

**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 5 August 2020**  
**commencing at 9.30am**

The Council Chambers  
91 - 93 Bloomfield Street  
CLEVELAND QLD

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## **1 DECLARATION OF OPENING**

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

### **Recognition of the Traditional Owners**

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

## **2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**

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

## **3 DEVOTIONAL SEGMENT**

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

## **4 RECOGNITION OF ACHIEVEMENT**

Mayor to present any recognition of achievement items.

## **5 RECEIPT AND CONFIRMATION OF MINUTES**

General Meeting - 22 July 2020

Special Meeting - 29 July 2020

## **6 MATTERS OUTSTANDING**

### **6.1 PETITION PRESENTED BY CR BISHOP REGARDING CANOE ENTRY AT QUEENS ESPLANADE BIRKDALE**

At the General Meeting 18 December 2019 (Item 9.4 refers), Council resolved as follows:

*Council resolves as follows:*

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

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

### **6.2 INVESTIGATIONS TO POTENTIALLY ACQUIRE ADDITIONAL LAND FOR SPORT AND RECREATION PURPOSES**

At the General Meeting 18 December 2019 (Item 19.3 refers), Council resolved as follows:

*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 identify, investigate and commence negotiations for additional suitable sport and recreation land, to augment the Redlands Coast Regional Sport and Recreation Precinct at Heinemann Road.*
- 2. That officers prepare a report back to Council outlining:*
  - a) the investigation and negotiation outcomes, and*
  - b) the proposed funding strategy to acquire additional land for sport and recreation purposes.*

3. *That this report remains confidential as required by any legal or statutory obligation, 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.

### **6.3 COMMUNITY CONSULTATION - POTENTIAL AMENDMENT TO LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2015, REGISTER - ANIMALS IN PUBLIC PLACES**

At the General Meeting 26 February 2020 (Item 10.1 refers), Council resolved as follows:

*That Item 13.2 Community Consultation - Potential Amendment to Local Law No. 2 (Animal Management) 2015, Register - Animals in Public Places (as listed on the agenda) be withdrawn and a city wide review undertaken and brought back to a future meeting.*

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

### **6.4 FORMER BIRKDALE COMMONWEALTH LAND - STATUS UPDATE**

At the General Meeting 11 March 2020 (Item 14.5 refers), Council resolved as follows:

*That Council resolves as follows:*

1. *To note this status update report on the former Commonwealth Land at 362-388 Old Cleveland Road East, Birkdale.*
2. *To note that officers will prepare a report to Council summarising the findings of the environmental, planning and land assessments, gap analysis and the outcomes of the community conversations once complete.*
3. *To note that officers will prepare a report to Council for adoption of the Conservation (Heritage) Management Plan once complete.*

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

### **6.5 MAYORAL MINUTE REPORT REVIEWING THE FUTURE OPERATIONS OF REDLAND INVESTMENT CORPORATION PTY LTD (RIC)**

At the General Meeting 10 June 2020 (Item 13.6 refers), Council resolved as follows:

*That Council resolves to extend the timeline for receiving a report on the future operations of the Redland Investment Corporation until 31 December 2020 or within two (2) months of the State Government adopting changes to controlled entity provisions, whichever comes first.*

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

## **7 MAYORAL MINUTE**

In accordance with s.6.9 of GOV-017-SD, Council Meeting Standing Orders, the Mayor may put to the meeting a written motion called a 'Mayoral Minute', on any matter. Such motion may be put to the meeting without being seconded, may be put at that stage in the meeting considered appropriate by the Mayor and once passed becomes a resolution of Council.

## **8 PUBLIC PARTICIPATION**

There will be no Public Participation as this meeting is closed to the public, as a result of COVID-19 Pandemic social restrictions and regulation changes.

## 9 PETITIONS AND PRESENTATIONS

Councillors may present petitions or make presentations under this section.

## 10 MOTION TO ALTER THE ORDER OF BUSINESS

The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. Any motion to alter the order of business may be moved without notice.

## 11 DECLARATION OF MATERIAL PERSONAL INTEREST OR CONFLICT OF INTEREST ON ANY ITEMS OF BUSINESS

Councillors are reminded of their responsibilities in relation to a councillor's material personal interest and conflict of interest at a meeting (for full details see Division 5A of the *Local Government Act 2009*).

In summary:

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

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

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

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

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

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

- (a) the name of the councillor who has the material personal interest in the matter;*
- (b) the material personal interest including the particulars mentioned in section 175C(2)(a) as described by the councillor;*
- (c) whether the councillor participated in the meeting, or was present during the meeting, under an approval given by the Minister under section 175F.*

### **If a councillor has a conflict of interest (a real conflict of interest), or could reasonably be taken to have a conflict of interest (a perceived conflict of interest) in a matter before the meeting:**

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

- *The nature of the interest;*
- *If the personal interest arises because of the councillor's relationship with, receipt of a gift from, another person-*

- *The name of the other person;*
- *The nature of the relationship or the value and date of the receipt of gift; and*
- *The nature of the other person's interest in the matter.*

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

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

### **Record of conflict of interest**

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

- (a) *the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;*
- (b) *the councillor's personal interests in the matter, including the particulars mentioned in section 175E(2) as described by the councillor;*
- (c) *the decisions made by the other councillors in relation to the existence and nature of the conflict and whether the councillor was permitted to participate in the meeting in relation to the matter, and the reasons for the decisions;*
- (d) *whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;*
- (e) *if the councillor voted on the matter—how the councillor voted on the matter;*
- (f) *how the majority of councillors who were entitled to vote at the meeting voted on the matter.*

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

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

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

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

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

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

**12      REPORTS FROM THE OFFICE OF THE CEO**

Nil



## 13 REPORTS FROM ORGANISATIONAL SERVICES

### 13.1 2020 LGAQ CONFERENCE AND REDLAND CITY COUNCIL MOTIONS

**Objective Reference:****Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance**Report Author:** Marita West, Governance Service Manager**Attachments:**

1. **Motion - Local Governments' Powers to Conduct Elections** [↓](#)
2. **Motion - Regulated Dog Management Review** [↓](#)
3. **Motion - More Respectful Debate in Parliament** [↓](#)
4. **Motion - Asset Sustainability Ratio** [↓](#)
5. **Motion - Prescriptive Planning** [↓](#)
6. **Motion - Regional Funding** [↓](#)

**PURPOSE**

To advise Council of the 2020 Local Government Association of Queensland (LGAQ) Annual Conference to be held on the Gold Coast from 19-21 October 2020. To seek approval for the Mayor and one other Councillor delegate to represent Council at the Conference. To allocate Council's voting rights for the Conference and to endorse the motions that Council intends to put forward at the conference.

**BACKGROUND**

The LGAQ's 124th Conference is to be held on the Gold Coast from 19-21 October 2020. It is the principal conference in Queensland relating to local government. The conference brings together delegates from all tiers of government, external stakeholders and the media to consider the challenges facing local government and their communities.

A diverse group of speakers will be presenting at the conference on a range of topics.

**ISSUES**

As a full member of the LGAQ, Council can send two official delegates to the conference.

Other attendees are also welcome to attend.

Council is entitled to vote on any motions put forward by members. Council has six votes at the conference, which can be wholly exercised by one delegate or split in any proportion that Council determines between two delegates.

Local governments are also invited to put forward motions for discussion on any subject pertaining to matters of common concern to members (local governments). Council proposes to put forward the attached motions.

**STRATEGIC IMPLICATIONS****Legislative Requirements**

There are no legislative requirements associated with this report.

### **Risk Management**

Non-attendance by Council at the conference results in a lost opportunity for Redland City Council to voice its views in matters being considered (voted on) at the conference and sharing current issues and proposals relevant to local government.

### **Financial**

This recommendation does not require any change to the current year's budget as funds have already been allocated. There are no conference fees for Council's official delegates, as the cost of attendance for two representatives is included in Council's annual membership to the LGAQ. Accommodation and travel costs for the conference are included in the 2020/2021 operational budget.

### **People**

Council's representation at the conference provides the opportunity for Councillors to keep well-informed of contemporary and emerging issues in local government and to network with leaders within local government and other elected representatives from across Queensland.

### **Environmental**

There are no environmental issues associated with this report.

### **Social**

Attendance at the conference supports Councillors to provide the highest level of leadership to the organisation and the Redlands Coast community.

### **Human Rights**

There are no human rights considerations associated with this report.

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

The recommendation primarily supports Council's Corporate Plan 2018-2023 Outcome 8 inclusive and ethical governance.

### **CONSULTATION**

<b>Consulted</b>	<b>Consultation Date</b>	<b>Comments/Actions</b>
Councillors	3 June 2020	Email sent to call for motions for the Conference.
Executive Leadership Team	3 June 2020	Email sent to call for motions for the Conference.
Senior Leadership Team	3 June 2020	Email sent to call for motions for the Conference.
Operational Leadership Team	3 June 2020	Email sent to call for motions for the Conference.

**OPTIONS****Option One**

That Council resolves as follows:

1. That Council is represented by the Mayor and one other Councillor as official delegates at the 2020 LGAQ Annual Conference.
2. That Council's voting rights at the conference are split equally between the two official delegates.
3. That the attached motions are endorsed for submission to the 2020 LGAQ Annual Conference.

**Option Two**

That Council resolves as follows:

1. That Council is represented by the Mayor as the official delegate at the 2020 LGAQ Annual Conference with full voting rights.
2. That the attached motions are endorsed for submission to the 2020 LGAQ Annual Conference.

**Option Three**

That Council is not represented at the 2020 LGAQ Annual Conference.

**OFFICER'S RECOMMENDATION**

That Council resolves as:

1. That Council is represented by the Mayor and one other Councillor as official delegates at the 2020 LGAQ Annual Conference.
2. That Council's voting rights at the conference are split equally between the two official delegates.
3. That the attached motions are endorsed for submission to the 2020 LGAQ Annual Conference.

## LGAQ ANNUAL CONFERENCE MOTION – 2020

<b>Title of Motion</b>	Election – Local Governments' Powers to Conduct Elections
<b>Category</b>	Governance
<b>Motion</b>	<p>That the Local Government Association of Queensland lobbies the State Government to amend the <i>Local Government Electoral Act 2011</i> to provide local governments with the discretion to:</p> <ol style="list-style-type: none"> <li>1. Conduct local government elections either in house or by a suitable contractor; and</li> <li>2. Determine the most appropriate polling method for the local government area.</li> </ol>
<b>Background</b>	<p>The <i>Local Government Electoral Act 2011</i> (the Act) currently provides that the Electoral Commission of Queensland (ECQ) conducts all local government elections and by-elections.</p> <p>The 2008 election was the first instance that local governments did not conduct their own elections. The intent of this change was to demonstrate electoral probity and confidence to the community, despite local Returning Officers providing over a century of professional, responsible and economical service. In fact, consensus of opinion and evidence would support that local Returning Officers provided a better service to the community than what has been experienced with the ECQ conducting these elections since 2008.</p> <p>Local governments must pay the costs incurred by ECQ for conducting the election. Local governments are paying significant costs for the conduct of an election over which they have no control. Election costs under the ECQ have more than doubled, however ECQ has had significant performance failures, instances of administrative errors and considerable delays in declaring results.</p> <p>It should be considered that the Act be amended to provide local governments the discretion to conduct local government elections either in-house or engage a suitable contractor. Such a change would enable local governments to realise a cost saving where it is practical to do so while having greater control over the service delivery, transparency, probity and timely release of results to the community.</p> <p>Additionally, local governments may apply to the Minister for a poll to be conducted by postal ballot if the local government's area includes a large rural sector, large remote areas or extensive island areas. The Act should be amended to provide local governments with the discretion to choose the most appropriate polling method for their areas unconditionally.</p>
<b>What is the desired outcome sought?</b>	<p>That the <i>Local Government Electoral Act 2011</i> is amended to provide local governments with the discretion to:</p> <ol style="list-style-type: none"> <li>1. Conduct local government elections either in house or by a suitable contractor; and</li> <li>2. Determine the most appropriate polling method for the local government area.</li> </ol>

## LGAQ ANNUAL CONFERENCE MOTION – 2020

<b>Title of Motion</b>	Regulated Dog Management Review
<b>Category</b>	Community Services and Social Policy
<b>Motion</b>	<p>Provide support to the Local Government Association of Queensland's Notice of Motion 064 – Regulated Dog Management to lobby the State Government to:</p> <ol style="list-style-type: none"> <li>1. Coordinate a legislative review of the <i>Animal Management (Cats and Dogs) Act 2008</i>, Chapter 4 – Regulated Dogs to strengthen the ability of local governments to investigate and effectively manage serious dog attacks and regulated dog offences to improve community safety outcomes;</li> <li>2. Coordinate a review of the <i>Queensland Civil and Administrative Tribunal Act and Regulation 2009</i>, and QCAT Practice Directions to identify methods to reduce extended delays in hearing and determining matters, reduce complexity associated with the process of review surrounding local government decision making and imminent risks to community safety; and</li> <li>3. Undertake broad consultation with local governments and key stakeholders on the legislative review.</li> </ol>
<b>Background</b>	<p>At the 2019 conference, the Moreton Bay Regional Council moved a motion with regards to the challenges presented to local governments by limitations within the <i>Animal Management (Cats and Dogs) Act 2008</i> and inefficient processes associated with the review of regulated dog declarations and destruction orders, particularly in instances following a serious dog attack. Local governments were of the understanding that the State Government was planning to review the <i>Animal Management (Cats and Dogs) Act 2008</i> in 2015, however, no review has occurred. In recognition of the significant community safety risks associated with the keeping of regulated dogs and the management of dogs following a serious attack on a person, Moreton Bay Regional Council moved a motion that was seconded by the Mayor of Redland City Council (Resolution 2019-064) to support continued efforts to lobby the State Government to conduct the necessary legislative and practice standards review to realise necessary change and improvement.</p>
<p><b>What is the desired outcome sought?</b></p> <p><b>(Include the specific funding, legislative change or other mechanism to resolve the issue. Include the positive and/or negative impact to the Local Government Sector)</b></p>	<ol style="list-style-type: none"> <li>1. State Government coordinates a review of the <i>Animal Management (Cats and Dogs) Act 2008</i>, including the establishment of a review framework directly incorporating local government feedback and recommendations on the following improvement areas: <ol style="list-style-type: none"> <li>a) Strengthening of Schedule 1 conditions to require the registration of regulated dogs as a condition for the keeping of a regulated dog, and express seizure and animal destruction provisions for recidivist offenders;</li> <li>b) Establishment of offence categories for dog attacks on the basis of gravity and victim impact, and provide authorised officers the ability to summarily issue penalty infringement notices for lower level offences;</li> <li>c) Review and improvement of cost provisions to ensure victims and local government entities are supported in seeking cost orders to provide improved community outcomes and to appropriately recover investigation and prosecution costs;</li> <li>d) Review and improvement of Schedule 1 requirements concerning regulated dog enclosures with a specific focus on providing absolute clarity and certainty surrounding how and where an enclosure must be constructed. This would no doubt involve the broader review of definitions and supporting guideline materials.</li> </ol> </li> <li>2. Coordinate a review of the <i>Queensland Civil and Administrative Tribunal Act and Regulation 2009</i>, and QCAT Practice Directions to identify methods to reduce extended delays in hearing and determining matters, reduce complexity associated with the process of review surrounding local government decision making and imminent risks to community safety.</li> </ol>

## LGAQ ANNUAL CONFERENCE MOTION – 2020

<b>Title of Motion</b>	More respectful debate in parliament.
<b>Category</b>	Governance
<b>Motion</b>	That the Local Government Association of Queensland lobby the State and Federal Governments to amend Standing Orders, legislation, Ministerial Handbooks and any other relevant guidelines to encourage more respectful debate within parliament. These changes should include amending the provisions of Parliamentary Protection to limit absolute privilege protections to where Members of Parliament are talking about Members of the public and organisations.
<b>Background</b>	<p>Being elected to represent your community is a privilege that carries with it significant responsibility and an important part of representing your community at a State and Federal level is debate within Parliament or the Federal Senate. On occasions however this debate lacks respect with Members using it for personal attacks on each other and the general public.</p> <p>Contributing to this is the fact that under Parliamentary Privilege Members are exempt from any legal proceedings such as defamation when speaking in Parliament. This unique privilege of freedom of speech is derived from Article 9 of the Bill of Rights 1688 (UK), that Local Government members, media or community members do not have the same privilege. Article 9 states that:</p> <p><i>... the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.</i></p> <p>While Parliamentary Privilege was designed to allow Members to debate each other freely without fear of reprisal, it may also be used to protect Members who impugn or speak adversely about members of the public who are not protected by the same privileges and who are not present in Parliament to defend themselves.</p>
<b>What is the desired outcome sought?</b>  <b>(Include the specific funding, legislative change or other mechanism to resolve the issue. Include the positive and/or negative impact to the Local Government Sector)</b>	<p>To encourage Members of Parliament to engage in respectful and productive debate in the best interests of the community. This includes allowing Members of Parliament to freely and respectfully debate each other without legal recourse but not attack or impugn members of the public who do not have the same parliamentary privilege and hence do not have the same opportunity to respond to parliamentary protected allegations.</p> <p>This would afford the general public protections against personal attacks and imputations in Parliament, while at the same time encouraging all Members to behave in a respectful manner in performing their roles in Parliament.</p>

## LGAQ ANNUAL CONFERENCE MOTION – 2020

<b>Title of Motion</b>	Financial Management (Sustainability) Asset Sustainability Ratio
<b>Category</b>	Finance and Administration
<b>Motion</b>	That the Local Government Association of Queensland lobbies the State Government to replace the Asset Sustainability Ratio with the Asset Renewal Funding Ratio.
<b>Background</b>	<p>In 2013 the Financial Management (Sustainability) Guideline was introduced to be used in the calculation of the “relevant financial sustainability measures” detailed in Section 169(5) of the <i>Local Government Regulation 2012</i>.</p> <p>The Regulation and the Guideline outline the requirement of local governments to adopt long-term financial and asset management planning processes. It is widely acknowledged that placing an emphasis on long-term planning for infrastructure assets strengthens a local government’s capacity to plan and determine the long-term requirements for services, service levels and associated costs.</p> <p>The Guideline defines a local government to be financially sustainable if the “local government is able to maintain its financial capital and infrastructure capital over the long term”.</p> <p>The objective of the Asset Sustainability Ratio as defined by the Guideline is the “identification of a local government’s existing asset base consumption and renewal levels and capacity to fund the level of investment needed over the long term”.</p> <p>Council agrees with the benefits of a long term asset measure and notes the Guideline from 2013 includes a future consideration of a proposal to include the Asset Renewal Funding Ratio in the Local Government Regulation as an additional measure. Council would like the Asset Renewal Funding Ratio to replace the Asset Sustainability Ratio as opposed to being an additional measure.</p> <p>The Asset Renewal Funding Ratio is defined as:</p> $\frac{\text{Net present Value of Planned Renewal Expenditure Over 10yrs}}{\text{Net Present Value of Asset Management Plan Projections Over 10yrs}}$ <p>This will provide the community with a clear indication as to the nexus between the long term proposed capital program and the outputs from the asset management plans. Asset management plans are the key drivers of long term capital programming and this ratio will demonstrate how local governments are aligning their planning and budgeting with the information provided from the asset managers and custodians. An advantage of this ratio is the provision of an assessment of the local government’s ability to support and fund planned asset renewals and/or replacements in the future without the need to revise long term financial projections.</p> <p>The Asset Renewal Funding Ratio will provide the community with a better indicator of financial sustainability through the planned renewals as a percentage of the required renewals.</p>
<b>What is the desired outcome sought?</b>	That consideration be given to replacing the Asset Sustainability Ratio with the Asset Renewal Funding Ratio.

## LGAQ ANNUAL CONFERENCE MOTION – 2020

<b>Title of Motion</b>	<b>Planning Schemes – Prescriptive V Performance Based Planning</b>
<b>Category</b>	Planning and Development
<b>Motion</b>	<p>That the Local Government Association of Queensland make representations to the State Government to:</p> <ol style="list-style-type: none"> <li>1) Commit to developing a planning framework that: <ul style="list-style-type: none"> <li>• provides certainty of outcomes;</li> <li>• the community understands; and</li> <li>• allows for the use of prescriptive standards and assessment benchmarks in local government planning schemes where appropriate; and</li> </ul> </li> <li>2) To initiate a broad education campaign explaining how planning in Queensland works, the roles of the State Government in determining planning matters and how the community can be involved in planning matters.</li> </ol>
<b>Background</b>	<p>The current State Government performance based planning framework provides less certainty with regards to what planning outcomes are possible, by providing an opportunity for applications to be approved even if they do not meet the acceptable and performance outcomes of the planning scheme.</p> <p>Performance based planning allows for flexibility in how the overall outcomes of relevant codes are achieved. Where a development does not comply with the acceptable and performance outcomes of a code, it can still be approved if it is determined that the less prescriptive overall outcomes of the relevant codes are achieved. This approach to planning is difficult for the community to understand, resulting in a lack of clarity regarding what is and isn't possible with regards to planning.</p> <p>For example, where an acceptable outcome states that a certain type of development is limited to 13 metres, the community generally have an expectation that any development greater than 13 metres must be refused by Council. Residents buy properties and make investment decisions based on this incorrect assumption of the planning system. It is considered that a less complex and more easily understood planning system, allowing prescriptive standards to be introduced where necessary and aligning with community expectations, would reduce community angst currently experienced due to performance based planning.</p> <p>Further, as part of this performance based system, the <i>Planning Act 2016</i> also indicates that a local planning scheme cannot make a development prohibited, unless it is permitted to do so under a regulation. It is considered that this approach to planning limits the ability of a local government to ensure that the expectations of their community can be upheld.</p> <p>As an example during the development of the 2018 Redland City Plan the State Government prevented Council from limiting the creation of residential lots less than 400m<sup>2</sup> in area within established low density residential neighbourhoods within the City. In this particular case the State Government maintained that Council's position was effectively a prohibition and hence not permitted under the current planning regime. The State required the planning scheme wording to be changed to allow greater flexibility in development outcomes.</p>



**LGAQ ANNUAL CONFERENCE MOTION – 2020**

<p><b>What is the desired outcome sought?</b></p> <p><b>(Include the specific funding, legislative change or other mechanism to resolve the issue. Include the positive and/or negative impact to the Local Government Sector)</b></p>	<p>That the State Government commits to developing a prescriptive and clear planning framework, including allowing Councils to prohibit certain aspects of development (for example, allowing Councils to identify minimum lot sizes and maximum building heights).</p> <p>Further that the State Government commits to developing an education campaign to better inform the community about planning and their rights under the State Government planning legislation.</p>
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## LGAQ ANNUAL CONFERENCE MOTION – 2020

<b>Title of Motion</b>	Better recognition and financial support for “regional” challenges
<b>Category</b>	Infrastructure, Economics and Regional Development
<b>Motion</b>	<p>That the Local Government Association of Queensland make representations to the State Government to develop a financial support program that responds to the social, demographic and economic challenges of Queensland communities on a ‘needs basis’ rather than purely a geographic basis that excludes some communities based on their location.</p> <p>The new financial support system should include:</p> <ul style="list-style-type: none"> <li>Identifying specific communities within Local Government Areas (LGA) with social, demographic and economic challenges unique to the rest of the LGA.</li> <li>Not excluding South East Queensland communities with demonstrated social, demographic and economic challenges.</li> </ul>
<b>Background</b>	<p>The State Government currently has a number of regional funding programs designed to support regional Local Government Areas. These programs exclude South East Queensland LGAs such as the Redlands and include programs such Works Queensland.</p> <p>Redland City Council has long advocated for our island communities to be considered regional under State Government funding allocations in recognition of their regional challenges and unique social, economic and isolation challenges compared to the rest of the city.</p> <p>As at 2016 Census:</p> <ul style="list-style-type: none"> <li>Southern Moreton Bay Islands (SMBI) had an unemployment rate of 16.5% compared with the Queensland average of 7.2%, with 32.2% youth unemployment, compared to 13.9% across the State.</li> <li>25% of SMBI residents were aged between 60 and 69 compared to 10.7% for the State.</li> <li>13.5% of the residents on SMBI had core assistance needs – requiring assistance due to a severe or profound disability, compared with 5.2% across the State.</li> </ul> <p>Socio-Economic Indexes for Areas (SEIFA) is a summary measure of the social and economic conditions of geographic areas across Australia. In 2016 the Index of Relative Socio Economic Disadvantage for the SMBI was 813.5. With this index SMBI is in the third percentile nationally, putting the islands amongst the lowest in the country.</p> <p>In addition, recent figures show a large number of JobSeeker and JobKeeper applications for our island communities. The number of Jobkeeper applications processed for organisations (both business and not-for-profits) for Minjerribah as at 24 June 2020 is 111.</p> <p>Applications for JobSeeker are recorded at the SA2 statistical level, which groups the Redland islands together, showing there were 1,412 applications in May 2020.</p> <p>Redlands Coast islands topped the list for employment vulnerability, according to an index published by the Centre of Full Employment and Equity (CoffEE), an official research centre at the University of Newcastle in New South Wales.</p> <p>In June 2020, the State Government announced they were extending the Works for Queensland funding to South East Queensland as a one off to respond to the impacts</p>

**LGAQ ANNUAL CONFERENCE MOTION – 2020**

	of COVID-19. Whilst this funding was welcome, it does not provide a long-term funding source for SEQ communities with regional needs.
<b>What is the desired outcome sought?</b>  (Include the specific funding, legislative change or other mechanism to resolve the issue. Include the positive and/or negative impact to the Local Government Sector)	A targeted financial support program that responds to the needs of Queensland communities based on need rather than geography.

## **13.2 LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2015 AND SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2015**

### **Objective Reference:**

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

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

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

**Attachments:** Nil

### **PURPOSE**

To recommend the commencement of the Local Law Making Process to amend *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*. The amendments will assist with monitoring the following activities:

- Jetty Jumping
- Commercial Use of jetties
- Anchoring and abandoning vessels and equipment on foreshores
- Canal management including dumping of rubbish and anchoring
- Removal of vessels and equipment to allow dredging of canals
- Removal of vehicles that fail to comply with notifications to move to enable roadworks.

### **BACKGROUND**

Council's local laws undergo a continual process of review to provide the best outcome for the community and Council. Potential amendments have been identified for *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* that intend to enhance governance for the Redlands community and improve operational outcomes achieved through managing risks within the community

### **ISSUES**

As part of the local law review process a number of issues were identified that could be aided by amendments to *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* these include:

- Jetty Jumping
- Commercial Use of jetties
- Anchoring and abandoning vessels and equipment on foreshores
- Canal management including dumping of rubbish and anchoring
- Removal of vessels and equipment to allow dredging of canals
- Removal of vehicles that fail to comply with notifications to move to enable roadworks.

A review of existing State Government Legislation and local law provisions will be undertaken and amendments to local laws made where not contrary to State Legislation to alleviate the issues presently facing the community.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

#### Local Law Making Process

The *Local Government Act 2009* (the Act), sets out a process that local governments must follow in the making of a local law. A local government can define its own process for making a local law as long as it is not inconsistent with the requirements of the Act. Council's adopted local law making process identifies stages that the process must go through to make a local law.

#### Community Consultation

Council's local law making process supports community consultation for a minimum of 21 days. This consultation allows the community to acknowledge their support for the local law amendments or to identify any concerns they may have. A community consultation will be undertaken for the amendments and all properly made submissions received during the consultation period will be reviewed and considered.

#### State Interest Checking

Following community consultation, state interest checking will be undertaken on *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*. Section 29A of the *Local Government Act 2009* does not require state interest checks to be completed on subordinate local laws

### **Risk Management**

The risks associated with making the local laws will be 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.
- d) review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

### **Financial**

The cost of drafting the local laws, community consultation and publication are funded through existing budget allocations within the Strategy and Governance Unit and the Legal Services Unit.

### **People**

The proposed amendments outlined in this report will impact operational resources throughout Council through changes to operational processes. These impacts are anticipated to be absorbed within the current resource allocations within the teams.

## Environmental

There are no environmental implications.

## Social

The proposed amendments to the local law will relate to all members of the community. The community consultation period will provide the opportunity for community members to voice their support, concerns or suggestions regarding the proposed amendment

## Human Rights

No Human Rights implications have been identified.

## Alignment with Council's Policy and Plans

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

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

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Policy and Local Laws Coordinator	February – July 2020	Initial meeting to discuss business requirements, preparation of report
Senior Engineer Marine and Waterway Assets	March 2020	Provision of business requirements
Technical officer Marine	March 2020	Provision of business requirements
Senior Traffic engineer	March 2020	Provision of business requirements

## 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. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.
2. To commence the Local Law Making Process for *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.
3. To undertake state interest checking on the proposed amendments to *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

### Option Two

That Council resolves not to proceed with making amendments to *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

**OFFICER'S RECOMMENDATION**

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

1. To commence the Local Law Making Process for *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.
2. To commence the Local Law Making Process for *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.
3. To undertake state interest checking on the proposed amendments to *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

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

**Objective Reference:****Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance**Report Author:** Kristene Viller, Policy and Local Laws Coordinator**Attachments:**

1. [Community Engagement Review](#) ↓
2. [Anti-competitive provisions review](#) ↓
3. [Subordinate Local Law No. 1.8 \(Operation of Accommodation Parks\) 2015](#) ↓
4. [Amending Subordinate Local Law No. 1 \(Subordinate Local Law No. 1.8 \(Operation of Accommodation Parks\) 2015\) 2020](#) ↓

**PURPOSE**

The purpose of this report is to:

1. Present the results of the community consultation process that was undertaken for *Subordinate Local Law No 1.8 (Operation of Accommodation Parks) 2015*.
2. Proceed with the making of *Amending Subordinate Local No 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020*. The amendments include:
  - Amendment to the definition of ‘complementary accommodation’ to be in line with the definition contained in *Local Law No. 1 (Administration) 2015*
  - Inclusion of definition of self-contained facility;
  - Updated legislative reference references in the definitions of:
    - Sewerage system;
    - Water supply system; and
    - On-site sewerage facility.

**BACKGROUND**

At the General Meeting on 27 May 2020, Council resolved to commence the process for amending *Subordinate Local Law No 1.8 (Operation of Accommodation Parks) 2015*. The amendments include:

1. Amendment to the definition of ‘complementary accommodation’ to be in line with the definition contained in *Local Law No. 1 (Administration) 2015*
2. Inclusion of definition of self-contained facility;
3. Updated legislative reference references in the definitions of:
  - Sewerage system;
  - Water supply system; and
  - On-site sewerage facility.



At the same General Meeting, Council resolved to commence the community consultation process inviting feedback on the proposed subordinate local law. The process undertaken and the results are outlined in the Community Engagement review. (Attachment 1).

The amendments to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* are detailed in the amending instrument (Attachment 4).

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

Section	Amendment
Section 4 (2)	Removed reference to schedule 3.
Section 4(3)	Replace Schedule 4 with Schedule 3.
Schedule 1 Part 2(1)	Removed 'no activities stated' replaced with new section.
Schedule 3	Removed
Schedule 4	Renumbered to Schedule 3
Schedule 3	Inserted definition for Drainage
Schedule 3	Inserted definition for self-contained facility
Schedule 3	Updated legislative reference in definition of on-site sewerage facility
Schedule 3	Updated legislative reference in definition of sewerage system
Schedule 3	Updated legislative reference in definition of water supply system

## ISSUES

### State Interest Checks

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

### Public Interest Review

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

### Community Engagement

In accordance with Council's adopted local law making process and Council resolution of 27 May 2020, community engagement was undertaken to allow the community the opportunity to provide comment on the proposed local law. Feedback was invited from 10 June 2020 to 1 July 2020. No feedback was received during this period. The report detailing the community engagement activities is provided in Attachment 2.

### Local Law Implementation

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

## STRATEGIC IMPLICATIONS

### Legislative Requirements

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

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

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

### Risk Management

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

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

### Financial

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

### People

The subordinate local law will have an impact on the resourcing with the Health and Environment Unit. It is anticipated that this work will be absorbed by current resourcing.

### Environmental

There are no environmental implications.

### Social

Local Government provides for the good governance of the local government area through their local laws. *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* has the potential to impact members of the Redlands community.

Community engagement provided the opportunity for community members and businesses to have their say on the proposal through providing feedback. The attached community engagement review details the outcome of this consultation.

## Human Rights

No Human Rights implications have been identified.

## Alignment with Council's Policy and Plans

The process for making the proposed subordinate 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 community and Council.

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Acting Governance Services Manager	November 2019 – March 2020	Review draft subordinate local law
Acting Policy and Local Laws Coordinator	November 2019 – January 2020	Undertake initial requirement analysis, liaise with external drafting solicitors, prepare community engagement plan, liaise with business on final amendments.
Environmental Health Officer	November/December 2019 and April 2020	Submit proposal for amendment, review draft subordinate local law
Service Manager Health and Environment	January/February 2020	Review amendments for compliance with business requirements
Senior Advisor Community Engagement	May – July 2020	Preparation of community engagement materials, management of YourSay site and data collection.
Senior Advisor Administrative Review	May – July 2020	Drafting of amending instrument, anti-competitive assessment, preparation of report
External Solicitors	January – April 2020	Drafting of subordinate local law amendments

## 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 receive and note the Community Engagement in the attached Community Engagement Review (Attachment 1) and to implement the recommendations of this report.
2. To receive and note the attached Anti-competitive provision report (Attachment 2).
3. To proceed:
  - a. As advertised, with the making of *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020*.
  - b. To make *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020* as advertised
  - c. To adopt the consolidated version of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

- d. To give notice of the making and commencement of *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020* by publication in the Queensland Government Gazette.
4. To authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal.

### **Option Two**

That Council resolves not to make *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020*.

### **OFFICER'S RECOMMENDATION**

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

1. To receive and note the Community Engagement in the attached Community Engagement Review (Attachment 1) and to implement the recommendations of this report.
2. To receive and note the attached Anti-competitive provision report (Attachment 2).
3. To proceed:
  - a. As advertised, with the making of *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020*.
  - b. To make *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020* as advertised.
  - c. To adopt the consolidated version of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.
  - d. To give notice of the making and commencement of *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020* by publication in the Queensland Government Gazette.
4. To authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to gazettal

# Subordinate Local Law No 1.8 (Operation of Accommodation Parks) 2015 Community Consultation Report

Prepared by Strategy and Governance  
July 2020



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## Background

In May 2020, Council resolved to commence the Local Law Making Process for Subordinate *Local Law No. 1.8 (Operation of Accommodation Parks) 2015* and approved the community engagement approach. The amendments proposed reflected updated legislative references and provide clarity around which activities under the subordinate local law require Council approval.

Council officers have identified that there was a discrepancy between the definitions of complementary accommodation in *Subordinate Local Law No. 1.9 (Operation of Accommodation Parks) 2015* and the head of power *Local Law No. 1 (Administration) 2015*. This has the potential to cause confusion as to which activities under the subordinate local law require approval.

Imposing the definition contained in the existing Schedule 3 of the subordinate local law would require Council to approve accommodations such as glamping tents in the same manner as an approval for an accommodation park with shared facilities and amenities.

## Community Consultation Summary

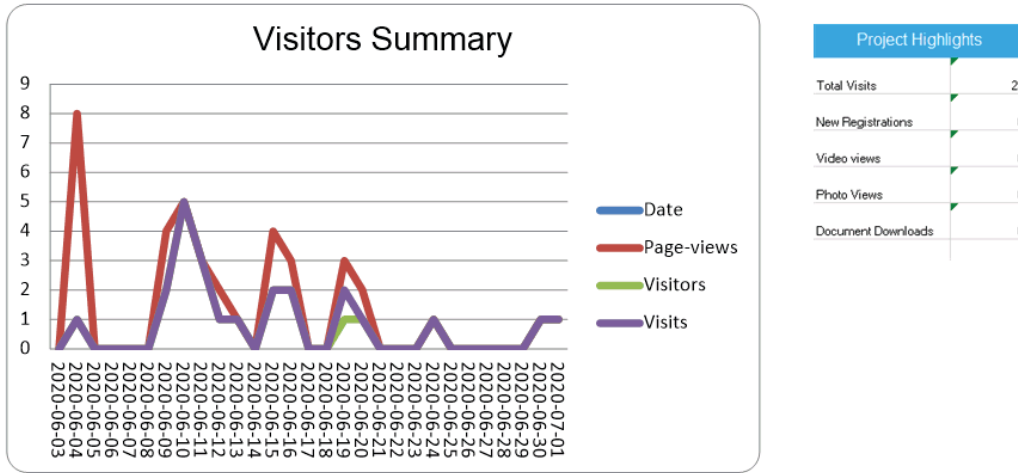
Community consultation opened on 10 June 2020 and closed 1 July 2020.

The community consultation was conducted using the IAP2's Public Participation Spectrum. The spectrum is designed to assist with the selection of the level of participation that defines the public's role in any community engagement program. This community engagement was conducted using the 'Inform' level of participation with the goal being to provide the public with balanced and objective information to assist them in understanding the problem, solution and obligations in relation to the approval process for accommodation parks in Redlands.

Consultation was promoted through newspaper advertising and encouraged participation online through the yoursay page, in person at Council customer service centres and via email to the corporate email address.

No submissions were received.

Summary of Visitors to the Yoursay site



ENGAGED PARTICIPANTS				INFORMED PARTICIPANTS		AWARE PARTICIPANTS	
0				6		19	
Engaged Actions Performed	Registered	Unverified	Anonymous	Informed Actions Performed	Participants	Aware Actions Performed	Participants
Contributed on Forums	0	0	0	Viewed a video	0	Visited at least one Page	19
Participated in Surveys	0	0	0	Viewed a photo	0		
Contributed to Newsfeeds	0	0	0	Downloaded a document	0		
Participated in Quick Polls	0	0	0	Visited the Key Dates page	0		
Posted on Guestbooks	0	0	0	Visited an FAQ list Page	0		
Contributed to Stories	0	0	0	Visited Instagram Page	0		
Asked Questions	0	0	0	Visited Multiple Project Page	6		
Placed Pins on Places	0	0	0	Contributed to a tool (engage)	0		
Contributed to Ideas	0	0	0				

Community Consultation Metrics

It was expected that there would be no significant interest or participation in this engagement as it was an engagement on a change to a subordinate local law that would only impact a very small number of stakeholders. No submissions indicate that those visitors to the site were reasonably happy with the proposed amendments.

Community Consultation Metrics	
Activities Driving Awareness	Metrics
Bulletin Advertisement	23
Participation Activities	
Yoursay page visits	25
Yoursay documents views and downloads	0
Participants Providing Properly made submissions/feedback	
Yoursay contributions	0
Emails	0



## Data Review

The engagement provided the community with the opportunity to provide feedback on the proposed amendments to the subordinate local law. In this case no feedback was received.

## Recommendation

No concerns were raised during the community engagement therefore it is recommended that Council adopt the changes to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

**Review of Anti-Competitive Provisions**

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

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

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

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

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



**Redland**  
CITY COUNCIL

**Redland City  
Council**

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

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 5 August, 2020.

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A. Chesterman  
**Chief Executive Officer**



## Redland City Council

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

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## **Part 1 Preliminary**

### **1 Short title**

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

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

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

### **3 Authorising local law**

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

### **4 Definitions**

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of complementary accommodation in schedule 1 of the authorising local law, a manufactured home is other accommodation approved by the local government as appropriate to an accommodation park.
- (3) The dictionary in schedule 3 defines particular words used in this subordinate local law.

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

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

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

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

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

## Schedule 1 Operation of accommodation parks

### Section 5

#### 1. Prescribed activity

Operation of accommodation parks

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

- (1) An approval is not required under the authorising local law for the operation of accommodation parks if—
  - (a) the only accommodation in the accommodation park is one or more of the following—
    - (i) cabins with self-contained facilities;
    - (ii) manufactured homes with self-contained facilities; or
    - (iii) semi-permanent style tents (glamping, for example) that cannot be readily assembled or disassembled with self-contained facilities; and
  - (b) the operator of the accommodation park complies with the following conditions—
    - (i) the operation of the accommodation park must otherwise be lawfully conducted on the premises; and
    - (ii) the operation of the accommodation park must not produce—
      - (A) environmental harm; or
      - (B) environmental nuisance; or
      - (C) inconvenience or annoyance to the occupiers of any adjoining land; and
    - (iii) all facilities at the accommodation park must be—
      - (A) of an acceptable standard; or
      - (B) able to be brought to an acceptable standard, for use by people who stay in the accommodation park; and
    - (iv) the operation of the accommodation park must not detrimentally affect the amenity of adjoining land; and
    - (v) the operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment, recreational water facility or fixture must be maintained in—
      - (A) good working order and condition; and
      - (B) a clean, safe and tidy condition; and
    - (vi) provision must be made for people and vehicles to enter and exit the accommodation park safely; and
    - (vii) a fire safety audit must be conducted by a fire safety provider once every three years; and
    - (viii) The fire safety audit must be conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—

- (A) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
- (B) AS 2293 – Emergency escape lighting and exit signs; and
- (C) AS 1851 – Maintenance of fire protection system and equipment; and
- (ix) An inspection report regarding the electrical wiring and electrical fittings on the premises must be conducted by an approved electrical contractor once every three years; and
- (x) The inspection report must take into account—
  - (A) AS/NZS 3760 — In-service safety inspection and testing of electrical equipment; and
  - (B) AS/NZS 3001 — Transportable structures and vehicles including their sites; and
- (xi) The operator must—
  - (A) provide and maintain an adequate supply of water to the accommodation park, including water suitable for drinking, cooking and personal hygiene; and
  - (B) cause hot and cold water to be reticulated to every shower, bath and hand basin; and
- (xii) The water supply for drinking purposes must be potable water; and
- (xiii) The operator must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”; and
- (xiv) If bed linen is supplied—
  - (A) keep it in a clean and sanitary condition; and
  - (B) replace it with clean bed linen after each change of occupation of the accommodation; and
- (xv) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe manner; and
- (xvi) Facilities for the disposal of waste must be sufficient to accommodate the collection and storage of all waste generated as part of the operation of the accommodation park; and
- (xvii) The operation of the accommodation park must not—
  - (A) create a traffic problem; or
  - (B) increase an existing traffic problem; or
  - (C) detrimentally affect the efficiency of an existing road network; and
- (xviii) The operator must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person; and
- (xix) The operation of the accommodation park must not attract fly



- breeding or vermin infestation; and
- (xx) In the operation of the accommodation park the operator must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience; and
  - (xxi) The operator must dispose of all waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition; and
  - (xxii) The operator must ensure, for all parts of the accommodation park, that there is no accumulation, aggregation or proliferation of—
    - (A) discarded or disused machinery, goods or wares; or
    - (B) waste, refuse, scrap, bottles or second hand materials of any description; or
    - (C) dead, overgrown or untended trees or vegetation.
- (2) To remove any doubt, if the operation of accommodation parks is not done in accordance with subsection (1) an approval granted by the local government pursuant to the authorising local law is required.

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

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

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

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

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

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

No conditions stated.

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

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

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

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

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

**7. Term of an approval**

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

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

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

**Table 1 – Third party certification**

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

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

### **Section 6**

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

## Schedule 3 Dictionary

### Section 4

**accommodation** means—

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

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

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

**drainage** has the meaning given in the *Plumbing and Drainage Act 2018*.

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

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

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

**facilities** includes—

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

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

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

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

**nuisance** includes anything that—

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

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

**on-site sewerage facility** has the meaning given in the *Plumbing and Drainage Act 2018*.

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

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

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

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



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

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

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

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

**self-contained facilities** means where the cabin, manufactured home or semi-permanent style tent contains—

- (a) sleeping facilities; and
- (b) toilet facilities that are water flushed and have drainage; and
- (c) showering or bathing facilities with running water.

**sewerage system** has the meaning given in the *Plumbing and Drainage Act 2018*.

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

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

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

**vermin** means—

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

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

**water supply system** has the meaning given in the *Plumbing and Drainage Act 2018*.



**Amending Subordinate Local Law No. 1**  
**(Subordinate Local Law No. 1.8**  
**(Operation of Accommodation Parks)**  
**2015) 2020**

It is hereby certified that this a true and correct copy of *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 5 August, 2020

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A. Chesterman  
Chief Executive Officer



## Redland City Council

### Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020

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Amending Subordinate Local Law No. 1  
(Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020

**Redland City Council  
Amending Subordinate Local Law No. 1 (Subordinate Local  
Law No. 1.8 (Operation of Accommodation Parks) 2015)  
2020**

**Part 1 Preliminary**

**1 Short title**

This amending local law may be cited as *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020*.

**2 Object**

The object of this amending subordinate local law is to amend *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* by:

- (a) deleting schedule 3 relating to complementary accommodation and renumbering the schedule dictionary;
- (b) making it clearer that ‘manufactured homes’ are included in the definition of ‘complementary accommodation’ in *Local Law No. 1 (Administration) 2015*;
- (c) including three types of accommodation parks that do not require an approval subject to complying with conditions;
- (d) including definitions to support the interpretation of the three types of accommodation parks that do not require an approval; and
- (e) updating references to legislation.

**3 Commencement**

This amending subordinate local law commences on the date of publication of the notice of the making of *Amending Subordinate Local Law No. 1 (Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015) 2020* in the gazette.

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

**4 Subordinate local law Amended**

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

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Amending Subordinate Local Law No. 1

(Subordinate Local Law No. 1.S (Operation of Accommodation Parks) 2015) 2020

**5 Amendment of s 4 (Definitions)**

- (1) Section 4(2), 'the accommodation listed in schedule 3 is prescribed as appropriate to accommodation parks'—

*omit, insert—*

a manufactured home is other accommodation approved by the local government as appropriate to an accommodation park

- (2) Section 4(3), '4'—

*omit, insert—*

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**6 Amendment of sch 1 (Operation of accommodation parks)**

- (1) Section 2, 'No activities stated.'—

*omit, insert—*

- (1) An approval is not required under the authorising local law for the operation of accommodation parks if—
- (a) the only accommodation in the accommodation park is one or more of the following—
    - (i) cabins with self-contained facilities;
    - (ii) manufactured homes with self-contained facilities; or
    - (iii) semi-permanent style tents (glamping, for example) that cannot be readily assembled or disassembled with self-contained facilities; and
  - (b) the operator of the accommodation park complies with the following conditions—
    - (i) the operation of the accommodation park must otherwise be lawfully conducted on the premises; and
    - (ii) the operation of the accommodation park must not produce—
      - (A) environmental harm; or
      - (B) environmental nuisance; or
      - (C) inconvenience or annoyance to the occupiers of any adjoining land; and
    - (iii) all facilities at the accommodation park must be—

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- (A) of an acceptable standard; or
- (B) able to be brought to an acceptable standard, for use by people who stay in the accommodation park; and
- (iv) the operation of the accommodation park must not detrimentally affect the amenity of adjoining land; and
- (v) the operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment, recreational water facility or fixture must be maintained in—
  - (A) good working order and condition; and
  - (B) a clean, safe and tidy condition; and
- (vi) provision must be made for people and vehicles to enter and exit the accommodation park safely; and
- (vii) a fire safety audit must be conducted by a fire safety provider once every three years; and
- (viii) The fire safety audit must be conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
  - (A) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
  - (B) AS 2293 – Emergency escape lighting and exit signs; and
  - (C) AS 1851 – Maintenance of fire protection system and equipment; and
- (ix) An inspection report regarding the electrical wiring and electrical fittings on the premises must be conducted by an approved electrical contractor once every three years; and
- (x) The inspection report must take into account—
  - (A) AS/NZS 3760 — In-service safety inspection and testing of electrical equipment; and
  - (B) AS/NZS 3001 — Transportable structures and vehicles including their sites; and
- (xi) The operator must—

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- (A) provide and maintain an adequate supply of water to the accommodation park, including water suitable for drinking, cooking and personal hygiene; and
- (B) cause hot and cold water to be reticulated to every shower, bath and hand basin; and
- (xii) The water supply for drinking purposes must be potable water; and
- (xiii) The operator must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”; and
- (xiv) If bed linen is supplied—
  - (A) keep it in a clean and sanitary condition; and
  - (B) replace it with clean bed linen after each change of occupation of the accommodation; and
- (xv) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe manner; and
- (xvi) Facilities for the disposal of waste must be sufficient to accommodate the collection and storage of all waste generated as part of the operation of the accommodation park; and
- (xvii) The operation of the accommodation park must not—
  - (A) create a traffic problem; or
  - (B) increase an existing traffic problem; or
  - (C) detrimentally affect the efficiency of an existing road network; and
- (xviii) The operator must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person; and

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*Amending Subordinate Local Law No. 1*  
*(Subordinate Local Law No. 1.S (Operation of Accommodation Parks) 2015) 2020*

- (xix) The operation of the accommodation park must not attract fly breeding or vermin infestation; and
  - (xx) In the operation of the accommodation park the operator must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience; and
  - (xxi) The operator must dispose of all waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition; and
  - (xxii) The operator must ensure, for all parts of the accommodation park, that there is no accumulation, aggregation or proliferation of—
    - (A) discarded or disused machinery, goods or wares; or
    - (B) waste, refuse, scrap, bottles or second hand materials of any description; or
    - (C) dead, overgrown or untended trees or vegetation.
- (2) To remove any doubt, if the operation of accommodation parks is not done in accordance with subsection (1) an approval granted by the local government pursuant to the authorising local law is required.

**7 Omission of sch 3 (Prescribed complementary accommodation)**

- (1) Schedule 3—  
*omit.*

**8 Renumber of sch 4 (Dictionary)**

- (1) Schedule 4—  
*renumber* as schedule 3.

**9 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3, in alphabetical order—  
*insert—*



*Redland City Council*  
*Amending Subordinate Local Law No. 1*  
*(Subordinate Local Law No. 1.S (Operation of Accommodation Parks) 2015) 2020*

*drainage* has the meaning given in the *Plumbing and Drainage Act 2018*.

*self-contained facilities* means where the cabin, manufactured home or semi-permanent style tent contains—

- (a) sleeping facilities; and
  - (b) toilet facilities that are water flushed and have drainage; and
  - (c) showering or bathing facilities with running water.
- (2) Schedule 3, definition *on-site sewerage facility*, ‘2002’—  
*omit, insert—*  
2018
- (3) Schedule 3, definition *sewerage system*, ‘2002’—  
*omit, insert—*  
2018
- (4) schedule 3, definition *water supply system*, ‘Standard Plumbing and Drainage Regulation 2003’—  
*omit, insert—*  
*Plumbing and Drainage Act 2018*

## 14 REPORTS FROM COMMUNITY & CUSTOMER SERVICES

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

**Objective Reference:**

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

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

**Report Author:** Jill Driscoll, Group Support Coordinator

**Attachments:** 1. Decisions Made Under Delegated Authority 14.06.2020 to 04.07.2020 [↓](#)

#### PURPOSE

To note decisions made under delegated authority for development applications (Attachment 1).

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

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; and minor change requests and extension to currency period where the original application was Category 1.

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\*.

*\*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.

**Human Rights**

There are no known human rights implications associated with this report.

**OFFICER'S RECOMMENDATION**

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

Attachment 1 Decisions Made Under Delegated Authority 14.06.2020 to 04.07.2020

**Decisions Made Under Delegated Authority 14.06.2020 to 20.06.2020****CATEGORY1**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR20/0142	Design and Siting - Garage and Store Room	The Certifier Pty Ltd	8 Marlborough Road Wellington Point QLD 4160	Referral Agency Response - Planning	15/06/2020	N/A	Approved	1
CAR20/0196	Design and Siting - Dwelling	G C Homes	60 Channel Street Cleveland QLD 4163	Referral Agency Response - Planning	17/06/2020	N/A	Approved	2
CAR20/0205	Design and Siting - Domestic Outbuilding	Steve Bartley & Associates Pty Ltd	4 Jane Court Cleveland QLD 4163	Referral Agency Response - Planning	17/06/2020	N/A	Approved	3
CAR20/0172	Amenity and Aesthetics - Dwelling under 60m2	Paul Raymond ASHWORTH	162 Lucas Drive Lamb Island QLD 4184	Referral Agency Response - Planning	15/06/2020	N/A	Approved	5
CAR20/0182	Design and Siting - Dwelling House	K P Building Approvals Pty Ltd	67 Treasure Island Avenue Karagarra Island QLD 4184	Referral Agency Response - Planning	17/06/2020	N/A	Approved	5
CAR20/0183	Design and Siting - Dwelling	Bay Island Designs	63 Shore Street Russell Island QLD 4184	Referral Agency Response - Planning	18/06/2020	N/A	Approved	5
CAR20/0185	Design and Siting / A&A - Dwelling	Mackay & Sons House Removals	10 Wattle Street Russell Island QLD 4184	Referral Agency Response - Planning	18/06/2020	N/A	Approved	5
CAR20/0190	Amenity and Aesthetics - Dwelling under 60m2	Approveit Building Certification Pty Ltd	5 Toolona Avenue Russell Island QLD 4184	Referral Agency Response - Planning	17/06/2020	N/A	Approved	5

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## Decisions Made Under Delegated Authority 14.06.2020 to 20.06.2020

## CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR20/0188	Design and Siting - Shed	The Certifier Pty Ltd	16 Valleygreen Close Redland Bay QLD 4165	Referral Agency Response - Planning	16/06/2020	N/A	Approved	6
CAR20/0192	Design and Siting - Patio	Pronto Building Approvals	14 Tenbury Street Alexandra Hills QLD 4161	Referral Agency Response - Planning	18/06/2020	N/A	Approved	7
CAR20/0191	Design and Siting - Garage/Carport	The Certifier Pty Ltd	24 Firtree Street Capalaba QLD 4157	Referral Agency Response - Planning	18/06/2020	N/A	Approved	9
RAL 18/0038.01	Extension to Currency Period - ROL005982	Redland City Council City Spaces	Degen Road Park 1-21 Degen Road Capalaba QLD 4157	Minor Change to Approval	15/06/2020	N/A	Approved	9
CAR20/0176	Design and Siting - Carport	Tara Janelle KELLY	4 Makaha Drive Birkdale QLD 4159	Referral Agency Response - Planning	19/06/2020	N/A	Approved	10
DBW20/0010	Domestic Additions - Roofed Deck	The Certifier Pty Ltd	296 Queens Esplanade Thorneside QLD 4158	Code Assessment	17/06/2020	N/A	Development Permit	10
RAL20/0012	Standard Format - 2 into 3	MVLM Pty Ltd as Trustee	16-18 Holloway Street Birkdale QLD 4159	Code Assessment	19/06/2020	27/04/220	Development Permit	10

## Decisions Made Under Delegated Authority 14.06.2020 to 20.06.2020

## CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU20/0031	Food and drink outlet	The Planning Place	116-132 Wellington Street Ormiston QLD 4160	Code Assessment	17/06/2020	N/A	Development Permit	1
MCU20/0055	Extension to Currency Period - MC010134 - Dual Occupancy	Abbey Peace ZUPPINI Mario Antonio ZUPPINI Urban Systems Pty Ltd	106 Mooloolomba Road Point Lookout QLD 4183	Minor Change to Approval	16/06/2020	N/A	Approved	2
OPW18/0119	Excavation & Fill	Philip Usher Constructions Pty Ltd	359-379 Redland Bay Road Thornlands QLD 4164	Code Assessment	16/06/2020	N/A	Development Permit	3
OPW20/0027	Operational Works for RAL 1 into 8	Freedom Aged Care Redland Bay (Properties) Pty Ltd	27-35 Salisbury Street Redland Bay QLD 4165	Code Assessment	16/06/2020	N/A	Development Permit	5
MCU18/0199.02	Change to Development Approval - MCU18/0199.02 - Multiple Dwelling x 34 over four (4) stages	Home Loans Approved Pty Ltd As Trustee, Whitdev Pty Ltd As Trustee	307 Old Cleveland Road East Capalaba QLD 4157	Minor Change to Approval	15/06/2020	N/A	Approved	8
MCU19/0017.03	Change to Development Approval MCU19/0017 - Health care services additional car parking	Bennett And Francis, Infinitum Partners	58-68 Delancey Street Ormiston QLD 4160	Minor Change to Approval	18/06/2020	N/A	Approved	8
RAL18/0038.01	Extension to Currency Period - ROL005982	Redland City Council City Spaces	Degen Road Park 1-21 Degen Road Capalaba QLD 4157	Minor Change to Approval	15/06/2020	N/A	Approved	9

### Decisions Made Under Delegated Authority 21.06.2020 to 27.06.2020

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR20/0194	Design and Siting - Shed	Adept Building Approvals	189 Coburg Street West Cleveland QLD 4163	Referral Agency Response - Planning	24/06/2020	N/A	Approved	2
DBW20/0017	Domestic Additions	Mrs Melissa OTIS Mr Jonathan OTIS	29 Erubin Street Cleveland QLD 4163	Code Assessment	23/06/2020	N/A	Development Permit	2
MCU20/0050	Dwelling House	Clayton D EIGENMANN	44 Samarinda Way Point Lookout QLD 4183	Code Assessment	23/06/2020	N/A	Development Permit	2
DBW20/0012	Domestic Additions - Carport and Roofed Deck	The Certifier Pty Ltd	42 Yarrong Road Point Lookout QLD 4183	Code Assessment	26/06/2020	N/A	Development Permit	2
CAR20/0184	Design and Siting - Carport	Pronto Building Approvals	38 Abbotsleigh Street Thornlands QLD 4164	Referral Agency Response - Planning	26/06/2020	N/A	Approved	3
CAR20/0153	Amenity and Aesthetics - Dwelling	The Certifier Pty Ltd	18 Beaumont Drive Russell Island QLD 4184	Referral Agency Response - Planning	25/06/2020	N/A	Approved	5
CAR20/0199	Design and Siting - Dwelling	The Certifier Pty Ltd	39 Crescent Drive Russell Island QLD 4184	Referral Agency Response - Planning	24/06/2020	N/A	Approved	5
CAR20/0200	Design and Siting - Dwelling	The Certifier Pty Ltd	2 Grevillea Street Russell Island QLD 4184	Referral Agency Response - Planning	26/06/2020	N/A	Approved	5

## Decisions Made Under Delegated Authority 21.06.2020 to 27.06.2020

## CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU17/0164.02	Change to Development Approval MCU17/0164 - Dwelling house	Mr Amir R ABBAS Mrs Edith ABBAS	2 Autumn Court Russell Island QLD 4184	Minor Change to Approval	25/06/2020	N/A	Development Permit	5
CAR20/0193	Design and Siting - Retaining wall	Bayside Building Approvals	12 Valleygreen Close Redland Bay QLD 4165	Referral Agency Response - Planning	23/06/2020	N/A	Approved	6
CAR20/0180	Design and Siting - Retaining Wall/Fence	K P Building Approvals Pty Ltd	57 Brompton Street Alexandra Hills QLD 4161	Referral Agency Response - Planning	23/06/2020	N/A	Approved	7
CAR20/0192	Design and Siting - Patio	Pronto Building Approvals	14 Tenbury Street Alexandra Hills QLD 4161	Referral Agency Response - Planning	23/06/2020	N/A	Approved	7
CAR20/0191	Design and Siting - Garage/Carport	The Certifier Pty Ltd	24 Firtree Street Capalaba QLD 4157	Referral Agency Response - Planning	23/06/2020	N/A	Approved	9
CAR20/0202	Design and Siting - Carport	Strickland Certifications Pty Ltd	3 Platypus Court Capalaba QLD 4157	Referral Agency Response - Planning	25/06/2020	N/A	Approved	9



### Decisions Made Under Delegated Authority 21.06.2020 to 27.06.2020

#### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW002292	Development Works - Commercial & Residential - Mixed Use - Stages 5A&B - Commercial Office, Apartment Building and Tourist Accommodation	Inertia Engineering	219-221 Bloomfield Street Cleveland QLD 4163	SPA - 15 Day Compliance Assessment	22/06/2020	N/A	Compliance Certificate Approved	2
CWA20/0008	Conditioned Works Assessment - Civil Works - Earthworks / Sewerage	Mayhill Planning And Architecture	5 Junner Street Dunwich QLD 4183	Conditioned Works	24/06/2020	N/A	Permit Issued	2

## Decisions Made Under Delegated Authority 28.06.2020 to 04.07.2020

## CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR19/0273.01	Change to Development Approval - Dwelling House	The Certifier Pty Ltd	12 Main Road Wellington Point QLD 4160	Minor Change to Approval	3/07/2020	N/A	Approved	1
CAR20/0177	Design and Siting - Carport	The Certifier Pty Ltd	38 Raby Bay Boulevard Cleveland QLD 4163	Referral Agency Response - Planning	3/07/2020	N/A	Approved	2
CAR20/0203	Design and Siting - Dwelling	Bartley Burns Certifiers & Planners	12 Erubin Street Cleveland QLD 4163	Referral Agency Response - Planning	29/06/2020	N/A	Approved	2
CAR20/0213	Design and Siting - Carport	Alexander Joseph MOORMANN Bayside Building Approvals	77 Island Street Cleveland QLD 4163	Referral Agency Response - Planning	3/07/2020	N/A	Approved	2
CAR20/0195	Design and Siting & BOS - Dwelling	BRC Consultants	2 Chardonway Court Thornlands QLD 4164	Referral Agency Response - Planning	3/07/2020	N/A	Approved	3
OPW18/0110.01	Extension to Currency Period OPW18/0110 - Advertising Device	Nikwood Pty Ltd	Victoria Point Lakeside Shopping Centre / Library 7-13 Bunker Road Victoria Point QLD 4165	Minor Change to Approval	29/06/2020	N/A	Approved	3
OPW20/0038	Driveway Crossover	Sutgold Pty Ltd	4 Park Street Thornlands QLD 4164	Code Assessment	2/07/2020	N/A	Development Permit	3
CAR20/0162	Build Over or Near Relevant Infrastructure	Apex Certification & Consulting	7 Colburn Avenue Victoria Point QLD 4165	Referral Agency Response - Engineering	1/07/2020	N/A	Approved	4

## Decisions Made Under Delegated Authority 28.06.2020 to 04.07.2020

## CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR20/0207	Design and Siting - Dwelling	K P Building Approvals Pty Ltd	32 Highland Street Russell Island QLD 4184	Referral Agency Response - Planning	29/06/2020	N/A	Approved	5
CAR20/0214	Design and Siting - Dwelling	Gold Coast Building Approvals	16 Goolagong Street Russell Island QLD 4184	Referral Agency Response - Planning	3/07/2020	N/A	Approved	5
CAR20/0216	Design and Siting & Amenity and Aesthetics - dwelling	Fluid Building Approvals	6 Noon-Muckle Street Macleay Island QLD 4184	Referral Agency Response - Planning	2/07/2020	N/A	Approved	5
CAR20/0206	Design and Siting - Roofed Deck	F-astrack Building Certification Kylie-Jane STRATFORD	3 Europa Court Redland Bay QLD 4165	Referral Agency Response - Planning	30/06/2020	N/A	Approved	6
CWA20/0010	Planning Works - MCU19/0130 condition 14 amended plans	Renee Julie TRUSWELL Steven Keith TRUSWELL	894-906 German Church Road Redland Bay QLD 4165	Conditioned Works	30/06/2020	N/A	Permit Issued	6
CAR20/0215	Design and Siting - garage	Darcy Robert PETTIGREW	193 Waterloo Street Cleveland QLD 4163	Referral Agency Response - Planning	3/07/2020	N/A	Approved	7
CAR20/0217	Design and Siting - Garage	The Certifier Pty Ltd	88 Windemere Road Alexandra Hills QLD 4161	Referral Agency Response - Planning	1/07/2020	N/A	Approved	7
CAR20/0210	Design and Siting - Dual Occupancy	Dixon Homes Pty Ltd (Sherwood)	50 Larbonya Crescent Capalaba QLD 4157	Referral Agency Response - Planning	1/07/2020	N/A	Approved	9

**Decisions Made Under Delegated Authority 28.06.2020 to 04.07.2020****CATEGORY1**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR20/0225	Design and Siting - extensions/carport	Baic	16 Roy Street Thorneside QLD 4158	Referral Agency Response - Planning	2/07/2020	N/A	Approved	10

## Decisions Made Under Delegated Authority 28.06.2020 to 04.07.2020

## CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0207.02	Change to Development Approval - reduce dwelling units to 53	AFT C/- Suzanne HEMBROW	152 Middle Street Cleveland QLD 4163	Minor Change to Approval	2/07/2020	N/A	Approved	2
MCU20/0066	Change to Development Approval MC011878 - Child Care Centre	Ms Lisa V JACKSON Stradbroke Early Learning Centre	Junner Street Dunwich QLD 4183	Minor Change to Approval	2/07/2020	N/A	Approved	2
MCU20/0063	Change to Development approval MCU013425 - Community Facility, Place of Worship, Administration Office and Training	The Cage Youth Foundation Ltd	882-892 German Church Road Redland Bay QLD 4165	Minor Change to Approval	1/07/2020	N/A	Approved	6
MCU20/0009	Multiple dwelling x12	Monty KHOURY Richard John JENKINS	180 Finucane Road Alexandra Hills QLD 4161	Code Assessment	1/07/2020	N/A	Development Permit	8

**14.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS AS AT 8 JULY 2020****Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment**Report Author:** Michael Anderson, Acting Principal Planner**Attachments:** Nil**PURPOSE**

To note the current development and planning related appeals and other related matters/proceedings.

**BACKGROUND**

Information on appeals and other related matters may be found as follows:

**1. Planning and Environment Court**

a) Information on current appeals and applications with the Planning and Environment Court involving Redland City Council can be found at the District Court website 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 website 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:

<https://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 applications 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 applications lodged in the Planning and Environment Courts across Queensland of which the Chief Executive has been notified.

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

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

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

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

## PLANNING &amp; ENVIRONMENT COURT APPEALS &amp; APPLICATIONS

<b>1.</b>	<b>File Number:</b>	2959 of 2019 (MCU013688)
<b>Applicant:</b>		<b>Quin Enterprises Pty Ltd</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Material Change of Use for the extension of the existing Extractive Industry and Heavy Industry (office, truck weighbridge, car parking, storage area for materials with associated landscape buffers) 684-712 Mount Cotton Road, Sheldon (Lot 1 on RP109322 and 3 on SP238067)
<b>Appeal Details:</b>		Appeal against Council refusal.
<b>Current Status:</b>		Appeal filed 19 August 2019. The Appellant filed an application in pending proceeding on 4 September 2019, for orders to progress the appeal. A review was held on 11 September 2019. A site inspection was carried out on 18 September 2019. Reviews were held on 8 November 2019 and 24 January 2020. A mediation was held on 13 December 2019. A without prejudice meeting was held on 16 April 2020, in accordance with the Court Order. Further to the Appellants without prejudice correspondence dated 18 June 2020 it was ordered that Council was required to provide its response to the correspondence by 3 July 2020. A response was provided requiring an updated air quality and noise report. A further review is listed for 17 July 2020.
<b>2.</b>	<b>File Number:</b>	3742 of 2019
<b>Appellant:</b>		<b>Angela Brinkworth</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Material Change of Use for a Cemetery (Pet Crematorium) 592-602 Redland Bay Road, Alexandra Hills (Lot 2 on SP194117)
<b>Appeal Details:</b>		Appeal against Council refusal.
<b>Current Status:</b>		Appeal filed 16 October 2019. A mediation was held on 13 December 2019. A review was held on 31 January 2020. Orders were made that the Appellant is to provide further information in respect to the matters raised in without prejudice correspondence dated 16 April 2020. A further review was set down for 22 May 2020, however was adjourned to enable consideration of the further information submitted by the Appellant. The matter was considered at the General Meeting of Council on 10 June 2020 where it was resolved to provide a response to the parties that Council no longer contends that the development application ought to be refused. A response was provided to other parties on 3 July 2020.
<b>3.</b>	<b>File Number:</b>	3797 of 2019
<b>Appellant:</b>		<b>Matzin Capital Pty Ltd</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Application made under <i>Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2017</i> and <i>Local Law No 1 (Administration) 2015</i> for a Permanent Sign – Electronic display component – high impact sign on an existing pylon sign 80 – 82 Finucane Road, Alexandra Hills (Lot 3 on RP81387)
<b>Appeal Details:</b>		Appeal against Council refusal.
<b>Current Status:</b>		Appeal filed 22 October 2019. The period for experts to complete the Joint Expert Report process was extended until 1 May 2020. Following discussion between the parties a settlement is being negotiated, involving the reduction in size of the sign, reduction and limitation on the hours of use (day light only) and dwell time increased. The matter was listed for review on 1 July 2020 and has been adjourned until 23 July 2020 to negotiate final approval package.

<b>4.</b>	<b>File Number:</b>	3829 of 2019
<b>Appellant:</b>		<b>Sutgold Pty Ltd v Redland City Council</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Reconfiguring a Lot (8 lots into 176 lots and new roads) 72, 74, 78, 80, 82 Double Jump Road, 158-166, 168-172 and 174-178 Bunker Road, Victoria Point (Lots 12, 13, 15, 22 and 21 on RP86773, Lots 16 and 20 on SP293877 and Lot 12 on RP898198)
<b>Appeal Details:</b>		Appeal against deemed refusal by Council.
<b>Current Status:</b>		Appeal filed 23 October 2019. An early without prejudice meeting was held on 26 November 2019. A directions hearing was held on 6 February 2020. A list of matters supporting an approval was provided by the Appellant on 14 April 2020. The list of experts has been nominated and without prejudice conferences were held with the Appellant on 6, 14 and 21 May 2020 to discuss Council's position and proposed changes. A review was held on 17 June 2020 and it was ordered that the Appellant was to file and serve any application for a minor change by 26 June 2020. By 15 July 2020, the Respondent and Co-Respondent are to file and serve a written response to the Appellant's minor change application stating whether it will or will not oppose the declaration being made. Council is required to notify of its position on the appeal by 24 July 2020, should the Court determine the changes are minor. The matter is listed for further review on 31 July 2020.

<b>5.</b>	<b>File Number:</b>	4300 of 2019
<b>Appellant:</b>		<b>PPV Victoria Point Land Pty Ltd</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Preliminary Approval (including a variation request) for a Material Change of Use (Retirement Facility and Relocatable Home Park) 673-685, 687-707 and 711-719 Redland Bay Road and 10 Double Jump Road, Victoria Point. (Lot 29 on SP237942, Lots 9 and 10 on RP57455 and Lot 2 on RP149315)
<b>Appeal Details:</b>		Appeal against deemed refusal by Council.
<b>Current Status:</b>		<p>Appeal filed 28 November 2019. A review was held on 31 January 2020. A without prejudice meeting occurred on 6 March 2020. By 1 May 2020 a Joint Expert Report process was to take place.</p> <p>On 28 May 2020 the Appellant filed an application in pending proceeding seeking orders that the development application subject to the appeal be changed to incorporate the proposed changes to the variation scheme document and precinct plan, prepared by the Appellant. On 16 June 2020 Council as Respondent provided alternative variations and precinct plan based on ecological, bush fire and town planning expert advice.</p> <p>On 17 June 2020 it was ordered that the Appellant provide comments on the alternative variation scheme document provided by Council. A response was provided by Council on 18 June 2020. A further response was provided by Council to this correspondence on 22 June 2020.</p> <p>The nominated experts are currently in conclave to produce a joint report addressing the issues. A without prejudice conference is scheduled for 15 July 2020 to be conducted by the Alternative Dispute Resolution (ADR) Registrar with a view to further narrowing the issues.</p> <p>On or before 22 July 2020, the parties are to exchange any further Statements of Evidence. The matter is to be listed for hearing for five (5) days commencing on 27 July 2020.</p>



<b>6.</b>	<b>File Number:</b>	4312 of 2019
<b>Appellant:</b>		<b>New Land Tourism Pty Ltd</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>First Co-respondents (By election):</b>		<b>Benjamin Alistair Mackay and Renee Michelle Mackay</b>
<b>Second Co-respondents (By election):</b>		<b>Debbie Tye-Anderson, Kerri Vidler, Lee Nicholson, Peter Anderson, Vanessa Anderson, Thelma Anderson.</b>
<b>Proposed Development:</b>		Material change of use (tourist accommodation) 147-205 Rocky Passage Road, Redland Bay (Lot 3 on RP153333)
<b>Appeal Details:</b>		Appeal against Council's decision to give a preliminary approval for a development application.
<b>Current Status:</b>		Appeal filed 29 November 2019. A review was held on 11 June 2020 and it was ordered that the Appellant shall provide without prejudice material to all other parties by 24 June 2020. On or before 17 July 2020, the parties shall attend a without prejudice conference to be chaired by the P & E ADR Registrar. At the time of writing no date has been set. The Appeal be listed for review before 22 July 2020.

<b>7.</b>	<b>File Number:</b>	4703 of 2019
<b>Applicant:</b>		<b>Redland City Council</b>
<b>Respondents:</b>		<b>Canaipa Developments Pty Ltd</b>
		<b>Ian Robert Larkman</b>
		<b>TLC Jones Pty Ltd</b>
		<b>TLC Supermarkets Unit Trust No 2</b>
<b>Site details:</b>		29-39 High Street, Russell Island (Lot 100 on SP204183)
<b>Application Details:</b>		Application for interim and final relief with respect to alleged development offences under the <i>Planning Act 2016</i> and offences under the <i>Environmental Protection Act 1994</i> .
<b>Current Status:</b>		Application filed 20 December 2019. A directions hearing was held on 5 February 2020 and a review took place on 8 April 2020. A further review was held on 24 April 2020 and Orders were that Council is to notify the Respondents as to whether the proposed replacement on-site sewerage treatment facility complies with the requirements sought in the originating application. The matter has been listed for review on 17 July 2020 and pre-callover on 17 August 2020 for possible trial in September 2020 (date to be confirmed).

<b>8.</b>	<b>File Number:</b>	566 of 2020
<b>Appellant:</b>		<b>Clay Gully Pty Ltd</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Reconfiguration of a lot by standard format plan (3 lots into 289 lots over 7 stages, new road and park. 39 Brendan Way, 21-29 and 31 Clay Gully Road, Victoria Point. (Lot 1 on RP72635, Lot 4 on RP57455 and Lot 1 on RP95513)
<b>Appeal Details:</b>		Appeal against deemed refusal by Council.
<b>Current Status:</b>		Appeal filed 25 February 2020. Council notified of its position in the appeal on 1 May 2020 and provided reasons for refusal on 5 May 2020. A review was held on 8 May 2020 and it was ordered that the Appellant is to file and serve any request for further and better particulars by 15 May 2020. Council was to respond to any such request by 29 May 2020. The Appellant was to file and serve its consolidated reasons for approval by 12 June 2020.  A request for further and better particulars was made by the Appellant on 15 May 2020. Council provided its response to the request for further and better particulars on 1 June 2020. The Appellant submitted its matters supporting approval of the proposed development on 15 June 2020. A without prejudice

<b>8.</b>	<b>File Number:</b>	566 of 2020
		discussion with the Appellant and Co-respondent, chaired by the Registrar, was held on 18 June 2020. A further without prejudice meeting was held on 25 June 2020. The matter is listed for further review on 16 July 2020.

<b>9.</b>	<b>File Number:</b>	1612 of 2020
<b>Appellant:</b>		<b>Sutgold Pty Ltd</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Development permit for a reconfiguration of 9 Lots into 275 Residential Lots, 3 Balance Lots, 1 Load Centre Lot, 2 Park Lots, 2 Open Space Lots, 1 Pedestrian Connection Lot and 1 Multi-function Spine Lot in 12 stages. 36-56 Double Jump Road, 26 Prospect Crescent and 27 Brendan Way, Victoria Point more properly described as Lot 4 on RP57455, Lot 1 on RP95513, Lot 2 on RP86773, Lot 1 on RP86773, Lot 3 on RP148004, Lot 7 on RP57455, Lot 2 on RP169475, Lot 2 on RP165178, Lot 6 on SP145377, Lot 801 on SP261302 and Lot 5 on SP293881.
<b>Appeal Details:</b>		Appeal against deemed refusal by Council.
<b>Current Status:</b>		Appeal filed 5 June 2020 and waiting to receive the Application in pending proceeding.

<b>10.</b>	<b>File Number:</b>	1724 of 2020
<b>Appellant:</b>		<b>Fort Street Real Estate Capital Pty Ltd</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Combined development permit for a material change of use (fast food outlet) and reconfiguring a lot (access easement and subdivision by lease). Birkdale Fair Shopping Centre at 2-12 Mary Pleasant Drive, Birkdale and more properly described as Lot 1 on RP816847.
<b>Appeal Details:</b>		Appeal against refusal by Council.
<b>Current Status:</b>		Appeal filed on 17 June 2020.

## APPEALS TO THE QUEENSLAND COURT OF APPEAL

<b>11.</b>	<b>File Number:</b>	8114 of 2018 (MCU012812)/ (QPEC Appeal 3641 of 2015)
<b>Appellant:</b>		<b>Redland City Council</b>
<b>Respondent (applicant):</b>		<b>King of Gifts Pty Ltd and HTC Consulting Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay Road, Alexandra Hills (Lot 21 on SP194117)
<b>Appeal Details:</b>		Appeal against the decision of the Planning and Environment Court to allow the appeal and approve the development.
<b>Current Status:</b>		Appeal filed by Council on 30 July 2018. Council's outline of argument was filed on 28 August 2018. The appellant's outline of argument was filed on 20 September 2018. The matter was heard before the Court on 12 March 2019. The Judgment of the Supreme Court on 13 March 2020 was that the appeal is allowed and the orders made on 18 June 2019 be set aside. The appeal is to be remitted back to the Planning and Environment Court and the respondent is to pay the appellant's costs of the appeal. At a review in the P & E Court on 15 June 2020 the Court ordered that written submissions are to be filed by 10 July 2020 with a hearing listed for 17 July 2020. At the review Council made an interlocutory application (interim application) to adduce new evidence in relation to the 'need' aspect of the matter. This application was rejected.

<b>12.</b>	<b>File Number:</b>	CA12762 of 2019 (MCU013296) / (QPEC Appeal 4940 of 2015, 2 of 2016 and 44 of 2016)
<b>Appellant:</b>		<b>Lipoma Pty Ltd</b>
		<b>Lanrex Pty Ltd</b>
		<b>ATF IDL Investment Trust &amp; IVL Group Pty Ltd</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Co-respondent (applicant):</b>		<b>Nerinda Pty Ltd</b>
<b>Proposed Development:</b>		Preliminary Approval for Material Change of Use for Mixed Use Development and Development Permit for Reconfiguring a Lot (1 into 2 lots) 128-144 Boundary Road, Thornlands (Lot 3 on SP117065)
<b>Appeal Details:</b>		Appeal against the decision of the Planning and Environment Court to approve the development.
<b>Current Status:</b>		An appeal was lodged to the Queensland Court of Appeal on 15 November 2019. A review was held on 4 December 2019. A hearing took place on 30 April 2020. The decision is awaited.

## DEVELOPMENT TRIBUNAL APPEALS AND OTHER MATTERS

Nil

### Human Rights

There are no known human rights implications associated with this report.

### OFFICER'S RECOMMENDATION

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

### 14.3 PROPOSED STATE GOVERNMENT PLANNING INITIATIVES TO SUPPORT ECONOMIC RECOVERY

**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment**Report Author:** Janice Johnston, Principal Strategic Planner**Attachments:** 1. **Feedback on Proposed Amendments to Queensland Planning Framework** [↓](#)**PURPOSE**

To provide an overview of changes to the planning framework that are in place or are proposed by the Queensland Treasury Planning Group; highlight any concerns with the proposed reforms; and obtain endorsement from Council to make a submission on the proposed reforms during the consultation period, which ends on 7 August 2020.

**BACKGROUND**

On 8 July 2020, the Minister for Planning announced the following two initiatives to support economic recovery:

1. Extension of timeframes for undertaking approved development.
2. Planning reform initiatives.

The extensions of timeframes for undertaking approved development are now in place, however the planning reform initiatives are currently published for consultation.

**ISSUES****Item 1 - Extension of timeframes for undertaking approved development**

The Minister has acted under s275R of the *Planning Act 2016* (Planning Act), to increase timeframes for undertaking approved development by six (6) months. The six month extension will apply to:

- All Planning Act development approvals (e.g. development permits, preliminary approvals and variation approvals).
- All development approvals or compliance permits given under the *Sustainable Planning Act 2009*.

The extension has effect from 8 July 2020 to 31 October 2020. Therefore, development approvals in effect on 8 July 2020, or which come into effect between 8 July and 31 October 2020, will be subject to the extended periods. Development approvals (DAs) issued after 31 October 2020 will revert back to the standard currency periods in the Planning Act, unless further changes to the Planning Act are made.

Examples are as follows:

- An existing, current material change of use approval, which is due to lapse on 1 August 2020, will now not lapse until 1 February 2021.

- A reconfiguration of lot approval which is issued on 1 October 2020, will be current for four (4) years and six (6) months, rather than the standard four (4) year currency period under section 85 of the Planning Act.

Note that timeframe extensions have not been applied to building development approvals for building works to which section 71 of the *Building Act 1975* (Building Act) applies, nor does it revive lapsed development approvals.

Council officers have reviewed the changes and do not raise any concerns. The changes are considered a suitable approach to support economic recovery.

### **Item 2 - Planning reform initiatives**

Consultation commenced on 8 July 2020 on a range of proposed changes to the planning framework that are intended to support economic recovery in response to the COVID-19 pandemic. These changes seek to streamline processes for local government, businesses and the development industry, and can be grouped into three initiatives:

- A. DA Rules amendments;
- B. Minister's Guidelines and Rules (MGR) amendments; and
- C. *Planning Regulation 2017* (Planning Regulation) amendments.

Consultation will be undertaken from 8 July 2020 to 7 August 2020.

#### **A. Proposed amendments to the DA Rules**

The DA Rules sets out how development applications are assessed in Queensland. It outlines the process for lodging, assessing and deciding an application, and how the public is notified about a development application. In response to the COVID-19 pandemic and with many local newspapers not returning to hard copy production, permanent changes are proposed to the DA rules. Additional changes are also proposed to improve other aspects of public notification for development applications. These new arrangements establish the following requirements in the DA Rules:

Newspaper requirements:

- If there is a hard copy local newspaper circulating in the locality of the premises the subject of the development application, this must be used to publish the notice about the application.
- If there is no hard copy local newspaper circulating in the locality of the premises the subject of the development application but there is an online local newspaper for the area, this must be used to publish the notice about the application.
- Where there is no local newspaper (hardcopy or online) in the locality, any of the following may be used:
  - Publish a notice in a state-wide or nation-wide newspaper (hard copy or online); or
  - Publish a notice on the assessment manager's website (if the assessment manager publishes such detail on its website under schedule 22, section 7 of the Planning Regulation; or
  - Give a notice to surrounding residents within an agreed area.

Sign on land requirements:

- The proposed changes will change the look of these signs.

- The signage changes will require additional pictures/diagrams to allow a better visualisation of the proposed development.

Notice to adjoining landowners' requirements:

- Currently the DA Rules requires a notice to be given to the owners of all lots adjoining the premises that is the subject of the development application during the public notification period. Amendments are proposed to:
  - Broaden the scope of people given notice of the development application, from just those who own the premises to also now include people who live at adjoining premises (e.g. rental tenants); and
  - Change the content of the notice that is given to those adjoining premises to match that of the public notice on the premises.

Other changes:

- The proposed DA Rules amendments also include a change to ensure that the DA process can effectively respond to the Planning Act's new applicable event arrangements (s275R). This change will ensure, that, should in the future, an 'applicable event extension notice' be used by the Minister to extend timeframes relevant to a development application, that the extended time won't unintentionally take away time from the assessment manager's decision period.

Council officers have reviewed the changes and have no objections to raise. Attachment 1 outlines the proposed feedback to the Minister. For the changes to the DA Rules, one comment is made requesting improvements to formatting.

#### B. Proposed amendments to the MGR

The MGR sets out rules and processes for a range of activities, including local government plan-making, local government infrastructure plans (LGIPs) and Ministerial and local government designations. The Queensland Government is proposing changes to the process for Ministerial and local government infrastructure designations, and changes to clarify the process for local governments to make interim amendments to their LGIPs. The new changes are as follows:

Ministerial and local government infrastructure designations:

- Section 35 of the Planning Act relates to the designation of a premises for development of infrastructure, indicating that a designation is a decision of the Minister, or a local government, that identifies a premises for the development of one or more types of infrastructure that are prescribed by a regulation. Section 13 and Schedule 5 of the Planning Regulation identifies the relevant infrastructure (examples include hospitals, educational facilities, correctional facilities and transport infrastructure). Sections 36 (2 to 4) of the Planning Act identifies that, to make or amend a designation, if the designator is the Minister, the Minister must be satisfied that adequate environmental assessment and consultation has been carried out in relation to the development that is the subject of the designation. The Minister may, in guidelines prescribed by a regulation, set out the process for the environmental assessment and consultation. This is done via Chapter 7 of the MGR. Where the process in Chapter 7 of the MGR is followed, then it is considered that adequate environmental assessment and consultation has occurred.
- With the proposed changes to the MGR, Chapter 7 is to be replaced. The existing chapter 7 concentrates on the preparation of an environmental assessment report which assesses

environmental, social and economic impacts of a proposal and how these will be addressed. The new Chapter 7 does not require such a report. The State has advised that the changes streamline some of the processes for the Minister and local governments to enable the delivery of critical infrastructure, such as schools and hospitals, at a time when job creation is a high priority.

- Concerns are raised about the lack of environmental and social assessment required for a Ministerial designation and these have been highlighted in Attachment 1 as feedback to the State on the proposal. However, it is noted that section 36 (5) states that the Minister may be satisfied that adequate environmental assessment and consultation has been carried out if another process is followed (rather than the process under chapter 7 of the MGR). Hence, even though the current MGR focusses on an environmental/social assessment, the Minister can designate infrastructure that has not followed the process under the MGR. The submission to the State will suggest keeping the current process in chapter 7 as is, but during times where expedited infrastructure delivery is needed, entities could be encouraged to follow a process under section 36 (5) of the Planning Act. That process could be similar to that identified in the proposed chapter 7.
- Chapter 8 of the MGR has also been replaced. Chapter 8 is used where a local government is the designator and is called up by section 37 (6 and 8) of the Planning Act and section 15 of the Planning Regulation (referred to as the designation process rules). The changes are similar to that done for Chapter 7, with the focus shifting from the preparation of a 'comprehensive assessment of all environmental, social and economic impacts' and 'whole-of-life' impacts and how negative impacts can be avoided, mitigated or offset. Attachment 1 has noted these concerns.

#### Interim amendments for Local Government Infrastructure Plan (LGIPs)

- There are three types of LGIP amendments as follows:
  - Administrative LGIP amendments which include changes to correct or change administrative matters (for example, fixing spelling or formatting or replacing redundant terms);
  - Making or amending an LGIP amendment which includes making a new LGIP, conducting a five-year review of an LGIP or making an amendment that removes an area from the Priority Infrastructure Area; and
  - Interim LGIP amendments which include an amendment to an LGIP in a planning scheme that is not an administrative LGIP amendment or making/amending an LGIP.
- Chapter 5 of the MGR includes the Minister's rules for reviewing, making or amending an LGIP. Currently, the provisions to make an interim LGIP amendment are incorporated into the standard provisions for making or amending an LGIP. The proposed changes separate out the process for an interim LGIP amendment into a new part of chapter 5. This helps to clarify the process and makes it easier to follow. No changes to the process are proposed. Council officers have no objections to raise.

#### C. Proposed amendments to the Planning Regulation

The Queensland Government is proposing temporary amendments to the Planning Regulation to reduce red tape and simplify planning approvals, to assist Queensland's economic recovery from the COVID-19 pandemic. These proposed changes are aligned to where a particular type of development is reasonably anticipated and compatible with the zone intent. There are five (5)

changes proposed. It is recognised that some local government planning schemes already achieve some or all of the five proposals to a degree.

Importantly, these proposed changes will not be mandatory. Local governments that do not already reflect these outcomes in their planning schemes may choose to 'opt in' and apply the temporary Planning Regulation provisions, instead of their planning scheme provisions. The amendments are proposed to have effect for 12 months, with the possibility of extension. Local governments may also choose to amend planning schemes to achieve similar outcomes, following a subsequent review of the outcomes delivered by the temporary provisions.

The five proposals are reviewed separately as follows:

Proposal 1 - A planning approval is not needed for a change in tenancy within an existing building, if the business is expected in that zone and only minor building work will occur.

These changes aim to remove the need for planning approval if a business tenancy changes within an existing building. This will allow businesses to start trading more quickly. For example, where a shop that was previously a newsagent is to become a hairdresser, only minor building works is required and there are no planning issues to assess, hence no development application should be triggered.

The changes to the Planning Regulation will nominate certain uses in particular zones where a tenancy change in an existing building should be accepted development. Tables 1 and 2 below outline which uses and zones this will apply to and identifies if the Redland City Plan (City Plan) already incorporates these provisions.

	Principal centre	Major centre	District centre	Local centre	Neighbourhood centre	Mixed Use
Food and Drink Outlet	✓	✓	✓	✓	✓	✗
Health care service	✓	✓	✓	✓	✓	✗
Home based business	✓	✓	✓	✓	✓	✗
Office	✓	✓	✓	✓	✓	✗
Shop	✓	✓	✓	✓ (if GFA does not exceed 1000m <sup>2</sup> )	✓ (if GFA does not exceed 500m <sup>2</sup> )	✗
Veterinary service	✓	✓	✓	✓	✓	✓
Bar	✓	✓	✓	✓	N/A	✗
Indoor sport and recreation	✓	✓	✓	✓	N/A	✓
Market	✓	✓	✓	✓	N/A	✗
Showroom	✓	✓	✓	✓ (if GFA does not exceed 1000m <sup>2</sup> )	N/A	✓



**Table 1: How City Plan aligns with proposed changes to the centre and mixed use zones for tenancy changes in existing buildings**

As indicated in Table 1, City Plan already makes tenancy changes for the majority of uses in centre zones accepted subject to requirements. Certain exceptions and qualifying criteria apply.

The mixed use zone in City Plan aims to provide for large format sales activities and a range of service and low impact industrial activities. It is not considered appropriate to make a wide range of uses accepted development in this zone as it would limit the opportunities available for the intended uses to operate. Given that all other centre zones provide for the uses identified by the proposed Planning Regulation changes, it is considered that excluding the mixed use zone from these provisions will have minimal impact on economic recovery.

It is also considered that Council should not 'opt in' to the Proposal 1 provisions in the table above, given that City Plan already achieves the intent of the changes over the majority of the centre zones. It is recommended that feedback be provided to the State to indicate that it may not be appropriate to apply these provisions to the mixed use zone (refer to Attachment 1).

The specialised centre zone has not been included in Table 1 as it is not grouped as a 'centre' zone in schedule 2 of the Planning Regulation (it is grouped as part of the 'other' zones). Officers recommend that it should be highlighted in the changes to the Planning Regulation (which are still to be drafted), that these temporary changes should not apply to the specialised centre zone. For City Plan, this zone is to provide land for medical, research and technology activities, hence encouraging alternative uses in this zone would not comply with the outcomes of the code, and would limit the opportunities for complying uses to operate.

	Low impact industry	Medium impact industry	Waterfront and marine industry zone
Bulk landscape supplies	✗	✓	N/A
Car wash	✗	✗	N/A
Food and drink outlet	✓	✓	✗
Hardware and trade supplies	✗	✗	N/A
Indoor sport and recreation	✗	✗	N/A
Low impact industry	✓	✓	✓
Office	✗	✗	✗
Research and technology industry	✓	✓	N/A
Sales Office	✗	✗	N/A
Service industry	✓	✓	N/A
Transport depot	✗	✓	N/A
Veterinary service	✓	✗	N/A
Warehouse	✓	✓	✗
Showroom	N/A	N/A	✗
Marine Industry	N/A	N/A	✓

**Table 2: How City Plan aligns with proposed changes to the industry zones for tenancy changes in existing buildings**

Table 2 above identifies that there are many instances where City Plan will not trigger accepted development for a tenancy change in an existing building in the industrial zones. Industrial land in Redland City is limited. The uses identified as currently complying with the proposed temporary Planning Regulation changes above (green tick) are considered to be the types of uses that should be encouraged in these zones to make the most efficient use of the zoned industrial land. As seen in Table 4, most of the uses trigger code assessment, hence they can still be achieved subject to more detailed assessment. If Council were to opt into the temporary Planning Regulation provisions for this item, it is considered that we may get uses in the industrial zones which do not necessarily need to be located in these areas. Although the Planning Regulation changes are temporary, if a use establishes under these provisions, they can permanently occupy the site. Relevant comments have been provided in Attachment 1 to highlight this concern.

Overall, it is considered that City Plan provides sufficient opportunities for businesses to establish in an existing building without triggering the need for a planning approval. Although it is recommended that Council should not 'opt in' to the temporary Planning Regulation changes for Proposal 1 (as they are currently proposed), given these provisions will only apply if Council 'opts in', no significant concerns are raised.

Proposal 2 - Reduce the level of assessment for certain businesses seeking to establish where the use is anticipated in the zone.

A planning scheme expects and supports certain land uses (businesses) to occur in appropriate areas set aside for those uses, particularly certain centre, industry and mixed use development zones. These types of businesses are reasonably considered when allocating land to a zone-centre uses in centre zones and industry uses in industry zones for example. However, this is not always reflected in the levels of assessment for these uses in the planning scheme. To reduce regulatory barriers for a business starting up or relocating, it is proposed that where a use is well suited and expected in the zone, the maximum level of assessment should be code assessable. A code assessment category of assessment is usually applied to development that is consistent with the intent of the zone and where there is a high degree of confidence the development has manageable impacts that can be assessed against assessment benchmarks. For example, a shop within a centre zone will be a maximum of code assessable as it is a likely and expected use within this area.

The changes to the Planning Regulation for Proposal 2 will nominate certain uses in particular zones which should have a maximum code assessable level of assessment. Tables 3 and 4 below outline which uses and zones this will apply to and identifies if City Plan already includes these provisions.

	Principal centre	Major centre	District centre	Local centre	Neighbourhood centre	Mixed Use
Food and Drink Outlet	✓	✓	✓	✓	✓	✓
Health care service	✓	✓	✓	✓	✓	✗
Home based business	✓	✓	✓	✓	✓	✗
Office	✓	✓	✓	✓	✓	✗
Shop	✓	✓	✓	✓	✓	✓
Veterinary service	✓	✓	✓	✓	✓	✓
Bar	✓	✓	✓	✓	N/A	✗

	Principal centre	Major centre	District centre	Local centre	Neighbourhood centre	Mixed Use
Indoor sport and recreation	✓	✓	✓	✓	N/A	✓
Market	✓	✓	✓	✓	N/A	✓
Showroom	✓	✓	✓	✓	N/A	✓

**Table 3: How City Plan aligns with proposed changes to the centre and mixed use zones for triggering code assessment as the highest level of assessment**

	Low impact industry	Medium impact industry	Waterfront and marine industry zone
Bulk landscape supplies	✓	✓	N/A
Car wash	✓	✓	N/A
Food and drink outlet	✓	✓	✓
Hardware and trade supplies	✓	✓	N/A
Indoor sport and recreation	✓	✗	N/A
Low impact industry	✓	✓	✓
Office	✗	✗	✗
Research and technology industry	✓	✓	N/A
Sales Office	✗	✗	N/A
Service industry	✓	✓	N/A
Transport depot	✓	✓	N/A
Veterinary service	✓	✗	N/A
Warehouse	✓	✓	✓
Showroom	N/A	N/A	✗
Marine Industry	N/A	N/A	✓

**Table 4: How City Plan aligns with proposed changes to the industrial zones for triggering code assessment as the highest level of assessment**

Overall, City Plan already aligns with most of the proposed Planning Regulation temporary changes for Proposal 2. There are specific examples where Council has made a deliberate decision to trigger impact assessment for certain uses. For example, an office use is not considered suitable in the industry zones as industrial land is limited and existing adjoining industrial businesses may impact upon office uses due to noise and odour emissions.

Overall, the existing City Plan provisions are considered suitable, hence it is not recommended that Council 'opt in' on the Planning Regulation changes for Proposal two. The submission put forward in Attachment 1 will note the types of uses that may not be appropriate to include in the Planning Regulation changes, however, no significant concerns are identified given that the changes will not be mandatory.

**Proposal 3 - Allow businesses to make minor expansions without planning approval.**

The State Government is proposing to change the Planning Regulation to allow increases in gross floor area (GFA) without the need for planning approval. The change will indicate that building work for an existing lawful use (or where this is part of a material change of use of premises), that is a minor increase of GFA, is accepted development where the building work is an expected use in

the zone (e.g. a food and drink outlet in a centre zone), and the building work is not undertaken on, or adjacent/adjoining a state or local heritage building. A 'minor' increase would be 100m<sup>2</sup> or an area equal to 10% of the GFA of the building, whichever is lesser. The reasoning behind this change is to allow businesses to accommodate social distancing requirements. The material provided by the State notes that:

*"The Queensland Government proposes to make changes to the planning framework to reduce the administrative and regulatory burden on new businesses or those wanting to recommence their existing business. In many cases, the expansion of GFA may trigger additional requirements under the local government planning scheme. When expanding GFA in established buildings or centre main streets, there is often a limited ability to fulfil 'standard' planning requirements to add extra parking or new landscaping requirements. It is proposed a development application is not required for use that seeks a minor increase in GFA, where the land use impact of the increase GFA is limited. It is proposed that this occur for expected uses in the mixed use zone, centre zones, industry zones, rural zones and tourism zones."*

The uses and zones this will apply to are as follows:

Zone	Uses
All centre zones and the mixed use zone	Food and drink outlet, Health care service, Home based business, Office, Shop, Veterinary service.
All centre zones (excluding the neighbourhood centre zone) and the mixed use zone	Bar, Indoor sport and recreation, Market, Showroom.
Low and medium impact industry zones	Bulk landscape supplies, Car wash, Food and drink outlet, Hardware and trade supplies, Indoor sport and recreation, Low impact industry, Office, Research and technology industry, Sales office, Service industry, Transport depot, Veterinary service, Warehouse.
Waterfront and marine industry zone	Marine industry, Low impact industry, Food and drink outlet, Office, Showroom, Warehouse.
Rural zone	Agricultural supplies store, Animal husbandry, Cropping, Intensive horticulture, Nature based tourism, Roadside stall, Rural industry, Wholesale nursery, Winery, Home based business

**Table 5: The zones and uses for which the proposed changes under Proposal 3 are to apply**

Concerns are raised with this item given:

- It allows businesses to increase GFA without consideration of the impacts of an extension. The basis of this is to allow for social distancing, being an element of the response to the pandemic, but which is eased as restrictions lift. For example, some businesses are now able to have one person per 2m<sup>2</sup> (down from 1 person per 4m<sup>2</sup>). So although the restriction is easing, any building works constructed as part of this planning change will be permanent.
- For a large building, an increase of 100m<sup>2</sup> is likely to trigger additional parking. For example, if a 1000m<sup>2</sup> bar proposed to extend by 100m<sup>2</sup>, City Plan would generally require an additional 10 car parks (the rate is 1 space per 10m<sup>2</sup> GFA). Due to social distancing, an extension may not equate to the venue operating at its maximum capacity in the short term, but once the restrictions are lifted, there may be a future lack of carparking which impacts on the streetscape and adjoining businesses.
- Building extensions are likely to be constructed in areas that provide for existing car-parking or landscaping which contributes to an attractive streetscape.

- Restrictions would have to be included that prevent applicants applying for multiple 10% increases.
- Council has a process in place to provide written advice to customers who want formal clarification if minor changes to a building require a planning approval (as a material change of use – intensification of a use). This is through a request for Council to confirm a proposal is ‘generally in accordance’ with an existing development approval. This is the preferred approach to determining if ‘minor’ changes should be considered an intensification of a use.

As such, it is recommended that Council provide feedback as detailed in Attachment 1 to highlight the concerns above. Despite the concerns, Council will be able to opt out of applying this change to the Planning Regulation if Proposal 3 is included as part of the temporary changes to the Planning Regulation.

**Proposal 4 - Allowing low risk uses that can support local economies as accepted development.**

To make it easier for businesses to start new compatible ventures, changes to the Planning Regulation are proposed so that a development application will not be required for what the State deem are ‘low risk’ uses. This will help existing businesses to diversify their offerings, for example, a dairy farm may offer farm stay accommodation. The changes to the Planning Regulation will indicate the maximum levels of assessment that can be triggered for certain uses in zones where those uses are considered complementary. Tables 6 and 7 below identify the uses and zones being considered, and if the current provisions in City Plan already accord with the proposed temporary changes.

For Proposal 4, in a rural zone, certain expected uses should trigger a maximum of code assessment where others should be accepted as follows:

	Rural zone
<b>Uses which should be code assessable:</b>	
Agricultural supplies store	✓
Intensive horticulture	✓ (if not for a mushroom farm)
Rural industry	✓
Wholesale nursery	✓
Winery	✓
<b>Uses which should be accepted development:</b>	
Animal husbandry	✓
Cropping	✓ (if not forestry for wood production)
Nature based tourism	✗ (code assessment triggered)
Home based business	✓
Roadside stall	✓

**Table 6: How City Plan aligns with proposed changes to levels of assessment within the rural zone**

For proposal 4, in residential zones, home based businesses should be accepted development as follows:

	Low density	Low medium density	Medium density	Character residential	Tourism Accommodation
Home based business	✓	✓	✓	✓	✓

**Table 7: How City Plan aligns with proposed changes to levels of assessment for home based businesses**

Other changes are proposed for the tourism zones and township zones, however City Plan does not include these zones (in accordance with the zone groupings in Schedule 2 of the Planning Regulation), hence these changes will not apply to Redland City.

Overall, City Plan already generally aligns with the changes being proposed. For home based businesses in residential zones, the level of assessment is accepted subject to requirements rather than just accepted. This is considered appropriate as the 'requirements' help to limit the scale and impacts of a business to that which is compatible to a residential area.

The main area where City Plan does not accord with the proposed changes is for nature based tourism in the rural zone. The Planning Regulation changes identifies that this should be accepted development whereas City Plan requires code assessment. Nature based tourism is defined as:

*the use of premises for a tourism activity, including accommodation for tourists, for the appreciation, conservation or interpretation of—*

*(a) an area of environmental, cultural or heritage value; or*

*(b) a local ecosystem; or*

*(c) the natural environment.*

*Examples of nature-based tourism— environmentally responsible accommodation facilities including cabins, huts, lodges and tents*

It is considered that code assessment is the more suitable level of assessment for this use in the rural zone so that the impacts (from and on such a use) can be assessed and managed through site design and conditions.

Again, it is recommended that Council note this concern with the State as part of Attachment 1, however, given that the provision is not mandatory, no significant concerns are raised.

**Proposal 5 - Confirm the existing position that temporary events such as school fetes and markets do not require planning approval.**

Temporary events, such as weekend markets in a carpark or school fete at a school, do not require planning approval. However, there is often uncertainty around what is considered a 'temporary use'. To remove uncertainty, the Queensland Government proposes to change the regulation to confirm that temporary events such as school fetes and markets do not require planning approval.

The Planning Regulation currently defines 'temporary use' as:

*a use that—*

*(a) is carried out on a non-permanent basis; and*

*(b) does not involve the construction of, or significant changes to, permanent buildings or structures.*

Section 1.7.2 of City Plan indicates:

- 1) *For the purpose of the definition of 'temporary use' in Schedule 1, any sport, recreation, entertainment or cultural activity or 'not for profit' community activity which does not exceed 21 days in any 12 month period, with no one single period exceeding 10 days duration, is deemed to be temporary.*

- 2) *To the extent the activities mentioned in (1) constitute development (as defined by the Act), they are accepted development for the purposes of this planning scheme.*

*Editor's note — While such activities are accepted development for the purposes of the planning scheme, they may be regulated by local laws or other statutes.*

City Plan is generally consistent with the State proposal, however, does provide limits in section 1.7.2 to dictate how often a temporary use can operate and still be classified as 'temporary'. This was encouraged by the repealed 2016 *Queensland Planning Provisions* which provided a similar definition, but noted that '*provisions for temporary use timeframes for defined uses may be provided ... for Local government administrative matters*'. If Council were to 'opt in' to the proposed changes, section 1.7.2 would become redundant (given that the higher order Planning Regulation provisions would prevail).

The material provided by the State for Proposal 5 does not provide detail about how the Planning Regulation will be changed. Officers recommend that the submission to the State about the changes should note that further detail should be provided about what will be classified as temporary in order to differentiate it from the market definition from the Planning Regulation which is as follows:

*means the use of premises on a regular basis for—*

*(a) selling goods to the public mainly from temporary structures, including, for example, stalls, booths or trestle tables; or*

*(b) providing entertainment, if the use is ancillary to the use in paragraph (a).*

Council could make a future decision to 'opt in' to this proposal once further detail is provided by the State. However, it is considered that the current provisions in section 1.7.2 generally achieve the outcome the State is proposing. At this stage, it is recommended that Council do not 'opt in' to these changes.

#### Proposed amendments to the Planning Regulation - Summary

As identified in the review of the five proposals above, it is recommended that Council do not 'opt in' to the proposed changes to the Planning Regulation. It is considered that City Plan already aligns with the majority of changes proposed by the State. Where City Plan does not align with the proposed changes, this is generally a deliberate decision so that certain uses are not encouraged in a particular zone. Further, it is not considered suitable to allow for increases in GFA without consideration of impacts through a planning application or other means.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

The proposed planning reforms discussed in this report primarily relate to the Planning Act and the Planning Regulation. Any potential future amendments to City Plan would be undertaken in accordance with the Planning Act.

#### **Risk Management**

The risks identified with the proposed legislative reforms have been outlined in the Issues section of this report.

**Financial**

If the proposed legislative reforms are given effect, Council may be required to amend its planning scheme. Any consequential costs associated with giving effect to these amendments would be funded through the existing City Planning and Assessment operational budget.

**People**

Staff resourcing matters have been discussed, where relevant.

**Environmental**

Environmental matters have been discussed, where relevant.

**Social**

Social matters have been discussed, where relevant.

**Human Rights**

There are no known human rights matters associated with this report.

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

This report aligns with the Wise Planning and Design goals contained in Council's Corporate Plan and the *Redlands Community Plan 2030*.

**CONSULTATION**

Consulted	Consultation Date	Comments/Actions
Infrastructure Planning and Charging Unit	July 2020	Provided advice in relation to the LGIP interim amendments.

**OPTIONS****Option One**

That Council resolves as follows:

1. To note the contents of this report.
2. To not 'opt in' to the five proposed changes to the *Planning Regulation 2017*.
3. To delegate authority to the Chief Executive Officer under section 257 (1) (b) of the *Local Government Act 2009* to make a submission on the proposed reforms to the planning framework, as generally outlined in Attachment 1.

**Option Two**

That Council resolves as follows:

1. To note the contents of this report.
2. To not 'opt in' to the five proposed changes to the *Planning Regulation 2017*.
3. To delegate authority to the Chief Executive Officer under section 257 (1) (b) of the *Local Government Act 2009* to make a submission on the proposed reforms to the planning framework, as generally outlined in an amended version of Attachment 1.



**Option Three**

That Council resolves as follows:

1. To note the contents of this report and not make a submission on the proposed reforms to the planning framework.
2. To make a decision on whether to 'opt in' to the proposed changes to the *Planning Regulation 2017* once the changes have been finalised by the State government for commencement.

**OFFICER'S RECOMMENDATION**

That Council resolves as follows:

1. To note the contents of this report.
2. To not 'opt in' to the five proposed changes to the *Planning Regulation 2017*.
3. To delegate authority to the Chief Executive Officer under section 257 (1) (b) of the *Local Government Act 2009* to make a submission on the proposed reforms to the planning framework, as generally outlined in Attachment 1.

## ATTACHMENT 1 - FEEDBACK ON PROPOSED AMENDMENTS TO QUEENSLAND PLANNING FRAMEWORK (ANNOUNCED 8 JULY 2020)

Table 1 – Proposed changes to Development Assessment Rules

Development Assessment Rules - <a href="#">Draft version 1.3</a>		
Proposed change	Relevant Reference	Comments
Public notice requirements	Section 17.1	For items 17.1 (d)(ii) (a) to (d), it should be made clear that only one of these actions is required by including an “or” after each semicolon.
Decision period – generally (applicable event extension notice)	Section 22.4	-
Requirements for placing a public notice in a hard copy newspaper	Schedule 3, Items 8 & 9	-
Requirements for placing a public notice in an online newspaper	Schedule 3, Items 10 & 11	-
Requirements for giving notice to occupiers of lots adjoining the premises	Schedule 3, Items 15-17	-
Specifications for notice to owners and occupiers of lots adjoining the premises	Schedule 3, Part 1 (1B) and Figure 1	-
Specifications for notice to owners and occupiers of lots adjoining the premises	Schedule 3, Part 2 (2B) and Figure 3	-
Definitions for: <ul style="list-style-type: none"> <li>• <i>Applicable event extension notice</i></li> <li>• <i>Identified area</i></li> <li>• <i>Local newspaper</i></li> <li>• <i>State or national local newspaper</i></li> </ul>	Schedule 4	-
Overall/Other comments?	N/A	-

Table 2 – Proposed changes to Minister’s Guidelines and Rules

Minister’s Guidelines and Rules - <a href="#">Draft consultation version</a>			Comments
Proposed change	Relevant Reference		
Interim LGIP amendment	Chapter 5, Part 3		-
Process for making or amending a Ministerial designation (MID)	Chapter 7		The focus of Chapters 7 and 8 of the MGR appear to have shifted from the preparation of a ‘comprehensive assessment of all environmental, social and economic impacts’ and ‘whole-of-life’ impacts and how negative impacts can be avoided, mitigated or offset. The changes provide a more streamlined process, which no longer focuses on the preparation and consultation on such a report.
Process for making or amending a local government infrastructure designation (LGID)	Chapter 8		The changes to schedule 3 of the MGR only require ‘acknowledgement’ of any adverse impacts on ‘ <b>surrounding properties</b> ’, as well as ‘acknowledgement’ of any off-site impacts (traffic, noise, infrastructure capacity) and how these impacts are proposed to be managed.
Required material for making an endorsement request for making a MID under Chapter 7, Part 1	Schedule 3		
Required material for making a request to make a MID under Chapter 7, Part 1	Schedule 3		Council notes that the changes are to enable the delivery of critical infrastructure, such as schools and hospitals, at a time when job creation is a high priority. However, the changes proposed to the MGR are permanent, and will be ongoing after recovery from the pandemic.
Required material for making a minor amendment to a MID under Chapter 7, Part 3	Schedule 3		
Required material for making a request to make a LGID under Chapter 8, Part 1	Schedule 3		Perhaps a more appropriate long term approach would be to keep Chapters 7 and 8 as is, but provide alternative interim arrangements that can be used during the economic recovery. This is similar to the approach taken for other changes in response to the pandemic. Examples include:
Required material for making a minor amendment to a LGID under Chapter 8, Part 3	Schedule 3		<ul style="list-style-type: none"> <li>- The changes proposed to the Planning Regulation are temporary (12 months);</li> <li>- Section 275Q of the Planning Act allows changes to timeframes where an ‘applicable event notice’ has been issued. These changes are temporary for the timeframe nominated in the notice.</li> </ul>
Public notice requirements for consultation for preliminary stakeholder engagement under Chapter 7, Part 1	Schedule 4		
Public notice requirements for consultation for a proposed MID under Chapter 7, Part 1	Schedule 4		
Public notice requirements for consultation for preliminary stakeholder engagement under Chapter 8, Part 1	Schedule 4		For a Ministerial designation, the Planning Act section 36 (5) already indicates that the Minister can be satisfied that adequate environmental assessment, including adequate consultation, has been carried out in relation to the

Public notice requirements for consultation for a proposed LGID under Chapter 8, Part 1	Schedule 4	development that is the subject of the designation or amendment in another way (other than following the process in Chapter 7 of the MGR).
Definitions and abbreviations for: <ul style="list-style-type: none"> <li>• <i>Department</i></li> <li>• <i>Designator</i></li> <li>• <i>Entity</i></li> <li>• <i>LGID</i></li> <li>• <i>MID</i></li> <li>• <i>Minor amendment, for types of planning instrument amendments</i></li> <li>• <i>Minor amendment, for an infrastructure designation</i></li> <li>• <i>Minor change</i></li> </ul>	Schedule 8	
Overall/Other comments?		

**Table 3 – Proposed changes to Planning Regulation 2017**

<b>Planning Regulation 2017 – Economic Recovery Initiative Consultation Paper (June 2020)</b>		
<b>Proposed change</b>	<b>Prompting feedback questions</b>	<b>Comments</b>
<b>Opt-in Proposal 1 - A</b> planning approval is not needed for a change in tenancy within an existing building, if the business is expected in that zone and only minor building work will occur (Pages 3-4)	<ol style="list-style-type: none"> <li><b>1.</b> Do you agree with the proposed list of uses being accepted development in centre, industry zones and mixed use zone where involving minor building work? Are there other zones that should be captured?</li> <li><b>2.</b> Are there other uses that may support economic recovery that have not been captured in the list of expected uses that should be accepted development in these zones if minor building work is undertaken?</li> </ol>	<ul style="list-style-type: none"> <li>• It may not be appropriate to apply these provisions to the mixed use zone (as the use encourages may not accord with the overall outcomes of the mixed use zone code).</li> <li>• It should be highlighted in the changes to the planning regulation (which are still to be drafted), that these temporary changes do not apply to the specialised centre zone (noting that specialised centre is not classed as a 'centre' zone in schedule 2 of the Planning Regulation).</li> <li>• It may not be appropriate to apply these provisions to industrial zones. Industrial land can be in short supply, so permitting uses</li> </ul>

<p><b>Opt-in Proposal 2</b> - Reduce the level of development assessment for certain businesses seeking to establish where the use is anticipated in that zone (Pages 5-6)</p>	<p><b>3.</b> What conditions or requirements are typically needed to regulate the impacts of an expected use in a centre, industry or mixed use zone where involving minor building work? Are additional criteria required?</p> <p><b>4.</b> Do you agree with the proposed list of expected uses being code assessable in the centre zones, mixed use zone and industry zones? Are there uses or zones that should not be included or added?</p> <p><b>5.</b> Are there circumstances where any of the expected uses should be impact assessable in these zones?</p>	<p>such as indoor sport and recreation and offices into existing industrial tenancies as accepted development, may reduce the ability for industrial uses to locate in a suitably zoned area.</p>
<p><b>Opt-in Proposal 3</b> - Allow businesses to make minor expansions without planning approval (Pages 7-8)</p>	<p><b>6.</b> What threshold of GFA increase should require development assessment?</p> <p><b>7.</b> Are there certain uses or uses in zones where minor GFA increases should not be accepted development? Are there certain uses or zones that should be added?</p> <p><b>8.</b> Are there any requirements that should be added to manage the potential impacts of small GFA increases?</p> <p><b>9.</b> Should the definition in the Planning Regulation 2017 for minor building work be amended to support a higher threshold for small increases in GFA?</p>	<ul style="list-style-type: none"> <li>It may not be appropriate to apply these provisions to industrial zones. Industrial land can be in short supply, so permitting uses such as indoor sport and recreation and offices into existing industrial tenancies may reduce the ability for industrial uses to locate in a suitably zoned area. Also, existing adjoining industrial businesses may impact upon uses such as offices due to noise and odour emissions.</li> </ul> <p>Concerns are raised with this item given:</p> <ul style="list-style-type: none"> <li>It allows businesses to increase GFA without consideration of the impacts of an extension. The basis of this is to allow for social distancing, being an element of the response to the pandemic, but which is eased as restrictions lift. For example, some businesses are now able to have one person per 2m<sup>2</sup> (down from 1 person per 4m<sup>2</sup>). So although the restriction is easing, any building works constructed as part of this planning change will be permanent.</li> <li>For a large building, an increase of 100m<sup>2</sup> is likely to trigger additional parking. For example, if a 1000m<sup>2</sup> bar proposed to extend by 100m<sup>2</sup>, City Plan would generally require an additional 10 car parks (the rate is 1 space per 10m<sup>2</sup> GFA). Due to social distancing, an extension may not equate to the venue operating at its maximum capacity in the short term, but once the restrictions are lifted, there may be a future lack of</li> </ul>

		<p>carparking which impacts on the streetscape and adjoining businesses.</p> <ul style="list-style-type: none"> <li>- Building extensions are likely to be constructed in areas that provide for existing car-parking or landscaping which contributes to an attractive streetscape.</li> <li>- Restrictions would have to be included that prevent applicants applying for multiple 10% increases.</li> <li>- Council has a process in place to provide written advice to customers who want formal clarification if minor changes to a building require a planning approval (as a material change of use – intensification of a use). This is through a request for Council to confirm a proposal is ‘generally in accordance’ with an existing development approval. This is the preferred approach to determining if ‘minor’ changes should be considered an intensification of a use.</li> </ul>
<p><b>Opt-in Proposal 4</b> - Allowing low risk uses that can support local economies as accepted development (Page 9)</p>	<p><b>10.</b> Do you support the proposed amendment to assist with economic recovery?</p> <p><b>11.</b> Are the uses proposed low risk and expected in the nominated zones?</p> <p><b>12.</b> Are there other uses in these zones that are low risk that we should be considering as part of the proposed amendments to support economic recovery?</p>	<ul style="list-style-type: none"> <li>• The Redland Planning Scheme is generally consistent with the proposed changes. However, for nature based tourism in the rural zone, it is considered that code assessment is the more suitable level of assessment for this use, so that the impacts (from and on such a use) can be assessed and managed through site design and conditions.</li> </ul>
<p><b>Opt-in Proposal 5</b> - Confirm the existing position that temporary events such as school fetes and markets do not</p>	<p><b>13.</b> Has there ever been a situation where a temporary event has been made assessable?</p> <p><b>14.</b> What are the potential impacts from temporary events that need to be considered?</p>	<ul style="list-style-type: none"> <li>• The material provided by the State for Proposal 5 does not provide detail about how the Planning Regulation will be changed. Information is needed to ascertain what will be classified as ‘temporary’ in order to differentiate a temporary use market from the market definition in the Planning Regulation. For example, the Redland City Plan indicates :</li> </ul>

<p>require planning approval (Page 10)</p>	<p><b>15.</b> Is further clarification required to support temporary events in your local government area other than what already exists in the Planning Regulation?</p>	<p><i>For the purpose of the definition of 'temporary use' in Schedule 1, any sport, recreation, entertainment or cultural activity or 'not for profit' community activity which does not exceed 21 days in any 12 month period, with no one single period exceeding 10 days duration, is deemed to be temporary.</i></p>
<p><b>How we will implement?</b> (Page 11)</p>	<p>Are there any barriers or implementation issues that could arise? Other comments?</p>	<p>- -</p>
<p><b>Other/Overall</b></p>	<p>Are there any other opportunities that would assist in supporting and facilitating economic recovery initiatives in your local area?  Other comments?</p>	<p>-  Council is appreciative that the State has indicated that the changes will not be mandatory, but rather, local governments can 'opt in' if they consider the changes suitable. For some local government areas, this may work well to allow for changes to be introduced quickly to encourage economic growth in the short term, which would not be able to be achieved if the changes were to be made through a lengthy amendment process.</p>

#### 14.4 PROPOSED BOTANICAL GARDEN - KINGS ROAD RUSSELL ISLAND

**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Kim Kerwin, Group Manager Community & Economic Development**Report Author:** Karen Purdy, Community Development Officer  
Frank Pearce, Service Manager Strengthening Communities**Attachments:**

1. Advice from State Government declaring the property surplus [↓](#)
2. Letter from Minister [↓](#)
3. Russell Island Botanical Garden Concept Design [↓](#)

**PURPOSE**

To enter into an agreement with the State of Queensland represented by the Department of Education, for the establishment of a Botanical Garden over part of Lot 4 on SL848592 situated at 17-31 Kings Road, Russell Island.

**BACKGROUND**

The subject land, 17-31 Kings Road Russell Island, has been in trusteeship with the State Government represented by the Department of Education (the Department) since 30 July 1993, reserved for State School purposes.

In 2011 the State Government advised Council that the Department declared the property surplus to its requirements (Attachment 1). At that time, Council responded to the State Government that the most appropriate land use of the property, other than educational purposes, was for a range of community purposes (such as environmental, drainage, recreation, park, sports and cultural purposes). No further action has been taken by the State Government to dispose of the land.

In 2017 the then Director-General of the Department, Dr Jim Watterston, visited the site with the Divisional Councillor and verified support for community use of the land, including a Botanical Garden concept, which was subsequently proposed by a community group for this site.

On 4 October 2017, to support community intent, Council resolved to engage with the Department to enter into an agreement that enables community use of the land. This would involve a trustee lease between the Department and Council for the portion of the land proposed for the Botanical Garden.

It was proposed that Council then enters into a Licence to Occupy agreement with a community organisation to enable community use of the land, a process which is standard practice for community use of State Government land.

In June 2018, a Botanical Garden proposal was submitted to Council by Bay Islands Conservation Incorporated (BICI). The proposal was managed using Council's Community Garden's process.

In January 2020, Minister for Education Grace Grace advised that no new schools were required for Russell Island and that the Department of Education would continue to liaise with Redlands City over the future use of the identified site (Attachment 2).



## ISSUES

### Site Context

The site at 17-31 Kings Road, Russell Island is a State of Queensland reserve held in trusteeship by the Department of Education and is 6.6213 hectares of unoccupied land.

Under Redland City Plan 2018, the south western portion of the site is within the Conservation Zone and the balance of the site is in the Community Facilities Zone (Precinct 3 for educational establishments). The Conservation Zone over the south western portion reflects the significant 'endangered' and 'of concern' regional ecosystems on the site.

The site is bordered by the Russell Island Sport and Recreation Park (north), low impact industrial allotments (east) and detached houses (east, south and west).

The site is currently maintained by the Department of Education via reactive slashing. There is a high infestation of weeds in the vegetation understorey.

### Botanical Garden Proposal

Community group BICI has brought a proposal for a free public access Botanical Garden on this site, to be run by their volunteer incorporated association.

The proposal aligns with BICI's constitution, which includes: *"To protect, conserve and restore flora and fauna of the Southern Moreton Bay Islands ("SMBI") and the surrounding Moreton Bay and its unique marine and estuarine environments (turtles, seagrass and dugongs)...."*

Operating as an incorporated association since 2010, BICI has demonstrated adequate capacity for managing and maintaining a proposal such as this, including the ability to fund their work on the site. Sustainability of the project will be periodically monitored and reviewed at tenure renewal stage.

The organisation's vision for the Botanical Garden is for it to act as a 'beacon' to the islands and include themes for island gardens featuring plants from some of the 8222 islands of Australia. The proposal will include structured and free flowing gardens of varying styles.

BICI partners with other local organisations and welcomes new members from the community to participate in community-based projects.

The proposal covers approximately three (3) hectares (just under half of the site area) over the part of the site that is predominantly clear of the significant endangered regional ecosystems. The balance of the site would remain the responsibility of the State Government.

The proposal includes retaining all native trees and removal of the high infestation of weeds.

Water features are likely and a storage shed is proposed. All works will be undertaken by BICI.

Proposed project funding and resourcing to be accessed by BICI includes volunteer work, work for the dole programs, partnerships, corporate donations, fundraising and grant funding from all levels of government. BICI has demonstrated capacity in previously accessing a number of these sources.

### Planning Regulations

The proposed use as a Botanical Garden is defined as 'park' under the *Planning Regulation 2017: park means the use of premises, accessible to the public free of charge, for sport, recreation and leisure activities and facilities.*

Under Redland City Plan, 'park' is accepted development in the Community Facilities Zone and Conservation Zone.

### **Tenure Agreement and Term**

The proposed tenure agreement is a three (3) year trustee lease between the Department and Council for the portion of the land proposed for the Botanical Garden. It is proposed that Council then enters into a Licence to Occupy agreement with BICI. Consistent with other tenure arrangements, there is provision to renew tenure at the end of the initial three (3) year period. This has been standard practice for enabling community use of State Government land.

### **Key Tenure Provisions**

The trustee lease between the Department and Council stipulates that Council must keep the subject area (portion of the land proposed for the Botanical Garden) in a clean and tidy condition. It also provides that Council must keep any approved improvements in a clean condition and in good order and repair, including repairs due to fair wear and tear. The provisions include, that upon termination of the trustee lease, Council must remove any improvements and reinstate, repair and make good any damage or unsightliness caused by the removal of the improvements.

Entering into a licence to occupy with BICI will transfer these management and maintenance responsibilities from Council to BICI. Proposed improvements will require prior approval from Council. If the license is terminated BICI will be required to remove and reinstate the property. As per Council's standard licence to occupy conditions, BICI will be required to hold and maintain public liability insurance and comply with relevant legislation and workplace health and safety requirements.

The balance of the site (not in the trustee lease/licence area) will remain the responsibility of the Department of Education.

Council will be required to pay its own costs of, and incidental to, the negotiation, preparation and execution of the trustee lease. The annual rental cost to Council, if asked, is \$1.00 including GST.

### **Ministerial Approval**

The proposal for a trustee lease between the Department of Education and Council to enable community use, triggers Ministerial approval for the inconsistent use of the reserve. As noted above the land was originally acquired by the State Government represented by the Department of Education on 30 July 1993, reserved for State School purposes.

An internal State Government Departmental brief recommending the issue of a trustee lease to the Redland City Council for the proposed Botanical Garden was approved by all Directors of the Department of Education that needed to approve Council's request to use the land in November 2018. The State Government then provided Council with a draft three (3) year trustee lease and a request for a survey plan of the proposed area.

Final Ministerial approval is subject to Council's endorsement of the proposal, and will be provided in the way of a signed trustee lease (including survey plan) between Council and the Department of Education.

### **Community Consultation**

Community consultation is a key component of the application process. Community consultation requirements were provided to the applicant in support of upholding the objective of *Council's Community Engagement Policy* (ENG-003-P). Council engages with the community on diverse

issues that affect them and uses meaningful tools to ensure that the community is informed and has opportunities to contribute to the decision making process.

The community consultation for the use of the site as a Botanical Garden was undertaken in accordance with Council's established Community Garden processes. Council officers supported BICI to develop a consultation plan and undertake community consultation. A concept design (Attachment 3) of the proposed Botanical Garden was developed with Council support and formed part of community consultation.

In response to the consultation a total of 71 submitters provided individual feedback on the Botanical Garden proposal. The written and online submissions resulted in 41 submitters supportive (58%), six (6) neutral submissions (8%) and 24 submitters objected (34%).

The community consultation identified a number of residents' concerns about losing the opportunity for a future high school on the site. This led Council to approach the Minister for Education who confirmed in writing in January 2020 that no new schools are planned for Russell Island.

The community responses have been taken into consideration in assessing the proposal. It is considered community concerns can be adequately managed through licence conditions and a limited term tenure (which can be renewed).

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Entering into a trustee lease for a community purpose is consistent with provisions contained in the *Local Government Act 2009*.

### **Risk Management**

The trustee lease will hand over management responsibilities of the part of the site proposed for the Botanical Garden, from the Department to Council. The licence to occupy agreement with the community group will provide some measure of security for both Council and the licensee ensuring the land is maintained and managed within the terms of the licence and in accordance with the agreement. As is standard practice, the licence to occupy will stipulate that the community group complies with all necessary legislation that applies to its activities on the site. The balance of the site will remain the responsibility of the Department of Education.

### **Financial**

The trustee lease agreement with the Department includes an annual rental cost to Council of \$1.00, if asked. Maintenance and management responsibility of the site will be transferred to the community group in accordance with the licence to occupy agreement.

Council will be required to pay its own costs of, and incidental to the negotiation, preparation and execution of the trustee lease.

The revised accounting standard AASB16 Leases now requires the majority of leases to be recognised on Council's balance sheet. This means that where Council is the lessee, the lease effectively becomes a borrowing and is therefore captured by the *Statutory Bodies Financial Arrangements Act 1982*. Queensland Treasury has issued a general approval for statutory bodies, including local governments, to enter into particular operating and finance leases without needing to seek the Treasurer's approval.

Please note the General Approval applies only to operating and finance leases where either:

- The lessor is a statutory body, a department, or a government owned corporation; or
- The total net present value of rental payments does not exceed \$2 million; or
- The lease being taken is for office premises.

Local governments are required to seek the Treasurer's approval for any lease arrangement (where the local government is the lessee) that is not captured by the General Approval.

It is considered good business practice for each local government to maintain a register of lease arrangements entered into using the authority of the General Approval.

### **People**

The staff implications include the associated officer hours to process additional tenure agreements and renewals, undertake periodic site inspections and provide support to the community group relating to partnerships, accessing grants and capacity building.

### **Environmental**

The proposed licence area borders significant endangered regional ecosystems. The proposal includes retaining all native trees and removal of the high infestation of weeds, which will be of benefit to the environmental values of the site.

Part of the site is included in a stepping stone corridor within Council's *Wildlife Connections Plan 2018*. The proposal provides opportunity to enhance the corridor with additional planting and weed removal.

A detailed management plan will be required as part of the licence to occupy conditions, prior to works commencing, including:

- An audit of all native trees to be retained which will include identifying hollows and other habitat values.
- Identification and mapping of rare and threatened plant species which may be present on the site.
- A weed management plan including a staged approach for weed removal.
- A proposed planting plan and schedule including details of themed gardens.

### **Social**

The project is a community-led initiative to be managed by the community for public access.

The proposal has the potential to support environmental education and eco-tourism based opportunities for island residents and visitors.

Gardens are a therapeutic place for recovery from mental fatigue. Gardening improves outlook and life satisfaction, and helps cope with and recover from stress, improves ability to recover from illness and injury, restores concentration, and improves productivity.

### **Aboriginal Cultural Heritage**

A project notice was submitted by Council to Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) to consider impacts to Native Title under the *Native Title (Queensland) Act 1993* and Aboriginal Cultural Heritage under the *Aboriginal Cultural Heritage Act 2003*.

QYAC responded with approval to proceed with no impact to Native Title, and no known impact to Aboriginal Cultural Heritage. QYAC requires a Cultural Heritage Monitor prior to works commencing and during all activities that are likely to cause significant ground disturbance. This will be included in the licence to occupy conditions.

### Human Rights

Consideration has been given to the *Human Rights Act, s58(5)* and no contraventions are identified. The project included community consultation and the community responses have been taken into account.

### Alignment with Council's Policy and Plans

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

Council's Community Leasing Policy supports tenure for not-for-profit community organisations. The proposed licence and three (3) year tenure term is consistent with other non-exclusive community uses of land.

The officer's recommendation aligns with the *Redland City Council Corporate Plan 2018-2023*:

7 Key priority of strong and connected communities, specifically:

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

### CONSULTATION

Consulted	Consultation Date	Comments/Actions
Principal Strategic Planner, Strategic Planning	9/06/2020	Informed about proposal and recommendation.
Service Manager, Business Partnering	12/6/2020	Analysis of financial implications.
Seniors Adviser, Community Engagement	17/06/2020	Reviewed and commented on Consultation evaluation.
Senior Leasing Officer, City Sports & Venues	19/06/2020	Consulted on proposed tenure arrangements.
Service Manager, City Sports & Venues	19/06/2020	Informed about proposal and recommendation.
Senior Advisor, Environment	19/06/2020	Provided environmental implications and conditions.
Team Leader Community Bushcare Extension Officer	19/06/2020	Noting environmental implications and conditions.
Principal Planner, Planning Assessment	22/06/2020	Provided planning regulations provisions.
Service Manager, Parks and Conservation	24/6/2020	Confirmed Council's park maintenance resourcing will not cover the proposed area.
Strategic Property Manager	24/6/2020	Informed about proposal and recommendation.
Service Manager, Legal Services	25/06/2020	Confirmed proposed tenure agreements, terms and key provisions.
Division 5 Councillor	29/06/2020	Updated on progress of implementation of Council Resolution dated 4/10/2017.
Service Manager Media, Communications and Community Engagement	15/07/2020	Informed about proposal for the purposes of preparing an accompanying communications plan.
Group Manager Environment and Regulation	15/07/2020	Informed about proposal and recommendation.

**OPTIONS****Option One**

That Council resolves as follows:

1. To enter into a trustee lease with the State of Queensland represented by the Department of Education, for the establishment of a Botanical Garden over part of Lot 4 on SL848592 situated at 17-31 Kings Road, Russell Island (generally as shown in Attachment 1 – Russell Island Botanical Garden Concept Design) for a term of three (3) years.
2. To enter into a licence to occupy with Bay Islands Conservation Inc. for the establishment of a Botanical Garden, over part of Lot 4 on SL848592 situated at 17-31 Kings Road, Russell Island (generally as shown in Attachment 1 – Concept Plan Botanical Garden) for a term of three (3) years.
3. 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.
4. That costs for the trustee lease preparation be paid by Council.
5. That costs associated with establishing and maintaining the Botanical Garden be paid by the licensee.
6. Note that the State Government's Queensland Schools Planning Reference Committee has assessed that no new schools are required on Russell Island.
7. That a communication plan is prepared to accompany the establishment of the new tenure arrangements.

**Option Two**

That Council resolves as follows:

1. To not enter into a trustee lease, for the establishment of a Botanical Garden over part of Lot 4 on SL848592 situated at 17-31 Kings Road, Russell Island.
2. To facilitate additional consultation in determining effective community use of the vacant land.

**Option Three**

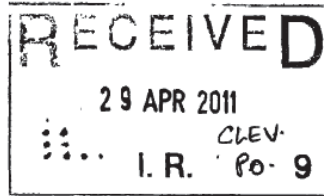
That Council resolves to not enter into a trustee lease, for the establishment of a Botanical Garden over part of Lot 4 on SL848592 situated at 17-31 Kings Road, Russell Island.

**OFFICER'S RECOMMENDATION**

That Council resolves as follows:

1. To enter into a trustee lease with the State of Queensland represented by the Department of Education, for the establishment of a Botanical Garden over part of Lot 4 on SL848592 situated at 17-31 Kings Road, Russell Island (generally as shown in Attachment 1 – Russell Island Botanical Garden Concept Design) for a term of three (3) years.
2. To enter into a licence to occupy with Bay Islands Conservation Inc. for the establishment of a Botanical Garden, over part of Lot 4 on SL848592 situated at 17-31 Kings Road, Russell Island (generally as shown in Attachment 1 – Concept Plan Botanical Garden) for a term of three (3) years.
3. 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.
4. That costs for the trustee lease preparation be paid by Council.
5. That costs associated with establishing and maintaining the Botanical Garden be paid by the licensee.
6. Note that the State Government's Queensland Schools Planning Reference Committee has assessed that no new schools are required on Russell Island.
7. That a communication plan is prepared to accompany the establishment of the new tenure arrangements.

20 April 2011



Department of  
**Environment and Resource  
 Management**

The Chief Executive Officer  
 Redland City Council  
 PO Box 31  
 CLEVELAND QLD 4163

Dear Sir

**PROPERTY: LOT 4 ON SL848592, PARISH RUSSELL**  
**LOCATION OF PROPERTY: 17 KINGS ROAD, RUSSELL ISLAND**

Please be advised that Department of Education and Training has declared the above-mentioned property surplus to its requirements under the guidelines of the Government Land Policies.

The subject lot is held as a Reserve for State School purposes and this department is investigating the most appropriate use and possible disposal of the site.

Our records show that the property is zoned 'Community purposes' under Redland Planning Scheme and it is this department's intention to offer the land for sale under the existing zoning on an 'as is' basis pending on the outcome of this department's investigation.

Please advise this office whether Council has any requirements and/or comments in this matter, including further use in relation to the disposal of the site.

If a reply is not received by close of business on Friday, 3 June 2011, it may be assumed that Council has no requirements and this office will proceed with the disposal of the site.

I have enclosed a map, survey plan and title search of the subject site.

Yours sincerely

A handwritten signature in black ink, appearing to be "K. [unclear]", written over a blacked-out redacted area.

Land Officer  
 Property Services  
 South East Region

Enc

Enquiries to: [redacted] Your Ref: [redacted] Our Ref: GLR 2522 Elvas: 2011/000836  
 Postal Address: GPO Box 2771, Brisbane QLD 400111  
 Location: Level 3, Landcentre, Corner Main and Vulture Streets, Woolloongabba QLD 4102  
 Telephone: [redacted] Facsimile: [redacted] Email: [redacted]





Minister for Education and  
Minister for Industrial Relations

23 JAN 2020

Councillor Karen Williams  
Mayor of Redland City Council  
Email: [mayor@redland.qld.gov.au](mailto:mayor@redland.qld.gov.au)

1 William Street Brisbane 4000  
PO Box 15033 City East  
Queensland 4002 Australia  
Telephone +61 7 3719 7110  
Email: [education@ministerial.qld.gov.au](mailto:education@ministerial.qld.gov.au)  
Email: [industrialrelations@ministerial.qld.gov.au](mailto:industrialrelations@ministerial.qld.gov.au)

Dear Mayor

Thank you for your letter dated 10 December 2019 regarding the future plans for a high school on Russell Island.

I can confirm that the vacant school reserve land described as Lot 4 on SL848592 on Russell Island is owned by the Department of Education and was recently subject to community consultation to seek feedback on the potential use of this land.

As you are aware, a local community group identified the possibility of a botanical garden on the site as a result of this community consultation. I am advised that the department is yet to determine the long-term potential of developing the site as a botanical garden while this land remains unused, and will continue to liaise with Redland City Council and the community regarding its future use.

The department conducts ongoing analysis for new schools planning, and is actively involved in cross-sectoral new school demand mapping activities through the Queensland Schools Planning Reference Committee (QSPRC).

On 2 May 2018, QSPRC held a demand mapping meeting with Redland City Council and relevant stakeholders. At this meeting, it was assessed that no new schools were required in the Redland Islands Statistical Area Level 2, which includes Russell Island. Outcomes from this meeting are published on the QSPRC webpage at [www.education.qld.gov.au/schools-educators/school-types/new-schools/qsprc](http://www.education.qld.gov.au/schools-educators/school-types/new-schools/qsprc).

The department considers a wide range of factors in planning for any new school including the prospective enrolments and capacity within the existing school network. The department generally plans for new secondary schools to have stable enrolment numbers within the range of 1500 to 1800 students to enable secondary schools to offer a wide and diverse curriculum selection. There is currently an insufficient number of students on Russell Island, and the surrounding islands, to support a state secondary school.

If you require additional information or would like to discuss this matter further, please contact me directly or alternatively your staff can contact Ms Sharon Durham, Chief of Staff of my office, on (07) 3719 7110.

I trust this information is of assistance.

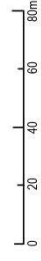
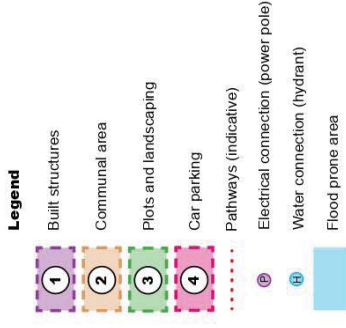
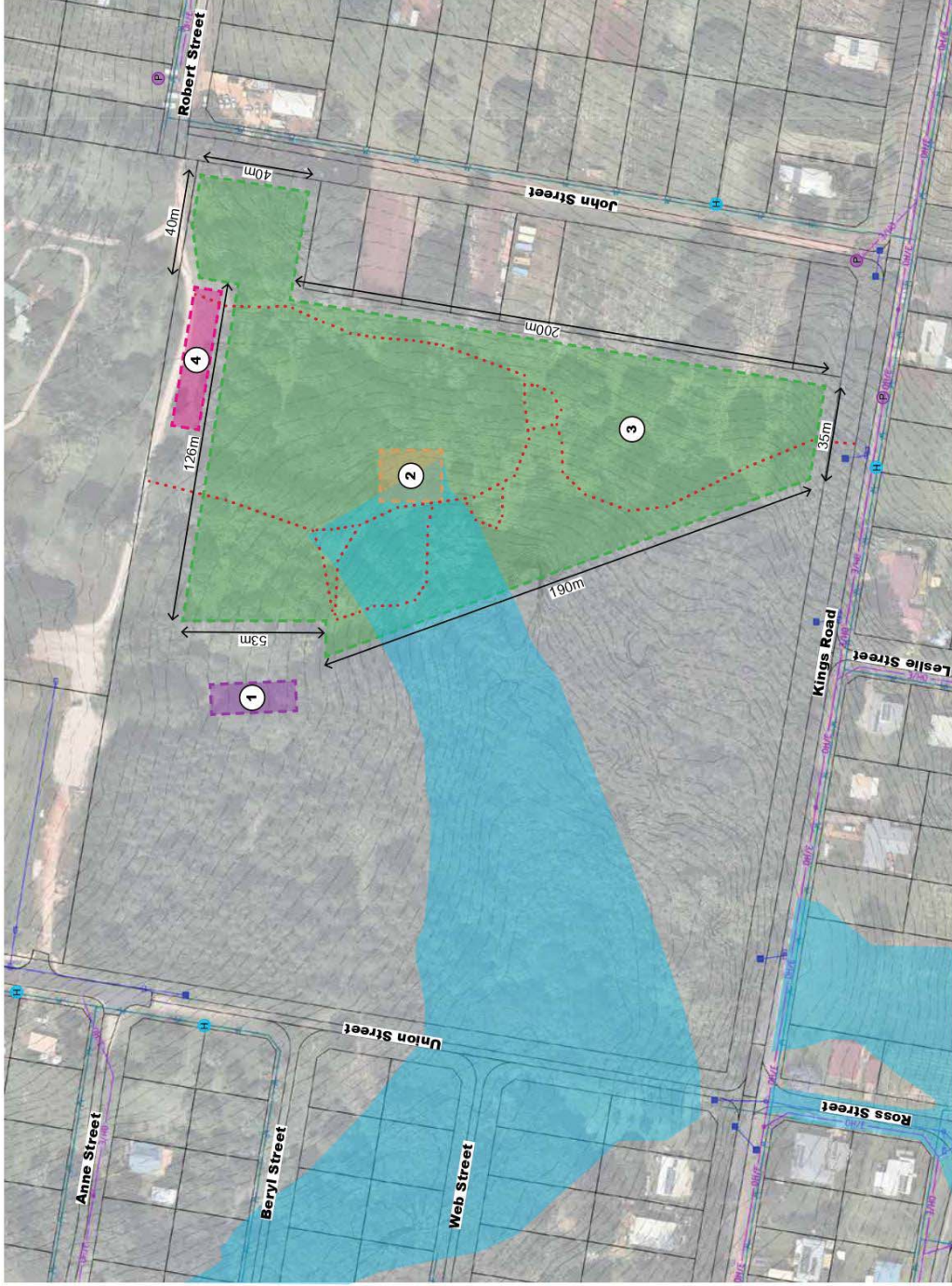
Yours sincerely

A handwritten signature in black ink, appearing to read "Grace", written over a horizontal line.

**GRACE GRACE MP**  
Minister for Education and  
Minister for Industrial Relations

Ref: 19/696307

# ATTACHMENT 3: RUSSELL ISLAND BOTANICAL GARDEN CONCEPT DESIGN



Date: 25/06/2019

Botanical Garden - Russell Island - Concept Design

## 15 REPORTS FROM INFRASTRUCTURE & OPERATIONS

### 15.1 GEOFF SKINNER WETLANDS, WELLINGTON POINT - REVISED CONCEPT PLAN

#### Objective Reference:

**Authorising Officer:** Dr Nicole Davis, General Manager Infrastructure & Operations

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

**Report Author:** Ross Barnett, Senior Adviser Open Space Strategy  
Toby Ehram, Coastal Infrastructure Adviser

**Attachments:** 1. Geoff Skinner Wetlands Concept Plan [↓](#)

#### PURPOSE

To endorse the revised concept plan for Geoff Skinner Wetlands, Wellington Point dated 7 July 2020, including the permanent road closure application for Bligh Street, Wellington Point.

#### BACKGROUND

In November 2018, Redland City Council (Council) resolved to endorse the future end use for Geoff Skinner Wetlands including 30-40 Bligh Street, Wellington Point. The report identified potential low key embellishments, such as way finding and interpretive signage, seating and bird viewing hide/s. These improvements were included in the endorsed Geoff Skinner Wetlands Concept Plan dated 2 October 2018. The report also recommended a permanent road closure trial of Bligh Street to assist management of the area by controlling private vehicle access.

Since Council endorsement of the plan, actions and work completed on site include:

- Temporary road closure commenced 7 December 2018 with establishment of slide rail and signage.
- Demolition of existing buildings, weed and rubbish removal and revegetation works occurred between October 2018 and April 2019.
- Establishment and ongoing management of the conservation area includes general weed management throughout the site, maintenance of revegetation areas and minor litter removal. The site will be visited at appropriate intervals in the coming year financial year to ensure ongoing management.
- Security patrols undertaken on the weekend.

#### ISSUES

##### Concept plan

External consultation with Queensland Waders Study Group (QWSG) in August 2019 concluded that a bird hide should not be installed as part of the proposed Geoff Skinner Wetlands improvements. Site investigations were not able to determine a suitable location for a bird hide in standard viewing proximity to wader birds. Bird watching enthusiasts with adequate viewing equipment will find multiple observation locations without the requirement of a bird hide structure. This refinement does not change the overall future end use, or intensity of low key activities and infrastructure. However as a result, the endorsed Concept Plan dated 2 October 2018 is no longer accurate, and subsequently the revised Concept Plan dated 7 July 2020 requires endorsement for future referral and use.

A notation has been included on the revised concept plan that allows for refinement of infrastructure throughout the design process but with the future end use not changed. This notation negates the requirement for Council's endorsement of any changes meeting the parameters of the concept or end use outcomes. The concept plan remains current for five years from the drawing issue date after which the concept plan will be retired and deemed obsolete. The plan may still be referenced to support consistent outcomes and intent after the date in which the plan has been made obsolete.

### **Road closure**

The Bligh Street road closure trial commenced 7 December 2018 with no defined end date. The closure of the road included the installation of a slide rail vehicle barrier and signage. In the period since closing the road, approximately 18 months, there has been a noticeable reduction in hooning and antisocial behaviour in the Geoff Skinner Wetlands. This has supported the conservation effort within the wetlands area and Council has realised benefits such as reduced illegal dumping, less damage from vandalism and significantly fewer unlawful vehicle use incidents. The trial closure has also provided an improved area for walkers, cyclists and nature enthusiasts and overall enhancement of the visitor experience in the Geoff Skinner Wetlands.

Fishers who had used Bligh Street as access to Hilliards Creek for small trailered tinnies have raised this trial closure as a concern. However the trialled road closure does not prevent fishers or light weight watercraft, such as canoes or kayaks, from being wheeled or walked along the track to access the creek system.

To support end use outcomes, a permanent road closure application will be sought with the Department of Natural Resources, Mines and Energy (DNRME). DNRME will proceed with community notification as part of the existing state government processes. In addition to this, Council will develop a communications strategy for the closure.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The permanent road closure process will adhere to the requirements of the *Land Act 1994*, including a public notice which is consistent with DNRME's Guideline – Roads Under the Land Act 1994.

### **Risk Management**

There are no risk management impacts as a result of the revised concept plan.

### **Financial**

The road closure costs have been estimated at approximately \$8,000 and include associated survey work, application fees and plan lodgement/registration fees. These fees will be absorbed within the existing Civil and Traffic budget allocation.

The proposed future supporting infrastructure such as a trail, signage and seating as shown on Geoff Skinner Wetlands concept plan dated 7 July 2020 is estimated at approximately \$75,000. These proposed works will be subject to a future business case submission.

### **People**

Existing Council employee resources will be required to assist the road closure process, low key embellishment and ongoing land management of Geoff Skinner Wetlands.

## Environmental

The Bligh Street road closure supports the natural conservation effort at the Geoff Skinner Wetlands including enhancing the visitor experience for walkers, cyclists and nature enthusiasts. Also provides additional protection from private vehicle access and associated disturbances such as littering, illegal dumping, vandalism and antisocial behaviour.

## Social

It has been noted that historically members of the community have used the end of Bligh Street to launch small trailer vessels. Council has confirmed with the Department of Transport and Main Roads (DTMR) as the governing body for recreational boat ramps, that this site is not a designated boat ramp and would be unsuitable and environmentally unacceptable to allow continued informal use or develop as a formal recreational boat ramp. The site is currently listed as a canoe and kayak launch point and access is available to launch canoes and kayaks at this site. In addition, Council will be undertaking future investigations into the feasibility of other access points into Hilliards Creek.

To support the education of the community in regard to the unacceptable nature of continued use of this site as a boat ramp, a communications strategy will be developed.

## Human Rights

There are no human rights implications as a result of the revised concept plan.

## Alignment with Council's Policy and Plans

The plan is in line with Council's Conservation Land Management Strategy and supports Corporate Plan 2018-2023 key outcome one, Healthy natural environment.

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Group Manager – City Infrastructure	9/07/2020	Consulted for review and comment
Service Manager – Civic and Open Space Asset Management	5/06/2020	Coordination, review and comment
Service Manager – Parks and Conservation	5/06/2020	Consulted for review and comment
Service Manager – Compliance Services	5/06/2020	Consulted for review and comment
Service Manager – Roads, Drainage and Marine Maintenance	5/06/2020	Consulted for review and comment
Senior Conservation Officer	25/07/2019	Consulted for review and comment
QWSG bird watching specialist	16/08/2019	Consulted for review and comment
Councillor Division 1	23/06/2020	Consulted

**OPTIONS****Option One**

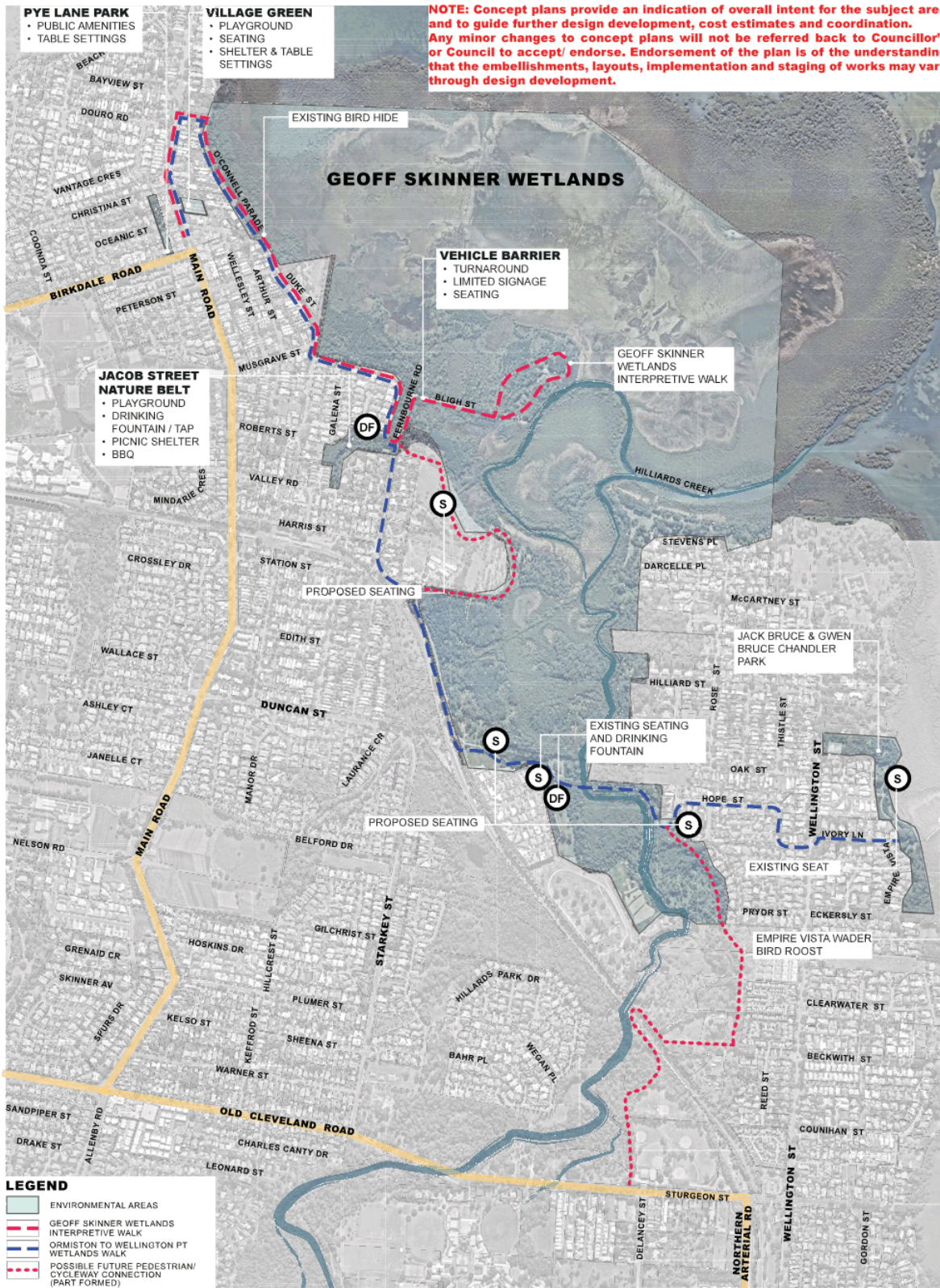
That Council resolves to endorse the revised Geoff Skinner Wetlands Concept Plan dated 7 July 2020, including the permanent road closure application for Bligh Street, Wellington Point.

**Option Two**

That Council resolves not to endorse the revised Geoff Skinner Wetlands Concept Plan dated 7 July 2020, including the permanent road closure application for Bligh Street, Wellington Point.

**OFFICER'S RECOMMENDATION**

**That Council resolves to endorse the revised Geoff Skinner Wetlands Concept Plan dated 7 July 2020, including permanent road closure application for Bligh Street, Wellington Point.**



**Geoff Skinner Wetlands Concept Plan**

Date: 07/07/2020



## 16 NOTICES OF INTENTION TO REPEAL OR AMEND A RESOLUTION

In accordance with s.262 Local Government Regulation 2012.

## 17 NOTICES OF MOTION

In accordance with s.6.16 GOV-017-SD Council Meeting Standing Orders notice of the following motions were given:

### 17.1 NOTICE OF MOTION CR WENDY BOGLARY RECREATIONAL VEHICLE PARKING

On 14 July 2020, Cr Wendy Boglary gave notice that she intends to move a motion as follows:

#### MOTION

**That Council resolves to proceed with approving locations for Recreational Vehicle (RV) Overnight Parking in the Redlands and that a report be brought to a General Meeting of Council within three months.**

#### Background

Redland City Councillors have wanted to progress towards being a RV Friendly Town as a way to encourage visitors to the City and increase tourism for several years. Due to the lack of facilities our City is missing out on great opportunities to assist our local economy. In these uncertain times and with the COVID restrictions more people are touring Queensland and yet our City doesn't accommodate such facilities.

Briefing notes from 2016 have several identified opportunities plus the research identifying the approximate spend of a RV traveller per week being \$675 per week (2016). This money is spent on all the usual cost of living including fuel, repairs, maintenance, food, recreation, pharmaceuticals, clothing, footwear, dining out, takeaway food etc.

There is an urgency for Redland City to capture this spend for our local economy by having facilities available especially with our local businesses struggling in the current uncertain economic times.

### 17.2 NOTICE OF MOTION CR WENDY BOGLARY MAJOR AMENDMENT TO THE CITY PLAN

On 23 July 2020, Cr Wendy Boglary gave notice that she intends to move a motion as follows:

#### MOTION

**That Council resolves to:**

- 1. Commence a major amendment to the City Plan, in particular the Environmental Corridor pursuant to Part 4 Section 16.1 of the Minister's Guidelines and Rules under the *Planning Act 2016*.**
- 2. Utilise and submit the existing report contents of the proposed major amendment to the Planning Minister for the purpose of completing the State Interest Review, in accordance with the process outlined in the Minister's Guidelines and Rules.**
- 3. Request the Chief Executive Officer develop and undertake a community consultation process on the Amendment as per Planning Guidelines and Rules.**



**18 URGENT BUSINESS WITHOUT NOTICE**

In accordance with s.6.17 of POL-3127 Council Meeting Standing Orders, a Councillor may bring forward an item of urgent business if the meeting resolves that the matter is urgent.

<b>Urgent Business Checklist</b>	<b>YES</b>	<b>NO</b>
To achieve an outcome, does this matter have to be dealt with at a general meeting of Council?		
Does this matter require a decision that only Council make?		
Can the matter wait to be placed on the agenda for the next Council Meeting?		
Is it in the public interest to raise this matter at this meeting?		
Can the matter be dealt with administratively?		
If the matter relates to a request for information, has the request been made to the CEO or a General Manager Previously?		

## 19 CONFIDENTIAL ITEMS

### COUNCIL MOTION

**That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:**

#### **19.1 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.

#### **19.2 Project Delivery Group - Delegated Authority Report to Chief Executive Officer for Award of Contracts over \$2m for Financial Year 2021/2021**

This matter is considered to be confidential under Section 275(1)(e) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

#### **19.3 2019-2020 Round 2 Sponsorship Report - Applications over \$15,000**

This matter is considered to be confidential under Section 275(1)(e) and (h) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it and other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### **19.4 Sutgold Pty Ltd –v- Redland City Council & Anor Appeal No. 1612 of 2020**

This matter is considered to be confidential under Section 275(1)(e) and (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.

## 20 MEETING CLOSURE