

**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 27 May 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 - 13 May 2020

## **6 MATTERS OUTSTANDING**

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

At the General Meeting 23 October 2019 (Item 7.1 refers), Council resolved as follows:

*That Council resolves that the Chief Executive Officer prepare a report to Council reviewing the options for the future operations of the Redland Investment Corporation (RIC) for the consideration of a Council after the next quadrennial election in 2020 and prior to the Special Budget meeting of 2020.*

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

### **6.2 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.

**6.3 MAYORAL MINUTE – STATE KOALA MAPPING**

At the General Meeting 12 February 2020 (Item 7.1 refers), Council resolved as follows:

*That Council resolves to urgently review the new State Koala mapping and legislation adopted last week and bring a report back to Council by 27 May 2020 that:*

- 1. Identifies the areas of the city that were previously regulated koala habitat but have been removed under the new State Government mapping,*
- 2. Provides possible planning mechanisms to protect environmental values of areas that are considered critical for wildlife habitat and movement no longer protected by the state mapping,*
- 3. Identifies potential costs for Council to undertake the additional assessments required under the legislation.*

A report will be presented in this agenda.

**6.4 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.

**6.5 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.

## 6.6 MASTER PLAN – REDLANDS COAST REGIONAL SPORT AND RECREATION PRECINCT

At the General Meeting 13 May 2020 (Item 15.1 refers), Council resolved as follows:

*That Council resolves as follows:*

- 1. To note that a report will be presented to Council on the identification, investigation and negotiation for additional suitable sport and recreation land to augment the Precinct at Heinemann Road; and to note the contents of this report.*
- 2. To approve the Master Plan including the high level Implementation Plan for the Redlands Coast Regional Sport and Recreation Precinct at Heinemann Road, Mount Cotton.*
- 3. Provide the adopted Master Plan for the Redlands Coast Regional Sport and Recreation Precinct to the Minister for Sport for information.*

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

## 7 MAYORAL MINUTE

In accordance with s.6.9 of POL-3127 Council Meeting Standing Orders, the Mayor may put to the meeting a written motion called a 'Mayoral Minute', on any matter. Such motion may be put to the meeting without being seconded, may be put at that stage in the meeting considered appropriate by the Mayor and once passed becomes a resolution of Council.

## 8 PUBLIC PARTICIPATION

There will be no Public Participation as this meeting will be 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 APRIL 2020 MONTHLY FINANCIAL REPORT

**Objective Reference:****Authorising Officer:** Deborah Corbett-Hall, Chief Financial Officer**Responsible Officer:** Deborah Corbett-Hall, Chief Financial Officer**Report Author:** Udaya Panambala Arachchilage, Corporate Financial Reporting Manager**Attachments:** 1. April 2020 Monthly Financial Report**PURPOSE**

To note the year to date financial results as at 30 April 2020.

**BACKGROUND**

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

**ISSUES*****Estimated Statement of Financial Position 2019-2020***

Council officers are currently preparing the 2019-2020 Estimated Statement of Financial Position to be tabled at the Special Budget Meeting. The Statement will forecast the likely impact of the COVID-19 economic package on Council's estimated financial position as at 30 June 2020. Council officers are now forecasting an operating deficit in the 2019-2020 financial year based on the support package to the Redlands community.

***Development of Budget 2020-2021***

Council officers are currently compiling submissions for the 2020-2021 budget.

**STRATEGIC IMPLICATIONS**

Council has either achieved or favourably exceeded the following key financial stability and sustainability ratios as at the end of April 2020.

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

The asset sustainability ratio did not meet the target at the end of April 2020 and continues to be a stretch target for Council with renewal spends of \$16.49M and depreciation expense of \$48.35M year to date on infrastructure assets. This ratio is an indication of how Council currently maintains, replaces and renews its existing infrastructure assets as they reach the end of their useful life.

Capital spend on non-renewal projects increases the asset base and therefore increases depreciation expense, resulting in a lower asset sustainability ratio.

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

### **Legislative Requirements**

The April 2020 financial reports are presented in accordance with the legislative requirement of section 204(2) of the *Local Government Regulation 2012*, requiring the Chief Executive Officer to present the financial report to a monthly Council meeting.

### **Risk Management**

The April 2020 financial reports have been noted by the Executive Leadership Team and relevant officers who can provide further clarification and advice around actual to budget variances.

### **Financial**

There is no direct financial impact to Council as a result of this report; however it provides an indication of financial outcomes at the end of April 2020.

### **People**

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

### **Environmental**

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

### **Social**

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

### **Human Rights**

There are no human rights implications for this report as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

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

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

#### **8. Inclusive and ethical governance**

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

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

**CONSULTATION**

<b>Consulted</b>	<b>Date</b>	<b>Comment</b>
Council departmental officers	Year to date April 2020	Consulted on financial results and outcomes
Financial Services Group officers	Year to date April 2020	Consulted on financial results and outcomes
Executive Leadership Team and Senior Leadership Team	Year to date April 2020	Recipients of variance analysis between actual and budget. Consulted as required

**OPTIONS****Option One**

That Council resolves to note the financial position, results and ratios for April 2020 as presented in the attached Monthly Financial Report.

**Option Two**

That Council resolves to request additional information.

**OFFICER'S RECOMMENDATION**

**That Council resolves to note the financial position, results and ratios for April 2020 as presented in the attached Monthly Financial Report.**



# Monthly Financial Report

April 2020



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## 1. EXECUTIVE SUMMARY

This monthly report illustrates the financial performance and position of Redland City Council compared to its adopted budget at an organisational level for the period ended 30 April 2020. The year to date and annual revised budget referred to in this report incorporates the changes from the first budget review adopted by Council on 12 February 2020.

## Key Financial Highlights and Overview

Key Financial Results (\$000)	Annual Revised Budget	YTD Revised Budget	YTD Actual	YTD Variance	YTD Variance %	Status Favourable ✓ Unfavourable ✗
Operating Surplus / (Deficit)	-	20,373	19,451	(922)	-5%	✗
Recurrent Revenue	297,210	264,506	260,654	(3,852)	-1%	✗
Recurrent Expenditure	297,210	244,133	241,203	(2,930)	-1%	✓
Capital Works Expenditure	82,426	63,509	51,812	(11,697)	-18%	✓
Closing Cash & Cash Equivalents	169,514	163,314	156,422	(6,892)	-4%	✗

Council reported a year to date operating surplus of \$19.45M. The fourth quarter rate notices were issued in April 2020. Recurrent revenue is below budget mainly due to levies and utility charges, fees, and grants and subsidies below budget. Of note, Interest income is lower than budget due to historically lower interest rates on investments. This was partially offset by a favourable variance in materials and services which is primarily due to underspend in contractor costs.

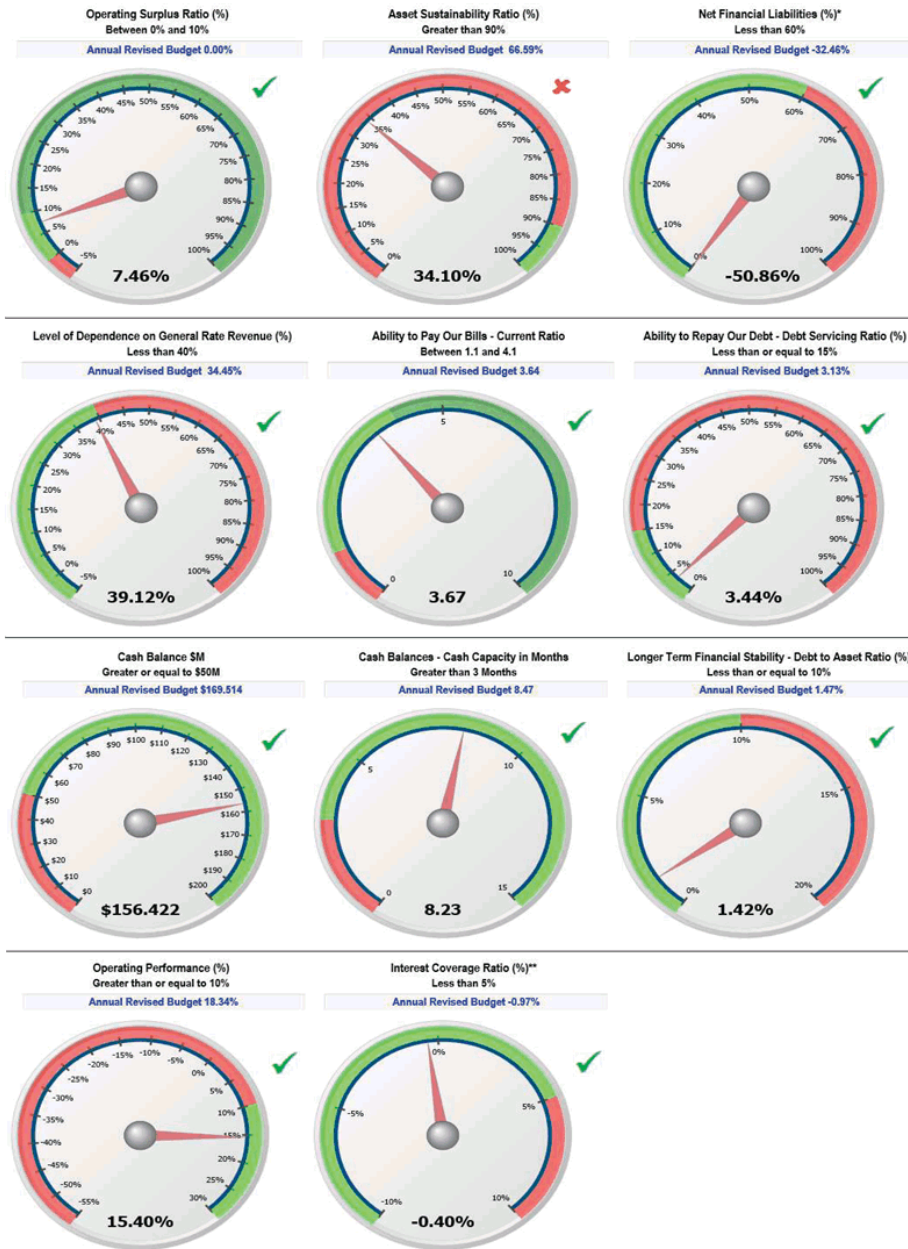
Capital grants, subsidies and contributions are below budget due to timing of developer cash contributions, hence a lower cash and cash equivalents balance. Additionally, non-cash contributions are below budget due to timing of developer non-cash contributions. Loss on disposal of non-current assets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

Council's capital works expenditure is below budget by \$11.70M due to timing of works for a number of infrastructure projects and assets acquisition.

Constrained cash reserves represent 68% of the cash balance.

2. KEY PERFORMANCE INDICATORS

Target met Target exceeded Target not met



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



## 3. STATEMENT OF COMPREHENSIVE INCOME

STATEMENT OF COMPREHENSIVE INCOME					
For the period ending 30 April 2020					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
<b>Recurrent revenue</b>					
Rates charges	104,953	105,253	104,959	104,833	(126)
Levies and utility charges	152,328	152,728	129,220	128,379	(841)
Less: Pensioner remissions and rebates	(3,333)	(3,328)	(3,263)	(3,280)	(17)
Fees	14,632	14,622	12,008	11,055	(953)
Rental income	925	925	784	770	(14)
Interest received	5,231	5,231	4,255	2,979	(1,276)
Dividend received	-	-	-	-	-
Sales revenue	3,856	3,877	2,968	2,317	(651)
Other income	525	656	568	1,440	872
Grants, subsidies and contributions	18,456	17,246	13,007	12,161	(846)
<b>Total recurrent revenue</b>	<b>297,572</b>	<b>297,210</b>	<b>264,506</b>	<b>260,654</b>	<b>(3,852)</b>
<b>Recurrent expenses</b>					
Employee benefits	90,372	90,486	75,610	75,975	365
Materials and services	140,138	139,805	112,806	109,539	(3,267)
Finance costs	2,809	2,809	2,330	2,230	(100)
Depreciation and amortisation	65,279	65,279	54,399	54,683	284
Other expenditure	514	514	403	158	(245)
Net internal costs	(1,735)	(1,684)	(1,415)	(1,382)	33
<b>Total recurrent expenses</b>	<b>297,377</b>	<b>297,210</b>	<b>244,133</b>	<b>241,203</b>	<b>(2,930)</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>195</b>	<b>-</b>	<b>20,373</b>	<b>19,451</b>	<b>(922)</b>
<b>Capital revenue</b>					
Grants, subsidies and contributions	24,492	26,869	22,276	15,309	(6,967)
Non-cash contributions	3,480	3,480	2,901	1,019	(1,882)
<b>Total capital revenue</b>	<b>27,973</b>	<b>30,350</b>	<b>25,177</b>	<b>16,328</b>	<b>(8,849)</b>
<b>Capital expenses</b>					
(Gain) / loss on disposal of non-current assets	112	(519)	95	1,887	1,792
<b>Total capital expenses</b>	<b>112</b>	<b>(519)</b>	<b>95</b>	<b>1,887</b>	<b>1,792</b>
<b>TOTAL INCOME</b>	<b>325,545</b>	<b>327,559</b>	<b>289,683</b>	<b>276,982</b>	<b>(12,701)</b>
<b>TOTAL EXPENSES</b>	<b>297,489</b>	<b>296,691</b>	<b>244,228</b>	<b>243,090</b>	<b>(1,138)</b>
<b>NET RESULT</b>	<b>28,056</b>	<b>30,869</b>	<b>45,455</b>	<b>33,892</b>	<b>(11,563)</b>
<b>Other comprehensive income / (loss)</b>					
<b>Items that will not be reclassified to a net result</b>					
Revaluation of property, plant and equipment	-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>28,056</b>	<b>30,869</b>	<b>45,455</b>	<b>33,892</b>	<b>(11,563)</b>

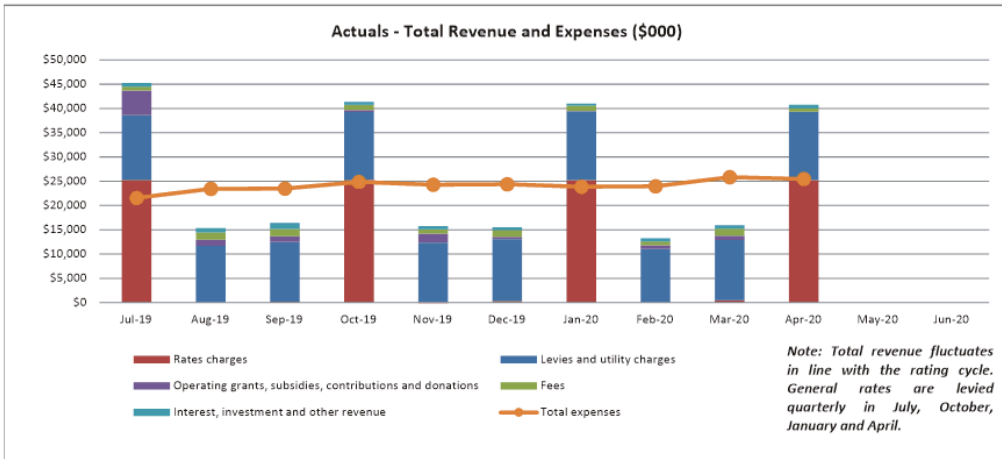
3. STATEMENT OF COMPREHENSIVE INCOME - CONTINUED

LEVIES AND UTILITY CHARGES ANALYSIS					
For the period ending 30 April 2020					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
<b>Levies and utility charges</b>					
Refuse collection rate charge	26,968	26,968	22,432	21,910	(522)
SES separate charge	487	487	487	486	(1)
Environment separate charge	8,721	8,721	8,715	8,701	(14)
Separate charge landfill remediation	2,896	2,896	2,411	2,407	(4)
Wastewater charges	46,347	46,347	38,617	37,979	(638)
Water access charges	19,105	19,105	15,893	15,869	(24)
Water consumption charges	47,804	48,204	40,665	41,027	362
<b>Total levies and utility charges</b>	<b>152,328</b>	<b>152,728</b>	<b>129,220</b>	<b>128,379</b>	<b>(841)</b>

MATERIALS AND SERVICES ANALYSIS					
For the period ending 30 April 2020					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
<b>Materials and services</b>					
Contractors	41,225	41,253	31,688	29,730	(1,958)
Consultants	3,291	3,415	2,472	1,247	(1,225)
Other Council outsourcing costs*	17,527	17,639	14,081	14,650	569
Purchase of materials	50,161	50,173	42,044	41,521	(523)
Office administration costs	11,357	11,114	9,074	9,701	627
Electricity charges	6,138	5,688	4,765	4,624	(141)
Plant operations	3,873	3,970	3,240	3,356	116
Information technology resources	3,080	3,039	2,506	2,205	(301)
General insurance	1,195	1,195	998	994	(4)
Community assistance**	1,649	1,699	1,389	987	(402)
Other material and service expenses	642	620	549	524	(25)
<b>Total materials and services</b>	<b>140,138</b>	<b>139,805</b>	<b>112,806</b>	<b>109,539</b>	<b>(3,267)</b>

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

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



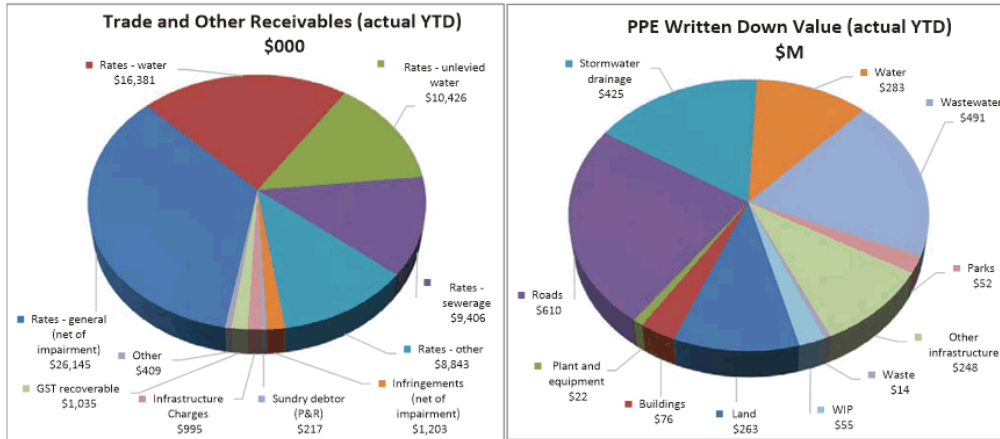


## 4. STATEMENT OF FINANCIAL POSITION

STATEMENT OF FINANCIAL POSITION As at 30 April 2020				
	Annual	Annual	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000
<b>CURRENT ASSETS</b>				
Cash and cash equivalents	170,027	169,514	163,314	156,422
Trade and other receivables	30,532	34,819	70,348	75,060
Inventories	936	923	935	960
Non-current assets held for sale	-	-	-	11,113
Other current assets	1,765	2,340	2,340	1,955
<b>Total current assets</b>	<b>203,260</b>	<b>207,596</b>	<b>236,937</b>	<b>245,510</b>
<b>NON-CURRENT ASSETS</b>				
Investment property	1,091	1,091	1,091	1,091
Property, plant and equipment	2,555,393	2,562,073	2,554,418	2,539,219
Intangible assets	968	712	871	1,086
Right-of-use assets*	8,278	8,278	8,480	8,578
Other financial assets	73	73	73	73
Investment in other entities	25,904	24,214	24,214	13,101
<b>Total non-current assets</b>	<b>2,591,706</b>	<b>2,596,440</b>	<b>2,589,147</b>	<b>2,563,148</b>
<b>TOTAL ASSETS</b>	<b>2,794,966</b>	<b>2,804,036</b>	<b>2,826,084</b>	<b>2,808,658</b>
<b>CURRENT LIABILITIES</b>				
Trade and other payables	23,817	30,981	30,424	28,653
Borrowings - current	7,728	7,845	7,845	7,845
Lease liability - current*	1,039	1,039	1,039	1,051
Provisions - current	7,816	10,351	11,263	13,907
Other current liabilities	2,940	6,803	23,875	15,426
<b>Total current liabilities</b>	<b>43,340</b>	<b>57,018</b>	<b>74,446</b>	<b>66,882</b>
<b>NON-CURRENT LIABILITIES</b>				
Borrowings - non-current	33,400	33,283	23,143	23,192
Lease liability - non-current*	7,412	7,412	7,585	7,751
Provisions - non-current	14,752	13,409	13,409	15,120
<b>Total non-current liabilities</b>	<b>55,563</b>	<b>54,105</b>	<b>44,137</b>	<b>46,063</b>
<b>TOTAL LIABILITIES</b>	<b>98,904</b>	<b>111,123</b>	<b>118,583</b>	<b>112,945</b>
<b>NET COMMUNITY ASSETS</b>	<b>2,696,062</b>	<b>2,692,914</b>	<b>2,707,501</b>	<b>2,695,713</b>
<b>COMMUNITY EQUITY</b>				
Asset revaluation surplus	1,003,168	1,008,120	1,008,120	1,008,120
Retained surplus	1,575,901	1,578,295	1,591,154	1,580,762
Constrained cash reserves	116,993	106,499	108,227	106,831
<b>TOTAL COMMUNITY EQUITY</b>	<b>2,696,062</b>	<b>2,692,914</b>	<b>2,707,501</b>	<b>2,695,713</b>

\* From 1 July 2019, Australian Accounting Standard 16 Leases applies.

4. STATEMENT OF FINANCIAL POSITION - CONTINUED



**RIGHT OF USE ASSETS**  
For the period ending 30 April 2020

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual Balance \$000
Right of Use Asset				
Buildings	3,491	3,491	3,594	3,680
Land	4,372	4,372	4,464	4,464
Plant and Equipment	415	415	422	434
<b>Closing balance</b>	<b>8,278</b>	<b>8,278</b>	<b>8,480</b>	<b>8,578</b>

**PROPERTY, PLANT AND EQUIPMENT (PPE) MOVEMENT\***  
For the period ending 30 April 2020

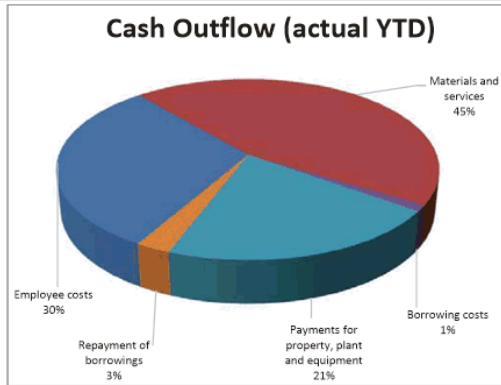
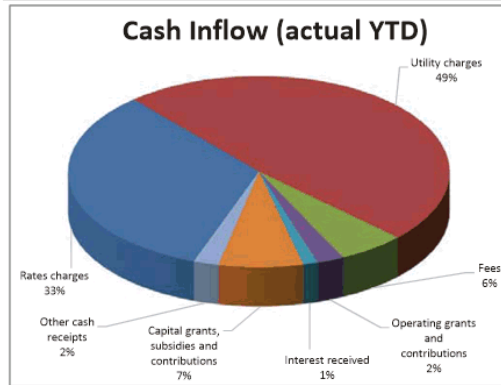
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual Balance \$000
PPE movement				
Opening balance (includes WIP from previous years)	2,558,126	2,541,881	2,541,881	2,541,881
Acquisitions and WIP in year movement	61,912	85,907	66,411	52,567
Depreciation in year	(63,114)	(63,115)	(52,596)	(52,820)
Disposals	(1,531)	(2,600)	(1,278)	(2,644)
Other adjustments**	-	-	-	235
<b>Closing balance</b>	<b>2,555,393</b>	<b>2,562,073</b>	<b>2,554,418</b>	<b>2,539,219</b>

\* This table includes movement relating to property, plant and equipment only and is exclusive of intangible assets.  
 \*\* Other adjustments include transfers between asset classes, revaluation adjustments, prior period adjustments and depreciation thereon.



5. STATEMENT OF CASH FLOWS

STATEMENT OF CASH FLOWS For the period ending 30 April 2020				
	Annual	Annual	YTD	YTD
	Original	Revised	Revised	Actual
	Budget	Budget	Budget	\$000
	\$000	\$000	\$000	
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Receipts from customers	272,371	273,008	226,205	215,309
Payments to suppliers and employees*	(237,536)	(237,369)	(195,397)	(187,397)
	34,835	35,640	30,808	27,912
Interest received	5,231	5,231	4,255	2,979
Dividend received	-	-	-	-
Rental income	925	925	784	770
Non-capital grants and contributions	16,097	14,888	11,827	5,577
Borrowing costs*	(2,480)	(2,480)	(2,476)	(2,416)
Right-of-use assets interest expense	(266)	(266)	(222)	(219)
<b>Net cash inflow / (outflow) from operating activities</b>	<b>54,342</b>	<b>53,937</b>	<b>44,976</b>	<b>34,603</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Payments for property, plant and equipment	(58,432)	(79,742)	(60,824)	(51,683)
Payments for intangible assets	-	-	-	(264)
Proceeds from sale of property, plant and equipment	1,419	3,119	1,183	758
Capital grants, subsidies and contributions	24,492	26,869	22,276	17,330
Other cash flows from investing activities	-	-	-	(90)
<b>Net cash inflow / (outflow) from investing activities</b>	<b>(32,521)</b>	<b>(49,753)</b>	<b>(37,365)</b>	<b>(33,949)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Proceeds of borrowings	9,800	9,800	-	-
Repayment of borrowings*	(5,527)	(5,527)	(5,527)	(5,531)
Right-of-use lease payment	(1,039)	(1,039)	(866)	(797)
<b>Net cash inflow / (outflow) from financing activities</b>	<b>3,234</b>	<b>3,234</b>	<b>(6,393)</b>	<b>(6,328)</b>
<b>Net increase / (decrease) in cash held</b>	<b>25,055</b>	<b>7,418</b>	<b>1,218</b>	<b>(5,674)</b>
<b>Cash and cash equivalents at the beginning of the year</b>	<b>144,972</b>	<b>162,096</b>	<b>162,096</b>	<b>162,096</b>
<b>Cash and cash equivalents at the end of the financial year / period</b>	<b>170,027</b>	<b>169,514</b>	<b>163,314</b>	<b>156,422</b>

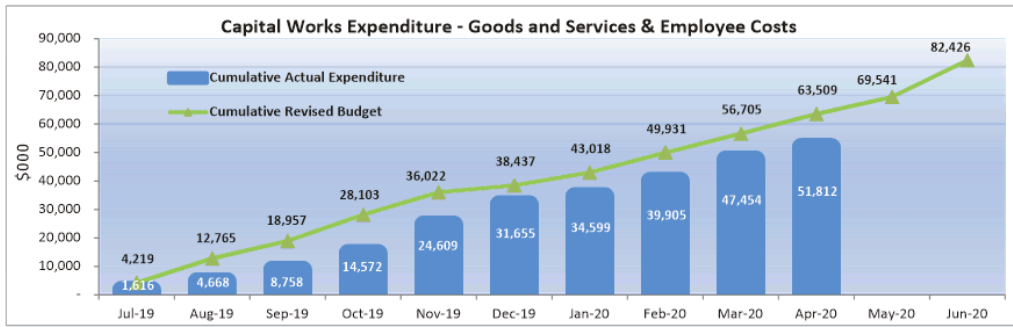


<b>Total Cash Funding (Actual YTD)</b>	<b>242,723</b>	<b>Total Cash Expenditure (Actual YTD)</b>	<b>248,397</b>
<b>Total Cash Funding (Annual Revised Budget)</b>	<b>333,840</b>	<b>Total Cash Expenditure (Annual Revised Budget)</b>	<b>326,422</b>
<b>% of Budget Achieved YTD</b>	<b>73%</b>	<b>% of Budget Achieved YTD</b>	<b>76%</b>

\* Reclassified amounts in original budget to align with Annual Financial Statements and permitted by Australian Accounting Standard AASB 107 Statement of Cash Flows.



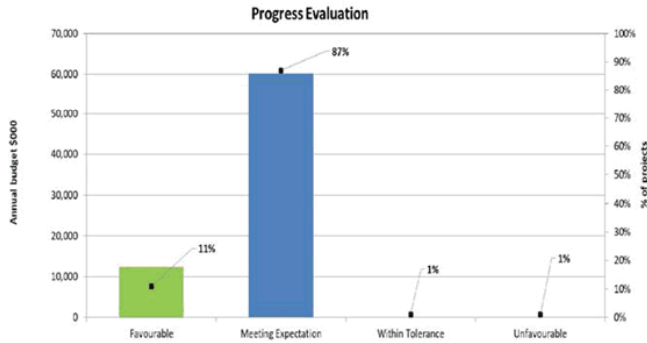
6. CAPITAL EXPENDITURE



	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Capitalised goods and services	76,540	59,344	46,311	(13,033)
Capitalised employee costs	5,886	4,165	5,501	1,336
<b>Total</b>	<b>82,426</b>	<b>63,509</b>	<b>51,812</b>	<b>(11,697)</b>

7. PROGRAM AND PROJECT UPDATE

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



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

Council is currently progressing more than 100 programs and projects.

Notable Projects

The status of two notable projects are as follows:

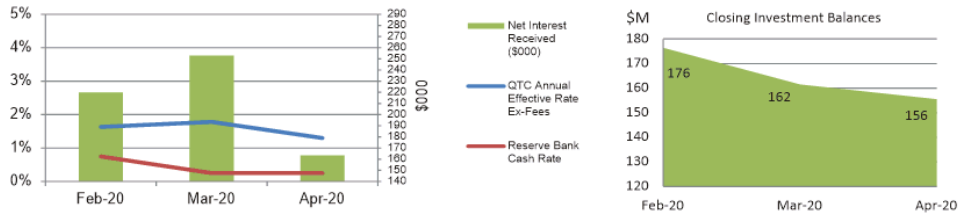
Project description	Progress
Redland Art Gallery (RAG) Collection Storage Climate Control System - This project is to move the RAG Collection into the new storage area at the South Street Depot, and install the art rack system and climate control system.	Meeting Expectations
Aquatic Paradise Maintenance Dredging - This project is for the maintenance dredging and bed-leveling in the Aquatic Paradise Canal Estate.	Meeting Expectations



**8. INVESTMENT & BORROWINGS REPORT**

For the period ending 30 April 2020

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



**Total Investment at End of Month was \$155.53M**

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

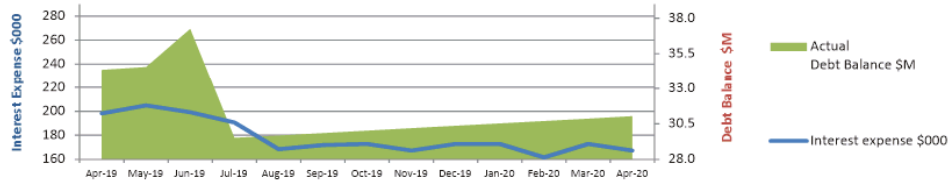
The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle.

Note: the Reserve Bank reduced the cash rate down to 0.25% during March 2020.

On a daily basis, cash surplus to requirements is deposited with QTC to earn higher interest as QTC is offering a higher rate than what is achieved from Council's transactional bank accounts. The current annual effective interest rate paid by QTC is 1.30%. Term deposit rates are being monitored to identify investment opportunities to ensure Council maximises its interest earnings.

Council adopted its revised Investment Policy (POL-3013) in June 2019 for the 2019/2020 financial year

**BORROWINGS AND BORROWING COSTS (QTC)**



The existing loan accounts were converted to fixed rate loans on 1 April 2016 following a QTC restructure of loans and policies. In line with Council's debt policy, debt repayment of \$7.95M, being \$5.53M principal and \$2.42M interest has been made annually for 2019/2020 which will result in the loans being repaid approximately one year earlier.

The debt balance shows a decrease as the Annual Debt Service Payment (ADSP) was made during July 2019. Interest will accrue monthly on a daily balance until next ADSP in July 2020 which is reflected in the increasing debt balance.

**Total Borrowings at End of Month were \$31.04M**

General pool allocated to capital works is 99.65% and 0.35% is attributable to RedWaste.

Council adopted its revised Debt Policy (POL-1838) in June 2019 for the 2019/2020 financial year



9. CONSTRAINED CASH RESERVES

Reserves as at 30 April 2020	Purpose of reserve	Opening Balance \$'000	To Reserve \$'000	From Reserve \$'000	Closing Balance \$'000
<b>Special Projects Reserve:</b>					
Weinam Creek Reserve	Maintenance and improvements associated with Weinam Creek projects	1,452	457	(543)	1,456
Waste Levy Reserve	To fund Waste Levy Program	-	4,646	(3,866)	780
Raby Bay Revetment Wall Reserve	To fund Raby Bay revetment wall works program	1,766	2,925	(2,378)	2,313
Aquatic Paradise Revetment Wall Reserve	To fund Aquatic Paradise revetment wall works program	-	26	(5)	21
Fleet Plant & Capital Equipment Reserve	To support the long term fleet replacement program	4,072	2,386	(2,031)	4,427
		<b>7,380</b>	<b>10,440</b>	<b>(8,823)</b>	<b>8,997</b>
<b>Constrained Works Reserve:</b>					
Public Parks Trunk Infrastructure Reserve	Capital projects for public parks trunk infrastructure	7,898	2,158	(2,024)	8,032
Land for Community Facilities Trunk Infrastructure Reserve	Land for community facilities trunk infrastructure	2,551	309	-	2,860
Water Supply Trunk Infrastructure Reserve	Upgrade, expansion or new projects for water supply trunk infrastructure	14,273	343	-	14,616
Sewerage Trunk Infrastructure Reserve	Upgrade, expansion or new projects for sewerage trunk infrastructure	11,414	2,049	(1,672)	11,791
Constrained Works Res-Cap Grants & Contribs	Unexpended capital grants and contributions received for specific projects	327	-	(327)	-
Local Roads Trunk Infrastructure Reserve	Capital projects for local roads trunk infrastructure	33,680	4,798	(4,325)	34,153
Cycleways Trunk Infrastructure Reserve	Capital projects for cycleways trunk infrastructure	12,456	1,598	(2,576)	11,478
Stormwater Trunk Infrastructure Reserve	Capital projects for stormwater trunk infrastructure	9,996	775	-	10,771
Constrained Works Res-Opr Grants & Contribs	Unexpended operating grants and contributions received for specific projects	224	-	-	224
Tree Planting Reserve	Acquisition and planting of trees on footpaths	85	46	(24)	107
Koala Tree off-set Planting Reserve	Acquisition and planting of trees for koala habitat	142	-	-	142
		<b>93,046</b>	<b>12,076</b>	<b>(10,948)</b>	<b>94,174</b>
<b>Separate Charge Reserve:</b>					
Environment Charge Acquisition Reserve	Acquisitions of land and facilities to support or enhance environmental outcomes	1,457	-	(1,457)	-
Environment Charge Maintenance Reserve	Ongoing conservation and maintenance operations	-	8,701	(6,001)	2,700
SES Separate Charge Reserve	On-going costs of maintaining the Redland SES	39	486	(421)	104
		<b>1,496</b>	<b>9,187</b>	<b>(7,879)</b>	<b>2,804</b>
<b>Special Charge Reserve - Canals:</b>					
Aquatic Paradise Canal Reserve	Maintenance and repairs of Aquatic Paradise canals	754	4	-	758
Sovereign Waters Lake Reserve	Maintenance and repairs of Sovereign Lake	428	2	-	430
1718 Raby Bay Canal Reserve	Service facility or activity of works in respect of the canals of the Raby Bay canal estate	219	-	-	219
1718 Aquatic Paradise Canal Reserve	Service facility or activity of works in respect of the canals of the Aquatic Paradise canal estate	(495)	-	-	(495)
1718 Sovereign Waters Lake Reserve	Service facility or activity of works in respect of the lake	(56)	-	-	(56)
		<b>850</b>	<b>6</b>	<b>-</b>	<b>856</b>
<b>TOTALS</b>		<b>102,772</b>	<b>31,709</b>	<b>(27,650)</b>	<b>106,831</b>
		Closing cash and cash equivalents			<b>156,422</b>
		Reserves as percentage of cash balance			<b>68%</b>



## 10. REDLAND WATER STATEMENTS

REDLAND WATER SUMMARY OPERATING STATEMENT					
For the period ending 30 April 2020					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	116,436	116,966	97,743	97,432	(311)
Total expenses	66,474	66,681	54,781	54,651	(130)
Earnings before interest, tax and depreciation (EBITD)	49,963	50,285	42,962	42,781	(181)
External interest expense	136	136	114	114	-
Internal interest expense	14,867	14,867	12,389	12,389	-
Depreciation	23,823	23,823	19,852	20,070	218
Operating surplus / (deficit)	11,136	11,458	10,607	10,208	(399)

REDLAND WATER CAPITAL FUNDING STATEMENT					
For the period ending 30 April 2020					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Capital contributions, donations, grants and subsidies	2,537	2,537	2,114	2,393	279
Net transfer (to) / from constrained capital reserves	(1,982)	495	(203)	(716)	(513)
Non-cash contributions	3,399	3,399	2,832	217	(2,615)
Funding from utility revenue	4,172	8,928	4,627	443	(4,184)
Total sources of capital funding	8,126	15,359	9,370	2,337	(7,033)
Contributed assets	3,399	3,399	2,832	217	(2,615)
Capitalised expenditure	4,179	11,412	6,081	1,760	(4,321)
Loan redemption	549	549	457	360	(97)
Total application of capital funds	8,126	15,359	9,370	2,337	(7,033)

## 11. REDWASTE STATEMENTS

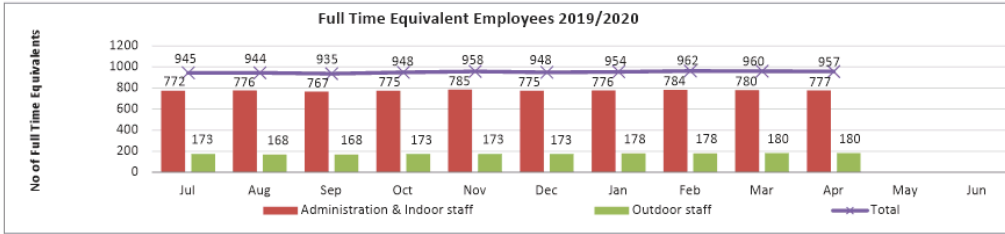
REDWASTE OPERATING STATEMENT					
For the period ending 30 April 2020					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	33,701	33,701	28,769	28,426	(343)
Total expenses	26,197	25,862	21,589	21,645	56
Earnings before interest, tax and depreciation (EBITD)	7,504	7,839	7,180	6,781	(399)
External interest expense	31	31	26	23	(3)
Depreciation	278	278	232	248	16
Operating surplus / (deficit)	7,195	7,530	6,922	6,510	(412)

REDWASTE CAPITAL FUNDING STATEMENT					
For the period ending 30 April 2020					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Non-cash contributions	-	-	-	-	-
Funding from utility revenue	746	3,046	2,038	594	(1,444)
Total sources of capital funding	746	3,046	2,038	594	(1,444)
Capitalised expenditure	608	2,908	1,908	500	(1,408)
Loan redemption	138	138	130	94	(36)
Total application of capital funds	746	3,046	2,038	594	(1,444)

12. APPENDIX: ADDITIONAL AND NON-FINANCIAL INFORMATION

Workforce Reporting



April 2020: Headcount	Employee Type			
	Casual	Full Time	Part Time	Total
Office of CEO and People and Culture	8	40	5	53
Organisational Services	7	207	21	235
Community and Customer Services	31	277	70	378
Infrastructure and Operations	14	349	17	380
<b>Total</b>	<b>60</b>	<b>873</b>	<b>113</b>	<b>1,046</b>

Note: Full Time Equivalent Employees includes all full time employees at a value of 1 and all other employees, at a value less than 1. The table above demonstrates the headcount by department. Following Ourspace, the table includes contract of service and temporary personnel. It includes casual staff in their non-substantive roles as at the end of the period where relevant.

Overdue Rates Debtors

Days Overdue	Apr-20	% Overdue	Apr-19	% Overdue	\$ Variance	% Variance	Comment
0 - 30	\$377	0.0%	\$4,603	0.0%	-\$4,226	0.0%	Revenue Collection team continues to monitor and work with ratepayers who are unable to promptly meet their financial obligation to Council.
31 - 60	\$16,449	0.0%	\$2,397	0.0%	\$14,052	0.0%	
61 - 90	\$3,030,510	1.1%	\$2,926,521	1.1%	\$103,989	0.0%	
91 - 180	\$1,618,015	0.6%	\$1,491,402	0.6%	\$126,613	0.0%	
>180	\$3,647,539	1.3%	\$3,349,719	1.2%	\$297,820	0.1%	
<b>Total</b>	<b>\$8,312,890</b>	<b>3.0%</b>	<b>\$7,774,642</b>	<b>2.9%</b>	<b>\$538,248</b>	<b>0.1%</b>	





## 13. GLOSSARY

Key Terms	
<b>Written Down Value:</b>	
<i>This is the value of an asset after accounting for depreciation or amortisation, and it is also called book value or net book value.</i>	
<b>Work In Progress:</b>	
<i>This represents an unfinished project that costs are still being added to. When a project is completed, the costs will be either capitalised (allocated to relevant asset class) or written off.</i>	
Definition of Ratios	
<b>Operating Surplus Ratio*:</b>	
<i>This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes</i>	
	$\frac{\text{Net Operating Surplus}}{\text{Total Operating Revenue}}$
<b>Asset Sustainability Ratio*:</b>	
<i>This ratio indicates whether Council is renewing or replacing existing non-financial assets at the same rate that its overall stock of assets is wearing out</i>	
	$\frac{\text{Capital Expenditure on Replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation Expenditure on Infrastructure Assets}}$
<b>Net Financial Liabilities*:</b>	
<i>This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues</i>	
	$\frac{\text{Total Liabilities} - \text{Current Assets}}{\text{Total Operating Revenue}}$
<b>Level of Dependence on General Rate Revenue:</b>	
<i>This ratio measures Council's reliance on operating revenue from general rates (excludes utility revenues)</i>	
	$\frac{\text{General Rates} - \text{Pensioner Remissions}}{\text{Total Operating Revenue} - \text{Gain on Sale of Developed Land}}$
<b>Current Ratio:</b>	
<i>This measures the extent to which Council has liquid assets available to meet short term financial obligations</i>	
	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$
<b>Debt Servicing Ratio:</b>	
<i>This indicates Council's ability to meet current debt instalments with recurrent revenue</i>	
	$\frac{\text{Interest Expense}^{***} + \text{Loan Redemption}^{\Delta}}{\text{Total Operating Revenue} - \text{Gain on Sale of Developed Land}}$
<b>Cash Balance - \$M:</b>	
<i>Cash balance includes cash on hand, cash at bank and other short term investments.</i>	
	Cash Held at Period End
<b>Cash Capacity in Months:</b>	
<i>This provides an indication as to the number of months cash held at period end would cover operating cash outflows</i>	
	$\frac{\text{Cash Held at Period End}}{[(\text{Cash Operating Costs} + \text{Interest Expense}) / \text{Period in Year}]}$
<b>Longer Term Financial Stability - Debt to Asset Ratio:</b>	
<i>This is total debt as a percentage of total assets, i.e. to what extent will our long term debt be covered by total assets</i>	
	$\frac{\text{Current and Non-current Debt}^{**}}{\text{Total Assets}}$
<b>Operating Performance:</b>	
<i>This ratio provides an indication of Council's cash flow capabilities</i>	
	$\frac{\text{Net Cash from Operations} + \text{Interest Revenue and Expense}}{\text{Cash Operating Revenue} + \text{Interest Revenue}}$
<b>Interest Coverage Ratio:</b>	
<i>This ratio demonstrates the extent to which operating revenues are being used to meet the financing charges</i>	
	$\frac{\text{Net Interest Expense on Debt Service}^{***}}{\text{Total Operating Revenue}}$
<p>* These targets are set to be achieved on average over the longer term and therefore are not necessarily expected to be met on a monthly basis.</p> <p>** Debt includes lease liabilities.</p> <p>*** Interest expense includes interest on leases.</p> <p>Δ Loan redemption includes lease redemption.</p>	

## 13.2 SUBORDINATE LOCAL LAW 1.8 (OPERATION OF ACCOMMODATION PARKS) 2015 AMENDMENTS

### 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. Subordinate Local Law 1.8 (Operation of Accommodation Parks) 2015
2. Community Consultation Activity Plan

### PURPOSE

To recommend the commencement of the Local Law Making Process to amend *Subordinate Local No. 1.8 (Operation of Accommodation Parks) 2015* and recommend proceeding to community consultation based on the community consultation activity plan (Attachment 2).

### BACKGROUND

The amendments proposed reflect updated legislative references and provide clarity around which activities under the Subordinate Local Law require Council approval.

The current definition of 'complementary accommodation' in *Subordinate Local Law 1.8 (Operation of Accommodation Parks) 2015* is different to the definition in *Local Law No. 1 (Administration) 2015*. This could potentially cause confusion about which activities require approval.

For example, using the current definition in Schedule 3 of the subordinate local law would require Council to approve accommodations such as glamping tents/ as an accommodation park.

The amendments include the insertion of activities that do not require approval under the local law.

### ISSUES

An amendment to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* has been drafted in accordance with Council's adopted Local Law Making Process and the *Local Government Act 2009*.

**Please note that in the consolidated version of Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015 (Attachment 1) the only changes made are 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

### Community Consultation

It is proposed that the community consultation on draft *Subordinate Local Law 1.8 (Operation of Accommodation Parks) 2015* is conducted for a period of 21 days, commencing on 10 June 2020 and concluding on 1 July 2020. In accordance with the adopted Local Law Making Process a community engagement plan has been provided (Attachment 2) outlining:

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

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

### Anti-competitive provisions

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

A review of any anti-competitive provisions has been undertaken and advice sought from Council's external lawyers. The review found that there are no anti-competitive provisions within the local law.

### State Interest Checks

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

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

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

The amended Subordinate Local Law attached to this report has been drafted in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

### **Risk Management**

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

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

## Financial

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

## People

The community consultation process will have an impact on resourcing within the Strategy and Governance Unit and Communication, Engagement and Tourism Unit. It is anticipated the work will be absorbed by current resourcing.

## Environmental

There are no environmental implications.

## Social

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

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

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

## Human Rights

No Human Rights implications have been identified.

## Alignment with Council's Policy and Plans

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

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

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Acting Governance Service Manager	November 2019 – April 2020	Review draft subordinate local law
Environmental Health Officer	November/December 2019 and April 2020	Submit proposal for amendment, review draft subordinate local law
Policy and Local Laws Coordinator	November/December 2019, January 2020	Undertake initial requirement analysis, liaise with external drafting solicitors, prepare community consultation plan, liaise with business on final amendments, prepare report for Council
External Solicitors	January/February/April 2020	Undertake drafting and preparation of amendments
Service Manager Health and Environment	January/February 2020	Review amendments for compliance with 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 Subordinate *Local Law No. 1.8 (Operation of Accommodation Parks) 2015* (Attachment 1).
2. To engage with the community for at least 21 days (the consultation period) about *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* in accordance with the community consultation plan (Attachment 2).
3. To accept and review all comments received in relation to the proposed changes to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

**Option Two**

That Council resolves to not proceed with the Local Law Making Process for *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

**OFFICER'S RECOMMENDATION**

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 Subordinate *Local Law No. 1.8 (Operation of Accommodation Parks) 2015* (Attachment 1).
2. To engage with the community for at least 21 days (the consultation period) about *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* in accordance with the community consultation plan (Attachment 2).
3. To accept and review all comments received in relation to the proposed changes to *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.



**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 xxxx

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A. Chesterman  
Chief Executive Officer



## Redland City Council

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

#### Contents

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## **Part 1 Preliminary**

### **1 Short title**

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

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

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

### **3 Authorising local law**

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

### **4 Definitions**

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of complementary accommodation in schedule 1 of the authorising local law, 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)    the operation of the accommodation park must not detrimentally affect the amenity of adjoining land; and
    - (iv)     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
    - (v)      provision must be made for people and vehicles to enter and exit the accommodation park safely; and
    - (vi)     a fire safety audit must be conducted by a fire safety provider once every three years; and
    - (vii)    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
- (viii) 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
- (ix) 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
- (x) 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
- (xi) The water supply for drinking purposes must be potable water; and
- (xii) 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
- (xiii) 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
- (xiv) 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
- (xv) 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
- (xvi) 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
- (xvii) 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
- (xviii) The operation of the accommodation park must not attract fly breeding or vermin infestation; and
- (xix) 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

- (xx) 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
- (xxi) 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.

**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*.

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

### Local Law Community Consultation

#### Draft Community Consultation Activity Plan

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

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

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

**Timing:** Community consultation will commence 10 June 2020 and close 1 July 2020.

**Activity Plan:**

ACTIVITY	CONTENT / COMPONENT PARTS	WHO	ITEMS	BUDGET	Comments
Yoursay project page	Content and functionality to include background, community consultation dates, and comment capture facility.	CET, Local Laws	na	na	Absorbed in current budget allocations
Press ad	Display ad in the Redland City Bulletin - appearing 10 June, 2020. Content to include background, community consultation as 'Consult' level only, community consultation dates, and detail on how to make comment (not submissions).	CET, Local Laws	1	\$509	T42 (186mm x 129mm). Booking deadline 3pm previous Wednesday.
Social media	Social media channels used to create awareness of notification.	CET, Councilors	na	na	Absorbed in current budget allocations
RCC Call Centre scripting	Covering proposed amendment, community consultation dates and detail on how community can make comment.	CET, Local Laws	na	na	Absorbed in current budget allocations
			<b>Total</b>	<b>\$509</b>	

### 13.3 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

**Objective Reference:****Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance**Report Author:** Lizzi Striplin, Corporate Meetings & Registers Supervisor**Attachments:**

1. Delegations to CEO - Acts and Regs (under separate cover)
2. Delegations to CEO - Local Laws (under separate cover)

**PURPOSE**

To request Council reviews the delegations to the Chief Executive Officer in accordance with section 257(5) of the *Local Government Act 2009*.

**BACKGROUND**

Council has a range of legislative powers conferred on it by the *Local Government Act 2009* (the Act) and other acts. For operational effectiveness a number of Council's powers are delegated to the Chief Executive Officer (CEO).

Section 257 of the Act allows a local government to delegate a power under the Act or another act, other than where an Act specifically states that the power must be exercised by Council resolution. Section 257(1)(b) of the Act specifically provides for a power to be delegated to the CEO. Section 257(5) of the Act provides that a delegation to the CEO must be reviewed annually by the local government.

The Local Government Association of Queensland (LGAQ) developed a complete register of all delegations under State and Commonwealth statutes which should be delegated to a local government CEO (the LGAQ Register). The LGAQ Register is updated regularly to reflect legislative amendments, most recently in March 2020.

**ISSUES**

In late 2013, Council conducted a full review of delegations to the CEO. The CEO was delegated all powers and functions as listed at that time in the LGAQ Register (Item 5.1.6 Coordination Committee Meeting 6 November 2013). This provided a new delegation framework which ensured that the CEO's delegations were completely up to date in accordance with relevant legislation at that time.

In subsequent years, Council conducted reviews of delegations to the CEO by adopting a report highlighting legislative changes that necessitated new or amended delegations to the CEO. By providing Council with an updated register consisting only of new and amended legislative provisions, Council is not given the opportunity to revise or reconsider the delegations already issued to the CEO.

As indicated above, section 257(5) of the Act requires that the local government annually review delegations to the CEO; this section was introduced by the *Local Government and Other Legislation Amendment Act 2012*. The Explanatory Notes to this amendment stated that the purpose of the section was to ensure that delegations to the CEO remain consistent with the local government's policy direction and intent.

It is considered that presenting Council with the complete updated LGAQ register of legislative delegations for review better meets the legislative intent of section 257(5) as Council is afforded the opportunity to consider all delegations to the CEO, and such consideration is not confined to legislative provisions that have been amended.

Attachment 1 contains a complete register of all legislative delegations to the CEO, and indicates where such delegations require amendment or new delegations are recommended. This register is based on the LGAQ Register but has been reviewed by Legal Services with a view of previous delegations to ensure currency and consistency with existing powers of the CEO.

Attachment 2 contains a complete register of the delegations to the CEO under Redland City Council Local Laws. There are no amendments to this register.

The delegations registers refer to the legislative power to make operational decisions and not each instance that an operational decision is exercised. This report does not change any existing resolution of Council outside the scope of the matters contained in the attachments.

The delegations canvassed in this report and in Attachment 1 do not include the delegation made by Council by resolution dated 23 October 2013 which authorises the CEO to expend funds up to \$2,000,000.00 on behalf of Council. While it could be argued that this delegation, which is now over six years old, warrants review given the upward movement in costs, particularly for infrastructure works, it is not recommended because there is no guidance provided by the LGAQ Register. If Council wishes to review this long standing financial delegation. A separate report would be appropriate benchmarking Redland City Council against other Local Governments. This paragraph has been included in this report to evidence compliance with section 257(5) of the *Local Government Act*.

### **Summary of Amendments to Legislative Delegations to the CEO**

The amendments to existing delegations and new delegations recommended to be adopted, as identified in Attachment 1, are relatively minor in nature. Those existing registers that have changes of substance are listed below.

It is recommended that new delegation registers in respect of the following acts be adopted and delegated to the CEO:

#### New Registers

- *Environmental Protection (Water and Wetland Biodiversity) Policy 2019 – refer Attachment 1 Page 58.*
- *Human Rights Act 2019 – refer Attachment 1 Pages 106-107.*
- *Plumbing and Drainage Act 2018 – refer Attachment 1 Pages 208-209 (Council to CEO delegations adopted General Meeting 19 June 2019).*
- *Plumbing and Drainage Regulation – refer Attachment 1 Pages 210-214 (Council to CEO delegations adopted General Meeting 19 June 2019).*
- *Rail Safety National Law (Queensland) – refer Attachment 1 Pages 232-233.*
- *State Penalties and Enforcement Regulation 2014 – refer Attachment 1 Page 261.*
- *Torres Strait Islander Cultural Heritage Act 2003 – Attachment 1 Pages 274-275.*
- *Transport Infrastructure (State Controlled Roads) Regulation 2017 – refer Attachment 1 Page 309.*
- *Water Fluoridation Regulation 2020 – refer Attachment 1 Pages 343-345.*

#### Repealed and Replaced

- *Environmental Protection Regulation 2008 – (repealed and replaced by the Environmental Protection Regulation 2019).*



- *Environmental Protection (Water) Policy 2009* – (repealed and replaced by Environmental Protection (Water and Wetland Biodiversity) Policy 2019).
- *Plumbing and Drainage Act 2002* (repealed and replaced by Plumbing and Drainage Act 2018) (Council to CEO delegations adopted General Meeting 19 June 2019).
- *Standard Plumbing and Drainage Regulation 2003* – (repealed and replaced by Plumbing and Drainage Regulation 2019) (Council to CEO delegations adopted General Meeting 19 June 2019).

#### Changes of Substance to Existing Registers

- Land Title Act 1994
- Land Act 1994
- Local Government Act 2009
- Local Government Regulation 2012
- Mining and Quarrying Safety and Health Regulation 2017
- Development Assessment Rules
- Planning Regulation 2017
- Acquisition of Land Act 1967
- Aged Care Act 1997 (Cth)
- Animal Care and Protection Act 2001
- Biosecurity Act 2014
- Building Regulation 2006
- Economic Development Act 2012
- Environmental Protection Act 1994
- Environmental Protection Regulation 2019
- Transport Infrastructure Act 1994
- Transport Operations (Marine Pollution) Act 1995
- Water Regulation 2016
- Workers' Compensation and Rehabilitation Act 2003

It is recommended that new and amended powers be delegated in respect of the following statutes (existing registers that have been amended):

#### ***Acquisition of Land Act 1967***

Description of Power Delegated	Legislation	Change
Power to agree in writing with the person entitled as owner to compensation in respect of the taking of the land, to the revesting of the land or part of it to which a gazette resumption notice relates.	Section 17(1A) <i>Acquisition of Land Act 1967</i>	Amended
Power to agree upon the amount of compensation to be paid under subsection (4) or to agree that the amount be determined by the Land Court.	Section 17(5) <i>Acquisition of Land Act 1967</i>	Inserted

#### ***Aged Care Act 1997 (Cth)***

Description of Power Delegated	Legislation	Change
<del>Power to apply to the Secretary in writing to be approved as a provider of aged care, to provide any documents that are required by the Secretary and to pay the application fee.</del>	<del>Section 8-2 <i>Aged Care Act 1997 (Cth)</i></del>	Omitted
<del>Power to give the Secretary further information in response to a notice issued by the Secretary</del>	<del>Section 8-4 <i>Aged Care Act 1997 (Cth)</i></del>	Omitted
Power, as an approved provider, to notify the Quality and Safety Commissioner of a change of circumstances that materially affects the approved provider's suitability to be a provider of aged care.	Section 9-1(1) <i>Aged Care Act 1997 (Cth)</i>	Amended
Power, as an approved provider, to comply with a request from the	Section 9-2(2) <i>Aged Care Act</i>	Amended

Description of Power Delegated	Legislation	Change
Quality and Safety Commissioner for information relevant to the approved provider's suitability to be a provider of aged care.	<i>1997 (Cth)</i>	
Power, as an approved provider, to give the Secretary information relating to payments.	<i>Section 9-3(2) Aged Care Act 1997 (Cth)</i>	Amended
Power, as an approved provider, to comply with a request in writing from the Secretary or Quality and Safety Commissioner for information specified in subsection (2).	<i>Section 9-3B(4) Aged Care Act 1997 (Cth)</i>	Amended
Power, as a provider of aged care, to make submissions in response to a notice received from the Secretary	<i>Section 10-3(3)(b) Aged Care Act 1997(Cth)</i>	Omitted
Power, as an approved provider, to take all reasonable steps specified in the Accountability Principles to ensure that none of its key personnel is a disqualified individual.	<i>Section 63-1A(2) Aged Care Act 1997 (Cth)</i>	Amended
Power, as an approved provider, to do all things reasonably practicable to ensure that there is no change to the circumstance without complying with the steps specified in the notice given under subsection 63E(1) of the Quality and Safety Commission Act.	<i>Section 65-1C Aged Care Act 1997 (Cth)</i>	Amended
Power, as an approved provider, to agree to the appointment of an adviser and appoint the adviser within the period specified in the agreement.	<i>Section 66A-2(3) Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an approved provider, to agree to the appointment of an administrator and appoint the administrator within the period specified in the agreement.	<i>Section 66A-3(3) Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an approved provider, to provide to a person appointed under section 6A-2 or 66A-3 all relevant information required by the person to assist the approved provider comply with its responsibilities.	<i>Section 66A-4 Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an approved provider, to make submissions to the Secretary in response to a notice of non-compliance.	<i>Section 67-2(2)(d) Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an approved provider, to make submissions to the Secretary in response to a notice of intentions to impose sanctions.	<i>Section 67-3(2)(d) Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an approved provider, to give the Secretary a written undertaking to remedy the non-compliance specified in the notice.	<i>Section 67-4(2)(a) Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an approved provider, to comply with an undertaking given under section 67-4(a).	<i>Section 67-4(2)(b) Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an approved provider, to apply in writing to the Secretary seeking the lifting of a sanction.	<i>Section 68-4 Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an approved provider, to comply with a notice requesting further information received from the Secretary.	<i>Section 68-5 Aged Care Act 1997 (Cth)</i>	Omitted
Power, as an occupier of premises, to provide an authorised officer who entered the premises under section 91-1(1) with reasonable assistance and to refuse to provide the assistance.	<i>Section 91-3 Aged Care Act 1997 (Cth)</i>	Omitted

### **Animal Care and Protection Act 2001**

Description of Power Delegated	Legislation	Change
Power, as the occupier of a place, to consent to entry of the place by an inspector.	<i>Sections 122(1)(a) Animal Care and Protection Act 2001</i>	Inserted

**Biosecurity Act 2014**

Description of Power Delegated	Legislation	Change
Power as a registered biosecurity entity, owner or occupier to give the chief executive a biosecurity risk notice.	Section 160(2) <i>Biosecurity Act 2014</i>	Amended
Power as an occupier of a place to sign an acknowledgement of consent to enter the place.	Section 268(1) <i>Biosecurity Act 2014</i>	Inserted
Power as an occupier of a place to consent to entry by an authorised officer.	Section 269(2) <i>Biosecurity Act 2014</i>	Inserted

**Building Regulation 2006**

Description of Power Delegated	Legislation	Change
Power as an owner to:- (a) register, by using the online system, the owner's name and the address of the owner's private building; and (b) give a copy of a completed combustible cladding checklist (part 1) for the building to the QBCC by using the online system. <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16Q(1) <i>Building Regulation 2006</i>	Amended
Power as an owner to apply to the QBCC commissioner to extend the time for complying with subsection (1). <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16Q(2) <i>Building Regulation 2006</i>	Amended
Power as an owner to keep the completed combustible cladding checklist for the owner's private building in the way provided in subsections (a) and (b). <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16R <i>Building Regulation 2006</i>	Amended
Power, as an owner who knows or suspects that the building is an affected private building, to give the QBCC notice of that knowledge or suspicion. <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16S(2)(b) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which section 16S applies, to give to the QBCC:- (a) a completed combustible cladding checklist (part 2) for the owner's private building; and (b) a building industry professional statement. <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16T(1) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which section 16S applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16T(3) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which section 16S applies, to keep the completed combustible cladding checklist (part 2) and a building industry professional statement for the owner's private building in the way provided in subsections (a) and (b). <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16U <i>Building Regulation 2006</i>	Amended

Description of Power Delegated	Legislation	Change
Power, as an owner to which section 16V applies, to give to the QBCC, the name and registration number of the fire engineer engaged by the owner for complying with part 4A, division 2, subdivision 3. <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16W(1) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which section 16V applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16W(2) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which section 16V applies, to give to the QBCC a copy of each of the following documents for the owner's private building:- (a) a completed combustible cladding checklist (part 3); (b) a building fire safety risk assessment; and (c) a fire engineer statement. <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16X(1) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which section 16V applies, to apply to the QBCC commissioner to extend the time for complying with subsection (1). <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16X(4) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which section 16V applies, to keep the documents listed in subsection (1) for the owner's private building for the period provided in subsections (2) and/or (3). <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16Y <i>Building Regulation 2006</i>	Amended
Power, as an owner to which subsection 16Z applies, to display an affected private building notice in compliance with subsections (2) and (3).	Section 16ZA(1) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which subsection 16Z applies, to give the QBCC, in the approved way, a compliance notice.	Sections 16ZA(4) and (5) <i>Building Regulation 2006</i>	Inserted
Power, as an owner to which subsection 16Z applies of a building that comprises two or more lots, to, if there is a body corporate roll kept for the building, give a copy of the building fire safety risk assessment to each lot owner, and each leasehold interest holder, for a lot in the building. <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16ZB(2) <i>Building Regulation 2006</i>	Amended
Power, as an owner to which subsection 16Z applies of a building that comprises two or more lots, to, if there is not a body corporate roll kept for the building, leave a copy of the building fire safety risk assessment at, or post a copy of the building fire safety risk assessment to, the address of each lot in the building. <i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i>	Section 16ZB(3) <i>Building Regulation 2006</i>	Amended
Power, as an original owner, in the circumstance set out in subsection (1), to, before the ownership changes, give the new owner:-	Section 16ZD(2)(a) <i>Building Regulation 2006</i>	Amended

Description of Power Delegated	Legislation	Change
<p>(a) a notice, in the approved form, about the extent to which the original owner has complied with part 4A; and</p> <p>(b) a copy of each document given by or to the original owner under this part.</p> <p><i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i></p>		
<p>Power, as an original owner, in the circumstance set out in subsection (1), to, before the ownership changes, give the QBCC a copy of the notice that is given to the new owner under subsection (2)(a)(i).</p> <p><i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i></p>	Section 16ZD(2)(b) <i>Building Regulation 2006</i>	Amended
<p>Power, as an original owner, to give the document/s referred to in subsection (1)(a) to the new owner before ownership of the building changes.</p> <p><i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i></p>	Section 16ZF(3) <i>Building Regulation 2006</i>	Amended
<p>Power, as an owner, to comply with a notice given by the QBCC.</p> <p><i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i></p>	Section 16ZM(2) <i>Building Regulation 2006</i>	Amended
<p>Power, as an owner of the building, to apply to the QBCC commissioner to replace the original checklist.</p> <p><i>NB This provision only applies if Council owns the building jointly with one or more private entities and the private entities own more than 50% of the building.</i></p>	Section 16ZQ(2) <i>Building Regulation 2006</i>	Inserted
<p>Power, as an owner of the building, comply with the notice given by the QBCC commissioner under subsections 16ZQ(3) or (4)</p>	Section 16ZQ(5) <i>Building Regulation 2006</i>	Inserted

### Coastal Protection and Management Act 1995

Description of Power Delegated	Legislation	Change
<p>Power:-</p> <p>(a) as an owner of freehold land; or</p> <p>(b) an occupier of land, other than freehold land, adjacent to State tidal land; or</p> <p>(c) as a public utility provider; or</p> <p>(d) as a trustee under any law or agreement,</p> <p>to occupy and use State tidal land to carry out tidal works in accordance with a development permit or to maintain and use infrastructure constructed as part of tidal works.</p>	Section 123(5) <i>Coastal Protection and Management Act 1995</i>	Amended

### Economic Development Act 2012

Description of Power Delegated	Legislation	Change
<p>Power as an owner of land to consent in writing to the cancellation of a PDA development approval.</p>	Section 98(1) <i>Economic Development Act 2012</i>	Inserted
<p>Power as an owner of land to consent to the making of an amendment application.</p>	<del>Section 99(5) <i>Economic Development Act 2012</i></del>	Omitted

**Environmental Offsets Act 2014**

Description of Power Delegated	Legislation	Change
Power, as an administering agency, to impose an offset condition if the circumstances in sections 14 and 15 apply.	Sections 14 and 15 <i>Environmental Offsets Act 2014</i>	Inserted
Power to decide an application to remove duplicate conditions, make other amendments to the authority, and give notice of the decision.	Section 25A <i>Environmental Offsets Act 2014</i>	Amended
Power, as a relevant agency, to enter an environmental offset agreement.	Section 26 <i>Environmental Offsets Act 2014</i>	Inserted
Power, as a relevant agency, to enter another environmental offset agreement that varies, or terminates and replaces, an earlier environmental offset agreement.	Section 28 <i>Environmental Offsets Act 2014</i>	Inserted
Power, in the circumstance specified in subsection 35(1)(a), to give a compliance notice in relation to the terms of the environmental offset agreement.	Section 35 <i>Environmental Offsets Act 2014</i>	Inserted
Power, where Council has given a compliance notice and the person contravenes it by not doing something, to do the thing and recover any reasonable costs or expenses incurred in doing it as a debt.	Section 39 <i>Environmental Offsets Act 2014</i>	Inserted

**Environmental Protection Act 1994**

Description of Power Delegated	Legislation	Change
Power, as an administering authority, to include a copy of an environmental authority in the relevant register.	Section 197 <i>Environmental Protection Act 1994</i>	Inserted
Power, as the owner or occupier of the land, to claim compensation for any compensatable effect in a proceeding brought in a court of competent jurisdiction.	Section 579(4) <i>Environmental Protection Act 1994</i>	Inserted

**Environmental Protection Regulation 2019**

Description of Power Delegated	Legislation	Change
Power, as an administering authority in the circumstances set out in subsection 41AA(1), to refuse to grant the application if the relevant activity will, or may have, a residual impact.	Section 41AA(3) <i>Environmental Protection Regulation 2019</i>	Inserted

**Land Act 1994**

Description of Power Delegated	Legislation	Change
Power, as a person seeking to have a plan of subdivision registered in relation to the land contained in a deed of grant, deed of grant in trust or lease, to apply to the chief executive for the allocation of a floating reservation to some or all of the lots created by the plan.	Section 23A(1) <i>Land Act 1994</i>	Amended
Power, as an applicant under section 23A(1), to appeal against the chief executive's decision.	Section 23A(6) <i>Land Act 1994</i>	Amended
Power, as owner of improvements on a reserve the dedication to which has been revoked, to remove improvements with the written approval of the chief executive.	Section 34H(2) <i>Land Act 1994</i>	Amended
Power, as owner of improvements on a deed of grant in trust that has been cancelled, to apply, in writing to the chief executive, to remove the improvements on the deed of grant in trust.	Section 38G(1) <i>Land Act 1994</i>	Amended
Power, as owner of improvements on a deed of grant in trust that has been cancelled, to remove the improvements with the chief executive's approval.	Section 38G(2) <i>Land Act 1994</i>	Amended
Power, as trustee, to:-	Section 48 <i>Land Act 1994</i>	Inserted

Description of Power Delegated	Legislation	Change
<p>(a) comply with a request of the chief executive to apply for the approval of a management plan for the trust land; and</p> <p>(b) comply with a request of the chief executive to make all records available for inspection by the chief executive and allow copies and notes of the records to be made;</p> <p>(c) register any management plan in the appropriate register</p>		
<p>Power, as trustee, to:-</p> <p>(a) allow the auditor-general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the chief executive of a department, to audit the trust's financial accounts; and</p> <p>(b) help the conduct of the audit, including the disclosure of financial institution accounts necessary for the audit.</p>	Section 49 <i>Land Act 1994</i>	Inserted
Power, as owner of improvements on a deed of grant in trust that has been surrendered, to apply, in writing to the chief executive, to remove the improvements on the deed of grant in trust.	Section 55H(1) <i>Land Act 1994</i>	Amended
Power, as owner of improvements on a deed of grant in trust that has been surrendered, to remove the improvements on the deed of grant in trust with the written approval of the chief executive.	Section 55H(2) <i>Land Act 1994</i>	Amended
Power, as trustee lessee, to transfer, mortgage or sublease a trustee lease subject to the written approval of:-	Section 58(1) <i>Land Act 1994</i>	Amended
<p>(a) the Minister for a sublease; or</p> <p>(b) otherwise, the chief executive.</p>		
Power to appeal against the Minister's or chief executive's decision to refuse to allow a transfer, mortgage or sublease of a trustee lease.	Section 58(7) <i>Land Act 1994</i>	Amended
Power, as lessee, licensee or permittee, to give the Minister or chief executive the information asked for about the lease, licence or permit.	Section 201 <i>Land Act 1994</i> .	Amended
Power, after receiving a notice under section 235(1) or 238(3), as a lessee of a lease, to apply in writing to the chief executive for permission to sell the lease.	Section 240E(1) <i>Land Act 1994</i> .	Amended
Power, as a local government, to apply to the chief executive to sell a lease.	Section 240G <i>Land Act 1994</i> .	Amended
Power, as lessee of a forfeited lease, to apply, in writing to the chief executive, to remove the lessee's improvements on the lease.	Section 243(1A) <i>Land Act 1994</i> .	Amended
Power, as lessee of a forfeited lease, to remove the improvements with the written approval of the chief executive.	Section 243(1) <i>Land Act 1994</i> .	Amended
Power, as a lessee, licensee or the holder of a sublease, to apply to transfer a lease, sublease or licence under the Act with the approval of the chief executive.	Section 322(3) <i>Land Act 1994</i>	Amended
Power, as a lessee, licensee or the holder of a sublease, to apply to the chief executive to extend the time mentioned in subsection 322(4).	Section 322(5) <i>Land Act 1994</i>	Amended
Power, as a lessee, licensee or the holder of a sublease, to appeal a decision of the chief executive not to grant the transfer of a lease, sublease or licence.	Section 322(8) <i>Land Act 1994</i>	Amended
Power to surrender freehold land on terms agreed between the chief executive and the registered owner and with the chief executive's written approval.	Section 327 <i>Land Act 1994</i>	Amended
Power to surrender a lease or part of a lease on terms agreed	Section 327A <i>Land Act 1994</i>	Amended

Description of Power Delegated	Legislation	Change
between the chief executive and the lessee and with the chief executive's written approval.		
Power, as a registered owner, to apply in writing to the chief executive to surrender freehold land.	Section 327B <i>Land Act 1994</i> .	Amended
Power, as a lessee, to apply in writing to the chief executive to surrender all or part of a lease.	Section 327C(1) <i>Land Act 1994</i> .	Amended
Power, as a lessee, to give notice of an intention to apply to any other person with a registered interest in the lease.	Sections 327C(2) and 327C(3) <i>Land Act 1994</i> .	Amended
Power, as owner of improvements on a lease that has been surrendered, to apply in writing to the chief executive to remove the owner's improvements on the lease.	Section 327I(1) <i>Land Act 1994</i>	Amended
Power, as owner of improvements on a lease that has been surrendered, to remove the owner's improvements with the chief executive's written approval.	Section 327I(2) <i>Land Act 1994</i>	Amended
Power to appeal against the Minister's refusal to approve the sublease of a lease issued under the Act.	Section 332(7) <i>Land Act 1994</i>	Amended
Power, as party to a sublease, to give another party to the sublease a dispute notice and ask the responder to give information reasonably required for resolving the dispute.	Section 339F <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease who has received a dispute notice, to respond to the dispute notice and ask for further information reasonably required for resolving the dispute.	Section 339G <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and where the circumstances of section 339H(1) apply, to attempt to resolve the dispute by mediation.	Section 339H(2) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute, to jointly appoint a mediator to mediate the dispute.	Section 339I(1) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339I(2) apply, to request the prescribed dispute resolution entity to appoint a mediator to mediate the dispute.	Section 339I(2) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute, to agree to a time for the mediation.	Section 339J(1) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339J(2) apply, to request the prescribed dispute resolution entity to set a time for the mediation of the dispute.	Section 339J(2) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute that is the subject of mediation, to participate in the mediation, agree to adjourn the mediation, and agree to a later time for the mediation.	Section 339K <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute that is the subject of mediation, to pay Council's share of the mediator's costs of the mediation or otherwise agree with the other parties to the dispute how the costs of the mediator will be paid.	Section 339L <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute, to jointly appoint an arbitrator to decide the dispute.	Section 339O(1) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute, and where the circumstances of section 339O(2) apply, to request the prescribed dispute resolution entity to appoint an arbitrator to decide the dispute.	Section 339O(2) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute, to agree to extend the period for the arbitrator to decide the dispute by issuing an award.	Section 339Q(3)(c) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute, and where the arbitrator has required, to give an appointed expert access to or	Section 339R(1)(b) <i>Land Act 1994</i> .	Inserted



Description of Power Delegated	Legislation	Change
copies of any relevant information, documents or other property.		
Power, as a party to a sublease and a party to a dispute, to request that an appointed expert participate in a hearing.	Section 339R(2) <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute that has been decided by arbitration, to apply to the Supreme Court to set aside the decision in certain circumstances.	Section 339T <i>Land Act 1994</i> .	Inserted
Power, as a party to a sublease and a party to a dispute that is the subject of arbitration, to pay Council's share of the arbitration costs or otherwise agree with the other parties to the dispute how the arbitration costs will be paid.	Section 339U <i>Land Act 1994</i> .	Inserted
Power, as registered owner or trustee, to surrender the land contained in the registered owner's deed of grant or trustee's deed of grant in trust if, on resurvey of the land, the boundaries of the land do not agree with the boundaries described in the existing deed or appropriate plan, and no doubt exists about the boundaries of the land, with the written approval of the chief executive.	Section 358(2) <i>Land Act 1994</i>	Amended
Power to apply to amend the description in a term lease or a perpetual lease, other than a State lease, if the description of the lease may be amended under section 360A(2)(a), (b) or (c).	Section 360C(2) <i>Land Act 1994</i> .	Amended
Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZG(1) apply, to give the chief executive written notice of the damage.	Section 431ZG <i>Land Act 1994</i> .	Inserted
Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZH(1) apply, to enter a remediation agreement with the chief executive.	Section 431ZH(2) <i>Land Act 1994</i> .	Inserted
Power, as an interested person and owner of adjacent land, and where the circumstances of section 431ZH(1) apply and a remediation agreement has not been made, to apply to the court to decide what remediation action, if any, will be taken.	Section 431ZH(5) <i>Land Act 1994</i> .	Inserted

### **Land Title Act 1994**

Description of Power Delegated	Legislation	Change
Power, as a registered owner, to task the registrar to issue a certificate of title.	Section 42(1) <i>Land Title Act 1994</i>	Omitted
Power, as a lessor or lessee under a registered lease, to give written notice of the surrender of the lease to every registered mortgagee and registered sublessee.	Section 69(3) <i>Land Title Act 1994</i>	Amended
Power, as the registered owner of the lot benefited and the lot burdened by a profit a prendre, to ask the registrar to extinguish the profit a prendre.	Section 97l <i>Land Title Act 1994</i>	Amended

**Local Government Act 2009**

Description of Power Delegated	Legislation	Change
Power to:- (a) employ local government employees; (b) agree to the terms and conditions of an employee's employment (including any variation to those terms); and (c) terminate a local government employee's employment.	Section 196(2) <i>Local Government Act 2009</i>	Amended
Power to start a proceeding:- (1) in the name of Council; (2) under the <i>Justices Act 1886</i> in the name of a local government employee who is a public officer within the name of that Act.	Section 237 <i>Local Government Act 2009</i>	Inserted

**Local Government Regulation 2012**

Description of Power Delegated	Legislation	Change
Power to: (a) construct, maintain, manage and regulate the use of harbours for small vessels in or over tidal waters; (b) construct, maintain, manage and regulate the use of jetties, breakwaters and ramps in or over tidal waters; and (c) to occupy and use foreshore, tidal land or tidal waters to undertake work in exercising those powers.	Section 59 <i>Local Government Regulation 2012</i>	Amended
Power to: (d) construct, maintain, manage and regulate the use of harbours for small vessels in or over tidal waters; (e) construct, maintain, manage and regulate the use of jetties, breakwaters and ramps in or over tidal waters; and (f) to occupy and use foreshore, tidal land or tidal waters to undertake work in exercising those powers.	Section 59 <i>Local Government Regulation 2012</i>	Amended
	<del>Section 133</del>	Omitted
Power, for interest on overdue rates or charges, to decide a later day from which interest is payable.	Section 133(1)(a) <i>Local Government Regulation 2012</i>	Inserted
Power, for interest on overdue rates or charges, to decide another way to calculate interest, if an equal or lower amount will be payable.	Section 133(2)(b) <i>Local Government Regulation 2012</i>	Inserted
Power, for interest on overdue rates or charges, to, for a day before 1 July 2019, decide the rate of interest payable.	Section 133(3)(a) <i>Local Government Regulation 2012</i>	Inserted
Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement in circumstances specified in section 235. <i>Nb. For subsections 235(a) and 235(b) it is a legislative precondition to the exercise of the power that Council first pass the resolution referred to in the respective subsection.</i>	Section 235 <i>Local Government Regulation 2012</i>	Amended

**Mineral and Energy Resources (Common Provisions) Act 2014**

Description of Power Delegated	Legislation	Change
Power, as an eligible claimant, to give a conference election notice to the resource authority holder.	Section 83A(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as a party to a conference with an authorised officer, to ask the other party for a longer period within which to hold the conference.	Section 83B(4) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as an eligible claimant, to give an ADR election notice.	Section 88(2) <i>Mineral and</i>	Amended

Description of Power Delegated	Legislation	Change
	<i>Energy Resources (Common Provisions) Act 2014</i>	
Power, upon receipt of an ADR election notice pursuant to section 88(2), to accept or refuse the type of ADR and the ADR facilitator proposed in the notice.	Section 88(5) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as the party giving the ADR election notice and where the other party does not accept the type of ADR or ADR facilitator proposed in the notice, to obtain a decision from the Land Court or a prescribed ADR institute about the matter not accepted.	Section 88(6) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as the party giving the ADR election notice and where a decision has been obtained from the Land Court or a prescribed ADR institute about the matter not accepted in the notice, to give the other party notice of the decision.	Section 88(7) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as a party given or giving an ADR election notice, to participate in the conference and enter a conduct and compensation agreement.	Section 89(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Amended
Power, as a party given or giving an ADR election notice, to ask the other party for, or agree to, a longer period to enter a conduct and compensation agreement.	Section 89(3) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Amended
Power, as a party who attended the ADR and where the other party did not attend the ADR, to apply to the Land Court for an order requiring the non-attending party to pay the attending party's reasonable costs of attending.	Section 90 <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Amended
Power, as a party to a dispute where a conduct and compensation agreement has not been entered, to give an arbitration election notice requesting the other party participate in an arbitration to decide the dispute.	Section 91A(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as a party given an arbitration election notice, to accept or refuse the request for arbitration.	Section 91A(4) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as the party giving an arbitration election notice, to require a prescribed arbitration institute to appoint an arbitrator.	Section 91A(6) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as a party to an arbitration and where the circumstances of section 91E(2) apply, to agree with the other party about the payment of the fees and expenses of the arbitrator.	Section 91E(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as a party to an arbitration, to agree with the other party about the payment of each party's costs.	Section 91E(3) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as a party given or giving an ADR election notice, and where a conduct and compensation agreement has not been entered and an arbitration election notice has not been given or has been given and not accepted, to apply to the Land Court to decide the dispute.	Section 96(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Amended
Power to apply to the Land Court for a declaration that all or part of the stated costs are payable under section 91.	Section 96B(1)(a) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted
Power, as an eligible claimant, to apply to the Land Court for an order requiring payment of negotiation and preparation costs under section 91.	Section 96B(1)(b) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	Inserted

**Mineral Resources Act 1989**

Description of Power Delegated	Legislation	Change
Power, as the owner of land where a person purports to enter or be on the land under authority of a prospecting permit, to ask the person for proof of the person's authority to enter or be on the land.	Section 46(1) <i>Mineral Resources Act 1989</i>	Amended
Power, as an interested party, at any time before compensation is determined by agreement, to apply in writing to the Land Court to have the Land Court determine the amount of compensation.	Section 85(4) <i>Mineral Resources Act 1989</i>	Amended
Power, as the owner of land where a person purports to enter or be on the land under authority of an exploration permit, to ask the person for proof of the person's authority to enter or be on the land.	Section 167(1) <i>Mineral Resources Act 1989</i>	Amended
Power, as the owner of land where a person purports to enter or be on the land under authority of a mineral development licence, to ask the person for proof of the person's authority to enter or be on the land.	Section 216(1) <i>Mineral Resources Act 1989</i>	Amended
Power, as an owner of land the subject of an application to grant, renew or include the surface of restricted in a mining lease, to agree with the applicant for the lease about the amount of compensation to be paid to Council and to sign the agreement.	Sections 279(1)(a) and (3) <i>Mineral Resources Act 1989</i>	Amended
Power, as a landowner to whom a water monitoring bore is being transferred, to consent to the transfer.	Section 334ZZO <i>Mineral Resources Act 1989</i>	Inserted

**Mining and Quarrying Safety and Health Act 1999**

Description of Power Delegated	Legislation	Change
Power, as an operator of a mine, to give the inspector for the region in which the mine is situated written particulars of the land added or omitted.	Section 47(5) <i>Mining and Quarrying Safety and Health Act 1999</i>	Amended
Power as a corporation on which a civil penalty is imposed to appeal against the chief executive's decision.	Section 216A(b) <i>Mining and Quarrying Safety and Health Act 1999</i>	Inserted
Power to file a notice of appeal with an Industrial Magistrates Court and serve a copy of the notice.	Section 218(1) <i>Mining and Quarrying Safety and Health Act 1999</i>	Inserted
Power, as a relevant corporation, to make a written submission to the chief executive to show why the civil penalty should not be imposed.	Section 246H <i>Mining and Quarrying Safety and Health Act 1999</i>	Inserted
Power, as the person from whom the information was obtained, to consent to the disclosure of information concerning Council.	Section 255(1)(a) <i>Mining and Quarrying Safety and Health Act 1999</i>	Inserted

**Mining and Quarrying Safety and Health Regulation 2017**

Description of Power Delegated	Legislation	Change
Power, as a person who has an obligation under the Act to manage risk at a mine, to monitor risk in the person's own work and activities at the mine.	Section 9(1) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	Inserted
Power, as a person who has an obligation under the Act to manage risk in relation to storing and handling hazardous chemical or dangerous goods, to ensure they are handled and stored in the manner prescribed under section 56.	Section 56 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	Amended

**Nature Conservation Act 1992**

Description of Power Delegated	Legislation	Change
Power, as a person given written notice about a proposal to declare an area of land a special wildlife reserve, to make a submission to the Minister about the proposal.	Section 43A(6) <i>Nature Conservation Act 1992</i>	Inserted
Power, as a landholder, to enter a conservation agreement with the Minister for a proposed special wildlife reserve.	Section 43B(1) <i>Nature Conservation Act 1992</i>	Inserted
Power, as a landholder, to agree with the Minister to amend a conservation agreement for a special wildlife reserve.	Section 43E(1) <i>Nature Conservation Act 1992</i>	Inserted
Power, as a landholder of land in a special wildlife reserve, to consent to the Minister giving a lease, agreement, licence, permit or other authority over or in relation to the land.	Section 43F(1) <i>Nature Conservation Act 1992</i>	Inserted
Power, as a landholder of land in a special wildlife reserve, to give a lease or sublease over the land, to obtain the consent of the chief executive for that lease or sublease, and to lodge the lease for registration with the entity required by section 43F(3).	Sections 43F(1)(c) and 43F(3) <i>Nature Conservation Act 1992</i>	Inserted
Power, where a special wildlife reserve is declared over freehold land or land in a lease under the <i>Land Act 1994</i> , and Council intends, under the <i>Land Act 1994</i> to surrender all or part of the freehold land or lease, allow the lease to expire at the end of its term or transfer the lease, to obtain the chief executive's written consent.	Section 43L <i>Nature Conservation Act 1992</i>	Inserted
Power, as a landholder intending to enter a conservation agreement for a special wildlife reserve, to prepare and give the Minister a management program for the reserve.	Section 120EA <i>Nature Conservation Act 1992</i>	Inserted
Power, as a landholder of land in a special wildlife reserve, to prepare an amended management program for the reserve and give it to the chief executive for approval.	Section 120EF(1) <i>Nature Conservation Act 1992</i>	Inserted
Power, as a landholder of land in a special wildlife reserve, to jointly review the management program for the reserve with the chief executive, and agree to prepare an amended management program under section 120EF or leave the management program unchanged.	Section 120GA <i>Nature Conservation Act 1992</i>	Inserted

**Development Assessment Rules**

Description of Power Delegated	Legislation	Change
Power, as an assessment manager acting under section 53(10) of the Act, to comply with the public notice requirements.	Sections 17.1, 17.3 and 17.4 <i>Development Assessment Rules</i>	Amended
Power, as an assessment manager, to give a notice to the applicant extending the decision period until a day no later than 10 days after the end of the caretaker period.	Section 38.2 <i>Development Assessment Rules</i>	Inserted

**Planning and Environment Court Act 2016**

Description of Power Delegated	Legislation	Change
Power, as a party to a P&E Court proceeding, to agree to the ADR registrar or mediator disclosing information acquired as part of the ADR process.	Section 21(2)(a) <i>Planning and Environment Court Act 2016</i>	Amended

**Planning Regulation 2017**

Description of Power Delegated	Legislation	Change
Power, in the circumstances prescribed in Schedule 22, section 3A, to publish the documents listed in subsections (2), (4) and (5) on Council's website.	Schedule 22, section 3A <i>Planning Regulation 2017</i>	Inserted
Power, in the circumstance prescribed in Schedule 22, section 3B(1), to keep available for inspection and purchase a document that includes the trunk infrastructure information the local government publishes on its website from time to time under section 3A(4) or (5).	Schedule 22, section 3B <i>Planning Regulation 2017</i>	Inserted

**Public Health Act 2005**

Description of Power Delegated	Legislation	Change
Power, where given a notice under section 313E(2), to publish the pollution notice.	Section 313E(3) <i>Public Health Act 2005</i>	Inserted
Power, where Council incurs loss because of the exercise or purported exercise of a power by or for the chief executive under chapter 7A, to claim compensation from the State.	Section 313H <i>Public Health Act 2005</i>	Inserted

**State Penalties and Enforcement Regulation 2014**

Description of Power Delegated	Legislation	Change
Power to apply to the registrar for the approval of Council as an approved sponsor.	Section 19AG <i>State Penalties and Enforcement Regulation 2014</i>	Inserted
Power to comply with a request of the registrar for additional information.	Section 19AH(1) <i>State Penalties and Enforcement Regulation 2014</i>	Inserted
Power, as an approved sponsor, to agree with the registrar to an amendment of the approval.	Section 19AM(1) <i>State Penalties and Enforcement Regulation 2014</i>	Inserted
Power, as an approved sponsor, to keep the records listed in subsection 19AN(1).	Section 19AN(1) <i>State Penalties and Enforcement Regulation 2014</i>	Inserted
Power, as an approved sponsor, to comply with a request of the registrar to give copies of all documents relevant to the work and development orders for which Council is an approved sponsor.	Section 19AO(2) <i>State Penalties and Enforcement Regulation 2014</i>	Inserted
Power, as an approved sponsor, to surrender the approval as an approved sponsor.	Section 19AQ(1) <i>State Penalties and Enforcement Regulation 2014</i>	Inserted
Power, as an approved sponsor, to make written representations to the registrar in response to a show cause notice.	Section 19AU(2)(d) <i>State Penalties and Enforcement Regulation 2014</i>	Inserted
Power, as an approved sponsor, to take the remedial action, to the satisfaction of the registrar.	Section 19AX(1)(a) <i>State Penalties and Enforcement Regulation 2014</i>	Inserted
Power, in the circumstances specified in subsection 19AZ(1), to apply to QCAT for a review of the decision.	Section 19AZ(2) <i>State Penalties and Enforcement Regulation 2014</i>	Inserted

**Transport Infrastructure Act 1994**

Description of Power Delegated	Legislation	Change
Power to apply for an approval to carry out road works on a State-controlled road or interfere with a State-controlled road or its operation.	Section 33(2) <i>Transport Infrastructure Act 1994</i>	Inserted
Power to apply for an approval to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.	Section 50(3) <i>Transport Infrastructure Act 1994</i>	Inserted

**Transport Operations (Marine Pollution) Act 1995**

Description of Power Delegated	Legislation	Change
Power, if acting as a prescribed entity, to ask the chief executive to secure its discharge expenses.	Section 113(3) <i>Transport Operations (Marine Pollution) Act 1995</i>	Inserted
Power, if acting as a prescribed entity, to recover its discharge expenses as a debt.	Section 122(1) <i>Transport Operations (Marine Pollution) Act 1995</i>	Inserted
Power, if acting as a prescribed entity, to ask the chief executive to recover its discharge expenses.	Section 122(2) <i>Transport Operations (Marine Pollution) Act 1995</i>	Inserted

**Waste Reduction and Recycling Act 2011**

Description of Power Delegated	Legislation	Change
Power to make an exempt waste application to the chief executive.	Section 28 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to provide further information or documents for an exempt waste application if required by the chief executive.	Section 29 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to agree with the chief executive about extending the time for providing further information or documents for an exempt waste application.	Section 29(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the holder of an approval of waste as exempt waste, to request an amendment of the approval, and agree with the chief executive to the amendment of the approval.	Section 33 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the holder of an approval of waste as exempt waste, to make submissions in response to a notice from the chief executive about cancelling or amending the approval.	Section 34(3)(e) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, in conducting a recycling activity prescribed by regulation, to make a residue waste discounting application to the chief executive.	Section 44(1) <i>Waste Reduction and Recycling Act 2011</i>	Amended
Power, as the applicant for a residue waste discounting application, to provide further information or documents for the application if required by the chief executive.	Section 45 <i>Waste Reduction and Recycling Act 2011</i>	Amended
Power to agree with the chief executive about extending the time for providing further information or documents for a waste residue discounting application.	Section 45(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the holder of an approval of a discounted rate for the waste levy for residue waste, to request an amendment of the approval, and agree with the chief executive to the amendment of the approval.	Section 49 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the holder of an approval of a discounted rate for the waste levy for residue waste, to make submissions in response to a notice from the chief executive about cancelling or amending the approval.	Section 50(3)(e) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site, to receive and request delivery information for waste.	Section 53 <i>Waste Reduction and Recycling Act 2011</i>	Amended
Power, as the operator of a resource recovery and transfer facility, to receive and request delivery information for waste.	Section 54 <i>Waste Reduction and Recycling Act 2011</i>	Inserted

Description of Power Delegated	Legislation	Change
Power, as the operator of a levyable waste disposal site, to pay the chief executive the waste levy, including any interest.	Section 56 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site in the waste levy zone, to ensure a weighbridge is installed and operates at the site, is brought back into operation if out of operation, and give notice to the chief executive where the weighbridge is out of operation and brought back into operation, as required by sections 56 and 57. NOTE: an exemption may apply until 30 June 2029 pursuant to chapter 16, part 3, division 2.	Sections 56 and 57 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to measure and record waste as required by sections 59, 60 and 61. NOTE: an exemption may apply until 30 June 2029 pursuant to chapter 16, part 3, division 2.	Sections 59, 60 and 61 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site, to agree with the chief executive about an alternative way to measure and record the waste.	Section 60(3) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site and where the chief executive has given Council a notice under section 63(2), to install, maintain and operate a monitoring system as required by the notice, and comply with sections 64, 65 and 66.	Sections 63, 64, 65 and 66 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to carry out volumetric surveys, ensure volumetric surveys are carried out, and give the chief executive copies of the results of the volumetric surveys as required by sections 67, 68 and 69.	Sections 67, 68 and 69 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to give the chief executive a waste data return.	Section 72 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to keep the documents stipulated in section 72A.	Section 72A <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to apply to the chief executive to enter a waste levy instalment agreement, and enter the agreement.	Section 72C <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an amendment of a waste levy instalment agreement, and enter the amendment agreement.	Section 72D <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an extension of time to pay a waste levy amount.	Section 72G <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an extension of time to submit a waste data return and pay a waste levy amount.	Section 72H <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site where the chief executive has decided an estimated waste levy amount under section 72J, to adjust the waste levy amount payable if a different amount is decided under a review of the chief executive's decision on the estimated waste levy amount.	Section 72J(3)(c) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator or former operator of a waste disposal site who is eligible for a bad debt credit, to apply to the chief executive for relief.	Section 72L <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to respond to a notice from the chief executive requiring further reasonable information or documents about the application for a bad debt credit.	Section 72M(1) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to agree with the chief executive about extending the time for providing the further information or documents.	Section 72M(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site, to declare an area within the site as a resource recovery area by giving the chief executive notice of a proposed resource recovery area.	Sections 72R and 72S <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site with a resource	Section 72U <i>Waste</i>	Inserted



Description of Power Delegated	Legislation	Change
recovery area, to amend the declaration as a resource recovery area by giving the chief executive notice of the proposed amendment.	<i>Reduction and Recycling Act 2011</i>	
Power, as the operator of a waste disposal site with a resource recovery area, to cancel the declaration as a resource recovery area by giving the chief executive notice of the proposed cancellation.	Section 72V <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site with a resource recovery area and where the chief executive proposes to revoke the declaration, to make submissions to the chief executive to show why the declaration should not be revoked.	Section 72W <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site with a resource recovery area, to keep the documents and results stipulated in section 72X.	Section 72X <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a resource recovery area at a waste disposal site in the waste levy zone, to carry out volumetric surveys, ensure volumetric surveys are carried out and give the chief executive a copy of the results of the volumetric survey as required by section 72Y. **NOTE: section 72Y only applies from 01 June 2020.	Section 72Y <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a resource recovery area at a waste disposal site not in the waste levy zone, to carry out volumetric surveys, ensure volumetric surveys are carried out and give the chief executive a copy of the results of the volumetric survey as required by section 72Z.	Section 72Z <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site that has declared, or claims to have declared, a resource recovery area under section 72S, to ensure that the resource recovery area complies with section 73A(2).	Section 73A <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the physical barrier or points of access for the resource recovery area that does not change the boundaries of the area, to amend the plan of the waste disposal site, and give the chief executive notice and a copy of the amended plan.	Section 73C(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the recycling activities, to advise the chief executive of the change.	Section 73C(3) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the entity having responsibility for the operation of the resource recovery area, to advise the chief executive of the change.	Section 73C(4) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as a local government affected by the waste levy, to receive an annual payment from the chief executive and use that payment to mitigate any direct impacts of the waste levy on households in Council's local government area.	Sections 73D(1) and (2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as a local government affected by the waste levy that receives an annual payment from the chief executive, to include a statement on rate notices that informs the ratepayer of the amount paid to the local government and the purpose of the payment.	Section 73D(4) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as an operator of a levyable waste disposable site, to apply to the chief executive for an exemption during the transition period from the requirements of section 57.	Sections 317(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as an operator of a levyable waste disposable site in the waste levy zone, to carry out a volumetric survey, ensure a volumetric survey is carried out, give a copy of the results of the volumetric survey to the chief executive, and keep a copy of the results as required by section 323.	Sections 323 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as an entity having responsibility for the operation of a resource recovery area for a waste disposal site in the waste levy zone, to carry out a volumetric survey, ensure a volumetric survey is	Sections 324 <i>Waste Reduction and Recycling Act 2011</i>	Inserted

Description of Power Delegated	Legislation	Change
carried out, give a copy of the results of the volumetric survey to the chief executive, and keep a copy of the results as required by section 324.		
Power, as an operator of a small site, to give the chief executive written notice of a proposed alternative methodology for measuring and recording waste at the site and implement that alternative methodology. NOTE: this section only applies until 30 June 2021.	Sections 325 <i>Waste Reduction and Recycling Act 2011</i>	Inserted

### **Water Reduction and Recycling Act 2011**

Description of Power Delegated	Legislation	Change
Power to make an exempt waste application to the chief executive.	Section 28 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to provide further information or documents for an exempt waste application if required by the chief executive.	Section 29 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to agree with the chief executive about extending the time for providing further information or documents for an exempt waste application.	Section 29(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the holder of an approval of waste as exempt waste, to request an amendment of the approval, and agree with the chief executive to the amendment of the approval.	Section 33 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the holder of an approval of waste as exempt waste, to make submissions in response to a notice from the chief executive about cancelling or amending the approval.	Section 34(3)(e) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, in conducting a recycling activity prescribed by regulation, to make a residue waste discounting application to the chief executive.	Section 44(1) <i>Waste Reduction and Recycling Act 2011</i>	Amended
Power, as the applicant for a residue waste discounting application, to provide further information or documents for the application if required by the chief executive.	Section 45 <i>Waste Reduction and Recycling Act 2011</i>	Amended
Power to agree with the chief executive about extending the time for providing further information or documents for a waste residue discounting application.	Section 45(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the holder of an approval of a discounted rate for the waste levy for residue waste, to request an amendment of the approval, and agree with the chief executive to the amendment of the approval.	Section 49 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the holder of an approval of a discounted rate for the waste levy for residue waste, to make submissions in response to a notice from the chief executive about cancelling or amending the approval.	Section 50(3)(e) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site, to receive and request delivery information for waste.	Section 53 <i>Waste Reduction and Recycling Act 2011</i>	Amended
Power, as the operator of a resource recovery and transfer facility, to receive and request delivery information for waste.	Section 54 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to pay the chief executive the waste levy, including any interest.	Section 56 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site in the waste levy zone, to ensure a weighbridge is installed and operates at the site, is brought back into operation if out of operation, and give notice to the chief executive where the weighbridge is out of operation and brought back into operation, as required by sections 56 and 57. NOTE: an exemption may apply until 30 June 2029 pursuant to chapter 16, part 3, division 2.	Sections 56 and 57 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to measure and record waste as required by sections 59, 60 and 61. NOTE: an exemption may apply until 30 June 2029 pursuant to chapter 16, part 3, division 2.	Sections 59, 60 and 61 <i>Waste Reduction and Recycling Act 2011</i>	Inserted

Description of Power Delegated	Legislation	Change
Power, as the operator of a waste disposal site, to agree with the chief executive about an alternative way to measure and record the waste.	Section 60(3) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site and where the chief executive has given Council a notice under section 63(2), to install, maintain and operate a monitoring system as required by the notice, and comply with sections 64, 65 and 66.	Sections 63, 64, 65 and 66 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to carry out volumetric surveys, ensure volumetric surveys are carried out, and give the chief executive copies of the results of the volumetric surveys as required by sections 67, 68 and 69.	Sections 67, 68 and 69 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to give the chief executive a waste data return.	Section 72 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to keep the documents stipulated in section 72A.	Section 72A <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to apply to the chief executive to enter a waste levy instalment agreement, and enter the agreement.	Section 72C <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an amendment of a waste levy instalment agreement, and enter the amendment agreement.	Section 72D <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an extension of time to pay a waste levy amount.	Section 72G <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site, to apply to the chief executive for an extension of time to submit a waste data return and pay a waste levy amount.	Section 72H <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a levyable waste disposal site where the chief executive has decided an estimated waste levy amount under section 72J, to adjust the waste levy amount payable if a different amount is decided under a review of the chief executive's decision on the estimated waste levy amount.	Section 72J(3)(c) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator or former operator of a waste disposal site who is eligible for a bad debt credit, to apply to the chief executive for relief.	Section 72L <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to respond to a notice from the chief executive requiring further reasonable information or documents about the application for a bad debt credit.	Section 72M(1) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power to agree with the chief executive about extending the time for providing the further information or documents.	Section 72M(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site, to declare an area within the site as a resource recovery area by giving the chief executive notice of a proposed resource recovery area.	Sections 72R and 72S <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site with a resource recovery area, to amend the declaration as a resource recovery area by giving the chief executive notice of the proposed amendment.	Section 72U <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site with a resource recovery area, to cancel the declaration as a resource recovery area by giving the chief executive notice of the proposed cancellation.	Section 72V <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site with a resource recovery area and where the chief executive proposes to revoke the declaration, to make submissions to the chief executive to show why the declaration should not be revoked.	Section 72W <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site with a resource recovery area, to keep the documents and results stipulated in section 72X.	Section 72X <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a resource recovery area at a waste	Section 72Y <i>Waste</i>	Inserted

Description of Power Delegated	Legislation	Change
disposal site in the waste levy zone, to carry out volumetric surveys, ensure volumetric surveys are carried out and give the chief executive a copy of the results of the volumetric survey as required by section 72Y. **NOTE: section 72Y only applies from 01 June 2020.	<i>Reduction and Recycling Act 2011</i>	
Power, as the operator of a resource recovery area at a waste disposal site not in the waste levy zone, to carry out volumetric surveys, ensure volumetric surveys are carried out and give the chief executive a copy of the results of the volumetric survey as required by section 72Z.	Section 72Z <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site that has declared, or claims to have declared, a resource recovery area under section 72S, to ensure that the resource recovery area complies with section 73A(2).	Section 73A <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the physical barrier or points of access for the resource recovery area that does not change the boundaries of the area, to amend the plan of the waste disposal site, and give the chief executive notice and a copy of the amended plan.	Section 73C(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the recycling activities, to advise the chief executive of the change.	Section 73C(3) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as the operator of a waste disposal site that has declared a resource recovery area and there is a change to the entity having responsibility for the operation of the resource recovery area, to advise the chief executive of the change.	Section 73C(4) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as a local government affected by the waste levy, to receive an annual payment from the chief executive and use that payment to mitigate any direct impacts of the waste levy on households in Council's local government area.	Sections 73D(1) and (2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as a local government affected by the waste levy that receives an annual payment from the chief executive, to include a statement on rate notices that informs the ratepayer of the amount paid to the local government and the purpose of the payment.	Section 73D(4) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as an operator of a levyable waste disposable site, to apply to the chief executive for an exemption during the transition period from the requirements of section 57.	Sections 317(2) <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as an operator of a levyable waste disposable site in the waste levy zone, to carry out a volumetric survey, ensure a volumetric survey is carried out, give a copy of the results of the volumetric survey to the chief executive, and keep a copy of the results as required by section 323.	Sections 323 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as an entity having responsibility for the operation of a resource recovery area for a waste disposal site in the waste levy zone, to carry out a volumetric survey, ensure a volumetric survey is carried out, give a copy of the results of the volumetric survey to the chief executive, and keep a copy of the results as required by section 324.	Sections 324 <i>Waste Reduction and Recycling Act 2011</i>	Inserted
Power, as an operator of a small site, to give the chief executive written notice of a proposed alternative methodology for measuring and recording waste at the site and implement that alternative methodology. NOTE: this section only applies until 30 June 2021.	Sections 325 <i>Waste Reduction and Recycling Act 2011</i>	Inserted

**Water Act 2000**

Description of Power Delegated	Legislation	Change
Power, as a resource operations licence holder, to consult with the chief executive about the proposed temporary release of water from the reserve.	Section 40B(3) <i>Water Act 2000</i>	Amended
Power, if the chief executive requires, to give additional information about an application.	Section 137A <i>Water Act 2000</i>	Amended
Power, as the holder of a resource operations licence in the circumstances listed in subsection (4), to ask the chief executive to refer the proposed change to the rules to a referral panel.	Section 183(6) <i>Water Act 2000</i>	Amended
Power, as a party to a dispute referred to in section 425, to give the other party and the chief executive a conference election notice.	Section 426(2)(a) <i>Water Act 2000</i>	Amended
Power, as a party to a dispute referred to in section 425, to give the other party an ADR election notice.	Section 426(2)(b) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425 who is given an ADR election notice, to accept or refuse the type of ADR and the ADR facilitator proposed in the notice.	Section 426(6) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425 who has given an ADR election notice and where the party given the ADR election notice has not accepted the type of ADR or ADR facilitator under section 426(6), to make another proposal, or obtain a decision from the Land Court or prescribed ADR institute about the matter not accepted, and, for a decision from the Land Court or prescribed ADR institute, give the other party notice of the decision.	Sections 426(7) and 426(8) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425 and who is the resource tenure holder, to bear the costs of the ADR facilitator.	Section 426(9) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425 and where an ADR election notice has been given under section 426(2)(b), to use all reasonable endeavours to resolve the dispute.	Section 427(2) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425 and where a conference election notice or an ADR election notice has been given, to ask for and agree to a longer period to apply instead of the usual period.	Section 427(3) <i>Water Act 2000</i>	Amended
Power, as a party to a dispute referred to in section 425 where a conference election notice or ADR election notice has been given and the dispute has not resolved by the end of the period under section 427(2) or (4), to give an arbitration election notice.	Section 433A(2) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425 and where an arbitration election notice has been given, to accept or refuse the request for arbitration.	Section 433A(4) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425 and where an arbitration election notice has been given, to jointly appoint an arbitrator.	Section 433A(5) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425, the party giving an arbitration election notice and where the parties do not jointly appoint an arbitrator under section 433A(5), to require a prescribed arbitration institute to appoint an arbitrator.	Section 433A(6) <i>Water Act 2000</i>	Inserted
Power, as a party to a dispute referred to in section 425 that is the subject of arbitration, to pay the fees and expenses of the arbitrator as required by section 433E.	Section 433E <i>Water Act 2000</i>	Inserted

**Water Regulation 2016**

Description of Power Delegated	Legislation	Change
Power to apply to the chief executive to relocate a water licence.	Section 34 <i>Water Regulation 2016</i>	Amended
Power, as the holder of the water licence to be relocated, to swear the statutory declaration required in subsection (3)(b)(i).	Section 34(3)(b)(i) <i>Water Regulation 2016</i>	Amended
Power, as an interested entity, to provide written consent to the proposed relocation.	Section 34(3)(b)(ii) <i>Water Regulation 2016</i>	Amended
Power, as an applicant under section 34, to give the chief executive a transfer notice.	Section 37 <i>Water Regulation 2016</i>	Amended
Power, as a proposed transferee, to give the chief executive a document evidencing ownership of land to which the new licence will attach.	Section 38(2) <i>Water Regulation 2016</i>	Inserted
Power, as a relevant person in the circumstances specified in subsection (1) (excluding a person given a notice under section 110AA), to give the chief executive a written notice stating the meter is a faulty meter.	Section 110A(3) <i>Water Regulation 2016</i>	Amended
Power, as a relevant person in the circumstances specified in subsection (1), to give the chief executive all the information stated in subsection (4) before the expiry date.	Section 110A(4) <i>Water Regulation 2016</i>	Amended
Power, as a relevant person in the circumstances specified in subsection (1), to, before the expiry date:- (a) ensure that a meter, other than a faulty meter, is attached to the works; (b) arrange a validation inspection for the meter and give the chief executive a copy of the validation certificate for the meter.	Section 110A(5) <i>Water Regulation 2016</i>	Amended
Power, as a holder or owner mentioned in section 112(1), to comply with a notice issued by the chief executive under subsection (3) before the expiry date.	Section 112A(5) <i>Water Regulation 2016</i>	Amended
Power, as a holder or owner mentioned in section 112(1), to request the expiry date be extended.	Section 112A(6) <i>Water Regulation 2016</i>	Amended

**Water Supply (Safety and Reliability) Act 2008**

Description of Power Delegated	Legislation	Change
Power to give notice of the making or amendment of a declaration under section 161 of the <i>Water Supply (Safety and Reliability) Act 2008</i> , to make the notice available for inspection and purchase, and to give the regulator a copy of the notice.	Section 162 <i>Water Supply (Safety and Reliability) Act 2008</i>	Amended
Power, as the owner of a referable dam, to ask to the chief executive to correct a minor error or make a change, that is not a change of substance, in an emergency action plan for the dam.	Section 352Q(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	Amended
Power, as the owner of a referable dam, to ask to the chief executive to record the change in ownership of the dam and make other changes to the plan required because of the change in ownership.	Section 352Q(1A) <i>Water Supply (Safety and Reliability) Act 2008</i>	Inserted
Power, as a former owner of a dam, to give the chief executive notice of the change in ownership and give the new owner all relevant documentation for the dam.	Section 366 <i>Water Supply (Safety and Reliability) Act 2008</i>	Inserted

**Work Health and Safety Act 2011**

Description of Power Delegated	Legislation	Change
Power, as receiver of a direction from the inspector under section 131A(2) to comply with it.	Section 141A <i>Work Health and Safety Act 2011</i>	Inserted
Power to, in the circumstances provided in subsections (1) or (1A), make a written request to the WHS prosecutor that a prosecution be brought.	Sections 231(1) and (1A) <i>Work Health and Safety Act 2011</i>	Amended

**Workers Compensation and Rehabilitation Act 2003**

Description of Power Delegated	Legislation	Change
Power, as an employer other than a self-insurer, to provide written evidence to WorkCover that it is not practicable to provide a worker with suitable duties.	Section 228(3) Workers' Compensation and Rehabilitation Act 2003	Amended
Power, as an employer, to give the insurer written evidence that it is not practicable to provide a worker with suitable duties.	Section 228(4) Workers' Compensation and Rehabilitation Act 2003	Inserted

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

The review and recommendations of this report are in accordance with the legislative requirements relating to delegation of powers to the CEO and to review these delegations annually.

**Risk Management**

An entire updated register of legislative delegations to the CEO for review and revision if necessary is presented to Council to sufficiently meet the legislative intent.

**Financial**

There are no specific financial implications associated with this report.

**People**

This review and report ensures that delegations to the CEO are up to date and allows the on-delegation of powers to appropriate officers to provide for the day to day operations of Council.

**Environmental**

There are no specific environmental implications associated with this report.

**Social**

There are no specific social implications associated with this report.

**Human Rights**

Consideration has been given to Human Rights legislation.

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

The annual review of delegations process provides an important role in the operation of Council in accordance with Council's policies and plans.

**CONSULTATION**

Consulted	Consultation Date	Comments
LGAQ	Ongoing through 2019	LGAQ register of CEO to Council delegations reviewed
Legal Officer	January 2020	Report and attachments reviewed and authorised
Group Manager Corporate Governance	January 2020	Report and attachments reviewed and authorised

Further consultation will occur with all relevant areas of Council impacted by the review.

**OPTIONS****Option One**

That Council resolves as follows:

1. To confirm the existing delegated powers identified in the attachments to this report.
2. To delegate authority under section 257(1)(b) of the *Local Government Act 2009*, all new and amended functions and powers as identified in the attachments to this report to the Chief Executive Officer.

**Option Two**

That Council resolves as follows:

1. To retain the existing delegated functions and powers as listed in the attachments of this report.
2. To not delegate any additional or amended functions or powers to the Chief Executive Officer.

**OFFICER'S RECOMMENDATION**

That Council resolves as follows:

1. To confirm the existing delegated powers identified in the attachments to this report.
2. To delegate authority under section 257(1)(b) of the *Local Government Act 2009*, all new and amended functions and powers as identified in the attachments of this report to the Chief Executive Officer.



# **Under Separate Cover**

**Attachments 1. Delegations to CEO - Acts and Regs**

**&**

**Attachments 2. Delegations to CEO - Local Laws**

### **13.4 NOMINATION OF REPRESENTATIVE TO THE SOUTHERN REGIONAL ROADS AND TRANSPORT GROUP BOARD**

**Objective Reference:****Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Vivek Vivekanandam, Group Manager Corporate Strategy and Performance**Report Author:** Christine Cartwright, External Funding Manager**Attachments:** 1. Roads and Transport Alliance Memorandum of Agreement**PURPOSE**

To seek a decision to appoint (or nominate as appropriate) a Redland City Council Councillor representative to the Southern Regional Roads and Transport Group Board (SRRTG).

**BACKGROUND**

The Roads and Transport Alliance (Alliance) is a cooperative governance arrangement between the Department of Transport and Main Roads (DTMR) and Queensland local governments, to invest in and regionally manage Queensland's road and transport network.

Local governments are to demonstrate effort towards improvement in areas such as:

- strategic transport infrastructure planning
- asset management
- program development and delivery
- workforce capability
- joint purchasing and resource sharing
- road safety
- to ensure the Transport Infrastructure Development Scheme (TIDS) allocations are fully expended as part of the rolling programs of work

As such, Councils are requested to have an ongoing commitment to the Alliance principles, objectives and outcomes through voluntary membership of Regional Roads and Transport Groups (RRTG). The SRRTG is the primary decision-making body of the Alliance.

The SRRTG Board comprises of an elected member from Redland City Council, Logan City Council and the City of Gold Coast, a TMR District Director and a LGAQ representative. The Board is supported by the SRRTG Technical Committee comprising of an engineer or senior manager from each Council and other local government officers as required and as relevant to operations.

The SRRTG Board and SRRTG Technical Committee meet at least two times per year (respectively) and the Chair is delegated to a southern region Council on a two year rotational basis. Redland City Council is the current Chair until 30 June 2021.

A Councillor's role as the representative of Redland City Council is the endorsement of decisions, informed and supported by nominated Council officers.

## ISSUES

The recent March 2020 Queensland Council elections resulted in changes to Redland City Council's elected members, and provides an opportunity to equitably seek the appointment of Redland City Council's SRRTG Board member moving forward.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

There are no specific implications impacting Council's legislative requirements as a result of this report.

### Risk Management

It is important that a Council is represented on the SRRTG Board to achieve the most effective outcomes on local government road and transport interests across Redlands Coast.

### Financial

The SRRTG Board makes decisions impacting the allocation of funding to Redland City Council, Logan City Council and the City of Gold Coast relating to the State-wide Capability Fund, the SRRTG Capability Fund and TIDS.

### People

There are no implications impacting people as a result of this report.

### Environmental

There are no implications impacting the environment as a result of this report.

### Social

Some decisions and/or recommendations will impact the community regarding local government road and transport interests.

### Human Rights

There are no human rights implications with this report.

### Alignment with Council's Policy and Plans

This report has a relationship with the following item of Council's 2018-2023 Corporate Plan:

#### 5. Wise Planning & Design

We will carefully manage population pressures and use land sustainably while advocating and taking steps to determine the limits of growth and carrying capacity on a local and national basis, recognising environmental sensitivities and the distinctive character, heritage and atmosphere of local communities. A well-planned network of urban, rural and bushland areas and responsive infrastructure and transport systems will support strong, healthy communities.

## Consultation

Consulted	Consultation Date	Comments/Actions
Governance Service Manager	1 May 2020	Sought governance advice on process to appoint a Councillor to the SRRTG.
Group Manager Corporate Strategy and Performance	6 May2020	Agreed and approved the need for a Council resolution.

**OPTIONS****Option One**

That Council resolves to nominate a Councillor as a representative for Redland City Council on the Southern Regional Roads and Transport Group Board.

**Option Two**

That Council resolves to not nominate a Councillor as a representative for Redland City Council on the Southern Regional Roads and Transport Group Board.

**OFFICER'S RECOMMENDATION**

**That Council resolves to nominate a Councillor as a representative for Redland City Council on the Southern Regional Roads and Transport Group Board.**

# THE ROADS AND TRANSPORT ALLIANCE

## Memorandum of Agreement

between

The Department of Transport and Main Roads  
and

Local Government Association of Queensland Ltd

*The Roads and Transport Alliance Agreement 2018 – 2023*





# Memorandum of Agreement

The Roads and Transport Alliance  
Agreement 2018 – 2023

## 1. Preamble

The Roads and Transport Alliance (the Alliance) is an ongoing cooperative governance arrangement between the Department of Transport and Main Roads (TMR) and Queensland's local governments, to invest in and regionally manage Queensland's road and transport network.

Established in 2002 to help address shared road and transport challenges of state and local governments, the Alliance seeks to deliver collaborative strategic roads and transport planning and investment through maximising value from all available resources.

This Memorandum of Agreement is between the Local Government Association of Queensland Ltd (LGAQ) on behalf of Queensland local governments and TMR.

This Agreement replaces the previous Agreement, signed on 31 July 2013, and takes into account the Queensland Government's commitment to providing an integrated and reliable transport network. It outlines the principles and governance arrangements for the operation of the Alliance.

Under this Agreement each party recognises that:

- Partnerships and strategic alliances between state and local government are extremely valuable in facilitating the delivery of Queensland's road and transport infrastructure
- Both TMR and local governments have important roles in the funding, management and delivery of Queensland's road and transport infrastructure
- TMR and local governments have an equal interest in working together for the efficient provision of road and transport infrastructure, which reflects community expectations, regardless of ownership
- Australia and Queensland's productivity and economic growth require a sustainable, efficient and multi-modal freight system
- Working collaboratively across both levels of government will best influence Australian Government road and transport policy, program and funding arrangements.

TMR and the LGAQ, on behalf of its member local governments, agree to be guided in the ongoing operations of the Alliance by this Agreement.

In signing this Agreement, the Minister for Transport and Main Roads delegates his authority to TMR members of the Roads and Transport Alliance Board to amend this Agreement (including governance arrangements and supporting documents) when required and by consensus with the LGAQ.



# THE ROADS AND TRANSPORT ALLIANCE

**The Hon Mark Bailey MP**  
*Minister for Transport and Main Roads  
Queensland Government*

Witnessed by:

**Mayor Mark Jamieson**  
*President  
Local Government Association  
of Queensland*

Witnessed by:

**Neil Scales OBE**  
*Director-General  
Department of Transport and Main Roads*

**Greg Hallam AM**  
*Chief Executive Officer  
Local Government Association  
of Queensland*

on the.....29..... day of.....October..... 2018



## 2. Scope of the Agreement

The Alliance is an essential component of the broader relationship between TMR, the LGAQ and local governments throughout Queensland. This Agreement outlines the principles, objectives and governance arrangements for the operation of the Alliance.

This Agreement supports the Partners in Government Agreement, by formalising the cooperation required to achieve the most effective outcomes across shared state and local government road and transport interests.

This Agreement does not alter the existing roles and responsibilities of local governments under the Local Government Act 2009 and the City of Brisbane Act 2010, nor those of TMR under the Transport Infrastructure Act 1994 for the management of the road and transport network.

This Agreement is supported by the Roads and Transport Alliance Board Terms of Reference and the Roads and Transport Alliance Operational Guidelines which provide governance and operating frameworks for the Alliance, including:

- Regional Roads and Transport Group (RRTG) and Technical Committee roles and responsibilities
- Management of the region's road and transport network, with primary focus on the Local Roads of Regional Significance (LRRS) network
- Promoting improvement in strategic transport infrastructure planning; asset management; program development and reporting; road safety; joint purchasing and resource sharing initiatives and workforce capability
- Regional funding arrangements, including the Transport Infrastructure Development Scheme (TIDS).

## 3. Roads and Transport Alliance Principles

Under the Alliance, all parties to this Agreement commit to the following principles:

- Mutual respect and cooperation with an emphasis on partnership and recognition of each other's roles and responsibilities
- Active and frequent participation in Alliance arrangements, in line with the roles and responsibilities assigned to TMR, LGAQ, local governments and RRTGs
- Joint decision making, planning and investment which reflects regional priorities across the road and transport network, with specific focus on the LRRS network and other transport assets as agreed
- Optimisation of TIDS funding within and across RRTGs
- Improved performance of road and transport infrastructure through better asset lifecycle management
- Efficiency gains in program delivery
- Flexible, outcomes-oriented approaches that allow for innovation
- Promotion of resource sharing and technical knowledge transfer.

## 4. Roads and Transport Alliance Objectives and Outcomes

The objective of the Alliance is to create a more strategic and long-term approach to regional roads and transport planning, financing and delivery on the LRRS network across both state and local government, resulting in:

- A safe, integrated and resilient regional transport network accessible to everyone
- Strategically focused infrastructure investment that supports economic growth and provides greater return for every dollar invested by state and local government
- Less duplication of resources and effort
- Improved road stewardship and workforce capability and capacity through training, technology adoption and knowledge transfer
- Operational efficiencies through improved project coordination, scheduling and delivery.

## 5. Roles and responsibilities

Under this Agreement the parties acknowledge their respective responsibilities and commitment to the Alliance through:

### 5.1 Transport and Main Roads

- ongoing commitment (in practice) to Alliance principles, objectives and outcomes
- determining the strategic direction for the Alliance (via representation on the Roads and Transport Alliance Board and other boards/committees as needed)
- promoting linkages between Regional Transport Plans and RRTG planning processes
- participating in the Alliance process via district representation on RRTGs, Technical Committees and other sub-working groups as required
- embedding the Alliance within TMR business practices
- providing formal briefings to RRTGs at the commencement of each program cycle focusing on (but not limited to) TMR's investment priorities for the region/district
- administering TIDS, including regular reporting of expenditure levels by RRTGs
- assisting with knowledge and technology transfer to local governments
- overseeing and engaging in the Alliance issue resolution process when necessary
- participating in the Roads and Transport Alliance Project Team (RTAPT).

## 5.2 Local Government Association of Queensland Ltd

- ongoing commitment (in practice) to Alliance principles, objectives and outcomes
- determining the strategic direction for the Alliance (via representation on the Roads and Transport Alliance Board and other boards/committees as needed)
- providing advocacy for local governments and RRTGs through the Alliance, and other LGAQ channels as appropriate
- overseeing and engaging in the Alliance issue resolution process when necessary
- participating in the RTAPT.

## 5.3 Local governments

- ongoing commitment to Alliance principles, objectives and outcomes (through voluntary membership on RRTGs)
- demonstrating effort towards improvement in areas such as strategic transport infrastructure planning, asset management, program development and delivery, workforce capability, joint purchasing and resource sharing and road safety
- ensuring TIDS allocations are fully expended as part of the RRTGs rolling programs of work.

## 6. Governance Framework

### 6.1 The Roads and Transport Alliance Board

The Roads and Transport Alliance Board is the strategic decision-making body of the Alliance, comprising three senior officers from TMR, including the Director-General; three senior officers from the LGAQ, including the Chief Executive Officer; and two RRTG Chairs.

The Board, under their Terms of Reference, sets the strategic direction of the Alliance and oversees implementation across the state. The role of the Board is to:

- ensure effective governance arrangements for the Alliance
- identify and act on opportunities to strengthen the Alliance
- approve the creation and composition of subsidiary committees that support the Alliance
- facilitate innovative programs to improve the scope and operations of the Alliance and its supporting initiatives
- promote the principles and outcomes of the Alliance as a best practice model
- participate in the Alliance issue resolution process as necessary
- review and amend this Agreement, and any relevant supporting documentation, as necessary.

## 6.2 Regional Roads and Transport Groups

RRTGs are the primary decision-making bodies of the Alliance. Each RRTG is comprised of an elected member from each participating local government and a District Director from the lead TMR district.

RRTGs operate by the Roads and Transport Alliance Operational Guidelines and the Transport Infrastructure Development Scheme Policy. RRTGs have responsibility for:

- determining the LRRS network and ensuring timely notification of LRRS network changes to key stakeholders
- establishing and using regional investment strategies in road and transport infrastructure planning and prioritisation
- managing the investment of TIDS funding on road and transport infrastructure
- adopting and implementing practices for works program development and management including investment strategy development and project prioritisation procedures
- identifying and acting on opportunities to leverage the RRTG as an established regional forum
- reviewing and planning for improved capability across TMR and local government workforces
- promoting cross-regional collaboration on key issues such as facilitating economic development, improved road safety, asset management and joint purchasing and resource sharing
- investigating the merits of new or innovative road stewardship, transport infrastructure management and/or delivery arrangements that could benefit TMR, local governments and the Alliance.

RRTGs and their Technical Committees operate under the guidance of a set of rules or constitution.

## 6.3 Technical Committees

Each RRTG is supported by a Technical Committee. The Technical Committee operates by the Roads and Transport Alliance Operational Guidelines. Each Technical Committee is responsible for local knowledge sharing and providing technical expertise and advice in assisting the RRTG meet its responsibilities as outlined above.

These committees are generally comprised of an engineer or senior manager from each local government, and one TMR officer for each district represented on the RRTG. Other TMR and local government officers can contribute to these committees as required and as relevant to operations.

## 6.4 Roads and Transport Alliance Project Team

The RTAPT comprises staff members from the LGAQ and TMR and provides day to day operational support for the Alliance. As required, the RTAPT:

- provides strategic advice and secretariat support to the Roads and Transport Alliance Board
- facilitates the implementation of Alliance strategies and objectives
- facilitates the embedding of Alliance objectives throughout TMR and local government
- acts as an advocate for the Alliance across all levels of government
- supports RRTGs in implementing Alliance strategies and meeting Alliance objectives
- facilitates the organisation of events, relevant communications, and produces an annual report on Alliance activities and outcomes.

## 6.5 Other Committees or Groups

As required, the Roads and Transport Alliance Board can endorse the creation of a committee or working group. These committees or groups can provide leadership, guidance or technical expertise on a topic of interest to the Alliance.



## 7. Issue Resolution

The following principles will apply to the issue resolution process:

1. Issues are to be resolved at the lowest possible level (preferably within RRTGs).
2. At each level, the issue must be resolved or passed to the next highest level within a reasonable timeframe.
3. Issues are to be dealt with in an expeditious manner within the spirit of this Agreement.

EXAMPLE ISSUES (NOT EXHAUSTIVE)	LEVEL OF CONSIDERATION	TIMEFRAME – WORKING DAYS (GUIDE ONLY)	FINAL REVIEW GROUP
Issues between local governments within a RRTG	RRTG and if required the RTAPT	5	Board
Issues between RRTGs	RTAPT	10	Board
Issues between TMR and local governments	Districts and if required the RTAPT	10	Board
Agreeing to amend or add to this Agreement and documents subsidiary to it.	Board	10	TMR Minister and LGAQ President

## 8. Commencement and Duration

The following principles will apply to the issue resolution process:

1. Issues are to be resolved at the lowest possible level (preferably within RRTGs).
2. At each level, the issue must be resolved or passed to the next highest level within a reasonable timeframe.
3. Issues are to be dealt with in an expeditious manner within the spirit of this Agreement.





# Memorandum of Agreement

The Roads and Transport Alliance  
Agreement 2018 – 2023

# Memorandum of Agreement





## 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:** David Jeanes, Acting General Manager Community & Customer Services

**Responsible Officer:** Chris Vize, Acting Group Manager City Planning & Assessment

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

**Attachments:** 1. Decisions Made Under Delegated Authority 12.04.2020 to 25.04.2020

#### 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; and

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

The applications detailed in this report have been assessed under:

**Category 1** - Minor code assessable applications, concurrence agency referral, minor operational works and minor compliance works; 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 12.04.2020 to 25.04.2020

**Decisions Made Under Delegated Authority 12.04.2020 to 18.04.2020****CATEGORY1**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR20/0096	Design and Siting - Carport & Awning	Fastrack Building Certification	7 Blake Street Cleveland QLD 4163	Referral Agency Response - Planning	14/04/2020	N/A	Approved	2
DBW19/0038	Domestic Additions - Carport and Roofed Deck	Ray JOHN	23 Caravel Court Cleveland QLD 4163	Code Assessment	15/04/2020	N/A	Development Permit	2
CAR20/0092	Amenity and Aesthetics - Dwelling	Fluid Building Approvals	27 Cypress Avenue Russell Island QLD 4184	Referral Agency Response - Planning	16/04/2020	N/A	Approved	5
CAR19/0494	Design and Siting - Garage	The Certifier Pty Ltd	179 Redland Bay Road Capalaba QLD 4157	Referral Agency Response - Planning	17/04/2020	N/A	Approved	9
CAR20/0104	Design and Siting - Carport	Adept Building Approvals	19 Rhoades Street Capalaba QLD 4157	Referral Agency Response - Planning	16/04/2020	N/A	Approved	9
CAR20/0050	Design and Siting and Build over/near Infrastructure	Building Certification Consultants Pty Ltd	12 Pennant Court Birkdale QLD 4159	Referral Agency Response - Planning	14/04/2020	N/A	Approved	10
CAR20/0093	Design and Siting	Kenneth CLARKE	7 Pigeon Court Birkdale QLD 4159	Referral Agency Response - Planning	14/04/2020	N/A	Approved	10

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## Decisions Made Under Delegated Authority 12.04.2020 to 18.04.2020

## CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU19/0054	(5) storey, mixed-use development comprising fifteen (15) Multiple Dwellings and one (1) Shop	Meenakshi SETHI	121 Queen Street Cleveland QLD 4163	Code Assessment	14/04/2020	N/A	Development Permit	2
OPW20/0022	Prescribed Tidal Works - Pontoon extension	Christine BLETCHLY William Hugh BLETCHLY	20 Seahaven Court Cleveland QLD 4163	Code Assessment	17/04/2020	N/A	Development Permit	2
MCU20/0037	Extension to Currency Period - MCU013595 Apartment Building - 47 Units	Jiree International Investment Pty Ltd	196 Middle Street Cleveland QLD 4163	Minor Change to Approval	15/04/2020	N/A	Approved	2
MCU18/0219.03	Change to Development Approval - MCU18/0219 Education Facility	Young Mens Christian Association Brisbane Incorporated, Urban Strategies Pty Ltd	YMCA Victoria Point 126-128 Link Road Victoria Point QLD 4165	Minor Change to Approval	15/04/2020	N/A	Approved	4
RAL18/0028	Reconfiguring a Lot - Rearranging Boundaries - 2 into 2 lots	Mr Stephen L McCABE, Mrs Sharon L McCABE	142 Main Street Redland Bay QLD 4165	Code Assessment	16/04/2020	N/A	Development Permit	5
OPW20/0004	Excavation & Fill	Diana HU	25-27 Teesdale Road Alexandra Hills QLD 4161	Code Assessment	17/04/2020	N/A	Development Permit	7

## Decisions Made Under Delegated Authority 19.04.2020 to 25.04.2020

## CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR20/0085	Build Over or Near Relevant Infrastructure - Dwelling House	Building Certification Consultants Pty Ltd	120 Main Road Wellington Point QLD 4160	Referral Agency Response - Engineering	21/04/2020	N/A	Approved	1
CAR20/0109	Design and Siting - two storey dwelling	Dixon Homes (Rocklea)	110-112 Bainbridge Street Ormiston QLD 4160	Referral Agency Response - Planning	24/04/2020	N/A	Approved	1
MCU20/0039	Change to Development Approval MCU014027	Murrant Building Certification Philip Impey Architect	10 Sturgeon Street Ormiston QLD 4160	Minor Change to Approval	20/04/2020	N/A	Approved	1
CAR20/0095	Design and Siting - Shed	The Certifier Pty Ltd	4 Dunbar Street Amity QLD 4183	Referral Agency Response - Planning	24/04/2020	N/A	Approved	2
CAR20/0101	Design and Siting - Dwelling	Coral Homes (Qld) Pty Ltd	41 Russell Street Cleveland QLD 4163	Referral Agency Response - Planning	21/04/2020	N/A	Approved	2
CAR20/0108	Build Over or Near Relevant Infrastructure - Carport	Andrew James BLEAKLEY	48 Sentinel Court Cleveland QLD 4163	Referral Agency Response - Engineering	21/04/2020	N/A	Approved	2
CAR20/0124	Design and Siting - Shed	Titan Enterprises (Qld) Pty Ltd	15 South Street Cleveland QLD 4163	Referral Agency Response - Planning	21/04/2020	N/A	Approved	3
CAR20/0113	Design and Siting - Dwelling House	Bartley Burns Certifiers & Planners	1 Keirman Street Redland Bay QLD 4165	Referral Agency Response - Planning	24/04/2020	N/A	Approved	5

### Decisions Made Under Delegated Authority 19.04.2020 to 25.04.2020

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
DBW20/0004	Domestic Additions	Alison Jane ZOITSAS Anthony ZOITSAS	27-29 Coorong Street Macleay Island QLD 4184	Code Assessment	20/04/2020	N/A	Development Permit	5
MCU20/0035	Dwelling house	Bay Island Designs	19 Blue Bay Crescent Perulpa Island QLD 4184	Code Assessment	24/04/2020	N/A	Development Permit	5
CAR20/0107	Design and Siting - patio	Fastrack Building Certification	272 Finucane Road Alexandra Hills QLD 4161	Referral Agency Response - Planning	23/04/2020	N/A	Approved	8
CAR20/0106	Design and Siting - open carport	Fastrack Building Certification	30 Endeavour Street Capalaba QLD 4157	Referral Agency Response - Planning	23/04/2020	N/A	Approved	9
CAR20/0110	Design and Siting	Dixon Homes (Rocklea)	5A Collingwood Road Birkdale QLD 4159	Referral Agency Response - Planning	24/04/2020	N/A	Approved	10

**14.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS AS AT 05 MAY 2020****Objective Reference:****Authorising Officer:** David Jeanes, Acting General Manager Community & Customer Services**Responsible Officer:** Chris Vize, Acting Group Manager City Planning & Assessment**Report Author:** Michael Anderson, Senior Appeals 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 & ENVIRONMENT COURT APPEALS & APPLICATIONS**

<b>1.</b>	<b>File Number:</b>	2171 of 2018 (ROL006209)
<b>Appellant:</b>		<b>Lorette Margaret Wigan</b>
<b>Respondent:</b>		<b>Redland City Council</b>
<b>Proposed Development:</b>		Reconfiguring a Lot for 1 into 29 lots and road 84-122 Taylor Road, Thornlands (Lot 1 on RP123222)
<b>Appeal Details:</b>		Appeal against Council decision to issue a Preliminary Approval.
<b>Current Status:</b>		Appeal filed on 13 June 2018. Mediation was held on 29 June 2018. A second mediation was held on 2 October 2018. A third mediation was held on 22 October 2018. A fourth mediation was held on 8 April 2019. A fifth mediation was held on 12 December 2019. Reviews were held on 12 April 2019, 19 July 2019, 23 August 2019, 9 October 2019, 14 November 2019, 12 December 2019 and 3 February 2020. The Appellant is preparing affidavit material to support a minor change application and is listed for review on 15 May 2020.

<b>2.</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. A further review is listed for 25 May 2020.

<b>3.</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 has been set down for 22 May 2020.



<b>4.</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 has been extended until 1 May 2020. The matter is listed for review on 8 May 2020.

<b>5.</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 a without prejudice conference is scheduled for 6 May 2020.

<b>6.</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>		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 is to take place. A further review is to take place on 11 May 2020.

<b>7.</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>Co-respondents (By election):</b>		<b>Benjamin Alistair Mackay and Renee Michelle Mackay</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.

<b>8.</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 14 May 2020.

<b>9.</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.

## APPEALS TO THE QUEENSLAND COURT OF APPEAL

<b>10.</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.

<b>11.</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.

## 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 RAL18/0022 - 39, 47 - 69 BRENDAN WAY, VICTORIA POINT - 2 INTO 2 LOT BOUNDARY REALIGNMENT

**Objective Reference:****Authorising Officer:** David Jeanes, Acting General Manager Community & Customer Services**Responsible Officer:** Chris Vize, Acting Group Manager City Planning & Assessment**Report Author:** Charlotte Hughes, Acting Service Manager Planning Assessment**Attachments:**

1. Proposed plan of subdivision
2. South West Victoria Point Local Plan - Confidential
3. Proposed Plan for ROL005912
4. Development applications within the surrounding area

**PURPOSE**

This application is referred to a General Meeting of Council for determination.

**BACKGROUND**

Council has received an application from Andiworth Pty Ltd c/- Place Design Group seeking a development permit for reconfiguring a lot for the purpose of a two (2) into two (2) lot boundary realignment on land at 39 Brendan Way and 47-69 Brendan Way, Victoria Point owned by Mr and Mrs Ponzo (refer to **Attachment 1** for proposed plan of subdivision). The application is subject to code assessment under Redland City Plan 2018.

The application should be decided by 29 May 2020 in accordance with the *Planning Act 2016*. Should the decision not be made by that date the application may be deemed approved.

**City Plan Major Amendment: South West Victoria Point Local Plan**

An update on status of the draft South West Victoria Point Local Plan (SWVPLP), including details of where the application site is located in the context of the draft local plan, is in Attachment 2.

**City Plan Major Amendment: South West Victoria Point Local Plan**

An update on status of the draft South West Victoria Point Local Plan (SWVPLP), including details of where the application site is located in the context of the draft local plan, is in Attachment 2.

**Planning History**

The following planning history is relevant to the site:

- **ROL005912** for a three (3) into 267 lots subdivision on land at 21-29 & 31 Clay Gully Road and 39 Brendan Way, Victoria Point was lodged in March 2015. This application has not been decided and is a 'deemed refusal' (see **Attachment 3**).
- **ROL006103** for a one (1) into two (2) lots subdivision on land at 39 and 47-69 Brendan Way, Victoria Point was lodged in September 2016 and subsequently approved on 14 March 2017. These lots were plan sealed on 25 August 2017.

A number of development applications have been lodged within the surrounding area (see **Attachment 4**). These applications are largely undecided at this point in time (deemed refusals) or are the subject of an appeal through the Planning and Environment Court.

## ISSUES

### Site & Locality

The application relates to 39 Brendan Way and 47-69 Brendan Way, Victoria Point (formally described as lots 1 and 2 on SP292896), with a combined area of 89,300m<sup>2</sup>, which is located to the west of Clay Gully Road and within the SWVPLP area, as shown in **Figure 1** below.



**Figure 1** – Location of the site.

Lot 1 is vacant and consists of open grassland with an existing dam to the south-east corner. Lot 2 is occupied by a single detached dwelling and associated outbuildings. Both lots have a combined frontage to Brendan Way of approximately 301m.

At the time of lodgement of the application, the site was zoned rural non-urban under the Redlands Planning Scheme (RPS) v7.1. The scheme's habitat protection overlay, bushfire hazard and protection of the poultry industry overlays are all relevant to the site.

Under the **Redland City Plan 2018** (the City Plan), the site is located within the emerging community zone and mapped under the bushfire hazard and environmental significance overlays.

### Development Proposal

The application is for a development permit for reconfiguring a lot for the purpose of a two (2) into two (2) lot boundary realignment (refer to **Attachment 1** and **Figure 2** below). The proposed boundary realignment will reduce the size of Lot 2 by 2,800m<sup>2</sup>, resulting in the following lot sizes:

- Lot 1 – 71,390m<sup>2</sup>
- Lot 2 – 17,910m<sup>2</sup>

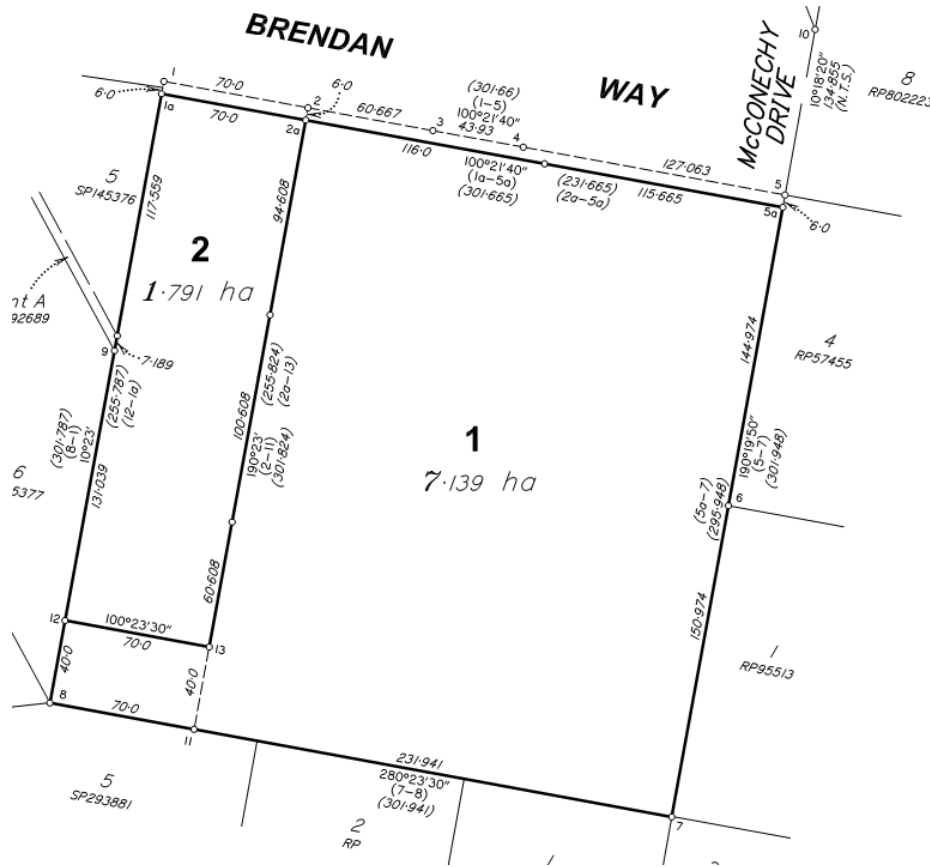


Figure 2 – Proposed plan of subdivision.

The purpose of this application is to realign the common boundary between lots 1 and 2, to facilitate the provision of a 40m wide east-west environmental corridor on the subject land, proposed under application ROL005912 (which as previously noted, is currently undecided), see Figure 3 below.



Figure 3 – Location of 40m wide ecological corridor proposed under application ROL005912

## ASSESSMENT FRAMEWORK

### Planning Act 2016

The application has been made in accordance with the *Planning Act 2016* (PAct) Development Assessment Rules and constitutes a **code** assessable application for reconfiguring a lot under the RPS v7.1.

Under s45 (3) of PAct a code assessment is an assessment that must be carried out only –

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

Matters prescribed by regulation for this paragraph are outlined in section 27 of the *Planning Regulation 2017* as follows:

- (1) *For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—*
  - (a) *The matters stated in schedules 9 and 10 for the development; and*
  - ...
  - (c) *if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and*
  - (d) *if the prescribed assessment manager is a person other than the chief executive—*
    - (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (ii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the scheme as being appropriately integrated in the planning scheme; and*
    - (iii) *for designated premises—the designation for the premises; and*
  - (e) *any temporary State planning policy applying to the premises;*
  - (f) *any development approval for, and any lawful use of, the premises or adjacent premises;*
  - (g) *the common material.*

Further to the above, in accordance with s45 (6) ‘*subsections (7) and (8) apply if an assessment manager is, under subsection (3) or (5), assessing a development application against or having regard to –*

- (a) *a statutory instrument; or*
- (b) *another document applied, adopted or incorporated (with or without changes) in a statutory instrument.’*

Subsections (7) and (8) state:

- (7) *The assessment manager must assess the development application against or having regard to the statutory instrument, or other document, as in effect when the development application was properly made.*

(8) However, the assessment manager may give the weight the assessment manager considers is appropriate, in the circumstances, to—

(a) if the statutory instrument or other document is amended or replaced after the development application is properly made but before it is decided by the assessment manager—the amended or replacement instrument or document; or

(b) another statutory instrument—

- i) that comes into effect after the development application is properly made but before it is decided by the assessment manager; and
- ii) that the assessment manager would have been required to assess, or could have assessed, the development application against, or having regard to, if the instrument had been in effect when the application was properly made.

For the purpose of this application, the assessment **must** be carried out against the assessment benchmarks that were in force at the date the development application was properly made, which are the following:

#### **Redlands Planning Scheme (RPS) (Version 7.1)**

- Reconfiguration code
- Bushfire hazard overlay
- Habitat protection overlay code
- Protection of poultry industry overlay code

The assessment has also had regard to the following matters prescribed under the *Planning Regulation 2017*:

- *State Planning Policy 2017*
- *SEQ Regional Plan 2017*

Additionally, after carrying out that assessment, the assessment manager **may** also give weight to the amended or replaced statutory instrument if it comes into effect after the application is properly made but before it is decided. While the subject application was properly made while the RPS v7.1 was in effect, the City Plan was adopted on 8 October 2018.

City Plan outlines Council's strategic intent for the area in question, which is markedly different to the intent under the RPS v7.1.

Given that the intent of the City Plan for this area is to facilitate functional and attractive urban development and ensure that any interim development does not compromise this being realised, it is entirely relevant to give the City Plan significant weight in the assessment of this application, which is, for all intents and purposes, interim development.

In this regard, the assessment has given significant weight to the following assessment benchmarks in the City Plan.

#### **City Plan (V3)**

- Emerging community zone code
- Bushfire hazard overlay code
- Environmental significance overlay code
- Reconfiguring a lot code



### Decision making framework

In accordance with s60(2) of PAct 'to the extent the application involves development that requires **code** assessment, and subject to section 62, the assessment manager, after carrying out the assessment—

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

### **APPLICATION ASSESSMENT**

#### **South East Queensland Regional Plan 2017**

The site is located within the Urban Footprint in the *SEQ Regional Plan 2017* (SEQRP), which came into effect on 11 August 2017. The proposal does not conflict with the regional plan policies associated with this classification.

Under the now superseded SEQRP 2009-2031 the site was identified as the *Victoria Point Local Development Area* (VPLDA). However, this designation is not applicable under the SEQRP 2017.

#### **Redlands Planning Scheme v7.1**

##### Usability of lots/fragmentation of rural land

Specific outcome S1.6 (3) of the reconfiguration code states:

*Where in the Rural Non-Urban Zone reconfiguration –*

- a) maintains rural lands in usable parcels to reduce fragmentation of the zone;**
- b) does not negatively impact on the economic viability of existing or potential uses in this zone;*
- c) ensures that lots created are suitable for agricultural or other productive uses;**
- d) protects the rural landscape setting in which it is;*
- e) protects the amenity of adjacent and nearby areas;*
- f) provides buffers between any existing or potentially incompatible land uses, specifically sensitive receiving environments;*

Further, S7 of the code states:

*'If rearranging boundaries of a lot, the usability of and access to all lots affected is improved or maintained.'*

The above is reinforced by the overall outcomes of the reconfiguration code, which relevantly state:

- (2) (i) *if in the Rural Non-Urban Zone, created lots are of sufficient size and suitable proportions for –*

*(i) productive agricultural activities, and where necessary, a residential use on the same lot;*

*(ii) locationally specific uses as expected in the zone;*

...

*(n) if rearranging the boundaries of a lot, the usability of and access to all lots affected is improved or maintained;.*

As a result of the proposed boundary realignment, Lot 2 will be reduced in size by 2,800m<sup>2</sup> and lot 1 will become irregular in shape and would result in a fragmented parcel of land located to the south of Lot 2. This parcel of land, while nevertheless remaining part of Lot 1, would be fragmented from the balance of the lot due to its location and size; and the usability of this parcel of land would be compromised as a result. Consequently, the proposal is considered to be inconsistent with S1.6 (3) and overall outcome (2)(i) of the code.

Whilst access to the lots is being maintained, the usability of Lot 1 (in particular the smaller parcel of land being created) is considered to be compromised by the reduced lot widths and irregular shape and the proposal is therefore also considered to be inconsistent with S7 and overall outcome (2)(n) of the code.

#### Lot size

The proposed lot sizes trigger assessment against S2.1(2) of the reconfiguration code, which states:

*The creation of Standard Format Plan lots results in a mix of lot sizes that suit a variety of needs with areas and dimensions that –*

- a) use land efficiently and allow amalgamation of lots to suit specific needs;***
- b) protect environmental values, and cultural and scenic features;*
- c) address site constraints such as identified hazards, slope and site drainage;*
- d) retain significant features, such as native plants;*
- e) take into account the slope of the land to minimise the need for excavation and fill;*
- f) for housing, are of a size and width that*
  - (i) take advantage of microclimatic benefits;*
  - (ii) have dimensions to allow on-site solar access and access to breezes;*
  - (iii) provide locations for private outdoor places;*
  - (iv) provide convenient vehicle access and onsite parking;*
  - (v) where reticulated sewer is not available, have a sufficient area for on-site wastewater management systems.*

The proposed boundary realignment would result in an irregular shaped lot, the usability of which would be compromised as a result. Consequently, the proposal would not make the most efficient use of land due to its irregular configuration and would be inconsistent with S2.1 (2) of the code.

Where the proposal does not comply with the specific outcomes of the code, an assessment against the overall outcomes is required. Overall outcome (2) (e) of the reconfiguration code states:

(e) if creating a new lot or lots or dividing land into parts by agreement, the lot or part of a lot –

- (i) is capable of being adequately serviced having regard to expected use of the premises and its location;
- (ii) **has an area and dimension consistent with –**
  - a. **the outcomes sought for the zone in which it occurs or any use approved for the subject land;**
  - b. any significant physical constraints of the land including environmental values, landscape setting or natural hazards;
  - c. the provision of any setbacks for the use in that zone, if applicable;

The size of the lots sought under the rural non-urban zone are large lots in order to promote productive rural activities that rely on the use of the land for traditional and rural activities. Further reducing the size of one of the lots by 2,800m<sup>2</sup> is considered to conflict with the overall outcomes sought under the zone, as it would further restrict the use of the land for rural activities/traditional uses. This would be compounded by the irregular lot shape that would result. Consequently, the development results in lots with an area and dimension that is inconsistent with the outcomes sought for the rural non-urban zone and the proposed does therefore not comply with S2.1(2) or overall outcome (2)(e) of the reconfiguration zone code.

#### Environment

The site is designated as a mix of enhancement corridor and enhancement area under the habitat protection overlay. The enhancement corridor is intended to support a natural area network by enhancing/creating habitat linkages between areas mapped as bushland habitat to the south and west of the site. Specific outcome S2.1(5) code states:

*Where locating development on that part of the lot or lots shown as Enhancement Corridor –*

- a) *explore all alternatives to locate the development outside these areas;*
- b) *where (a) is not achievable*
  - i) *maximise the retention of koala habitat trees;*
  - ii) *provide enhancement plantings that achieve the revegetation of the corridor and restores the ecological values providing for wildlife movement for the total area of the Enhancement Corridor;*
  - iii) ***where the Enhancement Corridor is less than 100 metres in width, expand the corridor using native plants to a minimum width of 100 metres wherever possible;***

Further, overall outcome (2)(e) of the code outlines the outcomes being sought for each habitat category. Relevantly, the outcome and actions required for the enhancement corridor category are:

**Outcome:** *The re-establishment of disturbed or degraded wildlife and habitat corridors.*

**Action 1:** *Enhance corridors where replanting, regeneration and habitat reconstruction improve the connectivity between habitats, and encourage biodiversity.*

**Action 2: Provide connection corridors of sufficient width to maintain viable wildlife or habitat linkages between remnant stands of mature individual trees, lines of trees, and prominent natural features like drainage lines, waterways and foreshores.**

**Action 3: Ensure that development maximises the retention of existing koala habitat trees and ensures that where non-juvenile koala habitat trees are to be removed, that they are replaced to achieve a net gain.**

It is worth noting, although not directly applicable to the assessment of this application, Council's *Wildlife Connections Plan 2018-2028* also seeks to provide ecological corridors that have a minimum width of 100m.

The proposed boundary realignment seeks to provide for the east-west linkage sought under the enhancement corridor mapping of the habitat protection overlay, however, it seeks to facilitate a 40m wide corridor, rather than the full 100m corridor width as sought by the code.

Under Part 4, Division 4, Subdivision 1, Part 27 (1)(f) of the *Planning Regulation 2017*, code assessment must be carried out having regard to 'any development approval for, and any lawful use of, the premises or adjacent premises.' A decision on this application is yet to be made and, consequently, it is not considered to be a material consideration in the assessment of this application as it does not constitute a development approval.

It is also noted that were this boundary realignment to be approved, in order to achieve a full 100m corridor in the future, a greater proportion of the corridor may have to be sought from the adjoining landowners to the south instead of being equally proportioned between all landowners.

The proposal therefore does not comply with S2.1(5) or overall outcomes of the habitat protection overlay as it would prejudice the provision of a 100m wide enhancement corridor sought for the area; or in the alternative, be detrimental to the interests of the adjoining landowners to the south, who may be burdened with providing the balance of the corridor width in the future.

## **City Plan 2018**

### Land use intent

The site is located within the emerging community zone under City Plan. The purpose of the emerging community zone code is to 'guide the creation of functional, efficient and attractive communities in the newly developing parts of the city, and to **ensure interim development does not compromise the ability to establish these communities or detract from their quality.**'

The purpose of the code is to be achieved through the following overall outcomes:

- a) structure planning of the area within the zone is undertaken in advance of any reconfiguration or development for urban purposes;**
- b) interim development does not compromise or constrain the potential for well-designed future urban communities;**
- c) urban development facilitates the establishment of attractive, functional, resilient and walkable communities that are well supported by accessible centres and employment opportunities, community services and public transport;
- d) urban residential development provides for a mix of affordable housing types and achieves a net residential density of 12-15 dwellings per hectare;
- e) the area fronting Redland Bay Road east of the creek facilitates the establishment of large format retail uses, consistent with the mixed use zone;

- f) land is developed in a logical pattern that facilitates the efficient provision of urban infrastructure;*
- g) transport networks are coordinated and interconnected to ensure a high level of accessibility for pedestrians, cyclists, public transport and private vehicles;*
- h) development provides effective buffering to nearby sensitive land uses, rural activities and natural areas;*
- i) development retains significant landscape, social, recreational and cultural features and values; and*
- j) development maximises the retention of natural habitat areas and corridors, and provides effective buffers to wetlands and waterways.*

Further, performance outcome **PO5** of the emerging community zone code states:

*Development facilitates:*

- 1. a logical pattern of development;**
- 2. efficient use of land and infrastructure;**
- 3. integration with surrounding communities, through connected movement and open space networks, and shared use of community infrastructure;*
- 4. walkable neighbourhoods with high levels of accessibility for pedestrians, cyclists and public transport;*
- 5. efficient use and integrated management of water;*
- 6. net residential densities of between 12-15 dwellings per hectare;*
- 7. balanced and affordable communities with a mix of affordable housing types;*
- 8. provision of community infrastructure and public transport services at an early stage of development;*
- 9. local or neighbourhood centres which establish the focus for local community life;*
- 10. higher residential densities, community and centre activities around existing or future public transport modes;*
- 11. land for community uses and public services, including open space education, health, social and emergency services; and*
- 12. retention of an urban landscape with substantive networks of habitat and open space within the locality and, where appropriate, inter-urban breaks.*

The reconfiguring a lot code seeks to reinforce the outcomes intended under the zone code, and relevantly overall outcome (2) (a) in particular states:

*a) reconfiguring a lot:*

- (i) creates safe, functional and attractive places that are consistent with the intended outcomes for the zone or precinct in which the land is located;*

Importantly, Council's City Plan has rezoned the area from rural non-urban under the RPS to emerging community where it seeks to create a functional, efficient and attractive community in this newly developing part of the city.

In order to plan for the delivery of this new community in an integrated, sequenced and timely manner, Council has commenced the preparation of a draft structure plan (refer to **Attachment 2**).

However, as this is a code assessable application the assessment must only be carried out against the applicable assessment benchmarks; and weight cannot be given to other 'relevant matters', being the SWVPLP.

Therefore, in lieu of the structure plan having been developed for the area and until such time that the structure planning process being undertaken by Council is complete, interim development must not compromise or constrain the potential for well-designed future urban communities, and is to maximise the retention of natural habitat areas and corridors.

It is noted that Council's *Wildlife Connections Plan 2018-2028* identifies an enhancement corridor through the subject site, with a minimum width of 100m and that this document is likely to inform the location of strategically important enhancement corridors within the SWVPLP.

However, the proposed boundary realignment seeks to facilitate the provision of a 40m wide east-west environmental corridor on the subject land, in advance of the SWVPLP and City Plan amendment taking effect. This would be premature and ultimately compromise and/or constrain the ability to achieve a well-designed future urban community and enhancement corridor for the area.

The proposed boundary realignment does not meet performance outcome PO5, overall outcomes (2)(a), (b), and (f) of the purpose of the emerging community zone code and overall outcomes (1) and (2)(a) of the reconfiguring a lot code of the City Plan.

#### **Infrastructure Charges**

Not applicable for boundary realignment as no new lots are being created.

#### **State Referrals**

The application did not trigger any referral requirements.

#### **Submissions**

The application is code assessable and did not require public notification.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

In accordance with the *Planning Act 2016* this development application has been assessed against the Redlands Planning Scheme V7.1, City Plan v3 and other relevant planning instruments.

#### **Risk Management**

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

#### **Financial**

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

#### **People**

There are no implications for staff.

**Environmental**

Refer to the Issues section of this report.

**Social**

There are no social implications.

**Human Rights**

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

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

Refer to the Issues section of this report.

**CONSULTATION**

Consulted	Consultation Date	Comments/Actions
Division 4 Councillor	15/03/18	Development applications are sent to the divisional Councillor for their reference as part of standard practice.

**OPTIONS****Option One**

That Council resolves as follows:

1. To refuse the application on the grounds below:

a) Redlands Planning Scheme v7.1

i. Usability/Fragmentation of rural land

The proposed boundary realignment would result in Lot 1 becoming an irregular shape and with a fragmented parcel of land being located to the south of Lot 2. This parcel of land, while remaining part of Lot 1, would be fragmented from the larger balance of the lot due to its location and size; and the usability of this parcel of land would be compromised as a result. Consequently, the proposal is considered to be inconsistent with the S1.6(3), S7 and overall outcomes (2)(i) and (2)(n) of the reconfiguration code.

ii. Lot size

The Rural Non-Urban Zone seeks to provide for large lots in order to promote productive rural activities that rely on the use of the land for traditional and rural activities. Further reducing the size of one of those lots would further restrict the use of the land for rural activities/traditional uses and would conflict with the overall outcomes sought under the zone. Consequently the development does not comply with S2.1 (2) and overall outcome (2)(e) of the reconfiguration code.

iii. Environmental values

The proposed boundary realignment prejudices the provision of a 100m wide enhancement corridor, which would conflict with S2.1(5) and overall outcomes sought for an enhancement corridor in the habitat protection overlay code. Further, the proposal conflicts with S1.1 of the Reconfiguration Code, which seeks to protect environmental values and functions, including habitat areas, corridors and waterways.

b) City Plan v.3

i. Land use intent

Overall outcomes of the emerging community zone code seek to ensure that structure planning of the area within the zone is undertaken in advance of any reconfiguration or development for urban purposes. Further, interim development is not to compromise or constrain the potential for well-designed future urban communities.

In lieu of a structure plan having been adopted for the area, it is considered that the proposed boundary re-alignment is premature and that it would ultimately compromise and constrain the ability to establish a well-designed future urban community.

The proposed boundary realignment does not meet performance outcome PO5, overall outcomes (2)(a), (b), and (f) of the purpose of the emerging community zone code and overall outcomes (1) and (2)(a) of the reconfiguring a lot code of the City Plan.

2. To maintain Attachment 2 of this report as confidential until the commencement of public notification for a major amendment to the City Plan for the South West Victoria Point Structure Plan area or Council resolves not to proceed with the proposed amendment, subject to maintaining the confidentiality of legally privileged, private and commercial in-confidence information.

**Option Two**

That Council resolves as follows:

1. To refuse the application subject to different or amended grounds.
2. To maintain Attachment 2 of this report as confidential until the commencement of public notification for a major amendment to the City Plan for the South West Victoria Point Structure Plan area or Council resolves not to proceed with the proposed amendment, subject to maintaining the confidentiality of legally privileged, private and commercial in-confidence information.

**Option Three**

That Council resolves as follows:

1. To approve the application with or without conditions.
2. To maintain Attachment 2 of this report as confidential until the commencement of public notification for a major amendment to the City Plan for the South West Victoria Point structure plan area or Council resolves not to proceed with the proposed amendment, subject to maintaining the confidentiality of legally privileged, private and commercial in-confidence information.



**OFFICER'S RECOMMENDATION**

That Council resolves as follows:

1. To refuse the application on the grounds below:

a) Redlands Planning Scheme v7.1

i. Usability/Fragmentation of rural land

The proposed boundary realignment would result in Lot 1 becoming an irregular shape and with a fragmented parcel of land being located to the south of Lot 2. This parcel of land, while remaining part of Lot 1, would be fragmented from the larger balance of the lot due to its location and size; and the usability of this parcel of land would be compromised as a result. Consequently, the proposal is considered to be inconsistent with the S1.6(3), S7 and overall outcomes (2)(i) and (2)(n) of the reconfiguration code.

ii. Lot size

The Rural Non-Urban Zone seeks to provide for large lots in order to promote productive rural activities that rely on the use of the land for traditional and rural activities. Further reducing the size of one of those lots would further restrict the use of the land for rural activities/traditional uses and would conflict with the overall outcomes sought under the zone. Consequently the development does not comply with S2.1 (2) and overall outcome (2)(e) of the reconfiguration code.

iii. Environmental values

The proposed boundary realignment prejudices the provision of a 100m wide enhancement corridor, which would conflict with S2.1(5) and overall outcomes sought for an enhancement corridor in the habitat protection overlay code. Further, the proposal conflicts with S1.1 of the Reconfiguration Code, which seeks to protect environmental values and functions, including habitat areas, corridors and waterways.

b) City Plan v.3

i. Land use intent

Overall outcomes of the emerging community zone code seek to ensure that structure planning of the area within the zone is undertaken in advance of any reconfiguration or development for urban purposes. Further, interim development is not to compromise or constrain the potential for well-designed future urban communities.

In lieu of a structure plan having been adopted for the area, it is considered that the proposed boundary re-alignment is premature and that it would ultimately compromise and constrain the ability to establish a well-designed future urban community.

The proposed boundary realignment does not meet performance outcome PO5, overall outcomes (2)(a), (b), and (f) of the purpose of the emerging community zone code and overall outcomes (1) and (2)(a) of the reconfiguring a lot code of the City Plan.

2. To maintain Attachment 2 of this report as confidential until the commencement of public notification for a major amendment to the City Plan for the South West Victoria Point Structure Plan area or Council resolves not to proceed with the proposed amendment, subject to maintaining the confidentiality of legally privileged, private and commercial in-confidence information.

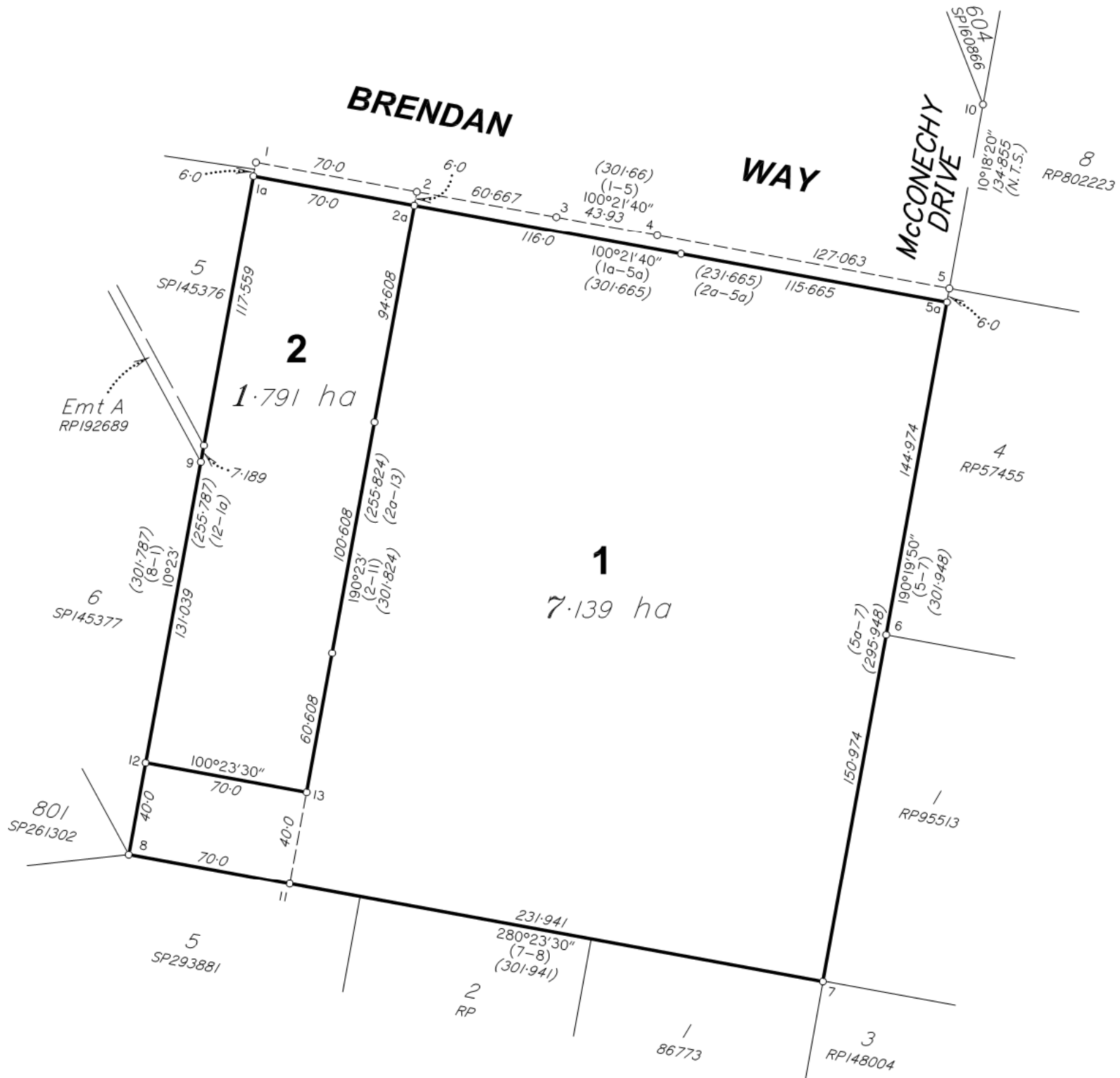
Land Title Act 1994 ; Land Act 1994  
Form 21 Version 4

SURVEY PLAN

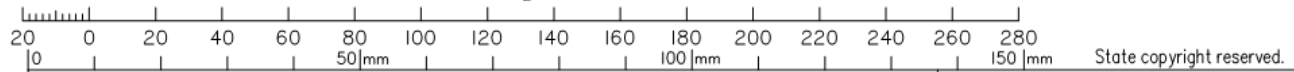
Sheet 1 of 2

ATTACHMENT 1: Proposed plan of subdivision.

DRAFT



Scale 1:2000 - Lengths are in Metres.



<p><b>Plan of Proposed Lots 1 &amp; 2</b></p> <p><i>Cancelling Lots 1 &amp; 2 on SP292896</i></p> <p>LOCAL GOVERNMENT: <b>REDLAND C.C.</b> LOCALITY: <b>VICTORIA POINT</b></p> <p>Meridian: <i>MGA Zone 56 Vide SP292896</i></p>		Scale: <b>1:2000</b>
		Format: <b>STANDARD</b>
		<b>SP303198</b>
Survey Records: <i>No</i>		

AUSB #151919 - 06C DRAFT

Form 21 V4

<p>Land Title Act 1994 ; Land Act 1994 Form 21B Version 1</p> <p style="text-align: center;">(Dealing No.)</p>	<p style="text-align: center;"><b>WARNING : Folded or Mutilated Plans will not be accepted.</b> Plans may be rolled. Information may not be placed in the outer margins.</p> <div style="float: right; border: 1px solid black; padding: 2px;">                 Sheet <b>2</b> of <b>2</b> </div> <p>5. Lodged by</p> <p style="font-size: small;">(Include address, phone number, reference, and Lodger Code)</p>																													
<p>1. Certificate of Registered Owners or Lessees.</p> <p>I/We .....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(Names in full)</p> <p>* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.</p> <p><del>* as Lessees of this land agree to this plan.</del></p> <p>Signature of *Registered Owners* Lessees—</p> <p style="font-size: small;">* Rule out whichever is inapplicable</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2">6. Existing</th> <th colspan="3">Created</th> </tr> <tr> <th>Title Reference</th> <th>Description</th> <th>New Lots</th> <th>Road</th> <th>Easements</th> </tr> <tr> <td style="text-align: center;">—</td> <td>Lot 1 on SP292896</td> <td style="text-align: center;">1</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td style="text-align: center;">—</td> <td>Lot 2 on SP292896</td> <td style="text-align: center;">1 &amp; 2</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> </table> <div style="text-align: center; font-size: 48px; font-weight: bold; opacity: 0.5; margin: 20px 0;">DRAFT</div> <table border="1" style="width:100%; border-collapse: collapse; margin: 0 auto;"> <tr> <th colspan="3">BENEFIT EASEMENTS ALLOCATIONS</th> </tr> <tr> <th>Easement</th> <th>Lots Fully Benefited</th> <th>Lots Partially Benefited</th> </tr> <tr> <td>601766203 (Emt A on RPI92689)</td> <td style="text-align: center;">1 &amp; 2</td> <td style="text-align: center;">—</td> </tr> </table>	6. Existing		Created			Title Reference	Description	New Lots	Road	Easements	—	Lot 1 on SP292896	1	—	—	—	Lot 2 on SP292896	1 & 2	—	—	BENEFIT EASEMENTS ALLOCATIONS			Easement	Lots Fully Benefited	Lots Partially Benefited	601766203 (Emt A on RPI92689)	1 & 2	—
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601766203 (Emt A on RPI92689)	1 & 2	—																												
<p>2. Planning Body Approval.</p> <p>* REDLAND CITY COUNCIL</p> <p>hereby approves this plan in accordance with the :</p> <p>%</p> <p>Dated this ..... day of .....</p> <p>..... #</p> <p>..... #</p> <p style="font-size: small;">* Insert the name of the Planning Body.                      % Insert applicable approving legislation. # Insert designation of signatory or delegation</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">I &amp; 2</td> <td style="width:50%; text-align: center;">Por 423</td> </tr> <tr> <td style="text-align: center;">Lots</td> <td style="text-align: center;">Orig</td> </tr> </table> <p>7. Orig Grant Allocation :</p> <p>8. Passed &amp; Endorsed :</p> <p>By : KEVIN MAURICE HOLT</p> <p>Date :</p> <p>Signed :</p> <p>Designation : Cadastral Surveyor</p>	I & 2	Por 423	Lots	Orig																									
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Lots	Orig																													
<p>3. Plans with Community Management Statement :</p> <p>CMS Number :</p> <p>Name :</p>	<p>4. References :</p> <p>Dept File :</p> <p>Local Govt : ROL006103</p> <p>Surveyor : AUSB #151919</p>																													
<p>9. Building Format Plans only.</p> <p>I certify that :</p> <p>* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;</p> <p>* Part of the building shown on this plan encroaches onto adjoining * lots and road</p> <p>.....</p> <p>Cadastral Surveyor/Director*      Date</p> <p>*delete words not required</p>																														
<p>10. Lodgement Fees :</p> <table style="width:100%;"> <tr> <td>Survey Deposit</td> <td style="text-align: right;">\$ .....</td> </tr> <tr> <td>Lodgement</td> <td style="text-align: right;">\$ .....</td> </tr> <tr> <td>.....New Titles</td> <td style="text-align: right;">\$ .....</td> </tr> <tr> <td>Photocopy</td> <td style="text-align: right;">\$ .....</td> </tr> <tr> <td>Postage</td> <td style="text-align: right;">\$ .....</td> </tr> <tr> <td>TOTAL</td> <td style="text-align: right;">\$ .....</td> </tr> </table>		Survey Deposit	\$ .....	Lodgement	\$ .....	.....New Titles	\$ .....	Photocopy	\$ .....	Postage	\$ .....	TOTAL	\$ .....																	
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TOTAL	\$ .....																													
<p>11. Insert Plan Number</p> <p style="font-size: 24px; font-weight: bold; text-align: center;">SP303198</p>																														

# **Under Separate Cover**

**Attachment 2 – Confidential  
South West Victoria Point Local Plan**

# PRELIMINARY FOR DISCUSSION ONLY

## ATTACHMENT 3: Proposed plan of subdivision for application ROL005912.



BRISBANE  
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F: +61 7 3852 4766

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PROJECT

CLAY GULLY ROAD

CLIENT

AUSBUILD

KEY PLAN / NOTES

- SITE BOUNDARY
- STAGING BOUNDARY
- OPEN SPACE/PARK/STORMWATER
- EXISTING ACCESS EASEMENT
- PROPOSED ACCESS EASEMENT

NOT FOR CONSTRUCTION

ISSUE	CODE	ISSUE DESCRIPTION	BY	CHK	DATE
A	PRE	PRELIMINARY ROL PLAN	CA	LM	25-03-2018
B	PRE	PRELIMINARY ROL PLAN	CA	LM	26-07-2018
C	PRE	PRELIMINARY ROL PLAN	CA	LM	11-08-2018
D	PRE	PRELIMINARY ROL PLAN	CA	LM	12-12-2018
E	PRE	PRELIMINARY ROL PLAN	JB	CA	21-01-2019
F	PRE	PRELIMINARY ROL PLAN	JB	CA	01-03-2019
G	PRE	PRELIMINARY ROL PLAN	JB	CA	02-03-2019
H	PRE	PRELIMINARY ROL PLAN	JB	CA	07-03-2019
I	PRE	PRELIMINARY ROL PLAN	BM	CA	24-03-2019
J	PRE	PRELIMINARY ROL PLAN	BM	CA	26-09-2017
K	PRE	PRELIMINARY ROL PLAN	JW	CA	08-11-2017
L	PRE	PRELIMINARY ROL PLAN	JW	CA	13-02-2018

PRE: Preliminary | CA: Council Approval | 1: Tender | CON: Construction

DRAWING TITLE

ROL PLAN

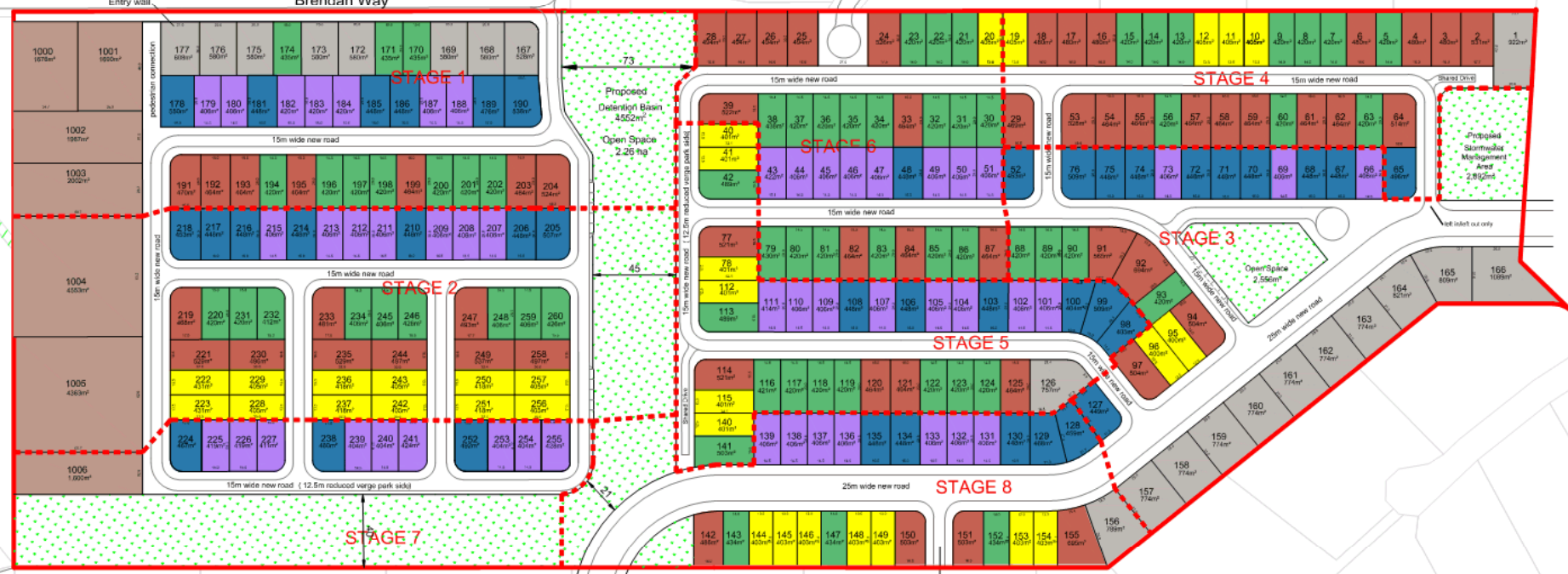
DESIGN : CA  
DOCUMENT : CA  
PROJECT : ASB32



SCALE 1:1500 @ A1 1:3000 @ A3

SHEET NUMBER REVISION

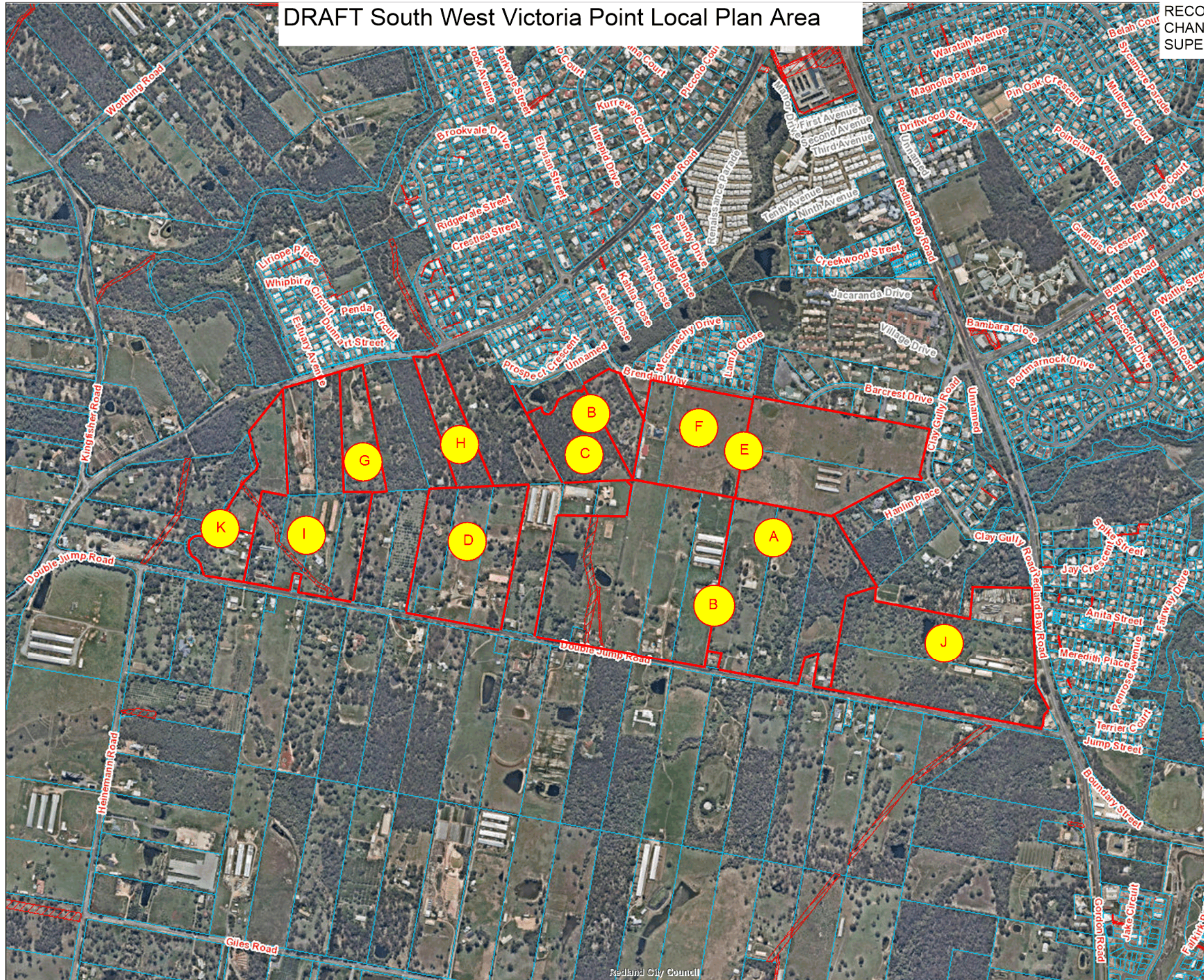
ASB32-SK01 L



YIELD AND MIX											TOTAL						
Average width	12.5m	14m	16m	12.5m	14m	16m	20-25m	Vendor Lots									
Average depth	29-31m	29-31m	29-31m	28m	28m	28m	31-42m	2000+sqm									
Average size	362-387sqm	406-434sqm	464-496sqm	350sqm	392sqm	448sqm	620-800+sqm	2000+sqm									
STAGE 1	0	0%	10	24%	7	17%	0	0%	7	17%	6	15%	8	20%	3	7%	41
STAGE 2	12	26%	9	0%	9	20%	0	0%	7	15%	7	15%	0	0%	2	4%	46
STAGE 3	2	6%	4	12%	4	12%	0	0%	3	9%	10	30%	10	30%	0	0%	33
STAGE 4	4	12%	10	30%	17	52%	0	0%	0	0%	1	3%	1	3%	0	0%	33
STAGE 5	6	17%	10	28%	5	14%	0	0%	8	22%	6	17%	1	3%	0	0%	36
STAGE 6	1	3%	17	46%	10	27%	0	0%	8	22%	1	3%	0	0%	0	0%	37
STAGE 7	0	0%	0	0%	0	0%	0	0%	9	64%	3	21%	0	0%	2	14%	14
STAGE 8	7	26%	3	11%	4	15%	0	0%	7	26%	5	19%	1	4%	0	0%	27
YIELD	32	12%	63	24%	56	21%	0	0%	49	18%	39	15%	21	8%	7	3%	267

# DRAFT South West Victoria Point Local Plan Area

RECONFIGURATION, MATERIAL CHANGE OF USE & SUPERSEDED REQUESTS



Legend  
 [Red outline] Easement  
 [Blue outline] Current Lot

### LEGEND

- A - RAL18/0012, 01, 02
- B - RAL18/0127
- C - RAL18/0126
- D - RAL18/0128
- E - ROL005912
- F - RAL18/0022
- G - ROL006210
- H - SPS19/0015
- I - ROL006166
- J - MCU19/0001
- K - ROL006174

Advisory note:  
 Refer to supporting excel spreadsheet for further information

Scale @ A3: 1:10,000  
 Date: 11/02/2020



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#### 14.4 MCU19/0142 - MATERIAL CHANGE OF USE - FOOD AND DRINK OUTLET & RECONFIGURING A LOT AT 2-12 MARY PLEASANT DRIVE BIRKDALE QLD 4159

**Objective Reference:****Authorising Officer:** David Jeanes, Acting General Manager Community & Customer Services**Responsible Officer:** Chris Vize, Acting Group Manager City Planning & Assessment**Report Author:** Tim Walker, Planning Officer**Attachments:**

1. Architectural Plans
2. Landscape Plan
3. Traffic Impact Report
4. Site and Locality
5. Grounds for refusal

**PURPOSE**

This application is referred to a General Meeting of Council for determination.

**BACKGROUND**

Council has received an application on land at 2-12 Mary Pleasant Drive Birkdale described as lot 1 on RP816847 seeking a development permit for a material change of use for a food and drink outlet and reconfiguring a lot by lease for a period greater than 10 years and creation of easements.

The owner of the property is The Trust Company (Australia) Limited and the applicant is Fort Street Real Estate Capital Pty Ltd C/- Urbis Pty Ltd.

The application should be decided by 27 May 2020 in accordance with the *Planning Act 2016*. Should the decision not be made by that date the application may be deemed approved.

The assessment of the application has occurred in line with the assessment framework outlined in the *Planning Act 2016*. The key issues identified in the assessment are:

- streetscape
- landscaping
- traffic Impact
- onsite parking
- amenity impact to adjoining residential neighbours
- reconfiguring a lot and easements

**ISSUES****Proposal**

The proposal is for material change of use (MCU) for the purpose of a food and drink outlet and reconfiguring a lot (RAL) to create a lease area for a period greater than 10 years for the outlet and create new onsite easements.

The submitted architectural plans, landscape plans and traffic impact report are attached for reference.



The proposal as originally lodged was for a material change of use for a food and drink outlet, shop, health care services or indoor sport and recreation use to be established onsite within two separate buildings over two stages. The shop, health care and indoor sport and recreation use aspect of the development was then removed and the single stage food and drink outlet use remained in response to Council's information request. This change to the application was considered a minor change made before the development application was decided, that did not affect the development assessment process beyond assessing the changed application on its merits against relevant assessment benchmarks.

#### Material change of use

The food and drink outlet is proposed at the site's south east corner of Birkdale Road and Mary Pleasant Drive, Birkdale.

Key design features include:

- Gross floor area (GFA) of 428m<sup>2</sup>.
- Building height of 7.245m.
- Drive through & loading dock.
- Reconfigured site access from the eastern Mary Pleasant drive.
- New access easement B provides reconfigured site access from Mary Pleasant Drive through the site to the neighbouring western Lots 1 and 2 on RP883970.
- Access easement C to the south, is predominantly removed.
- The development proposes to remove 68 existing parking spaces at the site's south east corner and add 87 new car parking spaces at the site's north and east side resulting in a net increase of 21 new parking spaces onsite. The development proposes 329 total parking spaces.

#### Reconfiguring a lot

The RAL establishes a lease area of 1,660m<sup>2</sup>, established for a period greater than 10 years, covering the proposed McDonalds building, closest outlet parking spaces, the drive through and landscaping area. An existing site entry north east of the Mary Pleasant Drive roundabout is removed. The site's northernmost access point including access easement A remains, surrounded by new parking spaces.

#### **Site & locality**

The site has an area of 20,998m<sup>2</sup> and is currently improved by the Birkdale Fair Shopping Centre (Attachment 4). The key characteristics of the existing development are:

- Total existing GFA of 5,410m<sup>2</sup> comprising:
  - Woolworths supermarket: 3,694m<sup>2</sup>
  - Specialty stores 1,716m<sup>2</sup>
- 308 existing car spaces.

The site is predominantly clear of significant vegetation with landscape planting evident along the boundaries. The land slopes down to the north away from Birkdale Road and generally down across the site to the east and Mary Pleasant Drive. A series of easements are located over the site within the existing car park areas to the north and south of the existing building.

The land immediately surrounding the subject site is characterised by residential uses along with an adjoining shopping centre and child care use. Specifically, the nearby uses and zone include the following:

- North – medium density residential zone lot with multiple dwelling development, beyond which lies low density residential lots fronting canals.
- South – medium density residential zone lots with dwelling houses across Birkdale Road, beyond which lies Birkdale Train station.
- East – low density residential lots with detached houses across Mary Pleasant Drive.
- West – district centre zoned lot with various specialty stores which can be accessed through the site via an existing easement.

### Planning history

The following approvals over the site are most pertinent in regards to the proposed development:

- A preliminary approval (MC012192) was granted on 5 April 2012 for apartment building (75 units), shop, commercial office, health care centre & refreshment establishment. A development permit was granted for this proposal on 11 July 2012. The approval is assumed to have lapsed on or around 11 July 2016.
- A development permit (MCU013025) was granted for shop and refreshment establishment on 11 October 2011 with a negotiated decision issued on 30 September 2014. This approval has not been enacted upon to date. The approval is assumed to have lapsed on or around 11 October 2018.

### Assessment framework

The application has been made in accordance with the *Planning Act 2016* (PACT) Development Assessment Rules and constitutes a code assessable application for a MCU and RAL under the City Plan.

In accordance with section 45 of the *Planning Act 2016*:

- (3) A **code assessment** is an assessment that must be carried out only—*
- (a) against the assessment benchmarks in a categorising instrument for the development; and*
  - (b) having regard to any matters prescribed by regulation for this paragraph.*
- (6) Subsections (7) and (8) apply if an assessment manager is, under subsection (3) or (5), assessing a development application against or having regard to—*
- (a) a statutory instrument; or*
  - (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*
- (7) The assessment manager must assess the development application against or having regard to the statutory instrument, or other document, as in effect when the development application was properly made.*
- (8) However, the assessment manager may give the weight the assessment manager considers is appropriate, in the circumstances, to—*

- (a) if the statutory instrument or other document is amended or replaced after the development application is properly made but before it is decided by the assessment manager—the amended or replacement instrument or document; or*
- (b) another statutory instrument—*
  - (i) that comes into effect after the development application is properly made but before it is decided by the assessment manager; and*
  - (ii) that the assessment manager would have been required to assess, or could have assessed, the development application against, or having regard to, if the instrument had been in effect when the application was properly made.*

Section 27 of the *Planning Regulation 2017* identifies that:

- (1) For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—*
  - (a) the matters stated in schedules 9 and 10 for the development; and*
  - (b) if the prescribed assessment manager is the chief executive—*
    - (i) the strategic outcomes for the local government area stated in the planning scheme; and*
    - (ii) the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme; and*
    - (iii) the strategic intent and desired regional outcomes stated in the regional plan for a region; and*
    - (iv) the State Planning Policy, parts C and D; and*
    - (v) for premises designated by the Minister—the designation for the premises; and*
  - (c) if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and*
  - (d) if the prescribed assessment manager is a person other than the chief executive—*
    - (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (iii) for designated premises—the designation for the premises; and*
  - (e) any temporary State planning policy applying to the premises; and*
  - (f) any development approval for, and any lawful use of, the premises or adjacent premises; and*
  - (g) the common material.*

(2) *However—*

- (a) *an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*
- (b) *if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.'*

**common material**, for a development application, means—

- (a) *all the material about the application that the assessment manager receives before the application is decided, including—*
  - (i) *any material relating to a proposed development application that is substantially similar to the development application as made; and*
  - (ii) *any material attached to, or given with, the development application; and*
  - (iii) *any material relating to the application given to the assessment manager after the application is made; and*
  - (iv) *any referral agency's response, including any advice or comment given by a referral agency and any response given under section 57 of the Act; and*
  - (v) *any properly made submissions about the application, other than a submission that is withdrawn; and*
  - (vi) *any other submission about the application that the assessment manager has accepted; and*
  - (vii) *any other advice or comment about the application that a person gives to the assessment manager; and*
- (b) *if a development approval for the development is in effect—the approval; and*
- (c) *an infrastructure agreement applying to the premises.*

Pursuant to section 45(3) of the *Planning Act 2016*, the application was assessed against the following applicable assessment benchmarks.

<b>Assessment Benchmarks:</b>	<p>City Plan V3</p> <ul style="list-style-type: none"> <li>● District centre zone code</li> <li>● Reconfiguring a lot code</li> <li>● Healthy waters code</li> <li>● Infrastructure works code</li> <li>● Landscape code</li> <li>● Transport, servicing, access and parking code</li> <li>● Airport environs overlay code</li> <li>● Flood and storm tide hazard overlay code</li> </ul>
-------------------------------	---

Pursuant to section 45(3) of the *Planning Act 2016*, Council had regard for the following matters in its assessment of the application.

**Matters prescribed  
by Regulation**

- SEQ Regional Plan
- *Planning Regulation 2017*, Schedule 10, Part 10 Koala habitat area
- Submissions accepted as common material.

**Decision making rules**

Section 60 of the *Planning Act 2016* states that:

*(2) To the extent the application involves development that requires code assessment, and subject to section 62, the assessment manager, after carrying out the assessment—*

- (a) must decide to approve the application to the extent the development complies with all of the assessment benchmarks for the development; and*
- (b) may decide to approve the application even if the development does not comply with some of the assessment benchmarks; and*

*Examples—*

- 1 An assessment manager may approve an application for development that does not comply with some of the benchmarks if the decision resolves a conflict between the benchmarks.*
- 2 An assessment manager may approve an application for development that does not comply with some of the benchmarks if the decision resolves a conflict between the benchmarks and a referral agency's response.*

- (c) may impose development conditions on an approval; and*
- (d) may, to the extent the development does not comply with some or all the assessment benchmarks, decide to refuse the application only if compliance can not be achieved by imposing development conditions.*

*Example of a development condition—*

*A development condition that affects the way the development is carried out, or the management of uses or works that are the natural and ordinary consequence of the development, but does not have the effect of changing the type of development applied for.'*

- (5) The assessment manager may give a preliminary approval for all or part of the development application, even though the development application sought a development permit.*
- (6) If an assessment manager approves only part of a development application, the rest is taken to be refused.*

**Application assessment**

The development proposal has been assessed on its merits against relevant benchmarks. The pertinent issues in that assessment are presented below.

Land use

The purpose of the district centre zone is to provide for the weekly shopping needs of catchments in the order of 15,000 people and may include full line supermarkets, speciality stores, offices, dining, entertainment and community services.

The proposed food and drink outlet is a code assessable use within the district centre zone and is a land use which is anticipated in this area. The change of use of the land for the purposes of a food and drink outlet is therefore in accordance with the purpose and overall outcomes of the zone.

### Streetscape

The design and location of the proposed food and drink outlet building must be assessed against the district centre zone code. This is discussed below.

#### *Building design*

Performance outcome PO10 of the district centre zone code states that:

*'Buildings and structures positively contribute to visual character and streetscape by: treating the site as a series of buildings, streets and spaces rather than a single, visually homogenous complex;*

- 1. avoiding blank facades which are visible from the street or a public space;*
- 2. incorporating human scale elements;*
- 3. the use of high quality materials;*
- 4. variations in materials, patterns, textures and colours;*
- 5. building articulation and variation; and*
- 6. the use of non-reflective materials.'*

Performance outcome PO11 of the district centre zone code states that:

*'Buildings are designed to provide high levels of physical and visual interaction and access between internal and external spaces at ground level, having regard to: maximising the extent of transparent and operable elements such as large window openings, sliding doors and window seating;*

- 1. providing views into any semi public internal spaces such as arcades, communal courtyards and gardens;*
- 2. including usable outdoor/semi-outdoor spaces that support outdoor lifestyles and engage with the public realm; and*
- 3. minimising non-active elements such as vehicle access, fire egress, plant and building services along the frontage.'*

Performance outcome PO12 of the district centre zone code states that:

*'Buildings are oriented to the street rather than to internal spaces or car parking areas.'*

The proposed built form of the food outlet forms a series of buildings onsite with the existing shopping centre building and structures. The development proposes a single storey building height of approximately 7.2m which is well below the deemed to comply 17m building height in this zone.

However the elevations of the building that face the site's south eastern Birkdale Road and Mary Pleasant Drive street corner are incorrectly oriented and do not contribute to visual character or this streetscape.

Elevations three (3) and elevation four (4) are completely visible from Mary Pleasant Drive and partially visible from Birkdale Road on approach from the east, however these elevations are not considered to present a built form that is attractive, engaging or a positive contribution to the site's visual character and streetscape. These elevations lack variable elements of building

articulation, materials, finishes, patterns, textures and colours that present a building's visual character to the street. The proposed building elevation three (3) and elevation four (4) are dominated by a long linear blank grey wall, with two small glass windows to service the drive through facing the Mary Pleasant Drive streetscape.

The proposed buildings elevations one (1) and two (2), oriented away from the street, facing the internal car park also include a portion of blank grey wall. However, this blank portion of the building is suitably offset by other elements that add visual character to the building including a clearly articulated, stepped building height, primary pedestrian entry, larger variable proportioned pedestrian entry door openings and window glass, and more visibly prominent portions of colour change and building materials.

The proposed building's elevations thereby present more elements of variation and visual character to the site's internal car park, rather than the street. The building's proposed elevation three (3) and elevation four (4) thereby do not comply with overall outcomes (f) and (g) and performance outcomes PO10, PO11 and PO12 of the district centre zone code.

Significant changes are required to the development's elevation three (3) and four (4) to produce a building elevation design that is suitably oriented and engaging to the street, provides physical and visual interaction with the street and contributes to visual character and the streetscape.

If the development were to be approved, a condition would be required enforcing further significant changes to elevation three (3) and elevation four (4) proposed built form including its building height, articulation, projections, openings, materials, finishes, colours and textures. Such changes, as conditioned may prevent the development from occurring in its proposed form or result in a condition that unreasonably defers the architectural character and streetscape merit of the buildings elevation design for future consideration in a manner that is not certain and final and therefore not considered lawful conditions.

#### *Drive through & retaining wall location*

In addition to performance outcomes PO10 to PO12, PO14 is relevant to the assessment of the drive through location. Performance outcome PO14 of the district centre zone code states:

*'Car parking and service areas are located behind or beside buildings to minimise their visual and physical intrusion on the streetscape.'*

The development proposes a food service vehicle drive through that is in front of the proposed food outlet building and faces the site's south eastern Birkdale Road and Mary Pleasant Drive corner. The vehicle drive through is thereby incorrectly oriented because it faces the street, rather than being screened behind or beside the proposed food outlet building.

The proposed vehicle drive through is visually framed from the site's south eastern streetscape by a combined proposed retaining wall and security fence on the boundary that is a total height of approximately 2.5m consisting of a 1.5m maximum height retaining wall with a 1m (approximately) high transparent ironwork security fence anchored on top.

The natural ground level at the site's south eastern corner slopes up into the site. In response to this slope the proposed south easterly oriented vehicle drive through and retaining wall are built at a higher grade than the street. The proposed vehicle drive through and associated built to boundary retaining wall and fence thereby physically and visually dominates the site's south eastern streetscape. The proposed landscaping treatments along this frontage are discussed further in the landscaping section of the report.

The applicant acknowledges that the proposed retaining wall design limits pedestrian access to the proposed food outlet.

The proposed vehicle drive-through orientation to the street and associated retaining wall design and insufficient landscaping results in a development with a poor streetscape treatment and streetscape interface design that is not attractive, or engaging, or pedestrian focussed and does not contribute to visual character or the streetscape and thereby does not comply with overall outcomes (f), (g),(i) and (j) and performance outcomes P010, P011 and P014 of the district centre zone code.

#### *Purpose of the code*

Significant changes are required to the drive through orientation and retaining wall streetscape design to produce a development that minimises the drive through and retaining walls physical and visual intrusion on the streetscape and provides a more active pedestrian focused frontage that contributes to the visual character of the street. The development's south easterly building elevations, the orientation of the building, the location of the drive through, the height of the retaining walls and the landscape design, do not comply and cannot be conditioned to comply with the following overall outcomes of the district centre zone code.

- (f) 'built form and ground floor uses contribute to an active, comfortable, safe, pedestrian focussed street life;*
- (g) built form and streetscaping strengthen the identity of the Redlands as a sub-tropical, bayside city, and create attractive and engaging streetscapes through scale, building elements, awnings and extensive street planting;*
- (i) development facilitates an integrated, mixed use centre design, with well connected pedestrian, cyclist and public transport facilities;*
- (j) car parking areas and servicing areas are generally located behind or beside buildings and do not visually dominate the centre;'*

#### Landscaping

The proposal includes a landscaping plan that denotes two areas of significant landscaping to the Mary Pleasant Drive and Birkdale Road frontages of the site. This includes the south-eastern corner of the site, in front of the proposed food and drink outlet, and the north-eastern corner of the site, along the Mary Pleasant Drive frontage, in front of the existing supermarket wall and new car parking area. Otherwise, landscaping proposed within the site is generally considered to meet the requirements of the assessment benchmarks and could be secured by way of reasonable conditions. The following performance outcomes are relevant to the assessment of the two areas that face external to the site.

Performance outcome PO21 of the district centre zone code states:

*'High quality streetscape treatments, including planting, street art and furniture are provided to contribute to and enhance the overall attractiveness and function of the centre.'*

Performance outcome P022 of the district centre zone code states:

*'On-site landscaping is provided to:*

- 1. enhance the appearance of the development, particularly in car parking and service areas and public spaces;*



2. contribute to pedestrian comfort through shade;
3. create green roofs, walls or other sustainable building elements; and
4. screen unsightly components.'

Performance outcome PO1 of the landscape code states:

*'Landscaping is undertaken to be consistent with the streetscape and landscape setting.'*

Performance outcome PO3 of the landscape code states:

*Landscaping within on-site open space areas is fit for purpose, is predominantly comprised of soft landscape elements and provides substantial shading for users.*

Performance outcome PO4 of the landscape code states:

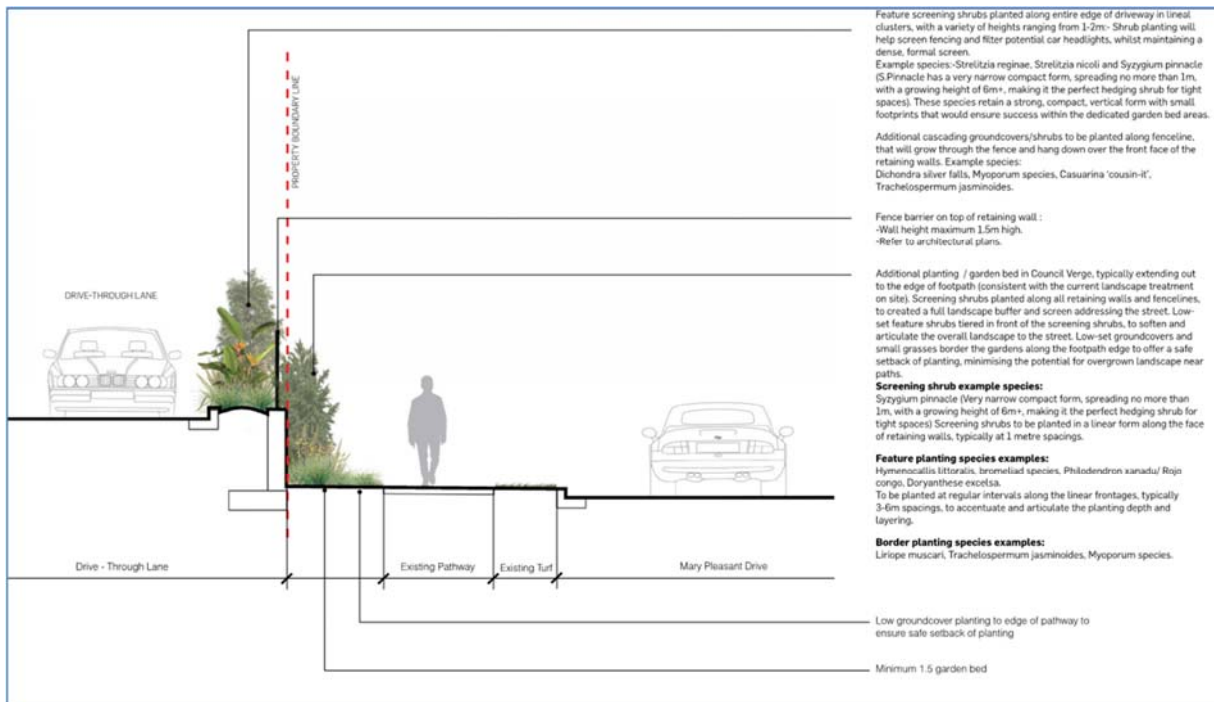
*'Fences and walls*

- 1) provide visual interest to the streetscape and complement the built form;
- 2) assist in highlighting entrances and pedestrian paths; and
- 3) allow casual surveillance of all public areas, pedestrian and cycle paths.'

*Food and drink outlet - south east corner*

A poor streetscape treatment design dominated by a built to boundary retaining wall, fence and raised vehicle drive through facing the street, results in limited streetscape planting, limited onsite landscaping, limited functional streetscape activation and limited functional pedestrian access.

The submitted landscape concept plan (Attachment 2) and figure 1 below, illustrates a narrow portion of verge planting combined with a 500mm strip of onsite planting at the south east corner adjoining the public footpath and in front of the proposed 2.5m total height retaining wall and fence. This planting is of a depth that will not cater to significant streetscape planting. The width of the bed onsite is too narrow for large tall screen plants that require larger garden beds for their root systems.



**Figure 1: Proposed streetscape planting, retaining wall / fence and drive through.**

The position of the drive-through in front of the building facing the south east streetscape, and the retaining wall and security fence's position on the south eastern front boundary limits the opportunity for streetscape planting and onsite landscaping at this corner. The development thereby does not provide sufficient streetscape planting or onsite landscaping to enhance the appearance of the site or development or to screen or soften the hardstand drive through or retaining wall and fence from the street.

The proposed streetscape interface landscaping is not of a sufficient quality to enhance the attractiveness or function of this centre zoned site and insufficient onsite landscaping is provided to enhance the appearance of the development. The proposed landscaping thereby does not comply with overall outcomes (f) and (g) and performance outcomes PO21 and PO22 of the district centre zone code as well as overall outcomes (a) and (b) and performance outcomes PO1, PO3 and PO4 of the landscape code.

Significant changes are required to the development's orientation to enable higher quality streetscape planting and enough onsite landscaping to enhance the developments appearance and to enhance the appearance, attractiveness and function of this Centre zoned site. This is likely to include relocation or reorientation of the proposed drive through to facilitate landscaping and pedestrian access. Such changes, as conditioned may prevent the development from occurring in its proposed form or result in a condition that unreasonably defers the functional merit of the development's orientation and landscaping design for future consideration in a manner that is not certain and final and therefore not considered lawful conditions.

#### *Mary Pleasant Drive frontage*

Existing landscaping at the site's north eastern side, facing Mary Pleasant Drive, is also proposed to be replaced. This landscaping currently screens a large 32m long x 7m high external supermarket wall facing Mary Pleasant Drive to the east. Council conditions would need to be included as part of any approval requiring particular species of mature trees to be suitably planted and maintained to ensure growth capacity within the site and on the verge to enable these initially smaller replacement trees to grow to an equivalent height to screen the wall, resulting in no long term loss of visual streetscape amenity.

#### Traffic impact

A traffic impact assessment report of the development was prepared by Lambert and Rehbein traffic engineers.

It is considered that the development's primary access design from Mary Pleasant Drive and associated vehicle queuing, pedestrian network, servicing arrangements, and traffic generation and distribution does not achieve compliance with the assessment benchmarks.

#### *Site access*

The development proposes to reconfigure the site's existing primary site access off the Mary Pleasant Drive roundabout – identified as access one in figure 2 below. This access is currently the site's primary access for the centre and the proposed food and drink outlet building. The development proposes to close a smaller northern vehicle access point off the Mary Pleasant Drive roadway – identified as access 2 in figure 2. The existing northernmost vehicle access on Mary Pleasant Drive, identified as access 3 in figure 2 will remain and provide access to 87 new parking spaces.

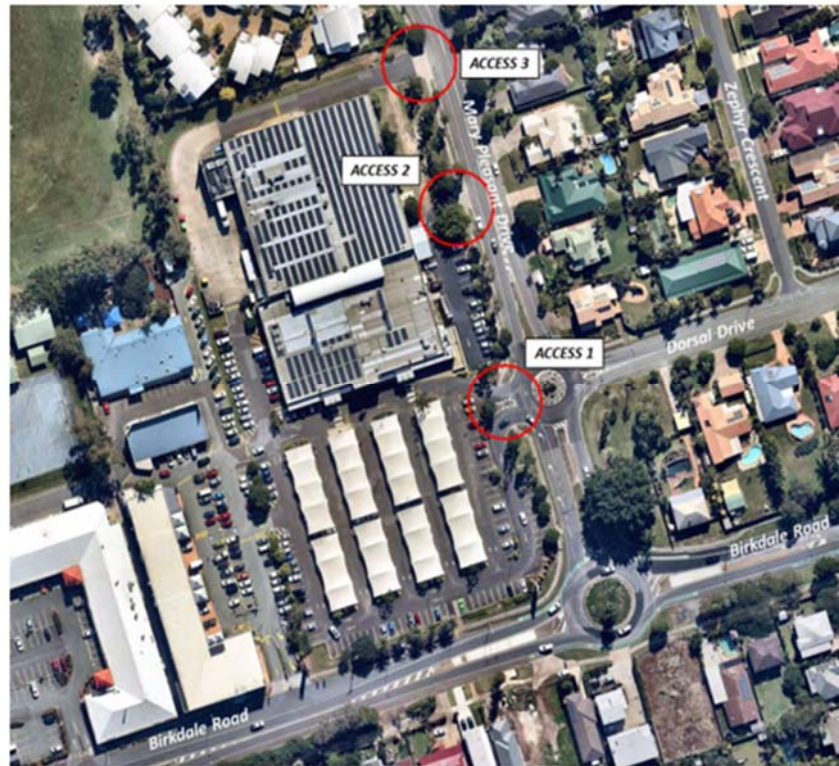


Figure 2: Existing site access points

Performance outcome P03 of the transport, servicing, access and parking code states that:

*‘Development maintains or improves the safe and efficient operation of transport networks having regard to (amongst other things):*

1. *the existing or planned function of the roads affected;*
2. *available sight distances and the location and design of access points;*
3. *accessibility by public transport, pedestrians and cyclists;*
4. *the potential for conflict between vehicles, pedestrians and cyclists;*
5. *the loss or increase of on-street parking;*
6. *the location, construction and maintenance of utility infrastructure; and*
7. *the nature and intensity of traffic and parking generated by the development.’*

The relevant overall outcomes of the transport, servicing, access and parking code state:

1. *‘the safety and efficiency of the movement network is maintained;*
2. *development provides for a high level of accessibility, safety and convenience for pedestrians and cyclists;*
3. *development is provided with safe and functional vehicular access and on-site parking;*
4. *development facilitates clear and safe vehicle movements both on and off the site;*
5. *car parking areas and structures are located and designed to minimise their visual impact, interruption of the streetscape and impact on pedestrian accessibility; and*
6. *impacts on the surrounding environment and amenity are minimised.’*

The relevant overall outcomes in the district centre zone code state:

- (i) *'built form and ground floor uses contribute to an active, comfortable, safe, pedestrian focussed street life;*
- (ii) *development facilitates an integrated, mixed use centre design, with well connected pedestrian, cyclist and public transport facilities;'*

The site's northernmost vehicle access on Mary Pleasant Drive now includes 87 additional parking spaces. This altered configuration would be used by a combination of larger trucks and service vehicles as well as standard sized vehicles. If the development was approved the risk of conflict between service vehicles and cars can be suitably reduced with development conditions to allow these parks for staff only, and require staff to reverse into these parking spaces. This will ensure safe and efficient vehicle and pedestrian movement at this northern access under the above performance outcomes of the transport, servicing, access and parking code and overall outcomes of the district centre zone code.

The submitted traffic impact report assumes 15% of the development related traffic will utilise the site's northernmost access with the closure of one of the access points on Mary Pleasant Drive. However, it is recognised that this access point is a much less efficient route for customers and staff to visit the food outlet. Therefore the number of food outlet staff and customer vehicles that will use this northern entry, expressed as a percentage is expected to be much lower. The impact of this assumed traffic distribution and effect of any revised traffic distribution on the proposed primary site accesses capacity, queuing risk and internal movement network has not been sufficiently addressed and it has not been demonstrated that it is safe and efficient.

Vehicles and pedestrians may access the site from the west via Agnes Street, using the neighbouring western site's internal access easements. While the development site does not have access easement rights over these neighbouring accessways, it is reasonably expected a percentage of traffic will access the site from Agnes Street. The intensification of traffic to the site from this point and effect of this additional traffic on the proposed primary site access capacity, queuing risk and internal movement network has not been sufficiently acknowledged or addressed.

The supplied traffic impact assessment has not demonstrated the proposed access points, and change in traffic ingress and egress has adequately addressed the relevant performance outcomes and overall outcomes in the assessment benchmarks. Conditions cannot be reasonably imposed to ensure the development complies. The above matters have been included as recommended reasons for refusal.

#### *Food and drink outlet queuing*

Performance outcome PO18 of the transport, servicing, access and parking code states that:

*'Provision is made for any queuing to be accommodated within the development site, so that external traffic operations are not obstructed, and designed to avoid conflict with internal intersections or manoeuvring areas.'*

The drive through facility has a queuing length of nine (9) vehicles, which is considered sufficient to accommodate the expected number of queued vehicles for the food and drink outlet. Council's infrastructure works policy identifies a deemed to comply solution of 10 cars. Even at that number, the vehicles will not obstruct the main thoroughfare into the site and cars entering at the entrance from Mary Pleasant Drive will be able to make a choice to continue along the main aisle to find a car parking space to access the centre.

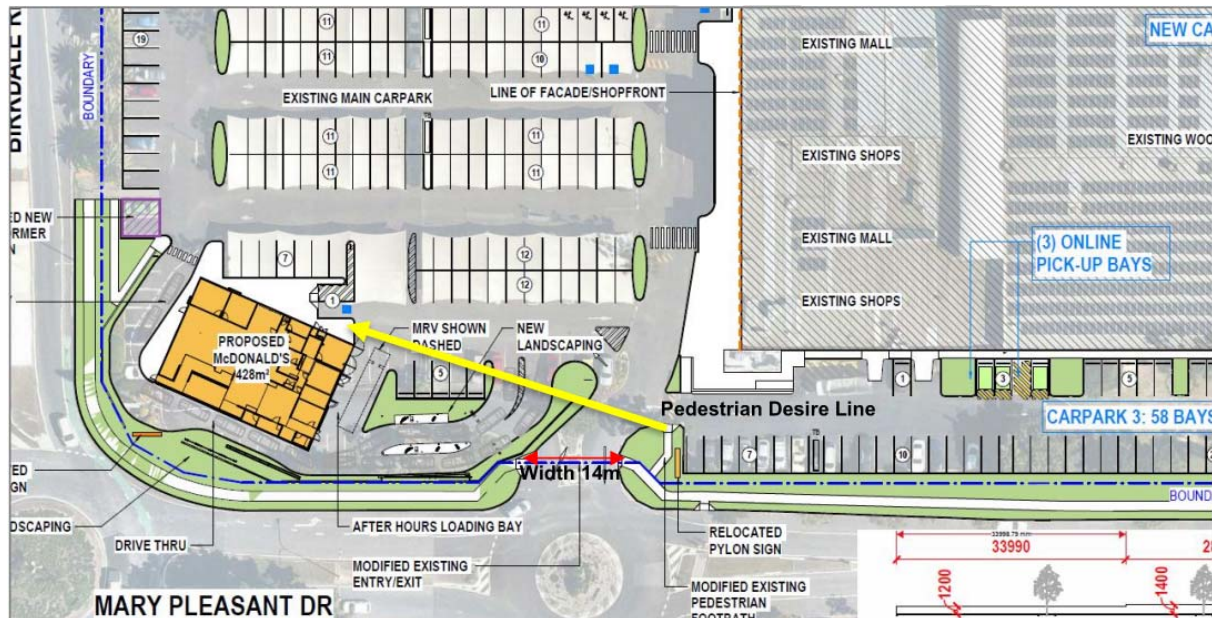
In this regard, the proposal achieves performance outcome PO18.

### *Pedestrian access*

Performance outcome P06 of the transport, servicing, access and parking code states that:

*'Safe and convenient pedestrian and cycle infrastructure is provided, and as far as possible, is integrated with external networks to maximise accessibility by walking and cycling.'*

It is considered that pedestrians approaching the food and drink outlet from the external northern Mary Pleasant Drive footpath do not have a clear or safe path to the outlet's pedestrian entry point (see figure 3 below).



**Figure 3 – Desirable direct pedestrian access (yellow arrow) to the development from the north.**

Land slopes up from the Mary Pleasant Drive street level into the site however this change in land levels does not prevent a design being proposed with more suitably direct access to the food and drink outlet for pedestrians travelling from the northern end of Mary Pleasant Drive.

The proposed pedestrian access with a new proposed rollover pedestrian refuge island at proposed access one does not suitably reduce the risk of north / south pedestrian access and vehicle conflict along this footpath or within the site.

The rollover pedestrian island is specifically designed to enable a larger vehicle to necessarily drive over a portion of this pedestrian island to enter the site. This creates a risk of heavy vehicle and pedestrian conflict.

The proposed pedestrian access design is not suitably pedestrian focused and is not integrated, convenient, direct, efficient or safe. The proposed pedestrian access to the food and drink outlet thereby does not meet performance outcome P06.

Changes to the proposed pedestrian access cannot be reasonably conditioned and the nature of the conditions would require design and layout changes that would significantly change the development layout and would therefore be unlawful.

### *Servicing and manoeuvring areas*

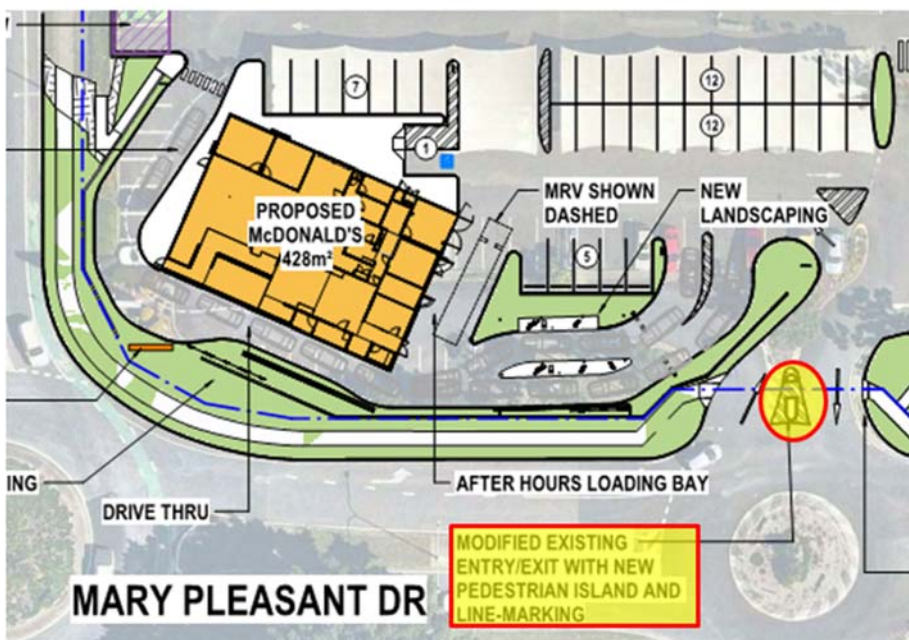
Performance outcome PO20 of the transport, servicing, access and parking code states:

*'Servicing and manoeuvring areas are located and designed to:*

- 1) be clearly defined, safe and easily accessible;*
- 2) be separated from areas of pedestrian movement within the premises or on adjoining premises;*
- 3) provide for the vehicle dimensions and turning paths for the design vehicles expected to access the site;*
- 4) maintains clear access to waste containers for collection vehicles;*
- 5) ensures that service vehicles entering a site do not queue across footpaths or onto external roads; and*
- 6) prevents any manoeuvring occurring within the defined queuing area.'*

It is considered that the external pedestrian network at the proposed primary vehicle access on Mary Pleasant Drive and the food outlet's specific internal shared pedestrian, parking and servicing arrangement does not comply with the above performance outcome.

An existing pedestrian island connecting the existing Mary Pleasant drive footpath, is proposed to be removed and replaced by a rollover pedestrian refuse island (see figure 4 below).



**Figure 4 – New pedestrian island rollover design**

Pedestrians will be expected to cross access one's proposed significant width (approximately 14m) in two movements requiring pedestrians to pause, on the proposed rollover pedestrian island for protection. This is in direct conflict with the proposed heavy vehicle swept paths. The rollover pedestrian island is specifically designed to enable a larger vehicle to necessarily drive over a portion of this pedestrian island to complete the required manoeuvre. This creates a risk of heavy vehicle and pedestrian conflict.

External and internal pedestrian network connection and safety should be reasonably maintained or improved while service truck manoeuvring should be safe and separate from pedestrians. It is considered that the food and drink outlet's larger truck delivery and refuse vehicle area is also not suitably separate from the food outlet's main internal pedestrian entry and closest parking spaces. This design increases the risk of heavy vehicle and pedestrian conflict occurring during heavy vehicle movements on site.

Pedestrian movement to site generated by the proposed food outlet, and continuing existing pedestrian access across the site at this point is also anticipated while changes in grade onsite are acknowledged to necessarily funnel northern pedestrians along this footpath, across the access to the food outlet. No peak hours of external or internal pedestrian or vehicle movement *specific to these conflict points* have been identified by the applicant or supplied to Council. No service vehicle management plan has been provided to Council. Therefore, insufficient information has been provided beyond the proposed rollover pedestrian island and existing unchanged heavy vehicle swept path to address or mitigate these conflict risks. The identified risk of heavy vehicle and pedestrian conflict at the primary Mary Pleasant Drive access, and internal to the site during vehicle servicing manoeuvres is unable to be quantified or assessed. Therefore the proposed site servicing and vehicle manoeuvring area does not comply with performance outcome P020.

A service vehicle management plan, as conditioned may restrict medium rigid vehicle or other heavy vehicle visits and movements to particular times to reduce pedestrian and vehicle conflict. However, this condition may conflict with other assessment benchmarks, specifically alternative hours of vehicle movement designed to limit vehicle noise amenity impact on the surrounding residential premises. A service vehicle management plan thereby cannot be reasonably conditioned because there is insufficient information provided to effectively and reasonably condition the development and has been included as a reason for refusal.

#### Onsite parking

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

*'On-site vehicle parking:*

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

Performance outcome PO9 of the transport, servicing, access and parking code states that:

*'Car parking and internal circulation is designed and constructed to:*

- 1. provide a clear internal movement hierarchy;*
- 2. separate servicing and customer parking and circulation functions as far as possible;*
- 3. discourage high vehicular speed and short-cutting;*
- 4. be clearly distinguishable from pedestrian entries and paths;*

5. *be easily negotiated by vehicles and pedestrians, including persons with a disability;*
6. *ensure vehicles do not reverse into areas of high pedestrian activity; and*
7. *optimise safety and security of users.'*

The development results in a net increase of 21 new parking spaces. Council's deemed to comply solution seeks 314 spaces across the site. The proposed development has achieved compliance with the abovementioned performance outcomes by adopting the deemed to comply solution, with 329 parking spaces provided.

#### Amenity impacts to adjoining residential neighbours

Performance outcome PO2 of the district centre zone code states that:

*'Development minimises impacts on the amenity of surrounding land in a residential zone, having regard to noise, odour, vibration, air or light emissions.'*

A noise impact assessment report was prepared by MWA Environmental Engineers. The assessment considered the potential noise amenity impacts on surrounding sensitive land uses. The submitted report demonstrated, with the below proposed noise control measures implemented onsite via development conditions, the proposed development design achieves compliance with the relevant noise criteria for protection of environmental values at surrounding sensitive land uses:

- A staggered 1.2 – 1.8m metre high acoustic barrier at natural ground level along the northern boundary of the site.
- An acoustic wall and roofed structure over the Drive through order point fronting Mary Pleasant Drive.
- Mechanical plant and equipment is to be selected to achieve appropriate source noise levels, and acoustically screened if necessary, based upon assessment at the detailed design stage.
- Servicing by medium rigid vehicle or larger trucks including refuse collection is to be restricted to the 7am and 10pm period. Deliveries by van and small rigid vehicle may be undertaken on a 24-hour basis.

The abovementioned recommendations in the acoustic report could be conditioned as part of an approval to ensure compliance with the performance outcome.

#### Flood impact

A minor portion of the site's north west corner is affected by tidal storm water during major storm or rainfall events. The proposed northern acoustic barrier fence does not extend into this water affected area of site. The development proposes a portion of landscaping at this corner to remain, with a minor extension to the existing hardstand vehicle manoeuvring area leading to the existing supermarket loading dock new north end car parking. Performance outcome PO6 of the flood and storm tide hazard overlay code is relevant to the assessment:

*'Development does not change inundation characteristics outside the subject site in ways that result in:*

1. *loss of flood storage;*
2. *loss of or changes to flow paths;*
3. *acceleration or retardation of flows;*
4. *any reduction in flood warning times elsewhere on the floodplain;*
5. *any other worsening of inundation impacts on other properties or public infrastructure.'*



These proposed works at the sites north east corner will not increase the sites flood risk or create flood nuisance to adjoining properties because landscaping remains, the fence will not divert any of the water and the hardstand area suitably drains water from the site to a lawful point of stormwater discharge.

The site's neighbouring roads, specifically a portion of Mary Pleasant Drive north of site and Dorsal Drive east of site, may experience tidal water flows during a major storm or flood event.

However safe exit during a storm or flood emergency is available from Birkdale Road and the design does not increase flood or storm tide risk.

The development complies with the flood and storm tide hazard overlay code.

#### Reconfiguring a lot and easement

The development is a combined material change of use and reconfiguring a lot. The reconfiguring of the lot component is effectively to enact the proposed material change of use. The material change of use is therefore the critical functional part the development. Reasons for refusal of the proposed material change of use aspect have been outlined above. Additionally, performance outcome PO1 of the reconfiguring a lot code states:

*'Reconfiguration results in the creation of lots that:*

- 1. are of a size and dimensions which facilitate the uses, character and other outcomes intended for the zone or precinct;*
- 2. have practical, generally regular shapes; and*
- 3. have a width and depth that can easily accommodate the intended end use, associated infrastructure, on-site open space and vehicular access.'*

Approval of the proposed reconfiguring a lot without the proposed material change of use may unreasonably prejudice the future use of the land. The proposed lease area is not considered to facilitate the intended uses, character and outcomes of the zone, without the MCU component of the development. It is therefore recommended that the reconfiguring a lot aspect of the development be refused.

#### Infrastructure charges

##### **Non-Residential Component**

(428m2 GFA X Refreshment Establishment X \$188.60)	\$80,720.80
(1469.30 X Stormwater (imp m2) X \$10.50)	\$15,427.65

<b>Total Council Charge:</b>	<b>\$96,148.45</b>
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#### State referrals

State Assessment & Referral Agency (SARA) provided a referral agency response dated 29 November 2019 in regards to a MCU and RAL near a state transport corridor and intersection. The Department indicated no requirements to the proposed development. The referral response will be attached to Council's Decision Notice.

### Public consultation

The proposed development is code assessable and did not require public notification. However 78 informal submissions were received and have been accepted as common material to the application.

The assessment gave regard to the below issues raised by submitters, which have been addressed in the above assessment:

- traffic impact
- pedestrian access
- amenity impact to adjoining residential neighbours

### **CONCLUSION**

The application has been made and assessed in accordance with the *Planning Act 2016* and development assessment rules. The application does not comply with and cannot be conditioned to comply with the assessment benchmarks and therefore, the development has been recommended for refusal.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

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

#### **Risk Management**

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

#### **Financial**

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

#### **People**

There are no implications for staff.

#### **Environmental**

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

#### **Social**

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

#### **Human Rights**

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

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

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

**CONSULTATION**

Consulted	Consultation Date	Comments/Actions
Division 10 Councillor	20 September 2019 and 4 October 2019	Application called in for a decision by Council.

**OPTIONS****Option One**

That Council resolves to refuse the application for a material change of use for a food and drink outlet and reconfiguring a lot for subdivision by lease and creation of an access easements on land described as Lot 1 on RP816847 situated at 2-12 Mary Pleasant Drive Birkdale, subject to the grounds identified in Attachment 5.

**Option Two**

That Council resolves to refuse the application with alternative grounds of refusal.

**Option Three**

That Council resolves to issue a preliminary approval subject to conditions.

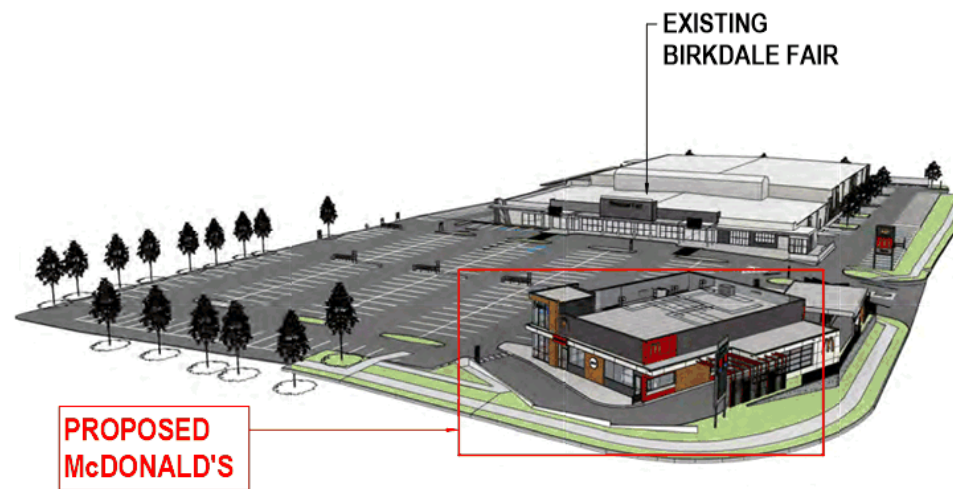
**Option Four**

That Council resolves to issue development permits for the application subject to conditions.

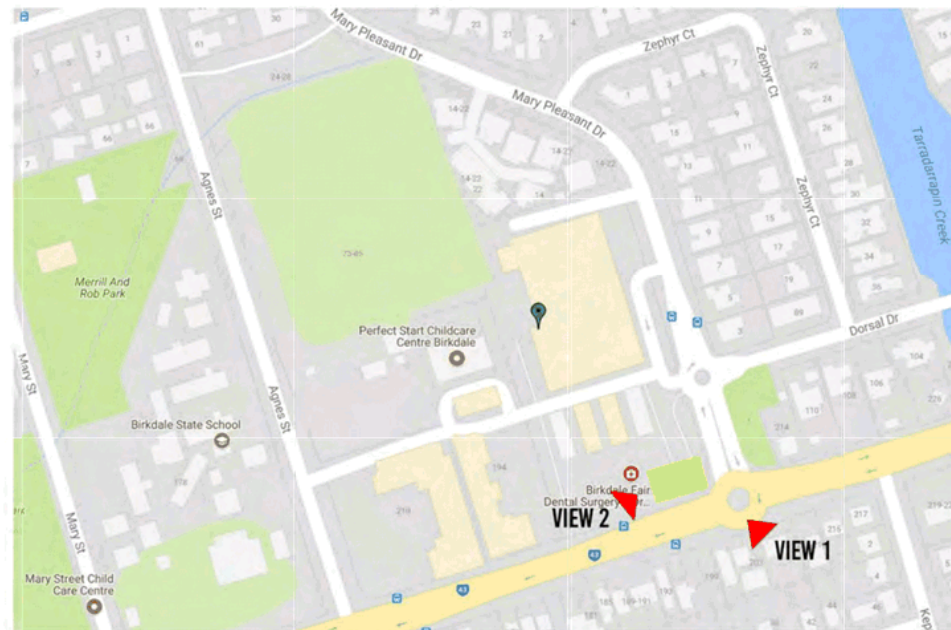
**OFFICER'S RECOMMENDATION**

**That Council resolves to refuse the application for a material change of use for a food and drink outlet and reconfiguring a lot for subdivision by lease and creation of an access easements on land described as Lot 1 on RP816847 situated at 2-12 Mary Pleasant Drive Birkdale, subject to the grounds identified in Attachment 5.**

# BIRKDALE FAIR CARPARKING AND FAST FOOD DEVELOPMENT APPLICATION



VIEW 1 - OVERALL PERSPECTIVE



LOCATION MAP

DRAWING LIST DA SET			
SHEET NUMBER	SHEET NAME	DATE	REVISION
SD 0.0	COVER SHEET	21/04/2020	18
SD 1.0	CONTEXT PLAN	20/04/2020	13
SD 1.5	STAGING PLAN	20/04/2020	11
SD 1.6	SITE PLAN - EASEMENTS	20/04/2020	11
SD 2.0	SITE PLAN	20/04/2020	17
SD 2.1	DEMOLITION PLAN	20/04/2020	11
SD 3.1	FLOOR PLAN - McDONALD'S	20/04/2020	12
SD 4.1	ELEVATIONS - McDONALD'S	20/04/2020	7
SD 5.0	PERSPECTIVES	20/04/2020	10
SD 5.1	3D RENDERS - McDONALD'S	21/04/2020	4
SD 6.0	SIGNAGE - SITE PLAN	20/04/2020	10
SD 6.1	SIGNAGE - ELEVATIONS	08/08/2019	1
LP 1.1	MCDONALD'S LEASE AREA	20/04/2020	8



VIEW 2 - PROPOSED McDONALD'S

**BIRKDALE FAIR**  
 2/12 Mary Pleasant Dr BIRKDALE QLD 4159  
 **FORT STREET**  
 REAL ESTATE CAPITAL

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**COVER SHEET**  
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21/04/2020  
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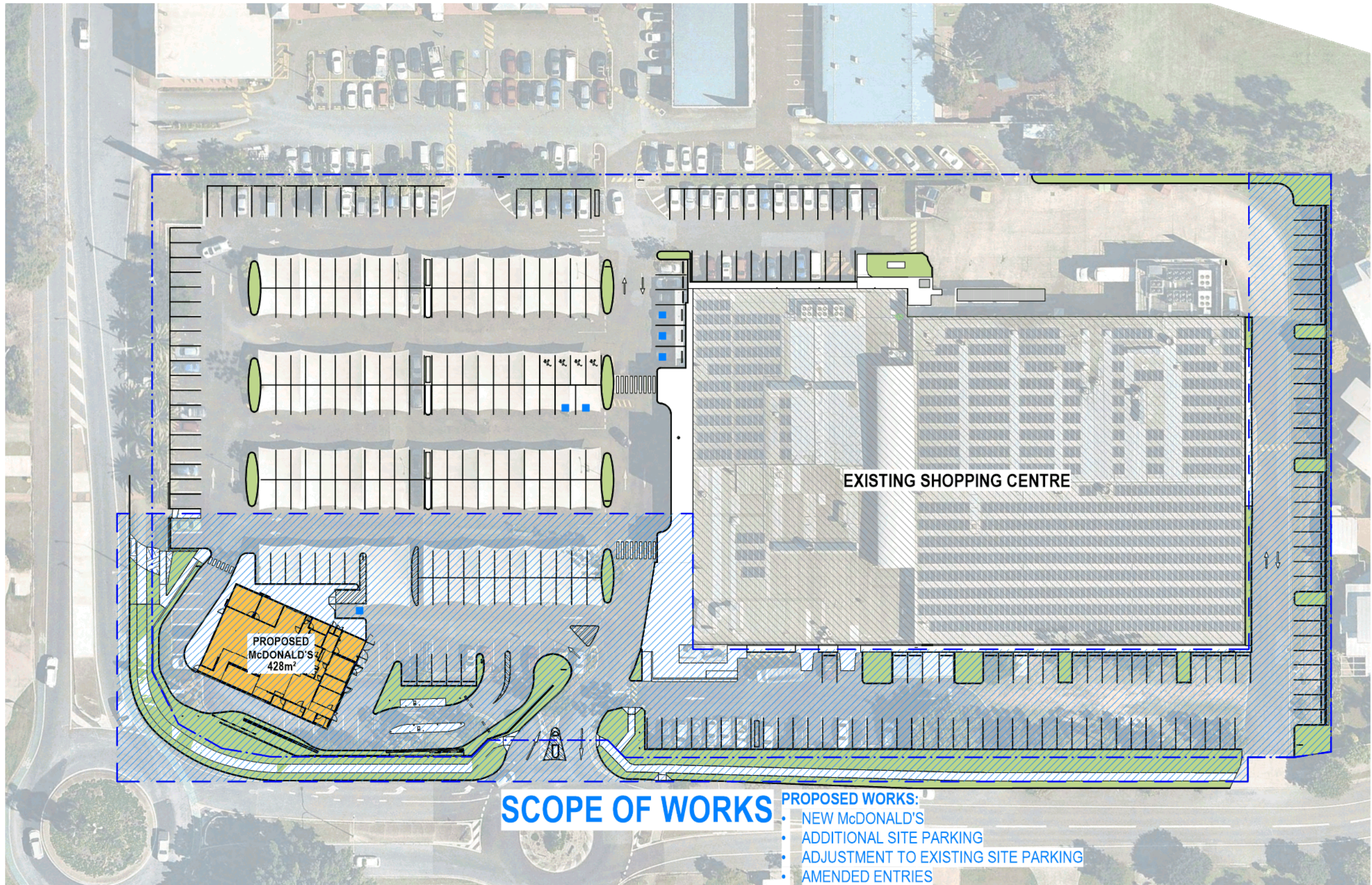
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**CONTEXT PLAN**

TA # 16.0041.17  
SD 1.0

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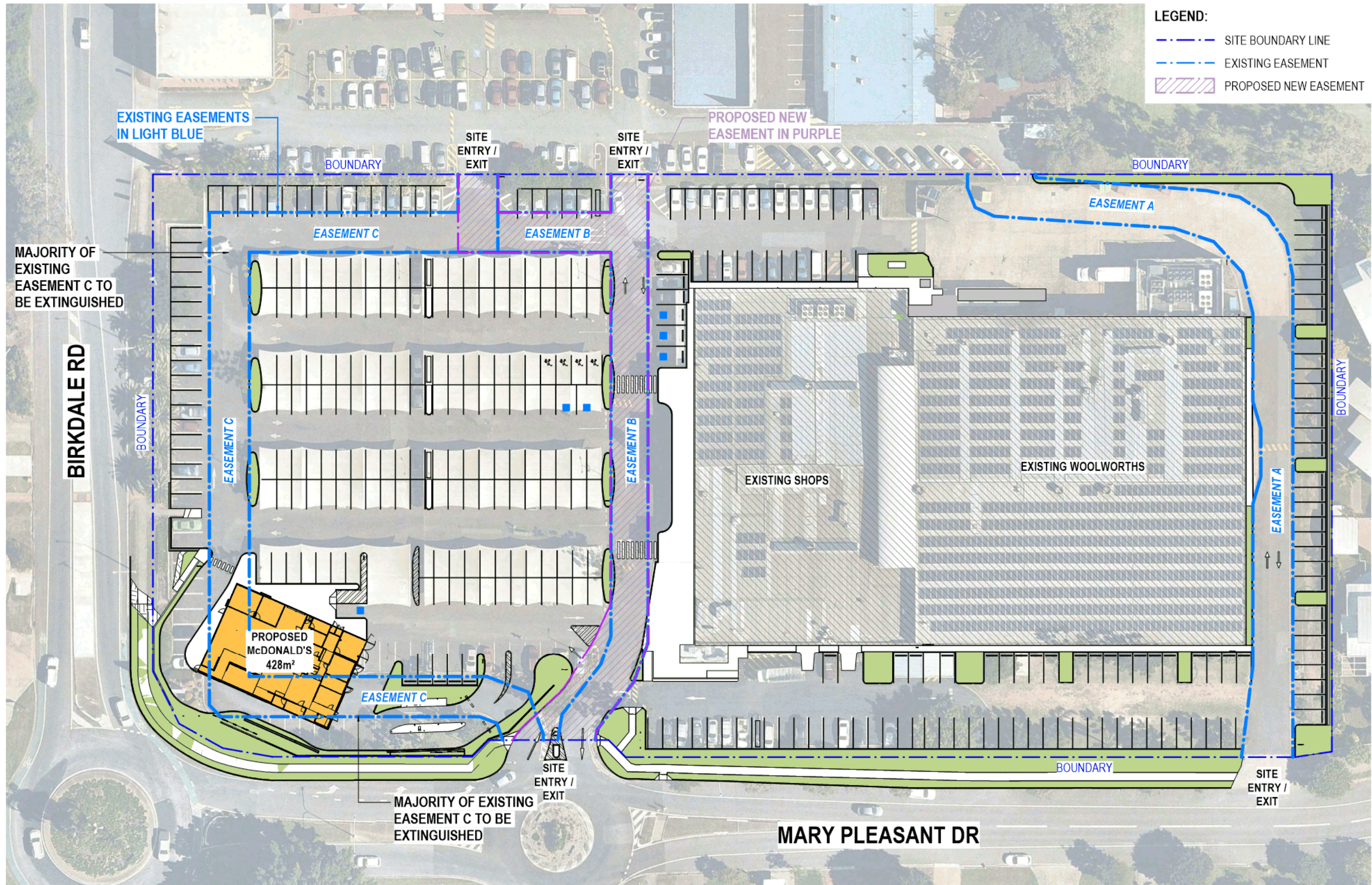
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**STAGING PLAN**

TA # 16.0041.17  
SD 1.5

20/04/2020  
1 : 300 @ A1  
rev. 11



**BIRKDALE FAIR**  
2/12 Mary Pleasant Dr BIRKDALE QLD 4159



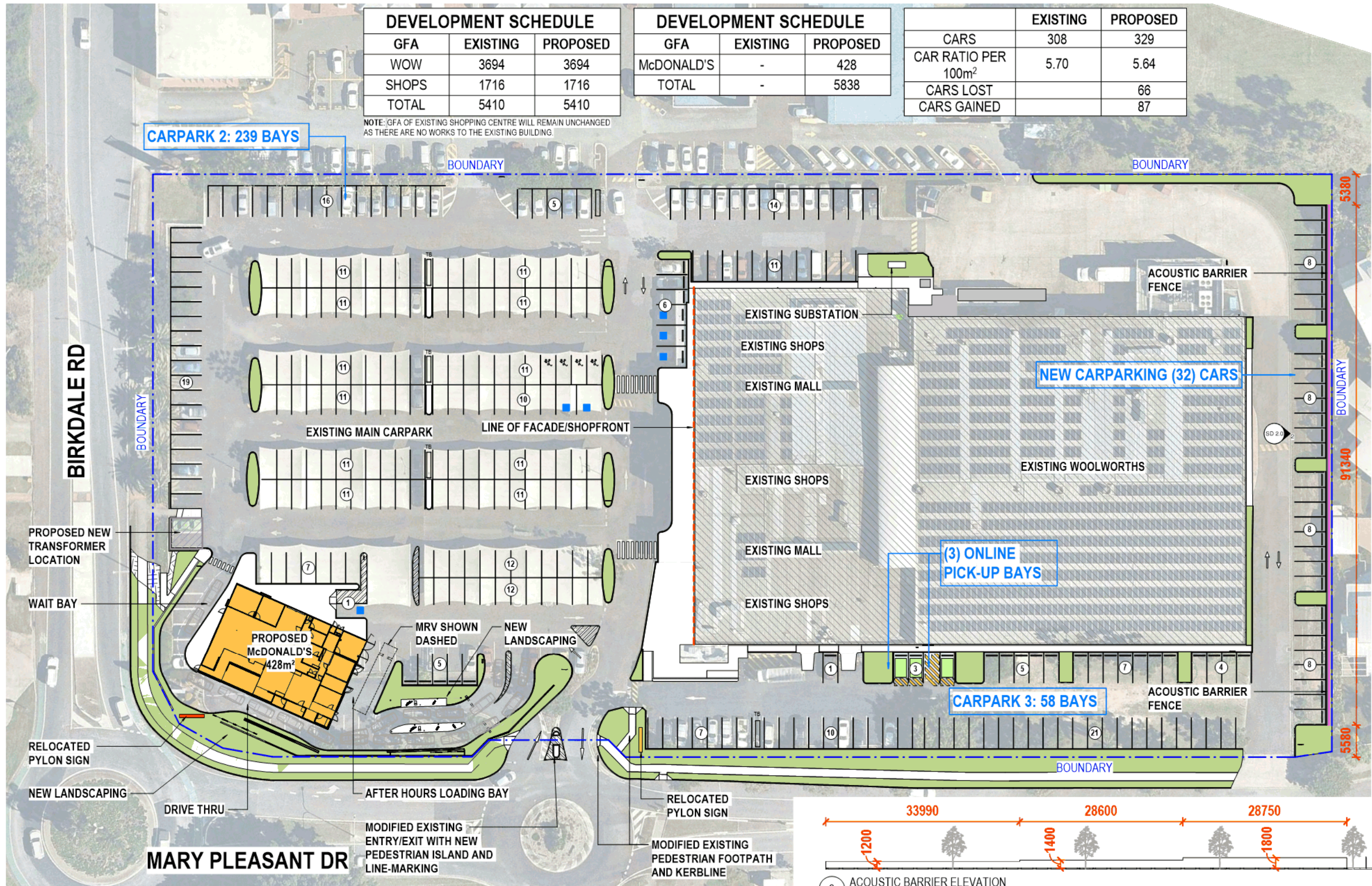
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**SITE PLAN - EASEMENTS**

20/04/2020  
TA # 16.0041.17 1 : 300 @ A1  
SD 1.6 rev. 11



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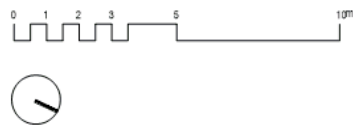
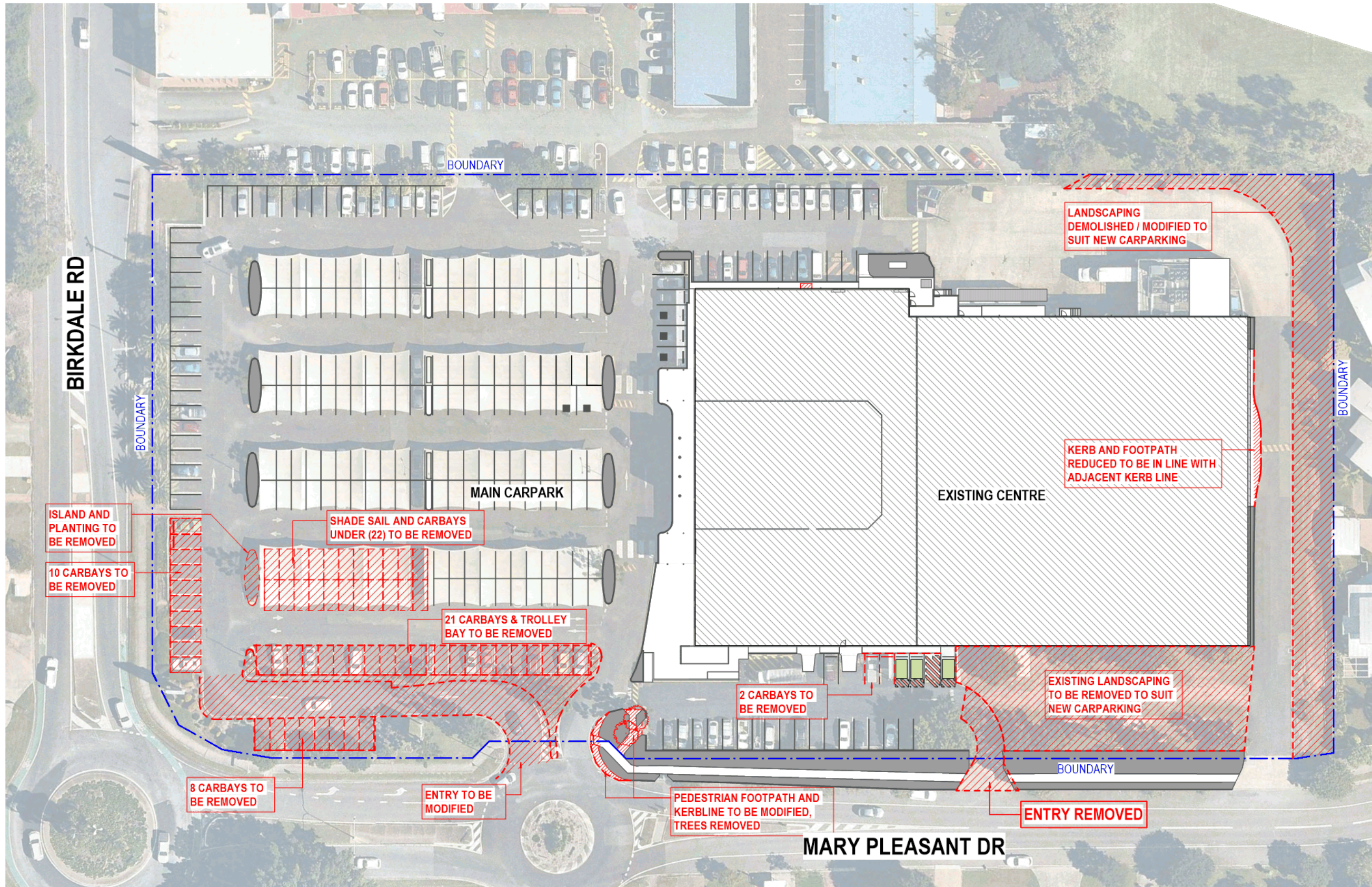


**SITE PLAN**

TA # 16.0041.17  
SD 2.0

20/04/2020  
As indicated @ A1  
rev. 17





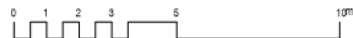
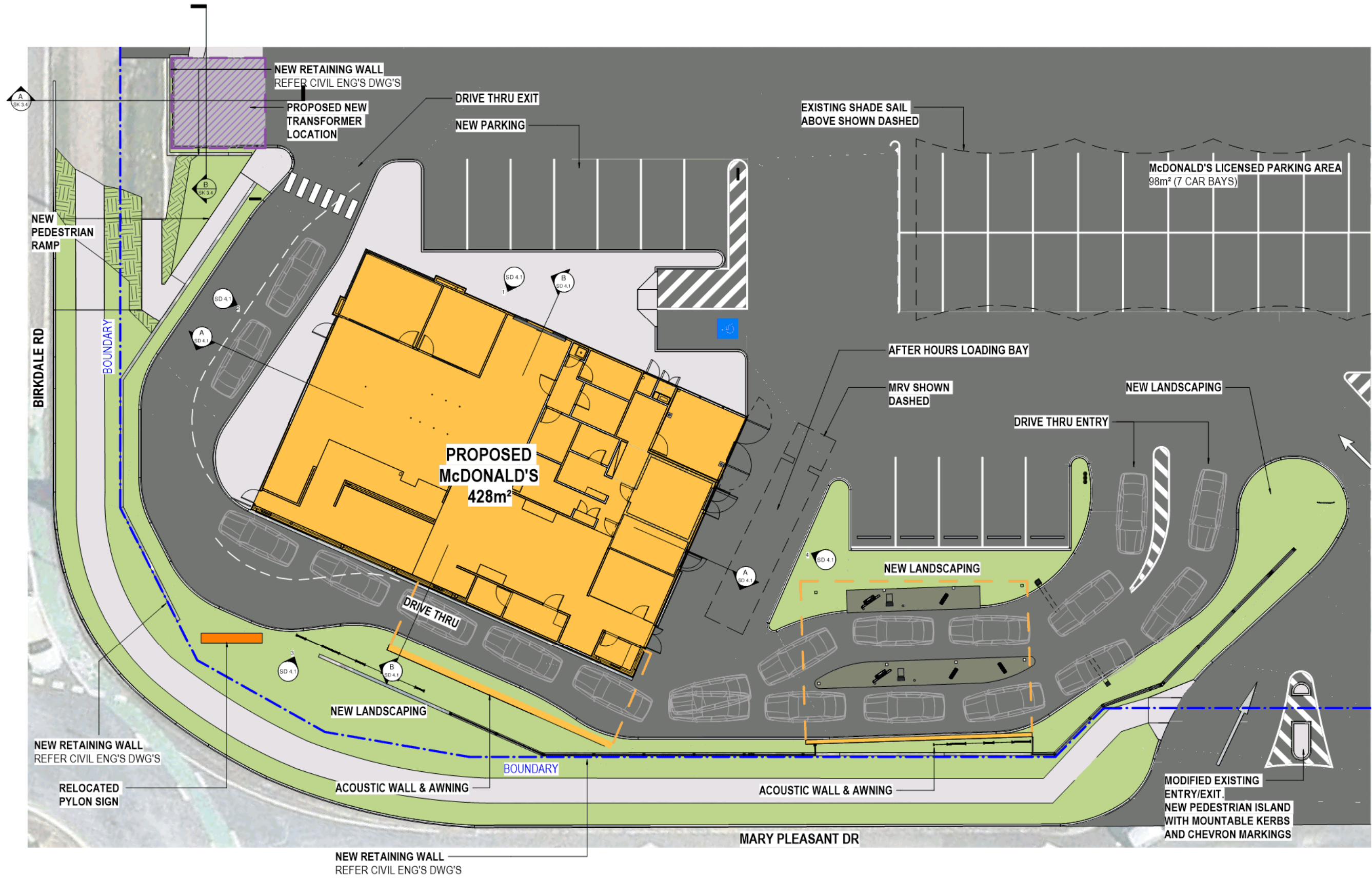
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**DEMOLITION PLAN**  
 20/04/2020  
 TA # 16.0041.17 1:300 @ A1  
 SD 2.1 rev. 11



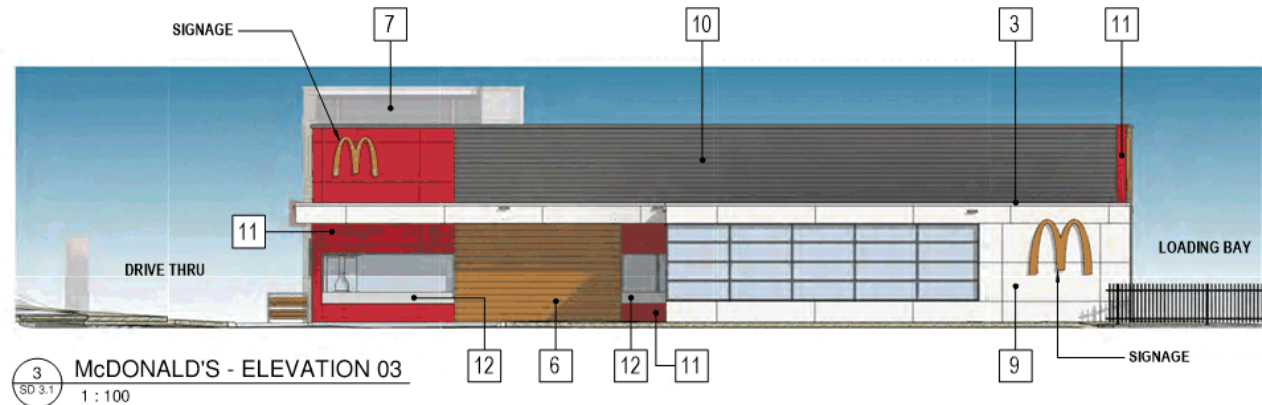
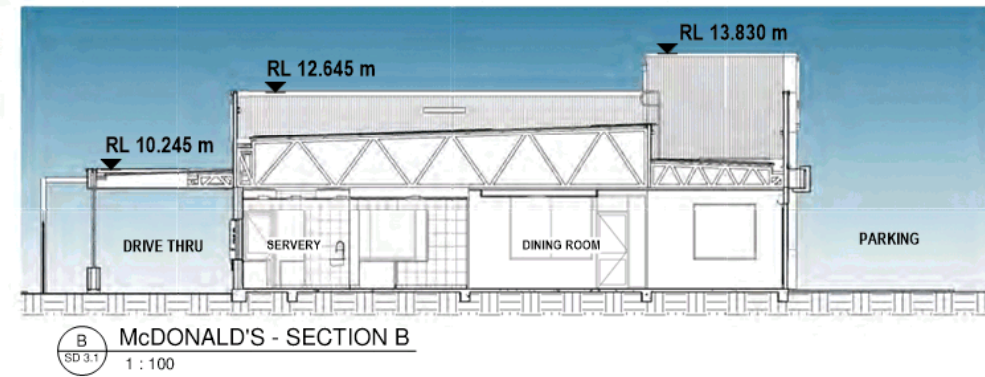
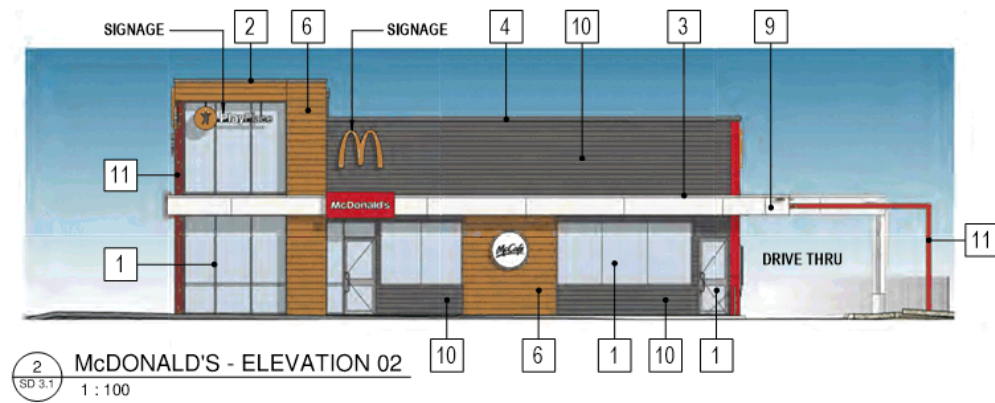
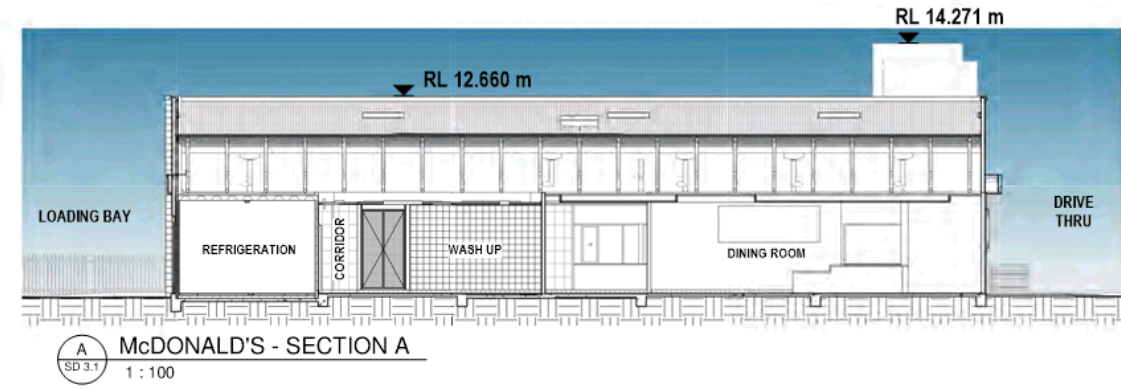
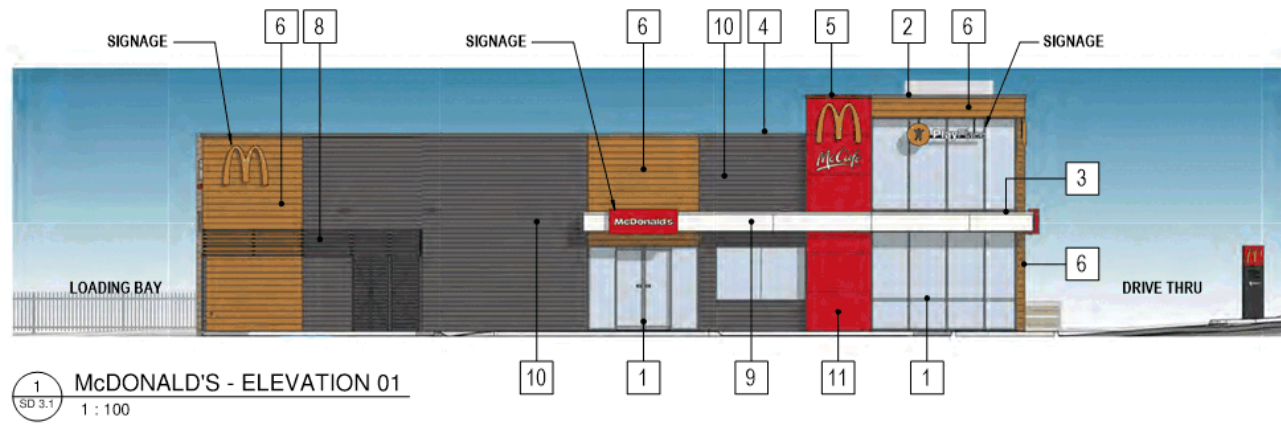
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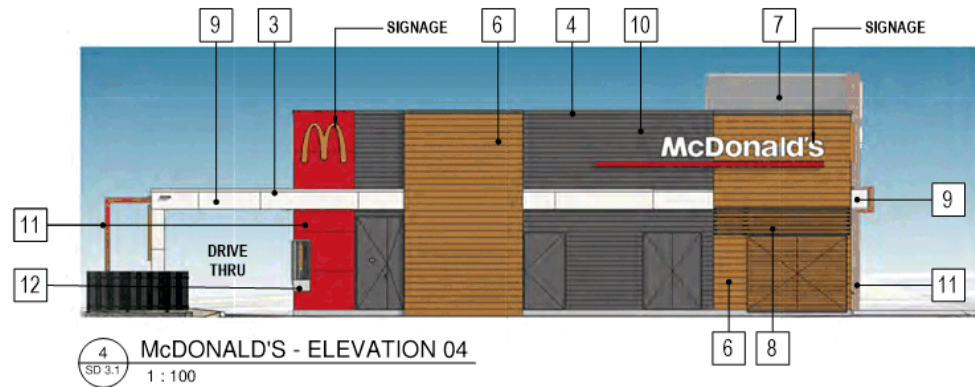
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**FLOOR PLAN - McDONALD'S**  
 20/04/2020  
 TA # 16.0041.17 1 : 100 @ A1  
 SD 3.1 rev. 12



FINISH MATERIAL LEGEND - McDONALD'S	
1	PREFABRICATED ALUMINIUM FRAMING CAPRAL NATURAL FINISH CLEAR ANODISED
2	PREFINISHED METAL CAPPING / FLASHING COLORBOND JASPER
3	PREFINISHED METAL CAPPING / FLASHING COLORBOND SURFMIST
4	PREFINISHED METAL CAPPING / FLASHING COLORBOND WOODLAND GREY
5	PREFINISHED METAL CAPPING / FLASHING COLORBOND MANOR RED
6	TIMBER LOOK ALUMINIUM CLADDING SYSTEM USING KNOTWOOD 200mm CLADDING PROFILE KNOTWOOD LIGHT OAK

FINISH MATERIAL LEGEND - McDONALD'S	
7	CUSTOM ORB CORRUGATED STEEL LYSAGHT WOODLAND GREY
8	POWDERCOAT FINISH DULUX DURALLOY MONUMENT SATIN (COLORBOND)
9	PAINT FINISH DULUX VIVID WHITE FW1H9
10	PAINT FINISH DULUX WAYWARD GREY PG1G8
11	PAINT FINISH McDONALD'S RED (RGB VALUE: R189 G000 B022)
12	RECONSTITUTED STONE



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**ELEVATIONS - McDONALD'S**  
20/04/2020  
TA # 16.0041.17 1 : 100 @ A1  
SD 4.1 rev. 7



VIEW A - McDONALD'S PERSPECTIVE



VIEW B - McDONALD'S PERSPECTIVE

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**PERSPECTIVES**  
 TA # 16.0041.17  
 SD 5.0

20/04/2020  
 @ A1  
 rev. 10



McDONALD'S CONCEPTUAL 3D RENDERS (BY OTHERS) - VIEW 1



McDONALD'S CONCEPTUAL 3D RENDERS (BY OTHERS) - VIEW 2



McDONALD'S CONCEPTUAL 3D RENDERS (BY OTHERS) - VIEW 3



McDONALD'S CONCEPTUAL 3D RENDERS (BY OTHERS) - VIEW 4



McDONALD'S CONCEPTUAL 3D RENDERS (BY OTHERS) - VIEW 5

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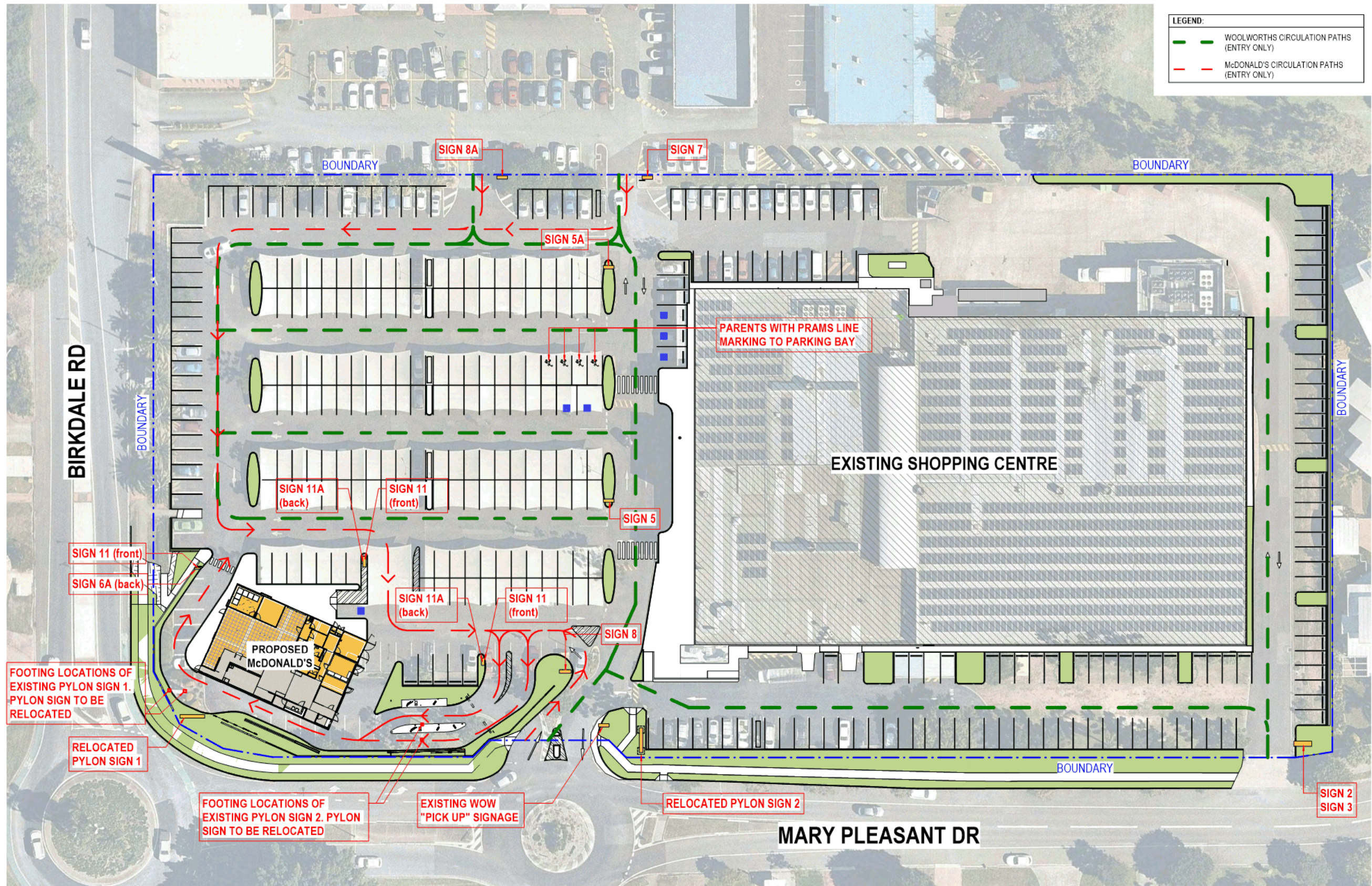
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**3D RENDERS - McDONALD'S**  
 21/04/2020  
 TA # 16.0041.17 @ A1  
 SD 5.1 rev. 4



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**SIGNAGE - SITE PLAN**

20/04/2020  
 TA # 16.0041.17 1 : 300 @ A1  
 SD 6.0 rev. 10



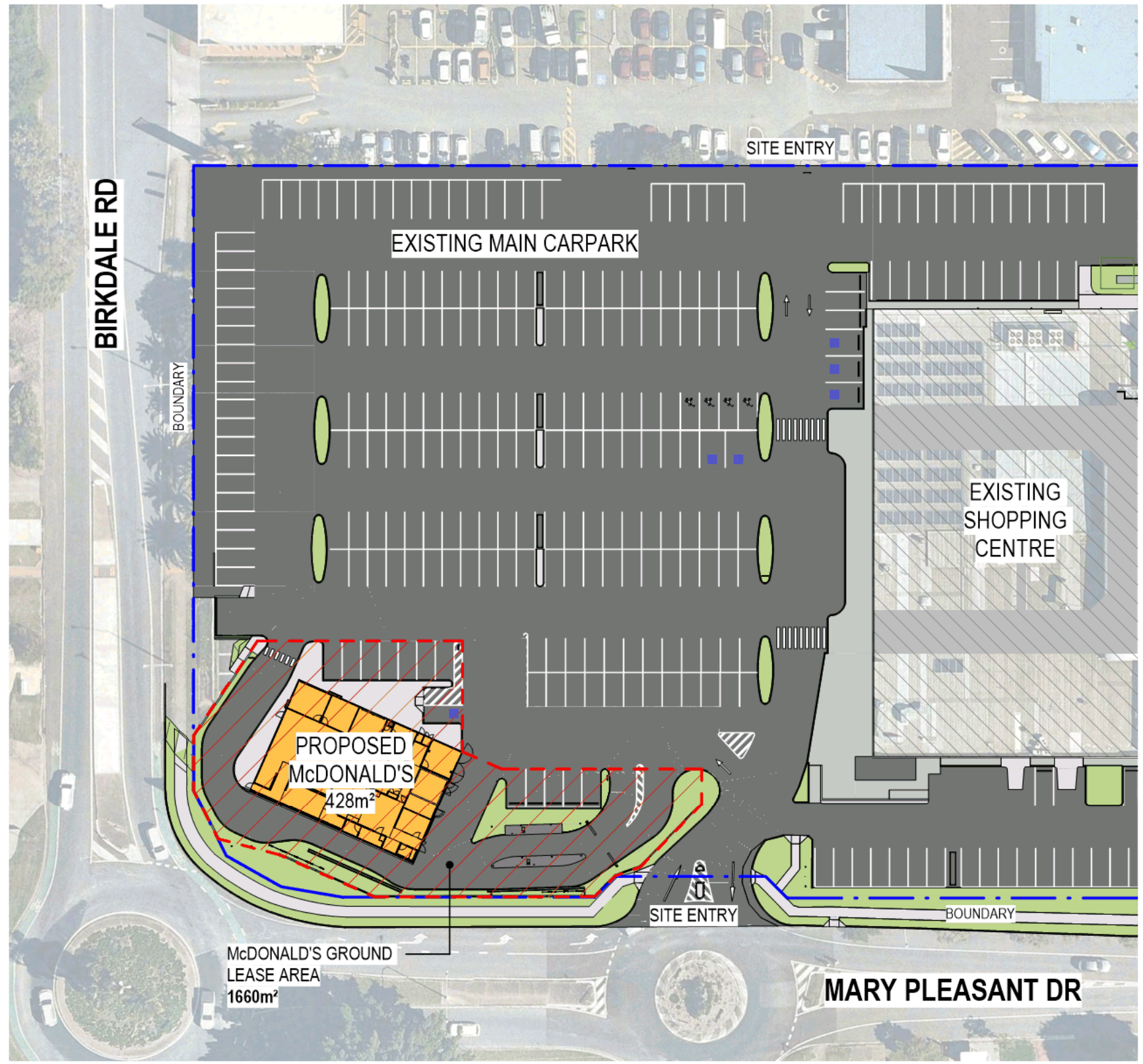
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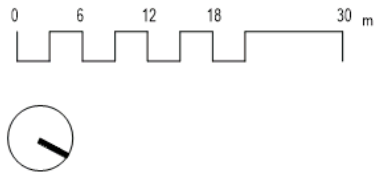
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**SIGNAGE - ELEVATIONS**  
 08/08/2019  
 TA # 16.0041.17 1:20 @ A1  
 SD 6.1 rev. 1



**LEGEND:**  
 - - - SITE BOUNDARY LINE  
 [Red dashed box] EXTENT OF GROUND LEASE AREA



**FORT STREET**  
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**MCDONALD'S LEASE AREA**  
 1 : 600 @ A3  
 LP 1.1  
 20/04/2020  
 rev. 8





# BIRKDALE RESTAURANT

## LANDSCAPE DEVELOPMENT APPLICATION

PREPARED FOR FORT STREET, REAL ESTATE CAPITAL

20.04.2020

REVISION: F

# LANDSCAPE INTENT

This report concerns the landscape intent for Birkdale Medical and fast food development for Fort Street Real Estate Capital. The site is bounded by the Birkdale Road and Mary Pleasant Drive.

The proposed development comprises two key landscaping areas; on-site landscaping area including existing landscape to be retained and additional planting for proposed new development. Streetscape is not part of this development approval, except for areas shown.

### Existing on-site landscaping:

- Existing planting within the car park and landscaping buffer along perimeter to be retained.
- A selection of robust and low maintenance plant species is proposed.

### Proposed new development areas:

- To create a vibrant and relaxed atmosphere for users by adopting lush planting.
- Luxuriant plants such as *Philodendron xanadu* and *Alpinia nutans* can generate a coherent and compelling visual experience for consumers and by-passers, while also softening building forms.
- Selected planting species are weather-tolerant and hardy species.
- To enhance, soften and buffer the proposed built form's address to the street and public domain.

### LEGEND

- Existing tree to be retained (In accordance with Arborist report)
- Proposed feature tree species
- Proposed tree species (refer to LP for indicative species locations)
- Property Boundary



SHADE TREES IN GARDEN BED (EXAMPLE: CUPANIOPSIS) WITH LOW LEVEL, UNDERSTOREY PLANTING IN BUILD-OUTS.

EXAMPLE SPECIES: LIRIOPE MUSCARI, HYMENOCALLIS LITTORALIS.

SCREENING SHRUBS TO BOUNDARY LINE. - EXAMPLE: SYZYGIUM

Large shade trees to screen and soften building facade, offering an appropriate scale to the built form.  
Example tree species:  
- *Lophostemon confertus*  
- *Flindersia australis*  
(Both can grow to heights of 8-10m, with a canopy spread of 5-10m)

High quality landscaping and streetscaping are incorporated to reinforce a sense of place and contribute to the overall attractiveness and function of the centre: mix of groundcovers, low & medium-set shrubs: *Liriope* spp.-*Bromeliads*. - *Philodendron xanadu*. - *Agapanthus*. Consistent with Birkdale Rd & Mary Pleasant Drive landscape treatments.

2 Layers of tree lines, filters views and screens building facade from Mary Pleasant Drive. Tree species are to compliment and remain consistent with current street tree species, such as: *Cupaniopsis anacardioides*, *Libidibia ferrea*, *Eucalyptus* species.

EXISTING SHOPPING CENTRE

PROPOSED MCDONALDS

REFER TO LP-02

Stage 1 Works

Stage 2 Works

SHADE TREES IN GARDEN BED (EXAMPLE: CUPANIOPSIS) WITH LOW LEVEL, UNDERSTOREY PLANTING IN BUILD-OUTS. - EXAMPLE: LIRIOPE AS SPECIFIED (140MM POTS @4/M2)

ARTICULATION OF LANDSCAPE PLANTING TO ENSURE SAFE SIGHTLINES, WHILST SOFTENING AND SCREENING THE VIEWS FROM MARY PLEASANT DRIVE

EXISTING TREES TO BE RETAINED IN ACCORDANCE WITH ARBORIST REPORT.

NEW TREES IN VERGE TO FILL GAPS IN EXISTING TREE CANOPIES, CREATING A GREEN SCREEN FILTERED VIEW FROM MARY PLEASANT DRIVE

DATE: 20.04.2020  
JOB NO: P0014044  
DWG NO: LP-01  
REV: F

1:600 @ A3

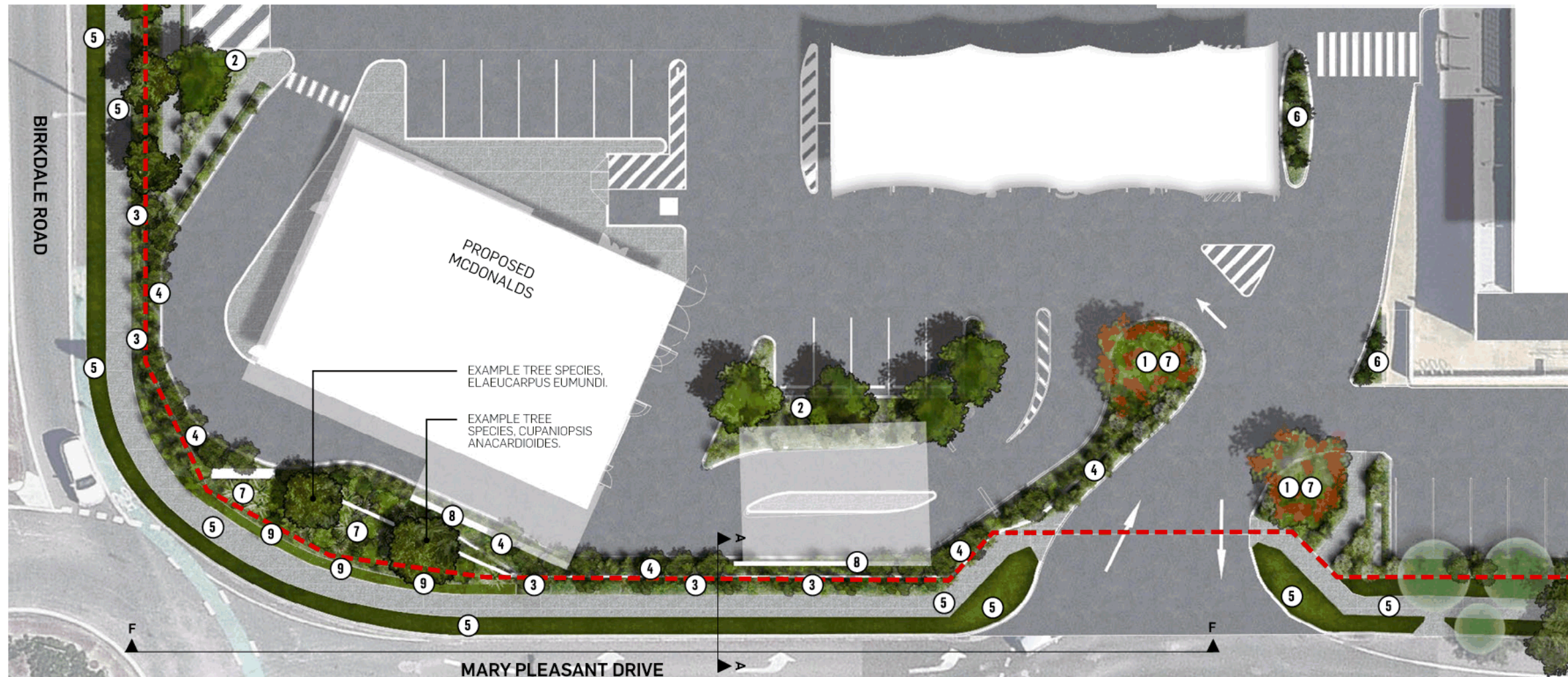


**BIRKDALE RESTAURANT**  
LANDSCAPE CONCEPT - SITE PLAN

# FAST FOOD SITE LANDSCAPE PLAN

**NOTES:-**

- ① Feature entrance planting:-Mix of groundcovers, low & medium- set shrubs, under shade trees.-Delonix regia -Liriope spp.-Bromeliads. - Philodendren xanadus. - Agapanthus. Consistent with Birkdale Rd & Mary Pleasant Drive landscape treatments.
- ② New landscape planting to remain constant with existing hardy species and tie into / infill into existing - as required on site. Example: Liriope -Lomandra -Philodendren -Myoporium - Harpulia pendula
- ③ Additional planting / garden bed in Council Verge, typically extending out to the edge of footpath (consistent with the current landscape treatment on site). Screening shrubs planted along all retaining walls and fencelines, to created a full landscape buffer and screen addressing the street. Low-set feature shrubs tiered in front of the screening shrubs, to soften and articulate the overall landscape to the street. Low-set groundcovers and small grasses border the gardens along the footpath edge to offer a safe setback of planting, minimising the potential for overgrown landscape near paths. Refer to Section A-A.
- ④ Feature screening shrubs planted along entire edge of driveway in clusters with a variety of heights ranging from 1-2m:- Shrub planting will help screen fencing and filter potential car headlights, whilst maintaining a dense, formal screen. - Example species:-Strelitzia reginae, Strelitzia nicoli and Syzygium pinnacle. These species retain a strong, compact, vertical form with small footprints that would ensure success within the dedicated garden bed areas. Refer to Section A-A.
- ⑤ Existing landscape to Council verge and all existing footpaths to be retained and is not part of this development.
- ⑥ Existing landscape within property to be retained.
- ⑦ High quality landscaping and streetscaping are incorporated to reinforce a sense of place and contribute to the overall attractiveness and function of the centre: Mix of groundcovers, low & medium-set shrubs: Liriope spp.-Bromeliads. - Philodendren xanadus. - Agapanthus. Consistent with Birkdale Rd & Mary Pleasant Drive landscape treatments. Additional feature planting around edges of signage and throughout garden bed to help bolster and lift the overall depth and scale of landscape to the prominent road intersection. Example speices: Strelitzia reginae, Strelitzia nicoli and Syzygium pinnacle, Philodendron rojo congo, Doryanthes excelsa.
- ⑧ Vertical trellis with climbing plants (Trachelospermum jasminoides) creates a strong green entry experience.
- ⑨ 1m Turf setback added along footpath edge, where the space is available - Due to limited space between retaining walls and footpath, garden and planting takes priority in order to soften retaining walls with landscaping rather than turf.



**LEGEND**

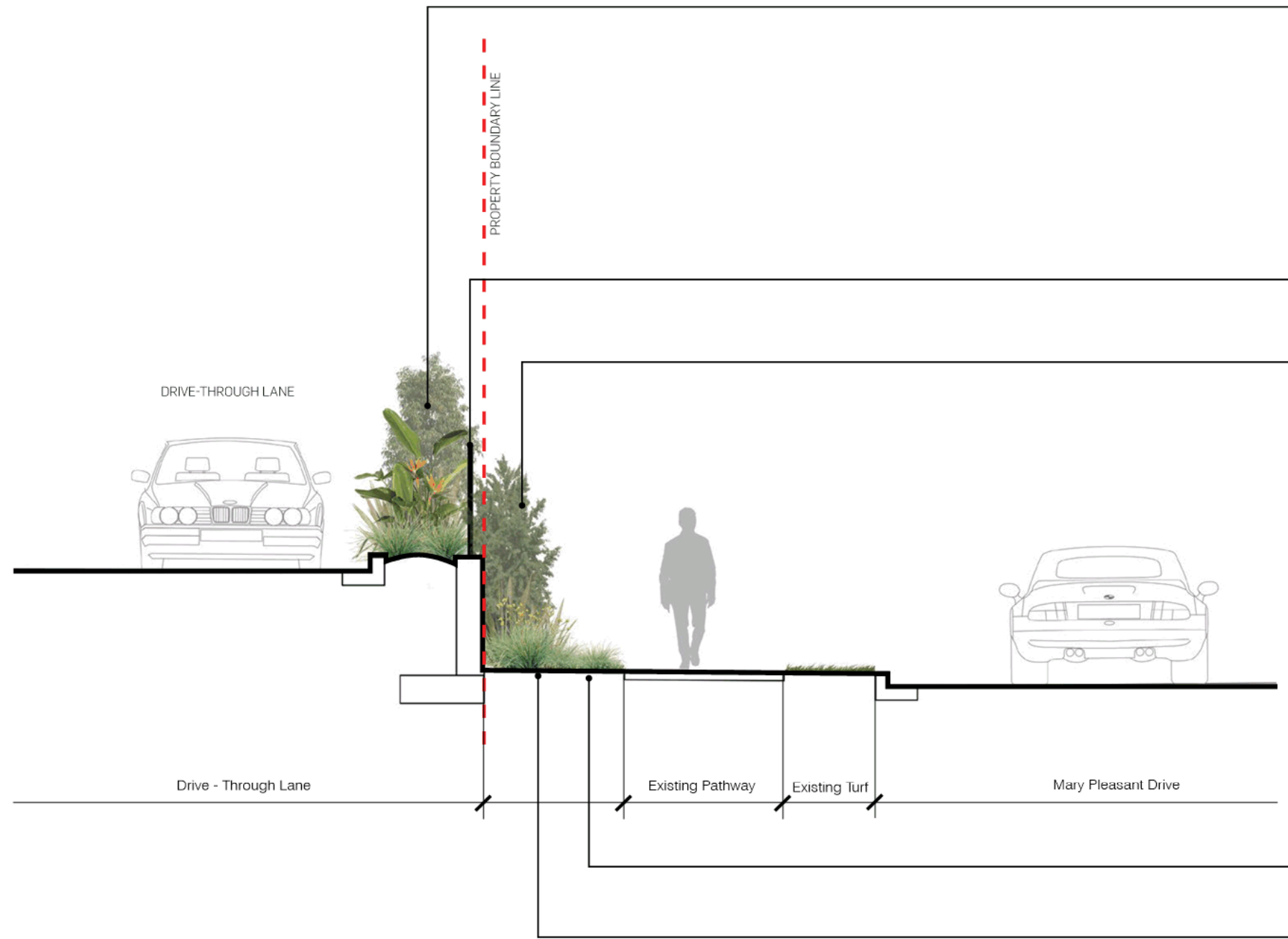
- Existing tree to be retained (In accordance with Arborist report)
- Proposed feature tree species
- Proposed tree species (refer to LP for indicative species locations)

DATE: 20.04.2020  
 JOB NO: P0014044  
 DWG NO: LP-02  
 REV: F

1:300 @ A3



**BIRKDALE RESTAURANT**  
 LANDSCAPE CONCEPT - DETAIL PLAN 01



Feature screening shrubs planted along entire edge of driveway in lineal clusters, with a variety of heights ranging from 1-2m:- Shrub planting will help screen fencing and filter potential car headlights, whilst maintaining a dense, formal screen.  
 Example species:-Strelitzia reginae, Strelitzia nicoli and Syzygium pinnacle (S.Pinnacle has a very narrow compact form, spreading no more than 1m, with a growing height of 6m+, making it the perfect hedging shrub for tight spaces). These species retain a strong, compact, vertical form with small footprints that would ensure success within the dedicated garden bed areas.

Additional cascading groundcovers/shrubs to be planted along fenceline, that will grow through the fence and hang down over the front face of the retaining walls. Example species:  
 Dichondra silver falls, Myoporum species, Casuarina 'cousin-it', Trachelospermum jasminoides.

Fence barrier on top of retaining wall :  
 -Wall height maximum 1.5m high.  
 -Refer to architectural plans.

Additional planting / garden bed in Council Verge, typically extending out to the edge of footpath (consistent with the current landscape treatment on site). Screening shrubs planted along all retaining walls and fencelines, to created a full landscape buffer and screen addressing the street. Low-set feature shrubs tiered in front of the screening shrubs, to soften and articulate the overall landscape to the street. Low-set groundcovers and small grasses border the gardens along the footpath edge to offer a safe setback of planting, minimising the potential for overgrown landscape near paths.

**Screening shrub example species:**  
 Syzygium pinnacle (Very narrow compact form, spreading no more than 1m, with a growing height of 6m+, making it the perfect hedging shrub for tight spaces) Screening shrubs to be planted in a linear form along the face of retaining walls, typically at 1 metre spacings.

**Feature planting species examples:**  
 Hymenocallis littoralis, bromeliad species, Philodendron xanadu/ Rojo congo, Doryanthese excelsa.  
 To be planted at regular intervals along the linear frontages, typically 3-6m spacings, to accentuate and articulate the planting depth and layering.

**Border planting species examples:**  
 Liriope muscari, Trachelospermum jasminoides, Myoporum species.

Low groundcover planting to edge of pathway to ensure safe setback of planting

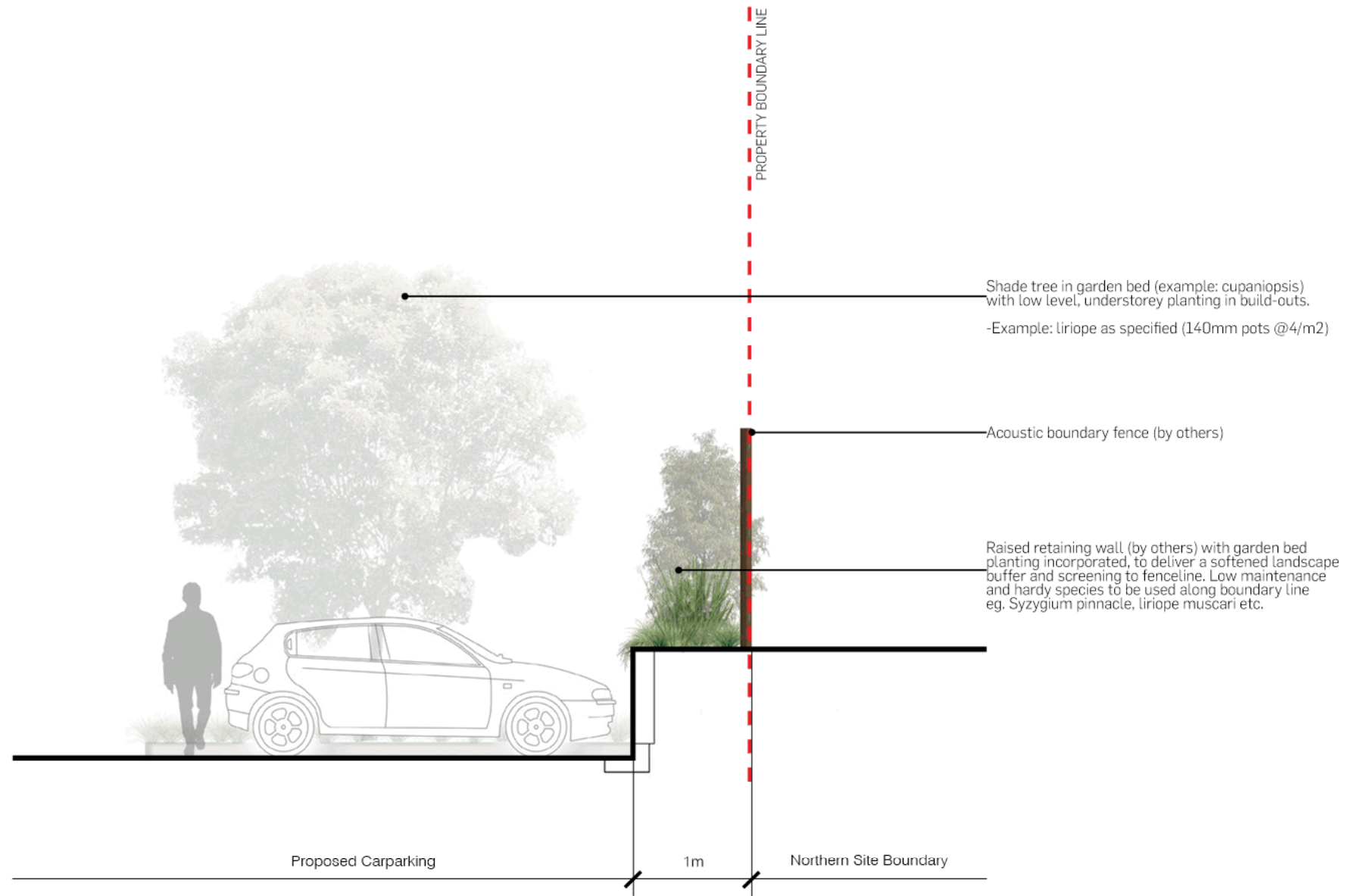
Minimum 1.5 garden bed



**BIRKDALE RESTAURANT**  
 LANDSCAPE CONCEPT - SECTION AA

DATE: 20.04.2020  
 JOB NO: P0014044  
 DWG NO: LP-04  
 REV: F





**BIRKDALE RESTAURANT**  
LANDSCAPE CONCEPT - SECTION BB

DATE: 20.04.2020  
JOB NO: P0014044  
DWG NO: LP-05  
REV: F



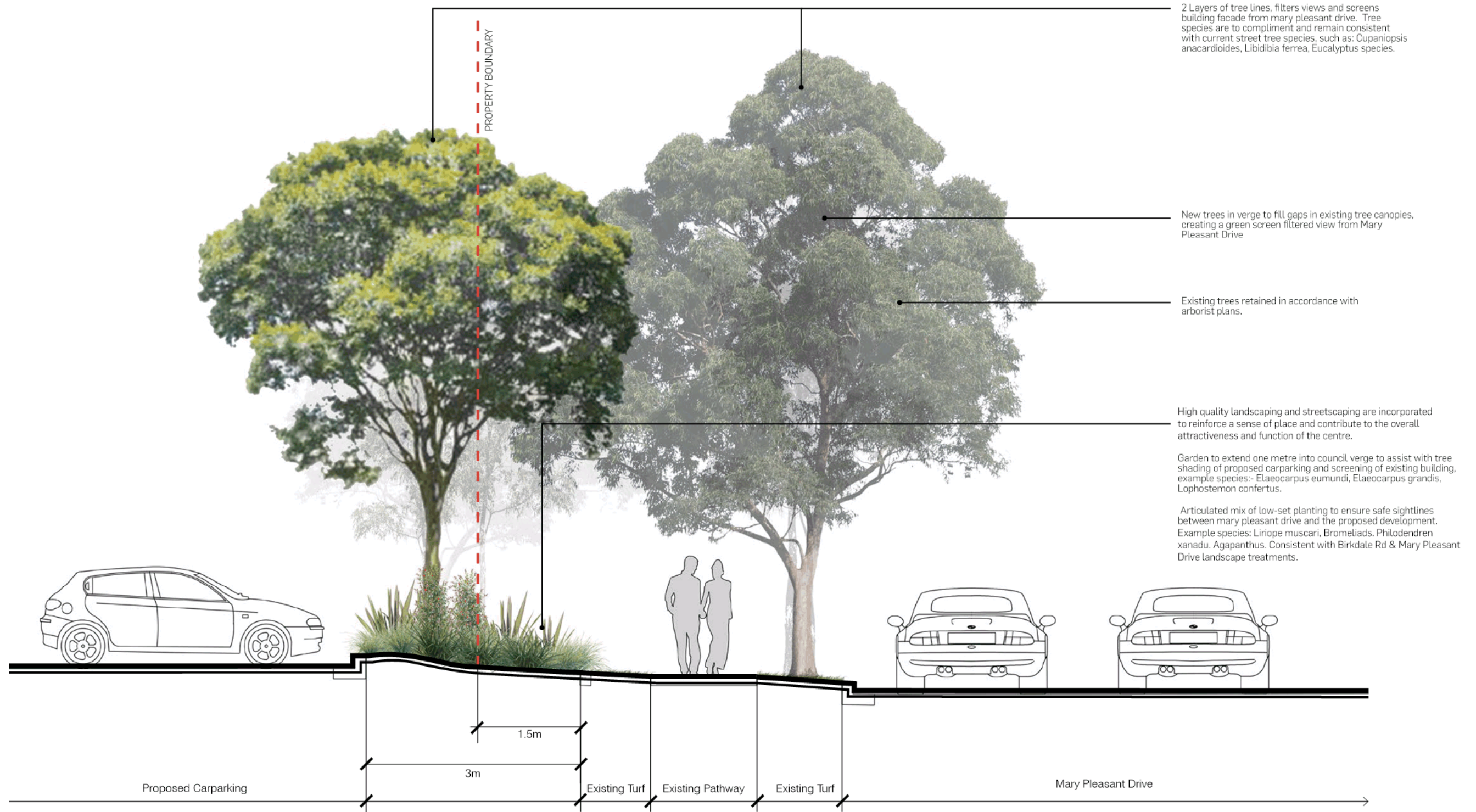


Large shade trees to screen and soften building facade, offering an appropriate scale to the built form.  
 Example tree species:  
 - Lophostemon confertus  
 - Flindersia australis  
 (Both can grow to heights of 8-10m, with a canopy spread of 5-10m)

High quality landscaping in carparking are incorporated to reinforce a sense of place and contribute to the overall attractiveness and function of the centre: mix of groundcovers, low & medium-set shrubs: Liriope spp.-Bromeliads, - Philodendren xanadus. - Agapanthus

**URBIS** **BIRKDALE RESTAURANT**  
**LANDSCAPE CONCEPT -SECTION CC**

DATE: 20.04.2020  
 JOB NO: P0014044  
 DWG NO: LP-06  
 1:50 @ A3 REV: F



**BIRKDALE RESTAURANT**  
LANDSCAPE CONCEPT - SECTION CC (CONTINUED)

DATE: 20.04.2020  
JOB NO: P0014044  
DWG NO: LP-07  
REV: F

1:50 @ A3

**NOTES:-**

① **TREES ON VERGE:** EXISTING TREES IN VERGE TO BE RETAINED.

② **TREES ON VERGE:** NEW TREES IN VERGE TO FILL GAPS IN EXISTING TREE CANOPIES, CREATING A GREEN SCREEN FILTERED VIEW FROM MARY PLEASANT DRIVE

TREE SPECIES ARE TO COMPLIMENT AND REMAIN CONSISTENT WITH CURRENT STREET TREE SPECIES, SUCH AS: CUPANIOPSIS ANACARDIODES, LIBIDIBIA FERREA, EUCALYPTUS SPECIES.

③ **TREES, 2ND LAYER (BEHIND):** TREE LINES FILTERS VIEWS FROM MARY PLEASANT DRIVE.

TREE SPECIES ARE TO COMPLIMENT AND REMAIN CONSISTENT WITH CURRENT STREET TREE SPECIES, SUCH AS: CUPANIOPSIS ANACARDIODES, LIBIDIBIA FERREA, EUCALYPTUS SPECIES.

④ **TREES, 3RD LAYER (BEHIND):** TREE LINES FILTERS VIEWS AND SCREENS BUILDING FACADE FROM MARY PLEASANT DRIVE.

EXAMPLE TREE SPECIES:  
- LOPHOSTEMON CONFERTUS  
- FLINDERSIA AUSTRALIS  
(BOTH CAN GROW TO HEIGHTS OF 8-10M, WITH A CANOPY SPREAD OF 5-10M)

⑤ A MIX OF LOW-SET PLANTING TO ENSURE SAFE SIGHTLINES BETWEEN MARY PLEASANT DRIVE AND THE PROPOSED DEVELOPMENT. GARDEN TO EXTEND 15 METRES INTO COUNCIL VERGE TO ASSIST WITH TREE SHADING OF PROPOSED CARPARKING AND SCREENING OF EXISTING BUILDING. EXAMPLE SPECIES:- ELAEOCARPUS EUMUNDI, ELAEOCARPUS GRANDIS, LOPHOSTEMON CONFERTUS



**BIRKDALE RESTAURANT**  
LANDSCAPE CONCEPT - ELEVATION DD -PROPOSED EASTERN LANDSCAPE SCREENING

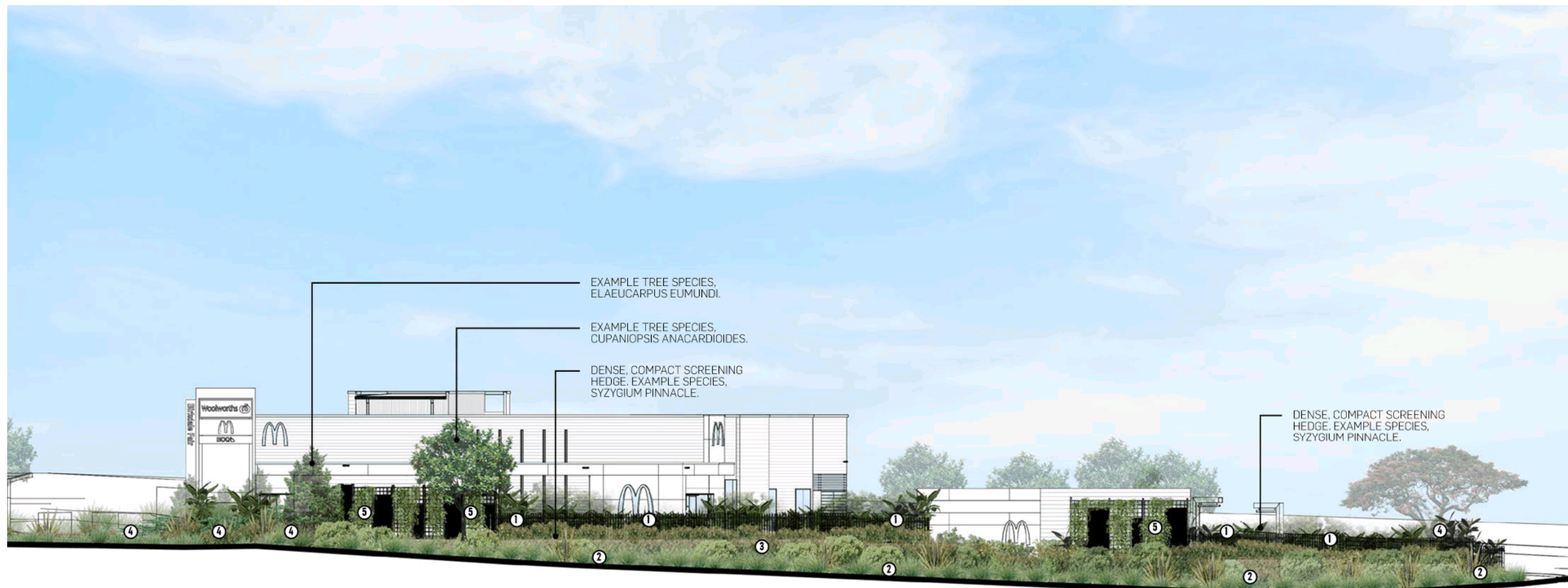
DATE: 20.04.2020  
JOB NO: P0014044  
DWG NO: LP-07  
REV: F

SCALE 1:100 1:100 @ A3



**NOTES:-**

- ① Palisade pool fence barrier on top of retaining wall :  
-Wall height maximum 1.5m high.  
  
-Refer to architectural plans. Feature screening shrubs planted along entire edge of driveway in clusters with a variety of heights ranging from 1-2m:- shrub planting will help screen fencing and filter potential car headlights, whilst maintaining a dense, formal screen. - Example species:-strelitzia reginae, strelitzia nicoli and syzygium pinnacle. These species retain a strong, compact, vertical form with small footprints that would ensure success within the dedicated garden bed areas. Refer to section A-A.
- ② Low groundcover from edge of pathway to ensure safe setback of planting, and does not interfere with pedestrian movement.
- ③ Additional planting / garden bed in Council Verge, typically extending out to the edge of footpath (consistent with the current landscape treatment on site). Screening shrubs planted along all retaining walls and fencelines, to created a full landscape buffer and screen addressing the street. Low-set feature shrubs tiered in front of the screening shrubs, to soften and articulate the overall landscape to the street. Low-set groundcovers and small grasses border the gardens along the footpath edge to offer a safe setback of planting, minimising the potential for overgrown landscape near paths. Refer to Section A-A.
- ④ High quality landscaping and streetscaping are incorporated to reinforce a sense of place and contribute to the overall attractiveness and function of the centre: Mix of groundcovers, low & medium-set shrubs: Liriope spp.-Bromeliads. - Philodendren xanadus. - Agapanthus. Consistent with Birkdale Rd & Mary Pleasant Drive landscape treatments. Additional feature planting around edges of signage and throughout garden bed to help bolster and lift the overall depth and scale of landscape to the prominent road intersection. Example speices: Strelitzia reginae, Strelitzia nicoli and Syzygium pinnacle, Philodendron rojo congo, Doryanthes excelsa.
- ⑤ Vertical trellis with climbing plants (Trachelospermum jasminoides)creates a strong green entry experience.



**BIRKDALE RESTAURANT**  
LANDSCAPE CONCEPT - ELEVATION FF - PROPOSED LANDSCAPE FRONTAGE TO MARY PLEASANT DRIVE

DATE: 20.04.2020  
JOB NO: P0014044  
DWG NO: LP-08  
REV: F

SCALE NTS

trees



Cupaniopsis anacardioides

RECOMMENDED  
SIZE & DENSITY

100L bag size



Delonix regia

200L bag size



Elaeocarpus eumundi

100L bag size



Harpullia pendula

100L bag size



Lophostemon confertus

100L bag size

shrubs



Philodendron 'Xanadu'

RECOMMENDED  
SIZE & DENSITY

200mm @4/m<sup>2</sup>



Melaleuca claret tops

300mm @4/m<sup>2</sup>



Syzygium pinnacle

300mm1/LIN m



Strelitzia reginae

300mm @3/m<sup>2</sup>



Alpinia nutans

300mm @3/m<sup>2</sup>

shrubs



Agapanthus africanus

RECOMMENDED  
SIZE & DENSITY

200mm @4/m<sup>2</sup>



Alcantarea imperialis 'Silver Plum'

300mm @4/m<sup>2</sup>



Dianella caerulea

140mm @4/m<sup>2</sup>



Hymenocallis littoralis

200mm @4/m<sup>2</sup>

groundcovers



Liriope spp.

RECOMMENDED  
SIZE & DENSITY

140mm @4/m<sup>2</sup>



Lomandra hystrix

140mm @4/m<sup>2</sup>



Myoporum parvifolium

140mm @4/m<sup>2</sup>



Trachelospermum jasminoides

140mm @4/m<sup>2</sup>



**BIRKDALE RESTAURANT**  
LANDSCAPE CONCEPT - PLANTING PALETTE

DATE: 20.04.2020  
JOB NO: P0014044  
DWG NO: LP-09  
REV: F





20 April, 2020  
 Our File Ref: B19143TL003\_Final  
 Contact: Steve Williams

Fort Street Real Estate Capital Pty Ltd  
 C/- Urbis Pty Ltd  
 By Email: [akennedy@urbis.com.au](mailto:akennedy@urbis.com.au)

Attention: Andrew Kennedy

**RE: REDLAND CITY COUNCIL FURTHER DESIGN ISSUES  
 PROPOSED BIRKDALE FAIR EXPANSION  
 12 MARY PLEASANT DRIVE, BIRKDALE**

This letter is in response to Redland City Council's (RCC) further design issues and additional traffic matters, received by email on 3 April 2020 in relation to the proposed expansion of the Birkdale Fair shopping centre located at 12 May Pleasant Drive, Birkdale. Subsequent to the submission of a response to Council's previous "further issues" Council has raised additional items of concern which are addressed herein.

The further traffic engineering issues being addressed, as identified by Council are stated below in *italics*.

**Traffic**

*Council has received third party advice following a review of the submitted traffic impact assessment report.*

*The proposed access design and pedestrian network is not considered to be suitably safe or efficient in accordance with the overall outcomes of the Transport, servicing, access and parking code and related performance outcomes further detailed below.*

- 1. the safety and efficiency of the movement network is maintained;*
- 2. development provides for a high level of accessibility, safety and convenience for pedestrians and cyclists;*
- 3. development is provided with safe and functional vehicular access and on-site parking;*
- 4. development facilitates clear and safe vehicle movements both on and off the site;*
- 5. car parking areas and structures are located and designed to minimise their visual impact, interruption of the streetscape and impact on pedestrian accessibility; and*
- 6. impacts on the surrounding environment and amenity are minimised.*

**Queuing risk**

*Performance outcome PO18 of the transport, servicing, access and parking code states that:*

DIRECTORS  
 SENIOR ASSOCIATES

Brendan L Rehbein Ashley P Ruffin Steve A Williams Brent F Woolgar  
 Melissa L Braun Fred A Gattuso Ben J Hargreaves Martyn D Illingsworth  
 David A Lenarduzzi Andrew M Pezzutti

**BRISBANE • CAIRNS • MELBOURNE**

CBD House, Level 3, 120 Wickham Street (PO Box 112) Fortitude Valley, Qld 4006  
 Telephone: (07) 3250 9000 www.lar.net.au Facsimile: (07) 3250 9001



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Provision is made for any queuing to be accommodated within the development site, so that external traffic operations are not obstructed, and designed to avoid conflict with internal intersections or manoeuvring areas.

Comments following review of TIA

Primary Mary Pleasant Drive roundabout access.

According to AS2890.1, queuing area is defined as

“the area of a circulation roadway between the property boundary and the vehicle control point, available for the queuing of vehicles”

Further to this, the vehicle control point is defined as

“A point at or near the entrance to or exit from a car park at which the flow of traffic is retarded by the existence of a boom barrier, with or without ticket or cashier operation, or the location of the first of any spaces on a parking aisle at which parking or unparking may cause traffic flow to be retarded.”

AS2890.1 queuing requirement is as follows:

- \* 3% for the first 100 spaces
- \* 2% for the second 100 spaces
- \* 1% for the remaining

The queuing requirement based on the number 329 car parking spaces for this site is 42m.

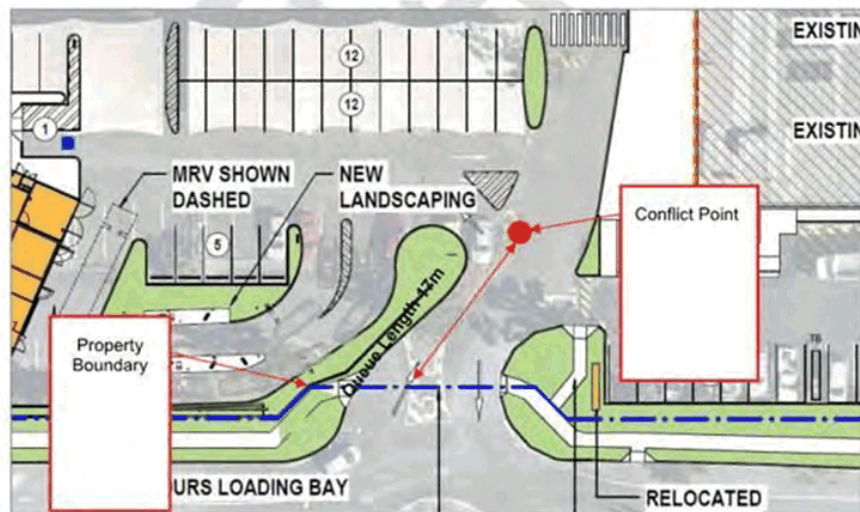


Figure 1 – Queuing provision

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*The conflict point mentioned in the Lambert and Rehbein report refers to the zebra crossing. This is not considered the first conflict point. As shown in Figure 1, the first conflict point is much closer to the access roundabout. As further shown in Figure 1, the actual queuing provision achieved is only 17m.*

*Therefore, the proposed layout does not achieve the minimum required queue length as per Australian Standard AS2890.1.*

*Furthermore, as one of the access points (referred to as access 2 in the Lambert and Rehbein report) is proposed to be removed, this puts greater pressure on the main access point.*

*Therefore, this is expected to create an increase in traffic through the main access point and a greater likelihood of vehicular conflict.*

*On this basis, the queuing provision at this access point is not sufficient to cater for the likely traffic demands associated with the site.*

**Lambert & Rehbein Response:**

In the feedback provided by Council we note that they have identified what in their opinion is the first "conflict point" inside the site.

In relation to this conflict point we highlight the following:

- We agree that at the location noted there is a conflict point that would be associated with the very limited conflict between a vehicle turning left toward the proposed McDonald's and a vehicle traveling straight ahead;
- This point of conflict and this conflict mechanism would not, in our view, be of a such significance and duration that this would result in queues forming back toward the subject roundabout;
- It is considered that sufficient queue storage has been provided within the proposed McDonald's drive-through facility such that this would not impact on the vehicle entering the site. We do not believe that internal queues within the drive-through facility would form back to the aforementioned "conflict point"; and
- There are no parking movements that would cause sufficient obstruction to vehicle movements such that this would impact on the aforementioned "conflict point".

With due consideration to the items above, we are of the view that while there is a conflict point at the location identified we do not believe that this conflict point would be such that this would result in the formation of static queues of any real significance. In particular, we believe that it is highly unlikely that queues would form from this point to the extent that they would extend as far back as the roundabout. On this basis we do not believe that the proposal would impact safety and efficiency in this regard.

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In their correspondence it appears that Council has assumed that this “conflict point” would then essentially represent an internal control point and has cited a number of elements of the relevant Australian Standard (AS2890.1) in this regard. We do not believe that Council has correctly identified the control point as noted in Figure 1 above. We note that traffic flow at the location above is not retarded by the existence of a boom barrier. Additionally, the location noted above is not within a parking aisle and as such there are no parking spaces present that in our view would result in the parking or unparking of vehicles retarding traffic flows into the subject site. The location identified is within a Circulation roadway as clearly defined by Clause 1.3.9 and Figure 2.1 in AS2890.1 and is not impacted by any parking manoeuvres or boom gate control points. On this basis we do not agree that the location noted in Figure 1 represents the control point and, as such, the identified queuing provision of 17m is also in our view incorrect.

As consistently identified in our reporting we believe that the effective vehicle control point that could contribute to the formation of internal queuing is the internal zebra crossing within the site, while noting that even this point does not meet the definition of a “Control Point” as defined in AS2890.1. This is however in our view the location where another typical on-site activity has the potential to result in static queues forming and consequently the flow of traffic entering the site being retarded. The circulation roadway provides priority for entering vehicles from Access 1 to the zebra crossing and provides sufficient queuing to accommodate six (6) vehicles.

As noted in Clause 3.4 of AS2890.1, “the queuing area to be provided between the vehicular control point and the property boundary shall be sufficient to allow a free influx of traffic which will not adversely affect traffic or pedestrian flows in the frontage road”. Considering that entering vehicles are not required to yield to any other vehicles or pedestrians until the zebra crossing, we believe that the provision for the free influx of traffic has been adequately accommodated by the proposed layout. Additionally, the six (6) queued vehicles are contained within the property boundary and thus do not adversely affect traffic or pedestrian flows on the frontage road.

We also note that until this latest correspondence it appeared that Council had agreed that the zebra crossing constituted what could reasonably be considered as the control point for Access 1. As part of the information request dated 11 December 2019, Council raised the following:

*“Council is concerned with the issue of queueing from the existing pedestrian crossing nearest Mary Pleasant Drive, onto the roundabout. Please provide further commentary on this section and the proposed queueing distances”*

We believe that Council’s concerns were adequately addressed in the letter response prepared by Lambert & Rehbein (Ref: B19143TL001\_Final Dated 16 December 2019) and considering that the issue was not raised again in the subsequent information request from Council dated 17 January 2020, we were of the view that Councils officers had agreed with representations made at that time.

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In their latest correspondence the queuing requirement quoted by Council has been sourced from Table 3.3 of AS2890.1. We note that the relevant clause of the AS2890.1, Clause 3.4 states that:

*“In the absence of more specific guidance, the size of the queuing area shall be calculated from Table 3.3, for a car park with boom gates and ticket issuing devices at entry points, and based on the proposed size of the parking station and anticipated peak hourly inflow of traffic.”*

On this basis we question the validity of the Council position that the required queue length of the subject access should be 42m which is based on a queue length of 6 vehicles (at 7m per vehicles). As described previously, when describing the suitability of the zebra crossing as the control point, none of the entrances to the car parking have boom gates or ticketing devices. Therefore, it is our view that the queue requirements calculated from Table 3.3 are not relevant to the current situation. Even if these are used to provide some guidance it would not be reasonable to adopt these as a prescriptive requirement as these would be incredibly conservative given that these requirements are aimed at entrances with boom gates and ticket machines.

We note that the original traffic report had utilised Table 3.3 to determine a worst case queueing requirement for the proposed development and that these conservative requirements were met when measured to the pedestrian crossing where there is the potential for an internal conflict to “retard” the flow of traffic into the site.

With regards to the impact of removing Access 2, we note that the existing Access 2 is configured as an entry only and provides access to a one-way parking aisle. We also note that Access 3 is configured as an all-movements access that facilitates entry and exit to the back of house area as well as exit manoeuvres via an easement to the adjacent commercial site. Therefore, the removal of Access 2 in conjunction with the extension of the parking area such that it links to Access 3 has no fundamental impacts on the number of light vehicle entry points to the site.

Considering the above, we believe that the proposed development has suitably demonstrated that queuing can be accommodated within the development site, that the queuing does not obstruct external traffic operations, and that the queueing areas have been designed to avoid conflict by providing priority to vehicles within the aforementioned queueing area. However, we believe that it is important to also note that queueing areas have also been provided at the easement accesses to the neighbouring sites to the west. Both of the easement accesses that facilitate entry to the car park contain queuing capacity of one (1) vehicle each, taking the total queue capacity for the development to nine (9) vehicles. As this is grossly in excess of the conservative requirements requested by Council we strongly believe that the issue of queue provisions has definitively been resolved.

***Pedestrian safety***

*Performance outcome P03 of the transport, servicing, access and parking code states that:*



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*Development maintains or improves the safe and efficient operation of transport networks having regard to (amongst other things):*

- 1. the existing or planned function of the roads affected;*
- 2. available sight distances and the location and design of access points;*
- 3. accessibility by public transport, pedestrians and cyclists;*
- 4. the potential for conflict between vehicles, pedestrians and cyclists;*
- 5. the loss or increase of on-street parking;*
- 6. the location, construction and maintenance of utility infrastructure; and*
- 7. the nature and intensity of traffic and parking generated by the development.*

*Performance outcome P06 of the transport, servicing, access and parking code states that:*

*Safe and convenient pedestrian and cycle infrastructure is provided, and as far as possible, is integrated with external networks to maximise accessibility by walking and cycling.*

Comments following review of TIA

Mary Pleasant Drive roundabout access

*The proposed removal of the pedestrian island creates a pedestrian conflict point at the sites primary pedestrian, outlet truck and vehicle access point. This primary access point is proposed to be widened to approximately 14m. Existing pedestrian connectivity and safety from north to south and east to west should be reasonably maintained and requires a pedestrian island at this access point. Pedestrians will be expected to cross a significant length of road in one movement without any protection, refuge or safe crossing. This arrangement is a significant pedestrian safety issue. A rollover or painted island design may be a suitable option that improves pedestrian safety while still enabling delivery truck access (swept path truck access from the roundabout).*

Lambert & Rehbein Response:

Lambert & Rehbein agree that the inclusion of a rollover or painted pedestrian refuge island represents a suitable option that would improve pedestrian safety. Therefore, a rollover pedestrian refuge island has been included on the enclosed architectural drawings set, prepared by Thomson Adsett.

As noted above by Council, truck access could potentially impact on the pedestrian refuge island. Therefore, to minimise the potential interactions of pedestrians and heavy vehicles, we suggest that truck access to the McDonald's development via Access 1 be controlled by a Service Vehicle Management Plan. This plan could restrict heavy vehicle movements to outside of peak times when pedestrian activity is minimal. We believe that such a Service Vehicle Management Plan could easily be conditioned.

Comments following review of TIA

Pedestrian access

*Pedestrian connectivity to the site is not considered to comply with the transport, servicing access and parking code overall outcomes or above performance outcomes. With the inclusion of the McDonald's, significant pedestrian movement is expected from*

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*the external network. Pedestrian desire lines have not been considered in the assessment. Pedestrians approaching from the north do not have a clear or safe path to the entry point of the McDonald's and are required to walk through the drive-thru area. Provision should be made for this particular desire line.*

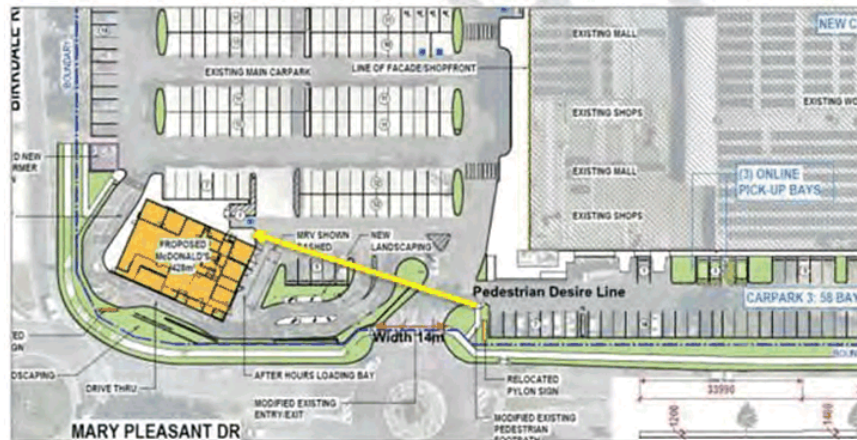


Figure 2 – Access & Pedestrian desire line.

**Lambert & Rehbein Response:**

Firstly, we do not anticipate significant pedestrian movements would occur from the external pedestrian network to the McDonald's via the desire line shown in Figure 2. A high-level review of the five (5) minute (400m) pedestrian catchment from the origin of the desire line and north of Dorsal Drive indicates that there are approximately 82 residential dwellings and zero (0) commercial dwellings likely to generate pedestrian trips to the McDonald's. It is considered highly unlikely that such a low number of dwellings could generate significant pedestrian movements to the site noting that traditionally McDonald's restaurants generate a significant proportion of their custom via its drive-through.

However unlikely we consider this "desire line" to be, we note that pedestrians could not walk along the desire line and through the drive-through area to access the McDonald's as there are grade differences along the desire line that would result in the travel by foot along this path impractical.

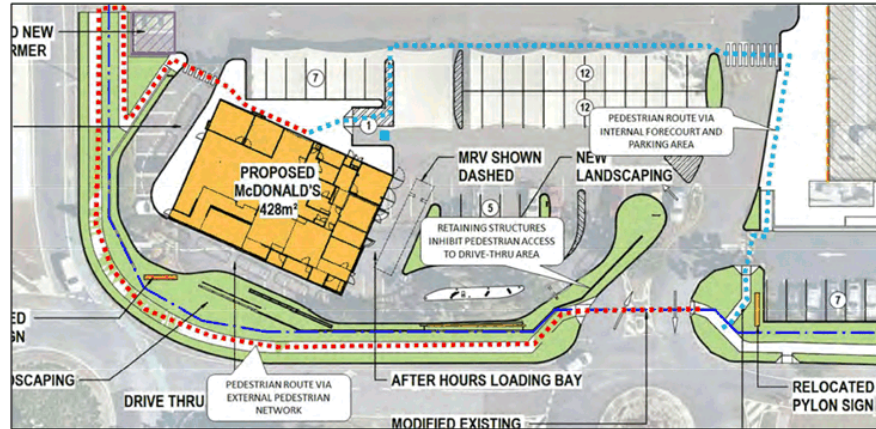
Therefore, any pedestrian that wished to access the McDonald's from the origin of the desire line has two (2) possible alternate, more appropriate route choices:

- Continue to travel south on Mary Pleasant Drive then turn right onto Birkdale Road and access the McDonald's via the proposed pedestrian access; or
- Enter the site at the pedestrian access located coincidentally with the origin of the desire line and travel through the parking area to access the McDonald's.

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These two (2) pedestrian routes have been illustrated graphically on **Figure A**, which has been prepared by Lambert & Rehbein as part of this response. We note that both routes are direct, easily discernible, have dedicated pedestrian pathways and could be supported by wayfinding signage.



**Figure A – Pedestrian Routes**

Comments following review of TIA

Refuse Collection – swept path

Performance outcome PO20 of the Transport, servicing, access and parking code states:

Servicing and manoeuvring areas are located and designed to:

1. be clearly defined, safe and easily accessible;
2. be separated from areas of pedestrian movement within the premises or on adjoining premises;
3. provide for the vehicle dimensions and turning paths for the design vehicles expected to access the site;
4. maintains clear access to waste containers for collection vehicles;
5. ensures that service vehicles entering a site do not queue across footpaths or onto external roads; and
6. prevents any manoeuvring occurring within the defined queuing area.

A large refuse vehicle will be manoeuvring in areas of shared traffic with pedestrians. This represents a significant safety concern. Provide further information to demonstrate how pedestrian and heavy vehicle conflicts would be mitigated under the Transport codes overall outcomes and performance outcome P020.

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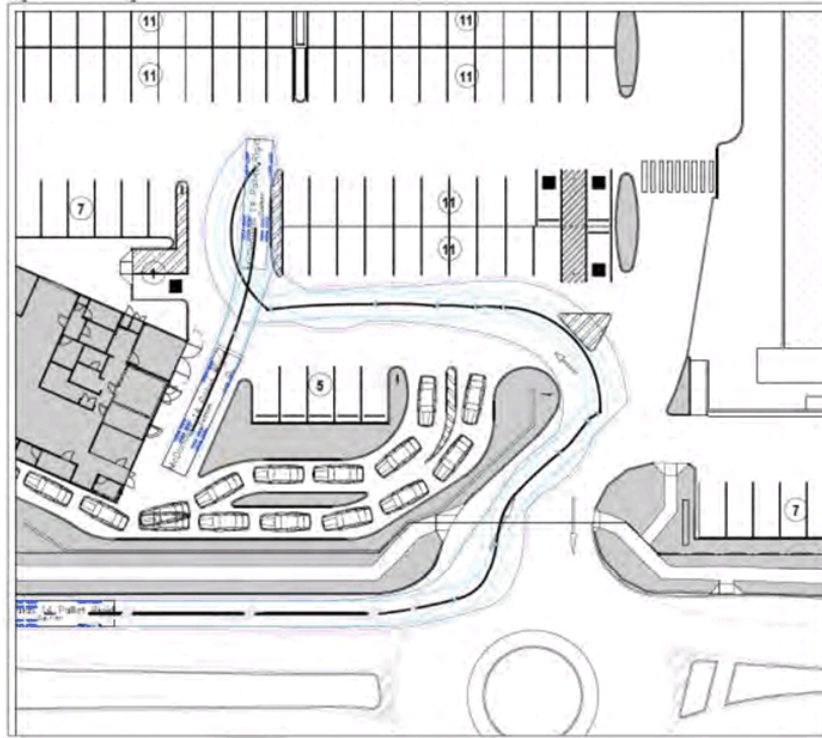


Figure 3 – Swept path Loading areas.

**Lambert & Rehbein Response:**

We do not believe that the proposed design of the service vehicle area creates a significant safety risk due to the potential conflict between service vehicles and pedestrians. However, as noted above, we believe that the likelihood of these conflicts can be reduced if service vehicle movements were to be restricted to outside of peak operating times. We believe that this could easily be achieved through a conditioned Service Vehicle Management Plan which would detail the size of delivery and refuse vehicles that would access the site, demonstrate how each vehicle would access the loading area, and detail the times at which these deliveries and collections could occur.

Further to this, we note that McDonald's and their delivery and refuse partners have many vehicle based safety measures in place, including but not limited to:

- Reversing cameras;
- Reversing sensors; and
- Audible reversing tones (beeps) to alert pedestrians and vehicles in close proximity of the vehicle movements.

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We also note that the pedestrian routes illustrated in **Figure A** above, via which we anticipate the majority of pedestrians to utilise, do not require pedestrians to cross the reversing path of a service vehicle. Therefore we believe that the proposed design, in conjunction with the McDonald's delivery partner vehicle based safety measures and a Service Vehicle Management Plan should effectively and efficiently mitigate the potential conflicts between pedestrians and heavy vehicles in the vicinity of the proposed loading area.

We believe that the mitigation strategy presented above, in conjunction with the swept paths and operational details presented in the previous traffic reports and multiple submissions addressing previous information requests has adequately demonstrated that the proposed McDonald's loading that meets or exceeds the performance outcome criteria of PO20 of the Transport, servicing, access and parking code.

Comments following review of TIA

Traffic Distribution and Assumptions

*Performance outcome P03 of the transport, servicing, access and parking code states that:*

*Development maintains or improves the safe and efficient operation of transport networks having regard to (amongst other things):*

- 1. the existing or planned function of the roads affected;*
- 2. available sight distances and the location and design of access points;*
- 3. accessibility by public transport, pedestrians and cyclists;*
- 4. the potential for conflict between vehicles, pedestrians and cyclists;*
- 5. the loss or increase of on-street parking;*
- 6. the location, construction and maintenance of utility infrastructure; and*
- 7. the nature and intensity of traffic and parking generated by the development.*

*The submitted traffic report assumes 15% of development related traffic will utilise the northern access point. However the northern access is a much less efficient route for customers to visit the McDonald's, therefore this percentage is expected to be much lower.*

*Furthermore, consideration has not been given to the western access point adjacent to the commercial tenancies. Whilst it is understood the site does not have any easements through here, it is expected that a portion of traffic would gain access through this area. The applicant has not addressed this intensification of traffic at this point.*

**Lambert & Rehbein Response:**

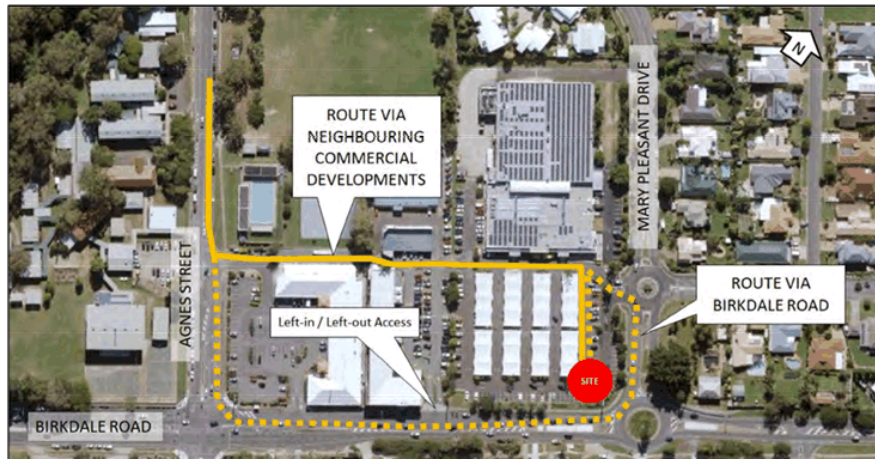
Lambert & Rehbein agree that the assumption of 15% of development related trips may over represent the number of trips likely to use Access 3. However, as detailed in the traffic the Mary Pleasant Drive / Dorsal Drive / Site Access roundabout has considerable spare capacity and to accommodate the six (6) vehicles per hour, or one (1) vehicle every 10 minutes, that had been distributed to Access 3.

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With respect to the western access point to the adjacent commercial tenancies, we agree that there is the potential for vehicles to travel to/from this access point albeit a somewhat constrained route. However in the context of the existing legal easement arrangements, at the time of undertaken this initial reporting and analysis, we did not believe that it was appropriate to distribute the development generated trips via an easement the development has no legal right to access. We believe that distributing traffic to the neighbouring sites, and ultimately to Agnes Street, would dilute the impact of the development generated traffic on Mary Pleasant Drive and lessen impact of the development generated traffic on the only lawful accesses. In this basis we are of the view that the approach we have taken in our assessment is a conservative one and clearly demonstrates the worst case in terms of the developments impacts on the external Council road network.

Additionally, we do not believe that many trips would access the proposed McDonald's via the Agnes Street and subsequently through the two (2) commercial developments to the west. This route, which is illustrated in **Figure B** which has been prepared by Lambert & Rehbein as part of this response, could only represent a nominal travel time reduction for trips with origins in the relatively small Agnes Street catchment. The route would not represent a travel time reduction for trips traveling eastbound on Birkdale Road, as these trips would access the development either by the left-in/left-out access to the neighbouring development on Birkdale Road, which was contemplated by the traffic report, or via the Birkdale Road / Mary Pleasant Drive roundabout, which was also contemplated by the traffic report.



**Figure B – Vehicle Routes from Agnes Street**

Even if all of the trips previously distributed from routes other than Birkdale Road were distributed via Agnes Street, being the 11 peak hour trips from Mary Pleasant Drive and

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Doral Drive, the impact of one (1) additional trip every five (5) minutes would have a negligible and inconsequential impact on the traffic operations of the local road network.

It is difficult to understand how it would be reasonable for the development assessment to contemplate an access scenario that utilises access points over which there is not legal access rights. Clearly the analysis we have undertaken previously has represented a "worst case" for the Council network. While we accept that practically there could be some vehicles that may utilise the access to Agnes Street we are of the view that this is likely to be minimal and would not be expected to have any adverse impacts elsewhere in the Council road network.

At all times through this development application process, Lambert & Rehbein has presented a traffic distribution that we believe is conservative, reasonable and adheres with the access rights permitted to the development site. We note that despite several previous requests for further information that this has not previously been raised.

On this basis we do not believe that it reasonable that further detailed analysis, contemplating access arrangements over which there is no legal access rights, be required at this stage.

We are of the view that the proposed development has demonstrated compliance, beyond any doubt, with the performance criterial of PO3 of the Transport, servicing, access and parking code.

Comments following review of TIA

Closure of Access point 2

*Closure of this access point will result in additional traffic onto Access 1 and or Access 3. No reference to this traffic shift is made in the submitted report. Therefore the true impact of this closures on the primary site Access1 Mary Pleasant drive roundabout has not been assessed. However, based on the results of the analysis provided by Lambert and Rehbein, the roundabout has sufficient capacity to cater for this.*

**Lambert & Rehbein Response:**

As previously described Access 2 is configured as an entry only and provides access to an existing one-way parking aisle. We also note that Access 3 is configured as an all-movements access that facilitates entry and exit to the back of house area for the Birkdale Fair Shopping Centre as well as facilitating exit movements, via an access easement, for the adjacent commercial site. Therefore, the removal of Access 2 in conjunction with the extension of the parking area along this Mary Pleasant Drive frontage, such that it links to Access 3 has no fundamental impacts on the number of light vehicle entry points to the site. As such, we believe that we have appropriately assessed the impact of the closure of Access 2 on Access 1 and the Mary Pleasant Drive / Dorsal Drive / Site Access roundabout.

We also note that the analysis of the Mary Pleasant Drive / Dorsal Drive / Site Access roundabout included in the traffic report theoretically indicates that the worst performing intersection approach in the 10-year design horizon has a Degree of Saturation (DoS) of

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0.31, which is considerably less than the practical capacity for a roundabout (DoS > 0.85). Additionally, the worst performing approach is anticipated to experience a Level of Service A with respect to average delays and an anticipated queue length of less than two (2) vehicles. These results strongly indicate that the Mary Pleasant Drive / Dorsal Drive / Site Access roundabout has a substantial capacity to cater for any changes in traffic patterns and increased traffic caused by the proposed development.

We disagree with Council's assertion that:

*"The proposed access design and pedestrian network is not considered to be suitably safe or efficient in accordance with the overall outcomes of the Transport, servicing, access and parking code and related performance outcomes".*

We believe that the traffic report and multiple responses to Council's issues raised through formal and informal means have demonstrated beyond a doubt that the proposed development has demonstrated compliance with all relevant performance outcomes of the Transport, servicing, access and parking code.

Furthermore, we are of the view that the assessment of the traffic impacts of the development proposal undertaken as part of these numerous submissions has demonstrated that:

- the safety and efficiency of the movement network is maintained;
- development provides for a high level of accessibility, safety and convenience for pedestrians and cyclists;
- development is provided with safe and functional vehicular access and on-site parking;
- development facilitates clear and safe vehicle movements both on and off the site;
- car parking areas and structures are located and designed to minimise their visual impact, interruption of the streetscape and impact on pedestrian accessibility; and
- impacts on the surrounding environment and amenity are minimised.

We do not believe that any traffic engineering issues have been identified that should preclude the approval of this development.

Yours faithfully  
For and on behalf of  
LAMBERT & REHBEIN (SEQ) PTY LTD

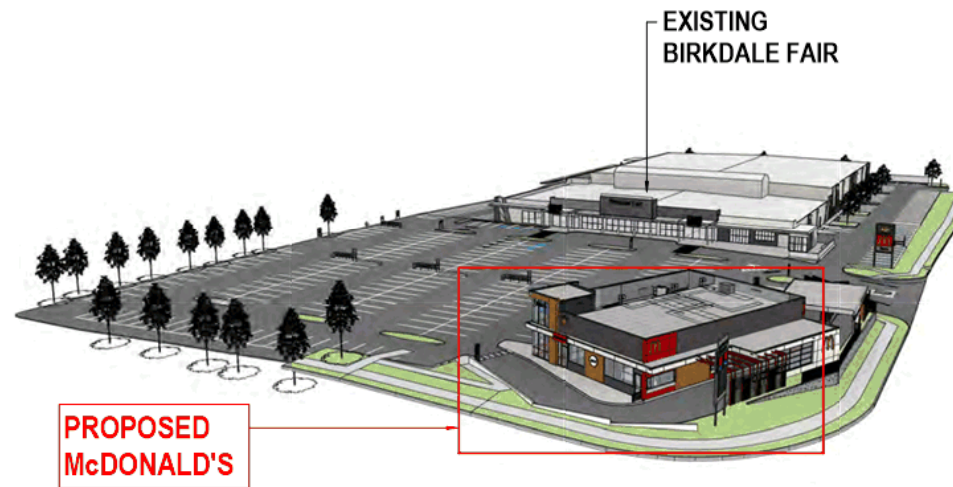


**S.A. WILLIAMS** BE(Civil), FIEAust, RPEQ  
DIRECTOR  
TRANSPORT & INFRASTRUCTURE

Enc: Architectural Drawing Set, Prepared by Thomson Adsett

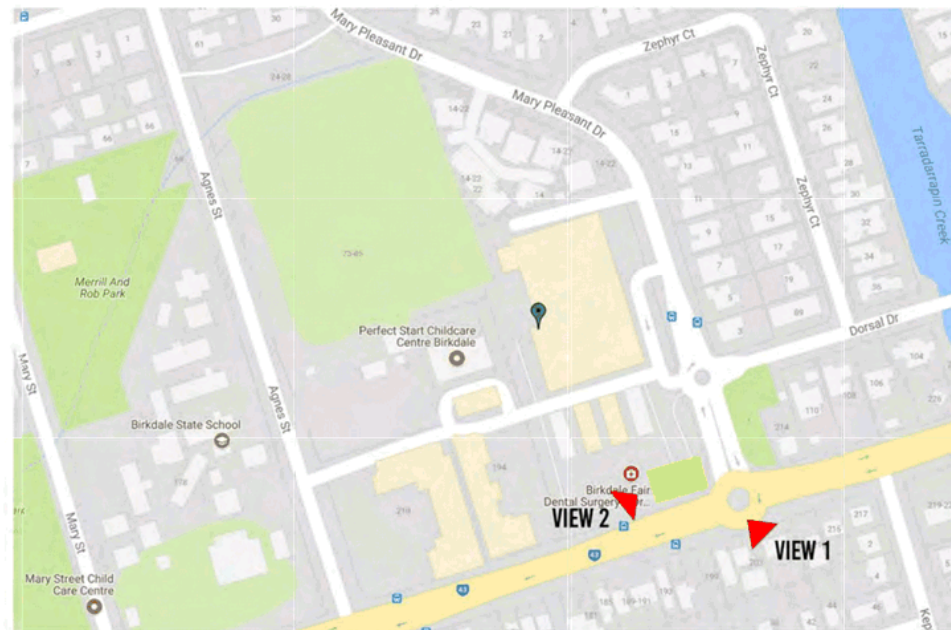


# BIRKDALE FAIR CARPARKING AND FAST FOOD DEVELOPMENT APPLICATION



DRAWING LIST DA SET			
SHEET NUMBER	SHEET NAME	DATE	REVISION
SD 0.0	COVER SHEET	20/04/2020	17
SD 1.0	CONTEXT PLAN	20/04/2020	13
SD 1.5	STAGING PLAN	20/04/2020	11
SD 1.6	SITE PLAN - EASEMENTS	20/04/2020	11
SD 2.0	SITE PLAN	20/04/2020	17
SD 2.1	DEMOLITION PLAN	20/04/2020	11
SD 3.1	FLOOR PLAN - McDONALD'S	20/04/2020	12
SD 4.1	ELEVATIONS - McDONALD'S	20/04/2020	7
SD 5.0	PERSPECTIVES	20/04/2020	10
SD 5.1	3D RENDERS - McDONALD'S	20/04/2020	3
SD 6.0	SIGNAGE - SITE PLAN	20/04/2020	10
SD 6.1	SIGNAGE - ELEVATIONS	08/08/2019	1
LP 1.1	MCDONALD'S LEASE AREA	20/04/2020	8

VIEW 1 - OVERALL PERSPECTIVE



LOCATION MAP



VIEW 2 - PROPOSED McDONALD'S

**BIRKDALE FAIR**  
 2/12 Mary Pleasant Dr BIRKDALE QLD 4159  
 **FORT STREET**  
 REAL ESTATE CAPITAL

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**thomson  
 adsett**

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 SD 0.0

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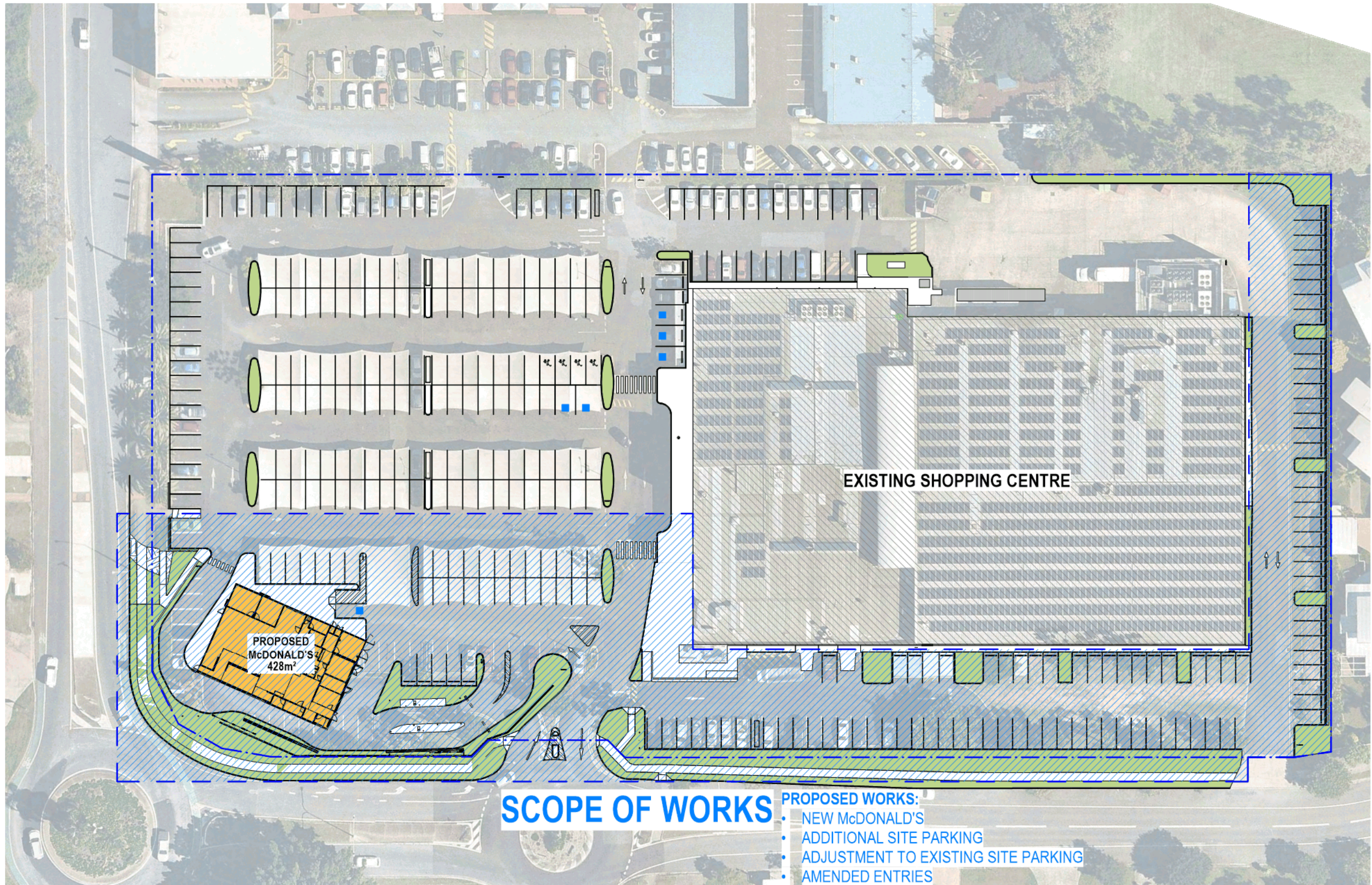
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**CONTEXT PLAN**

TA # 16.0041.17  
SD 1.0

20/04/2020  
1 : 1000 @ A1  
rev. 13



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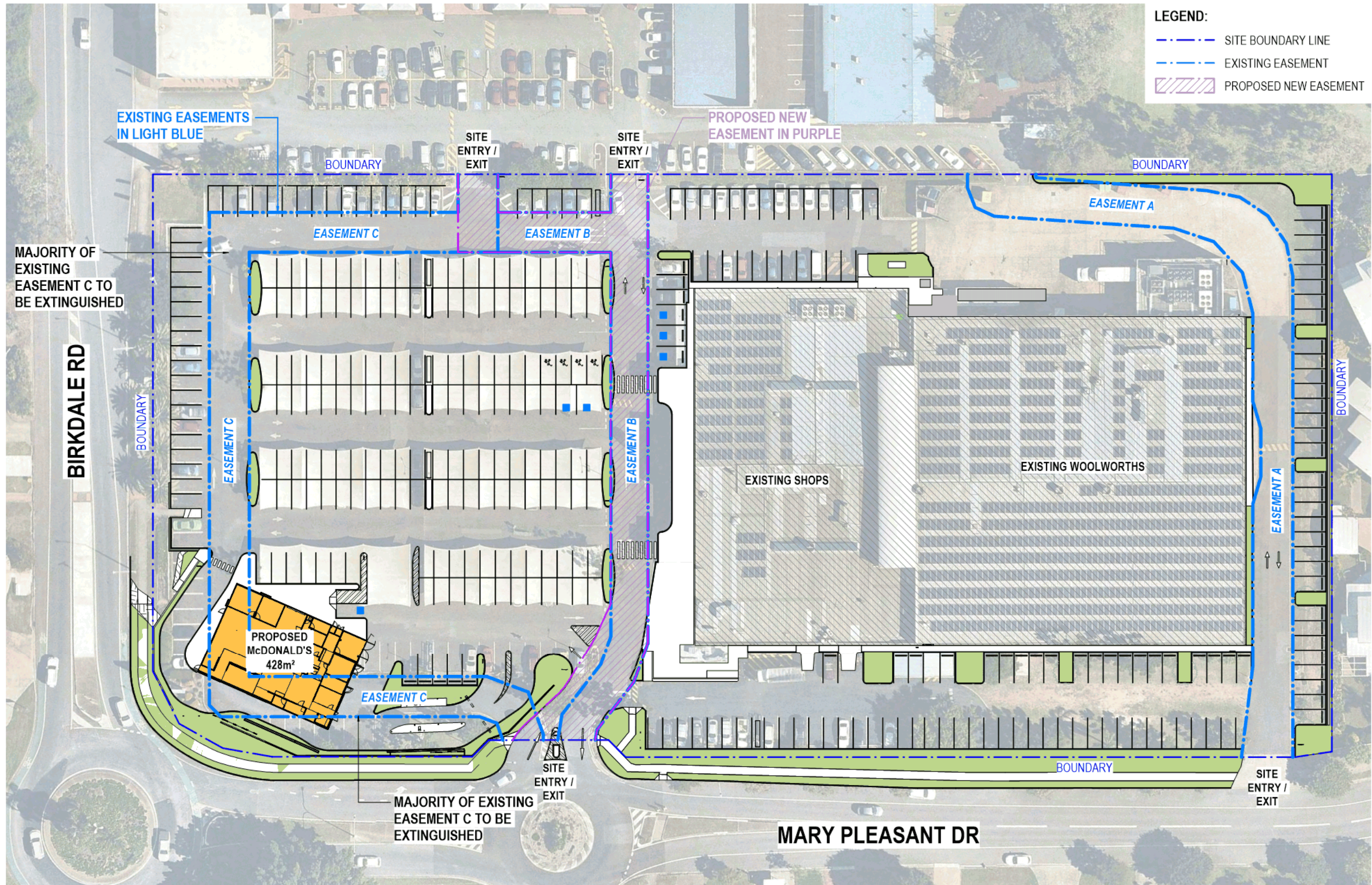
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**STAGING PLAN**

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SD 1.5

20/04/2020  
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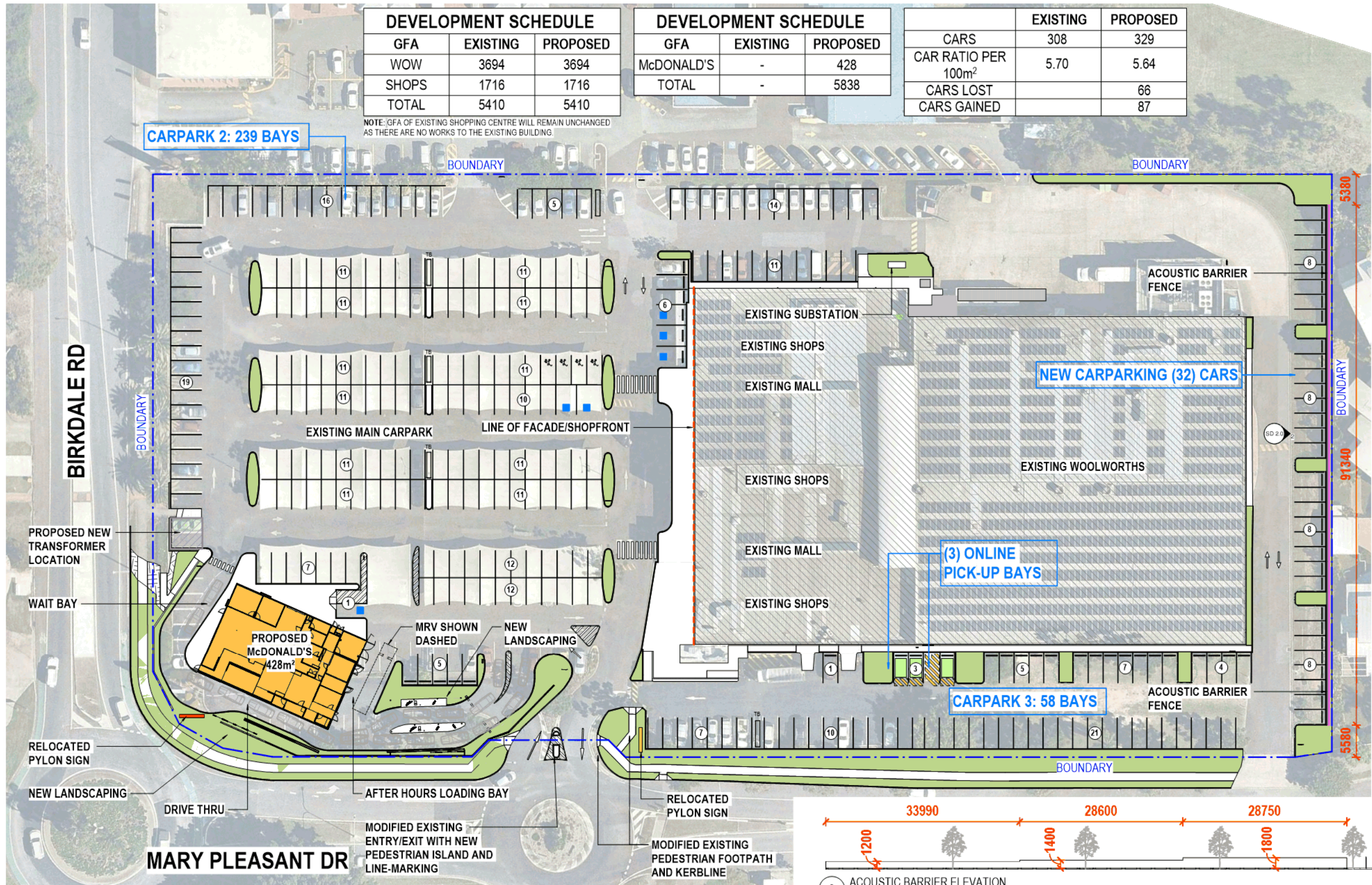
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**SITE PLAN - EASEMENTS**

20/04/2020  
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 SD 1.6 rev. 11



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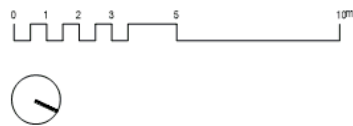
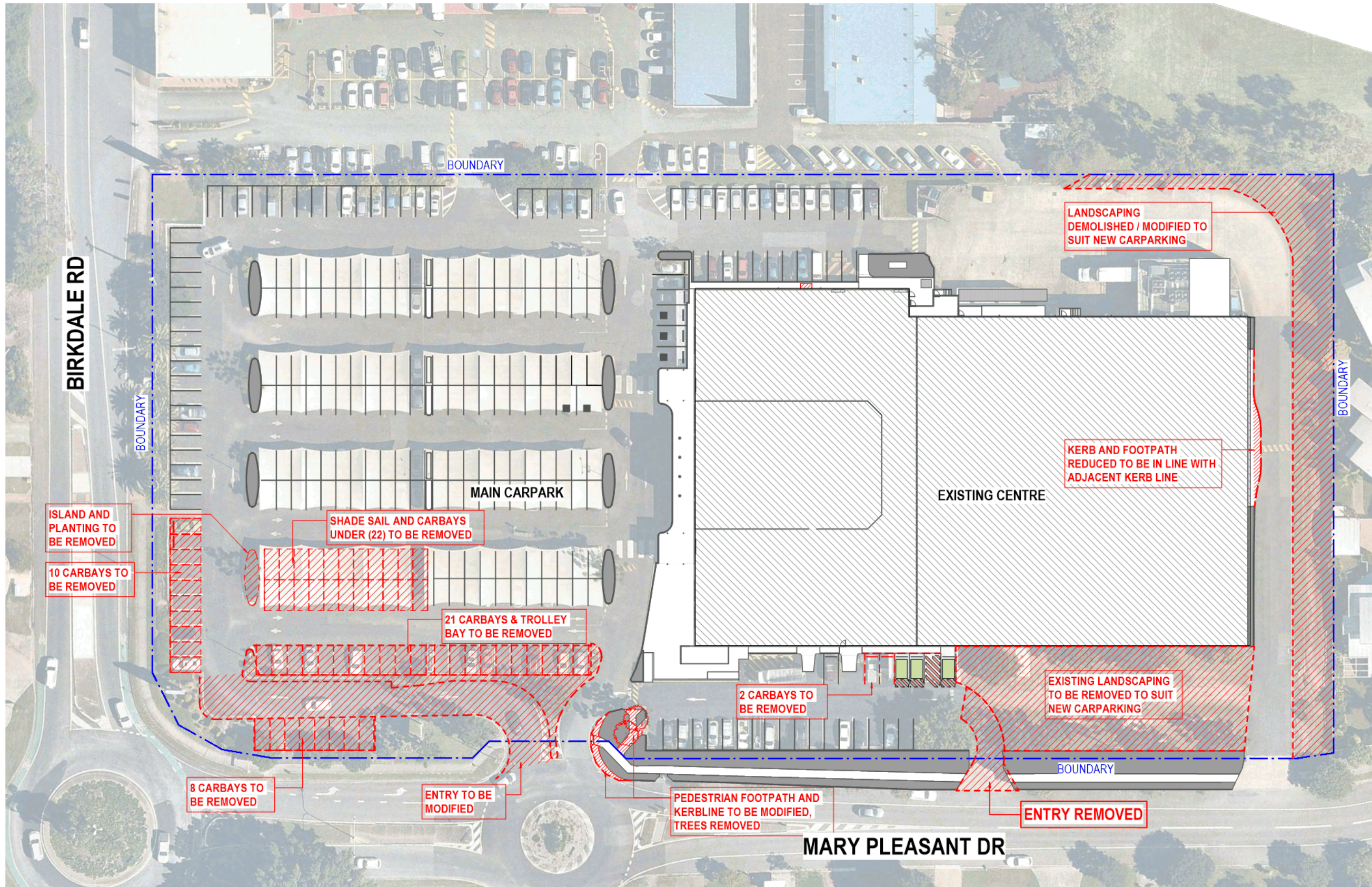
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**SITE PLAN**

TA # 16.0041.17  
SD 2.0

20/04/2020  
As indicated @ A1  
rev. 17



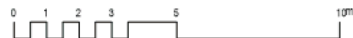
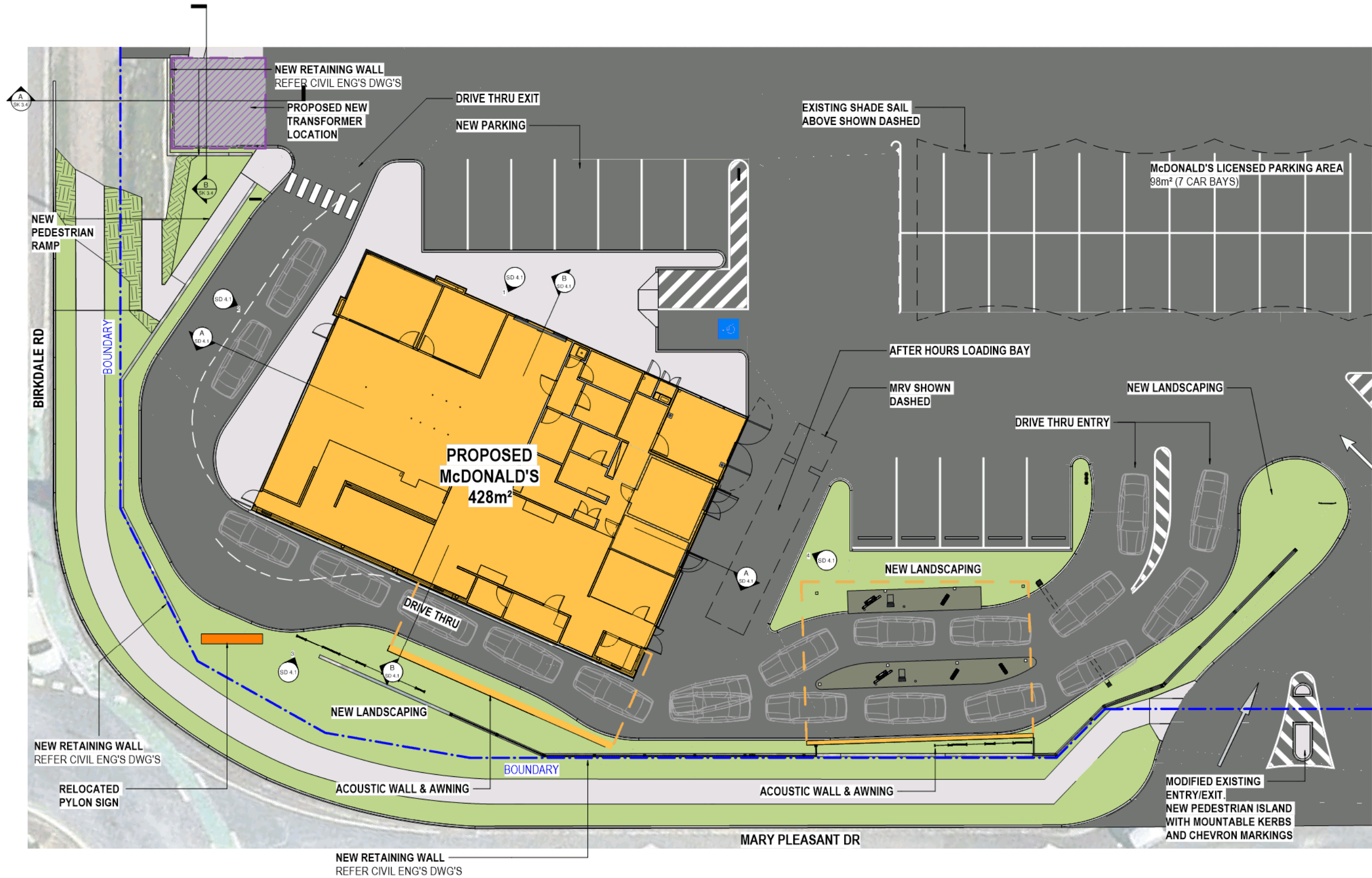
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**DEMOLITION PLAN**  
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 TA # 16.0041.17 1:300 @ A1  
 SD 2.1 rev. 11



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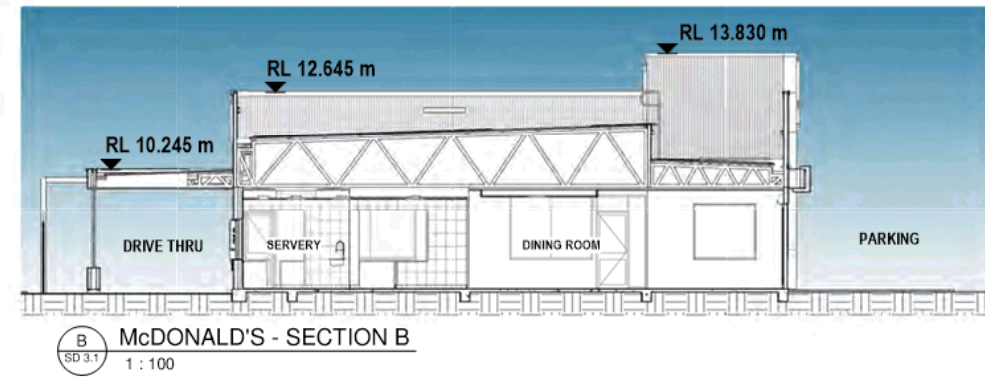
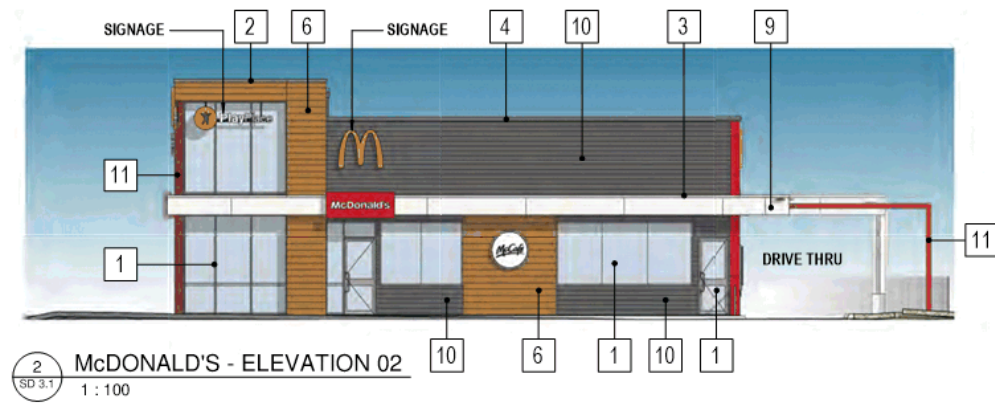
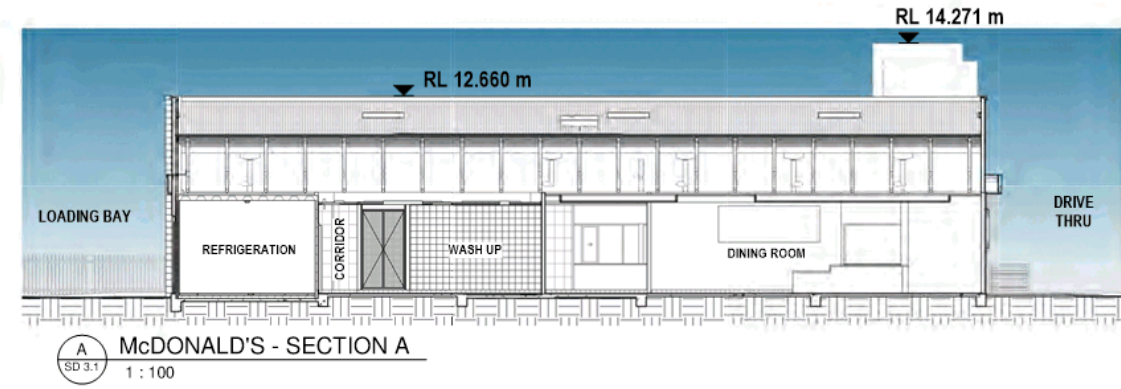
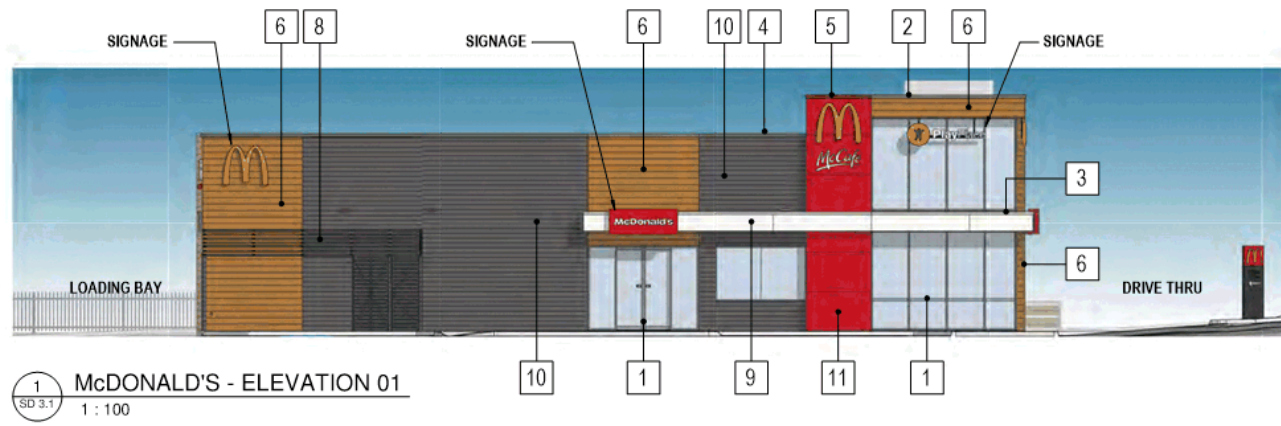
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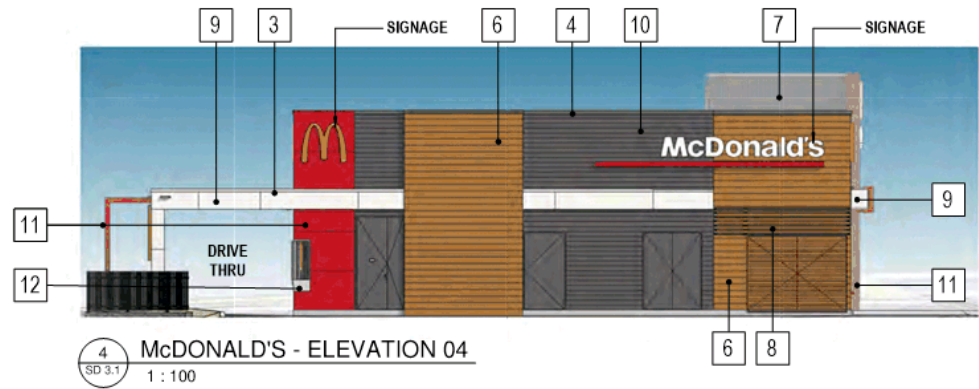
**FLOOR PLAN - McDONALD'S**  
20/04/2020

TA # 16.0041.17 1 : 100 @ A1  
SD 3.1 rev. 12



FINISH MATERIAL LEGEND - McDONALD'S	
1	PREFABRICATED ALUMINIUM FRAMING CAPRAL NATURAL FINISH CLEAR ANODISED
2	PREFINISHED METAL CAPPING / FLASHING COLORBOND JASPER
3	PREFINISHED METAL CAPPING / FLASHING COLORBOND SURFMIST
4	PREFINISHED METAL CAPPING / FLASHING COLORBOND WOODLAND GREY
5	PREFINISHED METAL CAPPING / FLASHING COLORBOND MANOR RED
6	TIMBER LOOK ALUMINIUM CLADDING SYSTEM USING KNOTWOOD 200mm CLADDING PROFILE KNOTWOOD LIGHT OAK

FINISH MATERIAL LEGEND - McDONALD'S	
7	CUSTOM ORB CORRUGATED STEEL LYSAGHT WOODLAND GREY
8	POWDERCOAT FINISH DULUX DURALLOY MONUMENT SATIN (COLORBOND)
9	PAINT FINISH DULUX VIVID WHITE FW1H9
10	PAINT FINISH DULUX WAYWARD GREY PG1G8
11	PAINT FINISH McDONALD'S RED (RGB VALUE: R189 G000 B022)
12	RECONSTITUTED STONE



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**FORT STREET**  
REAL ESTATE CAPITAL

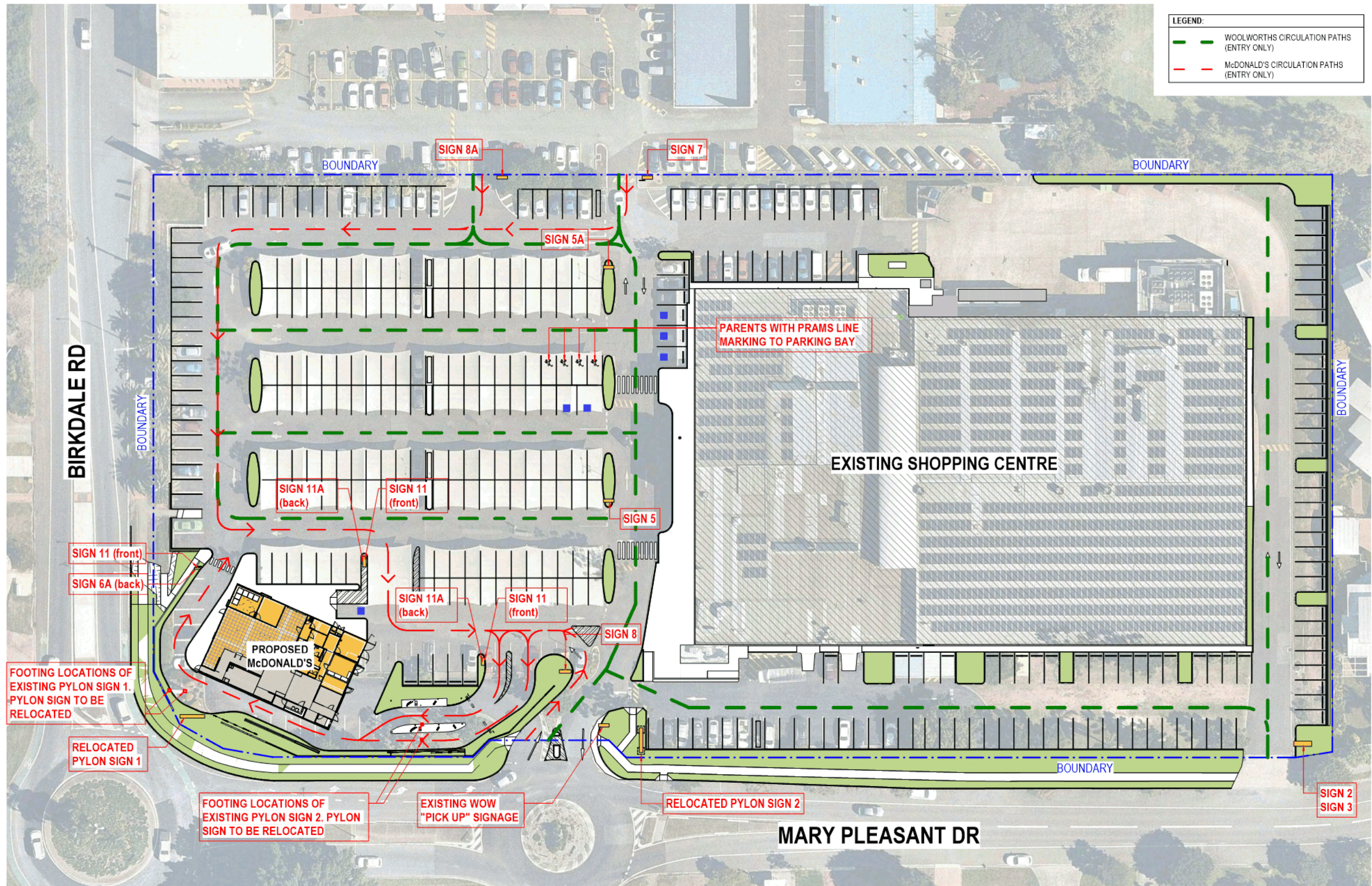
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**ELEVATIONS - McDONALD'S**  
20/04/2020  
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SD 4.1 rev. 7





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**SIGNAGE - SITE PLAN**

20/04/2020  
 TA # 16.0041.17 1 : 300 @ A1  
 SD 6.0 rev. 10



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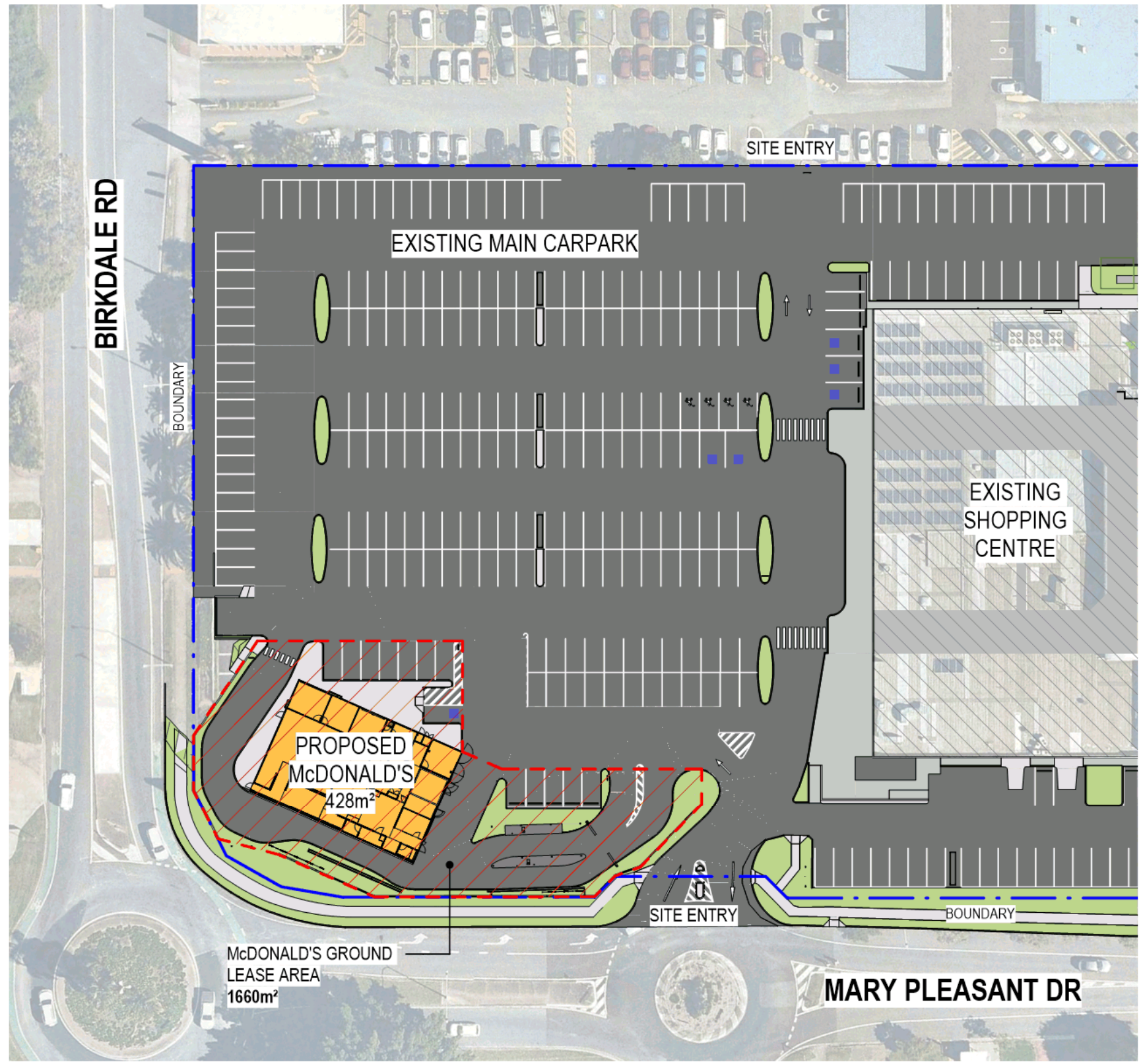
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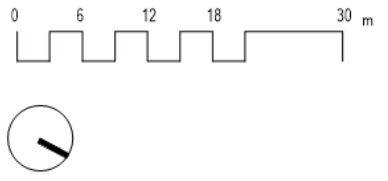
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**SIGNAGE - ELEVATIONS**  
 08/08/2019  
 TA # 16.0041.17 1:20 @ A1  
 SD 6.1 rev. 1



**LEGEND:**

- - - SITE BOUNDARY LINE
- ▨ EXTENT OF GROUND LEASE AREA



**FORT STREET**  
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**MCDONALD'S LEASE AREA**  
1 : 600 @ A3  
LP 1.1  
20/04/2020  
rev. 8

Attachment 4  
Site & Locality



SF-031 B SITE PLAN  
Scale 1:1000 @ A3

Figure 1 - Existing approved Birkdale Shopping Centre

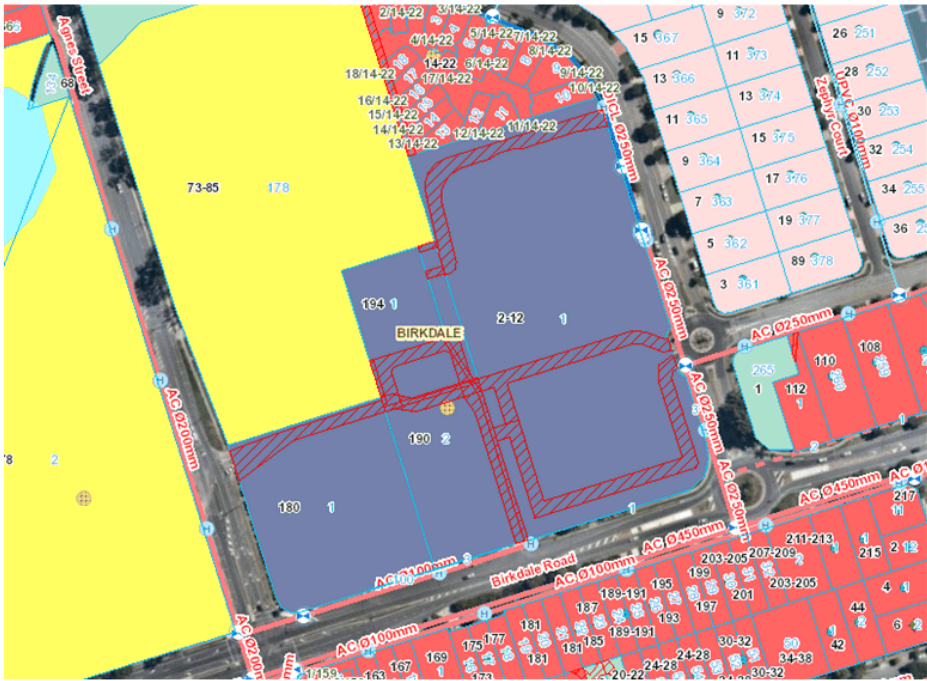


Figure 2 – Site zoning



Figure 3 – Site aerial map showing the shopping centre and the immediate and wider locality.

**ATTACHMENT 5 – GROUNDS FOR REFUSAL****Streetscape**

1. The building is incorrectly oriented internally to the site. Elevations that face the street are dominated by long linear blank grey walls that lack elements of articulation and variation, and lack variation in materials, finishes, colours and textures. The proposed development does not comply with the following provisions of the City Plan:

- a) Performance outcome PO10 of the district centre zone code;
- b) Performance outcome PO11 of the district centre zone code;
- c) Performance outcome PO12 of the district centre zone code;
- d) Performance outcome PO14 of the district centre zone code;
- e) Overall outcome (f) of the district centre zone code; and
- f) Overall outcome (g) of the district centre zone code.

2. The drive through fronts the south eastern streetscape, rather than being screened from the street behind or beside the building and is built at a higher grade than street level resulting in this built element physically and visually dominating the streetscape and limiting landscaping, pedestrian access and streetscape activation. The drive throughs orientation and grade does not enable a suitably activate, engaging or attractive streetscape. The proposed development does not comply with the following provisions of the City Plan:

- a) Performance outcome PO10 of the district centre zone code;
- b) Performance outcome PO11 of the district centre zone code;
- c) Performance outcome PO14 of the district centre zone code;
- d) Overall outcome (j) of the district centre zone code;
- e) Overall outcome (f) of the district centre zone code;
- f) Overall outcome (g) of the district centre zone code; and
- g) Overall outcome (i) of the district centre zone code.

3. The retaining wall proposed on the south eastern front boundary does not enable a suitably active, engaging or attractive streetscape, does not provide for extensive street planting or enough onsite landscaping and limits opportunities for a well-connected streetscape with pedestrian facilities. The proposed development does not comply with the following provisions of the City Plan:

- a) Performance outcome PO10 of the district centre zone code;
- b) Performance outcome PO11 of the district centre zone code;
- c) Overall outcome (f) of the district centre zone code;
- d) Overall outcome (g) of the district centre zone code; and
- e) Overall outcome (i) of the district centre zone code.

**Landscaping**

4. The landscaping proposed to the south eastern streetscape interface is not of a sufficient quality to enhance the attractiveness or function of this Centre zoned site. A poor streetscape treatment design is dominated by a built to boundary retaining wall and raised vehicle drive through facing the street, which results in limited onsite landscaping in order to enhance the appearance of the development, particularly the servicing areas. The proposed development does not comply with the following provisions of the City Plan:

- a) Performance outcome PO10 of the district centre zone code;
- b) Performance outcome PO11 of the district centre zone code;
- c) Performance outcome PO21 of the district centre zone code;
- d) Performance outcome PO22 of the district centre zone code;
- e) Performance outcome PO1 of the landscape code;
- f) Performance outcome PO3 of the landscape code;
- g) Performance outcome PO4 of the landscape code;
- h) Overall outcome (f) of the district centre zone code;
- i) Overall outcome (g) of the district centre zone code;
- j) Overall outcome (i) of the district centre zone code;
- k) Overall outcome (a) of the landscape code; and
- l) Overall outcome (b) of the landscape code.

**Traffic impact**

5. The development proposes to close one vehicle access point, and make significant changes to the primary access, off Mary Pleasant Drive. The impact of this assumed traffic distribution and effect of any revised traffic distribution on the proposed primary site access capacity and internal movement network has not been sufficiently addressed.

Vehicles and pedestrians access the site from the west - Agnes Street, using the neighbouring western sites internal access easements. The development site does not have access easement rights over these neighbouring accessways. The intensification of traffic to the site from this point and effect of this additional traffic on the proposed primary site access capacity and internal movement network has not been sufficiently acknowledged or addressed.

Thereby the sites traffic design is not considered safe and efficient. The proposed development does not comply with the following provisions of the City Plan:

- a) Performance outcome PO3 of the transport, servicing, access and parking code;
  - b) Overall outcome (1) of the transport, servicing, access and parking code;
  - c) Overall outcome (2) of the transport, servicing, access and parking code;
  - d) Overall outcome (3) of the transport, servicing, access and parking code; and
  - e) Overall outcome (4) of the transport, servicing, access and parking code.
6. Pedestrians approaching the food and drink outlet from the external northern Mary Pleasant Drive footpath do not have a clear or safe path to the outlets pedestrian entry point. The sites traffic design is not considered to be suitably pedestrian focused, safe or efficient. The proposed development does not comply with the following provisions of the City Plan:
- a) Performance outcome PO3 of the transport, servicing, access and parking code;
  - b) Performance outcome PO6 of the transport, servicing, access and parking code;
  - c) Performance outcome PO20 of the transport, servicing, access and parking code;
  - d) Overall outcome (1) of the transport, servicing, access and parking code;
  - e) Overall outcome (2) of the transport, servicing, access and parking code;
  - f) Overall outcome (3) of the transport, servicing, access and parking code;
  - g) Overall outcome (4) of the transport, servicing, access and parking code;
  - h) Overall outcome (f) of the district centre zone code; and
  - i) Overall outcome (i) of the district centre zone code.



7. The proposed rollover pedestrian refuse island located on the primary Mary Pleasant Drive access is in conflict with the proposed heavy vehicle swept path for the service vehicle. The rollover pedestrian island is specifically designed to enable a larger vehicle to necessarily drive over a portion of this pedestrian island which will be used by pedestrians for refuge when crossing the access. Thereby the sites traffic design is not considered safe and efficient. The proposed development does not comply with the following provision of the City Plan:
- a) Performance outcome PO3 of the transport, servicing, access and parking code;
  - b) Performance outcome PO6 of the transport, servicing, access and parking code;
  - c) Performance outcome PO20 of the transport, servicing, access and parking code;
  - d) Overall outcome (1) of the transport, servicing, access and parking code;
  - e) Overall outcome (2) of the transport, servicing, access and parking code;
  - f) Overall outcome (3) of the transport, servicing, access and parking code;
  - g) Overall outcome (4) of the transport, servicing, access and parking code;
  - h) Overall outcome (f) of the district centre zone code; and
  - i) Overall outcome (i) of the district centre zone code.

**Proposed reconfiguring a lot**

8. As the reconfiguring a lot aspects facilitate the refused material change of use, approval of the reconfiguring a lot may unreasonably prejudice the future use of the land and will not reflect the intended end use. The proposed development does not comply with the following provisions of the City Plan:
- a) Performance outcome PO1 of the reconfiguring a lot code.

**15 REPORTS FROM INFRASTRUCTURE & OPERATIONS**

Nil

**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 POL-3127 Council Meeting Standing Orders.

**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 Review of State Koala Mapping and Legislation

This matter is considered to be confidential under Section 275(1)(g) 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 any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

#### 19.2 Encroachment - Valentine Park 78 Finucane Road Alexandra Hills

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.

## 20 MEETING CLOSURE