



**Redland**  
CITY COUNCIL

# **MINUTES**

## **GENERAL MEETING**

**Wednesday, 21 October 2015**

The Council Chambers  
35 Bloomfield Street  
CLEVELAND QLD

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The Mayor is the Chair of the General Meeting. The following Portfolios are included in the General Meeting and Council's nominated spokesperson for that portfolio as follows:

PORTFOLIO	SPOKESPERSON
1. Office of the CEO (including Internal Audit)	Cr Mark Edwards
2. Organisational Services (excluding Internal Audit and Emergency Management)	Mayor Karen Williams
3. City Planning and Assessment	Cr Julie Talty
4. Community & Cultural Services, Environment & Regulation	Cr Lance Hewlett
5. Infrastructure & Operations	Cr Paul Gleeson
6. Emergency Management	Cr Alan Beard

## 1 DECLARATION OF OPENING

The Deputy Mayor declared the meeting open at 9.31am and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meets.

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

## 2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

Cr A Beard	Deputy Mayor & Councillor Division 8
Cr W Boglary	Councillor Division 1 – Teleconference
Cr C Ogilvie	Councillor Division 2
Cr K Hardman	Councillor Division 3
Cr L Hewlett	Councillor Division 4
Cr M Edwards	Councillor Division 5
Cr J Talty	Councillor Division 6 – Teleconference – 9.42am
Cr M Elliott	Councillor Division 7 – entered meeting at 9.37am
Cr P Gleeson	Councillor Division 9
Cr P Bishop	Councillor Division 10

## EXECUTIVE LEADERSHIP GROUP:

Mr B Lyon	Chief Executive Officer
Mr N Clarke	General Manager Organisational Services
Mrs L Rusan	General Manager Community & Customer Services
Mr G Soutar	General Manager Infrastructure & Operations
Mrs D Corbett-Hall	Finance Manager, Financial Services

## MINUTES:

Mrs J Parfitt	Corporate Meetings & Registers
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**LEAVE OF ABSENCE****COUNCIL RESOLUTION**

Moved by: Cr M Edwards

Seconded by: Cr P Gleeson

That leave of absence from today's General Meeting be granted for Mayor Karen Williams, who is attending the LGAQ Conference in Toowoomba, and extend that leave of absence to Cr Julie Talty who is recovering from surgery.

**CARRIED 7/0**

Crs Ogilvie, Hardman, Hewlett, Edwards, Gleeson, Bishop and Beard voted FOR the motion.

Cr Elliott was not present when the motion was put.

Crs Williams, Boglary and Talty were absent from the meeting.

**TELECONFERENCE – CR W BOGLARY****COUNCIL RESOLUTION**

Moved by: Cr C Ogilvie

Seconded by: Cr P Bishop

That permission be granted for Cr Wendy Boglary to take part in the General Meeting by teleconferencing in accordance with s.276 of the *Local Government Regulation 2012*.

**CARRIED 8/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Gleeson, Bishop and Beard voted FOR the motion.

Crs Elliott and Talty were not present when the motion was put.

Cr Williams was absent from the meeting.

**3 DEVOTIONAL SEGMENT**

Nil.

**4 RECOGNITION OF ACHIEVEMENT****4.1 EMERGENCY SERVICES AWARDS**

The Redland SES has won the regional unit of the year for the seventh consecutive year.

This year the group was officially presented the award by the State Operations Manager, Brian Cox.

The outstanding contribution to the local community by the Redland SES was mentioned, particularly regarding its response to cyclone Marcia.

Sand bagging and assistance to residents who were directly affected by this substantial wet weather event was described as "outstanding" and "setting standards for other SES groups across the state to emulate.

The partnership between Council, local SES and Queensland Fire and Emergency Services is forged in the protection of the community.

Redland City Council takes this responsibility seriously and continues to work with the local SES to ensure it remains at peak capacity to respond when needed.

This outstanding and unprecedented win indicates that the Redland SES has a continued approach to improvement and capacity.

Peter Gould, the Local Controller of the Redland SES is to be congratulated on this outstanding effort, and ask that our thanks and gratitude be passed on to the Redland SES executive and all of the valued SES volunteers who give so much of themselves in the protection of the people of Redland City.

We recognise also the immediate past local Controller Tom Short. Peter, Tom and their executive Leadership group have demonstrated an extraordinary commitment and provided strong and decisive leadership.

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

### **5.1 GENERAL MEETING MINUTES 7 OCTOBER 2015**

#### **COUNCIL RESOLUTION**

Moved by: Cr K Hardman

Seconded by: Cr M Edwards

**That the minutes of the General Meeting of Council held 7 October 2015 be confirmed.**

**CARRIED 9/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Gleeson, Bishop and Beard voted FOR the motion.

Cr Talty was not present when the motion was put.

Cr Williams was absent from the meeting.

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

### **6.1 MAKING OF LOCAL LAWS – KOALA AREA MAPPING**

At the General Meeting of 7 October 2015, Council resolved that this item 'lie on the table'.

This item will be presented to a future General Meeting for consideration.

## **7 PUBLIC PARTICIPATION**

Nil

## **8 PETITIONS AND PRESENTATIONS**

Nil

**9 MOTION TO ALTER THE ORDER OF BUSINESS****9.1 MOTION TO WITHDRAW ITEM 11.2.4 – ROL005924 STURGEON STREET, ORMISTON****COUNCIL RESOLUTION**

Moved by: Cr K Hardman

Seconded by: Cr M Edwards

That Item 11.2.4 (as listed on the agenda) be withdrawn.

**CARRIED 9/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Gleeson, Bishop and Beard voted FOR the motion.

Cr Talty was not present when the motion was put.

Cr Williams was absent from the meeting.

**9.2 MOTION TO WITHDRAW ITEM 14.1.1 – NOTICE OF MOTION CR OGILVIE****COUNCIL RESOLUTION**

Moved by: Cr C Ogilvie

Seconded by: Cr P Bishop

That Item 14.1.1 (as listed on the agenda) be withdrawn.

**CARRIED 9/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Gleeson, Bishop and Beard voted FOR the motion.

Cr Talty was not present when the motion was put.

Cr Williams was absent from the meeting.

**10 DECLARATION OF MATERIAL PERSONAL INTEREST OR CONFLICT OF INTEREST ON ANY ITEMS OF BUSINESS****10.1 PERCEIVED CONFLICT OF INTEREST ITEM 15.1.1 – CR BISHOP**

Cr Bishop declared a perceived conflict of interest in item 15.1.1 – *RIC to Investigate Options to Purchase Property at 302 Old Cleveland Road East, Birkdale* – see item for details.

**11 REPORTS TO COUNCIL****11.1 PORTFOLIO 1 (CR MARK EDWARDS)  
OFFICE OF CEO (INCLUDING INTERNAL AUDIT)****11.1.1 SEPTEMBER 2015 END OF MONTH REPORTS**

**Objective Reference:** A300735  
Reports and Attachments (Archives)

**Attachment:** [Monthly Financial Report September 2015](#)

**Authorising / Responsible Officer:**



**Linnet Batz**  
Chief Financial Officer

**Report Author:** Leandri Brown  
Finance Manager Corporate Finance

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**PURPOSE**

The purpose is to present the September 2015 Monthly Financial Performance Report to Council and explain the content and analysis of the report. Section 204(2) of the *Local Government Regulation 2012* requires the Chief Executive Officer of a local government to present statements of its accounts to the local government on a monthly basis.

**BACKGROUND**

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

The Corporate Financial Reporting Team compiled the attached document following end of month accruals, deferrals, allocation journals and reconciliations.

**ISSUES***End of Year Accounts Finalisation*

The 2014-2015 annual financial statements were subjected to an audit and review by the Queensland Audit Office in September. The closing asset and liability balances per the financial statements flow through to the opening balances of 2015-2016 as presented in the September monthly financial report.

The audit has not resulted in any adjustments to the opening balances for the 2015-2016 financial year and certification of the financial statements is expected to be received from the Queensland Audit Office by the end of October 2015.

*2015-2016 Carryover Budget – Capital Items*

Council adopted a revised 2015-2016 budget on 9 September 2015 to accommodate for capital works that straddled across the two financial years. The attached monthly

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financial report for September includes the carryover budget although as outlined above, the final audited 2014-2015 balance sheet accounts will influence the opening balances in 2015-2016. Until accounts finalisation and QAO certification in October, the monthly financial report will reconcile to the financial management system (and EOY accounts finalisation process), evidencing the difference between the annual revised budget adopted at carryovers.

### **STRATEGIC IMPLICATIONS**

Council has either achieved or favourably exceeded the following Key Financial Stability and Sustainability Ratios as at the end of September 2015:

- 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 sustainability – debt to asset ratio; and
- Interest cover ratio.

The following ratios did not meet the target at the end of September:

- Asset sustainability ratio; and
- Operating Performance.

The asset sustainability ratio was not met as at the end of September 2015 and Council continues to monitor its renewal spend and depreciation expense to improve performance against this stretch target. Council's asset project will consider appropriate measures to evidence utilisation and replacement of assets.

The second ratio moves in line with the cash balance and is also linked to the general rating cycle. General rates notices for quarter one were issued in July and due for payment in August. In line with the rating cycle cash receipts were lower in the month of September.

### **Legislative Requirements**

The September 2015 financials 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**

September 2015 revenues and expenditures 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 are no direct financial impacts to Council resulting from this report; however it provides an indication of financial outcomes at the end of September 2015.

**People**

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

**Environmental**

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

**Social**

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

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

This report has a relationship with the following items of the 2015-2020 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**

Consultation has taken place amongst Council departmental officers, Financial Services Group Officers and the Executive Leadership Team.

**OPTIONS**

1. That Council resolves to note the End of Month Financial Reports for September 2015 and explanations as presented in the attached Monthly Financial Performance Report.
2. That Council requests additional information.

**OFFICER'S RECOMMENDATION/  
COUNCIL RESOLUTION**

Moved by: Cr M Edwards  
Seconded by: Cr M Elliott

**That Council resolves to note the End of Month Financial Reports for September 2015 and explanations as presented in the attached Monthly Financial Performance Report.**

**CARRIED 9/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Gleeson, Bishop and Beard voted FOR the motion.

Cr Talty was not present when the motion was put.

Cr Williams was absent from the meeting.



# Monthly Financial Report

September 2015

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## 1. EXECUTIVE SUMMARY

This monthly report is designed to illustrate the financial performance and position of Redland City Council compared to its adopted budget at an organisational level for the period ended 30 September 2015. The revised annual budget referred to in this report incorporates the changes from the budget carryovers adopted by Council on 9 September 2015. Opening balances for the current year are subject to audit finalisation. Queensland Audit Office certification is expected to be received at the end of October 2015.

### Key financial highlights and overview

Key Financial Results	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000	YTD Variance %	Status
Operating Surplus/(Deficit)	106	(1,147)	4,744	5,891	-514%	✓
Recurrent Revenue	238,152	58,202	61,554	3,352	6%	✓
Recurrent Expenditure	238,046	59,349	56,810	(2,539)	-4%	✓
Capital Works Expenditure	92,267	13,583	11,396	(2,187)	-16%	✓
Closing Cash & Cash Equivalents	84,967	121,880	126,832	4,952	4%	✓

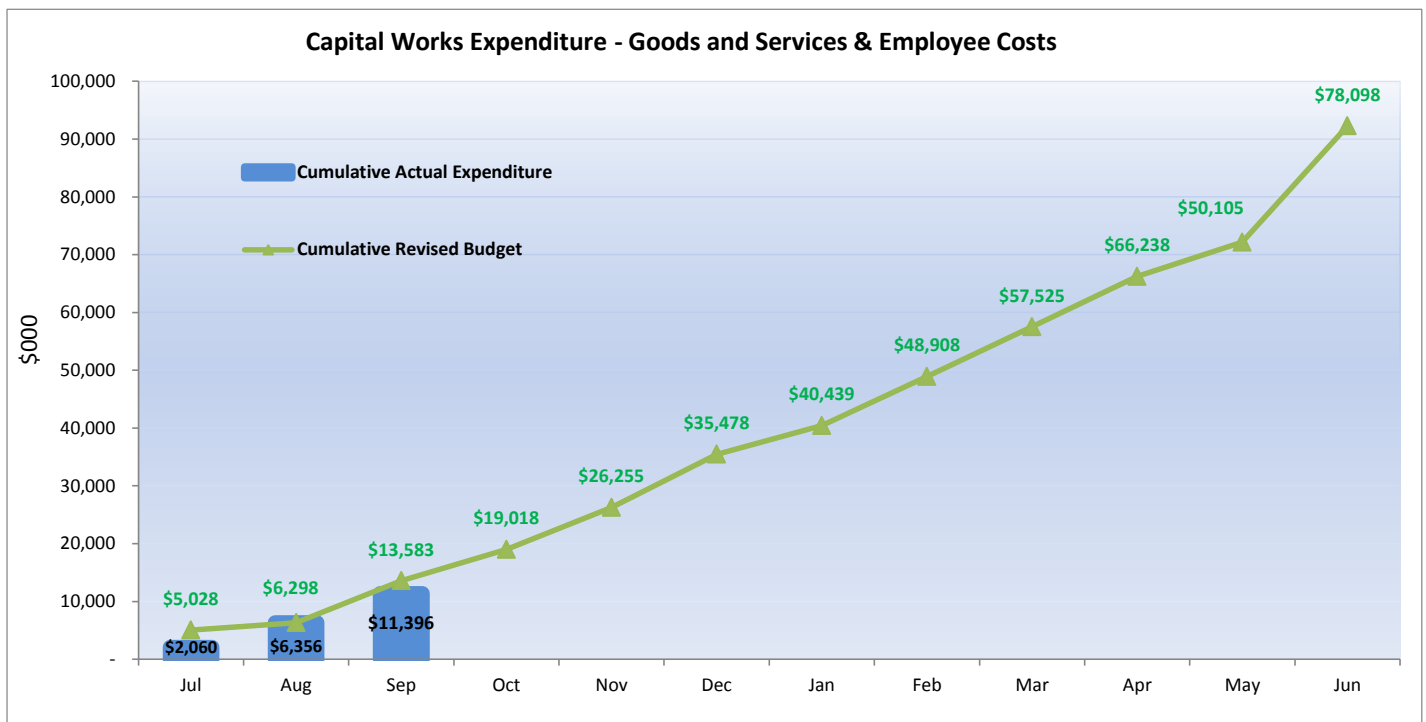
#### Status Legend:

Note: all amounts are rounded to the nearest thousand dollars.

Above budgeted revenue or under budgeted expenditure	✓
Below budgeted revenue or over budgeted expenditure <10%	⚠
Below budgeted revenue or over budgeted expenditure >10%	✗

The year to date operating surplus of \$4.74M exceeded the year to date revised budget by \$5.89M. The favourable variance is primarily due a \$2.58M Financial Assistance Grant received from the Department of Infrastructure, Local Government and Planning (DILGP) during July 2015. The DILGP changed the timing for the payout of this grant post budget adoption, therefore this is a timing variance only. Also material and services costs and employee costs are under budget by \$2.27M and \$241K respectively.

Capitalised goods & services cost is behind budget by \$2.66M. This is mainly attributable to works for a number of projects which have not yet commenced during the 2015/2016 financial year or are still in the early stages of being progressed. Developer cash contributions received during the first 3 months of the year were higher than anticipated and resulted in higher than budgeted transfers to reserves.



## 2. KEY PERFORMANCE INDICATORS

### Key performance indicators

Financial Stability Ratios and Measures of Sustainability	Target	Annual Revised Budget 2015/2016	YTD September 2015	Status
Operating Surplus Ratio (%)	Target between 0% and 10% (on average over the long-term)	0.04%	7.71%	✓
Asset Sustainability Ratio (%)	Target greater than 90% (on average over the long-term)	92.21%	24.11%	✗
Net Financial Liabilities (%)	Target less than 60% (on average over the long-term)	-6.98%	-109.36%	✓
Level of Dependence on General Rate Revenue (%)	Target less than 37.5%	33.58%	33.05%	✓
Ability to Pay Our Bills - Current Ratio	Target between 1.1 & 4.1	2.91	4.31	✓
Ability to Repay Our Debt - Debt Servicing Ratio (%)	Target less than or equal to 10%	3.34%	3.23%	✓
Cash Balance \$M	Target greater than or equal to \$40M	\$84.967M	\$126.832M	✓
Cash Balances - Cash Capacity in Months	Target 3 to 4 months	5.30	7.33	✓
Longer Term Financial Stability - Debt to Asset Ratio (%)	Target less than or equal to 10%	2.06%	2.21%	✓
Operating Performance (%)	Target greater than or equal to 20%	18.08%	19.82%	✗
Interest Cover Ratio (%)	Target between 0% and 5%	-0.04%	-0.39%	✓

#### Status Legend

KPI target achieved or exceeded	✓	KPI target not achieved	✗
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The revised budgeted ratios for 2015/2016 incorporate the changes from the budget carryovers adopted by Council on 9 September 2015. Both budgeted and actual results are based on unaudited opening balances which are subject to change until Queensland Audit Office certification is obtained in October 2015.



### 3. STATEMENT OF COMPREHENSIVE INCOME

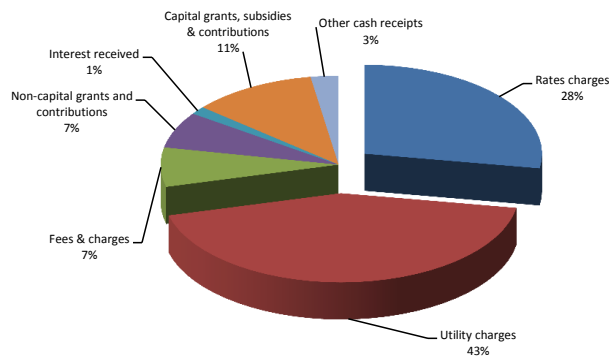
STATEMENT OF COMPREHENSIVE INCOME					
For the period ending 30 September 2015					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
<b>Recurrent revenue</b>					
Rates, levies and charges	207,421	207,421	50,744	51,098	354
Fees and charges	11,638	11,638	3,277	3,817	540
Rental income	890	890	217	231	14
Interest received	3,355	3,355	839	1,055	216
Investment returns	3,234	3,234	-	-	-
Sales revenue	3,385	3,385	898	1,133	235
Other income	645	645	140	284	144
Grants, subsidies and contributions	7,584	7,584	2,087	3,936	1,849
<b>Total recurrent revenue</b>	<b>238,152</b>	<b>238,152</b>	<b>58,202</b>	<b>61,554</b>	<b>3,352</b>
<b>Capital revenue</b>					
Grants, subsidies and contributions	13,176	13,176	4,624	8,293	3,669
Non-cash contributions	3,080	3,080	20	-	(20)
<b>Total capital revenue</b>	<b>16,256</b>	<b>16,256</b>	<b>4,644</b>	<b>8,293</b>	<b>3,649</b>
<b>TOTAL INCOME</b>	<b>254,407</b>	<b>254,408</b>	<b>62,846</b>	<b>69,847</b>	<b>7,001</b>
<b>Recurrent expenses</b>					
Employee benefits	77,404	77,404	19,993	19,753	(240)
Materials and services	106,010	106,010	25,967	23,481	(2,486)
Finance costs	4,657	4,657	895	913	18
Depreciation and amortisation	49,975	49,975	12,494	12,663	169
<b>Total recurrent expenses</b>	<b>238,046</b>	<b>238,046</b>	<b>59,349</b>	<b>56,810</b>	<b>(2,539)</b>
<b>Capital expenses</b>					
(Gain)/Loss on disposal of non-current assets	412	412	517	(112)	(629)
<b>Total capital expenses</b>	<b>412</b>	<b>412</b>	<b>517</b>	<b>(112)</b>	<b>(629)</b>
<b>TOTAL EXPENSES</b>	<b>238,458</b>	<b>238,458</b>	<b>59,866</b>	<b>56,698</b>	<b>(3,168)</b>
<b>NET RESULT</b>	<b>15,949</b>	<b>15,950</b>	<b>2,980</b>	<b>13,149</b>	<b>10,169</b>
<b>Other comprehensive income/(loss)</b>					
Items that will not be reclassified to a net result					
Revaluation of property, plant and equipment	-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>15,949</b>	<b>15,950</b>	<b>2,980</b>	<b>13,149</b>	<b>10,169</b>

## 4. STATEMENT OF CASH FLOWS

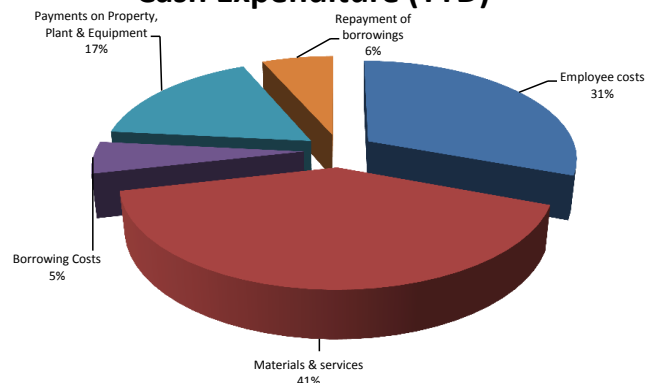
### STATEMENT OF CASH FLOWS For the period ending 30 September 2015

	Annual	Annual	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Receipts from customers	223,088	223,088	55,066	58,644
Payments to suppliers and employees	(189,183)	(189,183)	(46,726)	(47,691)
	<b>33,905</b>	<b>33,905</b>	<b>8,340</b>	<b>10,953</b>
Interest received	3,355	3,355	839	1,055
Rental income	890	890	217	231
Non-capital grants and contributions	7,584	7,584	2,087	4,826
Borrowing costs	(3,257)	(3,257)	(814)	(3,521)
Other cash flows from operating activities	-	-	-	(711)
<b>Net cash inflow / (outflow) from operating activities</b>	<b>42,477</b>	<b>42,477</b>	<b>10,669</b>	<b>12,833</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Payments for property, plant and equipment	(78,098)	(92,267)	(13,582)	(11,396)
Payments for intangible assets	-	-	-	-
Proceeds from sale of property, plant and equipment	1,716	1,716	15	206
Capital grants, subsidies and contributions	13,176	13,176	4,625	8,294
Other cash flows from investing activities	3,234	3,234	-	-
<b>Net cash inflow / (outflow) from investing activities</b>	<b>(59,972)</b>	<b>(74,142)</b>	<b>(8,942)</b>	<b>(2,896)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Proceeds of borrowings	-	-	-	-
Repayment of borrowings	(4,696)	(4,696)	(1,174)	(4,432)
<b>Net cash inflow / (outflow) from financing activities</b>	<b>(4,696)</b>	<b>(4,696)</b>	<b>(1,174)</b>	<b>(4,432)</b>
<b>Net increase / (decrease) in cash held</b>	<b>(22,191)</b>	<b>(36,360)</b>	<b>553</b>	<b>5,505</b>
<b>Cash and cash equivalents at the beginning of the year</b>	<b>84,087</b>	<b>121,327</b>	<b>121,327</b>	<b>121,327</b>
<b>Cash and cash equivalents at the end of the financial year / period</b>	<b>61,896</b>	<b>84,967</b>	<b>121,880</b>	<b>126,832</b>

### Cash Funding (YTD)



### Cash Expenditure (YTD)



Total Cash Funding (Actual YTD)	73,257	Total Cash Expenditure (Actual YTD)	67,752
Total Cash Funding (Annual Revised Budget)	253,043	Total Cash Expenditure (Annual Revised Budget)	289,403
% of Budget Achieved YTD	29%	% of Budget Achieved YTD	23%



## 5. STATEMENT OF FINANCIAL POSITION

STATEMENT OF FINANCIAL POSITION				
As at 30 September 2015				
	Annual	Annual	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual Balance \$000
<b>CURRENT ASSETS</b>				
Cash and cash equivalents	61,896	84,967	121,880	126,832
Trade and other receivables	26,046	25,017	25,017	22,184
Inventories	845	779	779	785
Non-current assets held for sale	354	1,309	7,986	10,212
Other current assets	1,154	1,104	1,104	7,779
<b>Total current assets</b>	<b>90,295</b>	<b>113,176</b>	<b>156,766</b>	<b>167,792</b>
<b>NON-CURRENT ASSETS</b>				
Investment property	893	956	956	956
Property, plant and equipment	2,118,731	2,285,276	2,242,023	2,240,119
Intangible assets	916	2,839	3,414	3,391
Other financial assets	73	73	73	73
Investment in other entities	10,063	10,063	3,386	1,160
<b>Total non-current assets</b>	<b>2,130,676</b>	<b>2,299,207</b>	<b>2,249,852</b>	<b>2,245,699</b>
<b>TOTAL ASSETS</b>	<b>2,220,971</b>	<b>2,412,383</b>	<b>2,406,618</b>	<b>2,413,491</b>
<b>CURRENT LIABILITIES</b>				
Trade and other payables	15,369	15,551	15,547	11,699
Borrowings	5,559	4,482	4,482	4,482
Provisions	8,053	16,126	19,963	19,378
Other current liabilities	1,282	2,694	2,694	3,388
<b>Total current liabilities</b>	<b>30,263</b>	<b>38,853</b>	<b>42,686</b>	<b>38,947</b>
<b>NON-CURRENT LIABILITIES</b>				
Borrowings	44,200	45,277	48,799	48,798
Provisions	10,769	12,433	12,287	12,729
<b>Total non-current liabilities</b>	<b>54,969</b>	<b>57,710</b>	<b>61,086</b>	<b>61,527</b>
<b>TOTAL LIABILITIES</b>	<b>85,232</b>	<b>96,563</b>	<b>103,772</b>	<b>100,474</b>
<b>NET COMMUNITY ASSETS</b>	<b>2,135,739</b>	<b>2,315,820</b>	<b>2,302,846</b>	<b>2,313,017</b>
<b>COMMUNITY EQUITY</b>				
Asset revaluation surplus	668,685	827,411	827,411	827,411
Retained surplus	1,415,250	1,436,714	1,397,603	1,400,218
Constrained cash reserves	51,804	51,695	77,832	85,388
<b>TOTAL COMMUNITY EQUITY</b>	<b>2,135,739</b>	<b>2,315,820</b>	<b>2,302,846</b>	<b>2,313,017</b>

The annual revised budget incorporate the changes from the budget carryovers adopted by Council on 9 September 2015. Both budgeted and actual results are based on unaudited opening balances which are subject to change until Queensland Audit Office certification is obtained in October 2015.

## 6. OPERATING STATEMENT

### OPERATING STATEMENT For the period ending 30 September 2015

	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
<b>Revenue</b>					
Rates charges	82,760	82,760	20,690	21,021	331
Levies and utility charges	128,121	128,121	30,913	30,878	(35)
<i>Less: Pensioner remissions and rebates</i>	(3,461)	(3,461)	(859)	(801)	58
Fees and charges	11,638	11,638	3,277	3,817	540
Operating grants and subsidies	7,053	7,053	1,954	3,804	1,850
Operating contributions and donations	531	531	133	132	(1)
Interest external	3,355	3,355	839	1,055	216
Investment returns	3,234	3,234	-	-	-
Other revenue	4,919	4,919	1,255	1,648	393
<b>Total revenue</b>	<b>238,152</b>	<b>238,152</b>	<b>58,202</b>	<b>61,554</b>	<b>3,352</b>
<b>Expenses</b>					
Employee benefits	77,404	77,404	19,993	19,753	(240)
Materials and services	106,542	106,542	26,061	23,787	(2,274)
Finance costs other	1,400	1,400	81	100	19
Other expenditure	347	347	126	72	(54)
Net internal costs	(879)	(879)	(220)	(378)	(158)
<b>Total expenses</b>	<b>184,814</b>	<b>184,814</b>	<b>46,041</b>	<b>43,334</b>	<b>(2,707)</b>
<b>Earnings before interest, tax and depreciation (EBITD)</b>	<b>53,338</b>	<b>53,338</b>	<b>12,161</b>	<b>18,220</b>	<b>6,059</b>
Interest expense	3,257	3,257	814	813	(1)
Depreciation and amortisation	49,975	49,975	12,494	12,663	169
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>106</b>	<b>106</b>	<b>(1,147)</b>	<b>4,744</b>	<b>5,891</b>

### Levies and utility charges breakup For the period ending 30 September 2015

	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
<b>Levies and utility charges</b>					
Refuse charges	20,051	20,051	5,013	4,925	(88)
Special charges	3,874	3,874	984	986	2
Environment levy	5,830	5,830	1,457	1,475	18
Landfill remediation charge	2,677	2,677	669	677	8
Wastewater charges	40,114	40,114	10,028	10,369	341
Water access charges	17,817	17,817	4,454	4,471	17
Water consumption charges	37,759	37,759	8,308	7,975	(333)
<b>Total Levies and utility charges</b>	<b>128,121</b>	<b>128,121</b>	<b>30,913</b>	<b>30,878</b>	<b>(35)</b>



## 7. CAPITAL FUNDING STATEMENT

### CAPITAL FUNDING STATEMENT For the period ending 30 September 2015

	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
<b>Sources of capital funding</b>					
Capital contributions and donations	6,133	6,133	3,967	6,814	2,847
Capital grants and subsidies	7,043	7,043	656	1,479	823
Proceeds on disposal of non-current assets	1,716	1,716	15	206	191
Capital transfers (to)/ from reserves	14,566	26,760	(901)	(5,829)	(4,928)
Non-cash contributions	3,080	3,078	20	-	(20)
New loans	-	-	-	-	-
Funding from general revenue	53,336	55,311	11,020	9,901	(1,119)
<b>Total sources of capital funding</b>	<b>85,873</b>	<b>100,042</b>	<b>14,777</b>	<b>12,571</b>	<b>(2,206)</b>
<b>Application of capital funds</b>					
Contributed assets	3,080	3,078	20	-	(20)
Capitalised goods and services	72,366	86,535	12,708	10,051	(2,657)
Capitalised employee costs	5,732	5,732	875	1,345	470
Loan redemption	4,696	4,696	1,174	1,175	1
<b>Total application of capital funds</b>	<b>85,873</b>	<b>100,042</b>	<b>14,777</b>	<b>12,571</b>	<b>(2,206)</b>
<b>Other budgeted items</b>					
Transfers to constrained operating reserves	(11,131)	(11,131)	(2,542)	(2,816)	(274)
Transfers from constrained operating reserves	10,509	10,509	3,444	1,087	(2,357)
WDV of assets disposed	2,128	2,128	532	94	(438)

## 8. REDLAND WATER & REDWASTE STATEMENTS

### REDLAND WATER SUMMARY OPERATING STATEMENT For the Period Ending 30 September 2015

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Total revenue	97,659	97,659	23,282	23,584	302
Total expenses	53,982	53,982	13,571	11,813	(1,758)
Earnings before interest, tax and depreciation (EBITD)	43,677	43,677	9,711	11,771	2,060
Interest expense	-	-	-	-	-
Depreciation	17,081	17,081	4,270	4,194	(76)
<b>Operating surplus/(deficit)</b>	<b>26,596</b>	<b>26,596</b>	<b>5,441</b>	<b>7,577</b>	<b>2,136</b>

### REDLAND WATER CAPITAL FUNDING STATEMENT For the Period Ending 30 September 2015

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Original Budget \$000	YTD Actual \$000	YTD Variance \$000
Capital contributions, donations, grants & subsidies	3,500	3,500	1,536	1,630	94
Net transfer (to)/from constrained capital reserves	(2,714)	7,533	(702)	(1,306)	(604)
Other	3,000	3,000	-	-	-
Funding from utility revenue	17,680	14,512	(91)	1,222	1,313
<b>Total sources of capital funding</b>	<b>21,466</b>	<b>28,545</b>	<b>743</b>	<b>1,546</b>	<b>803</b>
Contributed assets	3,000	3,000	-	-	-
Capitalised expenditure	18,466	25,545	743	1,546	803
Loan redemption	-	-	-	-	-
<b>Total applications of capital funds</b>	<b>21,466</b>	<b>28,545</b>	<b>743</b>	<b>1,546</b>	<b>803</b>

### REDWASTE SUMMARY OPERATING STATEMENT For the Period Ending 30 September 2015

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Original Budget \$000	YTD Actual \$000	YTD Variance \$000
Total revenue	21,810	21,810	5,462	5,397	(65)
Total expenses	15,678	15,678	4,117	3,732	(385)
Earnings before interest, tax and depreciation (EBITD)	6,131	6,132	1,345	1,665	320
Interest expense	42	42	10	10	(1)
Depreciation	553	553	138	132	(6)
<b>Operating surplus/(deficit)</b>	<b>5,537</b>	<b>5,537</b>	<b>1,197</b>	<b>1,523</b>	<b>326</b>

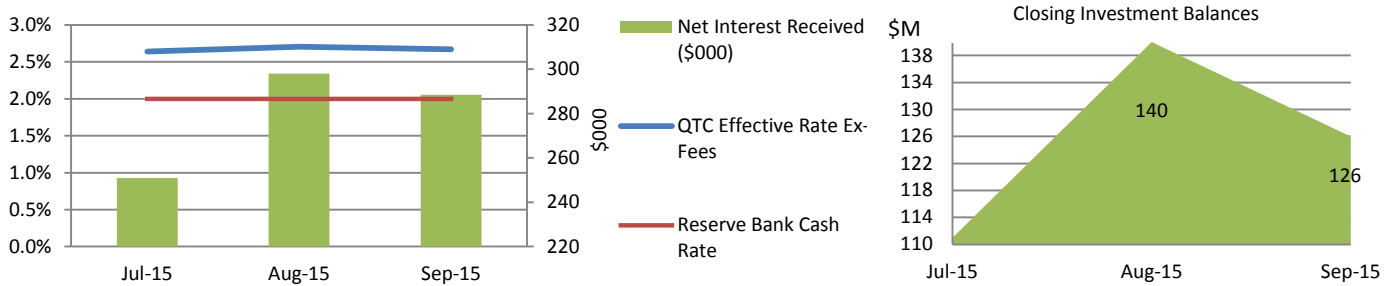
### REDWASTE CAPITAL FUNDING STATEMENT For the Period Ending 30 September 2015

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Original Budget \$000	YTD Actual \$000	YTD Variance \$000
Capital contributions, donations, grants & subsidies	-	-	-	-	-
Net transfer (to)/from constrained capital reserves	-	-	-	-	-
Other	-	-	-	-	-
Funding from utility revenue	1,639	2,226	1,166	100	(1,066)
<b>Total sources of capital funding</b>	<b>1,639</b>	<b>2,226</b>	<b>1,166</b>	<b>100</b>	<b>(1,066)</b>
Contributed assets	-	-	-	-	-
Capitalised expenditure	1,570	2,157	1,149	82	(1,067)
Loan redemption	69	69	17	18	1
<b>Total applications of capital funds</b>	<b>1,639</b>	<b>2,226</b>	<b>1,166</b>	<b>100</b>	<b>(1,066)</b>

## 9. INVESTMENT & BORROWINGS REPORT

For the Period Ending 30 September 2015

### INVESTMENT RETURNS



**Total Investment at End of Month was \$126.27M**

#### Current Position

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. The movement in investment balances are reflective of the rating cycle as well as end of financial year cash flow patterns (as reflected by a low balance and interest earnings in July).

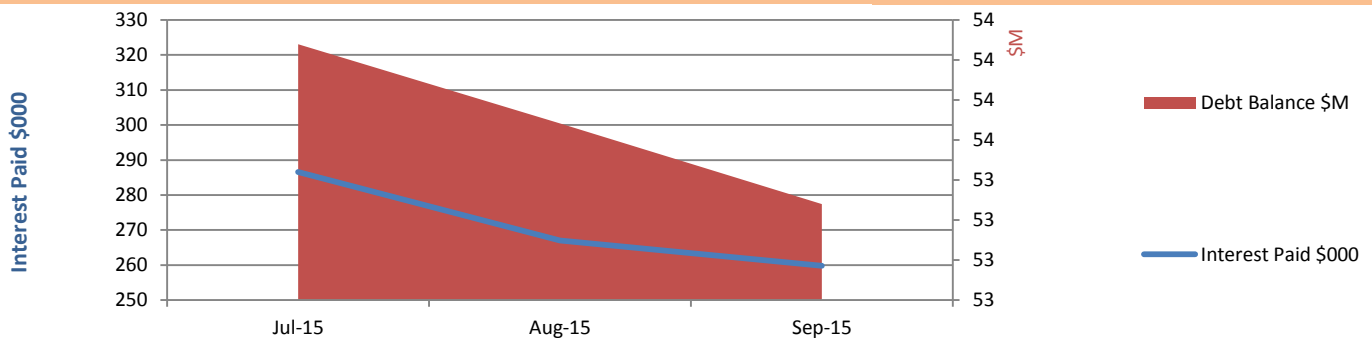
Note: the Reserve Bank reduced the cash rate down to 2% in its May sitting and maintained this position through to its October sitting.

The Tax and Treasury Team's recommendation that Council diversify its investments outside of QTC to maximise returns has received approval from management. The Team has now completed procurement procedures to achieve this outcome and is reviewing term deposit rates in the market to take advantage of any opportunities.

In the meantime the Team ensures Council maximises its interest earnings on a daily basis by depositing surplus funds at QTC for a higher rate than is achieved from the bank transaction account.

Council adopted its revised Investment Policy in April 2015 for the 2015-16 financial year

### BORROWING COSTS



**Total Borrowings at End of Month was \$53.28M**



#### Current Position

Debt is split into 6, 9 and 12 year pools with repayment made *annually* in advance for 2015-16.

By prepaying the interest annually in 2015-16, it is expected that Council will save in excess of \$50,000 in interest over the financial year.

The movement in interest expense is reflective of the capitalisation of the interest each month along with market movements.

Council adopted its revised Debt Policy in June 2015 for the 2015-16 financial year

## 10. CONSTRAINED CASH RESERVES

Reserves as at 30 September 2015	Opening Balance	To Reserve	From Reserve	Closing Balance
	\$000	\$000	\$000	\$000
<b>Special Projects Reserve:</b>				
Weinam Creek Reserve	2,492	121	(1)	2,612
Red Art Gallery Commissions & Donations Res	2	-	-	2
	<b>2,494</b>	<b>121</b>	<b>(1)</b>	<b>2,614</b>
<b>Utilities Reserve:</b>				
Redland Water Reserve	8,300	-	-	8,300
Redland WasteWater Reserve	1,600	-	-	1,600
	<b>9,900</b>	<b>-</b>	<b>-</b>	<b>9,900</b>
<b>Constrained Works Reserve:</b>				
Tree Planting Reserve	23	19	-	42
Parks Reserve	6,006	1,266	(1)	7,271
East Thornlands Road Infra Reserve	674	-	-	674
Community Facility Infrastructure Reserve	979	196	-	1,175
Retail Water Renewal & Purchase Reserve	7,478	272	(10)	7,740
Sewerage Renewal & Purchase Reserve	9,500	1,357	(314)	10,543
Constrained Works Res-Cap Grants & Contribs	1,410	584	(576)	1,418
Transport Trunk Infrastructure Reserve	13,565	2,150	-	15,715
Cycling Trunk Infrastructure Reserve	3,099	947	-	4,046
Stormwater Infrastructure Reserve	3,722	583	-	4,305
Constrained Works Res-Opr Grants & Contribs	1,246	-	(68)	1,178
	<b>47,702</b>	<b>7,374</b>	<b>(969)</b>	<b>54,107</b>
<b>Separate Charge Reserve - Environment:</b>				
Environment Charge Acquisition Reserve	6,878	-	-	6,878
Environment Charge Maintenance Reserve	1,729	1,475	(832)	2,372
	<b>8,607</b>	<b>1,475</b>	<b>(832)</b>	<b>9,250</b>
<b>Special Charge Reserve - Other:</b>				
Bay Island Rural Fire Levy Reserve	-	55	(51)	4
SMBI Translink Reserve	2	240	-	242
	<b>2</b>	<b>295</b>	<b>(51)</b>	<b>246</b>
<b>Special Charge Reserve - Canals:</b>				
Raby Bay Canal Reserve	5,806	686	(756)	5,736
Aquatic Paradise Canal Reserve	2,834	225	(21)	3,038
Sovereign Waters Lake Reserve	487	14	(4)	497
	<b>9,127</b>	<b>925</b>	<b>(781)</b>	<b>9,271</b>
<b>TOTALS</b>	<b>77,832</b>	<b>10,190</b>	<b>(2,634)</b>	<b>85,388</b>

Closing Cash & Cash Equivalents	<b>126,832</b>
Reserves as percentage of cash balance	<b>67%</b>

Opening balances for reserves are unaudited and subject to change until Queensland Audit Office certification is obtained in October 2015.

## 11. GLOSSARY

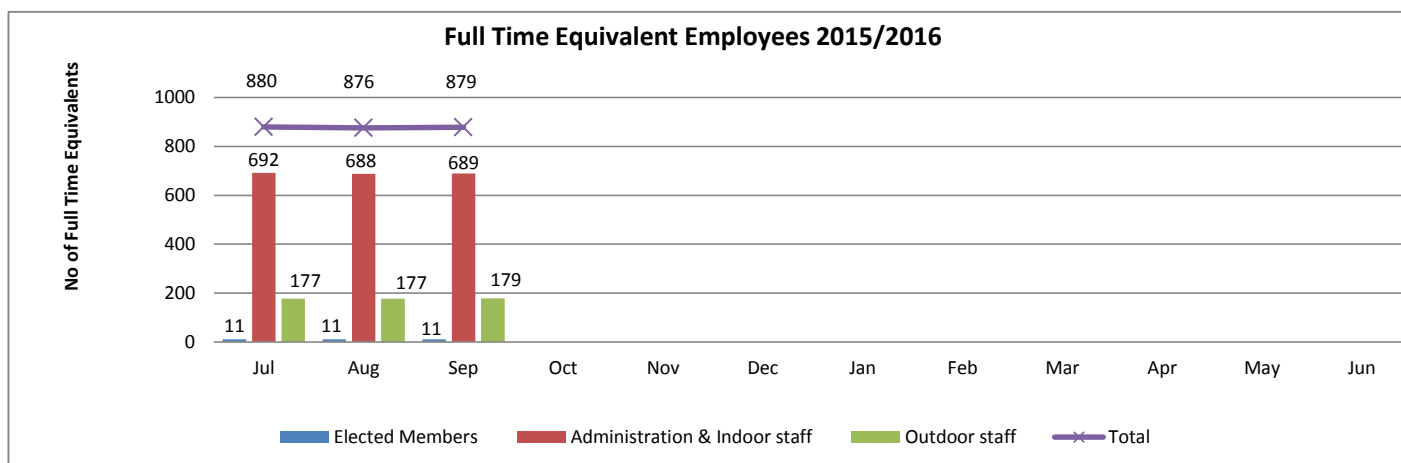
### Definition of ratios

<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>	$\frac{\text{Capital Expenditure on Replacement of Assets (Renewals)}}{\text{Depreciation Expenditure}}$
<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>	$\frac{\text{Interest Expense} + \text{Loan Redemption}}{\text{Total Operating Revenue} - \text{Gain on Sale of Developed Land}}$
<b>Cash Balance - \$M:</b>	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>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>	$\frac{\text{Current and Non-current loans}}{\text{Total Assets}}$
<b>Operating Performance:</b> <i>This ratio provides an indication of Redland City 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 Cover Ratio:</b> <i>This ratio demonstrates the extent which operating revenues are being used to meet the financing charges</i>	$\frac{\text{Net Interest Expense on Debt Service}}{\text{Total Operating Revenue}}$

\* These targets are set to be achieved on average over the longer term and therefore are not necessarily expected to be met on a monthly basis.

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

### Workforce reporting



Workforce reporting - September 2015: Headcount	Employee Type						
	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part	Grand Total
Office of CEO	15	5	85	10	7	3	125
Organisational Services	4	6	101	8	8	4	131
Community and Customer Service	33	4	241	49	31	7	365
Infrastructure and Operations	15	5	300	11	16	0	347
<b>Total</b>	<b>67</b>	<b>20</b>	<b>727</b>	<b>78</b>	<b>62</b>	<b>14</b>	<b>968</b>

Note: Full Time Equivalent Employees includes all full time employees at a value of 1 and all other employees, at a value less than 1. The table above demonstrates the headcount by department (excluding agency staff) and does not include a workload weighting. It includes casual staff in their non-substantive roles as at the end of the period where relevant.

### Overdue rates debtors

#### Comparison September 2014 to September 2015

Days Overdue	Total		Total		\$	%
	Sep-14	%	Sep-15	%		
<90	\$2,953,137	4.6%	\$2,667,717	4.2%	-\$285,420	-0.37%
90 - 180 days	\$1,273,897	2.0%	\$1,058,914	1.7%	-\$214,983	-0.31%
>180 days	\$2,399,640	3.8%	\$2,845,953	4.5%	\$446,314	0.78%
<b>Total</b>	<b>\$6,626,674</b>	<b>10.37%</b>	<b>\$6,572,585</b>	<b>10.47%</b>	<b>-\$54,089</b>	<b>0.10%</b>

Days Overdue	Mainland		Mainland		\$	%
	Sep-14	%	Sep-15	%		
<90	\$2,164,198	3.4%	\$1,950,587	3.1%	-\$213,611	-0.28%
90 - 180 days	\$845,322	1.3%	\$659,883	1.1%	-\$185,438	-0.27%
>180 days	\$1,070,562	1.7%	\$1,382,440	2.2%	\$311,878	0.53%
<b>Total</b>	<b>\$4,080,082</b>	<b>6.38%</b>	<b>\$3,992,910</b>	<b>6.36%</b>	<b>-\$87,171</b>	<b>-0.02%</b>

Days Overdue	Nth Stradbroke Is / Coochiemudlo Is / Garden Is		Nth Stradbroke Is / Coochiemudlo Is / Garden Is		\$	%
	Sep-14	%	Sep-15	%		
<90	\$87,370	0.1%	\$92,129	0.1%	\$4,759	0.01%
90 - 180 days	\$40,406	0.1%	\$50,395	0.1%	\$9,989	0.02%
>180 days	\$39,790	0.1%	\$103,199	0.2%	\$63,410	0.10%
<b>Total</b>	<b>\$167,565</b>	<b>0.26%</b>	<b>\$245,723</b>	<b>0.39%</b>	<b>\$78,158</b>	<b>0.13%</b>

Days Overdue	SMBI		SMBI		\$	%
	Sep-14	%	Sep-15	%		
<90	\$701,570	1.1%	\$625,002	1.0%	-\$76,568	-0.10%
90 - 180 days	\$388,170	0.6%	\$348,636	0.6%	-\$39,534	-0.05%
>180 days	\$1,289,288	2.0%	\$1,360,314	2.2%	\$71,027	0.15%
<b>Total</b>	<b>\$2,379,027</b>	<b>3.72%</b>	<b>\$2,333,952</b>	<b>3.72%</b>	<b>-\$45,075</b>	<b>0.00%</b>



**TELECONFERENCE – CR J TALTY****COUNCIL RESOLUTION**

Moved by: Cr M Edwards  
Seconded by: Cr K Hardman

That permission be granted for Cr Julie Talty to take part in the General Meeting by teleconferencing in accordance with s.276 of the *Local Government Regulation 2012*.

**CARRIED 10/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Talty, Gleeson, Bishop and Beard voted FOR the motion.

Cr Williams was absent from the meeting.

**11.2 PORTFOLIO 3 (CR JULIE TALTY)****CITY PLANNING AND ASSESSMENT****11.2.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 & 3 DEVELOPMENT APPLICATIONS**

Objective Reference: A290523  
Reports and Attachments (Archives)

Attachment: [Decisions Made Under Delegated Authority 20.09.2015 to 03.10.2015](#)

Authorising Officer:



Louise Rusan  
General Manager Community & Customer Services

Responsible Officer:

David Jeanes  
Group Manager City Planning & Assessment

Report Author:

Debra Weeks  
Senior Business Support Officer

**PURPOSE**

The purpose of this report is for Council to note that the decisions listed below were made under delegated authority for Category 1, 2 and 3 development applications.

This information is provided for public interest.

**BACKGROUND**

At the General Meeting of 27 July, 2011, Council resolved that development assessments be classified into the following four Categories:

Category 1 – Minor Complying Code Assessments and Compliance Assessments and associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments and Compliance Assessments and Minor Impact Assessments;

Category 3 – Moderately Complex Code & Impact Assessments; and

Category 4 – Major and Significant Assessments

The applications detailed in this report have been assessed under:-

- Category 1 criteria - defined as complying code and compliance assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature, including all accelerated applications.
- Category 2 criteria - defined as complying code assessable and compliance assessable applications, including operational works, and Impact Assessable applications without submissions of objection. Also includes a number of process related delegations, including issuing planning certificates, approval of works on and off maintenance and the release of bonds, and all other delegations not otherwise listed.
- Category 3 criteria that are defined as applications of a moderately complex nature, generally mainstream impact assessable applications and code assessable applications of a higher level of complexity. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Both may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the Planning Scheme. Applications seeking approval of a plan of survey are included in this category. Applications can be referred to General Meeting for a decision.

#### **OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION**

**Moved by: Cr P Gleeson**

**Seconded by: Cr M Edwards**

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

**CARRIED 10/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Talty, Gleeson, Bishop and Beard voted FOR the motion.

Cr Williams was absent from the meeting.

**Decisions Made Under Delegated Authority 20.09.2015 to 26.09.2015**

<b>Application</b>	<b>Description</b>	<b>Category</b>	<b>Applicant</b>	<b>Property Address</b>	<b>Application Type</b>	<b>Decision Date</b>	<b>Decision</b>	<b>Division</b>
<b>Category 1</b>								
BWP003155	Design & Siting - Dwelling House	Category1	The Certifier Pty Ltd	1 Medina Court, Ormiston QLD 4160	Concurrence Agency Response	22/09/2015	Approved	1
BWP003153	Design & Siting - Dwelling House	Category1	Philip Murray Impey	84 Passage Street, Cleveland QLD 4163	Concurrence Agency Response	23/09/2015	Approved	2
BWP003102	Building Over Sewer Dwelling	Category1	Bonafide Building Approvals	25 Buenavista Avenue, Thornlands QLD 4164	Concurrence Agency Response	21/09/2015	Approved	3
BWP003152	Design & Siting - Carport	Category1	Earl Knudsen	3 Kianga Court, Victoria Point QLD 4165	Concurrence Agency Response	23/09/2015	Approved	4
BWP003171	Design & Siting - Dwelling House Extension	Category1	Building Code Approval Group Pty Ltd	10 Lyn Court, Victoria Point QLD 4165	Concurrence Agency Response	24/09/2015	Approved	4
MCU013568	Dwelling House - ADA	Category1	John Watson Garlick	5 Michael Street, Macleay Island QLD 4184	Code Assessment	23/09/2015	Development Permit	5
BWP003158	Dwelling	Category1	Professional Certification Group	4 President Terrace, Macleay Island QLD 4184	Concurrence Agency Response	24/09/2015	Approved	5
MCU013575	Dwelling House & Outbuilding - ADA	Category1	Robert Cyril Stampton	23 Barramundi Street, Macleay Island QLD 4184	Code Assessment	23/09/2015	Development Permit	5
BWP003157	Carport	Category1	Applied Building Approvals	138 Orchid Drive, Mount Cotton QLD 4165	Concurrence Agency Response	23/09/2015	Approved	6
BWP003159	Boundary Setback	Category1	Henley Properties Qld Pty Ltd	5 Europa Court, Redland Bay QLD 4165	Concurrence Agency Response	24/09/2015	Approved	6
BWP003160	Design and Siting	Category1	Dixon Homes Pty Ltd (Sherwood)	47 Bankswood Drive, Redland Bay QLD 4165	Concurrence Agency Response	24/09/2015	Approved	6

**Decisions Made Under Delegated Authority 20.09.2015 to 26.09.2015**

BWP003162	Design and Siting - Carport	Category1	All Approvals Pty Ltd	60 Wimborne Road, Alexandra Hills QLD 4161	Concurrence Agency Response	23/09/2015	Approved	7
BWP003168	Design & Siting - Dwelling house	Category1	The Certifier Pty Ltd	27 Cochrane Street, Alexandra Hills QLD 4161	Concurrence Agency Response	25/09/2015	Approved	7
ROL005977	1 into 2 Standard Format	Category1	George Phillip Bugeja Teresa Caruana	34 Bayford Street, Birkdale QLD 4159	Compliance Assessment	24/09/2015	Compliance Permit	8
MCU013566	Secondary Dwelling	Category1	We Build-Um	19 Firtree Street, Capalaba QLD 4157	Code Assessment	25/09/2015	Development Permit	9
BWP003133	Extension (Carport)	Category1	Bartley Burns Certifiers & Planners	91 Thomas Street, Birkdale QLD 4159	Code Assessment	25/09/2015	Development Permit	10
BWP003161	Design and Siting - Open Portico	Category1	Geoffrey James Worrall	12 Downwind Court, Birkdale QLD 4159	Concurrence Agency Response	21/09/2015	Approved	10
<b>Category 2</b>								
OPW001914	Operational Works - MCU - Multiple Dwellings x 6	Category2	DEQ Consulting Engineers	6 Fernbourne Road, Wellington Point QLD 4160	Compliance Assessment	25/09/2015	Compliance Certificate	1
OPW001911	Operational Works - Prescribed Tidal Works - Pontoon (Smart EDA)	Category2	Aqua Pontoons Pty Ltd	48 Sentinel Court, Cleveland QLD 4163	Code Assessment	25/09/2015	Development Permit	2

**Decisions Made Under Delegated Authority 20.09.2015 to 26.09.2015**

MCU013400	Tourist Park	Category2	Alexandra Buchanan Architecture	149-169 Mount View Road, Mount Cotton QLD 4165	Impact Assessment	21/09/2015	Development Permit	6
OPW001917	Operational Works - Domestic Driveway Crossover	Category2	Brendan Gill Michelle Lisa Gill	106 Bunker Road, Victoria Point QLD 4165	Code Assessment	22/09/2015	Development Permit	6
<b>Category 3</b>								
ROL005893	Combined Standard Format Subdivision 1 into 2 with Multiple Dwellings x 25	Category3	A-List Property Specialists Pty Ltd As Trustee	12-16 Beveridge Road, Thornlands QLD 4164	Impact Assessment	22/09/2015	Development Permit	4

**Decisions Made Under Delegated Authority 27.09.2015 to 03.10.2015**


<b>Application</b>	<b>Description</b>	<b>Category</b>	<b>Applicant</b>	<b>Property Address</b>	<b>Application Type</b>	<b>Decision Date</b>	<b>Decision</b>	<b>Division</b>
<b>Category 1</b>								
BWP003167	Design and Siting - Boundary Setback	Category1	Cornerstone Building Certification	19A Douro Road, Wellington Point QLD 4160	Concurrence Agency Response	28/09/2015	Approved	1
BWP003154	Private Swimming Pool	Category1	Nicholas David Johnston	4 Piermont Place, Cleveland QLD 4163	Code Assessment	1/10/2015	Development Permit	2
BWP003163	Design and Siting - carport	Category1	All Approvals Pty Ltd	32 Monterey Avenue, Thornlands QLD 4164	Concurrence Agency Response	28/09/2015	Approved	3
BWP003164	Design & Siting - Patio	Category1	Bartley Burns Certifiers & Planners	4A Kim Jon Court, Thornlands QLD 4164	Concurrence Agency Response	29/09/2015	Approved	4
BWP003165	Design and Siting - Open Carport	Category1	Residential Building Approvals	42 Prescoter Drive, Victoria Point QLD 4165	Concurrence Agency Response	29/09/2015	Approved	4
ROL005922	Standard Format : 1 into 4 Lots	Category1	East Coast Surveys Pty Ltd	89 Main Street, Redland Bay QLD 4165	Impact Assessment	2/10/2015	Development Permit	5
BWP003136	Domestic Outbuilding- Shed	Category1	The Certifier Pty Ltd	1-19 Hillcrest Road, Sheldon QLD 4157	Code Assessment	30/09/2015	Development Permit	6
BWP003149	Retaining Wall	Category1	Ashlee Tiarne Camm Mitchell Scott Cureton	96 Balthazar Circuit, Mount Cotton QLD 4165	Code Assessment	30/09/2015	Development Permit	6
BWP003170	Design & Siting	Category1	Henley Properties Qld Pty Ltd	2 Europa Court, Redland Bay QLD 4165	Concurrence Agency Response	30/09/2015	Approved	6
BWP003172	Design & Siting - Dwelling House	Category1	Antech Constructions Pty Ltd	1 Madison Court, Redland Bay QLD 4165	Concurrence Agency Response	1/10/2015	Approved	6
BWP003179	Design and Siting - Dwelling House	Category1	Antech Constructions Pty Ltd	1 Madison Court, Redland Bay QLD 4165	Concurrence Agency Response	29/09/2015	Approved	6
BWP003145	Domestic Outbuilding	Category1	Mark Andrew Wyatt	6 Timbertop Court, Capalaba QLD 4157	Code Assessment	28/09/2015	Development Permit	7

**Decisions Made Under Delegated Authority 27.09.2015 to 03.10.2015**

BWP003063	Combined Design & Siting and Build over or Near Infrastructure - Shed	Category1	Zinaida Chinkar	11 Moku Crescent, Birkdale QLD 4159	Concurrence Agency Response	28/09/2015	Approved	10
<b>Category 2</b>								
OPW001910	Operational Works - (Civil ONLY) MCU - Multiple Dwelling x 9	Category2	Projects And Designs Pty Ltd	580 Main Road, Wellington Point QLD 4160	Compliance Assessment	28/09/2015	Compliance Certificate	1
MCU013389	Multiple Dwellings x 12	Category2	Yajoc Pty Ltd T/As Eltham Projects	48-50 Little Shore Street, Cleveland QLD 4163	Negotiated Decision	29/09/2015	Development Permit	2
MCU013536	New Emergency Services Building	Category2	Bay Island Designs	10-16 Lucas Drive, Lamb Island QLD 4184	Code Assessment	30/09/2015	Development Permit	5

**11.2.2 APPEALS REPORT CURRENT AS AT 7 OCTOBER 2015**

**Objective Reference:** A290483  
Reports and Attachments (Archives)

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

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

**Report Author:** Chris Vize  
Service Manager Planning Assessment

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**PURPOSE**

The purpose of this report is for Council to note the current appeals.

**BACKGROUND**

Information on appeals may be found as follows:

**1. Planning and Environment Court**

- a) Information on current appeals and declarations with the Planning and Environment Court involving Redland City Council can be found at the District Court web site using the "Search civil files (eCourts) Party Search" service: <http://www.courts.qld.gov.au/esearching/party.asp>
- b) Judgements of the Planning and Environment Court can be viewed via the Supreme Court of Queensland Library web site under the Planning and Environment Court link: <http://www.sclqld.org.au/qjudgment/>

**2. Department of Infrastructure, Local Government and Planning (DILGP)**

The DILGP provides a Database of Appeals (<http://www.dlg.qld.gov.au/resources/tools/planning-and-environment-court-appeals-database.html>) that may be searched for past appeals and declarations heard by the Planning and Environment Court.

The database contains:

- A consolidated list of all appeals and declarations lodged in the Planning and Environment Courts across Queensland of which the Chief Executive has been notified.
- Information about the appeal or declaration, including the appeal number, name and year, the site address and local government.



**ISSUES**

<b>1.</b>	<b>File Number:</b>	Appeal 2675 of 2009 - (MC010624)
<b>Applicant:</b>		<b>L M Wigan</b>
<b>Application Details:</b>		Material Change of Use for residential development (Res A & Res B) and preliminary approval for operational works. 84-122 Taylor Road, Thornlands.
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		The appellant has submitted further amended plans for the consideration of the parties. The matter is listed for review on 4 November 2015.

<b>2.</b>	<b>File Number:</b>	Appeal 4802 of 2014 - (OPW001288)
<b>Applicant:</b>		<b>Birkdale Flowers Pty Ltd</b>
<b>Application Details:</b>		Operational Works subsequent to reconfiguring a lot (1 into 28 lots).
<b>Appeal Details:</b>		Amended Originating Application seeking enforcement orders for removal of encroachments upon adjoining land and compliance with relevant approvals.
<b>Current Status:</b>		Matter progressing, set down for 6 day hearing in November 2015.

<b>3.</b>	<b>File Number:</b>	Appeals 178, 179, 180 & 181 of 2015 - (ROL005722 – ROL005725 inclusive)
<b>Applicant:</b>		<b>Villa World Development Pty Ltd</b>
<b>Application Details:</b>		Reconfiguring a Lot - 1 into 37 lots (Stage 4), 1 into 32 lots (Stage 5), 1 into 32 lots (Stage 6) and 1 into 33 lots (Stage 7).
<b>Appeal Details:</b>		Applicant appeals against refusal of request for Negotiated Infrastructure Charges Notices.
<b>Current Status:</b>		A directions Order was issued by the Court on 2 September. Parties are to attend a without prejudice meeting before 23 October 2015. The matter is listed for a two day hearing in December 2015.

<b>4.</b>	<b>File Number:</b>	Appeal 795 of 2015 - (MCU013316)
<b>Applicant:</b>		<b>James Tovey Wilson</b>
<b>Application Details:</b>		Material Change of Use for Mixed Use – Tourist Accommodation (71 units), Apartment Building (28 units), Refreshment Establishment and Shop 18-20 Waterloo Street Cleveland
<b>Appeal Details:</b>		Submitter appeal against development approval.
<b>Current Status:</b>		Orders were made on 19 August 2015 requiring the developer to undertake public notification again and for Council to write to missed submitters. The matter is next to be reviewed on 8 October 2015.

<b>5.</b>	<b>File Number:</b>	Appeals 1610 of 2015 - (MCU011532)
<b>Applicant:</b>		<b>Skyhope Developments</b>
<b>Application Details:</b>		Material Change of Use for Apartment Building (271 Units) 54-58 Mount Cotton Road, Capalaba
<b>Appeal Details:</b>		Applicant appeal against Infrastructure Charges Notice.
<b>Current Status:</b>		Experts were meeting during August and preparing a joint report. Mediation taking place in September and Court review on 23 September 2015.

<b>6.</b>	<b>File Number:</b>	Appeals 3118 of 2015 - (ROL005923)
<b>Applicant:</b>		<b>W Stone</b>
<b>Application Details:</b>		Reconfiguring a Lot (1 into 2) 35-37 Clive Road, Birkdale
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		On 26 August 2015 received directions Order from the Court. The matter is listed for a two day hearing in November 2015.

<b>7.</b>	<b>File Number:</b>	Appeal 3441 of 2015 - (MCU013378)
<b>Applicant:</b>		<b>Urban Potentials Pty Ltd</b>
<b>Application Details:</b>		Material Change of Use for a Service Station 4 – 6 Government Rd, Redland Bay
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		Appeal filed in Court on 2 September 2015. No directions orders have been made by the Court.

<b>8.</b>	<b>File Number:</b>	Appeal 3474 of 2015 - (ROL005815)
<b>Applicant:</b>		<b>Palacio Property Group Pty Ltd</b>
<b>Application Details:</b>		Reconfiguring a Lot (1 into 5 Lots) 188 – 200 Waterloo Street, Cleveland
<b>Appeal Details:</b>		Applicant appeal against refusal of conversion application.
<b>Current Status:</b>		Appeal filed in Court on 4 September 2015. No directions orders have been made by the Court.

<b>9.</b>	<b>File Number:</b>	Appeal 3641 of 2015 - (MCU012812)
<b>Applicant:</b>		<b>King of Gifts Pty Ltd and HTC Consulting Pty Ltd</b>
<b>Application Details:</b>		Material Change of Use for Combined Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay, Road, Alexandra Hills
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		Appeal filed in Court on 16 September 2015.
<b>10.</b>	<b>File Number:</b>	Appeal 3703 of 2015 - (MCU013447)
<b>Applicant:</b>		<b>Hometown Villas</b>

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<b>Application Details:</b>	Material Change of Use for 16 Multiple Dwelling Units 41 – 45 Benfer Rd, Victoria Point
<b>Appeal Details:</b>	Applicant appeal against refusal.
<b>Current Status:</b>	Appeal filed in Court on 18 September 2015.

**OFFICER'S RECOMMENDATION/  
COUNCIL RESOLUTION**

**Moved by:** Cr P Gleeson  
**Seconded by:** Cr M Edwards

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

**CARRIED 10/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Talty, Gleeson, Bishop and Beard voted FOR the motion.

Cr Williams was absent from the meeting.

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**11.2.3 ROL005924 – 70-92 MULLER STREET, REDLAND BAY – AMEND SITE CLASSIFICATION**

**Objective Reference:** A278306  
Reports and Attachments (Archives)

**Attachment:** [ROL005924 Koala SPRP Mapping, Zoning and Bushland Habitat Overlay Maps](#)

**Authorising Officer:**



**David Jeanes**  
Acting General Manager Community and  
Customer Services

**Responsible Officer:**

**Chris Vize**  
Acting Group Manager City Planning and  
Assessment

**Report Author:**

**Brendan Mitchell**  
Planning Officer

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**PURPOSE**

This request, relating to a Reconfiguring a Lot application, is referred to Council for determination. The request is to amend the site's classification under Division 9 of the South East Queensland Koala Conservation State Planning Regulatory Provisions (Koala SPRP).

The applicant has provided an ecological report recommending that the site's south eastern corner classification is more akin to Medium Value Rehabilitation as opposed to the current High Value Bushland classification for that part of the site. The request has been assessed by Council's technical officers and the change is supported.

Hence, it is recommended that Council resolve to assess the current reconfiguration application under the Medium Value Rehabilitation SPRP classification.

**BACKGROUND**

An application to subdivide the subject site into 64 lots was submitted to Council on 8 May 2015. Council issued an Information Request on 10 June 2015 asking the applicant to address the Koala SPRP. Specifically, the applicant was to address the proposed removal of non-juvenile koala habitat trees, which conflicts with the provisions under Table 6 – Column 2 of the SPRP which states that "site design does not result in the clearing of non-juvenile koala habitat trees in areas of bushland habitat".

To address this, the applicant has submitted an ecological assessment prepared by Gondwana Ecology Group which recommends the SPRP classification be changed from High Value Bushland Habitat to Medium Value Rehabilitation, which is more aligned with the site's characteristics and adjoining classifications. Under Division 9 of the Koala SPRP the applicant must provide sufficient information to Council and the assessment manager may determine as part of a development application whether a different koala habitat type is applicable.

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## **ISSUES**

### **Development Proposal & Site Description**

#### **Proposal**

The proposal is to change the site's south eastern corner Koala SPRP classification from High Value Bushland Habitat to Medium Value Rehabilitation.

#### **Site & Locality**

The subject site (Lot 5 RP 206175, 70-92 Muller Street Redland Bay) comprises 78,130m<sup>2</sup> of land zoned Urban Residential and Open Space.

The site is currently essentially vacant with a dam to the south of the site and a waterway continuing to the north.

In terms of vegetation, the site can be divided into two main areas separated by the waterway. The area to the northwest can be described as regrowth that comprises paperbarks, eucalypts and she-oaks which are less than 10 years old. To the southeast the vegetation is more sparse with approximately 10 trees at varying stages of maturity dotted across this area. The vegetation is no more than 15 years old.

This area is the part of the site identified as having the High Value Bushland classification. It should be noted that the site was essentially cleared of vegetation at least 17 years ago as is evidenced by the aerial in Attachments 1 & 2 (1998 mapping).

The site adjoins Cleveland-Redland Bay Road to the south, the Muller Street road reserve to the north and residentially zoned land to the east and west. The site to the east is currently under construction to create residential lots. To the west is an established Low Density Residential estate.

### **Application Assessment**

#### **South East Queensland Koala Conservation State Planning Regulatory Provisions**

The site is designated as High Value Rehabilitation in the north-east, Medium Value Rehabilitation in the centre, with a small patch of High Value Bushland in the south-east (see Attachment 3).

The applicant has requested an assessment under Division 9 of the SPRP to determine whether the part of the site designated High Value Bushland should be re-designated as a different category, and has submitted an ecologist's report in support of this.

The SPRP defines the designations as follows:

Rehabilitation habitat is an area that is:

- a. mapped as rehabilitation habitat on the Map of Assessable Development Area Koala Habitat Values; or
- b. an area of habitat other than intact, contiguous native vegetation on a lot equal to or larger than 0.5 hectares in size that:

- i. has a land cover composition comprising of a mix of forest, scattered trees, grass and bare surfaces; and
- ii. provides koala populations with food and shelter trees while allowing for day-to-day movement, dispersal and genetic exchange.

The SPRP and the Guideline do not clarify the distinction between High Value and Medium Value Rehabilitation.

Bushland habitat means:

- a. an area that is mapped as bushland habitat on the Map of Assessable Development Area Koala Habitat Values; or
- b. an area:
  - i. that is either:
    1. greater than two hectares in size; or
    2. less than two hectares in size but is within 50 metres of surrounding bushland habitat; and
  - ii. that is characterised by intact contiguous native vegetation and may include remnant and non-remnant or regrowth vegetation; and
  - iii. that has a landcover composition of predominantly forest ranging from closed canopy to open woodland; and
  - iv. that contains an assortment of eucalypt species used by koalas for food, shelter, movement and dispersal; and
  - v. that is not a plantation forest.

The applicant's ecological report notes that the section of the site designated High Value Bushland cannot be described as closed forest or open woodland as it consists of isolated clumps of recent re-growth with fewer than 10 trees that could be defined as "borderline" koala habitat trees due to their small size at this time. This interpretation is supported as aerial photography demonstrates that all regrowth has occurred in the last 10 to 12 years.

An inspection of the site can confirm that at least half the regrowth consists of non-habitat species and could not be described as "predominantly forest or open woodland" (see Attachments 1 & 2). It therefore does not meet the SPRP definition of Bushland Habitat and a Rehabilitation designation is more consistent with the definition.

The applicant's report argues that this part of the site should not be designated Rehabilitation Habitat either (though did not explicitly state that it was 'generally not suitable'), based on an observation that there is no recent evidence of koalas on the site or its surrounds, and that the site is generally isolated by Redland Bay Road to the south.

This interpretation is not supported. The south east corner does consist of a mix of forest (although currently at a very juvenile stage), scattered trees and grass. It does contain food and shelter trees (again, still at a juvenile stage) and does allow for koala movement and genetic exchange. This description broadly meets the SPRP definition of Rehabilitation Habitat.

The SPRP definition does not require the presence of koalas currently. In any event, koalas are known to be currently present in the immediate surrounding area. There is no reason to assume that they do not move through the subject site, as the mix of

habitat trees (although recent regrowth) and grassland is typical of koala habitat that is occupied intermittently.

The north-western and central parts of the site contain denser recent regrowth that has occurred in the last 10 to 12 years. The ecology report argues that this area likewise is not Rehabilitation Habitat for the same reasons noted above. Again, this interpretation is not supported.

There is a mix of koala habitat and non-habitat species in the regrowth, which provides food, shelter, and allowance for koala movement. In time, if left alone, this may become closed forest and open woodland and eventually be classifiable as Bushland Habitat.

The process would take many decades and the likelihood of it happening in this exact location is too difficult to predict, as it is dependent on a number of unknown factors - environmental, town planning, demographic and economic.

Under the Division 9 request and for the purposes of this request, it is reasonable to re-classify the south-eastern corner as Medium Value Rehabilitation to match the adjacent band of Medium Value Rehabilitation, which it would be likely to merge with in time.

It should be noted that if the reclassification is supported a Rehabilitation habitat classification would mean that, if this vegetation is required to be removed as part of site works, then offsets in the form of monetary contributions or replanting will be required under the SPRP.

### **Redlands Planning Scheme**

The Planning Scheme is not relevant to the assessment of the current request. The area of the site which is the subject of this request is not affected by relevant overlays other than the Bushland Habitat overlay under the Redlands Planning Scheme with regards to environmental matters.

The Bushland Habitat overlay will be taken into account as part of the assessment of the application.

### **State Referral Agencies**

The change of classification request does not trigger any referrals.

### **Public Consultation**

The current request does not require public notification.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The request has been assessed in accordance with the Koala SPRP.

### **Risk Management**

There are no direct appeal rights to the Planning and Environment Court against a decision to approve or refuse a request under Division 9 of the Koala SPRP.

However, the applicant or a third party may seek a declaration from the Court that Council should have made a particular decision.

**Financial**

If the request is refused, there is potential that an appeal will be lodged and subsequent legal costs may apply.

**People**

Not applicable. There are no implications for staff.

**Environmental**

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

**Social**

Not applicable.

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

Not relevant to this request under the State Government’s State Planning Regulatory Provision.

**CONSULTATION**

The assessment manager has consulted with other internal assessment teams, in particular the environmental assessment team. Advice has been received from relevant officers and forms part of the assessment of the application.

**OPTIONS**

1. That Council resolves, in accordance with division 9 of the South East Queensland Koala Conservation State Planning Regulatory Provision, that the koala habitat type for part of the land designated High Value Bushland is changed to Medium Value Rehabilitation for the purpose of applying divisions 4 to 7 of these State Planning Regulatory Provisions.
2. That Council resolves to refuse the request under division 9 of the South East Queensland Koala Conservation State Planning Regulatory Provision and maintain that part of the land as High Value Bushland.

**OFFICER’S RECOMMENDATION/  
COUNCIL RESOLUTION**

Moved by: Cr P Gleeson  
Seconded by: Cr M Edwards

**That Council resolves, in accordance with division 9 of the South East Queensland Koala Conservation State Planning Regulatory Provision, that the koala habitat type for part of the land designated High Value Bushland is changed to Medium Value Rehabilitation for the purpose of applying divisions 4 to 7 of these State Planning Regulatory Provisions.**

**CARRIED 5/5** (on casting vote of the Chair)

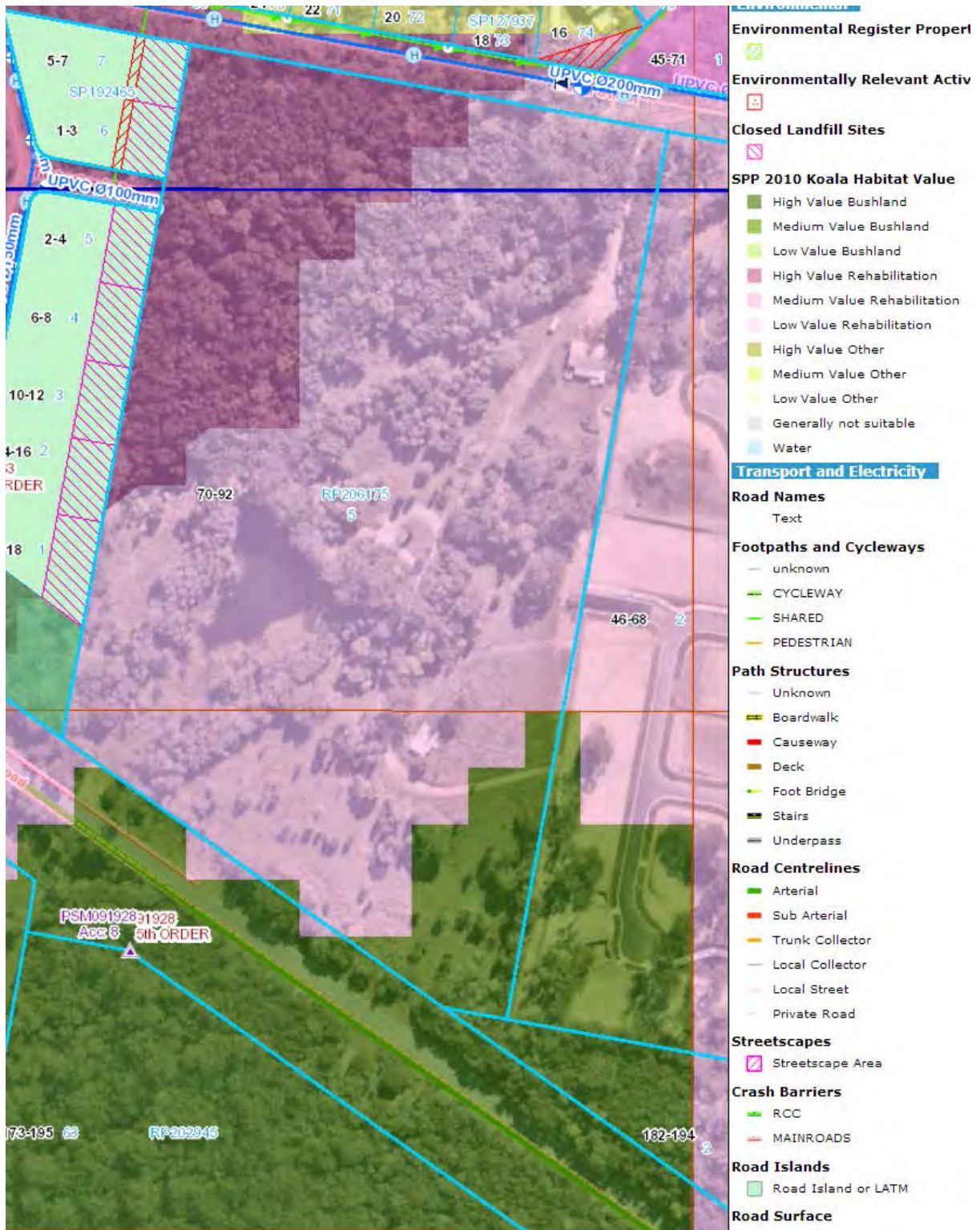
Crs Hardman, Edwards, Talty, Gleeson and Beard voted FOR the motion.

Crs Boglary, Ogilvie, Hewlett, Elliott and Bishop voted AGAINST the motion.

Cr Williams was absent from the meeting.



# Attachment 1 – Koala SPRP Mapping








**11.2.4 ROL005873 – 35-41 WRIGHTSON ROAD, THORNLANDS – 1 INTO 43 LOTS**

**Objective Reference:** A279040  
Reports and Attachments (Archives)

**Attachments:** [Attachment 1 ROL005873 – MC005399 Layout](#)  
[ROL005873 Attachment 2 Stage 1 Layout](#)  
[ROL005873 Attachment 3 Stage 2 Layout](#)

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

**Responsible Officer:** David Jeanes  
Group Manager City Planning and Assessment

**Report Author:** Brendan Mitchell  
Planning Officer

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**PURPOSE**

Council has received an application seeking a Development Permit for Reconfiguring a Lot on land at 35-41 Wrightson Road, Thornlands, for the purpose of a one (1) into 43 lots subdivision, plus road and a public use lot for stormwater management. This application is referred to the General Meeting of Council for determination.

The application has been assessed against the relevant provisions of the Redlands Planning Scheme. The key issues identified in the assessment are:

- Lot size;
- Access; and
- Odour issues from the adjoining poultry farm.

These issues have been addressed in the report, however it is noted that there will be unacceptable impacts from poultry odour on Stage 2 of the development. It is therefore recommended that a development permit be given for Stage 1 and a preliminary approval be given for Stage 2 subject to the cessation of the adjoining poultry farm.

**BACKGROUND**

The following outlines two (2) development applications lodged over or adjoining the site:

MC005399 – A Material Change of Use for Dwelling Houses including a Residential A subdivision of 128 lots (site zoned RNU) was lodged in 1999 which included the area currently proposed for development under ROL005873 (attachment 1). This was to be followed by a Reconfiguration application. Council, at the time, had concerns with regards to the site's proximity to a poultry farm. The application was withdrawn before a response to the information request was made.

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MC006632 – A combined Material Change of Use (Rezoning) and Reconfiguration (120 lots) was received by Council in 2002 on adjoining land at 173 Panorama Drive. Lot 120 (subject site for ROL005873) was proposed as a separate lot which would retain the existing Rural Non-Urban (RNU) zoning. This part of the lot was within the poultry buffer, and was therefore not proposed for residential development at that time in order to avoid the trigger for assessment of poultry odour concerns.

The application was subsequently issued a development permit by the Court in October 2002 and has subsequently been developed.

## **ISSUES**

### **Development Proposal & Site Description**

#### **Proposal**

The proposal seeks a development for reconfiguring a lot for one (1) into 43 lots over two (2) stages, which will result in the creation of:

- Forty-two (42) standard lots ranging in size from 412m<sup>2</sup> to 874m<sup>2</sup>, each with frontages ≥ 14m;
- One (1) internal lot with an area of 929m<sup>2</sup> and accessway of 4.5m wide;
- New road; and
- 1 public use lot with an area of 2006m<sup>2</sup> for stormwater management.

#### **Site & Locality**

The site is partly zoned Urban Residential, within sub-area UR1, and partly Low Density Residential for the southern portion of the site. The site has an area of 35,560m<sup>2</sup> and is currently improved by a single domestic outbuilding, which the applicant indicates will be removed from the site. It is predominantly clear of vegetation and the land slopes towards the north-east and east. The site is in the Kinross Road Structure Plan Area and is surrounded by existing Urban Residential zoned house lots to the north and east, existing Low Density zoned house lots to the south, and vacant agricultural land to the west which is zoned for Urban Residential and Medium Density Residential purposes.

To the south-west is an existing poultry farm which is also zoned for residential use. The site is located on the southern side of the unformed Wrightson Road, and has road frontage to Whitby Place and Caldwell Close. A drainage easement traverses the full length of the eastern boundary of the site.

### **Application Assessment**

#### **Sustainable Planning Act 2009**

The application has been made in accordance with the *Sustainable Planning Act 2009* (SPA) Chapter 6 – Integrated Development Assessment System (IDAS) and constitutes an application for Reconfiguring a Lot under the Redlands Planning Scheme.

#### **Minor Change**

The applicant originally submitted a proposal that included a layout with a road abutting the property to the west. After the information request and further discussions with Council, the applicant submitted a changed layout plan that moved

the road so that it did not allow future connection to the west. The proposed change is a minor change as per S350 of SPA as the change does not result in a substantially different development as follows:

- The number of proposed lots remained the same;
- The proposed change does not introduce new impacts or increase the severity of known impacts; and
- The proposed change does not significantly impact on traffic flow and the transport network. The proposed change maintains a road network that is directed to the east towards Panorama Drive.

### SEQ Regional Plan 2009-2031

The site is located within the Urban Footprint in the SEQ Regional Plan 2009-2031. The proposed residential lots comply with the intent of the Urban Footprint designation of the Regional Plan.

### State Planning Policies & Regulatory Provisions

<b>State Planning Policy / Regulatory Provision</b>	<b>Applicability to Application</b>
SEQ Koala Conservation SPRP	The site is in the assessable area under the SEQ Koala Conservation SPRP and is within a Koala Broad-Hectare Area. The site is designated as High Value Rehabilitation, with small areas along the southern boundary mapped as High Value Other. Division 3 of the SPRP applies. This division requires that the development design incorporates movement corridors and food species for koalas. There are no direct requirements for replanting. Schedule 2 of the SPRP acknowledges constraints from development such as subdivision design and its associated infrastructure and edge effects. The proposed layout does not obstruct fauna movement in itself, and it is recognised that any residential subdivision will have some level of impact on Koala movement. The SPRP requirements are considered to be met through provision of movement corridors via street tree planting.
SPRP (Adopted Charges)	The development is subject to infrastructure charges in accordance with the SPRP (adopted charges) and Council's adopted resolution. Details of the charges applicable have been provided under the Infrastructure Charges heading of this report.
State Planning Policy July 2014	<p>The site is mapped as having the following designations:</p> <ul style="list-style-type: none"> <li>• BIODIVERSITY - MSES - Regulated vegetation (intersecting a watercourse);</li> </ul> <p>The biodiversity designation only just touches the site boundary where adjoining house lots exist. The matters related to vegetation intersecting a watercourse are not</p>

<b>State Planning Policy / Regulatory Provision</b>	<b>Applicability to Application</b>
	<p>relevant in this part of the site (cleared land adjoining existing residential houses).</p> <ul style="list-style-type: none"> <li>• WATER QUALITY - Climatic regions - stormwater management design objectives;</li> </ul> <p>The submitted Stormwater Management Plan adequately demonstrates that the SPP requirements in relation to water quality have been met.</p> <ul style="list-style-type: none"> <li>• NATURAL HAZARDS RISK AND RESILIENCE - Potential bushfire impact buffer.</li> </ul> <p>SARA mapping identifies part of the subject site (towards the south west corner) as a potential impact buffer to a bushfire hazard on the adjoining property to the south-west. The potential buffer affects stage 2 (along the south west corner of the lot) of the development, which, as discussed later in the report, is only recommended for a preliminary approval. A condition will form part of the preliminary approval to ensure compliance with the SPP for potential bushfire impact as part of the future application for a development permit. Considering the above, the State interest is considered to have been addressed.</p>

### Redlands Planning Scheme

The application has been assessed under the Redlands Planning Scheme version 6.2.

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

- Kinross Road Structure Plan Overlay Code
- Low Density Residential Zone Code
- Urban Residential Zone Code
- Reconfiguration Code
- Development Near Underground Infrastructure Code
- Excavation and Fill Code
- Infrastructure Works Code
- Landscape Code
- Stormwater Management Code
- Flood Storm and Drainage Constrained Land Overlay Code
- Landslide Hazard Overlay Code
- Protection of Poultry Industry Overlay Code

The development is considered to generally comply with these codes whilst further information from the applicant is needed to gain development approval for stage 2 of the proposed development. The pertinent issues in the assessment are discussed below.

### Lot Size

It is noted that section 5.15.2 (14) of the Kinross Road Structure Plan Overlay code indicates that minimum lot sizes identified in the Reconfiguration Code do not apply to development within the structure plan area. The southern portion of the site is within Precinct 5a of the Kinross Road Structure Plan (KRSP), along with the properties off Milner Place to the south. Probable Solution P1.6 (3) of the overlay code identifies one way to address the relevant Specific Outcome; by creating lots within this precinct with a minimum size of 1600m<sup>2</sup>, and minimum frontage of 30m. The applicant has proposed 800m<sup>2</sup>, 24m wide properties along this boundary. This is considered to meet Specific Outcomes S1.6 (2) and (3), with the proposed lot size considered to provide a suitable transition zone between the low density and urban residential parts of the structure plan area, whilst protecting the low density residential amenity of existing lots off Milner Place.

It is noted that the UR1 zoning of the site encourages multiple dwelling development. A greater transition zone would be considered necessary if the proposed development within the UR1 zoned area was multiple dwellings, rather than detached lots as proposed. A condition is recommended requiring a minimum setback of 5 metres from the rear boundaries of these interface lots to ensure compliance with the specific outcomes of the planning scheme.

Specific Outcome S1.6 (2d) Kinross Road Structure Plan Overlay code indicates that development in Precinct 5a is to retain and protect significant trees of landscape value located across the rear of lots that directly adjoin existing dwelling houses in Milner Place. It is noted that the purpose is amenity reasons rather than the environmental significance of the vegetation. The above noted recommended rear setback condition is considered sufficient to ensure compliance with the specific outcome.

### Access

Specific Outcome S2.1 (4) (a), (b), (c) and (k)) of the Kinross Road Structure Plan Overlay Code specifies for access streets and access places to be designed and located to:

- provide a high level of internal accessibility for cars, cyclists and pedestrians through the use of a highly connected, permeable grid pattern layout;
- avoid the use of cul-de-sacs to the greatest extent practicable;
- ensure where cul-de-sacs must be used they are designed to –
- ensure the end of the cul-de-sac is visible from the entry to the cul-de-sac to prevent drivers inadvertently turning into dead ends;
- restrict access to a maximum of ten (10) dwelling units; and
- provide pedestrian and cyclist connections through the cul-de-sac to adjoining streets; ensure no new vehicular access is provided between Whitby Place and new residential development to the west in Subprecinct 4a;

In addition, Specific Outcome S1.5 (1) states that the lot layout in Precinct 4, as a whole, should be designed to provide a network of pedestrian and cycle paths and vehicular movement routes that maximise connectivity, permeability and ease of mobility, and ensure the provision of cul-de-sacs are avoided to the greatest extent practicable.

The proposal involves the extension of two existing culs-de-sac in Whitby Place and Caldwell Close to provide access to the development site, resulting in a closed loop



road system. This is considered to achieve the first elements of the specific outcome in terms of permeable layout and avoidance of culs-de-sac.

On the other hand, the second element of the specific outcome is that there is no extension of Whitby Place to the west. The intent of this requirement is to restrict access between Kinross Road and Panorama Drive in this location while maintaining pedestrian access with minimal impact on vegetation. This intent is reinforced by the fact that the subject site is to the south of Whitby Place, not to the west. Furthermore, it is noted that there is no similar reference to Caldwell Close in the specific outcome. This again demonstrates the planning scheme intent that Whitby Place/Wrightson Road would be extended through to Kinross Road. The proposed layout ensures that there is no through connection between Panorama Drive and Kinross Road in this location.

The application proposes an additional 43 lots to be connected to the local road network through Whitby Place, Caldwell Close and Carlingford Drive, accessing Panorama Drive at the intersection that Ziegenfusz Road. A traffic impact assessment has been provided by the applicant that indicates that the intersection, with the additional traffic generated by the development, will operate within acceptable operational limits. The report indicates that no mitigation measures are required to the Panorama Drive/Ziegenfusz Road/Carlingford Drive intersection, to accommodate the traffic generated by the proposed development.

Council's engineers are satisfied that the local road network can accommodate the additional lots, with the Carlingford Drive pavement being 7m wide (equivalent to a residential collector street), which is suitable to accommodate traffic generated by the number of lots in the catchment area. Caldwell Close and Whitby Place can function as access streets, with a reserve width of 15m and pavement width of 6m in accordance with Part 9 Schedule 6, Movement Network and Road Design of the RPS. The proposal has allows a loop road system that is a better outcome than a cul-de-sac in facilitating operation of the local road network, as sought by the planning scheme. As indicated in the table below, the impact of the additional traffic on the local road affected is within the traffic catchments which the roads have been designed to accommodate:

	<b>Carlingford Drive</b>	<b>Caldwell Close</b>	<b>Whitby Place</b>
<b>Pavement</b>	7m wide	6m wide	6m wide
<b>Road Type</b>	Collector Street	Access Street	Access Street
<b>Maximum Traffic Catchment (refer to Part 9, Schedule 6 of the RPS)</b>	300 lots	100 Lots	100 Lots
<b>Estimated traffic catchment (including proposed development)</b>	140 lots	11 existing plus approximately 35 new = 46 lots	21 existing plus approximately 8 new = 29 lots

Both Caldwell Close and Whitby Place, being culs-de-sac, could be identified as access places. However it is noted that the planning scheme policy intends that access places service up to 10 lots, while both Caldwell Close and Whitby Place currently service 11 and 21 lots respectively. Both roads have a reserve width of 15m, a pavement width of 6m and meet access street standards. As such, it is considered that these roads are designed to accommodate up to 100 lots which is more than double the capacity necessary to accommodate this development.

The proposed road layout is considered to provide an integrated, accessible and interconnected road network which minimises culs-de-sac, whilst ensuring appropriate levels of safety and amenity and protection from the impact of traffic movements, as it does not exceed the capacity that the local road network has been designed to carry.

Further, the proposed access to the site is considered to comply with the Overall Outcomes relating to infrastructure, which state that the use of existing infrastructure networks is to be maximised and the extension of such networks is to be done in an orderly, sustainable and cost effective manner.

It is noted that the structure plan has been designed with two access points to the external road network, being Kinross Road and a connection closer to the intersection of Panorama Drive and Boundary Road. As part of the Kinross Road Structure Plan (KRSP) Council engaged an external traffic engineer to provide advice on access points into and out of the KRSP and to analyse the anticipated capacity of existing and proposed roads in the area. The report stated that the current access arrangement for the KRSP is not optimal but would be functional.

This would result in a large catchment, primarily accessed via a single access point, being the intersection of Boundary Road and Kinross Road. The proposed layout would see the subject site accessed from Panorama Drive which would reduce the trip generation by 280 trips per day for that catchment. This is considered to be a positive outcome by making better use of existing infrastructure and reducing the traffic volume on Kinross Road.

In relation to the access off the Whitby Place cul-de-sac, it is noted that part of the road reserve is within Precinct 7e of the Kinross Road Structure Plan Overlay code, with only a small section of the road reserve outside of the precinct boundary. Map 2 of the overlay code also indicates that the part of Whitby Place within the 7e precinct, and the full extent of Wrightson Road, is to remain closed and unconstructed.

This is also required by S2.1 (4j) of the code, which indicates that no new vehicular access is provided to the section of Wrightson Road included within the greenspace precinct (precinct 7). Although no concerns are raised with the extension of Whitby Place and Caldwell Close (addressed above from a traffic impact perspective), the location of the access to the site from Whitby Place is partially through the 7e precinct and requires tree removal. The overlay code specifies protection of these trees as follows:

- S1.8 (1b) (iv and v) which requires koala habitat trees to be retained to the greatest extent practicable, and that where retained, appropriate buffers are established between development and the trees to ensure their ongoing protection and viability;
- S1.9 (1) which requires that the greenspace network (precinct 7) enhances, protects, rehabilitates and maintains environmental, landscape, scenic and

recreational values, protects, manages and enhances koala habitat, and protects remnant and non-remnant vegetation;

- S1.9 (6) which requires that Sub-Precinct 7e protects and enhances publicly owned land that links with a core node of Regional Ecosystem 12.3.6, as well as linear non remnant vegetation which serve as a habitat to local fauna populations, and manages, buffers and enhances patches of high value koala habitat;
- S2.1 (4d) which requires maximisation of retention of individual trees and stands of native trees by incorporating these features into the road design; and
- S2.1 (5 d and f) which requires that no part of the road pavement is constructed within the greenspace precinct, and that the retention of existing individual or stands of native trees is maximised by incorporating these features into the road design.

Part of the road reserve within Precinct 7e is also designated as Bushland Habitat under the Habitat Protection Overlay code. The proposal indicates that the proposed Whitby Place extension will necessitate the clearing of two non-juvenile koala habitat trees within the road reserve/precinct 7e area, which has been confirmed on a site visit by Council officers.

The applicant has indicated that the access from Whitby Place has been designed to achieve the best outcome from a traffic perspective (safe ingress and egress to the site), with the clearest possible sightlines when coming around the corner.

It is noted that the proposed access to the site from Whitby Place does not need to traverse Precinct 7e, as there is sufficient area to allow an access to the west of this precinct. However, that option would result in the loss of more vegetation than the proposed access option. As such, it is considered that the proposal is a better outcome.

In addition, the KRSP overlay code requires a pathway connection through Precinct 7e, which would result in the loss of koala habitat trees. There is therefore a conflict between two elements of the Code. Once again, it is considered that the proposal represents the best outcomes for the site, by facilitating a loop road, making efficient use of existing infrastructure, while restricting the clearing of non-juvenile koala habitat trees to two trees.

Specific Outcome S2.1 (4) (g) of the Bushland Habitat Overlay Code anticipates that some clearing may occur, and provides for offset planting to occur in accordance with the relevant state planning policy, currently Queensland Environmental Offset Act 2014. This will form part of the conditions of approval.

### Poultry Overlay

The entire development site is designated as being within the poultry buffer under the Protection of the Poultry Industry Overlay. The designation of the buffer is not based on site specific odour monitoring, but rather, is based on distance of 500m from an existing poultry farm. Its initial purpose is to trigger assessment of the impacts from the poultry farm on proposed development.

Specific outcome S1.1 of the overlay code require that development does not impact on the current operation or future expansion of the poultry industry by ensuring that reconfiguration does not result in the creation of additional residential lots in the

poultry buffer. The proposal does not meet this specific outcome of the overlay code, and is therefore assessed against the overall outcomes which require that development:

- Protects the ongoing operation of the poultry industry from uses that are sensitive to its operations; and
- Ensures development is sited and designed to ameliorate odour impacts generated by the poultry industry.

The applicant submitted a reverse amenity assessment with the application prepared by a recognised odour consultant. This assessment provided a desktop study of the potential odour impacts on the development site, using an emissions model. This model predicts odour impacts, taking into consideration the number and age of birds, temperature, wind speed and direction, topography and atmospheric turbulence. The study assumed a worse-case scenario, as neither the applicant nor Council have any control over the operation of the poultry farm.

The assessment established an area on the site that is suitable for residential development, as this area will experience very limited odour impacts that are considered reasonable to accept in a residential environment. The proposal identifies this area as Stage 1, which accommodates 31 lots. The assessment identifies that this is subject to the placement of a 20 metre wide vegetated buffer along the western boundary of the Stage 1 area. The assessment then identifies that the balance of the land (on the western side of the site) is not suitable for residential development while the poultry farm is in operation, due to unacceptable odour impacts.

Given that there were concerns raised with the methodology used for the reverse amenity assessment, Council engaged a third party odour consultant to review the report and modelling provided. The consultant made a number of recommendations following discussions with the applicant's odour consultant. Following a number of minor amendments to their methodology and subsequent adjustments to the staging plan, Council's odour consultant was satisfied that the concerns raised were addressed and made two recommendations:

- Notifying residents of Stage 1 of the development that odour from the poultry farm will be detectable at times; and
- Require the installation (including certification) and maintenance of the vegetative buffer recommended in the odour report. This buffer is to be installed prior to occupancy of any lots and maintained as required until the cessation of the adjacent poultry farming activity.

In addition to this, the applicant's consultant provided a number of recommendations with regards to the landscaping buffer which are shown on the proposed reconfiguration plan and reflected in the recommended conditions of the approval for Stage 1.

In terms of overall outcomes of the overlay code, it is considered that the first item (protecting the ongoing operation of the poultry industry), falls away given the zoning of the Kinross Road Structure Plan area for the preferred residential use. The proposal complies with the long term intent of the site for residential development, as long as the short term impacts are managed. The second item (the development is designed to ameliorate odour impacts) is considered to be achieved by exclusion of development on the western side of the site until the poultry farm is abandoned and

provision of a vegetated buffer to screen the poultry farm from view and provide dispersion of odour plumes. As discussed, these matters have been confirmed by Council's odour consultant.

In summarising, it is considered that Stage 1 of the proposal complies with the overlay code. As stage 2 can only comply one the poultry farm use is abandoned, a preliminary approval is recommended for Stage 2, subject to cessation of the poultry farm.

#### Adjoining Rural Uses (excluding poultry farm)

Specific Outcome S4.1 of the Kinross Road Structure Plan overlay code requires that development is to be located and designed to protect the ongoing operation of existing agricultural, rural and light industrial activities by limiting the potential impacts by incorporating attenuation measures or staging plans that respect the ongoing activity. This is also required by S1.1 of the Reconfiguration Code which requires that development maintains a high level of environmental amenity from existing or potential emissions such as noise and air quality impacts and does not compromise the ongoing operation of existing uses.

Aerial photography indicates that the property to the west is currently used for agricultural purposes, however the location of agricultural uses on site (dating back as far as 2010), indicates that the use occupies the western part of the site at 53-65 Kinross Road, separated from the development site by approximately 180m. The key issue in this regard is lighting and spray drift impacts, which are considered to be mitigated by both distance and future fencing along the western boundary. It is considered that the development complies with Specific Outcome S4.1 of the KRSP overlay code and S1.1 of the Reconfiguration Code.

#### Benching of Lots

Specific Outcome S1.5 (1b)(vii and ix) of the Kinross Road Structure Plan Overlay code, indicates that lot layout is to avoid to the greatest possible extent practicable, the benching of new lots, and that cut and fill on new lots over 500m<sup>2</sup> with an existing slope greater than 10% is avoided with dwelling design restricted to non-slab on ground techniques.

The lot falls from 62.25 AHD along the south west corner of the lot to 56.25 AHD along the north eastern corner of the lot. Typical slope of the land is in the order of 4 to 5%, and therefore not exceeding 10%. The lots are proposed following the contours of the land, with stormwater split to three separate catchments to reduce the amount to cut and fill required on the site.

Retaining walls will generally be up to 0.8m high, with the exception of Lot 21-24, with 1.5m high retaining walls. It is recognised that these walls are located only along the rear boundaries and adjoin proposed new lots, rather than existing development. A tiered retaining wall will be required around the bio retention basin to achieve the required levels within this area.

Overall, the application is considered to meet the overall outcomes of the overlay code relating to earthworks, which require that the development respects the existing topography and minimises the need for excavation and fill by following the contour of the land.

### Stormwater

The applicant has supplied a stormwater management plan which indicates that stormwater from the site will be directed as follows:

- The majority of flows will be directed to a detention/bio-retention basin in the south-east corner of the site;
- Runoff from the northern catchment will be discharged to the existing piped stormwater system within Whitby Place, with a gross pollutant trap provided to improve water quality. It is noted that the flows discharging from the northern catchment will be reduced from pre to post-development, as flows from part of the existing northern catchment will be directed south as a result of proposed earthworks.
- A small portion of the site will discharge east to Caldwell Close, with the small catchment area being insufficient to cause an actionable nuisance.

The report indicates that although the existing drainage of the site discharges to two separate locations (north and south), it ultimately discharges into the same drainage line, the Rushwood sanctuary area to the east (a tributary of Hilliards Creek).

From a quantity perspective, the report concludes that potential impacts of any increased flows from the northern catchment (which will only occur for the 2 year ARI event) are considered negligible and satisfactory, given the discharge is to a piped stormwater system. No detention was considered necessary for this catchment. The report indicates that the existing stormwater systems on Whitby Place and Caldwell Close have sufficient capacity to receive the runoff from the site post-development.

For the southern catchment, the report concludes that the proposed detention basin will effectively mitigate peak discharges for all events apart from the 2 year ARI event (which only has a minor increase in flows), and that overall, reductions in peak discharge of approximately 18-30% have been achieved for the total site. The report indicates that it is not considered that the minor increase in 2 year ARI flows from the southern catchment will cause adverse impacts on the receiving waterway. Overall, the report demonstrates achievement of no-worsening of the peak discharge for the 2 to 100 year ARI events (refer to table 5-17 of the report).

There is a PIP stormwater network on the subject lot described as (PIP map references Bio Retention Basin J, GPT J and Detention basin 8). The levels of service in the PIP and definition of trunk infrastructure in the Council's resolution imply that a catchment includes more than one (1) development site to constitute shared infrastructure.

The applicant's stormwater management plan demonstrates that the bio basin located on the site will only service this development. As such there is no sharing of the infrastructure due to the entire sub catchment being contained within the subject site. Therefore the proposed stormwater infrastructure is not eligible for an offset under the relevant conversion criteria.

It is noted that there is a current easement along the eastern boundary of the site. The easement is for drainage purposes in favour of Council. With the proposed stormwater management in place, the easement is superfluous and can be extinguished.

It is noted that section 10.4 of the easement documentation indicates that upon the site being developed such that the existing drainage works are no longer required, that Council must execute a surrender of the easement, such that the easement will no longer be in force and effect.

#### Relevant Period

Section 341 of the Sustainable Planning Act indicates that a reconfiguration approval which requires subsequent operational works application, will lapse after four years, if the plan for the reconfiguration is not given to the local government. Unlike for a material change of use, which only requires the 'first change of use under the approval' to occur, the lapsing trigger for a reconfiguration requires all stages to be completed within the four year period.

If the application is approved, as Stage 2 cannot be constructed until the use of the nearby poultry farm has ceased, to give certainty to the approval, a condition will be required which states a different time period to that required under s341 (2b) of the Sustainable Planning Act.

It is recommended that Stage 2 of the development is given a 10 year relevant period, considering that City Plan 2015 is on public consultation and similar outcomes will be anticipated during the life time of that scheme.

#### Infrastructure Charges

The proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provisions (adopted charges). The total charge applicable to this development is:

Stage 1 – 31 lots (note: no ICN for Stage 2 will be given until a future development permit given)

#### **Notice Number 001058**

Redland Water: \$176,400.00

Redland City Council: \$663,600.00

**Combined charge: \$840,000.00**

This charge has been calculated as follows in accordance with Council's [Adopted Infrastructure Charges Resolution \(No. 2.2\) September 2015](#):

<b>Redland Council</b>	<b>City</b>	
Residential Component (31 X 3 bedroom residential dwellings X \$28,000) X 0.79 (RCC Split)		\$685,720.00
Demand Credit (1 X 3 bedroom residential dwelling X \$28,000) X 0.79 (RCC Split)		\$22,120.00
<b>Total Council Charge:</b>		<b>\$663,600.00</b>

<b>Redland Water</b>	
Residential Component	
(31 X 3 bedroom residential dwellings X \$28,000) X 0.21 (RW Split))	\$182,280.00
Demand Credit	
((1 X 3 bedroom residential dwelling X \$28,000) X 0.21 (RW Split))	\$5,880.00
<b>Total Redland Water Charge: \$176,400.00</b>	

## OFFSETS

There are no offsets that apply under Chapter 8 Part 2 of the *Sustainable Planning Act 2009*.

## REFUNDS

There are no refunds that apply under Chapter 8 Part 2 of the *Sustainable Planning Act 2009*.

## State Referral Agencies

The application did not trigger any State referral requirements.

## Public Consultation

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

A number of informal submissions were received by Council raising concerns in regards to the development. All of the concerns are addressed in the assessment.

## Deemed Approval

This application has not been deemed approved under Section 331 of the *Sustainable Planning Act 2009*.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

In accordance with the *Sustainable Planning Act 2009* this development application has been assessed against the Redlands Planning Scheme V7 and other relevant planning instruments.

### Risk Management

Standard development application risks apply. In accordance with the *Sustainable Planning Act 2009* the applicant may appeal to the Planning and Environment Court against a condition of approval or against a decision to refuse or give a preliminary approval.



**Financial**

If approved, Council will collect infrastructure contributions in accordance with the State Planning Regulatory Provisions (adopted charges) and Council's Adopted Infrastructure Charges Resolution.

**People**

Not applicable. There are no implications for staff.

**Environmental**

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

**Social**

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

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

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

**CONSULTATION**

The assessment manager has consulted with other internal assessment teams where appropriate. Advice has been received from relevant officers and forms part of the assessment of the application. Officers have also consulted with the relevant asset owners in City Spaces, City Infrastructure and Redland Water.

**OPTIONS**

The development application has been assessed against the Redlands Planning Scheme and relevant State planning instruments. The development complies with the instruments and it is therefore recommended that the application be approved with a development permit for Stage 1 and preliminary approval for Stage 2 subject to conditions.

Council's options are to either:

1. Adopt the officer's recommendation to grant a development permit with conditions for Stage 1 and a preliminary approval for Stage 2; or
2. Resolve to grant development permits subject to conditions for Stages 1 and 2; or
3. Resolve to approve the application, without conditions or subject to different or amended conditions; or
4. Resolve to refuse the application.

**OFFICER'S RECOMMENDATION**

That Council resolves to issue a Development Permit subject to conditions for the Reconfiguring a Lot application for 1 into 31 lots (Stage 1 only) and issue a Preliminary Approval for 1 into 12 lots (Stage 2) on land described as Lot 109 on SP154935 and situated at 35-41 Wrightson Road, Thornlands, subject to the following conditions:

Stage 1 – Development Permit

<u>ASSESSMENT MANAGER CONDITIONS</u>		<u>TIMING</u>	
1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.			
<u>Approved Plans and Documents</u>			
2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.		Prior to Council approval of the Survey Plan.	
Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
ROL Plan – Stage One	Sheet No. 1114076_01 Rev E	Place Design Group	13/07/2015
Civil Engineering Infrastructure Report	Aa/8114	Sheehy & Partners Pty Ltd	22/12/2014
Site Based Stormwater Management Plan	3678-01R01V02	Water Technology	December 2014
Landscape Masterplan and Design Intent		Place Design Group	December 2014
Landscape Concept	SK02 / A	Place Design Group	18.12.2014
Landscape Master Plan	SK03 / A	Place Design Group	18.12.2014
Landscape Structure Plan	SK04 / A	Place Design Group	18.12.2014
Landscape Concept	SK05 / A	Place Design Group	18.12.2014
Landscape Concept	SK06 / A	Place Design Group	18.12.2014
Landscape Concept – Entry Landscape Vision	SK07 / A	Place Design Group	18.12.2014
Planting Palette	SK08 / A	Place Design Group	18.12.2014
Planting Palette	SK09 / A	Place Design Group	18.12.2014
Storm Management– Planting Palette	SK10 / A	Place Design Group	18.12.2014
3. Submit to Council a Survey Plan for Compliance Certificate approval, in accordance with the approved plans, following compliance with all relevant conditions and requirements of this approval.		Prior to expiry of the relevant period for the approved	

Table 1: Approved Plans and Documents

	development.
<u>Existing Structures</u>	
4. Demolish or relocate/remove or obtain the relevant approvals for all existing structures on site, including all slabs and footings, in accordance with the approved plan and cap all services prior to demolition commencing.	Prior to Council approval of the Survey Plan.
5. Remove any existing fences and/or incidental works that straddle the new boundaries, or alter to realign with the new property boundaries or to be wholly contained within one of the new properties.	Prior to Council approval of the Survey Plan.
<u>Utility Services</u>	
6. Relocate any services (eg water, sewer, electricity, telecommunications and roofwater) that are not wholly located within the lots that are being serviced.	Prior to Council approval of the Survey Plan.
7. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid in accordance with the terms of any cost estimate provided to perform the works.	At the time the works occur, or prior to Council approval of the Survey Plan, whichever is the sooner.
8. Design and install underground electricity and telecommunication conduits to service all lots in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works code and Planning Scheme Policy 9 – Infrastructure Works. Provide Council with written confirmation of the service provider agreements to the supply of electricity and telecommunication services.	Prior to Council approval of the Survey Plan.
<u>Land Dedication and Design</u>	
9. Submit a plan(s) identifying a building envelope for proposed lots 33 to 36 that restricts buildings on these lots to having a minimum setback of 5 metres from the rear boundaries of these lots.	As part of the request for compliance assessment of the Survey Plan.
10. Grant easements for the following and submit the relevant easement documentation to Council for approval. Once approved by Council, register the easements on the property title. <ul style="list-style-type: none"> <li>a) Stormwater drainage purposes along the entire rear boundary of Lots 37 to 42 in favour of the upstream property owners (i.e. Lots 38 to 42);</li> <li>b) Access for construction, inspection and maintenance of sewerage maintenance holes (MH) where located within the proposed Lot boundaries, in favour of Redland City Council and its agents; and</li> <li>c) Road - vehicle turn around purposes (approximately 625m<sup>2</sup>) on 'Balance Lot' as generally shown on approved plan 1114076_01/E.</li> </ul>	As part of the request for compliance assessment of the Survey Plan.
<u>Split Valuation</u>	
11. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is \$34.10 per allotment (2015/2016 Financial Year). The amount of contribution must be paid at the rate	Prior to Council approval of the Survey Plan.

applicable at the time of payment. A Split Valuation Fee is required for each allotment contained on the Plan(s) of Survey, including balance lots.	
<b><u>Access and Roadworks</u></b>	
12. Design all roads in accordance with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design, unless otherwise stated as part of a specific condition of this approval.	Prior to Council approval of the Survey Plan.
13. Provide traffic calming consistent with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design.	Prior to Council approval of the Survey Plan.
14. Remove all redundant vehicle crossovers and reinstate kerb and channel, road pavement, service and footpaths as specified in accordance with the standards in the Redlands Planning Scheme Policy 9 – Infrastructure Works.	Prior to Council approval of the Survey Plan.
15. Submit to Council, <u>and gain approval for</u> , a road naming plan, in accordance with Council's road naming guidelines, detailing specific road names and designations for all existing and proposed new public roads within the site. Use original road names on all new roads to avoid duplication of any existing road names in the City.	Prior to preparing your Survey Plan.
16. Design and construct a full size cul-de-sac head for vehicle turn around purposes, inside 'Balance Lot' as generally indicated on approved plan 1114076_01/E. Design must be in accordance with the requirements the Redlands Planning Scheme – Infrastructure Works Code.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.
<b><u>Stormwater Management</u></b>	
17. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to: <ul style="list-style-type: none"> <li>• A lawful point of discharge generally in accordance with the approved Civil Engineering Infrastructure Report.</li> </ul>	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.  Ongoing condition.
18. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.  Ongoing condition.
19. Submit to Council, and receive Operational Works approval for, a stormwater assessment that is generally in accordance with the approved Civil Engineering Infrastructure Report prepared by Sheehy and Partners Consulting Engineers and the conceptual Site-Based Stormwater Management Plan 3678-01R01V04	As part of the application for Operational Works or prior to Council approval of the

<p>prepared by Water Technologies, and addresses both quality and quantity of stormwater management in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management.</p> <p>The proposed design and layout of the detention basin/biobasin must be in accordance with the provisions of the Bioretention Technical Design Guidelines V1.1 2014 and requires a maintenance access track.</p>	<p>Survey Plan, whichever is the sooner.</p>
<b>Waste Management</b>	
<p>20. Provide bin service bays for placement of waste and recycling bins for the purpose of emptying bins only (not for storage of bins) to serve proposed Lots 36, 37 and 38. Construct each bin bay of stamped concrete in accordance with the following:</p> <ul style="list-style-type: none"> <li>• 2m long x 1m wide on the road frontage adjacent to each lot.</li> <li>• Located so that the length is parallel to the road edge without impeding any swale drainage or existing/proposed driveway.</li> <li>• Marked 'bin service bay' in letters of 200mm height.</li> </ul>	<p>Prior to Council approval of the Survey Plan.</p>
<b>Water and Wastewater</b>	
<p>21. Connect all lots to the existing reticulated sewerage and reticulated water systems. Submit to Council for approval an application for Operational Works showing the proposed works are in accordance with the SEQ Water Supply and Sewerage Design and Construction Code and the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>22. Remove any redundant sewerage connections within the site or servicing the development and provide documentary evidence to Council or its delegate that this has occurred.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<b>Excavation and Fill</b>	
<p>23. Apply to Council and obtain Operational Works approval for earthworks associated with the reconfiguration. Design and construct all retaining structures in accordance with Australian Standard 4678-2002 Earth-retaining Structures, in particular the minimum 60 year design life requirements.</p>	<p>As part of the application for Operational Works.</p>
<b>Survey Control Information</b>	
<p>24. Submit Survey Plan(s) that include connections to at least two separate corners from two RCC control marks with a valid Department of Natural Resources and Mines Order or RCC Accuracy. These must be shown on the face of the Survey Plan(s) within the Reference Mark or Permanent Survey Mark tables. List the mark number and coordinate in the cover letter.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>25. Survey and present all asset infrastructure in accordance with the Redlands Planning Scheme Part 11 Policy 9 – Infrastructure Works. The horizontal datum for all work must be Redland City Council Coordinates (RCC) and the vertical datum must be Australian Height Datum (AHD).</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>26. Supply a Permanent Survey Mark (PSM) Sketch with the Survey Plan for any new PSMs placed. Include the following on the PSM Sketch:</p>	<p>As part of the request for compliance assessment of the</p>

<ul style="list-style-type: none"> <li>• the mark's AHD Reduced Level;</li> <li>• the datum origin mark number; and</li> <li>• the datum RL adopted.</li> </ul> <p>Comply with the requirements of the <i>Survey and Mapping Infrastructure Act 2003</i>.</p>	Survey Plan.
<b><u>Environmental Management</u></b>	
27. Where koala habitat trees are removed from the site or road reserve as a result of the development, counterbalance the significant residual impact at the rate calculated under the Environmental Offsets Act 2014	Prior to requesting an inspection for on-maintenance of the development.
28. The replanting must be carried out within the Whitby Place road reserve and be in area that is sufficient in size to accommodate the trees when they reach a non-juvenile stage.	As part of any application for Operational Works.
29. If full or partial replanting is not possible, pay the relevant balance as a financial contribution in accordance with the Queensland Government Environmental Offsets Calculator on the state government website, or through the relevant calculation mechanism that applies at the time plan sealing is required.	Prior to requesting plan sealing for the development.
<b><u>Landscaping Works</u></b>	
30. Turf all areas of disturbance within the road verge with turf cut from a weed free source containing no viable weed seed.	Prior to Council approval of the Survey Plan.
<p>31. Submit a Landscape Plan, prepared in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works Chapters 2, 10 and 11, to Council for Operational Works approval. Include the following items in addition to the requirements of the Policy:</p> <ul style="list-style-type: none"> <li>a) Designs that are generally in accordance with the approved landscape concept plans.</li> <li>b) Details of street tree planting in accordance with the Landscape Code with species selected from Schedule 9 of the Redlands Planning Scheme, unless otherwise approved as part of the Operational Works approval.</li> </ul>	As part of the application for Operational Works.
32. Obtain approval from Council for a maintenance plan for the entire landscaping component of the development.	Prior to Council approval of the Survey Plan.
<b><u>Air Quality Requirements</u></b>	
<p>33. Provide a Temporary Landscape Buffer in accordance with the approved ROL Plan – Stage 1, that achieves the following:</p> <ul style="list-style-type: none"> <li>• The buffer is to be planted with a range of fast-growing and hardy vegetation of varying heights and have a minimum height of 3 metres at maturity.</li> <li>• The buffer is to have a maximum porosity of 50% throughout.</li> </ul>	Prior to Sealing of the Survey Plan.

<ul style="list-style-type: none"> <li>The buffer is to be a minimum of 20 metres in width throughout.</li> </ul>	
34. Inform each prospective purchaser of the lots within Stage 1 that odour from the poultry farm may be detectable from time to time.	Prior to the first sale of each lot.
<u>Dust Control</u>	
35. Implement dust control measures at each phase of site development and operation in accordance with IECA (2008) Best Practice Erosion and Sediment Control.	During any site works and construction phase.
<u>Relevant Period</u>	
36. This development permit for Reconfiguring a Lot will remain current for a period of four (4) years starting the day the approval takes effect, as per sections 340 the Sustainable Planning Act 2009.	

Stage 2 – Preliminary Approval

The following conditions are required to be met prior to the issue of a Development Permit:

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>
1. Demonstrate that poultry farm use has been abandoned through either: <ol style="list-style-type: none"> <li>a statutory declaration that the poultry farm use located on Lot 3 on RP220126 has been abandoned and will not, either now or in any future time, carry on or use any part of the poultry farm for the business of a poultry farm, or any other type of similar use or activity including the business or operations of poultry, chicken or egg farming, nor permit or allow anyone else to do so; or</li> <li>photographic or documentary evidence to demonstrate that buildings associated with the poultry farm use have been removed from the site.</li> </ol>	As part of the application for Development Permit for Stage 2.
2. Provide written evidence that the Environmental Authority registered with the Department of Agriculture and Fisheries has been surrendered for the poultry farm located on Lot 3 on RP220126.	As part of the application for Development Permit for Stage 2.
3. Ensure that the road layout is generally in accordance with ROL Plan – Stage Two, Sheet No. 1114076_01 Rev E, prepared by Place Design Group and dated 13/07/2015, ensuring that there is no vehicular access available to the lot directly to the west of the subject site.	As part of the application for Development Permit for Stage 2.
4. Comply with the natural hazards, risk and resilience -potential bushfire impact buffer requirement of State Planning Policy July 2014.	As part of the application for Development Permit for Stage 2.
<u>Relevant Period</u>	
5. This preliminary approval for Reconfiguring a Lot will remain current for a period of ten (10) years starting the day the approval takes effect, as per sections 340 the <i>Sustainable Planning Act 2009</i> .	

### ADDITIONAL APPROVALS

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

- Development Permit for Reconfiguring a Lot for Stage 2.
- Operational Works approval is required for the following works as detailed in the conditions of this approval:
  - Stormwater Management
  - Reticulated sewerage and reticulated water
  - Earthworks
  - Electrical reticulation
  - Access and Roadworks
  - Landscaping
- Building works – demolition:
  - Provide evidence to Council that a Demolition Permit has been issued for structures that are required to be removed and/or demolished from the site in association with this development. Referral Agency Assessment through Redland City Council is required to undertake the removal works.

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

- Road Opening Permit – for any works proposed within an existing road reserve.

### ASSESSMENT MANAGER ADVICE

- **Infrastructure Charges**  
Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.

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- **Live Connections**  
Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.  
  
Further information can be obtained from Redland Water on 1300 015 561.

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

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- **Hours of Construction**  
Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.

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- **Performance Bonding**  
Security bonds may be required in accordance with the Redlands Planning Scheme Policy 3 Chapter 4 – Security Bonding. Bond amounts are determined as part of an Operational Works approvals and will be required to be paid prior to the pre-start meeting or the development works commencing, whichever is the sooner.

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- **Survey and As-constructed Information**  
Upon request, the following information can be supplied by Council to assist survey



and engineering consultants to meet the survey requirements:

- a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
- b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
- c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
- d) Permanent Survey Mark sketch plan copies.

This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.

Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

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- Services Installation

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

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- Fire Ants

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

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- Cultural Heritage

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.

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- Fauna Protection

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

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

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

## **COUNCIL RESOLUTION**

Moved by: Cr K Hardman

Seconded by: Cr W Boglary

**That the Officer's Recommendation not be accepted and that the application be refused on the following grounds:**

1. **The development does not enable the protection of the poultry industry.**

The subject site is wholly within the 500 metre buffer for the Protection of the Poultry Industry Overlay. The purpose of the Protection of the Poultry Industry Overlay Code is, twofold, namely:

- (a) To protect the ongoing operation of the poultry industry from uses that are sensitive to its operations;
- (b) To ensure uses and other development are sited and designed to ameliorate odour impacts generated by the poultry industry.

The proposed development conflicts with Specific Outcome S1.1 of the Protection of the Poultry Industry Overlay Code, and fails to satisfy the purpose provisions of the Overlay Code.

2. **The development creates access streets and access places which have the potential to negatively impact the speed environment and traffic safety of the locality.**

Whitby Place and Caldwell Close are currently designed, and operate as access places. Their extension as proposed as part of this development application is not only contrary to the community's reasonable expectations for these access places, but would also result in an undesirable speed environment, and have traffic safety impacts.

### **7.11.3 Overall Outcomes of the Reconfiguration Code**

- (2) The overall outcomes sought for the Reconfiguration Code are the following -
  - (b) reconfiguration makes a positive contribution to the formation of neighbourhoods;
  - (c) reconfiguration results in safe, convenient and attractive neighbourhoods and places of economic activity,

### **Movement Network -**

- S1.2 (1) The movement network associated with reconfiguration –

- (a) is based on the functional road classification of the local government's adopted Road Hierarchy;
  - (b) is designed to provide a clear distinction between road types based on legibility, convenience, traffic volumes, traffic speed and amenity;
3. The allotments proposed in the southern portion of the subject site are insufficient in terms of size and frontage, and do not enable the creation of an appropriate transition between this development and the lots to the south

The southern portion of the subject site is within Precinct 5a of the Kinross Road Structure Plan Overlay, along with properties off Milner Place to the south. Probable Solution P1.6 (3) of the Overlay Code requires the creation of lots at this location, with a minimum lot size of 1600m<sup>2</sup>, and a minimum frontage of 30 m. The size of allotments proposed in this portion of the subject site are 800m<sup>2</sup> in area, with frontages of 24 metres along the southern boundary. Allotments of these dimensions do not provide a suitable transition between the low density and urban residential parts of the structure plan area, whilst protecting the low density residential amenity of existing lots off Milner Place.

4. In the above regard, the development application is considered to be in conflict with the planning scheme (and more particularly, the Protection of the Poultry Industry Overlay Code and the Kinross Road Structure Plan Code). Insufficient grounds exist to justify an approval despite the above conflicts.

**CARRIED 10/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Talty, Gleeson, Bishop and Beard voted FOR the motion.

Cr Williams was absent from the meeting.

Attachment 1 – MC005399 Layout Plan



Indicative Location of  
Subject Lot

**PROJECT**

35 - 41 Wrightson Road

**CLIENT**

Loncor Properties Pty Ltd

**KEY PLAN / NOTES**

- Subject site
- - - - - Staging boundary
- - - - - 2.5 OU Line
- 14m x 32m allotments
- 16m x 32m allotments
- 24.3m x 32m allotments
- 3m wide Landscape Buffer
- Easement A
- Detention Basin
- 20m Vegetation Amenity Buffer

NOT FOR CONSTRUCTION

ISSUE	CODE	ISSUE DESCRIPTION	BY	CHK	DATE
A	ROL	PRELIMINARY ROL PLAN	EM	LM	05.03.2015
B	ROL	PRELIMINARY ROL PLAN	EM	HC	01.07.2015
C	ROL	PRELIMINARY ROL PLAN	EM	HC	13.07.2015

P/E - Preliminary | CA - Council Approval | T - Tender | COH - Construction

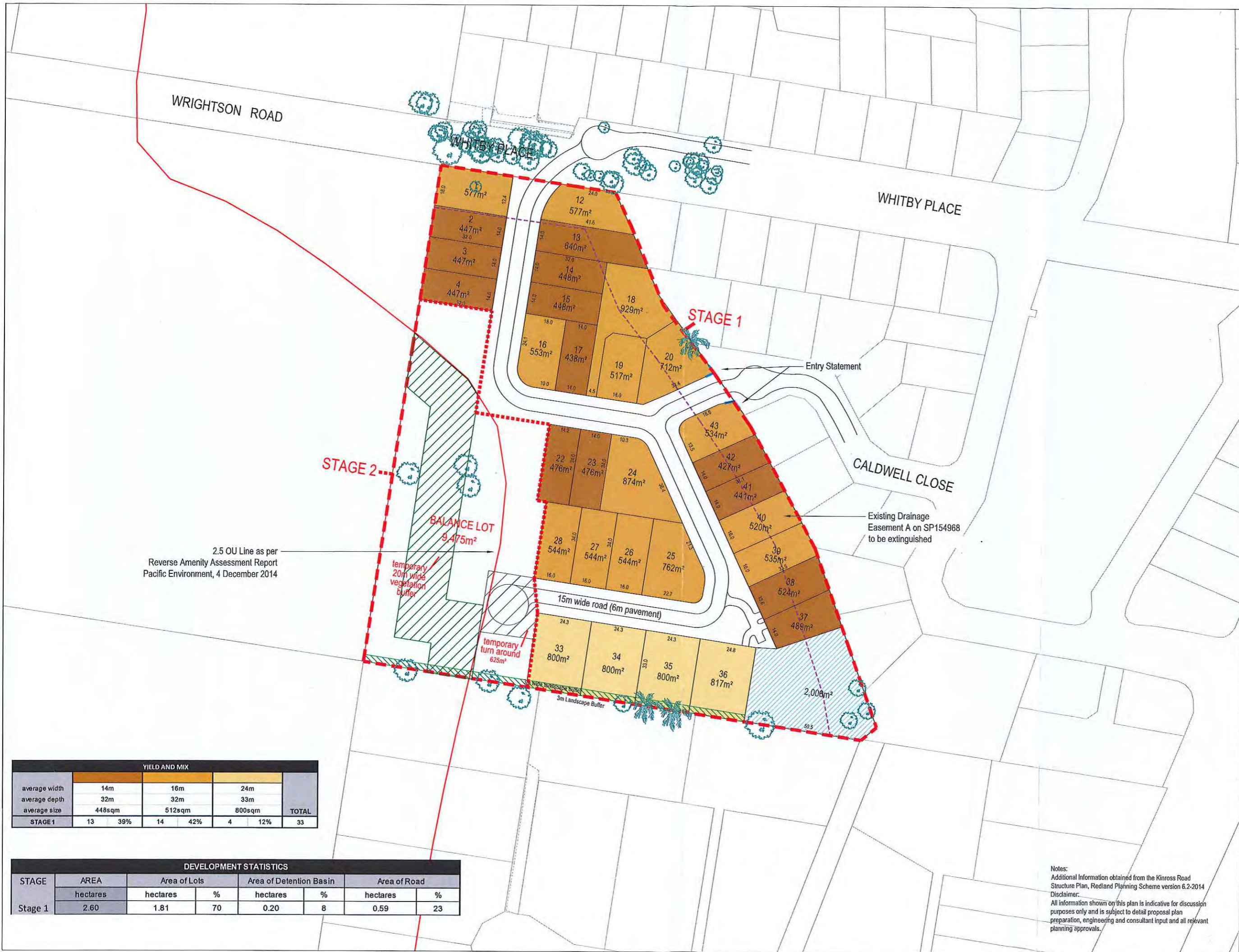
**DRAWING TITLE**

ROL PLAN - STAGE ONE

DESIGN : EM  
DOCUMENT : LM  
PROJECT : 1114076  
SCALE : 1:1500@A3



SHEET NUMBER : 1114076\_01  
REVISION : E



2.5 OU Line as per Reverse Amenity Assessment Report Pacific Environment, 4 December 2014

temporary 20m wide vegetation buffer

temporary turn around 625m²

Existing Drainage Easement A on SP154968 to be extinguished

YIELD AND MIX						
	14m	16m	24m	TOTAL		
average width	14m	16m	24m			
average depth	32m	32m	33m			
average size	448sqm	512sqm	800sqm			
STAGE 1	13	39%	14	42%	4	12%
						33

DEVELOPMENT STATISTICS							
STAGE	Area of Lots			Area of Detention Basin		Area of Road	
	hectares	hectares	%	hectares	%	hectares	%
Stage 1	2.60	1.81	70	0.20	8	0.59	23

Notes:  
Additional Information obtained from the Kinross Road Structure Plan, Redland Planning Scheme version 6.2-2014  
Disclaimer:  
All information shown on this plan is indicative for discussion purposes only and is subject to detail proposal plan preparation, engineering and consultant input and all relevant planning approvals.

**PROJECT**

35 - 41 Wrightson Road

**CLIENT**

Loncor Properties Pty Ltd

**KEY PLAN / NOTES**

- Subject site
- - - - - Staging boundary
- 14m x 32m allotments
- 16m x 32m allotments
- 24.3m x 32m allotments
- 3m wide Landscape Buffer
- Easement A
- Detention Basin

NOT FOR CONSTRUCTION

ISSUE CODE	ISSUE DESCRIPTION	BY	CHK	DATE
A	ROL PRELIMINARY ROL PLAN	EM	LM	05.03.2015
B	ROL PRELIMINARY ROL PLAN	EM	HC	01.07.2015
C	ROL PRELIMINARY ROL PLAN	EM	HC	13.07.2015

**DRAWING TITLE**

ROL PLAN - STAGE TWO

DESIGN : EM  
DOCUMENT : LM  
PROJECT : 1114076  
SCALE : 1:1500@A3



SHEET NUMBER : 1114076\_01  
REVISION : E



average width average depth average size	YIELD AND MIX			TOTAL
	14m 32m 448sqm	16m 32m 512sqm	24m 33m 800sqm	
	STAGE 1	13 39%	14 42%	
STAGE 2	2 20%	7 70%	3 30%	10
TOTAL	15 35%	21 49%	7 16%	43

STAGE	DEVELOPMENT STATISTICS						
	AREA hectares	Area of Lots hectares	%	Area of Detention Basin hectares	%	Area of Road hectares	%
Stage 1	2.60	1.81	70	0.20	8	0.59	23
Stage 2	0.95	0.56	59	0.00	0	0.39	41
TOTAL	3.55	2.37	67	0.20	6	0.98	28

Notes:  
Additional Information obtained from the Kinross Road Structure Plan, Redland Planning Scheme version 6.2-2014  
Disclaimer:  
All information shown on this plan is indicative for discussion purposes only and is subject to detail proposal plan preparation, engineering and consultant input and all relevant planning approvals.

**11.2.5 DRAFT PLANNING BILLS**

**Objective Reference:** A285678  
**Reports and Attachments (Archives)**

**Authorising Officer:**



**Louise Rusan**  
**General Manager Community and Customer Services**

**Responsible Officer:**

**David Jeanes**  
**Group Manager City Planning and Assessment**

**Report Author:**

**Callan Langlands**  
**Strategic Planner City Planning and Assessment**

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**PURPOSE**

The purpose of this report is to:

1. Provide an overview of the proposed major changes to the Queensland planning system to be introduced to Parliament in the form of the draft *Planning Bill* and draft *Planning and Environment Court Bill*;
2. Identify issues and concerns in regards to the proposed Bills that can be incorporated into a single submission to the Department of Infrastructure, Local Government and Planning (DILGP) for consideration and review.

**BACKGROUND**

Since 2012, the Queensland State Government has initiated a program to reform the state planning system. The reform has delivered a number of key initiatives since this time, including the State Assessment Referral Agency (SARA) and single State Planning Policy (SPP). A further element of the reform agenda initiated under the former Newman Government was the reshaping of Queensland's principle planning legislation, the *Sustainable Planning Act (SPA) 2009*.

In August 2014, the Queensland Government released a draft of the Planning and Development Bill and the Planning and Environment Court Bill, to replace SPA, proposing significant changes to the State's statutory planning system. Community feedback on the draft bills was sought prior to their introduction to Parliament, to which Redland City Council made a submission.

An amended Planning and Development Bill and Planning and Environment Court Bill were subsequently introduced to parliament in November 2014. The Bills were referred to the State Development, Infrastructure and Industry Committee for consideration, however lapsed upon dissolution of the Legislative Assembly on 6 January 2015.

The State elections in January 2015 resulted in a change in government, with the new Labour Government sworn in on 14 February 2015. Despite the change in government, the reform of the planning regime has remained a key focus, with the

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Planning Reform Directions Paper released in May 2015 outlining a commitment to delivering a new Planning Act.

On 10 September 2015, the Queensland Government released a draft of the Planning Bill and Planning and Environment Court Bill (together with the draft Planning (Consequential) and Other Legislation Amendment Bill), both intended to replace the SPA. While the Draft Planning Bills retain key elements of the previous Planning and Development Bill, a number of significant changes are proposed. In particular, there is a much greater focus on promoting community engagement and public participation in both plan making and development assessment and ensuring that the planning system delivers confidence and certainty in relation to planning outcomes.

The Queensland Government has invited community feedback on the draft bills prior to their introduction to Parliament, with both draft bills currently on public consultation through until 23 October 2015. The primary purpose of this report is to inform Council on the key elements of the draft Bills and identify potential issues and concerns which can be incorporated into a written submission to DILGP.

A Councillor workshop was held on 6 October 2015 for the purpose of providing Council with an overview of the changes as detailed in the draft planning bills, and informing the development of this report and proposed draft submission.

## **CHANGES TO THE QUEENSLAND PLANNING SYSTEM**

### Structure

The draft planning bills retain the fundamental structure and key elements of the current legislative framework. This is demonstrated through the retention of the development assessment system, state and local planning instruments, a hierarchy of instruments and dispute resolution processes.

However, since commencing the planning reform process under the former Newman Government, there has been an emphasis on simplifying the planning legislative framework, a principle that has been carried forward under the current Palaszczuk Government. The draft Planning Bill 2015 has attempted to achieve this by consolidating and rearranging many of the current provisions to remove duplication and ensure the structure of the legislation is more easily understood and user friendly.

Importantly, unlike the prescriptive and detailed nature of SPA, the proposed Planning Act will operate as a 'skeleton act', providing an overarching framework to be supplemented by supporting regulations and guidelines that will provide for much of the process and procedural provisions currently found in the existing Act. This has resulted in various supporting legislative instruments being identified to supplement the draft Planning Bills. These include:

- a. Draft Planning Regulation 2016
- b. Draft Development Assessment Rules
- c. Draft Minister's Rules and Guidelines for Making or Amending Local Planning Instruments
- d. Draft Infrastructure Designation: Statutory Guideline for Local Government

The Department has released illustrative drafts of each of these instruments to provide an indication of how they are to operate under the new system.



Consideration of each of these instruments has been made for the purpose of analysing the bills and informing the draft submission, however the Department has indicated it will consult separately on these instruments once the Bills have been introduced into parliament.

In all, the revised structure as presented in the Planning Bills is generally supported and seen to be a logical move forward in delivering a simpler, user friendly legislative framework.

#### Purpose of the Act

The purpose of the Act is to facilitate ecological sustainable development, and includes references to impacts of climate change, specifically “potential adverse impacts on climate change” are taken into account for development, and sought to be addressed through sustainable development (like sustainable settlement patterns and sustainable urban design). This represents a departure from the purpose of the previously touted Planning and Development Bill, however builds upon the purpose of the SPA.

The Department has sought specific feedback in terms of the options for advancing the purpose of the Act, providing a specific example as a basis to illustrate how the provisions could be shaped. Again, it is recognised that the example provided is essentially a re-wording of the current provisions under SPA. It is considered that these existing provisions are appropriate for advancing the purpose of the Act and should be retained as proposed.

#### Planning Instruments

The Planning Bill includes a single chapter describing the planning instruments (state, regional and local) within the framework and how they relate to each other. It covers superseded planning schemes and compensation as well as infrastructure designations and represents the consolidation of Chapters 2, 3 and 5 of SPA. Key differences in the new Bill compared to SPA as it relates to the planning framework include:

- *Simplified State Planning Instruments* – Only two state planning instruments are proposed to be retained, those being the Single State Planning Policy and Regional Plans. Consultation and community engagement arrangements, such as notification requirements and Regional Planning Committees, are carried forward in the new arrangements.

The reduction to two state planning instruments sees the removal of State Planning Regulatory Provisions and Standard Planning Scheme Provisions [also known as the Queensland Planning Provisions (QPP)]. Matters currently addressed through these instruments that need to be regulated and mandated will be done so as part of the Planning Regulations, with the balance of matters to be provided in guidance material. It is noted that at this point in time, two critical State Planning Regulatory Provisions (SPRP) impacting Redland City, the SEQ Koala SPRP and the SEQ Regional Plan SPRP, are yet to be transitioned into the regulation. Further review of the regulations will be undertaken once the Regulations and Guidance Material are finalised and released for consultation at a future date.

In simplifying state planning instruments, it is intended to increase local government flexibility, particularly within the plan making process. For example, the level of detail and standardisation required under QPP was seen to reduce flexibility and constrain innovation. As part of the proposed changes, only those

critical matters utilised for the purpose of maintaining consistency of planning instruments across the state will be retained in the regulations (i.e. standard definitions), with a more flexible approach to the content advocated through guidelines. This change is intended to allow Councils greater flexibility in the drafting of planning schemes to better reflect and respond to locally specific matters.

- *Flexible approach to plan-making* – The Bill adopts a more flexible approach to plan making, with each step in the process devolved to a new instrument that will establish the principles (rather than process) upon which a scheme should be prepared. The aim is to move away from a focus on prescribed processes to more clearly articulated State expectations and interests.
- *Life of Temporary Local Planning Instruments (TLPI)* – TLPIs will have effect for up to two years from the day they are to have effect rather than the timeframe of one year as provided for under SPA 2009. Additionally, TLPIs will be able to be amended as opposed to the current practice of having to prepare a new planning instrument.
- *Infrastructure Designation* – Currently reflected under the provisions of ‘Community Infrastructure Designation’ in SPA, Infrastructure Designation supports the delivery of key local and state infrastructure. Designations of land may be made by the Planning Minister, or by a local government. The current ability for any Minister to designate land is not continued.

The designator of land (being the Planning Minister or Local Government) must be satisfied that:

- the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of infrastructure; or
- there is or will be a planning need for the efficient and timely supply of infrastructure.

Development in relation to infrastructure identified in a designation is accepted development, except to the extent the development is building work that is building assessment work under the Building Act. Unlike the position under SPA, all development, except building work, under a designation is accepted development, and the designation provides exemptions beyond the planning scheme.

- *Compensation* - Under SPA, a land owner is not entitled to compensation for planning scheme changes that negatively affect the value of their land, where the change is intended to prevent development that would otherwise cause a “*significant risk to person or property from natural processes (including flooding, land slippage or erosion) and the risk could not have been significantly reduced by conditions attached to a development approval*”. Under the compensation provisions found in the Planning Bill 2015, this test is revised to apply to any change that simply reduces the risk (rather than ‘significantly reduces’). In making the change, a local government authority must prepare a report in accordance with Ministerial rules that assess feasible alternatives for reducing the risk, including consideration of imposing lawful development conditions on approvals. This change to be introduced through the new planning bills are seen to create greater certainty for local governments in making changes, without fear of attracting claims for compensation.

Importantly, the draft Bill also specifies that a local government does not incur a liability for anything a local government does or does not do in complying with a

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direction of the Minister or action taken by the Minister for existing, proposed or proposed amendment of a local planning instrument.

### Development Assessment

As previously noted, many of the key underpinning features of the current development assessment system remain in place, including:

- State and local instruments set assessment criteria.
- Integrated assessment processes between the assessment manager and state agencies [State Assessment and Referral Agency (SARA)].
- Vertical integration of state, regional and local planning frameworks.
- Development categorised into risk based streams.
- Preliminary approvals and development permits.
- Public notification and third party appeal rights for some Development Applications.
- Established timeframes/currency periods for development approvals.
- Negotiated decision notices.

There are however important changes to the development assessment system that alter the Queensland development approval process. These changes are summarised as follows:

- *Changed categories of assessment/development* – The Bill proposes to refine the current five categories of development (exempt, self-assessable, compliance, assessable, and prohibited), with three new categories of assessment to be introduced, namely *accepted*, *assessable* and *prohibited*. Whilst terminology is yet to be settled (an issue open to consideration as part of the consultation process), assessable development will be split into two categories, being standard/code and merit/impact.

*Accepted development* reflects the current category of ‘exempt’ and ‘self-assessable’, being a simple means of determining when a development approval is required. The principle that all development is exempt (accepted) unless otherwise specified remains a fundamental tenet of the framework.

*Standard/Code Assessment* reflects the current category of ‘code assessment’ and represents a bounded assessment whereby development is only to be assessed against identified benchmarks (i.e. codes and standards etc.) and having regard to matters prescribed by the Regulations. This is intended to be a quicker, less complicated and more predictable assessment than the current Code Assessment process, removing the opportunity for an applicant to argue grounds outside of the matters addressed by the planning scheme such as planning need.

At this point in time, the Bills present two options for consideration in terms of how standard/code applications will be determined under the new Act, those being:

*Option 1* - *The assessment manager must decide and approve an application to the extent it complies with the benchmarks for the development and may impose development conditions on any approval. To the extent the development does not comply with the assessment benchmarks, the assessment manager can decide to refuse the application only if compliance cannot be achieved by imposing development conditions.*

*Option 2 – Assess the development against the benchmarks and decide to approve all or part of the application; decide to approve all or part of the application, but impose development conditions; or refuse the application.*

Merit Assessment generally reflects the current category of ‘impact’ assessment. The merit assessment stream is a broader assessment against the benchmarks and prescribed matters as well as consideration of discretionary matters, including:

- A planning need,
- The current relevance of the assessment benchmarks in the light of changed circumstances,
- Whether assessment benchmarks or other prescribed matters were based on material errors.

It is intended that merit assessment would apply to more complex projects that provide for a stronger departure from development anticipated under the planning scheme. Similar to SPA, merit/impact assessments will all require public notification and may be subject to third party appeals. Submitter appeal rights would be available only to those who made a properly made submission during the notification period for development requiring merit/impact assessment (public notification).

Prohibited Development will continue to be limited to development identified in a state instrument. A local planning instrument may state that development is prohibited only if a state regulation allows it to do so.

- *Development Assessment Process* – The current development assessment process has a number of static stages, whereby each stage must be completed before the next stage can be undertaken (i.e. application; information and referral; public notification; decision).

The proposed development assessment process will include 2 stages, being an assessment stage and a decision stage. The application, information and referral, and public notification stages under the current development assessment process will become steps under the assessment stage. The steps within the assessment stage should only be undertaken where necessary for a development application, and some of the steps may occur earlier or at the same time as each other.

For example, an applicant will be able to give a copy of the development application and required fee to each referral agency when they give the development application to the Council. Under the current development assessment process, the applicant must wait until the Council gives them notice accepting the development application (called an acknowledgment notice) before they can give a copy of the application and the required fee to each referral agency. This allows each referral agency to commence their assessment of the development application against their jurisdictional responsibilities earlier in the development assessment process.

- *Relocation of Development Assessment rules* – Much of the detailed processes governing the Development Assessment system currently included in SPA will be removed and incorporated in the accompanying Regulations and associated guidelines.
- *Exemption Certificates* – Proposed new provisions are available to Council to issue exemption certificates for assessable development in certain circumstances:

- Development that is considered to result in minor/inconsequential effects;
- When circumstances warranting assessable development change; or
- When development has been categorised in error.

In these instances, the development remains assessable, but no approval is needed. The certificate has effect for a period of 2 years or until withdrawn.

- *Changes to development approvals* – In accordance with SPA, changes to a development approval may be permitted where the proposed change is minor in nature, subject to subsequent approval by the assessment manager. It is proposed to carry forward these existing provisions for minor change applications, in addition to expanding change applications to include changes to a development approval not considered to be minor in nature.
- Minor change applications will continue to be assessed in a similar manner provided for under SPA, while major change applications will be administered using development assessment rules as if the application for original development were made, including the proposed change. Assessment and decision rules however will only apply to the element of change. Public notification does not apply if the change is not a minor change only because it causes a referral to a referral agency, or referral to extra referral agencies.
- *Amendments to currency periods* – Where a development permit does not specify the currency period for a development approval, the Bill introduces new standard currency periods for a Material Change of Use (from 4 years to 6) and Reconfiguration of a Lot (from 2 years to 4) application. It is proposed however to remove the related approval provision currently included under SPA whereby the currency period may be restarted from the point at which an additional approval associated with the development is obtained.
- *Alternative assessment manager* – The assessment manager for development will be identified in the regulations. For development categorised as assessable development, if a local government or chief executive is identified as the assessment manager, these entities may keep a list of other entities who may, at the discretion of Council, be appointed as assessment managers for the application.
- *Ministerial Powers and Call-in* - Unlike the lapsed Planning and Development Bill 2014, the notification and consultation process before the call in power is exercised is continued by the draft Planning Bill. Timeframes for call ins are deferred to the regulations.

At the time of giving the call in notice, the notice must state the reasons for the call in, the State interest, whether the Minister intends to assess and decide or reassess and re-decide the application and (except for a cancellation application) the point in the development assessment process from which the process must restart.

In deciding the application, the Minister may consider anything the Minister considers relevant. The Minister is not bound by any referral agency response.

The Minister may call in a development application, change representations, change application, extension application or a cancellation application.

- *Referral Agencies* - The Planning Bill removes the distinction between advice and concurrence agencies. An applicant is required to give a copy of the development application to a referral agency where a referral agency is prescribed by regulation, or an agency decided by the Minister to be a referral agency.
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The referral agency response powers are expressed differently to those under SPA, and include that the referral agency can decide to direct the assessment manager to:

- give any development approval subject to stated conditions;
- give development approval for only a stated part of the development;
- give only a preliminary approval;
- require a stated currency period for any development approval given;
- refuse the application for stated reasons.

Decisions of the assessment manager must comply with referral agency responses (other than to the extent a referral agency's response provides advice), including that conditions must be imposed exactly as stated in the response.

### Infrastructure

The infrastructure charging provisions in the Planning Bill largely replicate the infrastructure charging provisions from SPA that commenced on 4 July 2014, with requisite changes to terminology, and in recognition of the discontinuance of SPRPs.

The current Adopted Infrastructure Charges SPRP is to be replaced by regulation which will prescribe charges.

On commencement, the SPA will continue to apply to:

- charges notice given before 4 July 2014, unless the notice relates to a development approval that is changed or extended; and
- charges payable before 4 July 2014.

Infrastructure agreements entered into before commencement will also continue to have effect, even if the terms and conditions could not be imposed under the Planning Act.

### Offences and Enforcement

Offences included in the draft Bills largely align to that included under SPA, though some tweaks have been made to the system. Notably, the maximum penalties for offences have been increased significantly, increasing from an upper limit of 1,665 penalty units under SPA to 4,500 penalty units under the Planning Bill.

Additionally, the draft Planning Bill allows the chief executive to appoint "inspectors" who may be officers of the department, or other persons prescribed by regulation. Inspectors have powers under the draft Planning Bill, including to enter into a place with consent or with a warrant for certain purposes.

### Planning and Environment Court

A significant change between SPA and the draft Bills is the removal of the Planning and Environment Court's rules from the planning legislation and the creation of a standalone piece of legislation, being the draft Planning and Environment Court Bill. While the Planning and Environment Court's powers and jurisdiction are similar to those as provided for by the SPA, notable changes include:

- *Development Tribunal* – The Development Tribunal will replace the current Building and Development Dispute Resolution Committee. This aims to further facilitate the use of alternate dispute resolution processes before a matter progresses to the Planning and Environment Court.

- *Non-Appealable Decision* – The concept of a non-appealable decision is introduced in the Draft Bills. As specified under the Planning and Environment Court Bill, a decision or order made by the Court is non-appealable other than in limited circumstances. Further, a decision of a Minister under the Planning Bill is “not appealable”, meaning that the decision:
  - is final and conclusive; and
  - may not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, in any court.

A person who is aggrieved by a decision, may, however, apply to the Supreme Court for a review of the decision on the ground of jurisdictional error.

- *Costs* – There has been a restriction in the discretionary factors available when evaluating costs. This demonstrates a legislative intent to return to the principle that each party bears its own costs. However, a party will still be liable for costs where the proceedings have been initiated for an improper purpose or considered “frivolous or vexatious” by the Courts. This reform is aimed at promoting the appeal rights of third parties, a response to the Government’s goal of increasing public participation and engagement.

#### Transitional Provisions

It is necessary to note that the transitional provisions reflected in the draft Bill are preliminary at this point in time and subject to further development as the draft Bill is refined, before being brought before Parliament. Generally, the proposed new legislation will seek to ensure that matters that were valid at the repeal of SPA will remain valid under the new legislation. Notwithstanding, specific transitional provisions of note include:

- *Development Applications* – Existing approvals previously issued under the Integrated Planning Act (IPA) and SPA will continue as approvals under the proposed new Act. Applications to change these existing approvals will be subject to the new Act arrangements.

Development applications not decided at the commencement of the new Act are to be decided under SPA as if the new Act had not yet commenced. Subsequent development approvals issued in this manner are taken to be approvals under the new Act.

- *Development assessment process* – Transitional provisions are included in the draft Bill relating to levels of assessment where utilising planning schemes prepared in accordance with IPA/SPA. These transitional provisions include:
  - Exempt and self-assessable development (where compliant) under an IPA/SPA planning scheme directly translates to Accepted Development.
  - Compliance and Code Assessment under an IPA/SPA planning scheme directly translates to Standard/Code Assessment.
  - Impact Assessment under an IPA/SPA planning scheme directly translates to Merit/Impact Assessment.
- *Planning Schemes* – Transitional provisions are yet to be finalised however DILGP have advised Council that all schemes will be deemed Planning Act schemes at commencement of the Act via transitional arrangements.

## ISSUES

Overall, Council officers are generally supportive of the proposed changes to Queensland's planning system to be introduced as part of the draft Bills. In principle, these changes are seen as a positive step forward in progressing the State's statutory planning system, providing greater flexibility to Council in its plan making processes and ensuring appropriate public participation in the planning system.

However, a number of concerns and issues have been identified with the draft Bills. These issues as outlined below will inform the drafting of a submission to DILGP.

### 1. Retention of current terminology for levels of assessment

As noted above, the Bills as prepared do not settle on the terminology for categories of assessable development. Rather, the draft Planning Bill provides options for the future categories of assessment, being:

- *standard* or *code* assessable for the bounded assessment against prescribed benchmarks listed in a categorising instrument or regulation, and
- *merit* or *impact* assessable development for the higher level of assessment.

The Department has stated that they are open to further comment on the proposed names of the categories of assessment. At a recent Councillor workshop, it was expressed that a preference would be to retain the current terminology as detailed in SPA, that being Code and Impact for the two levels of assessment. It is considered that whilst there are changes to the process for levels of assessment, the fundamental concept remains, with the new structure largely a reflection of the existing categories of assessment.

Retaining levels of assessment terminology as currently expressed within planning schemes across the state would reduce confusion and aid in the transition of existing planning schemes from SPA to the new Planning Act in the future.

### 2. Support for alternate assessment manager provisions

Council is generally supportive of the ability for a local government to maintain a list of external entities who may be appointed to the role of assessment manager for certain development applications. However, this in principle support is on the understanding that the decision to appoint an external assessment manager is strictly at the discretion of the local government authority.

### 3. Deciding Standard/Code Development Applications

DILGP has specifically sought comment having regard to the two options presented for the standard/code decision rules, as detailed above in the preceding section to this report.

Councillors have expressed support for option 2 as presented in the draft planning bills. In effect under this option a development may only be approved where it wholly satisfies the prescribed assessment benchmarks or can be conditioned as such to do so. This bounded assessment process is considered to provide greater certainty to applicants and practitioners as well as the broader community in terms of development outcomes that can occur under a code/standard assessment.

### 4. Review the proposed definition of "use"

The definition of a "use" as proposed in the Planning Bill fundamentally expands the activities that may be carried out because secondary activities need not be

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necessarily associated with the primary use to be considered part of that use and as a result, lawful. While the flexibility of including broader activities as part of a use may be beneficial in certain circumstances, it is suggested that the regulation and enforcement of activities that were not contemplated as part of a development approval (although ancillary) may prove problematic for Councils and potentially undermine local communities' understanding of the development process.

Rather, it is suggested that the existing SPA definition be retained, requiring an ancillary use to be both incidental to and necessarily associated with the use of the premises. In maintaining the current definition, this is seen to provide greater certainty for both the public and local governments when considering development applications.

## **5. Support for ongoing concerns raised by LGAQ regarding infrastructure reform**

The infrastructure provisions included in the draft Planning Bill largely replicate the provisions from SPA that commenced on 4 July 2014, with requisite changes to terminology, and in recognition of the discontinuance of SPRPs. Council, principally through representations made by LGAQ, have remained vocal on a number of the infrastructure reform items that continue to remain of relevance moving forward under the draft planning bills, including:

- *Providing automatic indexation of maximum adopted infrastructure charges,*
- *Restoring the ability for a local government to set conditions relating to trunk infrastructure,*
- *Providing equitable offset or refund requirements to ensure financial sustainability of Council's,*
- *Removing the unnecessary red-tape application process of converting trunk infrastructure conditions,*
- *Improved Community Infrastructure Designation processes, including for local government*

Council continues to support LGAQ in its representations to the DILGP to have the above reform matters taken into further consideration as part of the review of submissions for the draft Planning Bills.

## **6. Opportunity to tighten and improve offences and enforcement provisions**

It is acknowledged that the changes to offences and enforcement are minor in nature, and largely reflect the provisions provided under SPA. Notwithstanding, the following comments and suggested modifications are provided in relation to specific provisions under the draft Planning Bill for further consideration by DILGP.

### **6.1 s86 – Lapsing of approval for failing to complete development**

This provision, though essentially similar to the current SPA provision, continues a problematic scenario where development that is not completed is also typically not unlawful either. As such there is no mechanism to have the unfinished development completed.

For example, a person commences construction of a house during the currency period but does not complete it before the lapse date. In the event that they perform no further works post the lapse date, (as often occurs on the Southern Morton Bay Islands) there is no development offence occurring. That is, the works prior to lapsing

are undertaken lawfully under the development approval and if no further physical works are performed Council cannot pursue the owner for carrying out development without an effective development approval. In addition, as the development approval has lapsed, Council cannot look to have the works completed as a breach of development conditions.

Based on these considerations, it is suggested that a development offence be added either to this section or separately in the list of development offences, stating that it is an offence to not complete development, including fulfilling all applicable development conditions and compliance within a negotiated period following the lapse date for the development approval.

## **1.2 s161-163 Development Offences**

The maximum penalty units have increased substantially from 1,665 to 4,500 penalty units. Whilst this is generally supported, there is concern this may be detrimental to effective compliance action if the increase in the maximum penalty translated to a significant increase in the amount of a Penalty Infringement Notice (PIN) for the offences under *State Penalty Enforcement Regulation 2014* (SPER).

It is prudent to ensure that the amount of a PIN is not disproportionate to most simple offences and not significantly more than that which a Magistrates Court would hand down for a similar offence. In circumstances where this is the case, Council's ability to utilise a PIN as an effective compliance tool is likely to be reduced, given the likelihood of it being contested in the Courts for being excessive.

Council's Compliance Officers are generally of the view that the current PIN amounts set under SPER for those offences detailed under s161-163 are generally sufficient and should not be significantly increased to reflect the change to the maximum penalty units under the draft Bills. More significant offences are to be prosecuted through the courts and a PIN should not be relied on in those circumstances.

## **1.3 s166 Enforcement Notices**

The draft bill has changed the wording of the enforcement notice provision under SPA and subsequently appears to have potential drafting errors relating to issuing an enforcement notice to an owner of a property, where the owner did not commit the offence. In accordance with s166 of the draft Planning Bill, a person and an owner of premises may receive an enforcement notice. This appears to make it mandatory that to issue an enforcement notice to the owner of premises you must also issue it to the person who committed the offence.

This provision is deemed to be inappropriate for certain circumstances, such as for historical offences, where either the original person who committed the offence is unknown or where there has been a change in ownership of the premises. In this example, the regulatory authority would effectively be unable to issue an enforcement notice to remedy the original offence.

Further to the above, s.166(2) refers to an enforcement notice requiring only a person to remedy an offence. It is considered that it may be argued that the owner of premises has been separately identified in s166(1)(b) from a person (refer s.166(1)(a)) and therefore the provision to remedy the offence may not apply.

It is recommended these provisions be redrafted to provide for greater clarity regarding the issuing of enforcement notices, having regard to these areas of

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inconsistency. It is suggested that the current provisions relating to enforcement notices under SPA, namely s590, provides greater clarity regarding this issue and should be carried forward through to the new Act.

#### **1.4 s170 Application in response to show cause or enforcement notice**

Whilst it is acknowledged that it is the role of SPER to establish PINs rather than the principle planning legislation, it is noted that Council enforcement officers do not have the ability to issue a PIN under s170 of the draft planning Bill. Council officers have expressed it to be highly desirable that a PIN option exist for this offence to enable it to be used effectively with time lags associated with development applications for non-compliant development works.

Currently, it is recognised that this enforcement action is not used as the time associated with going to Court for this offence generally outweighs the length of time associated with an applicant delaying unnecessarily the progress of a development application.

### **7. Re-education program**

Cultural change cannot simply be compelled by legislative reform. A perceived lack of understanding of performance based planning throughout Queensland has hampered the progress of a system that was envisaged to provide greater flexibility and innovation.

Performance based planning combines a clear articulation of performance outcomes with a measure of flexibility regarding how these outcomes will be achieved. Together with performance outcomes, acceptable outcomes are often included in planning instruments with an aim to demonstrate to developers one way the performance outcome can be achieved. However they do not represent the only way a performance outcome can be satisfied. Other alternative methods may be proposed by the developer to satisfy the performance outcome.

Whilst the purpose of including acceptable outcomes is to simply identify one way of achieving the performance outcomes of the codes, this has become a great source of angst and frustration within the community, who often operate under the false assumption that the acceptable outcome are a prescriptive criteria where failure to comply should result in a refusal.

To this end, it is seen as both appropriate and necessary to instigate a significant education campaign, aimed at better informing the wider community, not only of the assessment categories and processes under the draft Bills, but the performance based planning system both the current Act and draft Bill are built upon.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The draft bills will result in the repeal of the *Sustainable Planning Act 2009* and associated Regulations and Guidelines, introducing new Acts, Regulations and guidelines including the proposed Planning Act and Planning and Environment Court Act. Drafts of both Planning Bills are currently open for public comment, with the consultation period ending 23 October 2015. An opportunity is now available for Council to make a submission to the Department of Infrastructure, Local Government and Planning regarding the draft Bills. There is no legislative requirement for Council to make a submission.

## **Risk Management**

The risk of not making a submission to the Department of Infrastructure, Local Government and Planning regarding the bills is that Council's concerns and opinions in relation to the proposed changes to the QLD statutory planning system will not be considered.

## **Financial**

The proposed changes to the planning system are likely to have potentially significant financial implications for Council. Specifically, it is noted that changes to the planning system will result in practical, process and administrative changes within Council to ensure compliance, including:

- Staff training to ensure that appropriate staff are familiar with the changes;
- Administrative changes to Council's development application process;
- Staffing resources required to amend Council templates and electronic administration systems.

In addition, Council will need to consider whether to re-draft the Draft City Plan into a format consistent with the new Act or undertake changes progressively through a regular program of amendments.

There are no financial implications associated with making a submission to DILGP on the draft Bills.

## **People**

The staff resourcing required to make a submission to DILGP has been drawn from the Strategic Planning Unit of the City Planning and Assessment Group.

## **Environmental**

No strategic environmental implications are specifically identified at this time.

## **Social**

The proposed changes to be introduced by the draft Bills will see an overall simplification to the QLD statutory planning system. The move towards a simplified, more user friendly planning act will, to a large extent, remove redundant or cumbersome planning processes, reducing red tape and associated costs to the community.

In addition, the proposed Bills continue to ensure community participation in the Queensland planning system. However, to ensure the effectiveness of the new system, as noted earlier in this report, it is essential that the State Government commit to a major education program to support the roll out of the new Act.

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

The proposed changes to the Queensland Planning system fall outside the scope of Council's policy and plans. Amendments to the planning scheme and Draft City Plan 2015 as advertised will be required to ensure that it reflects the changes to be introduced in the Planning Act once it commences.

## CONSULTATION

The Queensland Government has invited community feedback on the draft bills prior to their introduction to Parliament, with both draft bills currently on public consultation through until 23 October 2015. This provides Council the opportunity to review the proposed changes to the Queensland statutory planning system and make a submission, should it so desire.

A Council workshop was held on 6 October 2015 for the purpose of providing Council with an overview of the changes as detailed in the draft planning bills, and informing the development of this report and proposed draft submission.

In addition, in reviewing the proposed legislation, the Strategic Planning Unit has consulted with other areas of Council that operate within the planning system, seeking their input and gauging opinion on the proposed changes. Council Officers are generally supportive of the proposed changes to simplify the State's primary planning legislation as represented in the draft Planning Bills. Notwithstanding, those matters of concern raised throughout the internal consultation with Council officers have been incorporated into the Issues section of this report.

## OPTIONS

1. That Council resolves to:
  - a. Note the proposed changes to the Queensland Planning System to be introduced in the Draft Planning Bill and Planning and Environment Court Bill; and
  - b. Delegate authority to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009* to make a submission on behalf of Council to the Department of Infrastructure, Local Government and Planning, addressing the matters as outlined in the Issues section of this report.
2. That Council resolves to:
  - a. Note the proposed changes to the Queensland Planning System to be introduced in the Draft Planning Bill and Planning and Environment Court Bill; and
  - b. Not make a submission to the Department of Infrastructure, Local Government and Planning, recognising Council's support for the proposed changes.
3. That Council resolves to:
  - a. Note the proposed changes to the Queensland Planning System to be introduced in the Draft Planning Bill and Planning and Environment Court Bill; and
  - b. Delegate authority to the CEO under s.257(1)(b) of the *Local Government Act 2009* to make a submission to the Department of Infrastructure, Local Government and Planning addressing additional matters raised by Council, not limited to those detailed in the Issues section to this report.

**COUNCIL RESOLUTION**

Moved by: Cr P Gleeson  
Seconded by: Cr M Edwards

That Council resolves to:

1. Note the proposed changes to the Queensland Planning System to be introduced in the Draft Planning Bill and Planning and Environment Court Bill;
2. Delegate authority to the Chief Executive Officer, under s.257(1)(b) of the Local Government Act 2009 to make a submission on behalf of Council to the Department of Infrastructure, Local Government and Planning, addressing the matters as outlined in the Issues section of this report; and
3. That Council, in its submission to the Department of Infrastructure, Local Government and Planning, make representations advocating for a planning framework that:
  - a. Provides greater certainty for outcomes;
  - b. Allows for the use of prescriptive standards and assessment benchmarks in local government planning schemes where appropriate; and
  - c. Extends the ability of identifying prohibited development to a local government through the plan making process.

**CARRIED 10/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Talty, Gleeson, Bishop and Beard voted FOR the motion.

Cr Williams was absent from the meeting.

**12 MAYORAL MINUTE**

Nil

**13 NOTICES OF MOTION TO REPEAL OR AMEND RESOLUTIONS****13.1 NOTICE OF MOTION TO AMEND COUNCIL RESOLUTION – CR BEARD****13.1.1 BEST PRACTICE FOR COMMUNITY PANELS AS REFERENCE, ADVISORY AND/OR REVIEW GROUPS**

On 8 October 2015, in accordance with s.262 *Local Government Regulation 2012*, Cr Beard gave notice that he intends to move as follows:

At the General Meeting of 26 August 2015 (Item 14.4.1 *Best Practice for Community Panels as Reference, Advisory and/or Review Groups*) Council resolved to:

1. **Ask the Chief Executive Officer to have a report prepared on best practices in local government around the world on the use and application of community panels as reference, advisory and/or review groups;**
2. **Request that the report provides information on outcomes as reported by local governments which have had experience in this area, including the financial implications;**
3. **Request that the report also provides guidance to Councillors on any relevant legislative and legal implications of establishing such panels or groups;**
4. **Request that the report is to be brought back to Council for a workshop in November 2015 for guidance and direction prior to final report being considered by Council; and**
5. **Approve up to \$10,000 to commission the report, noting that this will be included in the first budget review.**

In accordance with notice given on 8 October 2015, Cr Beard moved as follows:

**COUNCIL RESOLUTION**

Moved by: Cr A Beard

Seconded by: Cr P Bishop

That Council amends its resolution of 26 August 2015 (Item 14.4.1 *Best Practice for Community Panels as Reference, Advisory and/or Review Groups*) as follows:

1. **Replace clause 5 with the following wording: “5. Note that funding for the report will be formally requested through the first budget review.”**

**CARRIED 10/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Talty, Gleeson, Bishop and Beard voted FOR the motion.

Cr Williams was absent from the meeting.

**14 NOTICES OF MOTION**

Nil.

**CONFLICT OF INTEREST ITEM 15.1.1**

Cr Bishop declared a 'perceived' conflict of interest as local divisional councillor, as he had been involved in discussions with members of the community in regards to the heritage aspects of the property, has created two facebook page groups where people can express their views and did an oral presentation to the Heritage Council when they were considering this matter. Cr Bishop indicated he will be staying in the room and voting in the community interest. Cr Bishop voted FOR the motion.

**15 URGENT BUSINESS WITHOUT NOTICE****15.1 URGENT BUSINESS – CR EDWARDS****15.1.1 RIC TO INVESTIGATE OPTIONS TO PURCHASE PROPERTY AT 302 OLD CLEVELAND ROAD EAST, BIRKDALE****COUNCIL RESOLUTION**

Moved by: Cr M Edwards

Seconded by: Cr P Bishop

That Council resolves to:

1. Direct Redland Investment Corporation to investigate options to purchase the property at 302 Old Cleveland Road East, Birkdale on commercial and non-commercial terms and to investigate options to develop the property and retain the existing dwelling and structures on the property; and
2. Direct Redland Investment Corporation to report to Council on the results of the investigation.

**PROCEDURAL MOTION**

Moved by: Cr J Talty

That the motion be put.

LOST 4/6

Crs Hardman, Edwards, Talty, Gleeson voted FOR the motion.

Crs Boglary, Ogilvie, Hewlett, Elliott, Bishop and Beard voted AGAINST the motion.

Cr Williams was absent from the meeting.

After further discussion, Cr Edwards' motion was put to the vote and **CARRIED 10/0**



## 15.2 URGENT BUSINESS – CR OGILVIE

### 15.2.1 UPDATE ON ITEM OF GENERAL MEETING 23 SEPTEMBER 2015 – 14.1.1 POSSIBLE COLLABORATION WITH LOCAL AQUACULTURE BUSINESS UTILISING COUNCIL LAND

Permission was granted for Cr Ogilvie to bring forward the following item of Urgent Business.

Crs Bishop, Elliott, Hewlett, Hardman, Ogilvie and Boglary voted FOR.

Crs Gleeson, Edwards, Talty and Beard voted AGAINST.

### **COUNCIL RESOLUTION**

Moved by: **Cr C Ogilvie**

**That Council resolves that a verbal report be given today on what actions have been taken to enact the motion previously moved by myself on the aquaculture industry.**

**CARRIED 6/4**

Crs Boglary, Ogilvie, Hardman, Hewlett, Elliott and Bishop voted FOR the motion.

Crs Edwards, Talty, Gleeson and Beard voted AGAINST the motion.

Cr Williams was absent from the meeting.

## 15.3 URGENT BUSINESS – STATEMENT BY CR ELLIOTT

### 15.3.1 LOCAL GOVERNMENT RENUMERATION AND DISCIPLINE TRIBUNAL – APOLOGY – CR ELLIOTT

On 12 October 2015, the Local Government Remuneration and Discipline Tribunal determined that I had engaged in misconduct under the *Local Government Act* by performing my responsibilities or exercising my powers as a councillor in a way that was not honest or impartial.

I wish to apologise for that misconduct.

The Tribunal's determination relates to statements that I made to a Redland City Bulletin journalist, which were published on 17 March 2015.

Those statements concerned legal proceedings in the Planning and Environment Court regarding the proposed Ausbuild development at Cleveland-Redland Bay Road, Thornlands.

Council had received legal advice which recommended that Council seek to settle those proceedings. In accordance with that advice, Council settled the proceedings in December 2014.

However, in my statements to the journalist, I said that the legal advice had recommended that Council proceed to defend the matter to a Court hearing, rather than settle.

I accept the Tribunal's finding that my statements to the journalist regarding the legal advice were incomplete and misleading as to the effect of the advice. It was never my intention to mislead the community in my actions but only to state my interpretation on the legal advice.

I recognise that I have acted inappropriately, and apologise for my actions.

**16 CLOSED SESSION****16.1 INFRASTRUCTURE & OPERATIONS****16.1.1 RESOLUTION OF COUNCIL TO CALL EXPRESSIONS OF INTEREST FOR WASTE TRANSFER STATION OPERATION CONTRACTS**

**Objective Reference:** A280828  
Reports and Attachments (Archives)

**Authorising Officer:**

  
**Gary Soutar**  
General Manager Infrastructure and Operations

**Responsible Officer:**

**Kevin Mcguire**  
Group Manager Water and Waste Operations

**Report Author:**

**Leslie Foster**  
Senior Contracts Advisor

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**EXECUTIVE SUMMARY**

A confidential report from General Manager Infrastructure & Operations presented to Council for consideration.

**COUNCIL RESOLUTION**

**Moved by:** Cr M Elliott  
**Seconded by:** Cr M Edwards

**That Council resolves that:**

- 1. In accordance with section 228 of the *Local Government Regulation 2012*, the RedWaste Services Unit invites expressions of interest prior to inviting written tenders for the selection of a contractor/s to enter into the waste transfer station operational services contract/s with Council;**
- 2. In the best interest of Council, RedWaste Services Unit may invite written tenders from shortlisted respondents for the selection of a contractor/s to enter into the waste transfer station operational services contract/s with Council; and**
- 3. This report remain confidential.**

**CARRIED 10/0**

Crs Boglary, Ogilvie, Hardman, Hewlett, Edwards, Elliott, Talty, Gleeson, Bishop and Beard voted FOR the motion.

Cr Williams was absent from the meeting.

**17 MEETING CLOSURE**

There being no further business, the Deputy Mayor declared the meeting closed at 10.28am.

**Signature of Chairperson:** \_\_\_\_\_

**Confirmation date:** \_\_\_\_\_