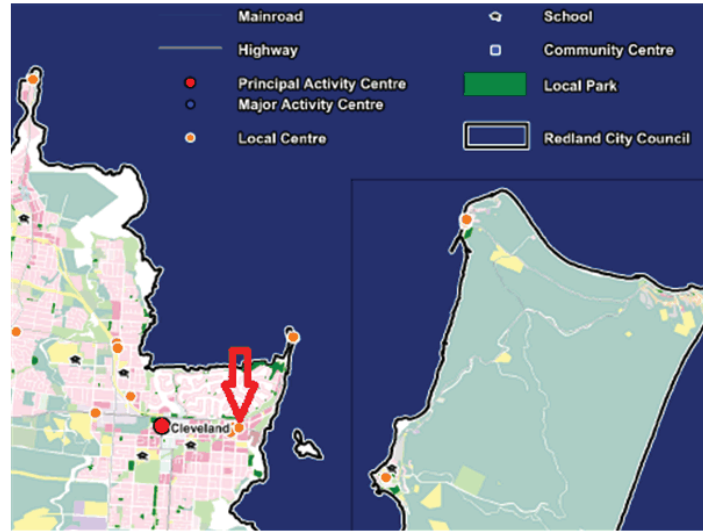


Figure 10 – Extract from Redlands Housing Strategy showing proposed centre designation adjacent the subject site

The site is very well located for higher density residential development and the Aquence proposal satisfies the Housing Strategy objective to: *“Allow for intensification of development in well serviced locations.”*

SGS Consultants Housing Needs Assessment Final Report June 2011 notes that: *Cleveland and other Regional Activity Centres are well placed to accommodate a higher level of density and housing diversity.*

SGS observed that the forecast continuing growth of population for the Redlands to 2031 requires significant new housing. *More efficient use of land must be considered if continuing demand for housing is to be satisfied, and housing is to be kept affordable. This includes consideration of higher density housing, a mix of housing types and density, infill development, and mixed-use development.*

SGS note: *The Redlands 2030 Community Plan places a strong emphasis on a strong and rich community life and this requires the support of adequate housing diversity. However, it is also important to the Redland residents that the current character of the area (particularly in terms of housing and green space) is maintained. Opportunities for increased residential densities can reduce pressure on the expansion of the urban footprint and help to maintain green space.*

However, there is also a need to ensure increased diversity and density are achieved in a manner which are scaled according to the local context and located in well serviced locations.

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SGS in its report discusses the housing implications of household type in Redlands and notes: *A wide range of housing options should be available in Cleveland, particularly higher density and smaller sized dwellings across a range of price points.*

The SGS report discusses the housing implications of dwelling type and notes:

Redland City has little diversity in terms of dwelling type, with separate houses accounting for 85.9% of all dwellings. Because Redland City has an ageing population, it is likely that a shift in demand towards age-appropriate dwellings will occur. In particular, this means dwellings that require less maintenance and are located where there is easy access to public transport and other amenities.

6.4 The Use

The existing approval is for 5 stories, current until 2021, approved partly on the basis of the provision in the 2006 planning scheme for 'pre-dominantly mid-rise' development in MDR1.

Mid-rise was defined in the Redland Planning Scheme 2006 as 3-5 storeys, whereas the Redland City Plan 2018 defines mid-rise as 3-6 storeys.

The predominant development across the precinct described by the urban block within which the site is located, including for stage 1 of the wider development approval for the subject site, is in fact 2 storey townhouses.

In 2016, a redesign was proposed for the apartment building, initially for a 7-storey, mixed use building - revised to a 6-storey development proposal with 26 units.

The approved tower and proposed development are not dramatically different in terms of scale and height (refer Figures 11 & 12). The proposed Aquence development is slightly taller but a more slender and tapered building.



Figure 11 - Middle St Elevation

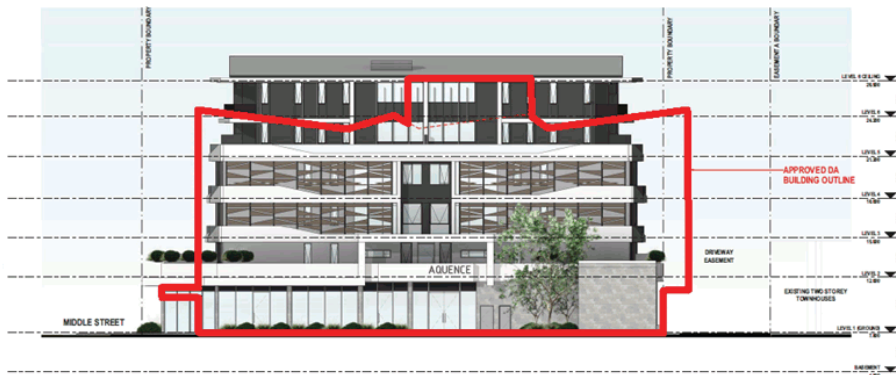


Figure 12 - Passage St Elevation

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7. STATE PLANNING ASSESSMENT

7.0 Overview

All development in Queensland must comply with the provisions established under the Planning Act 2016 and the Planning Regulation 2017.

An approval of a variation request made under s.50(3) of the Act results in a local categorising instrument.

Section 43(1) and (7) of the Act places limits on the variation approval as a categorising instrument.

Planning Act 2016

43. Categorising instruments

- (1) *A categorising instrument is a regulation or local categorising instrument that does any or all of the following—*
 - (a) *categorises development as prohibited, assessable or accepted development;*
 - (b) *specifies the categories of assessment required for different types of assessable development;*
 - (c) *sets out the matters (the assessment benchmarks) that an assessment manager must assess assessable development against.*

- (7) *A variation approval may do something mentioned in subsection (1) only in relation to—*
 - (a) *development that is the subject of the variation approval; or*
 - (b) *development that is the natural and ordinary consequence of the development that is the subject of the variation approval.*

In the case of the preliminary approval and variation request the subject of this application, the categorising instrument will simply reflect the inclusion of Lot 101 and the access easement attached in the MDR4 precinct of the Redland City Plan. No special category of assessment or special assessable benchmarks are requested.

The mid-rise 6-storey apartment development is the development that is the subject of the variation approval in this case, consistent with the site's inclusion in MDR4 in the Redland City Plan.

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7.1 State Planning Policy July 2017

The State Planning Policy (July 2017) is not identified as being reflected in the Redlands Planning Scheme 2006. The table below, in an abundance of caution in addressing the issues, provides an assessment against the SPP assessment benchmarks.

Benchmark	Applicant response
<p>Planning for liveable communities and housing</p> <p><i>Effective planning for local community needs will:</i></p> <ul style="list-style-type: none"> • <i>ensure a sufficient supply of land suitable for all forms of housing in all locations to meet the diverse and changing needs of different communities, now and into the future</i> • <i>guide the development and redevelopment of land in appropriate locations</i> • <i>maximise the effective use of existing infrastructure and services, and ensure that the provision of new infrastructure, services and facilities supports the timely delivery of complete and diverse communities</i> <p><i>Housing across the state needs to cater for different households and family types, ages, community needs, lifestyles, and incomes.</i></p> <p><i>The state is interested in ensuring sufficient land and housing stock is available in appropriate locations to support development, resource and infrastructure-related projects, and to meet the diverse needs of all sectors in the community.</i></p> <p><i>A diverse, affordable and comprehensive range of housing options in accessible and well-serviced locations, is facilitated through: ...</i></p> <p style="padding-left: 40px;">3. (a) <i>appropriate, responsive and proactive zoning</i></p>	<p>Complies – the proposal reflects current approval over the site and furthers the more efficient use of the site in accordance with the provisions for the corridor between Cleveland and Toondah Harbour in the Redland City Plan</p>

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<p>Planning for economic growth</p> <p><i>Effective planning policies that support the development and construction sector benefit Queensland's economy by ... delivering housing choice and diversity.</i></p> <p><i>(1) A sufficient supply of suitable land for residential, retail, commercial, industrial and mixed-use development is identified that considers:</i></p> <ul style="list-style-type: none"> <i>(a) existing and anticipated demand</i> <i>(b) the physical constraints of the land</i> <i>(c) surrounding land uses</i> <i>(d) the availability of, and proximity to, essential infrastructure required to service and support such development.</i> <p><i>(2) Appropriate infrastructure required to support all land uses is planned for and provided.</i></p> <p><i>(3) Mixed use development is achieved by appropriately zoning the land.</i></p> <p><i>(4) An appropriate mix of lot sizes and configurations for residential, retail, commercial, mixed use and industrial development is provided for in response to the diverse needs of these uses and ancillary activities.</i></p> <p><i>(5) Efficient delivery of development is facilitated by the adoption of the lowest appropriate level of assessment for development that is consistent with the purpose of the zone.</i></p> <p><i>(6) Land uses are consistent with the purpose of the zone.</i></p>	<p>Complies – The development proposed and the change of designation to reflect the current approved mid-rise apartment development is consistent with and furthers this aim.</p> <p>The Redland City Plan rightly identifies opportunities within the corridor between the CBD and Toondah Harbour that will create opportunity to re-enforce the Cleveland Centre as the pre-eminent centre in the city.</p> <p>The proposal is in accordance with that stated aim.</p>
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<p>Planning for the environment and heritage</p> <p><i>Protection of the coastal environment:</i></p> <p><i>(1) Coastal processes and coastal resources statewide, including in the Great Barrier Reef catchment, are protected by:</i></p> <ol style="list-style-type: none"> 1. <i>(a) concentrating future development in existing urban areas through infill and redevelopment</i> <p>Water quality</p> <p><i>Protecting and enhancing Queensland's water quality can strengthen the state's economy and support positive social and environmental outcomes by:</i></p> <ul style="list-style-type: none"> • ... • <i>reducing demand on and the cost of water supply treatment</i> • ... • <i>maintaining the natural water cycle, ecological health and a healthy drinking water supply.</i> <p><i>This means that the planning, design, construction and operation of development should be conducted in a way that protects environmental values, and maintains or enhances water quality.</i></p> <p><i>It is important that catchments are managed sustainably on a total water cycle basis:</i></p> <ul style="list-style-type: none"> • <i>Balancing uses of water.</i> • <i>Maximising opportunities for recovery and reuse.</i> • <i>Avoiding or minimising impacts of stormwater and waste water discharge to receiving water</i> 	<p>Complies with assessment benchmark.</p> <p>The proposed inclusion of the site in the MDR4 precinct in the Redland City Plan 2018, addresses what appears to be an oversight, given the current approval and proposed mid-rise development for the site. The development concentrates housing through appropriately scaled infill development.</p> <p>The application is for a preliminary approval to govern that the development be consistent with the Redland City Plan MRD4 designation, however the proposed development provides for a site-based stormwater management plan that addresses quantity and quality of off-site discharge and provides for re-use on-site.</p>
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<p>Planning for safety and resilience to hazards</p>	<p>Not applicable.</p> <p>There are no assessment benchmarks applicable to the proposed development.</p>
<p>Planning for infrastructure</p> <p>Effective planning will ensure:</p> <ul style="list-style-type: none"> • ... • existing infrastructure is well used <p><i>Building new infrastructure or augmenting existing infrastructure is not always the best solution, particularly where there are competing priorities for limited funds.</i></p> <p><i>Improved coordination of land use and infrastructure decision making, across all levels of government and the private sector, can assist in making the best use of existing infrastructure, while maximising the social, environmental and economic benefits of investment in future infrastructure.</i></p> <p><i>Local land use planning that is aligned and supportive of the effective and efficient use of both existing and planned infrastructure is necessary to ensure the benefits arising from infrastructure investment are maximised and benefits are shared.</i></p>	<p>Complies.</p> <p>The consolidation of residential housing is one of the most cost effective and long-term solutions to efficient infrastructure provision.</p> <p>The proposal represents an appropriately located and scaled development and the opportunistic increase in efficiencies for the existing infrastructure.</p>

7.2 6.3 South East Queensland Regional Plan

The proposed development occurs on land wholly contained within the Urban Footprint and outside of any identified development areas of the South East Queensland Regional Plan 2017.

SGS, in their aforementioned report, makes the observation that “the SEQ Regional plan allocates growth by LGA in what is considered the most achievable and sustainable development pattern. This focuses on maintaining an efficient settlement pattern that makes the most efficient use of existing and future infrastructure. This includes a focus on transit-oriented development, and higher densities in and around

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regional activity centres. It is also important that overall housing densities are increased to achieve efficient land use and provide housing diversity."

While they were commenting on the 2009 SEQ Regional Plan, this comment could equally have been made about the 2017 SEQ Regional Plan.

Cleveland Activity Centre

Redland City has an extremely fragmented economic base. Capalaba and Victoria Point together have twice the lettable retail floor space of Cleveland, the City's CBD. Health services have moved out of Cleveland.

Council rightly wants a vibrant Cleveland. Arguably one problem is the low residential density in and around Cleveland. The population and the demand for services in Cleveland is correspondingly low.

Cleveland grew by only some 264 – 378 persons (enumerated – usual resident population) in the 5 years to 2016.

It appears to be clearly evident that Cleveland needs more people in and around the centre, with more expenditure generating increased commercial activity.

This would also be consistent with the SEQ Regional Plan, and aligned – as indicated above – with the State Planning Policy.

It will also facilitate the community's lower density and lifestyle / environmental aspirations for balance areas of Redland City.

7.3 South East Queensland Koala Conservation State Planning Regulatory Provisions

All land within Redland City Council is included in the Priority Koala Assessable Development Area.

The proposal is not prohibited under the SPRP as the site is not in an area specified as having open space, conservation, rural or rural residential purposes.

However, in any application for a development permit, assessment against Table 6 of the SPRP will be required for development as proposed, as the proposal will result in a new building with a total development footprint of more than 500m².

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7.4 Referrals

In July 2013, the State launched the State Assessment and Referral Agency (SARA). SARA means that the chief executive of SPA (who is the Director-General of DSDMIP) is the single referral agency for development applications where the state has a jurisdiction.

Schedules 9 & 10 of the Planning Regulation 2017 specify when the chief executive will be a referral agency for an application. Schedule 10 identifies a range of matters of interest to the State and the types of development and or triggers for referral.

It is helpful to consult the SARA on-line mapping system to assist in identifying potential triggers.

No triggers are identified for the proposed change of designation for the subject site on the mapping system.

28 | *Application under s.50 (Qld) Planning Act 2016 – Preliminary Development Approval (including a variation request) – Lot 101 and Lot 0 on SP278900, 17-19 Passage Street, Cleveland*



8. LOCAL PLANNING ASSESSMENT

8.0 Assessment

The proposed development is to be decided using s.60(3) and s.61 of the Planning Act (Qld) 2016, and, by virtue of the Medium Density Residential Zone (Sub Area MDR1) provisions, the impact assessment related provisions of the Redlands Planning Scheme 2006 (i.e. the whole of the scheme).

Benchmarks applicable to a development permit will apply at that stage, but are a relevant consideration in assessing generally the preliminary approval for the 6-storey mid-rise MDR4 development envisaged.

8.1 Public Notification

The Planning Act (Qld) 2016, at s.53 - Publicly notifying certain development applications – states that

- (1) *An applicant must give notice of a development application if—*
- (a) *any part of the application requires impact assessment; or*
 - (b) *the application includes a variation request.*

This application seeks a preliminary approval that includes a variation request and, as such, requires public notification.

The Act, at s.53(4), provides that - for an application that includes a variation request - a submitter may lodge a submission with respect to the proposal up to 30 business days after the notice is given.

8.2 Overlays

The subject site is mapped with the overlay codes as described above. The nature of the proposed change and the history of assessment over the site reveals no obvious conflicts with the codes associated with those overlays.

The proposal is for preliminary approval only, in the context of the request for variation to have the Redland City Plan 2018, in conjunction with the resulting 'local categorising instrument', include the site in the MRD4 precinct.

8.3 Codes

The applicable codes are set out by virtue of the Redland City Plan 2018 MRD4 designation, if approved. The Redlands Planning Scheme 2006 applicable codes are listed above.

29 | *Application under s.50 (Qld) Planning Act 2016 – Preliminary Development Approval (including a variation request) – Lot 101 and Lot 0 on SP278900, 17-19 Passage Street, Cleveland*



9. CONCLUSION

This town planning assessment has examined matters required to support the preliminary approval for mid-rise mix-use apartment and retail development proposed, and the variation to the application of the Redland City Plan requested to include the site as being in the MDR4 precinct.

On the basis of the town planning assessment, the proposal is recommended for approval subject to lawful conditions, if any.

It is recommended, however, that no conditions or special parameters be attached to the preliminary approval or the variation request, and that the development proposed be subject to the MDR4 precinct provisions as per the Redland City Plan 2018.

Detailed assessment of an individual approval would be against the relevant applicable provisions for the designation proposed.

30 | *Application under s.50 (Qld) Planning Act 2016 – Preliminary Development Approval (including a variation request) – Lot 101 and Lot 0 on SP278900, 17-19 Passage Street, Cleveland*

13.4 ANIMAL MANAGEMENT SYSTEMATIC INSPECTION PROGRAM**Objective Reference:** A3938524**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Graham Simpson, Group Manager Environment & Regulation**Report Author:** Donna Wilson, Service Manager Compliance**Attachments:** Nil**PURPOSE**

The purpose of this report is to seek approval to conduct systematic inspection programs for:

- Unregistered cats throughout Redland City, under *the Local Government Act (2009)*; and
- Unregistered dogs throughout Redland City under the *Animal Management (Cats and Dogs) Act 2008*.

BACKGROUND**1. Approved Systematic Inspection Program for unregistered cats**

Redland City Council resolved to retain cat registration at its meeting of 9 October 2013. Registration of cats is now a local law requirement under *Part 6 – Registration of Cats of Local Law No.2 (Animal Management) 2015*.

2. Approved Systematic Inspection Program for unregistered dogs

The *Animal Management (Cats and Dogs) Act 2008* places a mandatory requirement throughout Queensland for all dogs over the age of twelve weeks to be registered with the local authority in which the dog/s reside.

In order to determine the accuracy of records, obtain new registrations and follow up on overdue registrations, it is necessary for Council's Animal Management Team to carry out a Systematic Inspection Program which covers all premises within the City.

ISSUES**1. Approved Systematic Inspection Program for unregistered cats**

The provisions contained within the *Local Government Act (2009)* provide for a maximum approved inspection period of three (3) months per inspection program. The Systematic Inspection Program for unregistered cats, if approved, will be undertaken in two (2) programs.

Program 1 is proposed to commence on 19 August 2019 and will operate for a period of three (3) months until 18 November 2019.

Program 2 is proposed to commence on 2 December 2019 and will operate for a period of three (3) months until 1 March 2020.

2. Approved Systematic Inspection Program for unregistered dogs

The provisions contained within the *Animal Management (Cats and Dogs) Act 2008* provide for a maximum approved inspection period of six (6) months. The Systematic Inspection Program for unregistered dogs, if approved, will commence on 19th August 2019 and will operate for a period of six (6) months until 18th February 2020.

The Systematic Inspection Programs for both unregistered cats and unregistered dogs will be advertised in the local paper at least 14 days, but not more than 28 days prior to the commencement of the approved inspection programs.

The purpose of the systematic inspection program is to verify Council's animal registration records, obtain new registrations, obtain payment for out of date animal registrations and to issue penalty infringement notices to cat and dog owners who fail to renew their animal's registration.

The program will allow authorised officers to gain access to the front door of the dwelling and the surrounding garden areas, and to all business premises by way of normal public access.

The program will be conducted between 8am and 5pm, Monday to Friday (except public holidays) within the approved period(s).

Copies of the program providing details of the Systematic Inspection Program will be made available at Council's Customer Service Centres or can be viewed on Council's website. Members of the public can obtain a copy of the program at no charge.

STRATEGIC IMPLICATIONS

Legislative Requirements

Undertaking the systematic inspection program of unregistered cats is in accordance with the provision of *sections 133 and 134 of the Local Government Act (2009)*.

Undertaking the system inspection program of unregistered dogs is in accordance with the provision of *sections 113, 114 and 115 of the Animal Management (Cats and Dogs) Act 2008*.

Risk Management

The Systematic Inspection Program assists with regulating and managing the keeping of animals by minimising the risk to community health, safety and amenity.

Financial

The purpose of the systematic inspection program is to verify Council's animal registration records, obtain new registrations, obtain payment for out of date animal registrations and to issue penalty infringement notices to dog and cat owners who fail to renew their animal's registration. It is expected that this will assist Council collecting revenue to offset costs of operating its animal management responsibilities, and existing contract staff engaged to undertake these programs.

People

There are no identified implications for Council staff as existing contracted staff will be utilised.

Environmental

The Systematic Inspection Program is in accordance with Council's *Local Law No. 2 (Animal Management) 2015* to regulate and manage the keeping of animals by reducing environmental harm and environmental nuisance.

Social

The Systematic Inspection Program is in accordance with Council's *Local Law No. 2 (Animal Management) 2015* to regulate and manage the keeping of animals by supporting animal owners to keep their animals in a manner that is consistent with the expectations of the community, including public safety.

Alignment with Council's Policy and PlansAlignment to Council's Corporate Plan, Key Outcome 7 - Strong and connected communities

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

To achieve this objective, Council is committed to encourage responsible dog and cat ownership through the enforcement of all provisions of *Local Law No. 2 (Animal Management) 2015*.

CONSULTATION

No consultation was required in the preparation of this report.

OPTIONS**Option One**

That Council resolves as follows:

1. That pursuant to *sections 133 and 134 of the Local Government Act (2009)*, Council resolves to approve two (2) systematic inspection programs for unregistered cats for the periods 19 August 2019 to 18 November 2019 (Program 1) and 02 December 2019 to 01 March 2020 (Program 2), and
2. That pursuant to *sections 113, 114 and 115 of the Animal Management (Cats and Dogs) Act 2008*, Council resolves to approve the systematic inspection program for unregistered dogs for the period 19 August 2019 to 18 February 2020, inclusive.

Option Two

That Council resolves to act only on complaints received.

COUNCIL RESOLUTION 2019/245

Moved by: Cr Peter Mitchell

Seconded by: Cr Paul Gollè

That Council resolves as follows:

1. That pursuant to *sections 133 and 134 of the Local Government Act (2009)*, Council resolves to approve two (2) systematic inspection programs for unregistered cats for the periods 19 August 2019 to 18 November 2019 (Program 1) and 02 December 2019 to 01 March 2020 (Program 2).
2. That pursuant to *sections 113, 114 and 115 of the Animal Management (Cats and Dogs) Act 2008*, Council resolves to approve the systematic inspection program for unregistered dogs for the period 19 August 2019 to 18 February 2020, inclusive.

CARRIED 8/3

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Crs Lance Hewlett, Mark Edwards and Julie Talty voted AGAINST the motion.

13.5 LEASE - COUNCIL OWNED LAND REDLAND BAY**Objective Reference:** A3938526**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Graham Simpson, Group Manager Environment & Regulation**Report Author:** Damien Jolley, Senior Property Officer**Attachments:**

1. [Locality Map](#) ↓
2. [Subdivision Plan](#) ↓

PURPOSE

To enter into a lease for Council owned land located at Jack Gordon Park 19-31 Highland Street Redland Bay described as Lot 45 SP 167662 (the land – Attachment 1).

BACKGROUND

A preliminary development approval for subdivision of land was given on 6 May 2003 and a negotiated decision notice was then sought by the applicant Mrs Pamela Bennett.

The Redlands Nursery made a submission with respect to the development application and were entitled to appeal Council's decision to the Planning and Environment Court.

An agreement (the Agreement) was subsequently entered into between Council, the applicant and Redlands Nursery, to address interface issues (including spray drift) between Redlands Nursery and the proposed residential subdivision, to avoid the need for Redlands Nursery to appeal the negotiated decision notice.

The intent of the Agreement was that the subdivided land the subject of the development approval, would include a vegetated strip to provide a buffer which would then be transferred to Council and maintained by Redlands Nursery. The buffer is intended to protect residents of the proposed residential subdivision from spray drift and to screen the activities on the Redlands Nursery Land (refer Attachment 2).

The Agreement also required that Council grant a lease with the terms of the lease to effectively mirror the terms of the Agreement. On 11 July 2003 Council entered into the Agreement which particularised the use and maintenance requirements of the land, as well as lease terms including the lease amount and when the agreement may lapse (such as in the event the adjoining nursery use is abandoned).

The subject land is 3823m² and is approximately 20 metres wide x 170 metres long adjoining the Redlands Nursery to the west and Highland Street, Redland Bay to the east. The land contains mature vegetation to screen the nursery from the residential development.

ISSUES

It was identified, following renewal of a lease between Council and Redlands Nursery for another buffer located at 223-251 Gordon Road Redland Bay (agreed by Council resolution on 8 August 2018), that a lease for the subject land had not been executed.

In the absence of an existing lease, legal advice was sought in relation to achieving compliance with the Agreement for the subject land. The advice recommended that Council should take steps to ensure a lease is executed.

In principal agreement has been reached between Council and Redlands Nursery that a lease should be executed in accordance with the terms of the Agreement.

It is also considered appropriate that to align with the lease already in place at 223-251 Gordon Road, Redland Bay, that the term of the lease should be backdated to commence from 27 May 2009 to 26 May 2029 with an option for a further one (1) x ten (10) year lease.

STRATEGIC IMPLICATIONS

Legislative Requirements

The *Local Government Regulation 2012 (LGR 2012)* describes land as a “Valuable Non-Current Asset” and prescribes a number of options available to enter into a contract to dispose of the land including granting of a lease. Sale by tender or auction is the prescribed method of disposing of land, however the *LGR 2012* provides for exceptions to this rule in certain circumstances.

In particular reference is made to sub paragraph 236(1)(c)(iv) of the *LGR 2012* which states an exception can apply if:-

The land is disposed of to a person who owns adjoining land if—

- a) the land is not suitable to be offered for disposal by tender or auction for a particular reason, including, for example, the size of the land or the existence of particular infrastructure on the land; and
- b) there is not another person who owns other adjoining land who wishes to acquire the land; and
- c) it is in the public interest to dispose of the land without a tender or auction; and
- d) the disposal is otherwise in accordance with sound contracting principles

The legal advice obtained included that the exception under section 236(1)(c)(iv) of the *Local Government Regulation 2012* can apply in this circumstance.

Risk Management

The lease will provide some measure of security for both Council and the lessees ensuring the land is maintained and managed within the terms of the lease and in accordance with the agreement.

Financial

The Agreement set the original lease amount as \$100.00 per year and there is no proposal to change the nominal amount. The lessees are responsible for any maintenance of the land which is a cost saving for Council and there is no public access.

In the 2019/20 financial year new accounting standards AASB15 Revenue from Contracts with Customers and AASB16 Leases have taken effect. Council acknowledges that there is no change to the current accounting treatment for leases of this nature, where Council is lessor. This position is supported by the Queensland Audit Office.

People

There are no staff implications.

Environmental

The maintenance of the land as a buffer is to ensure there is minimal impact on neighbouring residences from activity associated with an operational nursery.

Social

There are no social implications identified.

Alignment with Council's Policy and Plans

No non-alignment with Council Policy and Plans has been identified.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Legal Services Solicitor	21 March 2019	Advice provided in relation to the agreement.
Division 5 Councillor	10 May 2019	Email.

OPTIONS**Option One**

That Council resolves as follows:

1. To apply the exception to dispose of land or an interest in land, other than by tender or auction, under sub paragraph 236(1)(c)(iii) of the *Local Government Act 2009* for granting a lease for 19-31 Highland Street, Redland Bay for the period 27 May 2009 to 26 May 2029 with an option for a further one (1) x ten (10) year lease.
2. To delegate the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to make, vary, negotiate and discharge the lease of the property.

Option Two

That Council resolves as follows:

1. That the exceptions under the *Local Government Regulation 2012* do not apply.
2. That a lease is not granted.

COUNCIL RESOLUTION 2019/246

Moved by: Cr Mark Edwards

Seconded by: Cr Wendy Boglary

That Council resolves as follows:

1. To apply the exception to dispose of land or an interest in land, other than by tender or auction, under sub paragraph 236(1)(c)(iii) of the *Local Government Act 2009* for granting a lease for 19-31 Highland Street, Redland Bay for the period 27 May 2009 to 26 May 2029 with an option for a further one (1) x ten (10) year lease.
2. To delegate the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to make, vary, negotiate and discharge the lease of the property.

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.

5/10/2019 Attachment 1 - Locality map

Red-e-map Print



<http://pspaaps01/redemap/printGeneric.aspx?Title=Red-e-map%20Plot&Scale=1000&PaperSize=A3&Orientation=Landscape>

1/1

SUBDIVISION PROPOSAL PLAN

**#15 Queen Street, Redland Bay
Lot 2 on RP161025**

STEVE COOPER & ASSOCIATES P/L
ACN 010 839 022
LICENSED LAND SURVEYORS,
LAND PLANNING CONSULTANTS,
14 STONEHAM ST, STONES CORNER 4120
PH: - 3397 7833 FAX: - 3397 7411

BUILDER
BUILDERS JOB NO:
CLIENT BENNETT

BUILDING DESIGNER
02-1297P8-SK1

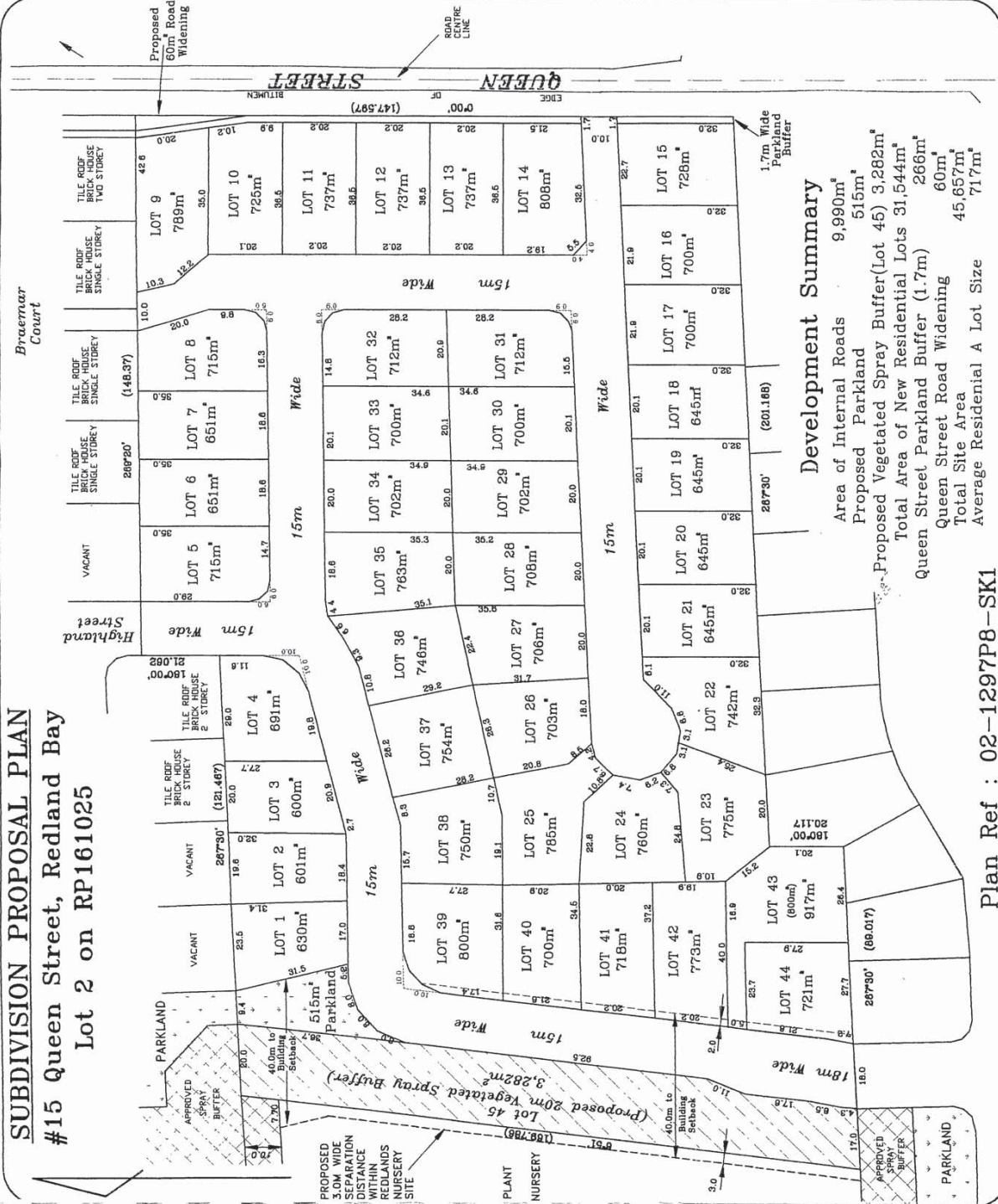
LOT 2
R.P. RP 161025
STREET: #15 QUEEN STREET
SUBURB: REDLAND BAY
UBD REF: 226 L 19
LOCAL AUTH: REDLAND S.C.
PARISH: REDLAND
COUNTY: STANLEY
AREA: 4.561 Ha

SERVICES AVAILABLE
O/H POWER ⊕ YES
U/C POWER ⊖ NO
WATER Ⓞ YES
TELECOM Ⓞ YES
SEWER Ⓞ YES
STORMWATER ROAD

LEGEND
O/H LIGHT ☉
S/WATER PIT [Hatched Box]
FIRE HYDRANT [Circle with X]
WATER VALVE [Square with X]
MOUNTABLE KERB [Line with X]
NON-MOUNT KERB [Line with X]
REF MAIL [Triangle]
DATUM AHD [Triangle]

JOB NO: 02-1297P8 DRAWN BY: AV/PB
SCALE: 1:1000 SURVEYOR: PB
DATE: 02/06/03 CHECKED:
PB:

THIS SURVEY DOES NOT GUARANTEE THE
ACCURACY OF BOUNDARIES OR FENCES.
CHECK TITLE FOR EASEMENTS.



Development Summary

Area of Internal Roads 9,990m²
Proposed Parkland 515m²
Total Area of New Residential Lots 31,544m²
Queen Street Road Widening 266m²
Total Site Area 45,657m²
Average Residential A Lot Size 717m²

Plan Ref : 02-1297P8-SK1

13.6 REDLANDS ECONOMIC DEVELOPMENT ADVISORY BOARD UPDATE**Objective Reference:** A3938527**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Kim Kerwin, Group Manager Community & Economic Development**Report Author:** Kristen Banks, Program Manager Community & Economic Development**Attachments:** Nil**PURPOSE**

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

BACKGROUND

Council established and appointed an Advisory Board as part of its commitment to increasing the City's economic capacity through business growth and retention, and employment generation. The Advisory Board oversees implementation of the *Redland City Economic Development Framework 2014-2041* and assists in the development of industry sector plans.

ISSUES

The thirteenth formal Advisory Board meeting was held on Thursday 23 May 2019.

The following items formed the agenda for the meeting:

- i. Welcome and introductions
- ii. Review of status of meeting 12 flying minute actions
- iii. Third horizon opportunities for Redlands Coast
- iv. Presentation – Update on Redlands Health and Wellness Precinct masterplanning project
- v. Workshop session – Review of Draft Rural Enterprises Industry Sector Plan
- vi. Update from Redland Investment Corporation.

A summary of the meeting follows:

- i. Welcome and introductions
 - The Chair opened the meeting and acknowledged Traditional Owners.
- ii. Review of status of meeting 12 flying minute actions
 - Advisory Board noted the status of meeting 12 actions.
- iii. Third horizon opportunities for Redlands Coast
 - Advisory Board discussed potential economic development opportunities for the city. These included the SEQ Olympic Bid for 2032, Council acquisition of vacant land adjacent to Cleveland Point Reserve, outcomes from the Taipei Smart City Summit and Expo and options for Willard's Farm, Birkdale.

- Advisory Board expressed interest in discussing opportunities for the SEQ Olympic Bid for 2032, Council acquisition of vacant land adjacent to Cleveland Point Reserve and options for Willard’s Farm, Birkdale in more detail at a future meeting.
 - Advisory Board noted the importance of local government being involved in business opportunities including international delegations; and the importance of the role that the Mayor played in leading the Queensland delegation to the Taipei Smart City Summit and Expo.
- iv. Presentation – Update on Redlands Health and Wellness Precinct masterplanning project
- Advisory Board noted the draft RPS Redlands Health and Wellness Precinct Stage 3 Report.
- v. Workshop session – Review of Draft Rural Enterprises Industry Sector Plan
- Advisory Board noted the draft *Rural Enterprises Industry Sector Plan 2019-2024* prepared by KPMG.
 - Advisory Board members noted that Council had requested KPMG provide economic impact modelling as part of the development of the draft industry sector plan.
 - Advisory Board members agreed that actions in the implementation plan could be refined to identify support mechanisms that Council could consider to assist existing local businesses to be sustainable and/or scale up, identify opportunities to provide greater certainty over future land use for rural enterprises and related industries, attract new investment and increase innovation opportunities in rural enterprises.
 - Advisory Board members noted that stakeholder feedback would be incorporated into the draft Rural Enterprises Industry Sector Plan 2019-2024 and would go to Council for endorsement on 17 July 2019.
- vi. Update from Redland Investment Corporation
- Advisory Board members noted an update on Redland Investment Corporation projects. These included Toondah Harbour Priority Development Area, masterplanning of Weinam Creek Priority Development Area, masterplanning of Capalaba and a development application at Birkdale.

STRATEGIC IMPLICATIONS

Legislative Requirements

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

Risk Management

Identified risks to successful economic development in the City include:

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

Financial

There are no financial implications. The operation of the Advisory Board was in the FY 2018/19 budget.

People

Council may make decisions based on Advisory Board meeting recommendations that may impact human resources in the Community and Economic Development Group.

Environmental

There are no environmental implications.

Social

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

Alignment with Council's Policy and Plans*Relationship to Corporate Plan*

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

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

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Regional Technical Director – Economics, RPS	9 May 2019	Request for a presentation on the Redlands Health and Wellness Precinct masterplanning project
Chief Executive Officer Redland Investment Corporation	14 May 2019	Request for an update on Redland Investment Corporation projects
Group Manager Communication, Engagement and Tourism Group	17 May 2019	Request for an update on the status of the Redland City Tourism Strategy and Action Plan 2015-2020 and implementation of Redlands Coast brand

OPTIONS**Option One**

That Council resolves to note this report.

Option Two

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

COUNCIL RESOLUTION 2019/247

Moved by: Cr Julie Talty
Seconded by: Cr Tracey Huges

That Council resolves to note this report.

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 RURAL ENTERPRISES INDUSTRY SECTOR ACTION PLAN

Objective Reference: A3938528

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

Responsible Officer: Kim Kerwin, Group Manager Community & Economic Development

Report Author: Simon Shaw, Senior Adviser Strategic Partnerships

Attachments: 1. Rural Enterprise Industry Sector Plan 2019-2024 ↓

PURPOSE

The purpose of this report is to seek the endorsement of Council for the Rural Enterprises Industry Sector Plan 2019-2024 including timeframes, accountabilities and resourcing requirements for deliverables (Attachment 1). Development of the industry sector plan is a key deliverable of the *Redland City Economic Development Framework 2014-2041* (Framework).

BACKGROUND

Synergy of industry sector plan with the Framework

In 2015, Council resolved to endorse the Framework. Based on economic and industry trends, future growth opportunities and Council's vision, the Framework identified eight (8) key industry sectors as drivers of future economic growth. Each sector requires a specific action plan detailing the initiatives and activities that will be undertaken in order to achieve key growth objectives as well as the level of investment required. Through implementation of the Framework, Council is committed to increasing economic growth and local employment opportunities, as well as ensuring that improved economic capacity is linked to improved lifestyle outcomes for residents and improved community well-being.

To date, industry sector plans have been endorsed by Council for three (3) of the major industry sectors identified in the Framework. These are Tourism, Health Care and Social Assistance and Education and Training.

Foundation for development of an industry sector plan

In 2017 Council prioritised development of the Rural Enterprises Industry Sector Plan 2019-2024 to consider possible implications for the investigation of a potential future urban growth area at Southern Thornlands arising from a review of the *Redlands Rural Futures Strategy 2013*.

The designation of the rural mainland of the city as Regional Landscape and Rural Production Area (RLRPA) under the (then) *South East Queensland Regional Plan 2009-2031* led to the development of the *Redlands Rural Futures Strategy 2013*, which was finalised and tabled for Council's consideration in 2013. *The Redlands Rural Futures Strategy 2013* was noted by Council and informed the development of the Redland City Plan.

The purpose of the *Redlands Rural Futures Strategy 2013* was to establish a reinvigorated strategic direction for rural areas of the city, and provide a shared vision for rural champions, government, local businesses and community groups to collaboratively work towards. Importantly, the *Redlands Rural Futures Strategy 2013* sought to create sustainable and viable rural places through implementation under the new City Plan.

Potential for future growth

Under the current *Shaping South East Queensland Regional Plan 2017-41* (SEQRP), the rural mainland and islands are retained under the RLRPA designation. The SEQ regulatory provisions continue to restrict land in this designation from further fragmentation of land holdings and various forms of urban activity. The provisions are designed to support rural communities and diversification of rural economics by allowing a range of development including activities such as those associated with primary production and land management, certain types of tourism activity; community facilities, sport and recreation activity; and limited industrial, commercial and retail activity.

The SEQRP states Redland City *'has a strong and vibrant rural economy with a mix of agricultural and horticultural uses. Outdoor recreation and tourism activities will be encouraged in areas where impacts on the environment and scenic amenity can be successfully managed.*

Opportunities to produce and add value to raw products and to service niche-market, high-demand food and beverage industries will be encouraged. Farm, adventure and nature-based tourism, recreation and events, as well as clean energy initiatives will also be encouraged where they can be managed to preserve the agricultural land resource' (SEQRP p114).

Importantly, the SEQRP identifies land within the Southern Thornlands area in Redland City as a Potential Future Growth Area (PFGA). Redland City Council is required to *'investigate this area in the short-term, including its potential as a future employment area. The investigations must determine its appropriate use, with the intent of the area defined, and appropriately reflected in the planning scheme, by the end of 2019.'*

The SEQRP PFGA designation of the Southern Thornlands area reflected a Ministerial condition in August 2015 for this area to be identified in the public consultation version of the draft planning scheme as a possible option for longer term, future urban growth. Council, at its meeting of 9 December 2015 resolved:

That Council resolves to investigate the area as a possible option for longer term future urban growth to further consider its suitability as an integrated employment area, before the adoption of the City Plan:

- 1. reviewing the scope and outcomes of previous studies for the area formerly known as the Thornlands Integrated Employment Area;*
- 2. considering emerging opportunities for employment embracing new technology, innovation, transport and logistics in this area;*
- 3. identifying opportunities for high speed internet infrastructure, strategic transport corridors connecting the area with the Gateway Arterial Road and Australia Trade Coast as well as other regionally significant employment areas to strengthen economic supply chains; and*
- 4. achieved initially through current budgets. Any further funding requirements will come back to Council.*

Council commissioned Economic Associates to prepare the investigation study addressing the scope outlined in 1-3 above, which was presented to Council on 24 May 2017. Council conditioned that the further investigations of the Southern Thornlands area, including its potential as a potential future employment area, are to be preceded by developing a Rural Enterprises Industry Sector Strategy and Action Plan which may inform the investigations from a rural enterprise opportunities perspective.

Work undertaken that informs the industry sector plan

In preparation for development of the Rural Enterprises Industry Sector Plan 2019-2024, Council commissioned a validation of statistical data underpinning the Framework objectives and the continued relevance of key industry sectors. The findings indicated that the eight industries continue to perform well in terms of output, value add, employment and exports and opportunities. Following further analysis of the sector including industry supply chains, Council engaged KPMG to develop the Rural Enterprises Industry Sector Plan 2019-2024.

KPMG consulted extensively with local businesses and government departments, both state and federal, that operate within the rural enterprises sector. KPMG also undertook extensive research into global and domestic trends affecting the industry. Workshops with the Redlands Economic Development Advisory Board, Councillors and Council officers were also conducted to provide more substantive input into the Rural Enterprises Industry Sector Plan 2019-2024.

ISSUES***Definition of the Rural Enterprises Industry***

Many of the issues in this sector arise from the definition of 'Rural Enterprises'. The Australian Bureau of Statistics (ABS) Australian and New Zealand Standard Industrial Classification (ANZSIC) industry group definitions defines Rural Enterprises as businesses that are categorised in the following sectors, each with their own sub-categories;

- Agriculture, Forestry and Fishing;
- Mining;
- Food Product Manufacturing; and
- Beverage and Tobacco Product Manufacturing.

The rural enterprises industry sector in the city is the eighth largest industry by employment (ABS 2016) and contributes 1.1% (or \$80.5 million) of the city's economic output per year (REMPAN, 2018). It is important to note that 68% of employment in this sector relates to manufacturing based within the food or beverage sector.

Key trends and opportunities that have been identified in the research

- Technology advancements in the rural sector;
- Increase in global demand for food production;
- Urban encroachment of rural land;
- The frequency and duration of extreme weather events;
- 27% decrease in the Food and Agriculture Organisation (FAO) Food Price Index since 2011; and
- Consumer trends focusing on healthy lifestyle.

Opportunities identified in the Rural Enterprises Industry Sector Plan 2019-2024

Building on the research, engagement and report by the consultants and the ground-truthing process undertaken with key stakeholders, the Rural Enterprises Industry Sector Plan 2019-2024 identifies three (3) objectives for Council to support industry and help grow the sector.

1. Investigate opportunities to support local rural enterprises
2. Attract investment in rural enterprises industry sector
3. Increase research and development opportunities and foster innovation in rural enterprises

Key actions are outlined for each objective including timeframes, accountabilities and resourcing requirements for deliverables.

STRATEGIC IMPLICATIONS**Legislative Requirements**

Under the SEQRP, land within the Southern Thornlands area in Redland City (outside the Urban Footprint) has been identified as a Potential Future Growth Area. Redland City Council is required to investigate this area in the short-term, including its potential as a future employment area. The investigations must determine its appropriate use, with the intent of the area defined, and appropriately reflected in the planning scheme, by the end of 2019 (p114).

Council's resolution of 24 May 2017 requires the Rural Enterprises Industry Sector Plan to be developed before actioning the SEQRP directive.

Risk Management

Identified risks to successful economic development in the city include:

- Failure to endorse this action plan could delay commencement of the Potential Future Growth Area investigation for Southern Thornlands, which is a statutory requirement under the SEQ Regional Plan; and
- Failure to work in partnership with the business community, and other levels of government to implement the action plan may impede realisation of economic and employment growth in this sector.

Financial

The Rural Enterprises Industry Sector Plan 2019-2024 was developed within the FY 2018/19 budget.

The implementation of the Rural Enterprises Industry Sector Plan 2019-2024 will have financial and resource implications for Council. It is anticipated the program will be undertaken within existing resources in FY 2019/20 with short-term actions delivered within the budget. Financial implications for future financial years will be subject to future budget bids with proposals to be submitted for consideration during Council's budget development process.

The Rural Enterprises Industry Sector Plan 2019-2024 will be used to retain and grow existing businesses and institutions in Redlands Coast as well as attracting new investment, creating significant potential to expand employment opportunities and economic output.

People

The implementation of the Rural Enterprises Industry Sector Plan 2019-2024 will be coordinated by the Community and Economic Development Group. Activities will be undertaken within existing resources, unless otherwise identified.

Environmental

There are no identified environmental impacts. Redland City Plan provides the regulatory framework to facilitate investment and business development in the city while managing and protecting Redland Coast's significant natural and cultural assets.

Social

Implementation of the Rural Enterprises Industry Sector Plan 2019-2024 will support a strong and vibrant economy that contributes to community well-being through the creation of more employment and economic opportunities. The Rural Enterprises Industry Sector Plan 2019-2024 encourages diversity and innovation and outlines a productive future for an active rural landscape, supporting lifestyles and economic outcomes.

Alignment with Council's Policy and Plans

The industry sector plan supports Economic Development which is one of Council's six strategic priorities, building a strong, connected economy while creating more jobs.

Relationship to Corporate Plan

The Rural Enterprises Industry Sector Plan 2019-2024 supports the priorities, objectives and outcomes of the Redland City Council Corporate Plan 2018-2023. Specifically, this implementation plan relates directly with:

Strategic Priority 6 Supportive and vibrant economy *"Businesses will thrive and jobs will grow from opportunities generated by low impact industries, cultural and outdoor lifestyle activities, ecotourism and quality educational experiences."*

6.5 Growth in key sectors identified in Council's Economic Development Framework is supported through the development and implementation of action plans by the industry Economic Development Advisory Board.

The Rural Enterprises Industry Sector Plan 2019-2024 will assist in delivering the Redland City Economic Development Framework 2014-2041 at an operational level.

Relationship to City Plan and Council Policies

The Rural Enterprises Industry Sector Plan 2019-2024 aligns with the Redland City Plan and Council Policies on Sustainable Economic Development and Green Living.

CONSULTATION

Extensive consultation has been undertaken on the development of the Rural Enterprises Industry Sector Plan 2019-2024 with industry stakeholders, including:

- workshops with Councillors;
- workshops with the Redlands Economic Development Advisory Board;
- workshops and meetings with landowners, business operators, government and community organisations in the sector;
- engagement with internal stakeholders including City Planning and Assessment; Environment and Regulation and Corporate Planning and Transformation.

The refinement of the Rural Enterprises Industry Sector Plan 2019-2024 involved a ground-truthing and validation process with industry stakeholders who participated in the initial consultations. The draft actions were further discussed with the Redlands Economic Development Advisory Board on 23 May 2019 with feedback and input considered in the finalisation of the Rural Enterprises Industry Sector Plan 2019-2024.

Position Title	Consultation Date	Comments/Actions
Senior Advisor Corporate Strategy & Performance	9/01/2019	Internal consultation with Organisational Services
Local Rural Enterprises Businesses	16/01/2019 and 17/01/2019	SWOT analysis from local rural businesses
Senior Advisors - Environment, and Community and Customer Services	17/01/2019	Internal consultation with Environment and Community and Customer Services officers
Principal Transport Planner, Community and Customer Services	18/01/2019	Internal consultation with Transport team
Group Manager Waste & Water Infrastructure, Infrastructure and Operations	22/01/2019	Internal consultation with Waste Water team

Position Title	Consultation Date	Comments/Actions
Emerging Precinct Program Manager, Infrastructure and Operations	22/01/2019	Internal consultation to review Rural Futures Strategy and implications for the sector plan
Local Rural Enterprises Businesses	23/01/2019	SWOT analysis from local rural businesses
Councillor Division 1	24/01/2019	Meeting to identify prominent local rural businesses and brief the Cr on the sector plan
Councillor Division 8	24/01/2019	Meeting to identify prominent local rural businesses and brief the Cr on the sector plan
Mayor Williams & Chief Executive Officer (CEO)	24/01/2019	Meeting to identify prominent local rural businesses and brief the Mayor and CEO on the sector plan
Redlands Economic Development Advisory Board Workshop	7/02/2019	Workshop with John Aitken, Jerry Harris and Samantha Kennedy
Warren Rowe (Redland Economic Development Advisory Board)	11/02/2019	One-on-one consultation
Councillor Division 2	11/02/2019	Meeting to identify prominent local rural businesses and brief the Cr on the sector plan
Service Manager Tourism and Events, Communication, Engagement and Tourism, Organisational Services	25/02/2019	Discussion around local agri-tourism products and activity in this space
Strategic Planner, City Planning and Assessment	14/03/2019	Discussion with Strategic Planning regarding the correlation to the Southern Thornlands Potential Future Growth Area Investigation for the South East Queensland Regional Plan
Councillor Workshop	21/03/2019	Broad consensus on the direction of the plan with feedback considered in finalisation of plan
Councillor Division 6	26/03/2019	Highlighted difficulties that local businesses have with planning controls within the definition of 'Rural' business
Councillor Division 10	11/04/2019	Meeting to identify prominent local rural businesses and brief the Cr on the sector plan
Local Rural Enterprises Businesses	29/04/2019	REISP Stakeholder ground-truthing consultation
Redlands Economic Development Advisory Board Workshop	23/05/2019	Discussion on draft Rural Enterprises Industry Sector Plan actions
Service Managers, City Planning & Assessment and Environment and Regulation	05/06/2019	Review draft Rural Enterprises Industry Sector Plan 2019-2024 actions
Group Manager, Communication, Engagement and Tourism	05/06/2019	Review draft Rural Enterprises Industry Sector Plan 2019-2024 actions

OPTIONS

Option One

That Council resolves to endorse the Rural Enterprises Industry Sector Plan 2019-2024.

Option Two

That Council resolves to endorse the Rural Enterprises Industry Sector Plan 2019-2024 with changes.

Option Three

That Council resolves to not endorse the Rural Enterprises Industry Sector Plan 2019-2024 and to seek further information.

OFFICER'S RECOMMENDATION

That Council resolves to endorse the Rural Enterprises Industry Sector Plan 2019-2024.

COUNCIL RESOLUTION 2019/248

Moved by: Cr Paul Bishop

Seconded by: Cr Murray Elliott

That Council resolves as follows:

1. To endorse the Rural Enterprises Industry Sector Plan 2019-2024.
2. To consider the Rural Enterprises Industry Sector Plan 2019-2024 as a reference for future planning investigations.

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.



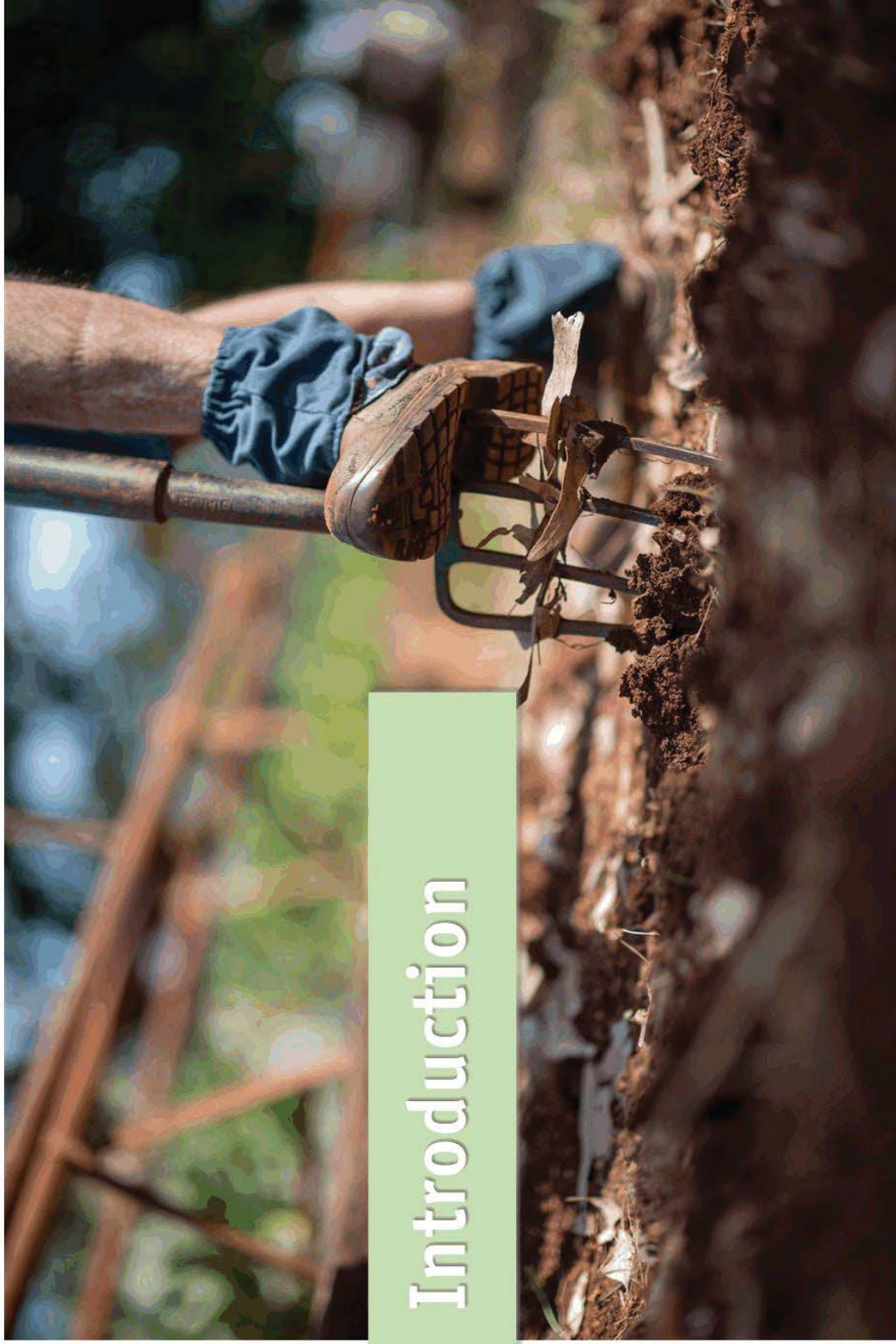
**Redlands Coast
Rural Enterprises
Industry Sector Plan
2019-2024**





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Introduction

Introduction

The Rural Enterprises Industry Sector Plan 2019-2024 (Plan) will contribute to the delivery of the key economic objectives of the Redland City Economic Development Framework 2014-2041 (Framework).

The Plan has been developed as part of the Framework, which identifies Rural Enterprises as one of eight key industry sectors within Redlands Coast (see Figure 1).

The Plan has been developed in consultation with key stakeholders to understand the potential of the local industry and identify where rural enterprises can complement other industry sector plans (such as tourism and education and training).

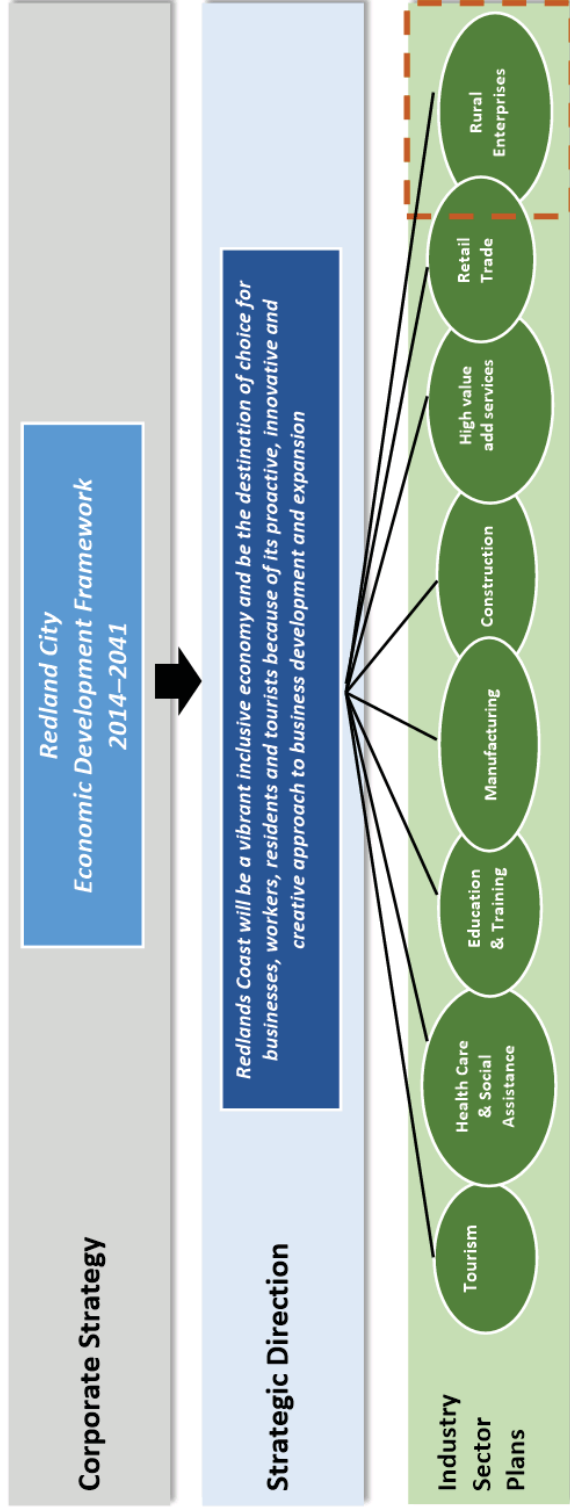
The Plan outlines specific objectives and implementation actions for Redland City Council (Council) to pursue to best support the rural enterprises industry sector and strengthen its linkages with other key industries in the city. The purpose of the Plan is to identify Council's role in supporting the growth of the sector in line with the Framework's four growth objectives of population growth, economic growth, jobs growth and tourism growth, which are outlined on Figure 2.

In order for Council to accomplish this, the Plan seeks to identify both existing strategic rural enterprise activities that can support and strengthen the local industry sector as well as new opportunities in which to expand the sector in response to identified challenges.

Rural enterprises is considered a traditional industry within the city, with a particularly strong presence in poultry farming. However, in recent years the industry has faced continued pressure as a result of a number of emerging challenges such as competing land use and higher productivity farming in competing regions.

The outputs from consultation with key local stakeholders as well as benchmarking against other local government areas has been used to highlight key opportunities for growth and development of Redlands Coast's rural enterprises industry sector into the future.

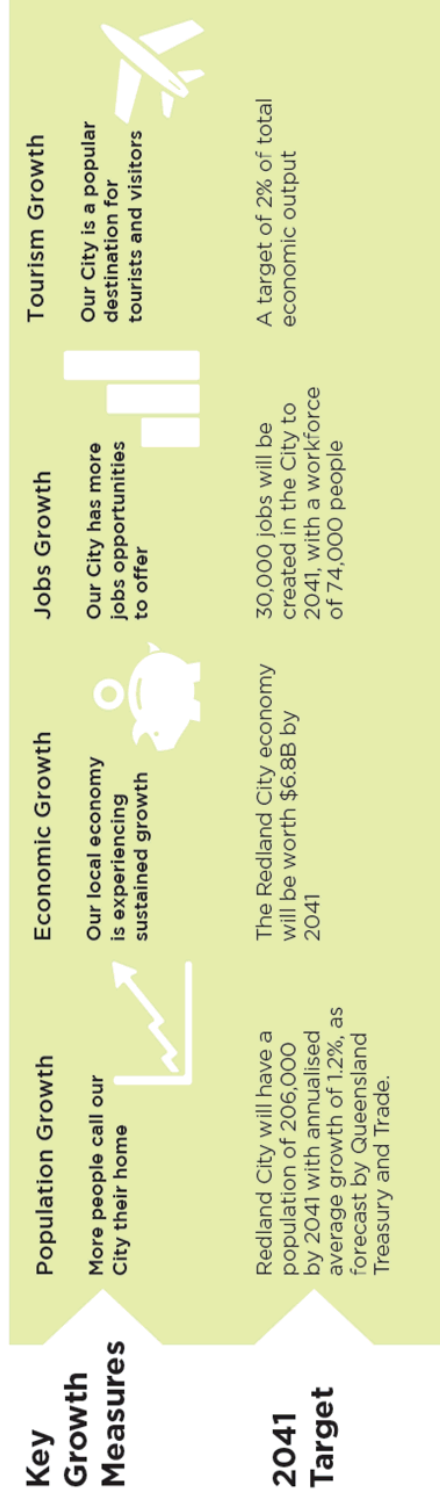
Figure 1: Industry sector plan alignment



Objective of the Plan

The Framework identifies eight key industry sectors to help reach the city's four key growth targets by 2041.

Figure 2: Framework growth objectives to achieve by 2041



These growth objectives have guided the development and prioritisation of initiatives for Council to consider in the development of the Plan. This will help to ensure that activities undertaken to support rural enterprises through the implementation of the Plan contribute to positioning Redlands Coast to be successful in reaching its key economic growth objectives.

The Plan highlights actions under three identified objectives that will entail working collaboratively with the rural enterprises industry sector. These include:

- investigate opportunities to support local rural enterprises
- attract investment in rural enterprises industry sector
- increase research and development opportunities and foster innovation in rural enterprises.

Rural Enterprises Economic Profile

Rural enterprises is the eighth largest employment industry in the city, with local jobs predominantly in the food product manufacturing industry group.

The Redlands Coast economy is growing at a pace consistent with other local government areas in South East Queensland (SEQ). The diverse economy predominantly consists of population serving industries. While rural enterprises does not register as one of the city’s top performing industries, in terms of employment or number of businesses in operation, it is contributing to headline growth targets.

This is to help ensure that the future growth of the sector can be measured in a consistent way.

The categories used to define rural enterprises within the city are in line with Council’s understanding of the industry and consistent with past industry studies and represent a broad range of rural enterprises.

Table 1 outlines industries included in the rural enterprises industry sector under the Plan. The purpose is to capture the full extent of rural activities on Redlands Coast in both primary production (e.g. agriculture farming activities), and in first-stage processing (e.g. food product manufacturing).

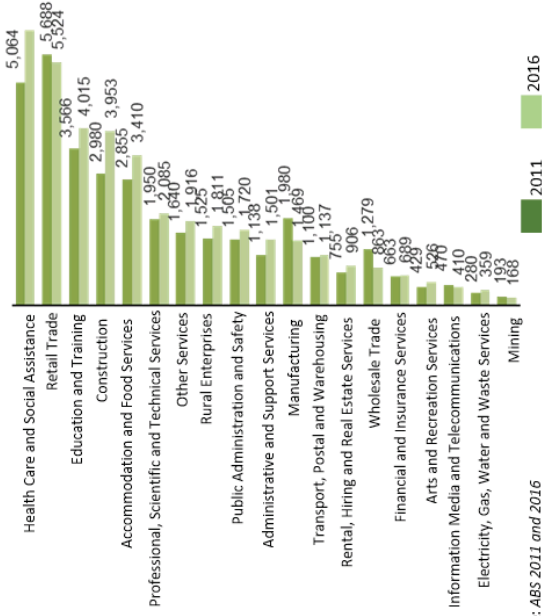
It is important to note that ‘Food Product Manufacturing’ and ‘Beverage and Tobacco Manufacturing’ is included within the overarching ‘Manufacturing’ ANZSIC industry classification as a key industry sector in its own right.

Table 1: Rural enterprises industry sector by ANZSIC classification

Related ANZSIC Industry Definition	Agriculture, Forestry and Fishing	Mining	Food Product Manufacturing	Beverage and Tobacco Product Manufacturing
Selected ANZSIC Group Definitions (used to define Rural Enterprises)	<ul style="list-style-type: none"> Agriculture Aquaculture Forestry and Logging Fishing, Hunting and Trapping Agriculture, Forestry and Fishing Support Services 	<ul style="list-style-type: none"> Other Non-Metallic Mineral Mining and Quarrying 	<ul style="list-style-type: none"> Meat and Meat Product Manufacturing Seafood Processing Dairy Product Manufacturing Fruit and Vegetable Processing Grain Mill and Cereal Product Manufacturing Bakery Product Manufacturing Sugar and Confectionery Manufacturing Other Food Product Manufacturing 	<ul style="list-style-type: none"> Beverage Manufacturing Cigarettes and Tobacco Product Manufacturing

The eight key industries identified in the Framework are represented in the top eight industries of employment with the exception of 'Manufacturing'. This is due to 'Food Product Manufacturing' and 'Beverage Manufacturing' being included as part of the 'Rural Enterprises' definition, and have therefore been excluded from the manufacturing employment figures (see Figure 3).

Figure 3: Redland City Employment by industry, 2011 and 2016



Source: ABS 2011 and 2016

Rural enterprises is ranked eighth (2016) in terms of employment within the city. It should be noted that a large portion of rural enterprises employment is typically associated with the 'Manufacturing' industry and to a lesser extent with the 'Mining' industry (see Table 2). As such, if 'Food Product Manufacturing' and 'Beverage Manufacturing' were not included within the rural enterprises count the manufacturing industry would be the sixth largest industry in terms of employment in the city, and rural enterprises would fall to fifteenth overall. This emphasises the

importance of the food product and beverage manufacturing industries to rural enterprises in the city.

Table 2: Number of Redland City Rural Enterprises by Employment Size, 2011 and 2016

Industry	Non Employing	1-19 Employees	20-199 Employees	Total
Agriculture, Forestry and Fishing	168	50	3	221
Manufacturing	229	256	19	504
Mining	13	6	0	19

Source: ABS 2019

Agriculture business size

Agricultural activity does not offer a large employment opportunity in the city as the majority of 'Agriculture, Forestry and Fishing' businesses on Redlands Coast are non-employing businesses. Only one percent of 'Agriculture, Forestry and Fishing' businesses employ between 20–199 employees, and 23% of businesses employ between 1–19 employees, while the remaining 76% of businesses are non-employing.

Economic contribution

Council commissioned a report – *Key Sector Validation Assessment – Redland City Economic Development Framework 2014-2041* – which estimated that rural enterprises contribute \$80.5 million (1.1%) to the city's economic value. (REMPPLAN, 2018).

Composition of rural enterprises in the Redland City Local Government Area (LGA)

Rural enterprises employment is dominated by the 'Food Product Manufacturing' sector (see Figure 4), which employs approximately 62% of total workers in this sector. The second largest employer of rural enterprises workers is the 'Agriculture' sector, which employs approximately 22% of total employment in the city's rural enterprises industry sector.

Drivers of growth

Agriculture experienced the largest growth out of rural enterprises industry sub-sectors between 2011 and 2016. This was mainly driven by growth in 'Nursery and Floriculture Production' (see Figure 5). This growth trend has been experienced throughout Queensland and, as such, is not a trend that has been isolated to the city.

Figure 4: Redland City Employment by industry, 2011 and 2016

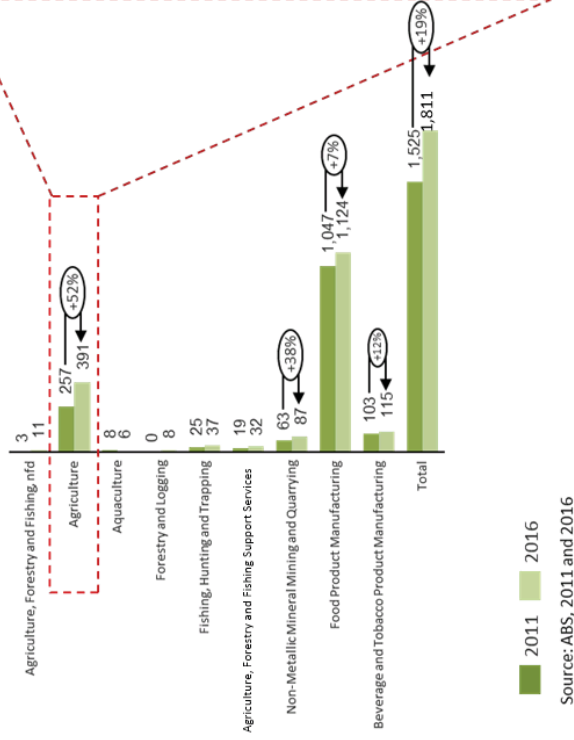
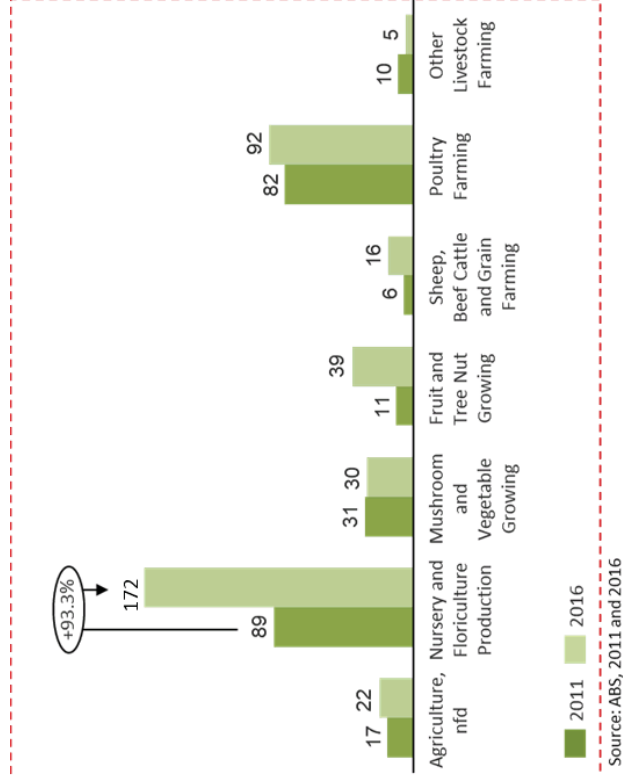


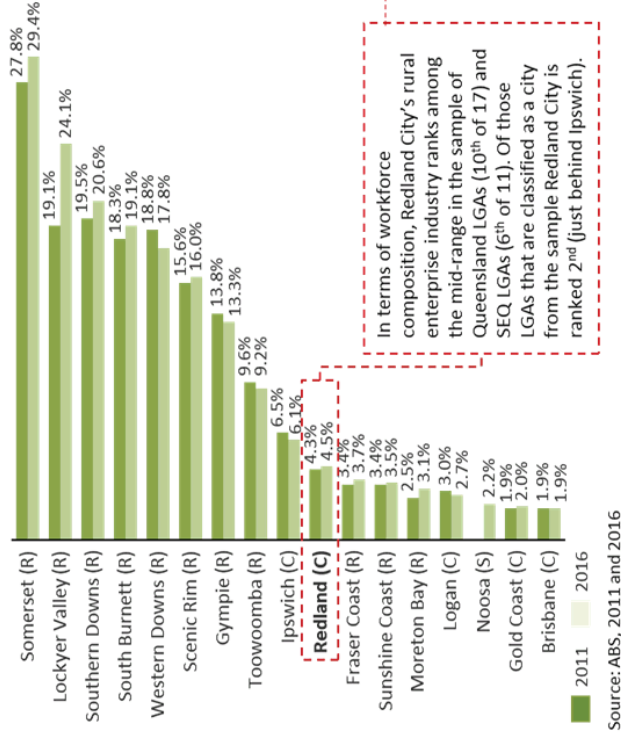
Figure 5: Redland City agriculture employment by industry sub-group, 2011 and 2016



The rural enterprises workforce of Southern Queensland

Regional LGAs tend to have a greater dependence on rural enterprises for their local workforce. The city's rural enterprises industry represents approximately 4.5% of the total workforce, which is a comparatively small representation when compared with other Southern Queensland LGAs (see Figure 6).

Figure 6: Portion of local workforce in Rural Enterprises by select LGAs, 2011 and 2016



Source: ABS, 2011 and 2016

Rural enterprises in the context of a total workforce capacity

The regions in which the rural enterprises industry sector forms a large portion of employment are less populated areas of Queensland. This is unsurprising as more heavily populated/urban areas simply do not have the available land on which to conduct rural enterprises activities as population growth and urban development occurs (see Table 3).

Table 3: Rural enterprises and total workforce by select LGAs, 2011 and 2016

LGA	SEQ	2011		2016	
		Rural Enterprise	Total Workforce	Rural Enterprise	Total Workforce
Somerset (R)	●	1,489	5,347	1,789	6,084
Lockyer Valley (R)	●	1,789	9,349	2,699	11,191
Southern Downs (R)	●	2,516	12,876	2,744	13,292
South Burnett (R)		1,935	10,570	2,119	11,067
Western Downs (R)		2,642	14,016	2,896	16,283
Scenic Rim (R)	●	1,702	10,881	1,983	12,372
Gympie (R)		1,948	14,149	2,085	15,693
Toowoomba (R)	●	5,796	60,324	6,386	69,324
Ipswich (C)	●	3,312	50,885	3,783	62,303
Redland (C)	●	1,525	35,445	1,811	40,583
Fraser Coast (R)		904	26,912	1,064	29,144
Sunshine Coast (R)	●	3,580	105,742	3,831	110,853
Moreton Bay (R)	●	2,277	89,482	3,482	113,007
Logan (C)	●	2,178	73,611	2,441	89,074
Noosa (S)		N/A	N/A	444	20,170
Gold Coast (C)	●	3,503	184,567	4,828	235,529
Brisbane (C)	●	12,205	631,989	13,558	714,200

Source: ABS, 2011 and 2016

Industry Trends

Rural enterprises in the regional economy

The majority of Queensland's agricultural production is located outside of the SEQ region, highlighting the impact urbanisation has had on agricultural production in the south east corner, and demonstrating the mutually exclusive nature of the two types of economic activity.

As the SEQ region becomes increasingly populated, demand for urban development is putting pressure on historically rurally zoned land with new urban growth areas identified. In Redlands Coast, 27% of population growth to 2041 will occur in these new urban growth areas with the balance 73% occurring as urban infill¹.

Poultry production, which has a long history in the city, has also experienced a shift. Evidence indicates that production is moving westward to the fringes of the urban centres of SEQ where opportunity to expand and scale-up is not limited.

Nursery and floriculture production is resisting the contraction trend with nurseries experiencing growth as consumer demand has increased. The consumers' increasing preference toward 'bringing the outdoors inside' has boosted plant sales. Local producers have benefited from this trend and invested more in staff and new technologies².

Rural enterprises in the global economy

Rural enterprises activities are, for the most part, centred on food production. The increasing demand for food on a global scale has pushed rural enterprises to be more efficient in order to keep pace with demand. The United Nations' Food and Agriculture Organisation (FAO) projects that global food demand will increase by 70% by 2050.

¹ Shaping SEQ South East Queensland Regional Plan 2017

As the world's population grows, more land will be needed for urban development. This will result in an increased risk of urban encroachment on traditional agricultural land. In many areas around the world this has resulted in the rural enterprises industry facing the challenge of increasing the supply of food while utilising less productive land.

As a potential solution to this challenge, technology advancement and new farming practices are being developed and adopted to maximise output on a limited amount of land. An example of this is the densely populated country of the Netherlands, which has more than 500 inhabitants per square kilometre (for comparison Redlands Coast has 270 inhabitants per square kilometre and Brisbane City has 880), yet it is the world's second highest exporter of food (as measured by value of goods).

One of the main reasons the Netherlands has managed to accomplish this is by use of greenhouses to grow produce. This technique, coupled with investment in research and the development to increase yield and decrease inputs used, has resulted in strong export performance.

On a global scale, the rural enterprises sector is extremely important as it is integral to food security. There are multiple drivers influencing activities that can have both a positive and negative impact on the growth of the sector.

The following section gives a snapshot of identified trends and their potential impact on Redlands Coast.

² Redland City Bulletin 2 April 2019

Global Trends

Technology

Technology assists producers in a variety of ways. The advancement of technology is making food production more efficient. The advancement of technology also causes changes in labour market dynamics (less labour required). Consumers are also impacted by technology, which is an enabler for a high level of connectivity and influences their buying behaviour.

Impact

Businesses in the city are already implementing new technology in order to remain competitive in the market. Technology is enabling local rural enterprises businesses to increase productivity and cost efficiencies. Utilisation of ag-tech and innovative farming practices, such as vertical farming, can further increase rural enterprises activity in the city.

Increase in Global Demand for Food

There is an increasing demand for food on a global scale, particularly for protein foods, niche primary products and agriculture scientific expertise. This is driven by an increase in wealth and population. The greatest growth in the demand for food is occurring in South East Asia, India and China.

Impact

As agricultural enterprises in the city are not primarily exporters to the global market, food manufacturing businesses in the rural enterprises supply chain are increasingly exporting to the global market. Higher international demand will have some impact on businesses located in the area and global demand will indirectly impact upon local market prices for produce.

Utilisation of Land

Across the SEQ region, agricultural land is under some pressure from the encroachment of urban development on traditional agricultural land and resulting in the rural enterprise industry sector having to adapt. An example of this is the emerging urban farming trend that utilises limited land in order to maximise production in an urban environment.

Impact

Rural land is under pressure from the encroachment of urban development. This is limiting the growth of existing rural enterprises as well as limiting opportunities for new rural businesses to establish in the city.

Climate

The frequency and duration of extreme weather events impacts the sector's production abilities. This is a location-based issue as certain regions are more affected by climate change than others.

Impact

Climate is having a global impact on a wide range of industries. The location of Redlands Coast mitigates the impact of adverse weather conditions as the region is less prone to drought and other extreme weather events, leaving rural enterprises businesses less affected than other parts of the state.

Decrease in Food Price

Since 2011, FAO's Food Price Index – which measures five community group price indices like meat, dairy, cereal and sugar – has declined by 27% (from a high of 230 in 2011 to 168 in 2018). However, long-term food prices have remained relatively flat and stable.

Impact

A decrease in overall food price will impact upon the revenue received by rural enterprises within the city. Note: long-term food prices have remained stable. Different food commodities have different price trends as well as different geographical locations, which are experiencing different trends in pricing.

Consumers

There is a consumer trend focusing on healthy lifestyle, with consumers spending more on 'healthy eating'. Increasingly consumers are concerned with how their food is produced and where it is sourced from (e.g. free range, organic, local).

Impact

As consumer trends change this will impact demand for locally grown produce, with it seen to be fresher and safer. Fresh food producers will have the opportunity to benefit if they position themselves to do so.

13

Industry Issues and Gaps

Redlands Coast's rural enterprises industry sector is relatively small compared to other areas of Queensland and is restricted by the common growing pains of urbanisation.

The local rural enterprises industry sector has a rich history and is central to the area's identity. However, industry trends highlight pressure from population increase and competing land use demands. Population growth has placed greater demand for urban development and, in return, has resulted in encroachment over land previously under cultivation. This has limited the city's ability to compete for rural enterprises activity on a scale that rivals the regional areas on the fringes of SEQ. The focus now must shift to the type of rural enterprises activities that best suit the modern Redlands Coast area.

Employment

Although the rural enterprises industry sector in the city has experienced growth in recent years, in terms of employment (2011–2016), the industry represents a small portion of employment in the city's economy (4.5%, 2016). Regions where rural enterprises activity is stronger in terms of production and employment are in less heavily populated areas in the western and northern regions of SEQ, with SEQ LGAs now consisting of a more highly-skilled knowledge workforce.

Key rural enterprises activities

Food product and beverage manufacturing make up approximately 62% of employment in the industry sector, with a large portion of employment being concentrated in a few key businesses in the area. This represents a key strength as some businesses are well-established in the city. However, it also emphasises the importance of building and enhancing relationships between Council and business operators to help ensure sustained economic activity and investment, and that employment remains in the city.

Land use

The proximity of Redlands Coast to major employment hubs and export hubs has

contributed to the city being identified as in the South East Queensland Regional Plan 2017 (Regional Plan) as suitable to accommodate further urban growth. This includes a new urban community at Southern Redland Bay and a potential future growth area at Southern Thornlands. Council is required to investigate this area in the short-term, including its potential as a future employment area.

The Regional Plan recognises Redland City has a strong and vibrant rural economy with a mix of agricultural and horticultural uses. Opportunities to produce and add value to raw products to service niche-market, high-demand food and beverage industries are encouraged and the regulatory environment for growth in the sector has been improved in the new City Plan.

SWOT Analysis Summary

Stakeholders were asked to consider the strengths, weaknesses, opportunities, and threats for the rural enterprises industry within the city. The findings were consolidated into the following summary (see Table 4).

Table 4. SWOT Analysis Summary

Strengths	Weaknesses
<ul style="list-style-type: none"> • Location/proximity to markets • Established businesses • Zoning/planning • State Government agricultural research facility • Skilled workforce • Climate/soil type • Access to Moreton Bay and islands • Redlands Coast branding • Rural amenity 	<ul style="list-style-type: none"> • High cost of doing business • High land values • Water supply (urban water) • Under-utilised land • Employment concentration • Transportation costs, infrastructure and facilities (islands)
Opportunities	Threats
<ul style="list-style-type: none"> • Tourism and outdoor recreation • Technology • Product positioning and branding • Research, education and training and commercialisation • Intensive small footprint emerging industries • Clustering and supply chain enhancement 	<ul style="list-style-type: none"> • Reduced availability of productive agricultural land • Demographic shifts • Competition between councils • Amendments to City Plan which inhibits sector growth

Opportunities

Overview

There are some key opportunities for Redlands rural enterprises stakeholders and Council to focus on in order to activate and grow the city's rural enterprises industry sector.

The identified opportunities include:

- Attract high intensity, low impact rural industries
- Increase support for research and development
- Maintain strategic/significant local rural enterprise activities
- Support development of agri-tourism products and services
- Connect rural enterprises with education and training.

Exploring the identified opportunities

The following section expands on the identified opportunities and provides selected case studies.

The opportunities are assessed against their potential to contribute towards delivering the key economic growth objectives set in the Framework.

Attract high Intensity, low impact rural industries

Redlands Coast has the pre-existing capacity to work with and establish emerging high intensity, low impact agricultural businesses in the city.

Overview

High intensity, low impact rural enterprises include businesses that produce high volumes of rural enterprises products on a comparatively smaller footprint of land (compared to traditional farming) and with minimal impact to the surrounding area. These types of capital intensive businesses are well-suited to areas where there is limited available land for rural use.

Redlands Coast's rural areas, proximity to markets and existing infrastructure provide an ideal match for these types of businesses. Vertical farming industries, for example, are able to operate on a small footprint, and produce a large amount of output, through the use of new technologies and automation in agriculture production. These types of high intensity production practices are still emerging and are often difficult to classify, particularly with regard to planning policy. As a result, regions that are proactive in understanding and planning for this new type of agriculture production have the

potential to cultivate new economic activity with significant growth potential.

Key points

- Vertical farming can operate on a small footprint – Redlands Coast has limited available land for agricultural use.
- Lower water use – Redlands Coast is reliant on town water and an industry that has a low dependence on water is ideal for the city.
- Use of existing infrastructure – insect farming can utilise existing disused poultry sheds to produce proteins.
- Low impact – fly farming and vertical farming have a low impact on the environment and on the surrounding urban environment relative to traditional agriculture production.
- Both vertical farming and fly farming are experiencing global growth.

Case Study: Vertical Farming

The following case study outlines an example of a high intensity, low impact industry that would be well suited to Redlands Coast.

Overview

Controlled environment agriculture (CEA), commonly known as vertical farming, is the process of growing food or other agricultural products within factory conditions – and without the typical natural resources such as soil and sunlight.

This style of production may have the potential to benefit general agricultural production outside of urban areas where it is more commonly found. This is due to the style of production creating a more controlled production environment, irrespective of season. One acre of vertical farming can provide the produce equivalent of between 10–20 acres of conventional production.

Example

'Vertical Farm Systems' is located in Yandina on the Sunshine Coast.

Key characteristics of the operation include:

- operates from a warehouse facility
- seed to harvest in a 28-day period (typical green produce, such as lettuce, mature in 45 to 55 days)
- the company originally had to get their components specially made – now it has 43 suppliers from around the world
- the system of three 'climate cells' can produce 500kg green products per week
- vertical farm system with three 'climate cells', which is fully automated cost \$1.2 million
- the company owners plan to export the machinery overseas, install it, commission it and stay on for 28 days to ensure the first successful crop.

Key Facts

- 87% of the Australian population is living in urban areas.
- Population growth is particularly significant in major city centres, which are already home to 64% of the population.

- A study by the University of Melbourne found that the reallocation of agricultural for urban use means Australia will eventually grow insufficient fruit and vegetables.
- Projects like Perth City Farm, Northey Street City Farm in Brisbane and Pocket City Farms in Sydney are examples of community based urban farms that have a strong community and environmental focus.

Implications for Redlands Coast

Redlands Coast is well positioned to leverage a research facility to attract investors to the city. The facility offers a key differentiator for the area as it provides infrastructure needed for investors looking to establish agri-tech activities such as vertical farming.



Increase support for research and development

Redlands Coast has quality access to a highly-skilled workforce and existing research facilities that could be leveraged to grow its agriculture research capability.

Overview

There is an opportunity for Redlands Coast to increase the support for local research and development through coordination with existing infrastructure such as the local Department of Agriculture and Fisheries (DAF) Redlands Research Facility, and emerging innovative businesses.

The Queensland Crop Development Facility (QCDF), which is owned and operated by DAF, is located at Cleveland. The facility grew from a general horticulture facility to focus on cut flowers, parks and gardens, landscape and turf industries as well as housing peak bodies for these industries. The site has recently hosted commercial entities in the fields mentioned above.

There is also a focus on servicing the needs of science groups – from DAF, Commonwealth Scientific and Industrial Research Organisation (CSIRO), Queensland University of Technology (QUT) and the University of Queensland (UQ) as well as a number of private companies that are not based on site.

The QCDF, which is positioned at Redlands Research Facility, has a complex of five glasshouses with 1350m² of environmentally controlled space. Three of the glasshouses have met the specific facility requirements to deliver technical accreditation courses (such as Plant Containment Level 2 certification for genetically modified plants). The facility is a key differentiator for rural enterprises on Redlands Coast and its maintenance and growth is critical to the future of the local sector.

Actively seeking out and engaging early with businesses looking to undertake research and development can support the growth of local research and development. Council can play a role in assisting these businesses to identify sites, suppliers and other stakeholders and to establish new supply chains in the city, and

be at the forefront of new emerging industry activity.

Research focus

Council can explore avenues in which they can better facilitate further research and development utilisation of the facility by working with government, private organisations, researchers, educational institutions and other supply chain stakeholders from within and outside of Australia.

In particular, the DAF facility provides a focal point for attracting academic and industry partners to conduct research and development activities on site. This can in turn provide the city with exposure on a regional, statewide, national and international scale.

Key points

- The Redlands Research Facility is under-utilised, which provides potential investors with capacity to establish in the city.
- There are large established local rural enterprises that could be leveraged in the development of specific tertiary qualifications and the development of career pathways.
- Council is in a position to be approached by perspective investors wanting to establish themselves locally. Council can look at opportunities to leverage the Redlands Research Facility in order to attract further investment within relevant sectors (e.g. Agtech).

Case study: QCDF Research Facility

The following case study outlines a unique offering within Redlands Coast.

Overview

The Redlands Research Facility and QCDF is located at Cleveland in Redlands Coast. The facility is well positioned between Brisbane and Moreton Bay and takes full advantage of the 'krosnozern basalt' red soils of the area in order to conduct research and development projects onsite.

The Redlands Research Facility has evolved from a general horticulture facility to focus on servicing the needs of the nursery, cut flowers, parks and gardens, landscape and turf industries. The facility also houses peak bodies of these industries. In recent years, the site has also housed commercial entities.

Research focus

- Areas include:
- industry development to Queensland lifestyle horticulture industries
 - contract research with industry – CSIRO, QUT, UQ and commercial clients
 - biofuels research relating to the use of eucalyptus oils in fuel
 - management of turf grasses with industry groups
 - glasshouse, shade house and field site research for multiple client groups in horticulture, agriculture, technology and forestry
 - ongoing support for DAF fisheries management and regulation.

Current projects

- STRI Australia, a world leading sport's turf consultancy, has based its Australian research and consultancy services at the QCDF. The research is focussed on trials to improve the management and maintenance of turf.
- \$7.5 million pilot hydrogen plant research project. The plant will utilise solar electricity to generate hydrogen from salt water. The pilot project will involve QUT, Griffith University, Swinburne University of Technology, The University of Tokyo and industry partner Energy Developments Pty Limited.

- A two-year trial of 'concentrating solar photovoltaic technology' (CPV). QUT commenced a two-year trial utilising a CPV array which was designed and supplied by Japan's Sumitomo Electric Industries in 2017. The trial will track total power output from the array and investigate its economic applications.

Implications for Redlands Coast

The research facility provides the infrastructure needed to attract educational institutions as well as commercial entities wanting to conduct research and development activities in the city. There is the possibility of expanding the facility with adjacent land available. This expands the capacity of the facility for increased activity.

The projects housed at the facility can provide exposure on an international scale as numerous projects are collaborative efforts between international and local businesses/institutions.

The attraction of businesses to the city through research and development opportunities can have long term benefits to Redlands Coast. This benefit is derived from the evolution from conducting research and development at the facility to establishing a commercial presence within the city.



Turf production at the QCDF

Case study: Biofuels

The following case study outlines an example of research being conducted in Queensland and the impact it is having on the state.

Overview

It is Queensland's vision to have a \$1 billion sustainable and export orientated industrial biotechnology and bio-products sector. This industry focus is expected to attract significant international investment, and create high-value regional jobs.

Agriculture, plantation forestry, algae, organic and carbon-rich 'waste' streams could all be used as feedstocks in the future to generate a wide range of sustainable chemicals, fuels, synthetic rubber, cosmetics, detergents and textiles.

Key industry drivers

- Increasing instability in crude oil markets.
- Decreasing environmental footprint of manufacturing.
- Increasing demand for sustainable products.

Global trend

- Converting biomass into fuels, energy and chemicals has the potential to generate US\$230 billion to the global economy by 2020 (*World Economic Forum*).
- Brazil and the USA have strong mandates combined with research and investment in industrial biotechnology.
- Alberta, Canada is a practical example of a combined state, multi-industry, and research effort to build on existing economic strengths in agriculture and expand their bio industrial sector.

Opportunities

- Queensland's highly-productive agricultural industry annually produces large quantities of potential non-food feedstocks required for the bioproducts sector.
- An industrial biotechnology and bioproducts sector could assist the agricultural sector to diversify by creating markets for existing and new products including cropping waste.

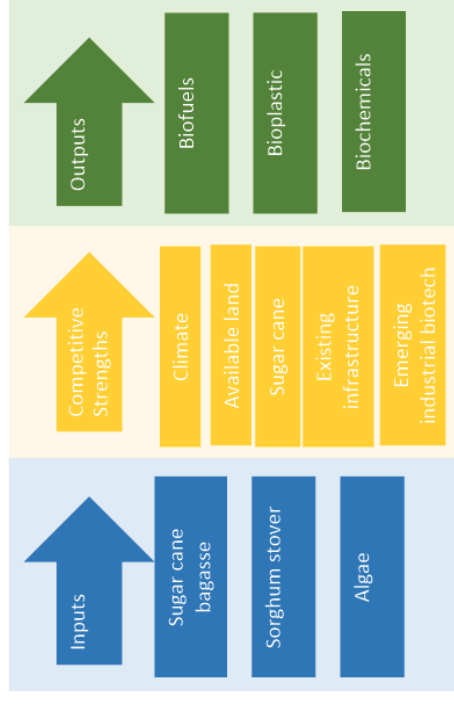
Implications for Redlands Coast

While Redlands Coast has moved away from broadacre agriculture, there is significant opportunity to consider energy solutions that draw on biofuel technology. Currently, there are research projects being undertaken at QCDF relating to biofuels from eucalyptus oils.

Energy cost is a consistent economic development challenge, which drives interest in the research and development of energy solutions.

Redlands Coast has the potential to attract research and development opportunities within this field through the use of the Redlands Research Facility.

Figure 7: The Queensland Government's Advancing Queensland – Biofutures 10 year roadmap action plan, 2016



Source: statedevelopment.qld.gov.au

Maintain strategic/significant local rural enterprise activities

Work with existing rural enterprise activities to maintain an appropriate level of activity to contribute towards the Framework's growth objectives

Overview

Redlands Coast is home to large established rural and primary industry businesses.

These key businesses represent a large portion of rural enterprise activity in terms of employment and output within the industry. The future of these employers in the city is important for the sustainability of the sector.

Identifying significant existing local rural enterprise activities should seek to incorporate the broad range of rural enterprise activities, including quarrying, food and beverage production, nurseries, and poultry production.

Key points

- Through consultation it was identified that rural enterprises businesses in the city are seeking greater clarity regarding the zoning of land for rural enterprises.
- Uncertainty regarding the future use of land and regulatory compliance is reducing the attractiveness of the city for rural enterprises businesses, relative to other council areas.
- Existing rural businesses have shown interest in expanding and investing in the city. However, they have been deterred by a lack of clarity around planning processes.

Potential activities

- Streamlining planning processes to encourage further investment in the city.
- Establishing and enhancing relationships with local businesses to identify issues operators are facing.
- Consider impacts of urban encroachment on existing rural enterprises.



Sirromet Winery

Support development of agri-tourism products and services

There is an opportunity for Redlands Coast to leverage its natural assets and rural enterprises businesses to unlock new agri-tourism opportunities.

Overview

Developing local agri-tourism products and services can unlock new opportunities for Redlands Coast to connect tourism with rural enterprise activities. This supports a key objective of the Framework, to grow the local tourism economy, and would support the growth target by assisting local businesses to establish tourism products that meet the demands of domestic and international visitors seeking new and authentic rural experiences.

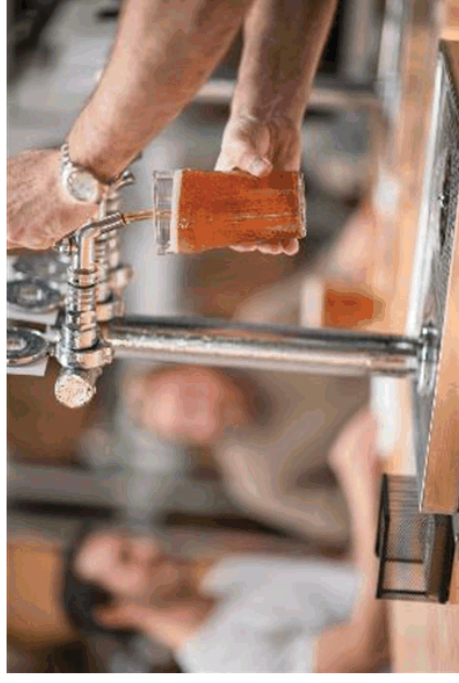
Key points

- Highlight what Redlands Coast has to offer by continuing to be proactive in marketing including Redlands Coast food trails.
- Continue to work closely with businesses that have successfully established themselves as a visitor experience from rural enterprise beginnings.
- Engage with businesses to help identify opportunities to establish and develop new cultural/agri-tourism products that highlight traditional and emerging agricultural techniques.

Potential activities

- Further promotion of the existing regional Food Trail on the SEQ food trails website with the utilisation of Council's marketing resources.
- Supporting market readiness of businesses in the sector.
- Council can continue to be proactive in the attraction of further investment

to grow rural enterprise businesses that can also support tourism in the city.



Bacchus Brewery

Case study: The Farm – Byron Bay

The following case study outlines an example of where rural enterprises and tourism industry sectors have been effectively integrated to act as key regional differentiators and economic drivers.

Overview

The Farm is a prime example of how rural enterprises can be successfully positioned to take advantage of agri-tourism. Established on an 80-acre former dairy farm in 2013, its purpose is encapsulated by its motto of ‘Grow, Feed, Educate’.

The site consists of a traditional free-roam working farm, with its fruit, vegetables, nuts, meat, dairy, eggs and flowers used in the onsite restaurant, bakery and café, and sold in the produce store. The Farm offers tours, animal experiences, workshops and school holiday activities, making it suitable for all age groups.

One of the key differentiating factors of the Farm is its ability to capitalise on the natural assets of the Byron Bay region. The region has established itself as a major coastal tourist destination.

The NSW Department of Tourism study “*Travel to the North Coast NSW Region*” (2018) highlights that the North Coast, New South Wales area attracts 5.6 million domestic overnight visitors along with 353,700 international overnight visitors.

By contrast, businesses seeking to establish similar operations on Redlands Coast will be faced with challenges in building new visitation demand, rather than tapping into a large existing market.

The Farm capitalises on existing an already large visitation economy and existing infrastructure by providing a new visitor experience that diversifies the region’s tourism product offering. Ultimately, this has contributed to visitors staying in the

area for a longer period and increased local tourism spend.

Agri-tourism trends

The founders of The Farm, with an executive business background, understood the appeal of an accessible nature setting in an increasingly industrialised world. The Farm business model successfully capitalises on recent trends in agri-tourism, including:

- a desire to connect with nature for its purported mental and physical health benefits
- interest in understanding where our food comes from, and participating in the growing process
- a growing demand for organic and locally grown produce
- a desire for cruelty-free animal raising
- interest in learning about growing produce and keeping livestock, such as chickens
- restaurants increasingly using fresh ingredients from local suppliers
- a growing interest in sustainable farming and food practices.

Implications for Redlands Coast

The Farm exemplifies how traditional rural enterprises has been used to capitalise on agri-tourism trends, expand business and leverage regional natural assets. Redlands Coast is geographically unique in that it is home to rural enterprises and also located near major urban centres. Identifying opportunities to support agri-tourism and build on Redlands Coast experiences is something the city could seek to achieve through rural enterprises product development.

Connect rural enterprises with education and training

Redlands Coast's existing assets and workforce could be leveraged as part of new education and training offerings in the city.

Overview

Redlands Coast has access to existing infrastructure and established rural enterprise businesses that could be used to develop career pathways for technical agri-education accreditations.

There is an opportunity to engage with education and training providers including tertiary institutions and industry to investigate demand for an agri-education facility. This will assist in the further integration of education and training rural enterprises activity in the Redlands Coast.

Universities currently have a presence in the city including at the Redlands Research Facility in Cleveland. There could be opportunity for universities to increase their involvement in the city, specifically by utilisation of the research facility.

There is also opportunity to investigate demands for local businesses to partner with education and training organisations to offer rural enterprises related training.

Key points

- Explore opportunities to expand tertiary presence in the city within rural enterprises by increasing the utilisation of the Redlands Research Facility.
- Explore demand for education and training partnerships with local businesses and providers within the rural enterprises industry sector.

Potential activities

- Continue to leverage opportunities to attract education and training providers to the existing Redlands Research Facility.
- Identify skills gaps in the sector and match with training opportunities.
- Support local businesses looking to partner with education and training providers to offer on-the-job training opportunities.



Product testing at QCDF



Implementation Plan Summary

Key opportunities to grow the Redlands Coast rural enterprises industry sector were consolidated into three key objectives that inform the Implementation Plan (see Table 5).

Table 5: Rural Enterprises Industry Sector Plan 2019–2024 Objectives

Plan Objectives	Alignment with Rural Enterprises Industry Sector Opportunities
Investigate opportunities to support local rural enterprises	<ul style="list-style-type: none"> Maintain strategic/significant local rural enterprise activities
Attract investment in rural enterprises industry sector	<ul style="list-style-type: none"> Attract high intensity, low impact industries Support development of agri-tourism products and services
Increase research and development opportunities and foster innovation in rural enterprises	<ul style="list-style-type: none"> Increase support for research and development Connect rural enterprises with education and training

The Implementation Plan contains actions required for the identified objectives to be achieved, which will assist the rural enterprises industry sector in supporting the City’s Framework economic growth objectives.

Actions will be implemented over the following time frames:

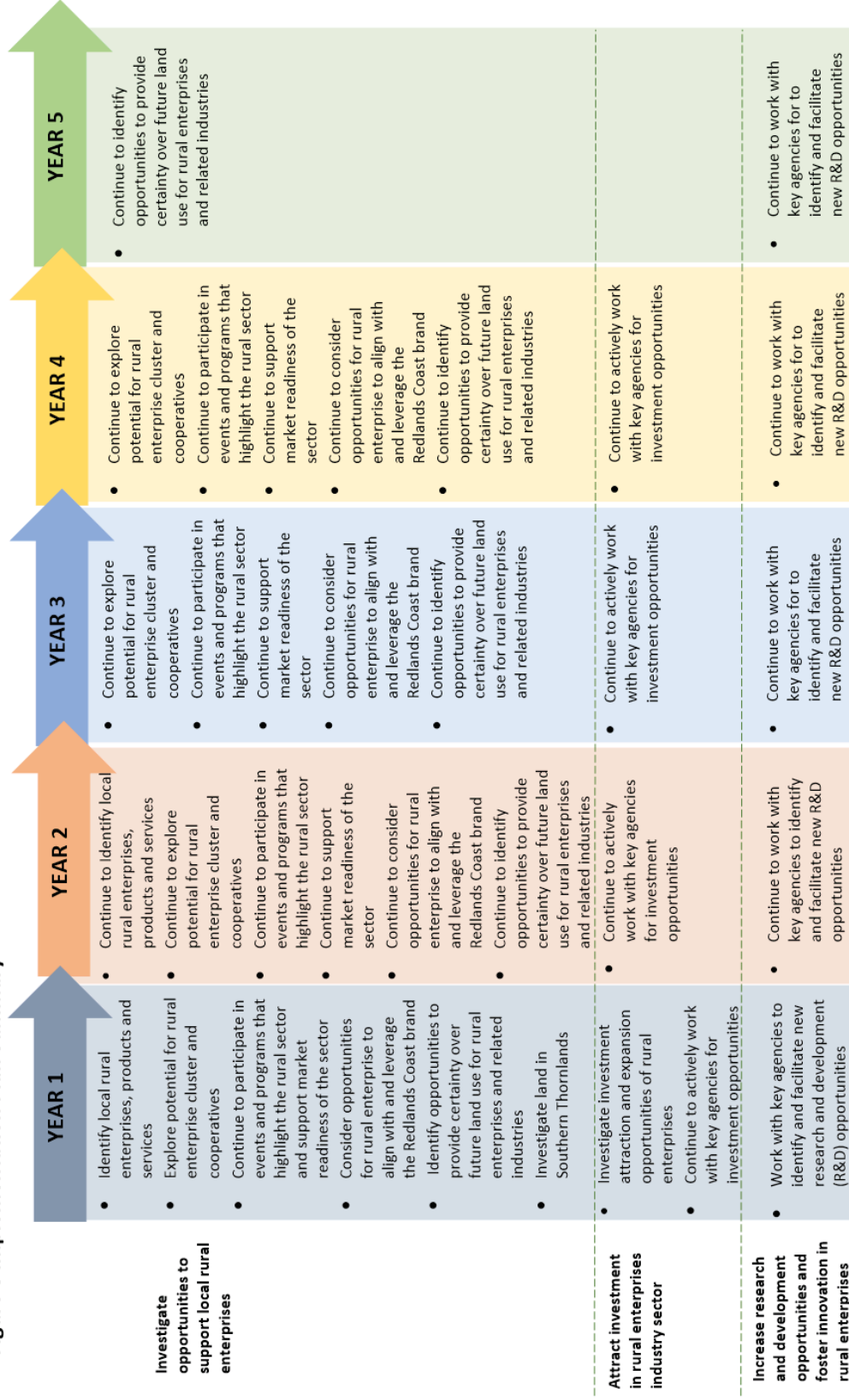
- Short-term** – within the next one to two years (2020 – 2021)
- Medium-term**– within the next three to four years (2022 – 2024)
- Long-term** – after five or more years but may need to commence in the medium term (2024 onwards)
- Ongoing** – actions will continually be progressed during the life of the Plan

Council could play a series of potential roles in engaging the sector and implementing the actions (see Table 6).

Table 6: Council Roles

Advocate	Attract and retain public, private and non-government investment that expands the economic base and improves service delivery in the city.
Regulate	Implement land use and infrastructure planning and policy development that will support the industry sector.
Partner	Strengthen existing links and networks and establish constructive working relationships with businesses, industry, and government to implement initiatives and to enhance supply chain links.
Facilitate	Enable the growth of emerging businesses by ensuring the provision of timely information, access to business grants, sponsorship and training opportunities.
Lead/Deliver	Take the lead and implement initiatives that will foster an environment that is conducive to business growth and expansion.

Figure 8 Implementation Plan Summary



Implementation Plan 2019–2024

Objective	Actions	Governance		Performance Measure	Resources	Timeframe
		Council's Role	Key Stakeholders			
Investigate opportunities to support local rural enterprises	Identify local rural enterprises, products and services	Facilitate	<ul style="list-style-type: none"> Redland City Council Chambers of Commerce Local business owners Department of Agriculture and Fisheries Department of State Development, Manufacturing Infrastructure and Planning State and Federal governments Industry Stakeholders 	Rural enterprises database developed	Activity funded in 2019-20 and subsequent activity may be subject to future budget bid	Short-term
	Explore potential for rural enterprise cluster and cooperatives to collaborate on growing the sector and related industries in the city including product and supply chain development	Facilitate	<ul style="list-style-type: none"> Rural enterprises sector Chambers of Commerce Quandamooka Yoolooburrabee Aboriginal Corporation Redlands Economic Development Advisory Board Redlands Innovation Advisory Group Logan and Redlands Regional Development Australia Committee State and Federal governments Industry Stakeholders Redlands Coast Tourism Subcommittee 	A framework for industry sector interaction developed	Activity funded in 2019-20 and subsequent activity may be subject to future budget bid	Short to Medium-term

Objective	Actions	Governance		Performance Measure	Resources	Timeframe
		Council's Role	Key Stakeholders			
	Continue to participate in events and programs that highlight the rural sector and support market readiness of the sector	Partner/ Facilitate	<ul style="list-style-type: none"> Redland City Council South East Queensland Council of Mayors Local business owners Tourism Events Queensland Trade and Investment Queensland Tourism Australia Redlands Coast Tourism Subcommittee 	<ul style="list-style-type: none"> Key partnership opportunities identified Market readiness of the sector increased 	Activity funded in 2019-20 and subsequent activity may be subject to future budget bids	Short to medium-term
	Consider opportunities for rural enterprises to align with and leverage the Redlands Coast brand	Advocate/ Facilitate	<ul style="list-style-type: none"> Redland City Council Chambers of Commerce Local businesses Industry Stakeholders 	Key partnership opportunities identified	Activity funded in 2019-20 and subsequent activity may be subject to future budget bids	Short to medium-term
	Identify opportunities to provide greater certainty for future land use for rural enterprises and related industries including consideration of economic implications of City Plan amendments on the rural sector	Regulate/ Advocate/ Facilitate	<ul style="list-style-type: none"> Redland City Council Department of State Development, Manufacturing, Infrastructure and Planning Landholder and industry Stakeholders 	Economic impacts of proposed City Plan amendments evaluated	Activity funded in 2019-20 and subsequent activity may be subject to future budget bids	Ongoing
	Investigate land in Southern Thornlands that has been identified as a Potential Future Growth Area in the <i>Shaping South East Queensland Regional Plan 2017–41</i> as a future	Lead/ Deliver	<ul style="list-style-type: none"> Redland City Council Department of State Development, Manufacturing, Infrastructure and Planning 	<ul style="list-style-type: none"> Investigative study completed and appropriately reflected in the City Plan SEQ Regional Plan requirement 	Activity funded in 2019-20	Short-term

Objective	Actions	Governance		Performance Measure	Resources	Timeframe
		Council's Role	Key Stakeholders			
Attract investment in rural enterprises industry sector	employment area for key industry sectors including rural enterprises	Lead/Deliver	<ul style="list-style-type: none"> Redland City Council Austrade Trade and Investment Queensland Department of Agriculture and Fisheries Department of State Development, Manufacturing, Infrastructure and Planning Brisbane Marketing Redlands Economic Development Advisory Board Industry stakeholders 	Redlands Coast Investment Attraction Plan developed	Activity funded in 2019-20 and subsequent activity may be subject to future budget bids	Short-term
	Continue to work actively with key agencies and peak bodies to identify and advocate for investment opportunities in the rural enterprises sector both domestically and internationally	Advocate/ Partner	<ul style="list-style-type: none"> Redland City Council Redlands Economic Development Advisory Board Redlands Innovation Advisory Group South East Queensland Council of Mayors Logan and Redlands Regional Development Australia Committee Brisbane Marketing Queensland Government agencies Australian Government agencies 	Investment opportunities identified	Activity funded in 2019-20 and subsequent activity may be subject to future budget bids	Short to Medium-term

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Objective	Actions	Governance		Performance Measure	Resources	Timeframe
		Council's Role	Key Stakeholders			
<p>Increase research and development opportunities and foster innovation in rural enterprises</p>	<p>Work with government, education and training stakeholders to identify and facilitate new research and development opportunities; and identify and support commercialisation initiatives</p>	<p>Advocate/ Facilitate</p>	<ul style="list-style-type: none"> • Austrade • Trade and Investment Queensland • Industry stakeholders • Redland City Council • Department of Agriculture and Fisheries • Department of State Development, Manufacturing, Infrastructure and Planning • Department of Education, Small Business and Training • Universities • TAFE Queensland • Chambers of Commerce • Quandamooka • Yoolooburrabee Aboriginal Corporation • Redlands Economic Development Advisory Board • Redlands Innovation Advisory Group • Local business owners • Potential investors • State and Federal governments • Industry Stakeholders 	<ul style="list-style-type: none"> • Queensland Government partnership developed and opportunities identified • Opportunities for commercialisation identified • Commercialisation initiatives supported 	<p>Activity will be funded through future annual budget bids</p>	<p>Long-term</p>

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Contact Details

For information about economic development in the Redlands please contact Redland City Council on 3829 8999.

Disclaimer

The information contained in this document or its attachments is to the best of our knowledge accurate at the time of authorising the printing of the publication July 2019. Any representation, statement, opinion or advice, expressed or implied in this publication is made in good faith for general information purposes but and on the basis that the Redland City Council, its agents and employees are to the extent permissible by law, not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representations, statement or advice referred to above.

14 REPORTS FROM INFRASTRUCTURE & OPERATIONS

Nil

15 MAYORAL MINUTE**15.1 MAYORAL MINUTE – FEASIBILITY STUDY INTO AN OLYMPIC STANDARD WHITE WATER RAFTING/CANOEING/KAYAKING FACILITY IN THE REDLANDS****COUNCIL RESOLUTION 2019/249**

Moved by: Cr Karen Williams

That Council resolves as follows:

1. To undertake a feasibility study into an Olympic standard white water rafting/canoeing/kayaking facility in the Redlands.
2. As part of the feasibility study investigate the potential co-location of other sport/recreation/emergency rescue uses to create an adventure sports precinct and ensure the long-term sustainability of the facility.
3. To establish necessary stakeholder groups to work with Council to inform the scope of the proposed project.
4. To note the decision of Surf Lifesaving Queensland to not continue with the Memorandum of Understanding (MOU) with Council for a surf lifesaving centre of excellence in association with Council's proposed aquatic centre.

CARRIED 10/1

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.

Cr Murray Elliott voted AGAINST the motion.

Background

With more than 300 kilometres of coastline the Redlands Coast is known for its water-based recreational activities such as canoeing and kayaking. Additionally the Redlands Traditional Owners the Quandamooka People – have for generations used canoeing as a means of transport to traverse the Redlands Coast and islands.

This Redlands history and traditional connection to canoeing has the potential for this project to create a significant cultural legacy by telling the story of canoeing on Redlands Coast through a contemporary world-class sporting facility. Preliminary discussions with the area's Traditional Owners has indicated significant opportunity exists to tell the Quandamooka story through the facility, in turn creating tourism and economic activity for the Redlands Coast.

This project also has an opportunity to be used for swift water rescue emergency training and hence create an emergency training legacy for Queensland. Redlands Coast would be an ideal location due to its proximity to the Queensland Combined Emergency Services Academy at the Port of Brisbane.

The white water rafting/canoeing facility would also be designed to an Olympic standard to allow it to be used as a venue for a potential South East Queensland Olympics, which is currently being investigated by the Council of Mayors (SEQ).

A potential Olympics bid for the region is seen as a catalyst to securing the transport infrastructure needed for South East Queensland. Redland City Council has supported the Council of Mayors (SEQ) investigations as a means to fast tracking the transport infrastructure needed for the future of the city.

As part of the SEQ Olympics investigations the Redlands Coast was identified as a potential location for a white water rafting/kayaking facility, supporting our coastal location and cultural connection to kayaking through the Redlands Traditional Owners the Quandamooka People.

Consultants engaged to investigate a possible SEQ Olympics have visited the Redlands Coast to investigate its potential as a location for the facility. Separately the Mayor has met with the International Canoe Federation and visited the Sydney Olympics white water rafting facility in Penrith to further these investigations. A potential visit to the Tokyo 2020 Olympics white water rafting venue is also being investigated.

The International Olympic Committee (IOC) has recently introduced a series of changes to the Olympics bidding and hosting process to make it more affordable for potential hosts. This includes enabling a region rather than just a city to host the games and reducing the costs to a point where hosting the Olympics is effectively cost neutral.

As part of their recent changes, the IOC also has a focus on Olympics venues creating social and economic legacies for the community. The intention is for the facility to be co-located with other similar aquatic and adventure sports to create an economically feasible business model that would result in a positive legacy for the community.

Redland City Council is planning a new aquatic centre to replace the current Cleveland Aquatic Centre, which is nearing its end of life. Any feasibility study would need to consider the options of in-situ refurbishment of the Centre or colocation within a new precinct. In 2017 Council entered into a Memorandum of Understanding (MOU) with Surf Lifesaving Queensland (SLSQ) to investigate a surf lifesaving centre of excellence to be co-located with the new aquatic centre. This project was dependent on SLSQ receiving state and federal funding for the project, which has not been forthcoming despite significant advocacy by both SLSQ and Council.

After not receiving any funding from the State and Federal Governments, including the recent State Budget and Federal election, the SLSQ Board has advised Council they will not be progressing with their Centre of Excellence and were hence discontinuing the MOU. This decision now means Council can explore potentially co-locating the aquatic centre and white water rafting facility to create a larger recreational and aquatic precinct.

16 NOTICES OF MOTION TO REPEAL OR AMEND A RESOLUTION

Nil

17 NOTICES OF MOTION**17.1 CR PETER MITCHELL – NORTH STRADBROKE ISLAND STATE AND FEDERAL ADVOCACY DOCUMENT**

In accordance with s.3(4) POL-3127 Council Meeting Standing Orders, Cr Mitchell moved as follows:

COUNCIL RESOLUTION 2019/250

Moved by: Cr Peter Mitchell

Seconded by: Cr Julie Talty

That Council resolves as follows:

1. Adopt the attached *2019 North Stradbroke Island State and Federal Advocacy Document*.
2. On behalf of the Redlands Coast community advocate to the State and Federal Government to fund the projects included within the *2019 North Stradbroke Island State and Federal Advocacy Document*
3. Note Council's ongoing commitment to advocating for greater support for the transition of North Stradbroke Island, including numerous requests for increased financial support and community engagement on both ETS and other projects on the island.
4. Note the ongoing correspondence that has occurred between Council and the State and Federal Government with regard to a number of these projects.

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

Background

In May 2016 the Queensland State Government passed the *North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015*. This Bill committed to ending sandmining on North Stradbroke Island by 2019 and transitioning the island's economy. To deliver the commitment, the State Government adopted the North Stradbroke Island Economic Transition Strategy (NSI ETS), allocating \$20 million in 2016 to drive the strategy and facilitate stakeholder co-investment. In June 2018 a further \$4.75 million was allocated, bringing the State's total funding commitment to \$24.75 million across the five years of its implementation (2016-2021).

There are 23 initiatives being delivered under the ETS that are prioritised to:

- diversify and expand the current tourism industry
- expand education and training opportunities
- stimulate local business development and growth.

This is the third year of the strategy's implementation and so far two projects have been completed. Key partners involved in the delivery of the 23 initiatives include the Quandamooka Yoolooburrabee Aboriginal Corporation, Redland City Council, Straddie Chamber of Commerce and the NSI Housing Cooperative. A number of other agencies including Tourism and Events Queensland (TEQ) and University of Queensland (UQ) are also associated with the delivery of projects.

The slow pace of the NSI ETS, coupled with a perceived lack of transparency regarding land tenures has resulted in a level of concern amongst some of the community. With the end of sandmining now mere months away, community anxiety is increasing and I believe immediate

action is needed to maintain unity and generate economic and investment confidence on the island.

While I acknowledge the existing ETS projects, my consistent position has been that more support is needed to effectively transition the NSI economy positioned around a clear vision of what the future of the island looks like over the short, medium and long term horizons. In particular I am of the view that many of the 23 ETS projects are long-term projects or studies that will take an extended period to deliver on the ground results.

Council has been advocating strongly to both the State and Federal Government to provided additional support to the transition of North Stradbroke Island. This advocacy has included:

- regular meetings and correspondence with State Minister for Innovation and Tourism Industry Development and Minister for the Commonwealth Games Kate Jones,
- correspondence with all Ministers on the State's NSI ETS Ministerial Forum,
- the hosting of community forums on the island with all levels of government invited to attend,
- inclusion of the NSI transition in both State and Federal election advocacy documents,
- meetings with local and regional tourism operators regarding potential tourism partnerships to deliver increased economic activity to the island,
- ongoing discussions with NSI community and businesses regarding the transition of the island.

The attached *2019 North Stradbroke Island State and Federal Advocacy Document* is a result of this advocacy and is designed to complement rather than replace the existing State NSI ETS. The projects included in this advocacy document are designed to deliver immediate or short-term results to the island's economy and community while the existing 23 ETS projects are delivered and a longer-term commitment/funding-model is negotiated.

18 URGENT BUSINESS WITHOUT NOTICE

Nil

19 CONFIDENTIAL ITEMS**MOTION TO MOVE INTO CLOSED SESSION AT 12.39PM****COUNCIL RESOLUTION 2019/251**

Moved by: Cr Mark Edwards

Seconded by: Cr Lance Hewlett

That Council considers confidential report(s) in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

19.1 Redland Investment Corporation Business Plan and Budget 2019-20 to 2020-21

This matter is considered to be confidential under Section 275(1)(h) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

19.2 Voluntary Transfer of Land Concession

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 General Major Amendment Package 01-19

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.

19.4 Barro Group Pty Ltd v Redland City Council (Planning and Environment Court Appeal 1506/2018)

This matter is considered to be confidential under Section 275(1)(f) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving the local government.

19.5 Purchase of Land - Conservation Purposes, Ormiston

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.

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.

Mayor Williams left the meeting at 12.51pm and Deputy Mayor Lance Hewlett assumed the Chair. The Mayor returned at 12.56pm and resumed the Chair.

MOTION TO MOVE OUT OF CLOSED SESSION AT 1.56PM**COUNCIL RESOLUTION 2019/252**

Moved by: Cr Murray Elliott

Seconded by: Cr Mark Edwards

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 REDLAND INVESTMENT CORPORATION BUSINESS PLAN AND BUDGET 2019-20 TO 2020-21

COUNCIL RESOLUTION 2019/253

Moved by: Cr Peter Mitchell

Seconded by: Cr Mark Edwards

That Council resolves as follows:

1. To note the Business Plan and Budget 2019-20 to 2020-21.
2. To maintain this report and attachment as confidential subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 9/2

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

Crs Wendy Boglary and Paul Bishop voted AGAINST the motion.

19.2 VOLUNTARY TRANSFER OF LAND CONCESSION**COUNCIL RESOLUTION 2019/254**

Moved by: Cr Mark Edwards

Seconded by: Cr Paul Gollè

That Council resolves as follows:

1. To grant a concession to the stated ratepayers detailed in the attached schedule, VOL July 2019, to accept the transfer of unencumbered land in full payment of the rates and charges, as pursuant to Section 121(c) of the Local Government Regulation 2012.
2. To note the due date for payment of the rates and charges is detailed in the attached schedule, VOL July 2019.
3. To maintain the report and attachment as confidential in accordance with sections 171(3) and 200(5) of the Local Government Act 2009 and remain confidential unless Council decides otherwise by resolution, 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 GENERAL MAJOR AMENDMENT PACKAGE 01-19**COUNCIL RESOLUTION 2019/255**

Moved by: Cr Murray Elliott

Seconded by: Cr Wendy Boglary

That Council resolves as follows:

1. To amend the General Major Amendment Package (attachment 1) to comply with the Minister's conditions.
2. To commence public consultation of the General Major Amendment Package in accordance with the Minister's Guidelines and Rules and the attached communications strategy (attachment 2).
3. That this report and attachments remain confidential until the proposed amendment package commences public consultation, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

CARRIED 10/1

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

Cr Julie Talty voted AGAINST the motion.

19.4 BARRO GROUP PTY LTD V REDLAND CITY COUNCIL (PLANNING AND ENVIRONMENT COURT APPEAL 1506/2018)**COUNCIL RESOLUTION 2019/256**

Moved by: Cr Julie Talty
Seconded by: Cr Paul Gleeson

That Council resolves as follows:

1. Note the correspondence from Minister de Brenni, on 1 July 2019 and Minister Dick on 21 June 2019, in particular the various state interests included in the letters, including reference to new unspecified environmental legislation proposed by the State, which may have an unknown impact on the proposed quarry.
2. Delegate authority to the Mayor to write to the Minister for State Development, Manufacturing, Infrastructure and Planning to:
 - a. Reinforce Council's strong opposition to the Barro Group Pty Ltd extension application as evidenced by Council's original refusal of the application and subsequent refusal of the extension application.
 - b. Request an explanation as to why the State Government failed to call in the extension application so they could adequately deal with matters of state interest.
 - c. Request urgent information on the above mentioned proposed environmental legislation and any potential impacts on the proposed quarry
 - d. Request the Minister for State Development, Manufacturing, Infrastructure and Planning, in light of the ongoing primary state interests in the proposed quarry expansion, the original state approval and the recent state approval of the quarry minor change application, elect to join Council as a party to the ongoing court appeal opposing the quarry by 23 July 2019.
3. Delegate authority to the Chief Executive Officer to write to:
 - a. The Department of Environment and Science, in respect of the following outstanding issues:
 - i. Approval of the Air Quality Management Plan and Ambient Dust Monitoring Program.
 - ii. Consistency of the averaging time for intermittent noise with the Joint Expert Report and *Environmental Protection Regulation 2008*.
 - iii. Condition N2 of the Environmental Authority – to ensure an appropriate noise monitoring location to the west of the quarry is nominated through the Noise Management Plan required under condition N4 of the Environmental Authority.
 - iv. Condition N1 of the Environmental Authority - request that the Noise Management Plan include annual monitoring in all directions for a representative period of time.
 - v. Conditions A4 and A5 of the Environmental Authority - request copies of air quality data when submitted by Barro Group Pty Ltd.
 - b. The Department of Transport and Main Roads, requesting that in its assessment of the detailed design for the quarry vehicular access upgrade, it considers the requirement for the assessment of sight distances.

4. Note that should the State Minister not elect to join as a party in the appeal by 23 July 2019 Council will assume the State has nothing further to contribute and that the State is content for the Court to determine the requested extension to the currency period for the approval.
5. Delegate authority to the Chief Executive Officer under section 257 (1)(b) of the *Local Government Act 2009*, the power to take appropriate action in regard to the proceedings in accordance with expert advice.
6. That this report and attachments 1 and 4 remain confidential until the conclusion of the appeal, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

CARRIED 10/1

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 voted AGAINST the motion.

19.5 PURCHASE OF LAND - CONSERVATION PURPOSES, ORMISTON**MOTION 2019/257**

Moved by: Cr Wendy Boglary

Seconded by: Cr Tracey Huges

That Council resolves as follows:

1. To delegate authority to the Chief Executive Officer under section 257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary and discharge a contract, including signing all relevant documents, to acquire the land at fair market value and execute all associated documentation.
2. To authorise the allocation of sufficient funds, through reallocating current indicative borrowings in the 2019-20 financial year to cover this purchase, to acquire the land and to fund establishment and maintenance costs.
3. To authorise the allocation of sufficient funds, through reallocating current indicative borrowings in the 2019-20 or 2020-21 financial year to cover this purchase, for development and selling costs associated with the eastern end land.
4. Require all revenue received from the resale of surplus land is used to offset the purchase and development costs associated with the land purchase.
5. To maintain this report and attachments as confidential until settlement of land offered for resale, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

LOST 3/8

Crs Wendy Boglary, Lance Hewlett and Tracey Huges voted FOR the motion.

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

The motion was lost. The Officer's Recommendation was then moved as follows.

OFFICER'S RECOMMENDATION /COUNCIL RESOLUTION 2019/258

Moved by: Cr Paul Gleeson

Seconded by: Cr Mark Edwards

That Council resolves as follows:

1. To not acquire the land.
2. To maintain this report and attachments as confidential, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence information.

CARRIED 8/3

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

Crs Wendy Boglary, Lance Hewlett and Tracey Huges voted AGAINST the motion.

20 MEETING CLOSURE

The Meeting closed at 1.59pm.

The minutes of this meeting were confirmed at the General Meeting held on 31 July 2019.

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CHAIRPERSON