



Redland
SHIRE COUNCIL

MINUTES

GENERAL MEETING

**Wednesday 01 August 2007
commencing at 4:00pm**

**Council Chambers
1st floor Administration Building
Bloomfield Street Cleveland. Qld 4163**



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1 DECLARATION OF OPENING

The Mayor declared the meeting open at 4:00pm.

2 DEVOTIONAL SEGMENT

Pastor John Scovell from the Redlands Ministers' Fellowship led Council in a brief devotional segment.

3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

MEMBERS PRESENT:

Cr D H Seccombe	Mayor
Cr P J Dowling	Deputy Mayor and Councillor Division 4
Cr A G Barker	Councillor Division 1
Cr C B Ogilvie	Councillor Division 2
Cr D A Henry	Councillor Division 3
Cr J L Burns	Councillor Division 5
Cr T Bowler	Councillor Division 6
Cr M A Elliott	Councillor Division 7
Cr A R Beard	Councillor Division 8
Cr K M Williams	Councillor Division 9
Cr H J Murray	Councillor Division 10

EXECUTIVE LEADERSHIP GROUP:

Mrs S Rankin	Chief Executive Officer
Mr M Goode	General Manager Customer Services
Mr R Turner	General Manager Corporate Services
Mr J Pruss	General Manager Redland Water & Waste
Mr G Underwood	General Manager Planning and Policy

MINUTES:

Mrs T Dunn	Corporate Meetings & Registers Team Leader
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4 RECEIPT AND CONFIRMATION OF MINUTES

4.1 GENERAL MEETING MINUTES OF 27 JUNE 2007

Moved by: Cr Beard
Seconded by: Cr Williams

That the Minutes of the General Meeting of Council held on 27 June 2007 be confirmed.

CARRIED

4.2 SPECIAL MEETING MINUTES OF 2 JULY 2007

Moved by: Cr Barker

Seconded by: Cr Elliott

That the Minutes of the Special Meeting of Council held on 2 July 2007 be confirmed.

CARRIED

5 MATTERS OUTSTANDING FROM PREVIOUS GENERAL MEETING MINUTES

5.1 REPORT FROM CHIEF EXECUTIVE OFFICER

The following matters outstanding from previous minutes were presented by the Chief Executive Officer and were noted by Council.

5.1.1 PETITION (DIVISION 2) – SPEEDING ALONG MOSELLE DRIVE, THORNLANDS

At the General Meeting of 28 March 2007, Council resolved that the petition requesting that Council “do something about the speeding along Moselle Drive, Thornlands” be referred to the appropriate area of Council for consideration and report.

A report addressing this petition will be presented to the Planning and Policy Committee meeting scheduled for 12 September 2007.

5.1.2 RESEARCH ON INTRODUCTION OF CARBON MARKETS

At the General Meeting of 28 March 2007, Council resolved to undertake research and report back to Council on the potential revenue opportunities that have been created by the introduction of carbon markets like the NSW Benchmark Scheme.

A report addressing this petition will be presented to the Planning and Policy Committee meeting scheduled for 12 September 2007.

5.1.3 PETITION (DIVISION 10) – REQUEST FOR NAMING OF PARK

At the General Meeting of 2 May 2007, Council resolved that petition requesting to name parkland in Fisher Road, Thorneside, be received and referred to the appropriate area of council for consideration and report to the relevant Committee.

A report addressing this petition will be presented to the Planning and Policy Committee meeting scheduled for 12 September 2007.

5.1.4 PETITION (DIVISION 1) – FOOTPATH WORKS, MAIN ROAD, WELLINGTON POINT

At the General Meeting of 27 June 2007, Council resolved that petition requesting that Council finish the paved footpath between Musgrave Street and Valley Road, Wellington Point, on Main Road, be received and referred to a future Planning and Policy Committee meeting.

This petition has been referred to the Infrastructure Planning Group for investigation and a report addressing this petition will be presented to a Planning and Policy Committee in due course.

5.1.5 PETITION (DIVISION 5) – REQUEST FOR ROAD UPGRADES, RUSSELL ISLAND

At the General Meeting of 27 June 2007, Council resolved that petition requesting that Council undertake some road upgrades on Vista, Taylor, Regal, Folwell, Ross and Coyne Streets, Russell Island, be received and referred to a future Planning and Policy Committee meeting..

This petition has been referred to the Infrastructure Planning Group for investigation and a report addressing this petition will be presented to a Planning and Policy Committee in due course.

6 PUBLIC PARTICIPATION

MOTION TO ADJOURN MEETING

Moved by: Cr Dowling

Seconded by: Cr Ogilvie

That the proceedings of the meeting adjourn for a public participation segment.

CARRIED.

The following speakers addressed Council regarding item 10.2.2 on today's agenda (*Petition (division 3) – South Street Noise Mitigation Investigation*):

1. Mr D Denovan of Rotorn Industries, Cleveland Industrial Estate;
2. Mr P Sargent of Thornlands (in vicinity of Cleveland Industrial Estate);
3. Mr K Pearce, Snack Bar Owner, Cleveland Industrial Estate; and
4. Ms J Patterson of Thornlands (in vicinity of Cleveland Industrial Estate).

MOTION TO ADJOURN MEETING

Moved by: Cr Elliott

Seconded by: Cr Dowling

That the proceedings of the meeting resume.

CARRIED.

7 PETITIONS/PRESENTATIONS**7.1 LETTER RE SOUTH STREET AND ENTERPRISE STREET, THORNLANDS, NOISE AND TRAFFIC ISSUES WITH RESIDENTIAL AND INDUSTRY INTERFACE**

Moved by: Cr Henry
Seconded by: Cr Bowler

That the letter addressed to the Mayor dated 30 July 2007, with signatures of business operators within Cleveland Industrial Estate, requesting Council make no changes affecting the industrial precinct before completing planning overviews of the entire area and future infrastructure, and undertake direct consultation with all those to be affected by any contemplated changes, be received and acknowledged.

CARRIED

7.2 PRESENTATION OF CERTIFICATES – URBAN LOCAL GOVERNMENT ASSOCIATION

The Mayor presented Crs Murray, Beard, Bowler and Elliott with certificates from the Urban Local Government Association acknowledging their ten (10) years continuous service to local government.

8 MOTION TO ALTER THE ORDER OF BUSINESS

Moved by: Cr Elliott
Seconded by: Cr Williams

That late report, entitled, *Councillors' Remuneration Entitlements*, be received and discussed as Item 13.1.1.

CARRIED

9 DECLARATION OF INTEREST ON ANY ITEMS OF BUSINESS

Cr Murray declared a Material Personal Interest in Item 13.2.4 *Alleged Breach of the Councillor Code of Conduct* and left the meeting after making a brief statement regarding this matter.

10 PLANNING & POLICY COMMITTEE 18/07/07 - RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Burns
Seconded by: Cr Henry

That the following Planning & Policy Committee Report of 18 July 2007 be received.

CARRIED

DECLARATION OF OPENING

Cr Burns declared the meeting open at 9.00am.

RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

Members Present

Cr J L Burns	Chairperson and Councillor Division 5
Cr D H Seccombe	Mayor
Cr A G Barker	Councillor Division 1
Cr C B Ogilvie	Councillor Division 2
Cr D A Henry	Councillor Division 3
Cr P J Dowling	Deputy Mayor and Councillor Division 4
Cr T Bowler	Councillor Division 6
Cr M A Elliott	Councillor Division 7
Cr A R Beard	Councillor Division 8
Cr K M Williams	Councillor Division 9
Cr H J Murray	Councillor Division 10

[Cr Burns vacated the Chair at 9.42am, during discussion on Item 2.2, Cr Beard presided. Cr Burns returned to the meeting at 11.33am at the commencement of Item 2.5 and resumed the Chair. Cr Seccombe left the meeting at 9.42am during discussion on Item 2.2 and returned at 11.33am at the commencement of Item 2.5. Cr Dowling left the meeting at 9.50am during discussion on Item 2.2. Cr Barker left the meeting at 10.41am at the conclusion of Item 2.2. Cr Murray left the meeting at 11.52 during discussion on Item 2.5.]

Committee Manager

Mr G Underwood General Manager Planning and Policy

Officers

Mrs S Rankin	Chief Executive Officer
Mr D Elliott	Manager Infrastructure Planning
Mr W Dawson	Manager Land Use Planning
Mr G Photinos	Manager Environmental Management
Ms R Bonnin	Manager Community and Social Planning
Mr S Collingwood	Strategic Planning Advisor
Mr T Britt	Senior Advisor Principal Planning Traffic Engineer
Mr W Mortlock	Senior Advisor Environmental Protection

Minutes

Mrs J Parfitt

Corporate Meetings & Registers Officer

PUBLIC PARTICIPATION AT MEETING

Moved by: Cr Williams

Seconded by: Cr Dowling

That the meeting be adjourned for a 15 minute public participation segment.

CARRIED

- Mr D Sacagio of Capalaba addressed Committee in relation to a petition submitted to Council in March 2007 relating to speeding on Elmhurst Street and Crotona Road, Capalaba.

Moved by: Cr Williams

Seconded by: Cr Seccombe

That the meeting resume.

CARRIED

DECLARATION OF INTEREST

Nil.

MOTION TO ALTER THE ORDER OF BUSINESS

Moved by: Cr Williams

Seconded by: Cr Dowling

That the order of business be altered to discuss *Redland Business Accelerator Pty Ltd – Company Status* as the first item of business and *Petition (Division 9) – Speeding on Elmhurst Street and Crotona Road, Capalaba* as the second item of business.

CARRIED

10.1 OFFICE OF CHIEF EXECUTIVE OFFICER

10.1.1 REDLAND BUSINESS ACCELERATOR PTY LTD - COMPANY STATUS

Dataworks Filename: ED Projects – Business Accelerator (Incubator)
Responsible Officer Name: Susan Rankin
Chief Executive Officer
Author Name: Anne Roseler
Manager Legal Services

EXECUTIVE SUMMARY

In 2004, Council agreed to exercise its enterprise powers and form a company to establish a business incubator. Council is an equal shareholder in this company and the Manager Economic Development has been the Director representing Council's shareholding interest on the Board.

This report seeks authority to dispose of Council's shareholding in Redland Business Accelerator Pty Ltd [RBA].

PURPOSE

The purpose of this report is to dispose Council's shareholding in the company of Redland Business Accelerator Pty Ltd (RBA).

BACKGROUND

On 23 June 2004, Council resolved to exercise its enterprise powers under Chapter 6 Part 4 of the *Local Government Act 1993* to, among other things, become a member of a company whose objectives were to develop and deliver business incubation and related services and to seek further business opportunities utilizing this technology. That company is RBA.

RBA is jointly owned by Council and Creatop (Aust) Pty Ltd.

On 11 August 2004 Council further resolved that the Chief Executive Officer would represent Council's shareholding interest on the Board of RBA and also extended the usual indemnity to her while she acted in this role.

The establishment of a fully operational incubation service was dependent on the success of an application to the Federal Government for grant funding. This application has not been approved and RBA decided to consider other ways to market its services.

The Chief Executive Officer resigned as a Director of the company in late 2005 and Council appointed the Manager Economic Development to undertake the responsibility.

The RBA presently has almost \$9,000 on hand in cash funds, with approximately 50% accounted for in present or expected liabilities.

RBA activities in the Redlands

Council had allocated \$30,000 in funding during the 2005/06 year to support RBA business initiatives in the Redlands, however, this funding was withdrawn in the first budget review during the year. As a result, no funding was available for Redland focused incubator activities.

RBA appointed a business development consultant in early 2006 to sell RBA services to the Redlands business community on a revenue sharing basis. This agreement was terminated in September 2006, when it became clear the arrangement was not yielding results. At present, no local activity is occurring.

ISSUES

Council established RBA to focus on developing business incubation services for Redland businesses. Unfortunately funds to support the establishment and operation of these services were not forthcoming from either of the Australian or Queensland Governments. This followed numerous approaches and funding proposals.

It should be noted that the RBA technology products have a wider application than the Redlands, and various enquiries have been made to the company from throughout Australia on the products.

The company has been unable to successfully promote and sell its services.

The options available to the Council include:

- 1) Maintaining its involvements in RBA as a shareholder;
- 2) Selling its shareholding; or
- 3) Seeking to wind up the company.

The benefits for Council to continue its involvement in the company as a shareholder, given that its principal focus in establishing the company was on assisting Redland businesses, is limited with the risks outweighing any benefits that might accrue in future.

Given that the company still has funds and intellectual property, through the licensing arrangements with Creatop, at its disposal the Council's shares still have a value attached to them.

The sale of Council's share compared to winding up the company is preferable from a transaction cost and time perspective.

The sale of the shares to Creatop, or another interested party, is recommended over the wind-up procedure.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to ensure the long term financial viability of the Shire and provide public accountability in financial management.

FINANCIAL IMPLICATIONS

Council will receive funds through the sale of its shares in RBA.

PLANNING SCHEME IMPLICATIONS

It is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

Nil.

OPTIONS

PREFERRED

That Council resolve to:

1. Dispose of its shareholding in Redland Business Accelerator Pty Ltd;
2. Delegate authority to the Chief Executive Officer to do all that is necessary to dispose of Council's share in Redland Business Accelerator Pty Ltd;
3. If the Chief Executive Officer is unable to dispose of the Council's share,
 - a. to wind up the Redland Business Accelerator Pty Ltd, and
 - b. delegate authority to the Chief Executive Officer to do all that is necessary to wind up the Redland Business Accelerator Pty Ltd ;
4. Authorise the Mayor and Chief Executive Officer to sign and seal all relevant documentation.

ALTERNATIVE

That Council resolve to appoint another officer as Redland Shire Council's director of Redland Business Accelerator Pty Ltd to represent Council's shareholding interest effective from the date of this resolution.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Burns

Seconded by: Cr Elliott

That Council resolve as follows:

1. **To dispose of its shareholding in Redland Business Accelerator Pty Ltd;**
2. **Delegate authority to the Chief Executive Officer to do all that is necessary to dispose of Council's share in Redland Business Accelerator Pty Ltd;**

3. If the Chief Executive Officer is unable to dispose of the Council's share,
 - a) to wind up the Redland Business Accelerator Pty Ltd; and
 - b) delegate authority to the Chief Executive Officer to do all that is necessary to wind up the Redland Business Accelerator Pty Ltd; and
4. Authorise the Mayor and Chief Executive Officer to sign and seal all relevant documentation.

CARRIED

10.2 PLANNING AND POLICY

10.2.1 PETITION (DIVISION 9) - SPEEDING ON ELMHURST STREET AND CROTONA ROAD, CAPALABA

Datworks Filename: RTT Complaints – Traffic
GOV - Petitions

Attachment: [Locality Map](#)

Responsible Officer Name: David Elliott
Manager Infrastructure Planning

Author Name: Terrance Britt
Senior Advisor Principal Planning Engineer

EXECUTIVE SUMMARY

At the General Meeting of 28 March 2007, it was resolved that the petition which reads as follows be received and referred to the appropriate area of Council for consideration and a report to a future Planning & Policy Committee meeting.

“We the undersigned, electors of Division 9 of Redland Shire, request that Council investigate all measures to eliminate hooning and speeding on Elmhurst Street and the corner of Elmhurst and Crotona Road Capalaba to prevent further loss of property and potential human injury. We would seek Council identify suitable traffic calming measures as a matter of urgency”.

This petition was forwarded to the Planning and Policy Department for action in accordance with the resolution.

This report recommends that Council implement remedial changes at the intersection of Crotona Road and Elmhurst Street immediately and undertake a full technical review and audit of Crotona Road and Crotona road East with a view to identify changes that may reduce the number of accidents in this area.

PURPOSE

To respond to a petition from local residents of Elmhurst Street and Crotona Road, Capalaba raising concerns about hooning and speeding and to respond to Council resolution dated 28 March 2006.

BACKGROUND

On 14 March 2007, residents of the Elmhurst Street and Crotona Road precinct submitted a petition requesting Council to address the traffic situation in the area, in particular the speed and hooning of vehicles. This petition was presented to the General Meeting of 28 March 2006 and Council resolved to consider the request and report back to the Planning and Policy Committee.

Crotona Road is designated as a Local Collector in accordance with Council Road Hierarchy. The default unsigned speed limit of 50km/h is applicable to both roads. Elmhurst Street had linemarking, including edge line and centreline, installed in 1992. In 1994 the Elmhurst Street intersection with Crotona was re-linemarked to include turn lines, chevron and construction of a concrete splitter island.

Following resident complaints in February 2007 Infrastructure scheduled the intersection of Elmhurst Street and Crotona Road for a technical review, which assessed parameters including crash statistics, traffic speeds, traffic volume, road purpose, through traffic, commercial vehicles and activity generators. This review recommended minor remedial changes to the intersection as attached to this report.

ISSUES

The petition Council received on 14 March 2007 raised two main issues as follows:

1. Hooning and speeding on Elmhurst Street.

Council undertook traffic counts adjacent to common boundary of 38-40 Elmhurst Street and the common boundary of 66-68 Crotona Road, between 30 April and 8 May 2007. The results obtained were compared to the acceptable speed distributions for a 50km/h speed zone in accordance with the Manual of Uniform Traffic Control Devices, where the 15km/h pace should be between 44-59 km/h, the percentage of vehicles within this pace should be greater than 60% and the average daily volume should be 1,000 vehicles/day for a residential street and 3000 vehicles/day for a residential collector road.

The results of data collected in Elmhurst Street indicated the average speed was 55.9km/h, the 85th percentile was 63.7km/h, the 15km/h pace was 49-64km/h, the percentage within the pace was 69.3% and the average daily volume was 1,650.

The results of data collected in Crotona Road indicated the average speed was 49.6km/h, the 85th percentile was 58.0km/h, the 15km/h pace was 42-57km/h, the percentage within the pace was 64.3% and the average daily volume was 1,990.

Given that Elmhurst Street is classified a residential street and Crotona Road is classified a Local Collector in accordance with Councils road hierarchy, the measured speeds and associated data listed above generally satisfy the criteria set out in the Manual of Uniform Traffic Control Devices.

2. Hooning and Speeding at the corner of Elmhurst and Crotona Road.

A search of reported accidents in the past ten years for Elmhurst Street, Crotona Road and Crotona Road East revealed four accidents at the intersection, one on Elmhurst Street and another seven along both Crotona Road and Crotona Road East. Only one of these accidents contributing circumstance related to speed on Elmhurst Street. All other accidents were generally not related to speed. The major accident type was hitting a parked car and the major contributing circumstance was driving with undue care and attention.

Following resident complaints in February 2007 Infrastructure scheduled the intersection of Elmhurst Street and Crotona Road for a technical review, which assessed parameters including crash statistics, traffic speeds, traffic volume, road purpose, through traffic, commercial vehicles and activity generators. This review recommended minor remedial changes to the intersection including the additional use of raised retro-reflective pavement markers, improved signage and the introduction of 'give way' signage and linemarking, generally as shown in the attachment to this report.

The traffic count data indicates that the traffic speed and volume along Elmhurst Street is generally within acceptable standards for a residential street. Crotona Road and Crotona Road East is generally operating within acceptable standards for a Local Collector street; however the traffic figures above combined with the accident history for this section of road are sufficient to warrant further investigation and perhaps infrastructure changes in this area when priority and budget constraints allow.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to Provide and maintain water, waste services, roads, drainage and support the provision of transport and waterways infrastructure.

FINANCIAL IMPLICATIONS

All signage and linemarking changes proposed at the intersection of Elmhurst Street and Crotona Road will be completed under maintenance budgets.

Any changes identified from the proposed technical review and audit will either be undertaken from maintenance budgets or be added to the 10 year capital work program to compete for funding against similar projects.

There are no other financial implications associated with the recommendations contained in this report.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

The Divisional Councillor has been consulted regarding the recommendation contained in this report

OPTIONS

PREFERRED

That Council resolve as follows:

1. To undertake a full technical review and audit of Crotona Road and Crotona Road East with a view to try and reduce the number of accidents in this area;
2. To implement immediate changes at the Elmhurst Street and Crotona Road intersection including improved signage and linemarking;
3. To continue to monitor the situation;
4. That Queensland Police (Traffic Branch) be requested by Council to conduct targeted speed enforcement in the Crotona Road East and Elmhurst Street area; and
5. That the petitioners be advised of Council's resolution in this matter.

ALTERNATIVE

That Council resolve as follows:

1. To continue to monitor the situation and review the traffic situation in 5 years time; and
2. That the petitioners be advised of Council's resolution in this matter.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. To undertake a full technical review and audit of Crotona Road and Crotona Road East with a view to try and reduce the number of accidents in this area;
2. To implement immediate changes at the Elmhurst Street and Crotona Road intersection including improved signage and linemarking;
3. To continue to monitor the situation;
4. That Queensland Police (Traffic Branch) be requested by Council to conduct targeted speed enforcement in the Crotona Road East and Elmhurst Street area; and
5. That the petitioners be advised of Council's resolution in this matter.

COMMITTEE DISCUSSION

Committee agreed to amend recommendation 3 by adding the words, "...with a review in six (6) months".

COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Burns
Seconded by: Cr Elliott

That Council resolve as follows:

1. **To undertake a full technical review and audit of Crotona Road and Crotona Road East with a view to try and reduce the number of accidents in this area;**

2. To implement immediate changes at the Elmhurst Street and Crotona Road intersection including improved signage and linemarking;
3. To continue to monitor the situation with a review in six (6) months;
4. That Queensland Police (Traffic Branch) be requested by Council to conduct targeted speed enforcement in the Crotona Road East and Elmhurst Street area; and
5. That the petitioners be advised of Council's resolution in this matter.

CARRIED

PROCEDURAL DEBATE

In accordance with Council's meetings protocol, and on responding to the Mayor, Cr Burns, as Chair of Planning & Policy Committee, said he did not wish to raise any items for discussion from this Committee. The Mayor then asked if any other Councillor wished to raise any item for discussion from this Committee.

Following debate on which Councillor would be the first to move a motion on any item of business, the Mayor took a motion from Cr Dowling. Cr Ogilvie moved a point of order in that, in accordance with the meetings local law, the Chair must take the first councillor to indicate they wished to move a motion and that he believed that Cr Henry was the first to indicate this. The Mayor ruled that he would not accept the point of order and that he would take a motion from Cr Dowling.

Cr Elliott moved a motion of dissent on the Mayor's ruling.

The dissent motion was put to the vote and LOST.

A division was called for.

Crs Murray, Elliott, Bowler, Henry and Ogilvie voted in the affirmative.

Crs Williams, Beard, Burns, Dowling, Barker and Seccombe voted in the negative.

The motion was declared by the Mayor as LOST.

The Mayor's ruling was upheld.

The following item of business was the first item raised.

10.2.2 PETITION (DIVISION 3) - SOUTH STREET NOISE MITIGATION INVESTIGATION

Datworks Filename: GOV - Petitions
Attachments: [South Street Attachments A-L](#)
Responsible Officer Name: Wayne Dawson
Manager Land Use Planning
Author Name: Sean Collingwood
Strategic Planning Advisor

EXECUTIVE SUMMARY

At the General Meeting of 20 December 2006, Council resolved that a petition requesting Council undertake a master planned upgrade of the interface between industrial and residential lands along South Street, Cleveland, with a view to resolving matters including noise buffering, visual amenity, vehicular/motorist safety, be received and referred to the appropriate area of Council for a report.

This report addresses this petition and recommends that Council adopt Option 2C as shown in Attachment J.

PURPOSE

The purpose of this investigation is to advise Council on traffic noise and amenity issues that impact on the Low Density Residential zoned area in the vicinity of the Cleveland Industrial precinct and outline a number of options that may potentially address any identified impacts.

BACKGROUND

Since late 2005, Council has received a series of complaints from a number of residents in the residential area south of South Street, Cleveland regarding industrial activities generating noise after standard business hours. Some of the complainants have also raised concerns about the level of noise being generated by industry related traffic on South Street. This investigation is limited to the identification of any impacts and mitigation options that may potentially address these impacts. In addition, there have been other issues raised that relate to –

- a. unauthorised heavy vehicle traffic along South Street;
- b. the speed of heavy vehicles accessing the Cleveland Industrial precinct along South Street and subsequently the unsafe driving conditions for residents accessing South Street via Lorikeet Street or Swallow Street;
- c. the undesirable mix of industrial related traffic and residential vehicles along South Street;
- d. the north-south environmental corridor severed by South Street;
- e. heavy vehicles overturning at the roundabout of South Street and Wellington Road.

While important, it is recognised that many of these concerns are due to poor driver behaviour, unauthorised access by heavy vehicles along South Street and industrial tenancies operating outside of acceptable environmental standards and conditions.

ISSUES

The investigation considers the following matters -

- the subject area that includes the Cleveland industrial precinct and the adjacent residential area;
- industrial noise being generated beyond acceptable environmental limits;
- traffic noise levels generated by industrial related traffic (heavy vehicles) on South Street;
- the potential waste transfer station located west of the Cleveland industrial precinct;
- the Kinross Road Structure Plan area.

Refer to Attachment A – 2006 Aerial View.

Refer to Attachment B – Context / Areas of Interest

The investigation will identify and discuss various strategic options and recommend a preferred option that offers a positive and holistic approach for the mitigation of significant industrial and traffic noise impacts.

Residential Area adjacent to Cleveland Industrial Precinct – Subject Area

The residential area located south of South Street and adjacent to the Cleveland industrial precinct is recognised in this investigation as the subject area. The reconfiguration and rezoning of the residential area was approved in 1988. The subject area is zoned as Low Density Residential under the Redlands Planning Scheme, consisting of residential lots predominantly over 2000m² in area. The complaints in relation to industry and traffic noise generation were lodged by residents in this subject area.

Refer to Attachment C – RPS Zoning Map of Surrounding Area

Noise Generated by Industrial Land Uses

The Cleveland industrial precinct was originally zoned as Industry under the 1967 Town Plan prior to the reconfiguration of the estate in three stages from 1981 to 1991. It is accepted that a certain noise level will be generated by this industrial precinct within reasonable environmental limits and development conditions.

Since late 2005, Council has received a series of complaints from various landowners in the subject area regarding industrial noise generation after standard business hours. In response, Council's Pollution Prevention Team investigated various industrial premises within the industrial precinct in relation to the complaints. As part of this ongoing investigation, Council officers have undertaken a series of acoustic monitoring assessments, and the results are determined to be in excess of the development permit conditions for noise level limits prescribed under the *Environmental Protection (Noise) Policy 1997*.

Since 19th September 2005, nine (9) complaints have been lodged with Council regarding industrial activities generating excessive noise levels after standard business hours. In response to the complaints, Council has required various industrial premises to implement particular measures to reduce the levels of noise being generated after hours. Certain noise reduction measures have been gradually implemented at the industrial premises, followed by further acoustic monitoring conducted by Council officers. In one instance, measures such as the relocation of an air compressor into a separate enclosure, employee retraining in noise reduction procedures, and rubber bumper guards fitted to the pivoting posts of the main structure were implemented to reduce potential noise omissions.

The results of continued acoustic monitoring are deemed to be in excess of the noise limit conditions of the development permits. As part of an application for an Environmentally Relevant Activity (ERA) information request, Council officers have requested that Noise Management Plans from various industrial companies be

submitted. The companies are currently in the process of responding to Council's information requests.

Prior to the last course of action with the applicants, on the 27 June, 2006 Council's Environmental Health officers held a meeting with industry representatives of the industrial precinct. The objective of the meeting was to discuss issues in relation to industrial noise. The industry representatives expressed concerns about the ability to achieve the noise conditions of the development permit. Environmental Health officers advised that the development permit noise conditions are standard conditions, derived from the *Environmental Protection (Noise) Policy 1997* and that all reasonable and practical measures must be taken to comply with permit conditions and prevent environmental nuisance. At this meeting an industry representative suggested closing off Swallow Street to implement acoustic attenuation barriers along the southern edge of South Street as one option to mitigate after hours industrial noise.

This report and investigation focuses on options that seek to mitigate noise from industrial traffic along South Street. It does not seek to mitigate excessive noise levels from industrial activities that are not in compliance with State Government legislation and development conditions. This matter is appropriately addressed through Council enforcement action.

South Street Traffic Noise Levels

There are various industrial land uses within the industrial precinct that require constant use of heavy vehicles for delivery and dispatch of goods. In 1996, various industrial uses were licensed for the first time under the then newly introduced Environmental Protection Act. Subsequently, the industrial uses were subject to the same conditions which restricted the operating hours (consistent with the superseded planning scheme) and required a noise assessment for the activity.

Representatives from the industrial companies formally lodged applications to amend their respective development permit conditions. Council's assessment indicated the potential for these industrial uses to cause noise impacts to the residential area especially in terms of heavy vehicle noise on South Street. At this time discussions were held between Council, and each of the companies, including the presentation of draft environmental authority conditions. As a result of this process, amended conditions were issued to each of the industrial companies. These conditions included restricted use of South Street by heavy vehicles between the times of 7am and 6pm.

Complaints from residents from within the subject area in relation to noise generated from these industrial companies were initially received by the Pollution Prevention Team in October 2002. In summary, these complaints included the following issues –

- Noise from the large number of trucks using South Street (especially in the morning);
- Noise from the broader industrial area; and
- Other safety and traffic issues.

Since the initial complaints, officers from Council's Pollution Prevention Team have issued several Penalty Infringement Notices (PINs) to various industrial companies for breach of the development permit conditions. The compliance action included penalties for the use of South Street for delivery and dispatch of goods outside of the designated hours of the conditions.

The proactive enforcement measures of Council's Pollution Prevention officers have, for the most part, eliminated unlawful heavy vehicle use of South Street outside the timeframes conditioned. It should be noted that, the industrial companies have responded to these enforcement measures by discouraging heavy vehicles from using South Street at any time.

Thornlands Waste Transfer Station

As part of a wider investigation, Redland Water and Waste have reviewed options for locating a waste transfer station to the west of the sensitive receiving environment at the end of Industry Court. The location of the waste transfer station will increase the traffic volume on South Street and has the potential to significantly impact on the nearby residential amenity and vehicular access to South Street from Swallow Street and Lorikeet Drive.

Independent traffic consultants, *Cardno Eppel Olsen* were commissioned to undertake an analysis and recommend a potential solution to ensure South Street and Enterprise Street will be able to support the increased traffic volumes generated by the proposed waste transfer station. The traffic assessment investigates 4 options but in summary supports only two options from a traffic viewpoint. The recommended options are discussed below.

Cardno Eppel Olsen's Option 1

Option 1 seeks to upgrade the existing one lane roundabouts on Wellington Street (at Enterprise Street and South Street) to a two lane roundabout. Under this option -

The existing intersections will operate within capacity at South St/Swallow St and South St/Lorikeet Dr intersections. Note that under this option, the residential traffic is still mixed with the industrial traffic on South Street and there is no change to the separation of industrial and residential areas.

Cardo Eppel Olsen – Design Note – 29 March 2007

Cardno Eppel Olsen's Option 3

Option 3 involves the closure of Swallow Street at South Street and the closure of Lorikeet Drive at South Street. Under the scenario, traffic from the residential area will access Panorama Drive via the southern end of Lorikeet Drive, which is currently unformed.

This option does result in a significant change in traffic volumes on the southern end of Lorikeet Drive, and whilst this may be an unacceptable

change to existing residents, the volumes are within acceptable residential amenity levels. This option has the benefit of separating the industrial and residential areas and may therefore facilitate better noise barriers/attenuation between the two. In addition, it provides a link between the existing residential area and the proposed southern structure plan area (and local centre). This option is considered desirable from a traffic viewpoint.

Cardo Eppel Olsen – Design Note – 29 March 2007

Option 3 achieves the outcomes sought by this investigation, that is to say by closing off Swallow Street/South Street and Lorikeet Drive/South Street –

- it will be able to support the waste transfer station traffic volumes;
- noise attenuation measures may be facilitated along the southern edge of South Street thereby reducing unwanted traffic noise on the sensitive receiving environment; and
- undesirable mix of residential and industrial traffic is eliminated.

However, Cardno Eppel Olsen's recommendation could not consider the traffic volumes and impacts generated by the land use activities associated with the proposed Kinross Road Community Structure Plan Area. An analysis of the proposed intersection of Goddard Road and Lorikeet Drive extension indicates that traffic from Panorama Drive can not safely access (right turn queue length) Lorikeet Drive.

Kinross Road Community Structure Plan Area

The proposed Kinross Road Community Structure Plan area is located adjacent to and south-west of the subject area. Building upon the traffic and transport background study and design workshop, there is an option to provide access to Kinross Road Structure Plan area via Goddard Road.

It is proposed that a local centre be incorporated within the Structure Plan Area to service the needs and requirements of the residents within the area. Cardno Eppel Olsen identified this in their traffic analysis, suggesting that existing residents from the sensitive receiving environment would benefit from access to the Kinross Road Structure Plan local centre. It is important to note that further traffic modelling and environmental impact assessments are required to determine whether a new Goddard Road/Panorama Drive signalised intersection could support additional traffic on Goddard Road.

Cardno Eppel Olsen's Option 3 assumes that the closure of Swallow Street/South Street and Lorikeet Drive/South Street will consequently force existing residential traffic onto Goddard Road for entry and exit of the area. Council officers consider that this scenario has the potential to cause adverse queuing impacts on Goddard Road and the southern end of Lorikeet Drive, which is considered undesirable from a traffic viewpoint.

It is, however, identified that some form of access (other than primary access) from the subject areas into the Structure Plan area for the use of the local centre is

desirable. This will decrease the traffic volumes that currently exist on South Street and Wellington Road, as the residents of the subject area will have a reduced dependency to travel out of their area to satisfy local centre needs – they will be able to service their needs from the proposed local centre within the Kinross Road Structure Plan area. This will promote and enhance the connectivity (a Desired Environmental Outcome of the Redlands Planning Scheme) of the subject area with adjoining land uses while reducing the traffic generation on South Street and into Wellington Road.

Council Specialist's Assessment

Environmental Management Group, Infrastructure Planning Group, Pollution Prevention Team and Redland Water and Waste provided advice on various elements within this investigation.

The proposed Kinross Road Community Structure Plan is currently being developed. Although detail design outcomes of the proposed intersections into the Structure Plan area have not yet been established due to timing of the project, Council's Infrastructure Planning Group (IPG) were consulted to advise on preliminary traffic options taking into account the possible closure of Swallow Street and/or Lorikeet Drive for the implementation of a noise attenuation barrier on the southern edge on South Street. IPG's preliminary advice does not support the closure of both Swallow Street/South Street and Lorikeet Drive/South Street intersections, however does support the closure of Swallow Street/South Street intersection, and the left entry only into Lorikeet Drive from South Street. The closure of Swallow Street/South Street would then facilitate construction of a noise attenuation barrier along the southern edge of South Street on the buffer strip of Council owned land zoned as Open Space.

Based on preliminary advice, Environmental Management Group does not support the implementation of a noise attenuation barrier at this location, if it results in the removal of vegetation within the open space strip, and possibly disrupt a fauna path from one side of South Street to the other. Although staggered acoustic screens (overlapping gaps) will allow fauna movement, removing a significant amount of vegetation is considered undesirable. However, removal of this vegetation may be compensated through revegetation along this strip of open space and further offset planting.

Refer to Attachment D – Open Space Strips – Council Owned

IPG provided further preliminary advice for another scenario that included the closure of South Street directly west of Lorikeet Drive/South Street intersection, and the closure of Swallow Street/South Street intersection. This option provides residents with an entry/exit into the residential area via Lorikeet Drive without mixing with industrial traffic on South Street.

Closing South Street at this point is expected to deliver a significant reduction in traffic noise for the adjoining residents. In this circumstance a noise attenuation barrier would not be required along the southern edge of South Street. Entry to the South Street industrial premises would be via Enterprise Street.

According to Cardno Eppel Olsen's traffic report, the concept of closing South Street is a functional option pending the upgrading of the Enterprise Street/Wellington Road roundabout to a signalised intersection.

Although the closure of South Street may be operationally able to support current and projected traffic volumes, it is not a functional proposal. The traffic volume on Enterprise Street would be very high and the flow would be constantly interrupted by the manoeuvring of heavy vehicles entering and exiting industrial premises. The functionality of a one entry/exit in this instance would ultimately congest traffic and disrupt business operations in event of a traffic accident in Enterprise Street.

Noise Attenuation Barriers

A noise attenuation barrier (acoustic barrier) is an impervious fence structure from the ground to the recommended height which contains no gaps in the fence that would allow the passage of sound. The Redlands Planning Scheme, *Planning Scheme Policy 5, Environmental Emissions, Section 5.6 Noise Management*, Table 7 lists the specifications for noise attenuation barriers.

Although the maximum overall height of a noise attenuation fence is 2 metres, it may be elevated by a vegetated earth mound, which would increase the overall height of the noise attenuation device up to 3 metres.

Council's Pollution Prevention officers recently attended the Australian Institute of Environmental Health (AIEH), Environmental Noise Course 2007, and have advised LUPG of relevant information in relation to this investigation. Advice received from Pollution Prevention indicates that a noise attenuation barrier, dependant on it's construction material will only generally reduce noise levels by 5dB(A). Where a significant noise is being generated by a source that is located on a higher elevation than the noise attenuation barrier, the barrier is ineffective.

Based on this advice, the implementation of a noise attenuation barrier along the southern edge of South Street would reduce the level of traffic noise along South Street by approximately 5dB(A). This measure would alleviate a significant amount of traffic noise along South Street, and is critical with increases in traffic volumes expected should Council decided to approve a waste transfer station at Cleveland.

However, the noise complaints received by Council are for the most part in relation to industrial noise occurring after standard business hours. The implementation of a noise attenuation barrier is unlikely to mitigate noise levels generated by various industrial premises which are located, in some instances, on an elevation 10 – 10.5 metres higher than the subject area's ground level. A noise attenuation barrier far in excess of 2.0 metres (approximately 10 metres) would be required resulting in unacceptable impact on the visual amenity of the area and amenity of adjoining residential properties. In addition, recorded industrial noise levels have ranged up to 60dB(A), and a noise screen of 10 metres in height is likely to reduce the industrial noise levels from 60dB(A) to 55dB(A) which does not provide an effective noise reduction.

Based on these factors, it is accepted that a noise screen is only feasible in mitigating unwanted traffic noise along South Street.

Refer to Attachment E – Cross Section.

Noise attenuation barriers are often subject to vandalism including graffiti. In this circumstance, and considering the location of a potential noise barrier in proximity to the industrial precinct, and lack of casual surveillance from residences when viewed from the northern side, it is perceived graffiti would not be deterred. This can be addressed, in part, through vegetated screening of the noise attenuation barrier.

OPTION REVIEW

Refer to Attachment F – Community Concerns -v- Options

OPTION 1

Business as Usual

Refer to Attachment G

Advantages:

1. No additional costs associated with noise attenuation measures along South Street interface or road works;
2. Option maintains connectivity and permeability for industrial traffic that enter and exit the Cleveland Industrial estate.

Disadvantages:

1. No ability to address traffic noise affecting amenity of nearby residential area;
2. Little opportunity to improve entry statement to residential area and provide habitat link across South Street.

OPTION 2A

Closure of Swallow Street at South Street intersection / 10 metre section of vegetated earth mound with 2 metre high acoustic barrier along southern edge of South Street

Refer to Attachment H

Advantages

1. Reduction in industrial related traffic noise to adjacent residential area;

2. Reduced access by residential vehicles onto South Street. This removes potential adverse safety conditions associated with mixing residential traffic and industrial traffic (heavy vehicles);
3. Cul-de-sac (result of closure of Swallow Street) head does not trigger resumption of private land.

Disadvantages

1. Does not provide satisfactory vehicle access for traffic accessing the residential area;
2. Increased costs associated with construction of new cul-de-sac to facilitate closure of Swallow / South Street intersection.
3. Increased costs associated with construction of noise attenuation measures;
4. Removal of vegetation along open space strip for noise attenuation measures;
5. Potential for vandalism on Noise Attenuation Barrier (ie Graffiti).

Estimated Cost of Option 2A

Closure of Swallow St (cul-de-sac)	\$40,000
<u>Vegetated earth mound and acoustic barrier [10m]</u>	<u>\$ 3,500</u>
Total	\$43,500

OPTION 2B

Closure of Swallow Street at South Street intersection / 180 metres of vegetated earth mound with 2 metre high acoustic barrier along southern edge of South Street / Incorporation of threshold treatment on South Street west of Lorikeet Drive [traffic calming]

Refer to Attachment I

Advantages

1. Significant reduction in traffic noise to adjacent residential area;
2. Significant reduction of industrial noise to adjacent residential area;
3. Reduced access by residential vehicles onto South Street. This removes potential adverse safety conditions associated with mixing residential traffic and industrial traffic (heavy vehicles);
4. Separation of incompatible land uses;
5. Cul-de-sac head does not trigger resumption of private land.

Disadvantages

1. Does not provide satisfactory vehicle access for traffic accessing the residential area;
2. Significant costs associated with construction of noise attenuation measures;

3. Increased costs associated with construction of new cul-de-sac to facilitate closure of Swallow / South Street intersection.
4. Significant removal of vegetation along open space strip for noise attenuation barriers;
5. Potential for vandalism on Noise Attenuation Barrier (ie Graffiti);
6. Reduced ability for fauna crossing across South Street.

Estimated Cost of Option 2B

Closure of Swallow St (cul-de-sac)	\$40,000
Vegetated earth mound and acoustic barrier [180m]	\$60,000
<u>Threshold treatment</u>	<u>\$20,000</u>
Total	\$120,000

OPTION 2C

Closure of Swallow Street at South Street intersection/ 180 metres of vegetated earth mound with 2 metre high acoustic barrier along southern edge of South St / Incorporation of threshold treatment on South Street west of Lorikeet Dr [traffic calming] / Left in only from South Street into Lorikeet Drive [dependant on traffic modelling in relation to the Panorama Drive / Wellington Street intersection configuration and link to Goddard Road]

Refer to Attachment J

Advantages

1. Maintains satisfactory vehicle access for traffic accessing the residential area.
2. Significant reduction in traffic noise to adjacent residential area;
3. Significant reduction of industrial noise to adjacent residential area;
4. No access by residential vehicles onto South Street. This removes significant adverse safety conditions associated with mixing residential traffic and industrial traffic (heavy vehicles);
5. Separation of incompatible land uses;
6. Cul-de-sac head does not trigger resumption of private land.

Disadvantages

1. Significant costs associated with construction of noise attenuation measures;
2. Increased costs associated with construction of new cul-de-sac to facilitate closure of Swallow / South Street intersection;
3. Increased costs associated with the construction of a left-only into Lorikeet Drive from South Street;
4. Significant removal of vegetation along open space strip for noise attenuation barriers;
5. Potential for vandalism on Noise Attenuation Barrier (ie Graffiti);
6. Reduced ability for fauna crossing across South Street.

Estimated Cost of Option 2C

Closure of Swallow St (cul-de-sac)	\$40,000
Vegetated earth mound and acoustic barrier [180m]	\$60,000
Threshold treatment (tactile treatment)	\$20,000
Left in only into Lorikeet Dr from South St	\$50,000
Total	\$170,000

OPTION 3A**Closure of Swallow Street at South Street intersection / Closure of South Street west of South Street and Lorikeet Drive intersection / Extend wildlife corridor across South Street**

Refer to Attachment K

Advantages:

1. Significant reduction in industrial vehicles using South Street and subsequent reduction in traffic noise to adjacent residential area;
2. Minimal access by residential vehicles onto South Street. This removes potential adverse safety conditions associated with mixing residential traffic and industrial traffic (heavy vehicles);
3. Clear separation of incompatible land uses;
4. Road closure facilitates habitat link across South Street between the residential area and Cleveland Industrial estate providing better opportunities for fauna movement;
5. Habitat link across South Street provides opportunity for enhanced visual amenity and residential entry statement;
6. Given significant reduction of industrial traffic along South Street Noise attenuation not required along south street interface;
7. Limited removal of vegetation as no noise attenuation barrier is required;
8. Significantly reduced use of South Street as a 'drag strip';
9. Cul-de-sac heads do not trigger resumption of private land.

Disadvantages:

1. Closure of South Street reduces connectivity and permeability for industrial traffic that enter and exit the Cleveland Industrial estate [Major Impact];
2. Increased costs associated with construction of new cul-de-sac to facilitate closure of Swallow / South Street intersection;
3. Increased costs associated with significant upgrade of Enterprise/Wellington Street intersection (traffic signals) to cater for expected traffic increases by 2026.

Estimated Cost of Option 3A

Closure of Swallow St (cul-de-sac)	\$40,000
Closure of South St (cul-de-sac)	\$60,000

Fauna Link	\$5,000
Total	\$105,000

OPTION 3B**Closure of South Street, west of Swallow Street and South Street intersection/vegetated earth mound and acoustic barrier full length of southern edge of South Street**

Refer to Attachment L

Advantages

1. Reduction in industrial vehicles using South Street and subsequent reduction in unwanted traffic noise for adjoining residential area;
2. Given significant reduction of industrial traffic along South Street noise attenuation not required along south street interface;
3. Road closure facilitates habitat link across South Street between the residential area and Cleveland Industrial estate providing better opportunities for fauna movement.

Disadvantages

1. Closure of South Street reduces connectivity and permeability for industrial traffic that enter and exit the Cleveland Industrial estate [Major Impact];
2. Increased costs associated with construction of new cul-de-sac to facilitate closure of South Street;
3. Increased costs associated with significant upgrade of Enterprise/Wellington Street intersection required beyond a two lane roundabout (potentially traffic signals) to cater for expected traffic increases by 2026.

Estimated Cost of Option 3B

Closure of South Street (cul-de-sacs)	\$60,000
<u>Vegetated earth mound and acoustic barrier [500m]</u>	<u>\$130,000</u>
Total	\$190,000

OPTION SUMMARY

The assessment of the advantages and disadvantages of each of the options indicates all have inherent advantages and disadvantages. It is, however, considered that **Option 2C** provides a balanced solution and subject to further detail analysis is likely to be a feasible option.

The closure of South Street (as indicated in Option 3 [A and B]) is considered as an inappropriate method for mitigating industrial traffic related noise. The closure of South Street would reduce connectivity and permeability for industrial traffic that enter and exit the Cleveland Industrial estate. Furthermore, this closure would create significant inconvenience for local industry business operators, and would have a detrimental impact on the functionality and operation of the Thornlands Waste

Transfer Station. Option 2C is an advancement option of Options 2A and 2B and although Options 2A and 2B propose the majority of the same measures outlined in Option 2C, they do not incorporate access upgrade into the southern end of the residential area from Panorama Drive. Vehicular access into the southern end of the residential area from Panorama Drive is critical in lieu of closing Swallow Street at South Street, as the proposed closure will impact upon traffic volume and movement throughout the residential area.

Option 2C

Option 2C is an advancement of Option 2A and 2B as it proposes a left-only traffic direction into Lorikeet Drive from South Street. The functionality of this element is dependant on further traffic modelling in relation to the Panorama Drive / Wellington Street intersection configuration and link to Goddard Road as part of the Kinross Road Community Structure Plan.

If further traffic modelling supports a left-only into Lorikeet Drive, the option will reduce potential adverse safety impacts associated with residential traffic travelling out of the residential area and onto South Street. The closure of Swallow Street at South Street intersection will reduce potential adverse safety conditions associated with mixing residential and industrial traffic (heavy vehicles). Furthermore the closure of Swallow Street will create a clearer separation of the two incompatible land uses.

The acoustic treatment is proposed along the southern edge of South Street from Swallow Street to Lorikeet Drive in attempt to mitigate a greater level of industrial related traffic noise on South Street, and significantly reduce noise levels omitted from adjacent industrial premises. This option proposes threshold treatment [traffic calming] on South Street, west of Lorikeet Drive. Speed humps and tight manoeuvring [speed reduction] build outs are not preferred on South Street due to the use and frequency of industrial related heavy vehicles. The proposed threshold treatment is coloured tactile coating on the bitumen on a section of South Street for approximately 10 metres, adjacent to vegetated build outs in the parking lane of South Street at this section. The build-outs proposed are not intended for tight manoeuvring [speed reduction] traffic calming. The build-outs and coloured tactile treatment are proposed for a visual awareness device for drivers to reduce speed and take greater caution when entering South Street.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to build safe, strong and self reliant communities with access to community services, infrastructure and opportunities for participation in community life.

FINANCIAL IMPLICATIONS

There is currently no budget allocated for works recommended in this project.

PLANNING SCHEME IMPLICATIONS

It is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

Consultation was held with Redland Water and Waste, Infrastructure Planning Group, Environmental Health Unit, Environmental Management Group and a representative of the community group for the sensitive receiving environment.

OPTIONS

PREFERRED

That Council resolve as follows:

1. To receive the report and options presented;
2. To accept Option 2C as shown in Attachment J for the purpose of further detailed design evaluation and costing;
3. That further consultation be undertaken with property owners and business operators in the locality; and
4. That the principal petitioner be advised of Council's decision.

ALTERNATIVE

No alternative is suggested, as it is considered that no other option is a feasible solution at this time.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. To receive this report and options presented;
2. To accept Option 2C as shown in Attachment J for the purpose of further detailed design evaluation and costing;
3. That further consultation be undertaken with property owners and business operators in the locality; and
4. That the principal petitioner be advised of Council's decision.

COMMITTEE DISCUSSION

After discussion on this item, Cr Henry indicated that she preferred and would move that Option 3A be accepted and that a new recommendation 5 be added which states that compliance action in relation to noise issues be continued.

COMMITTEE RECOMMENDATION

That Council resolve as follows:

1. To receive this report and options presented;
2. To accept Option 3A as shown in Attachment K for the purpose of further detailed design evaluation and costing;
3. That further consultation be undertaken with property owners and business operators in the locality;
4. That the principal petitioner be advised of Council's decision; and
5. That Council continue to pursue compliance action in relation to noise issues.

COUNCIL RESOLUTION

Moved by: Cr Dowling
Seconded by: Cr Williams

That the Committee Recommendation not be adopted and that Council resolve to adopt the Officer's Recommendation with an amendment, that resolution No 2 be deleted and replaced with, "2. To carry out further detailed design and cost evaluations on improved acoustic barriers to South Street".

The motion was put as follows:

- 1. To receive this report and options presented;**
- 2. To carry out further detailed design and cost evaluations on improved acoustic barriers to South Street;**
- 3. That further consultation be undertaken with property owners and business operators in the locality; and**
- 4. That the principal petitioner be advised of Council's decision.**

Cr Henry moved an amendment to the motion, as follows:

That resolution No 2 be deleted and replaced with "2. Accept all options – Options 2A, 2B, 2C, 3A and 3B with the exclusion of Option 1 (Business as usual) for the purpose of further detailed design evaluation and costing"; and that a new resolution No 5 be added, to read, "5. Should the examination of options result in an unclear direction, that an independent analysis be undertaken which considers the concerns of all interested parties; and that the option which achieves the most effective result without significantly disadvantaging any party, be implemented".

The Mayor ruled that he could not accept the amendment motion as it was contrary to the intent of the original motion.

After debate on the Mayor's ruling, Cr Ogilvie moved a motion of dissent on the Mayor's ruling.

On being put to the vote, the dissent motion was LOST.

A division was called for.

Crs Murray, Elliott, Bowler, Henry and Ogilvie voted in the affirmative.

Crs Williams, Beard, Burns, Dowling, Barker and Seccombe voted in the negative.

The Mayor declared the dissent motion as LOST.

The Mayor's ruling was upheld.

After further debate, the Mayor put Cr Dowling's motion.

CARRIED

A division was called for.

Crs Murray, Williams, Beard, Elliott, Burns, Dowling, Barker and Seccombe voted in the affirmative.

Crs Ogilvie, Henry and Bowler voted in the negative.

The motion was declared by the Mayor as **CARRIED**.

10.2.3

**PROPOSAL TO MAKE LOCAL LAW AND SUBORDINATE LOCAL LAW
NO 30 (PARKING OF HEAVY VEHICLES IN RESIDENTIAL AREAS) 2007**

Dataworks Filename: L&E Local Law No 30

Attachments: [Local Law No. 30 \(Parking of Heavy Vehicles in Residential Areas\) 2007](#)
[Subordinate Local Law No. 30 \(Parking of Heavy Vehicles in Residential Areas\) 2007](#)

Responsible Officer Name: Wayne Dawson
Manager Land Use Planning

Author Name: Bridget Tidey
Strategic Planning Advisor

EXECUTIVE SUMMARY

Redland Shire Council has opted to formulate a legislative document to address the licensing of heavy vehicle parking on private residential property. Currently Local Law No 30 (Parking of Heavy Vehicles in Residential Streets) and Local Law Policy No 30 (Parking of Heavy Vehicles in Residential Streets) address matters associated with heavy vehicle parking on residential streets. Initially Council in the draft Redlands Planning Scheme (RPS) addressed the parking of heavy vehicles on private property in a Heavy Vehicle Parking Code.

Following the First State Interest Review of the draft Redlands Planning Scheme, Council was advised by the State Department of Local Government and Planning (DLGP) to remove the Heavy Vehicle Parking Code from the Planning Scheme and manage this activity within a local law and subordinate local law.

A review of the current Local Law No 30 has been conducted and was found to be functioning well. It is, therefore, intended to undertake an amendment of Local Law No 30 to incorporate controls to address parking of heavy vehicles on residential lots by proposing to make a new Local Law No 30 and Subordinate Local Law No 30, which will replace the existing Local Law and Local Law Policy.

The content of the originally drafted Heavy Vehicle Parking Code included in the First State Interest Version of the draft RPS, generally remains consistent with the provisions now drafted into the amended Local Law No 30. In order to facilitate the inclusion of heavy vehicle parking on residential property within Local Law No 30, the current permit system will remain relevant to both situations – in residential streets and a residential property.

PURPOSE

To seek Council resolution to propose to make Local Law No 30 (Parking of Heavy Vehicles in Residential Areas) 2007 and Subordinate Local Law No 30 (Parking of Heavy Vehicles in Residential Areas) 2007, and undertake referral to the Minister for Local Government and Planning for State Interest Review in accordance with Sections 866 and 867, respectively, of the *Local Government Act*.

BACKGROUND

Council's Local Law No 30 (Parking of Heavy Vehicles in Residential Streets) and Local Law Policy No 30 (Parking of Heavy Vehicles in Residential Streets) currently controls heavy vehicle parking in residential streets only.

Consultation with the Assessment Services Group – Compliance/Local Laws Team indicates that Local Law No 30 is a clear and well written legislative document, requiring no amendments to its structure, approach and enforcement criteria.

During the drafting of the RPS, the Department of Local Government and Planning provided advice to Council requiring that heavy vehicle parking where on a private residential lot or premises, 'be dealt with as a local law' matter. Consequently, removing the activity (the parking of heavy vehicles on private residential lots or premises) from being a use under the Planning Scheme and its jurisdiction. At its General Meeting held on 29 March 2006, Council resolved to review and amend Local Law No 30 (Heavy Vehicle Parking in Residential Streets) and Local Law Policy No 30 (Heavy Vehicle Parking in Residential Streets) to include the parking of heavy vehicles in residential streets and on residential properties.

ISSUES

The review of the Local Law No 30 and Local Law Policy No 30 has been used as an opportunity to resolve several issues. These issues relate to effectively translating the initially drafted controls included within the draft RPS into a local law and resolving matters of overlap between the two documents. The issues addressed in the review and drafting process are summarised and discussed below.

1. TRANSLATING RPS CODE TO A LOCAL LAW

The previously drafted structure of the RPS Code for heavy vehicle parking on residential property required significant changes from self, code and impact assessable criteria to a permit system under the local law.

2. CONSISTENCY OF DEFINITIONS

The definitions have remained generally consistent with the definitions in the current Local Law. However some definitions have been altered to improve clarification.

3. CONSULTATION PRACTICES

The current practice set out in the Local Law Policy for consulting residents of potentially effected neighbouring properties remains consistent. The subordinate Local Law defines those matters for consideration by Council or its delegate in determining whether a permit should be issued.

4. CHANGES TO LOCAL LAW 30

Given the extent of details to be added, the *Local Government Act 1993* requires a first and second State Interest Review. The principal implications of this requirement

will be an extension in the length of time needed to undertake the local law making process.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to ensure the development of an organisational culture and capability through effective people management programs.

FINANCIAL IMPLICATIONS

The recommendations within this report are not envisaged to establish any short to long term financial implications to Council. There are minor costs associated with public notification of the amendment in due course. Subsequently reporting will define a recommended fee schedule for processing applications for Permits under the amended local law.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group consulted with applicable Council groups and it is considered that this report's recommendations will result in:

- Local Law No 30 and Subordinate Local Law No 30 complementing the provisions of the Redlands Planning Scheme.

CONSULTATION

Consultation has taken place at various points in time with the following parties:

- Legal Services.
- Assessment Services Group – Local Laws Team.

OPTIONS

PREFERRED

1. To propose to make Local Law No 30 (Parking of Heavy Vehicles in Residential Areas) 2007 and Subordinate Local Law No 30 (Parking of Heavy Vehicles in Residential Areas) 2007, as attached, in accordance with section 866 of the *Local Government Act 1993*; and
2. To forward the relevant material to the Minister of Local Government and Planning for the purpose of State Interest Review in accordance with section 867 of the *Local Government Act 1993*.

ALTERNATIVE

That Council resolve not to propose to make Local Law No 30 (Parking of Heavy Vehicles in Residential Areas) 2007 and Subordinate Local Law No 30 (Parking of Heavy Vehicles in Residential Areas) 2007 at this time.

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

Moved by: Cr Dowling
Seconded by: Cr Elliott

That Council resolve as follows:

- 1. To propose to make Local Law No 30 (Parking of Heavy Vehicles in Residential Areas) 2007 and Subordinate Local Law No 30 (Parking of Heavy Vehicles in Residential Areas) 2007, as attached, in accordance with section 866 of the *Local Government Act 1993*; and**
- 2. To forward the relevant material to the Minister for Local Government and Planning for the purpose of State Interest Review in accordance with section 867 of the *Local Government Act 1993*.**

CARRIED

10.2.4 PETITION (DIVISION 2) - REQUEST TO SLOW TRAFFIC THROUGH POINT LOOKOUT

Dataworks Filename: RTT Complaints – Traffic
GOV - Petitions

Attachment: [Locality Map – Point Lookout](#)

Responsible Officer Name: David Elliott
Manager Infrastructure Planning

Author Name: Terrance Britt
Senior Advisor Principal Planning Traffic
Engineer

EXECUTIVE SUMMARY

At the General Meeting of 2 May 2007 Council resolved that the petition (359 signatures), which reads as follows, be received and referred to the appropriate area of Council for a report to a future Planning and Policy Committee meeting:

“Residents and visitors to Point Lookout petition the Redland Shire Council to:

- *Take responsibility for the Main Road through Point Lookout*
- *Lower traffic speed limits*
- *Make the Point a pedestrian-friendly traffic environment safe for our kids”.*

This petition was forwarded to the Planning and Policy Department for attention in accordance with the resolution.

This report addresses the issues raised in the petition and recommends Council not take ownership of East Coast Road, maintain the current recently implemented 50km/hr speed zone and work towards implementing some of the actions in the Point Lookout Movement Strategy to make Point Lookout a pedestrian-friendly environment.

PURPOSE

To respond to a petition received from the Island Streets and Transport Group raising issues relating to ownership of East Coast Road, speed limits and speeding in Point Lookout and promoting a pedestrian friendly environment.

BACKGROUND

On 12 April 2007, residents and visitors of the Point Look area submitted a petition requesting Council to address the traffic situation in the area, in particular reduce the speed limit and make the point a pedestrian friendly environment. This petition was presented to the General Meeting of 2 May 2007 and Council resolved to consider the request and report back to the Planning and Policy Committee.

East Coast Road is a State controlled and owned road that runs across Stradbroke from Dunwich to Point Lookout. East Coast Road is subject to various speed limits

along its entire length ranging from 30km/h up to 100km/h. Through the township of Point Lookout Council has been negotiating with the Department of Main Road over the past couple of years to reduce the speed limit from 60km/h to 50km/h.

A letter received from the Department of Main Roads on 2 February 2007 states that the section of road between George Nothling Drive to Booran Street was considered to have a local access function and should be considered for a 50km/h speed zone. However, the speed environment of this section of road would need to be changed so that the speed environment is compatible with the function of the road.

Further it states that the 60km/h section from Booran Street to the start of the 30km/h zone on Mooloomba Road was deemed appropriate for a 50km/h speed limit as the function of the road is a local access and this is supported by the speed environment.

This change was implemented in late February 2007. Council will continue to liaise with the Department of Main Roads in order to implement the necessary environmental changes for the proposed 50km/h section of road between George Nothling Drive and Booran Street.

ISSUES

The petition raised three points which are each addressed below:

1. Take responsibility for the Main Road through Point Lookout

Council has no reason to take control of East Coast Road. Council is currently free from any maintenance cost associated with East Coast Road. If Council were to take responsibility then less funds would therefore be available for traffic management works.

2. Lower traffic speed limits

Council has negotiated with Main Road over the past twelve months in order to achieve the recently implemented reduction in speed limit through Point Lookout from 60km/h to 50km/h. Main Roads have made a commitment to reduce a further section of East Coast Road to 50km/h once some minor changes have been made to the road environment.

The covering letter attached to the petition also raises speed concerns for other residential streets within Point Lookout. All residential roads within the Redland Shire Council are subject to the default unsigned 50km/h limit as stated under Queensland Law. Roads in the Point Lookout area are not considered any different to other residential streets in Shire, therefore the default speed limit is deemed to be appropriate.

Following receipt of this petition Council's Traffic Engineer attended a community meeting, organised by the Divisional Councillor Craig Ogilvie, at Point Lookout where numerous traffic related issues were raised relating to the residential streets in Point Lookout. Following this on-site meeting technical investigations have been

scheduled for Tramican Street, Cumming Parade, George Nothling Drive, Yarrong Road, Booran Street, Mulung Street and Midjimberry Road. Upon completion of an investigation a determination will be made for any rectification measures.

Should there be justification for further action officers will implement the necessary measures as per Councils guidelines and as budget and priority constraints allow.

3. *Make the Point a pedestrian-friendly traffic environment safe for our kids*".

Council supports making Point Lookout a pedestrian friendly environment. The Point Lookout Movement Study Section 7.6 has identified walking and cycling actions that aim to achieve this outcome.

Council should and will continue to negotiate with the State Government to implement actions from the Point Lookout Movement Plan as deemed necessary and required in that document.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to Provide and maintain water, waste services, roads, drainage and support the provision of transport and waterways infrastructure.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to the recommendations contained within this report.

It is considered that Council should make funding available to implement the strategies outlined in the Point Lookout Movement Strategy in future budgets, as necessary and relevant.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

The Divisional Councillor was consulted regarding the recommendations contained in this report.

OPTIONS

Preferred

That Council resolve as follows:

1. That Council not accept responsibility for the currently State controlled road East Coast Road.

2. To continue to work with the Department of Main Roads on improving the pedestrian connectivity in the Point Lookout area through implementing the actions identified in the Point Lookout Movement Study.
3. To continue to liaise with the Department of Main Roads in order to construct traffic management devices between George Nothling Drive and Booran Street.
4. To continue the technical reviews of Tramican Street, Cumming Parade, George Nothling Drive, Yarrong Road, Booran Street, Mulung Street and Midjimberry Road, Point Lookout and implement changes as priority and budget constraints allow.
5. That the principal petitioner be advised of Council's resolution in this matter

Alternative

No alternative suggested.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. That Council not accept responsibility for the currently State controlled road East Coast Road;
2. That Council continue to work with the Department of Main Roads on improving the pedestrian connectivity in the Point Lookout area through implementing the actions identified in the Point Lookout Movement Study;
3. That Council continue to liaise with the Department of Main Roads in order to construct traffic management devices between George Nothling Drive and Booran Street;
4. That Council continue the technical reviews of Tramican Street, Cumming Parade, George Nothling Drive, Yarrong Road, Booran Street, Mulung Street and Midjimberry Road, Point Lookout and implement changes as priority and budget constraints allow; and
5. That the principal petitioner be advised of Council's resolution in this matter.

PROPOSED MOTION

After discussion on this item, Cr Ogilvie moved the following motion.

Moved by: Cr Ogilvie
Seconded by: Cr Henry

That Council resolve as follows:

1. That Council indicate its willingness to accept its responsibility on fair terms for a section of East Coast Road from Tramican Street to Point Lookout;
2. That Council continue to work with the Department of Main Roads on improving the pedestrian connectivity in the Point Lookout area through implementing the actions identified in the Point Lookout Movement Study;
3. That Council continue to liaise with the Department of Main Roads in order to construct traffic management devices between George Nothling Drive and Booran Street;

4. That Council continue the technical reviews of Tramican Street, Cumming Parade, George Nothling Drive, Yarrong Road, Booran Street, Mulung Street and Midjimberry Road, Point Lookout and implement changes as priority and budget constraints allow; and
5. That the principal petitioner be advised of Council's resolution in this matter.

On being put to the vote the motion was LOST.

A division was called for.

Crs Bowler, Henry and Ogilvie voted in the affirmative.

Crs Murray, Williams, Elliott, Barker and Beard voted in the negative.

Crs Seccombe, Dowling and Burns were not present when this motion was put.

The motion was declared by the Chair as LOST.

COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Burns

Seconded by: Cr Elliott

That Council resolve as follows:

1. **That Council not accept responsibility for the currently State controlled road East Coast Road;**
2. **That Council continue to work with the Department of Main Roads on improving the pedestrian connectivity in the Point Lookout area through implementing the actions identified in the Point Lookout Movement Study;**
3. **That Council continue to liaise with the Department of Main Roads in relation to their position on the 'de-maining' of East Coast Road.**
4. **That Council continue the technical reviews of Tramican Street, Cumming Parade, George Nothling Drive, Yarrong Road, Booran Street, Mulung Street and Midjimberry Road, Point Lookout and implement changes as priority and budget constraints allow; and**
5. **That the principal petitioner be advised of Council's resolution in this matter.**

CARRIED

10.2.5 DRAFT MILESTONE 5 REPORT FOR CCP PROGRAM

Dataworks Filename: EM - Cities for Climate Protection
Attachments: [Milestone 5 Report](#)
Responsible Officer Name: Gary Photinos
Manager Environmental Management
Author Name: Brian Sundermeijer
IEMS Coordinator

EXECUTIVE SUMMARY

The draft Milestone 5 report for the Cities for Climate Protection (CCP™) program reviews Council's progress in reducing greenhouse gas emissions. Council has set percentage reduction targets for 2010, in comparison to chosen baseline years. The report shows that Council has reduced its corporate emissions by 11% between 1998 and 2005/06. The Redland Shire community's emissions increased by 28.5%, between the census years of 1996 and 2001.

PURPOSE

To present the draft of the Milestone 5 Report for endorsement by Council. The report has been presented at this time to form background information to a climate change strategy planned for presentation in August.

BACKGROUND

- Council committed to the CCP™ program in 1999.
- June 2001 - Milestone 1 was completed and provided information on the amount of greenhouse gas emissions generated by Council's operations and the Redlands community.
- April 2003 - the following reduction goals were adopted as Milestone 2:
 - a. a 25% reduction in corporate greenhouse gas emissions on 1998 levels by 2010
 - b. a 15% reduction in community greenhouse gas emissions on 1996 levels by 2010.
- July 2004 - Council completed Milestone 3, the Local Greenhouse Action Plan (LGAP) detailing investigations to be undertaken and actions to be implemented.
- June 2005 - Milestone 4, Council demonstrated achievement of a 5% reduction in emissions, and actions implemented in at least 2 of the ten sub-sections of the LGAP.
- June 2007 - ICLEI has reviewed and approved the information collated for the Milestone 5 report and the draft report itself. Minor changes required have been incorporated.

ISSUES

Census information

The community section of the report is almost entirely prepared for Council by ICLEI. The data utilised is from the 2001 census, as this is still the most recent available. Whilst the information is not up to date, it is recognised, with the Shire's growth in population, that the trend shown is simply an increase in greenhouse gas emissions. The same will be true of the 2006 census. It is expected that positive changes from greenhouse reduction efforts are unlikely to be demonstrable until the 2010 census information becomes available.

Council emissions reduction is due to reduced energy use at Redland Water

Council has achieved an 11% reduction in direct greenhouse gas emissions due to a large reduction in the energy used by Redland Water. Despite improvements in the efficiency of energy and fuel use, emissions from all the other areas in Council increased. This was due to growth in Council's activities.

Emissions Reductions and Emissions Offsets – Landfill Gas Flaring

Consultation with Redland Waste resulted in valid debate as to the correct manner in which to report offsets from landfill gas flaring. Council currently does not have a policy to address how offsets are to be reported and managed.

ICLEI has to approve the report in order for Council to be recognised as achieving Milestone 5 of the CCP™ program. Therefore all information in the draft Milestone 5 Report has been presented based upon ICLEI's standard model and policies.

ICLEI was consulted in order to determine the approved manner in which to present the offset from landfill gas reporting. ICLEI has advised that the emissions offset from landfill gas flaring can be reported as a reduction in community emissions.

As the community data is based on the 2001 census, before landfill gas flaring was initiated, the emissions offset does not appear as a reduction in the report. However, a description of the significant excellence of the landfill gas flaring initiative is included in the report.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to ensure the enhancement of biodiversity including koala habitat, bushland, greenspace, waterways, catchments, air and coastal ecosystems in recognition of our unique location on Moreton Bay.

FINANCIAL IMPLICATIONS

None at this time.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

Consultation occurred with the following Council staff throughout Council who contributed departmental information and commentary to the report:

- Buildings - Brian Lewis, John Smith, Virginia Fairweather
- Water and wastewater - Troy Kasper, Brad Taylor, Michelle Vanyai
- Waste - Paula Kemplay, Steve Cantrill, Troy Kasper
- Fleet - Brian Lewis, Andy Blacklock, Dale Barker
- Streetlights - David Elliott
- Transport - Partha Parajuli, Crawford Connell
- Business and Industry - Glenda Burns, Michelle Vanyai

Consultation was ongoing with ICLEI staff – Liam O’Keefe, Alex Crisp, Alexi Lynch

OPTIONS

Preferred

That Council resolve to endorse the draft Milestone 5 Report for public distribution.

Alternative

That Council resolve not to endorse the Milestone 5 report.

OFFICER’S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams

Seconded by: Cr Beard

That Council resolve to endorse the draft Milestone 5 Report for public distribution.

CARRIED

10.2.6 SHADE IN PARKS PROJECT - STAGE 3 2007-2008 - CCBF (DIVS 1, 2, 3, 8, 9 AND 10)

Datworks Filename: P & R Shade Structures
Responsible Officer Name: Gary Photinos
Manager Environmental Management
Author Name: Annette Henderson
Technical Officer Open Space Planning

EXECUTIVE SUMMARY

In accordance with the Councillors' Community Benefit Fund Guideline (GL-2034), all community benefit applications exceeding \$5,000 must be approved by Council.

Approval is sought to allocate funding (excluding GST) from Divisions 1, 2, 3, 8, 9 and 10 portions of the Councillors' Community Benefit Fund, for the purchase and installation of shade structures and other associated infrastructure for specific parks in the Shire as set out in the Redland Shire Council Shade Strategy.

The Divisional Councillors currently have funding in the 2007/2008 portions of the Councillors' Community Benefit Fund.

PURPOSE

That Council resolve to approve the allocation of funding (excluding GST) from the Divisions 1, 2, 3, 8, 9 and 10 portions of the Councillors' Community Benefit Fund for the purchase and installation of shade structures and other associated infrastructure in Redlands parks.

BACKGROUND

1. The application has been assessed in accordance with the Councillors' Community Benefit Fund Guideline GL-2034.
2. The Redland Shire Council Shade Report March 2005 outlined the need for shade in public parkland and recommended the most effective ways of doing this.
3. There is evidence that suggests both natural and artificial forms of shade are effective at reducing harmful Ultra Violet Radiation (UVR).
4. Research has shown that it is preferable to construct artificial structures when appropriate, in combination with the use of trees.
5. Redland Shire Council's Open Space Plan recommends that increased shade be considered for all categories of parks; local, district and regional recreation and sporting parkland.
6. The project is based on a cost sharing between the Councillors' Community Benefit Fund and the Parks Budget.
7. In October 2005, a total of \$115,000 was allocated for Stage 1 – Shade in Parks project through the 2005/2006 Capital Works Program and individual

Councillors provided matching funding through their portions of the Community Benefit Fund.

8. In October 2006, a total of \$100,857 was allocated for Stage 2 – Shade in Parks project through the 2006/2007 Capital Works Program and individual Councillors provided funding through their portions of the Community Benefit Fund.
9. This is Stage 3 and the final stage of the Shade in Parks Project.
10. The basis for park selection for Stage 3 included:
 - a) That the park has a district catchment or that the park is a large and significantly located Local Park with facilities that indicates high use.
 - b) That the park had a number of other embellishments that would be complimented by increased provision of shade including play equipment.

ISSUES

The Divisional Councillors currently have funding available in 2007/2008 allocation of the Community Benefit Fund to support the Officer's Recommendation and is in accordance with the Councillors' Community Benefit Guideline GL-2034.

Community Benefit Funding required:

Division 1	\$12,200	(CCBF Grant No. 1122)
Division 2	\$11,500	(CCBF Grant No. 1120)
Division 3	\$15,000	(CCBF Grant No. 1121)
Division 8	\$13,500	(CCBF Grant No. 1123)
Division 9	\$14,800	(CCBF Grant No. 1124)
Division 10	\$ 7,500	(CCBF Grant No. 1125)
Total	\$74,500	

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to build safe, strong and self reliant communities with access to community services, infrastructure and opportunities for participation in community life.

This report supports objective of Objectives 4.1 and 4.3 of the Corporate Plan *“to provide a range of sport and recreation opportunities”* and *“to enhance personal safety, general health and wellbeing.”*

FINANCIAL IMPLICATIONS

The allocation of funds from the Councillors' portions of the Community Benefit Fund for the purchase and installation of shade structures and other associated infrastructure in Redland Shire's parks is in accordance with the CCBF guideline.

The project is based on a cost sharing between the CCBF and Environmental Management's Capital Works budget. Funds are available in each of the relevant Divisional portions of the CCBF.

PLANNING SCHEME IMPLICATIONS

There are no Redlands Planning Scheme implications.

CONSULTATION

The Technical Officer Open Space Planning has consulted with the Divisional Councillors and they are in agreement with the provisions of portions of their Community Benefit Fund for the supply and installation of shade structures and other associated infrastructure in Redland Shire parks.

The Office of CEO has been consulted to confirm the availability of funds for each Divisional Councillor.

OPTIONS

PREFERRED

That Council resolve to approve the allocation of funding (excluding GST) from the Divisions' portions of the Councillors' Community Benefit Fund as listed below, for the supply and installation of shade structures and other associated infrastructure in Redland Shire parks.

- Division 1 \$12,200 (CCBF Grant No. 1122)
- Division 2 \$11,500 (CCBF Grant No. 1120)
- Division 3 \$15,000 (CCBF Grant No. 1121)
- Division 8 \$13,500 (CCBF Grant No. 1123)
- Division 9 \$14,800 (CCBF Grant No. 1124)
- Division 10 \$ 7,500 (CCBF Grant No. 1125)

ALTERNATIVE

That Council does not approve the allocation of funding (excluding GST) from the Councillors' Community Benefit Fund divisions 1, 2, 3, 8, 9 and 10, as listed for the supply and installation of shade structures and other associated infrastructure in Redland Shire parks.

10.2.7 STATE OF THE ENVIRONMENT REPORT - ENDORSEMENT FOR COMMUNITY ENGAGEMENT

Dataworks Filename: EM Planning – State of the Environment
Attachment: [Draft State of the Environment Report](#)
Responsible Officer Name: Gary Photinos
Manager Environmental Management
Author Name: Warren Mortlock
Senior Advisor Environmental Protection

EXECUTIVE SUMMARY

The inaugural State of the Environment Report presents a snapshot of the condition of the Redlands environment, the pressures faced, and how the Council and the community are responding to these. This first SoE Report provides a benchmark for future environmental reporting.

The Draft SoE Report was initially completed in August 2006 by consultants, JWP. It has since been revised to accommodate comments from Councillors, senior staff and the Executive Leadership Group. Community engagement is now required to obtain comment from specific groups and interested community members and allow finalisation of the SoE Report. A process of targeted community consultation is proposed to assist in the closure of information gaps in areas such as groundwater, species diversity, water quality pressures and natural hazards such as bushfires.

It is recommended that Council resolve to endorse the attached Draft State of the Environment Report for public release and to be made available on Council's website (and on CD) and that community engagement commences on the draft.

PURPOSE

To seek Council endorsement of the attached the Draft State of the Environment Report for public release.

BACKGROUND

- Stage 1 and 2 Report completed by John Wilson and Partners (JWP) in March 2005.
- Stages 3, 4 and 5 Report completed by JWP in July 2006
- Draft Report Card completed by JWP in August 2006 (versions 1 and 2).
- Council officers' comments sought and both documents re-written (version 3) for a Council workshop in September 2006, at which a framework for the State of the Environment Reporting was also presented. Comments were sought from Councillors and senior staff on the draft SoE Report at and following the workshop.

- Report redrafted (versions 3 and 4) based on comments received and presented to Executive Leadership Group in February 2007 (version 5) at which serious content and structural issues were raised for resolution.
- Report completed restructured, rewritten and updated (version 6) as attached.

ISSUES

FRAMEWORK FOR THE STATE OF THE ENVIRONMENT REPORTING

There are three documents in this framework:

- a SoE Report is published every 4 years and timed for release just prior to the Corporate Plan;
- a SoE Report Card published every 18 months in which Council rates the performance of itself and the community against the SoE indicators;
- a Council Response to SoE published every 18 months along with the Report Cards, in which Council lists actions undertaken and progress made in the last period, and commits to responses to the high priority issues and problems raised in the SoE Report and SoE Report Card.

COMMUNITY ENGAGEMENT PLAN

The SoE Report presents capture of best available data against 59 specific indicators. It is a snapshot in a moving feast of available data. Community engagement and report finalisation needs to be swift to ensure that the 'use by date' of data presented in the report does not expire before the final report is published. In particular, the report would need to be extensively rewritten if it is delayed to release in 2008 as the 2006 ABS Census data will be released in early 2008. This Census data is relevant to many indicators in the report.

Community engagement has two main thrusts.

Firstly, the call for comment on the report will be publicly advertised, and be available for download from the website, and in a CD format from the library and from Council's customer services. This public consultation provides the opportunity for interested members of the public to make comment or submission on the SoE Report. It will no doubt expand the report to include information from interested parties in the community. It also is likely to highlight the report's shortcomings and raise debate in the community. We are hoping to gain broad comment and critique on the whole report from local environmental peak body and interest groups.

Secondly, Council Officers will actively pursue further engagement of specific community (groups mainly) in regard to specific indicators. Most indicators are based on available Federal Government, State Government, or Redland Shire Council data. Consultation with the relevant data owners has already established the currency of the data presented.

The SoE Report Card and Council Response to SoE will both undergo further drafting and be presented to Planning and Policy Committee after the main SoE

Report consultation is complete, and the report has been finally endorsed by Council for public release. Hence there are no recommendations made in the SoE Report.

Some of the issues to be addressed through targeted community engagement include:

- Historical climatic conditions
- Surface water condition on North Stradbroke Island and SMBI
- Surface water pressures such as pollutant loads and changes to flow
- Groundwater resources within the Shire
- Land use changes within the Shire
- Condition of the Shire's wetlands and the pressures faced
- Natural hazard impacts such as bushfire locations

Targeted community engagement is proposed with organisations and groups including:

- State Government -
 - Department of Natural Resources, Mines and Water;
 - Environmental Protection Agency;
 - Department of Local Government, Planning, Sport and Recreation;
 - Queensland Police Service;
 - Department of Emergency Services
- Local environmental and conservation groups:
 - Wildlife Preservation Society
 - Koala Action Group
 - Bushcare and Landcare groups
- Local Indigenous representatives
- Community service providers
- Consolidated Rutile Limited

Timing for the community engagement process and finalisation of the SoE Report is proposed as follows:

- | | | |
|----|---|----------------|
| 1. | Draft SoE Report forwarded to target groups | late July 2007 |
| 2. | Close comments for draft SoE Report | September 2007 |
| 3. | Comments and data reviewed | September 2007 |
| 4. | Finalise SoE Report | October 2007 |

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to ensure the enhancement of biodiversity including koala habitat, bushland, greenspace,

waterways, catchments, air and coastal ecosystems in recognition of our unique location on Moreton Bay.

FINANCIAL IMPLICATIONS

A budget of \$45,000 is included in proposed budget for 2007/8 for community engagement, data collation, printing and publishing.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will result in possible amendments to the future Redlands Planning Scheme and Corporate Plan. This and future State of the Environment reports indicate the real world outcomes relevant to the review of Planning Scheme requirements and Corporate Plan strategies.

CONSULTATION

Consultants Judith Hunter (99 Consulting) and Dominic Newland (NewLandscapes) were contracted to assist with sections of this draft.

Many areas of Council were consulted and contributed data and comment to indicators in the report: Roberta Bonnin, Lacey Brown and Judy Spokes from Community and Social Planning, all members of Environmental Management Group, Pollution Prevention Team, Rory House and others from Parks and Conservation, specific areas of RWW operations, IT in regard to data and mapping. Comments were sought from senior management.

OPTIONS

PREFERRED

That Council resolve to endorse the Draft State of the Environment Report as attached for public release and to be made available on Council's website (and on CD).

ALTERNATIVE

Council provides direction on the further requirements necessary for the above resolutions to be made.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Bowler
Seconded by: Cr Williams

That Council resolve to endorse the Draft State of the Environment Report as attached for public release and to be made available on Council's website (and on CD).

CARRIED

10.2.8 REVIEW OF THE DIVIDING FENCES ACT 1953

Dataworks Filename: ED Liaison – Other Queensland Government
Attachment: [Submission - Review of the *Dividing Fences Act 1953*](#)
Responsible Officer Name: Roberta Bonnin
Manager Community and Social Planning
Author Name: Trevor Green
Senior Advisor Environmental Health

EXECUTIVE SUMMARY

As part of the Queensland Government's review on laws that relate to neighbourly relations, the Department of Justice and Attorney General is conducting initial consultation on the *Dividing Fences Act 1953*, before consideration on potential amendments. The Act is a common law and, therefore, has no administering/enforcement authority. It provides a legal framework for civil matters relating to the positioning, construction and repair of dividing fences between neighbours.

Four main areas have been identified where Council should provide comment to the review:

1. Maintaining Council's exemption from contribution to fencing
2. Amending the Act to support environmental values relating to wildlife friendly fencing
3. Clarification of matters that relate to the *Public Health Act 2005*
4. Social and community issues

A draft Council submission has been prepared for submission to the Department of Justice and Attorney General.

PURPOSE

1. To advise Council of the Queensland Government review of the *Dividing Fences Act 1953* and the areas identified where Council should provide comment to the review.
2. For Council to resolve that the attached submission on the review of the *Dividing Fences Act 1953* be made to the Department of Justice and Attorney General.

BACKGROUND

The Queensland Government is currently conducting a review of neighbourly relations. The scope of the review is looking at the common causes of disputes between neighbours, such as dividing fences and dangerous and intrusive trees, and the remedies available to assist neighbours with these problems.

The aim of the review is to find more efficient ways of assisting neighbours to resolve disputes. This may be achieved by improving processes for the resolution of common neighbourhood disputes, providing better access to information and achieving a more efficient alignment of the roles of relevant agencies. As part of this review, the Department of Justice and Attorney General is conducting initial consultation on the *Dividing Fences Act 1953*, before consideration on potential amendments.

Matters relating to noise and other nuisances are covered under the *Environmental Protection Regulation 1998* and Council local laws, and as such are not part of this review.

The *Dividing Fences Act 1953* is a common law and therefore has no administering/enforcement authority (e.g. local authority or state government department). It is designed to provide a legal framework for civil matters relating to the positioning, construction and repair of dividing fences between neighbours. As a community service, Council's Customer Service Team provides both verbal and written advice to our community on the legislation.

Many landowners are not aware of the Act and its requirements. A major provision of the Act is the requirement for a written fencing notice to be given to neighbours before a new fence is built or an existing fence repaired. Failure to provide notice renders landowners completely outside the Act's jurisdiction.

The Department of Justice and Attorney General recommends legal action as the last step to be considered in matters relating to dividing fences. Parties are first recommended to discuss issues with each other to arrive at mutually acceptable outcomes. If this is not successful they can use an alternative dispute resolution process where mediators or conciliators can assist the parties to engage in constructive communication and arrive at an agreement. Should the personal approach or dispute resolution not be successful or is considered not an option, the dispute is to be resolved by the Magistrates Court or Small Claims Tribunal.

ISSUES

While local governments are exempt from contributing to the cost of erecting a fence between Council owned or controlled land and adjoining privately owned land, and while local governments have no enforcement role in relation to this Act, four main areas have been identified where Council should provide comment to the review:

1. Maintaining Council's exemption from contribution to fencing
2. Amending the Act to support environmental values relating to wildlife friendly fencing
3. Clarification of matters that relate to the *Public Health Act 2005*
4. Social and community issues.

1. Maintaining Council's exemption from contribution to fencing

Local governments are exempt from contribution to fencing where an adjacent owner erects a fence between their land and adjoining Council owned or Council controlled land. The Department of Justice and Attorney General Discussion Paper has raised the question of whether a local government should contribute to the cost of fencing where the land is used for the purposes of the Council or a Council owned or managed business (i.e. from which the Council may make a profit or sublet to a private business).

Local governments do now usually voluntarily pay for or contribute to fencing when considered that the fencing is predominately in the interest of the local government or to secure the local government asset (e.g. works depot or water tower reserve). The economic cost to local governments would be substantial should councils be required to contribute to fencing adjoining parks, reserves, roads and other council used or leased properties.

The review should maintain local government exemption from contribution to fencing where an adjacent owner erects a fence between their land and adjoining Council owned or Council controlled land, including where land is used for the purposes of the Council or a Council owned or managed business (i.e. not for public purposes).

2. Amending the Act to support environmental values relating to wildlife friendly fencing

Some local government areas such as those in the Koala Coast region have obligations under the Nature Conservation (Koala) Conservation Plan 2006 to improve habitat for koalas. Fragmentation of habitats, barriers to movement and inability of fauna to escape domestic pets are major environmental management issues in preventing the decline of koalas and other wildlife.

Under the Redlands Planning Scheme, new developments (i.e. dwelling house) in environment zones are required to construct fauna friendly fencing. Redland Shire Council's proposed new Animal Management Subordinate Local Law also includes provisions requiring all properties with dogs to have koala friendly fencing or fix a koala pole to the fence, to allow the escape of koalas from the premises. The proposed law also requires guard dog enclosures to be koala proof.

One way to facilitate the ease of movement for koalas and other wildlife through established urban areas is to enable local governments the capacity to define what is a 'sufficient fence' for that particular area. Local government could then supply the appropriate information regarding design and construction materials for fauna friendly fencing. A range of fauna and pet friendly fences could be developed to allow fence variation.

3. Clarification of matters that relate to the *Public Health Act 2005*

There is potential conflict in relation to asbestos cement fences, between the requirements of the *Public Health Act 2005* and the *Dividing Fences Act 1953*. The *Public Health Act 2005* requires that should a public health risk be identified in relation to an asbestos cement fence, (1) a public health order is given a singular person responsible for the risk and (2) subsequent action is designed around immediate rectification of the public health risk. The *Dividing Fences Act 1953* lists (1) both adjoining property owners as having joint responsibility for repair of fences and (2) the process of repairing a fence needs to follow set procedures, including timeframes (in most cases not designed around immediate action).

Clarification is required between the apparent differing requirements of the *Public Health Act 2005* and the *Dividing Fences Act 1953* in relation to asbestos fences identified as a public health risk under the *Public Health Act 2005*. The processes, timeframes and responsibilities appear to be different in the two acts.

4. Social and community issues

4.1 Graffiti

The ability for local governments to enter private property for the purpose of carrying out graffiti removal (should they choose to) on property visible from public lands should be embodied in the new legislation.

Currently should a local government wish to remove graffiti from the public side of a fence on the perimeter of a park, reserve or other council controlled land, the local government must follow the steps outlined in the *Dividing Fences Act 1953* which includes obtaining consent from the property owner. This can be resource and time consuming and keeps the graffiti on display until the process is completed and agreement is reached between the private land owner and the council. This goes against the recognised principles of graffiti management which includes rapid removal.

When necessary, local governments need to be able to carry out graffiti removal work to property on privately owned land (including fences) which is visible from a public place, without needing to get consent from the property owner.

The New South Wales *Local Government Act 1993* states:

“Division 4 Graffiti removal work

67A Graffiti removal work—by agreement with owner or occupier

A council may, by agreement with the owner or occupier of any private land, carry out graffiti removal work on the land.

67B Graffiti removal work—without agreement of owner or occupier

- (1) *A council may, without the agreement of the owner or occupier of any land, carry out graffiti removal work to property on that land if the graffiti concerned is visible from a public place.*
- (2) *The graffiti removal work referred to in subsection (1) may only be carried out from a public place.*
- (3) *The council concerned is to bear the cost of graffiti removal work referred to in subsection (1).*
- (4) *If a council carries out graffiti removal work in accordance with this section, the council must, within a reasonable period, give the owner or occupier of the land concerned written notice that the work has occurred.*
- (5) *A council must pay compensation for any damage caused by the council in carrying out graffiti removal work in accordance with this section.*

Note. *Section 730 provides for the resolution of claims for compensation relating to damage under this section in cases of dispute between the person claiming the compensation and the council.*

67C Register of graffiti removal work

- (1) *The council must keep a register of graffiti removal work carried out in accordance with section 67A or 67B.*
- (2) *The register is to specify in respect of each incidence of graffiti removal work carried out:*
 - (a) *the owner or occupier of the premises on which the graffiti was situated, and*
 - (b) *the nature of the work carried out, and*
 - (c) *the actual cost, or an estimate of the cost at current market rates, of carrying out the work, and*
 - (d) *in the case of graffiti removal work carried out in accordance with section 67A—the actual amount charged by the council for carrying out the work.”*

Similar provisions could be put into the Dividing Fences Act or the Queensland Local Government Act 1993.

4.2 Accessibility to plain language information on dividing fences

As the *Dividing Fences Act 1953* is a common law, local governments do not have a specific role in the enforcement of this legislation. As a community service, Council's Customer Service Team provides both verbal and written advice to our community on the legislation. Written advice is provided in the form of hardcopies of Department of Justice and Attorney General Website information.

While the information on the website is of a reasonable standard, further review regarding readability, setting out and plain language would be beneficial.

4.3 Community access to standard pro-forma notices in both electronic and hard copy form

Under the Act, when an owner wants to construct a dividing fence, they must serve a written notice on the adjoining owner. The notice must state the common boundary line to be fenced, the type of fence to be constructed and contain a proposal for the construction of the fence. If a notice is not served as required and the owner proceeds to build the fence, then the Act does not apply in relation to mandatory co-contribution.

Not all members of the community would be able to produce a written notice in accordance with the requirements of the legislation. As a community service it would be beneficial to have standard pro-forma notices available in both electronic and hard copy form.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to build safe, strong and self reliant communities with access to community services, infrastructure and opportunities for participation in community life.

FINANCIAL IMPLICATIONS

No financial implications have been identified regarding the making of the submission.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

Consultation has occurred with Land Use Planning, Legal Services, Environmental Management, Customer Service, Property Services, Parks and Conservation Services, Leisure and Recreation Services, Compliance Services, Environmental Strategies, Health and Environmental Services and the Department of Justice and Attorney General.

OPTIONS**PREFERRED**

That the attached submission on the review of the *Dividing Fences Act 1953* be made to the Department of Justice and Attorney General.

ALTERNATIVE

1. That the attached submission on the review of the *Dividing Fences Act 1953* be amended and then made to the Department of Justice and Attorney General.
2. That Council does not make a submission on the review of the *Dividing Fences Act 1953*.

Cr Elliott moved that the motion be put.

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

Moved by: Cr Dowling

Seconded by: Cr Elliott

That Council resolve that the attached submission on the review of the *Dividing Fences Act 1953* be made to the Department of Justice and Attorney-General.

Cr Elliott moved that the motion be put.

The motion to put the motion was put to the vote and **CARRIED**.

The Mayor put the motion and the motion was declared as **CARRIED**.

A division was called for.

Crs Williams, Beard, Elliott, Bowler, Burns, Dowling, Henry, Ogilvie, Barker and Seccombe voted in the affirmative.

Cr Murray voted in the negative.

The motion was declared by the Mayor as **CARRIED**.

MEETING CLOSURE

The meeting closed at 12.07pm.

11 REDLAND WATER AND WASTE COMMITTEE 25/07/07 - RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Barker
Seconded by: Cr Beard

That the following Redland Water & Waste Committee Report of 25 July 2007 be received.

CARRIED

DECLARATION OF OPENING

Cr Barker declared the meeting open at 9.00am.

RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

Members Present

Cr A G Barker	Chair and Councillor Division 1
Cr C B Ogilvie	Councillor Division 2 – entered at 9.01am
Cr D A Henry	Councillor Division 3 – entered at 9.02am
Cr P J Dowling	Deputy Mayor and Councillor Division 4
Cr J L Burns	Councillor Division 5 – entered at 9.06am
Cr T Bowler	Councillor Division 6
Cr M A Elliott	Councillor Division 7
Cr A R Beard	Councillor Division 8
Cr K M Williams	Councillor Division 9 – entered at 9.05am
Cr H J Murray	Councillor Division 10 – entered at 9.02am

[Cr Elliott left the meeting at 9.26am during discussion on Item 1.1. Cr Dowling left the meeting at 10.12am during discussion on Item 1.2. Cr Burns left the meeting at 10.15am during discussion on Item 1.3.]

Committee Manager

Mr J Pruss General Manager Redland Water & Waste

Officers

Ms E Bray	Manager Customer Service and Business Performance
Mr T Kasper	Manager Technical Support
Mr B Taylor	Manager Treatment Operations

Minutes

Mrs J Parfitt Corporate Meetings & Registers Officer

Apology

Moved by: Cr Beard
Seconded by: Cr Dowling

That an apology from today's meeting be noted for Cr D H Seccombe.

CARRIED

PUBLIC PARTICIPATION AT MEETING

Nil.

DECLARATION OF INTEREST

Nil.

MOTION TO ALTER THE ORDER OF BUSINESS

Nil.

11.1 REDLAND WATER AND WASTE**11.1.1 REDLAND WATER & WASTE COUNCIL BUSINESS UNIT REPORT - JUNE 2007**

Dataworks Filename: WW Redland Water & Waste Committee
WM Redland Water & Waste Committee
WS Redland Water & Waste Committee

Attachments: [Business Unit Report - June 2007](#)
[Appendix A – Additional Water Quality Indicators](#)
[Appendix B – Wastewater Treatment Plants](#)
[Supplementary Performance Information](#)

Responsible Officer Name: Jim Pruss
General Manager, Redland Water & Waste

Author Name: Jim Pruss
General Manager, Redland Water & Waste

EXECUTIVE SUMMARY

The Redland Water & Waste (RWW) Council Business Unit report is presented to Council for noting. The report provides the business unit's performance for the month of June 2007 and covers financial and non-financial indicators for water, wastewater and waste.

It is expected that, most of the time the report findings will be "business as usual". Where exceptions occur, these will be highlighted.

The report provides a regular opportunity for Council to consider the performance of RWW and to respond to any exceptional reporting.

Council is provided with the option to accept the report or, accept it and request additional information or a review of performance.

PURPOSE

To report on the ongoing performance of the business unit against key performance indicators (KPIs).

BACKGROUND

RWW's performance plan identifies KPIs for which performance targets have been agreed with Council. Reporting is done each month through the RWW Committee.

ISSUES

The report is provided to Council as a means of monitoring the performance of RWW for the activities of water, wastewater and waste.

The first part of the report comprises a "snapshot" of the business unit's achievement in meeting KPIs (year-to-date) and financial report card.

The report then provides specific financial report and commentary, capital expenditure (graphically) and a detailed customer overview.

The main body of the report focuses on actual levels of achievement against the KPIs for the month. Where exceptions have occurred and targets not met, an explanation is given as well as action taken to improve performance.

The report closes with a summary of the major issues for each group during the month.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to provide and maintain water, wastewater and waste services to sustain our community.

Providing this report also supports Council's Governance strategic priority to provide a clear organisational direction supported by effective leadership and a framework of policies, plans and strategies that are responsive to the community's needs and which promote accountable and ethical standards of practice.

FINANCIAL IMPLICATIONS

There are no direct financial implications resulting from this report. Financial implications may result where Council requests a performance review or requests an increase in performance standards.

CONSULTATION

Consultation has occurred with:

- Manager Customer Service & Business Performance, RWW;
- Manager Treatment Operations, RWW;

- Manager Technical Support, RWW; and
- Senior Advisor, Financial Management, RWW.

OPTIONS**PREFERRED**

That Council resolve to accept the Redland Water & Waste Council business unit report for June 2007, as presented in the attachment.

ALTERNATIVE

That Council accepts the report and requests additional information or a review of performance.

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

Moved by: Cr Barker
Seconded by: Cr Dowling

That Council resolve to accept the Redland Water & Waste Council Business Unit Report for June 2007, as presented in the attachment.

CARRIED

11.1.2 EASTERN PIPELINE INTERCONNECTOR UPDATE

Datworks Filename: RWW Projects – WS – Eastern Pipeline Interconnector

Responsible Officer Name: Jim Pruss
General Manager, Redland Water & Waste

Author Name: Jim Pruss
General Manager, Redland Water & Waste

EXECUTIVE SUMMARY

The Eastern Pipeline Interconnector project has been declared as a 'significant' project requiring an Environmental Impact Statement (EIS) under the *State Development and Public Works Organisation Act 1971* (the Act). This overall compilation of the EIS is the responsibility of the Co-ordinator General but is being prepared by the project proponent, the Southern Regional Water Pipeline Company. The EIS process has commenced with public notification and community information sessions on 30 June 2007.

The State has also proposed further powers be granted to the project with plans to declare the project as 'prescribed' and 'critical infrastructure' under the Act.

The water resources plan is being completed by the Department of Natural Resources & Water (DNRW) and should be completed before the planned extraction is to commence, however, the water emergency declared by the State government in August 2006 overrides the legislation.

Council's involvement is now restricted to planning for, and delivering, the borefield, treatment plant augmentation and reservoir No 3 at Heinemann Road, Mt Cotton. The State government has committed to full reimbursement of Council's costs for the Eastern Pipeline Interconnector project.

PURPOSE

To brief Council on the current status of the Eastern Pipeline Interconnector project and the 14 June 2007 declaration of 'significant project' status under the *State Development and Public Works Organisation Act 1971* (the Act).

BACKGROUND

PROJECT RESPONSIBILITY

The Eastern Pipeline Interconnector project was mandated as part of the August 2006 *Water Amendment Regulation No 6* (The Regulation). Council, as the proponent of the project, was tasked to 'take all necessary steps to prepare for and construct the Eastern Pipeline Interconnector to provide 22ML/day into the Logan system by 31 December 2008'. Council was also required to maximise the sustainable take of groundwater from North Stradbroke Island, also by 31 December 2008.

These directives, among others in The Regulation, have resulted in the project currently under investigation which will culminate in the construction of a new borefield inland from Dunwich on NSI, pipe connection to and upgrade of the existing treatment plant, no work on the submarine pipeline, a new reservoir at Heinemann Road and a connecting pipeline and pumping station to the Kimberley Park reservoir in Logan.

When this project was first discussed, the position from Council was to build and own the new infrastructure except the pipeline and pumping station connecting with Logan City Council. Council was also strongly of the view that both a water resources plan and an appropriate EIA be undertaken before any extra water was extracted from the Island.

Council officers discussed this position with the Co-ordinator General and there was general agreement and confirmation of both ownership arrangements and the environmental assessments and planning instruments as noted above. However, when the Queensland Water Commission institutional reform papers were made public, hence removing ownership of all bulk supply assets and treatment plants from Council, the situation drastically altered with respect to ownership of the new infrastructure. Subsequent discussions with the Co-ordinator General culminated in Council not being the main proponent of the project, or owning any of the Eastern Pipeline Interconnector assets planned for construction. Council is still committed to project management and construction of the borefield, treatment plant upgrade and construction of No 3 reservoir at Heinemann Road. The Deputy Premier confirmed the financial arrangements in a letter to Council advising that all work on the projects mandated by The Regulation will be fully paid for by the State.

Overall responsibility for delivery of the Eastern Pipeline Interconnector project was given to the Co-ordinator General, who also has the responsibility to deliver a number of projects, including the Northern Pipeline Interconnector. The Co-ordinator General has given overall project management and delivery of both Eastern Pipeline Interconnector and Northern Pipeline Interconnector to Southern Regional Water Pipeline Company; this company was created to build, own and operate the southern regional water pipeline to inter-connect Mt. Crosby water treatment plant to the Gold Coast and the desalination plant at Tugun and, until recently, was owned by a combination of SEQWater and 5 local governments. The ownership arrangements have currently changed with the State owning 100% of Southern Regional Water Pipeline Company. The State is intending to modify The Regulation to recognise the change in project proponent.

ENVIRONMENTAL ASSESSMENT PROCESS

Also of relevance is the Department of Environment & Water Resources (DEWR) determination of 10 May 2007 that work on North Stradbroke Island related to water extraction from the borefield is a 'controlled action' as the work was likely to have an impact on matters protected by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Under this determination, the DEWR has to advise on whether the assessment would proceed through a process determined by them or another accredited assessment process. The most appropriate accredited

process is an EIS provided for under the bi-lateral agreement between the Queensland and Commonwealth governments under the *Act*. The Co-ordinator General must first declare the Eastern Pipeline Interconnector as a 'significant project'.

The Co-ordinator General can declare a project to be a 'significant project' based on one or more of the following criteria:

- complex approval requirements, including local, State and Australian government involvement;
- a high level of investment in the State;
- potential effects on infrastructure and/or the environment;
- provision of substantial employment opportunities; and
- strategic significance to a locality, region or the State.

There are 2 types of declaration of a 'significant project' under the *Act* to recognise the significant nature of the project to either a region and/or the State:

1. Requiring an environmental impact statement (EIS) (s26(1)(a) of the Act

Only the most important or complex projects are generally declared to be significant projects, signalling that a robust assessment process is warranted involving whole-of-government coordination.

The Co-ordinator General's decision to declare a project to be a 'significant project' does not infer Queensland government backing of the project, rather it signals that the project warrants a robust impact statement.

2. Not requiring an environmental impact statement (s26(1)(b) of the Act

If a project is declared a 'significant project not requiring an EIS' under Section 26(1)(b), it is to recognise the significant nature of the project to either the region and/or the State and allow applications under other statutes, such as the *Water Act 2000* and the *Vegetation Management Act 1999* that require a project to be of a significant nature to the region and/or the State before detailed consideration under those Acts. However, the provisions in the Act relating to the preparation of the Co-ordinator General's report and its relationship to an Integrated development assessment system (IDAS) application will not be applicable to these projects.

Declaration under Section 26(1)(b) of a 'significant project for which an EIS is not required' in no way diminishes any requirement for a proponent to undertake environmental assessment under other legislation. The Co-ordinator General must be satisfied that appropriate environmental assessments will be carried out for the project under another Act prior to declaring a project significant pursuant to Section 26(1)(b).

The Co-ordinator General has declared the following major projects, among others, as significant projects requiring an EIS:

- Airport link project;
- Central Qld gas pipeline;
- Eastern pipeline interconnector;
- Emu Swamp dam;
- Fisherman's Landing port expansion;
- Gold Coast marine development;
- Hinze Dam stage 3 project;
- Moranbah and Nebo power stations;
- Northern pipeline interconnector – stage 1;
- Pinkenba ethanol bio-refinery;
- Southern regional water pipeline;
- Townsville power station;
- Traveston Crossing dam – stage 1;
- Wyaralong Dam.

The initial advice statement was prepared by WBM Consultants for Southern Regional Water Pipeline Company for consideration by the Co-ordinator General in recommending whether the project should be classified as a significant project. Based on this report, the Co-ordinator General has determined the project as significant and requiring an EIS. This does not mean the project has a 'status' and is not an indication of approval or support, it can still be declined by the Co-ordinator General or Federal Government. What it does mean, however, is that the EIS process will be broadly based and is the most comprehensive process in Qld legislation including cultural heritage management plans, consideration of native title issues and the development of an adaptive groundwater management plan.

Therefore, by declaring the Eastern Pipeline Interconnector project as a 'significant project', the State through the Department of Infrastructure has committed to the broadest terms of reference for the EIS that will meet the requirements of both State and Federal legislation. Declaration also effectively commences the environmental assessment part of the project.

There are also plans in place to declare the project as both 'prescribed' and 'critical infrastructure' under the Act. These powers, if enacted, enable timely approval of licences, permits and the granting of public utility easements.

Apart from the environmental assessment work, the project proponent, now Southern Regional Water Pipeline Company, must conduct community consultations to engage the relevant stakeholders. Subsequent to this declaration, a notice was published in the *Weekend Australian* on 30 June 2007 inviting public comment on the draft terms of reference for the EIS. Comments need to be submitted by close of business on 27 July 2007.

Two community introduction sessions, not public forums, were held on 30 June 2007 - one at Mt. Cotton and another at Pt. Lookout. At the time of writing this report, a further session was scheduled for the Cleveland Library on 21 July 2007. A full community consultation plan is under development.

Council has also been invited to participate in an advisory agency group with a briefing on 11 July 2007. Council must also nominate a representative for co-ordination of activities for the EIS.

An EIS process can take from as little as 6 months to a couple of years to complete. There is no fixed date for anticipated completion at this time; however, all parties are looking at getting the EIS completed as soon as possible to meet the legislative deadlines. By declaring the project as a 'significant' project, the government has committed to the most comprehensive EIS available.

WATER RESOURCES PLAN

Another requirement of Council was the development of a water resources plan. DNRW is committed to completing the water resources plan before any extra water is taken off the Island. The water resources plan for NSI will be included as an amendment to the Logan water resources plan. The August 2006 Regulation which declared a 'water emergency' in south-east Queensland effectively overrides the legislative requiring a water resources plan, but the government has committed to the plan in the context of overall community acceptance of the project.

The water resources plan is different from an EIS as it does not look at the infrastructure; it only assesses available water; it makes no recommendation as to how and where the water should be used. In effect, it is a 'water balance' calculating both supplies and demands from all sources. From this calculation, extra or existing water resources can be allocated and the water resources plan will authorise the amount of water for use.

The water resources plan is a legislatively prescribed process. The current plan is to have the document approved by the Minister for release in September 2008. There will be a community reference panel approved by the Minister. Individuals cannot self-nominate; persons must be nominated by representative groups and have the authority to speak on behalf of the group. The water resources plan is not a requirement to approve the project, but will be used to ascertain overall water allocations.

SUMMARY

The Eastern Pipeline Interconnector project is now being run by Southern Regional Water Pipeline Company on behalf of the Co-ordinator General. Southern Regional Water Pipeline Company has commenced the engineering design phase of the project and has also recently commenced the environmental assessment and community consultation work to meet both State and Federal legislative requirements. The information from the EIS and the position of the Co-ordinator General will be referred to DEWR for Federal government approval. The project must pass both governments before it can be approved to proceed.

The water resources plan will also be underway shortly but is a separate process to the EIS.

Council is still responsible for delivery of the borefield, treatment plant upgrade and reservoir but will be fully compensated for the work undertaken.

ISSUES

Project timeframes are very tight and it will be difficult to meet the State-imposed deadline of 31 December 2008 while completing a full EIS and water resources plan.

Design work on the borefield and 2 pipeline routes are currently underway but cannot be finalised until a number of other processes including the EIS and test drilling are further developed.

Due to the high demand for experienced bore drilling units and contractors across the country, Council will have to engage suitably experienced contractors to drill both test and final production bores.

Council's financial commitment will continue until the project is completed, however, the bulk assets and potentially the budget for future works will be removed from Council by 1 July 2008.

Also with the Council Reform Commission yet to make public their recommendations, a potential conflict arises as Redland Shire Council, as an entity, may no longer have the ability to make contractual payments.

Contracts can be novated; however, we are discussing the option of whether the contracts should nominate the Southern Regional Water Pipeline Company as the principal in anticipation of any change of responsibility.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to provide and maintain water, waste services, roads, drainage and support the provision of transport and waterways infrastructure.

FINANCIAL IMPLICATIONS

Councils' component of the work is being funded by Council to meet its commitment; however, the State Government will reimburse all the expenditure on this project.

CONSULTATION

Manager Technical Support, RWW; Service Manager Special Engineering Projects, Technical Support, RWW.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Barker
Seconded by: Cr Dowling

That Council resolve to note progress on the Eastern Pipeline Interconnector project.

CARRIED

11.1.3 REDLAND WATER & WASTE PERFORMANCE PLAN 2007-08

Datworks Filename: WS Redland Water & Waste Committee
Attachments: [RWW Performance Plan 2007-08](#)
Responsible Officer Name: Jim Pruss
General Manager, Redland Water & Waste
Author Name: Jim Pruss
General Manager, Redland Water & Waste

EXECUTIVE SUMMARY

Redland Water & Waste (RWW) is a commercial business unit (CBU) of Redland Shire Council (RSC).

Under Section 580(1) of the *Local Government Act 1993*, there must be an annual performance plan for each CBU.

RWW has conducted a review of its annual performance plan for the financial year 2007-08.

The performance plan is presented for adoption with the exclusion of the financial information. The financial information will be reviewed and adopted by Council as part of the annual budget process.

It is recommended that the performance plan be approved.

PURPOSE

For Council to adopt RWW's Performance Plan for 2007-08 to meet the requirements of the *Local Government Act 1993*.

BACKGROUND

The *Local Government Act 1993* requires that a business unit's performance is monitored by the local government against performance targets detailed in an annual performance plan.

Section 67 of the *Local Government Finance Standard 2005* states that the annual performance plan for a CBU must include:

- (a) the CBU's financial and non-financial performance targets for its activities;
- (b) the nature and extent of the CBU's community service obligations;
- (c) the costings of, and funding for, the CBU's community service obligations.

Section 68(1) of the *Local Government Finance Standard 2005* states that the annual performance plan for a CBU must also include:

- (a) the CBU's objectives and functions;

- (b) the nature and scope of the CBU's main activities and undertakings;
- (c) the CBU's notional capital structure and treatment of surpluses;
- (d) the CBU's proposed major investments;
- (e) the CBU's outstanding and proposed borrowings;
- (f) the CBU's policy on the level and quality of service consumers can expect from the CBU;
- (g) the delegations necessary to allow the CBU to exercise management autonomy and authority in its commercial activities;
- (h) the type of information to be given in reports.

The performance plan may be amended any time before the end of the financial year in which it is prepared.

ISSUES

A number of key performance indicators (KPIs) have been amended for this year's performance plan based on an analysis of previous year's performance, details of which follow:

KPI AND TARGET TO REMOVE

The following KPI has been identified for removal from the performance plan.

NUMBER OF MISSED WHEELIE BINS OUTSIDE ONE WORKING DAY - ≤ 9 PER YEAR

The performance plan already includes a KPI *for Number of missed wheelie bin services each year*, which we have proposed to change to each month. It is not necessary to monitor 2 similar KPIs and 2006-07 actuals indicate that RWW has consistently serviced missed bins within one working day. As a result, it is not critical to monitor this KPI each month as part of the performance plan.

AMENDMENTS

CURRENT - AVERAGE DAILY RESIDENTIAL WATER CONSUMPTION PER PROPERTY - ≤ 865 LITRES/ PROPERTY/ DAY

Proposed - Estimated average litres of water consumed per person per day (- ≤ 240 litres for Level 2).

The monthly and annual targets would change dependant on the current restriction level.

Both the indicator and the measurement calculation will change, the KPI will report the average litres of water consumed per person per day with a new proposed target. This new indicator provides a measure of performance with regard to the impact of water demand initiatives upon individual residents. It will provide more meaningful information for the purposes of water demand management, enable consistency with the Queensland Water Commission (QWC) and other south-east Queensland (SEQ)

Councils models and will allow Redlands a more direct consumption comparison with the rest of SEQ.

The target will use population projection figures for total population provided by the Department of Local Government and Planning, Planning Information Forecasting Unit (PIFU), adjusted to reflect that water is supplied to only 95% of Redland Shire (for 2006-07 the estimated population is 135,950). Targets will be established for each restriction level – 1 to 5. Based on the level 5 target set by QWC and the current level 2 targets in the Redlands, the following targets are examples of what targets may look like however these may be refined throughout the year. Consumption average for 2006-07 was 210l/p/day therefore Redlands is already achieving close to L3 restriction targets.

Restriction Level	Target – litres per person per day (indicative)	Redlands actual - litres per person per day
1	280	319.70 (2004-05)
2	240	235.67 (2005-06)
3	200	210.07 (2006-07)
4	170	
5	140	

CURRENT - RECYCLABLE MATERIAL DIVERTED FROM KERBSIDE COLLECTION (RECYCLING BIN ONLY) - \geq 20%

Proposed – Recyclable materials diverted from kerbside collection (recycling bin only) \geq 25%. The annual compliance target would also be \geq 25%.

Actuals for 2005-06 indicate that RWW has consistently achieved over 20% diversion, ranging from between 22% and 25% over the past year. A benchmarking exercise undertaken to compare RSC performance with those of other SEQ Councils, revealed an average of 25.8% diversion amongst these Councils as shown in the Table below. RWW believes the better recycling performance can be maintained and improved as we will continue the education strategy to better inform residents of the recycling program.

Council	05/06 approximate actuals
Redland Shire Council	24% (06/07 – 24.19%)
Brisbane City Council	30%
Caboolture Shire Council	26%
Gold Coast City Council	22%
Ipswich City Council	27%
Pine Rivers Shire Council	24%

CURRENT - NUMBER OF WATER MAIN BREAKS AND LEAKS PER 100KM OF MAIN PER YEAR - $\leq 4/100\text{KM}$

Proposed - *Number of water main breaks and leaks per month ≤ 8 with a yearly compliance target of 96*

It is proposed that both the indicator and target for this KPI be amended, the KPI would be changed to report the actual number of water main breaks each month, rather than the number per 100km of main and per year. The target would be converted to account for the new indicator. This would enable greater consistency with how other KPIs in the performance plan are being reported as well as make this KPI easier to understand and more relevant and monitor each month. The KPI would be amended to report the *Number of water main breaks and leaks per month*. The target has been converted as follows:

4 per year per 100km of main (based on 1202.2km of main):
= 4×12.022
= 48 per year / 12 months
= 4 per month

It is also proposed to increase the target from ≤ 4 to ≤ 8 . Actuals from 2005-06 indicate that RWW has experienced an average of 6 water main breaks and leaks each month, ranging from between 2 and 14 over the past year. This increase can be attributed to lower rainfall and hence drier ground conditions. While RWW continues to focus its efforts on minimising water main breaks and leaks, it is proposed to increase this target to ≤ 8 , slightly above the average of 2005-06 (2006-07 actual is 6.67), to account for the change in weather conditions. The KPI would be amended to report the *Number of water main breaks and leaks per month - ≤ 8* .

The following indicators have been identified as potential KPIs to change the way in which they are measured, i.e. the KPIs would be changed to report the actual number of events each month, rather than the number per 100km of main or per 1000 properties, and per year. The targets would remain the same but be converted to account for the new indicator. This would enable greater consistency with how other KPIs in the performance plan are being reported as well as make this KPI easier to understand and monitor each month.

CURRENT - OVERALL NUMBER OF DRY WEATHER OVERFLOWS PER 100KM OF SEWER AND RISING MAIN PER YEAR - $\leq 8/100\text{KM}$

Proposed - *Overall number of dry weather overflows per month - ≤ 7* .

Actual for 2006-07 is 7. The target has been converted as follows:

8 per year per 100km of main (based on 1029.1km of main):
= 8×10.291
= 82 per year / 12 months
= 6.86 per month

CURRENT - SEWER OVERFLOWS AFFECTING CUSTOMERS PER 1000 PROPERTIES PER YEAR - ≤ 5/ 1000 PROPERTIES

Proposed - Sewer overflows affecting customers per month - ≤ 18.

Actual for 2006-07 is 7. The target has been converted as follows:

5 per year per 1000 properties (based on 43,537 wastewater services):

= 5 x 43.537

= 218 per year / 12 months

= 18.14 per month

CURRENT - NUMBER OF POOR PRESSURE COMPLAINTS PER 1000 PROPERTIES PER YEAR - ≤ 1.52/ 1000 PROPERTIES

Proposed - Number of poor pressure complaints per month - ≤ 6.

Actual for 2006-07 is 2. The target has been converted as follows:

1.52 per year per 1000 properties (based on 46,657 water services):

= 1.52 x 46.657

= 71 per year / 12 months

= 5.90 per month

CURRENT - NUMBER OF MISSED WHEELIE BIN SERVICES EACH YEAR (REFUSE AND RECYCLING) - ≤ 500

Proposed - Number of missed wheelie bin services per month - ≤ 42.

Actual for 2006-07 is 535. The target has been converted as follows:

500 per year/ 12 months:

= 41.66 per month

SUMMARY

KPIs REMAINING THE SAME

KPI	Target	Unit	Reporting Frequency
Nitrogen load from effluent discharge	110	Av day kg/	Monthly
Earnings before interest tax and depreciation (EBITD)	0-5%	%	Monthly
Percentage of wastewater service interruptions restored within 5 hours	≥ 95	%	Monthly
Percentage of water samples complying with the ADWG	≥ 98	%	Quarterly
Unplanned water interruptions restored within 5 hours	≥ 97	%	Monthly
Number of water quality incidents per month	≤ 12	#	Monthly
LTIFR	≤ 20		Monthly

KPI AMENDMENTS

Former KPI				New KPI			
KPI	Target	Unit	Reporting	KPI	Target	Unit	Reporting
Average daily residential water consumption per property	≤ 865	Litres/property / day	Quarterly	Average residential water consumption per person per day	≤240 (Level 2)	Litres/person / day	Monthly
Total kilos of domestic waste landfilled per capita/per year	≤ 470	Kg/cap year	Monthly	Total kilos of domestic waste landfilled per capita/per year	≤ 488	Kg/cap /year	Monthly
Recyclable material diverted from kerbside collection (recycling bin only)	≥ 20	%	Monthly	Recyclable material diverted from kerbside collection (recycling bin only)	≥ 25	%	Monthly
Operating costs per megalitre of water treated	≤ 550	\$	Monthly	Operating costs per megalitre of water treated	≤ 890	\$	Monthly
Operating costs per property serviced (wastewater)	≤ 204	\$	Monthly	Operating costs per property serviced (wastewater)	≤ 238	\$	Monthly
Operating cost per tonne of waste (waste)	≤ 142	\$	Monthly	Cost/tonne of waste (waste)	≤ 84	\$	Monthly
Operating performance (expenditure to budget)	+/- < 10	%	Monthly	Operating performance (expenditure to budget)	+/- 5	%	Monthly
Overall number of dry weather overflows per 100km of sewer and rising main (per annum)	≤ 8	#/ 100km	Monthly	Number of dry weather overflows per month	≤ 7	#	Monthly
Sewer overflows affecting customers per 1000 properties (per annum)	≤ 5	#/ 1000 properties	Annual	Sewer overflows affecting customers	≤ 18	#	Monthly
Average response or reaction time to wastewater incident	≤ 1	Hr	Annual	Average response or reaction time to wastewater incident	≤ 60	Minutes	Monthly

Former KPI				New KPI			
KPI	Target	Unit	Reporting	KPI	Target	Unit	Reporting
Number of wastewater odour complaints (per annum)	≤ 36	#	Monthly	Number of wastewater odour complaints	≤ 3	#	Monthly
Number WWTP non conformances with EPA licence over compliance year	≤ 19	#	Monthly	Number WWTP non conformances with EPA licence over compliance year	≤ 0.5	#	Monthly
% compliance with EPA license waste management	≤ 98	%	Monthly	% compliance with EPA licence requirements for waste management	≥ 98	%	Quarterly
Number of water main breaks and leaks per 100km of main (per annum)	≤ 4	#/ 100km	Monthly	Number of water main breaks and leaks per month	≤ 8	#	Monthly
Average response time to water main breaks	≤ 1	Hr	Monthly	Average response or reaction time to water main breaks	≤ 60	Minutes	Monthly
Number of poor pressure complaints per 1000 properties (deficient) (per annum)	≤ 1.52	#/ 1000 properties	Monthly	Number of poor pressure complaints per month	≤ 6	#	Monthly
Number of missed wheelie bin services each year (refuse and recycling)	≤ 500 / annum	#	Monthly	Number of missed wheelie bin services each month (refuse and recycling)	≤ 42	#	Monthly
% capital works program practical completion - % of planned project milestones achieved this quarter	≥ 95 - < 96	%	Quarterly	% capital works program practical completion - % of planned project milestones achieved this quarter	≥ 95	%	Quarterly

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to provide and maintain water, wastewater and waste services and support the provision of infrastructure.

FINANCIAL IMPLICATIONS

For 2007/08 the planned level of Debt to Debt + Equity level shall be approximately 35%, the internal debt will increase from \$113m to \$186.135m.

CONSULTATION

Consultation has occurred with the following:

- Manager Customer Service & Business Performance, RWW
- Manager Technical Support, RWW
- Manager Treatment Operations, RWW
- Senior Financial Advisor, RWW

Their comments have been taken into account in developing this report and preferred recommendation.

OPTIONS**PREFERRED**

That Council resolve to adopt the 2007-08 Performance Plan for Redland Water & Waste as attached.

ALTERNATIVE

That Council resolve to adopt the 2007-08 Performance Plan for Redland Water & Waste with amendments.

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

Moved by: Cr Barker
Seconded by: Cr Dowling

That Council resolve to adopt the 2007-08 Performance Plan for Redland Water & Waste, as attached.

CARRIED**MEETING CLOSURE**

The meeting closed at 10.24am.

**12 FINANCE AND CORPORATE MANAGEMENT COMMITTEE 25/07/07 -
RECEIPT AND ADOPTION OF REPORT**

Moved by: Cr Williams
Seconded by: Cr Bowler

That the following Finance and Corporate Management Committee Report of 25 July 2007 be received.

CARRIED

DECLARATION OF OPENING

Cr Williams declared the meeting open at 2.00pm.

RECORD OF ATTENDANCE AND LEAVE OF ABSENCEMembers Present

Cr K M Williams	Chair and Councillor Division 9
Cr D H Seccombe	Mayor – entered at 2.03pm
Cr A G Barker	Councillor Division 1
Cr C B Ogilvie	Councillor Division 2 – entered at 2.01pm
Cr D A Henry	Councillor Division 3
Cr J L Burns	Councillor Division 5
Cr T Bowler	Councillor Division 6 – entered at 2.03pm
Cr M A Elliott	Councillor Division 7 – entered at 2.14pm
Cr A R Beard	Councillor Division 8
Cr H J Murray	Councillor Division 10 – entered at 2.01pm

Committee Manager

Mr R Turner General Manager Corporate Services

Officers

Mrs K Phillips	Manager Financial Services
Mr G Jensen	Manager Customer and Community Services
Mr W Van Wyk	Manager Corporate Planning, Performance and Risk
Mr V Ribinsky	Services Manager Integrated Development

Minutes

Mrs J Parfitt Corporate Meetings & Registers Officer

Absent

Cr P J Dowling Deputy Mayor and Councillor Division 4.

PUBLIC PARTICIPATION AT MEETING

Nil.

DECLARATION OF INTEREST

Nil.

MOTION TO ALTER THE ORDER OF BUSINESS

Nil.

12.1 CORPORATE SERVICES**12.1.1 INTERIM JUNE 2007 - MONTHLY FINANCIAL REPORTS**

Dataworks Filename: FM Monthly Financial Reports to Committee
Attachment: [Monthly Financial Reports](#)
Responsible Officer Name: Kerry Phillips
Manager Financial Services
Author Name: Kevin Lamb
Services Manager Financial Reporting

EXECUTIVE SUMMARY

Section 528(1) of the *Local Government Act 1993* requires that Council's statement of accounts be presented at an ordinary monthly meeting.

The attachments to this report present the interim June 2007 financial statement of accounts to Council and provide detailed analytical commentary. ***It is important to note these statements are not final statements of account to 30 June 2007.*** Adjustments still have to be made for the following items:

- accrual of late June invoices for both operating and capital expenditure
- final accrual of annual and long service leave expenses
- revaluation of infrastructure assets
- final depreciation runs in asset registers

In summary all seven Key Financial Performance Indicators exceeded targets set at the beginning of the financial year. These related to:

- level of dependence on rate revenue;
- ability to pay our bills – current ratio;
- ability to repay our debt – debt servicing ratio
- cash balance;
- cash balance – cash capacity in months;
- longer term financial stability – debt to assets ratio and
- operating performance

The operating financial result (Earnings Before Interest, Tax and Depreciation – EBITD) is ahead of budget by \$4.2 million, with operating expenditure favourable by \$3.3 million and operating revenue favourable by \$0.9 million.

Capital expenditure is \$9.0 million or 16.7% behind revised budget expenditure levels at the end of June. Compared to the original capital works program set at the start of the financial year 69% was completed - \$20.2M of the original budget was not completed.

The cash flow position for the year is ahead of forecast levels by \$16.0 million at 30 June 2007. This is principally due to:

- Receiving \$882K more from operating activities than anticipated in the budget cash flow. Higher receipts were received for fees and charges \$798K and other revenue \$97K, lower anticipated payments were made for materials and services \$1.6M and employee costs \$82K. These favourable results were offset by unfavourable receipts of rates and charges \$1.6M mainly attributable to lower water consumption.
- Lower than anticipated net cash outflows from investing activities \$15.07M. Capital expenditure was \$9.0M lower than anticipated. Capital grants, subsidies and contributions received were \$6.067M higher than forecast. The significant portion being \$4.34M for the duplication of Quarry/Rickertt Road.
- Loan redemption payments to QTC were \$59K lower than anticipated.

PURPOSE

The purpose is to present the interim June 2007 report to Council and explain the content and analysis of the report. Section 528 of the Local Government Act 1993 requires the Chief Executive Officer of a local government to present statements of its accounts to the local government.

BACKGROUND

The Corporate Plan contains a strategic priority to ensure the long term financial viability of the Shire and provide public accountability in financial management. For organisational effectiveness, it is important that Council receive and understand the monthly financial statements.

ISSUES

The following elements, shown in the attachments, comprise the interim End of Month Financial Reports for June 2007:

Corporate Financial Report Card (A)

- Operating Revenue compared with Budget;
- General Operating Costs compared with Budget;
- Capital Expenditure compared with Budget;

- Cash Position; and
- Employee Costs compared with Budget.

Report Card Analysis (B)

Classifies variances between revised budget and actual results as being either timing or permanent variances as well as favourable or unfavourable. Timing variances are anticipated to evaporate once final 30 June 2007 figures are produced. Permanent variances imply the variance will remain into the next year.

Council Financial Report 1 (C)

Shows the percentage variance of year to date actual results compared with year to date budget by colour indicators.

Council Financial Report 2 (D)

Shows year to date actual results compared with annual and year to date budgets. This report has a brief commentary on all year to date variances greater than \$30,000.

A Balance Sheet (E), an Investment Summary (F), a Statement of Cash Flows (G), Financial Stability Ratios report (H), Community Benefit Fund Report (I) and Type 3 Business Activity Statements (J) have been included to provide the complete picture of Councils' finances.

The Operational and Capital Projects Report provides actual versus budget expenditure for selected projects.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to support the organisation's capacity to deliver services to the community by building a skilled, motivated and continually learning workforce, ensuring our assets and finances are well managed, our corporate knowledge is captured and used to best advantage, and that we market and communicate our services effectively.

FINANCIAL IMPLICATIONS

The overall financial position remains strong with EBITD of \$30.9 million (\$4.2 million ahead of budget). This result is due to total operating revenue of \$145.9 million (\$0.9 million ahead of budget) and total operating costs of \$114.9 million (favourable variance of \$3.3 million).

The Capital expenditure program is \$9.0 million or 16.7% behind targeted expenditure levels at the end of June.

The investment of surplus funds for the month returned a weighted average rate of return of 6.59% that compares favourably to the benchmark UBS Australia Bank Bill Index of 6.42%.

The cash balance remains strong at \$76.8 million, equivalent to 8.0 months cash capacity.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

Consultation has taken place amongst the Executive Leadership Group.

OPTIONS

PREFERRED

That Council note the interim End of Month Financial Reports for June 2007 and explanations as presented in the attachments.

ALTERNATIVE

That Council requests additional information.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve to note the interim End of Month Financial Reports for June 2007 and explanations as presented in the following attachments:

- 1. Corporate Financial Report Card;**
- 2. Report Card Analysis;**
- 3. First Council Financial Report;**
- 4. Second Council Financial Report;**
- 5. Balance Sheet;**
- 6. Investment Summary;**
- 7. Statement of Cash Flows;**
- 8. Financial Stability Ratios Report**
- 9. Community Benefit Fund Report and**
- 10. Operational and Capital Projects Report**

CARRIED

12.2 CUSTOMER SERVICES

12.2.1 PROPOSED COMPLIANCE SYSTEMATIC INSPECTION PROGRAM 2007/2008

Datworks Filename: L & E Declared Plants & Overgrown Vegetation
Systematic Inspection Program

Attachments: [Systematic Inspection Programs 1-4](#)

Responsible Officer Name: Tim Donovan
Manager Assessment Services

Author Name: Gary Kirby
Compliance Services Manager

EXECUTIVE SUMMARY

Section 1098 of the *Local Government Act 1993*, requires Council to approve Systematic Inspection Programs.

“A local government may by resolution approve a program (an “approved inspection program”) under which authorised persons may enter places to monitor compliance with a local government Act or an aspect of a local government Act”.

Council conducts Systematic Inspection Programs (surveys) to enforce the provisions of *Local Law 18 (Control of Nuisances)*, *Local Law 13 (Control of Pests)*, *Land Protection (Pest & Stock Route Management) Act 2002* and all subordinate legislation.

During the surveys, properties within the Shire will be inspected for possible breaches of Local Laws and State Legislation. In order to conduct the inspections, in a proactive and effective manner, Council requires the approval of the Systematic Inspection Programs to enable Council Officers to enter properties and carry out the inspections. Approval of this report will enable Council Officers to fulfil State Government requirements to carry out the inspections under the *Local Government Act 1993*.

PURPOSE

In accordance with Section 1098 of the *Local Government Act 1993*, the purpose of this report is to recommend that Council conduct four (4) Systematic Inspection Programs for overgrown land, fire hazards, and declared plants.

BACKGROUND

Local Law 18 (Control of Nuisances) and the subordinate local law (Local Law Policy No 18), Local Law 13 (Control of Pests) and the subordinate local law (Local Law Policy No 13), *Land Protection (Pest & Stock Route Management) Act 2002*, and Land Protection (Pest & Stock Route Management) Regulation 2003, require

landowners to keep their properties free of overgrown vegetation, fire hazards, and declared plants.

To ensure properties are being maintained in accordance with legislative requirements, Council (through its Compliance Services Unit) proposes to carry out four Systematic Inspection Programs (Surveys) to allow Council officers to inspect properties within the Shire.

As specified within Chapter 15, Part 5 Division 7 of the *Local Government Act 1993*, the carrying out of a Systematic Inspection Program must be approved by Council resolution.

ISSUES

The systematic inspection programs, if approved, will commence on 13 August, 2007 and continue until 23 June 2008. Each program will operate for no more than 3 months. The systematic inspection programs will be advertised in a local paper at least 14 days, but no more than 28 days prior to the commencement of the approved inspection program.

Under the *Local Government Act 1993*, Chapter 15, Part 5, Division 7 - Approved Systematic Inspection Programs, an authorised officer can enter a property for the purpose of inspection at any reasonable time of the day or night. Officers will only perform inspections between 8:00am and 5:00pm, Monday to Friday.

Inspections under these systematic inspection programs will include vacant land and occupied properties throughout the shire.

Copies of each program will be available to the public at Customer Service Centres. Members of the public can obtain a copy at no charge.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to ensure the enhancement of biodiversity including koala habitat, bushland, greenspace, waterways, catchments, air and coastal ecosystems in recognition of our unique location on Moreton Bay.

FINANCIAL IMPLICATIONS

Authorised officers employed in this program are permanent employees of the Redland Shire Council. The survey has been identified within the 2007/2008 proposed budget.

CONSULTATION

The proposal to perform the Systematic Inspection Programs has involved consultation with:-

- Senior Advisor Environmental Protection; and

- Advisor Reserve Management on behalf of the Senior Advisor Natural Area Management.

OPTIONS

Preferred

That Council approve the Systematic Inspection Programs, as attached, to be performed during the period 2007/2008, as follows:

- Program 1 -13 August 2007 to 21 September 2007 inclusive;
- Program 2 -24 September 2007 to 21 December 2007 inclusive;
- Program 3 - 2 January 2008 to 31 March 2008 inclusive; and
- Program 4 - 1 April 2008 to 23 June 2008 inclusive.

Alternative

That Council resolve to act only on complaints received.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams

Seconded by: Cr Barker

That Council resolve, pursuant to section 1098 of the *Local Government Act 1993*, to approve the following Systematic Inspection Programs for 2007/2008 to enforce the provisions of *Local Law 18 (Control of Nuisances)*, *Local Law 13 (Control of Pests)*, *Land Protection (Pest & Stock Route Management) Act 2002* and all subordinate legislation as follows:

- Program 1 – from 13 August 2007 to 21 September 2007 inclusive;
- Program 2 – from 24 September 2007 to 21 December 2007 inclusive;
- Program 3 – from 2 January 2008 to 31 March 2008 inclusive; and
- Program 4 – from 1 April 2008 to 23 June 2008 inclusive.

CARRIED

12.2.2 PROPOSED SYSTEMATIC POOL AND SPA INSPECTION PROGRAM FOR POOLS APPROVED DURING 1991 TO 1998

Datworks Filename: LUP Projects - LUP IDBC Swimming/Spa Pools
Attachments: [Programs 1 to 4](#)
Responsible Officer Name: Tim Donovan
Manager Assessment Services
Author Name: Vadim Ribinsky
Services Manager Integrated Development

EXECUTIVE SUMMARY

New laws were introduced on 1 October 2003 in an attempt to reduce the incidence of toddlers drowning in outdoor swimming and spa pools on residential land.

As a result, Council has already successfully undertaken a number of systematic inspection programs for Council approved swimming and spa pools.

More recently, further amendments have been made to Pool laws and all Councils have been encouraged by the Minister for Local Government and Planning to extend their involvement to prevent child drowning and injury in residential swimming pools through:

- Carrying out regular inspections;
- Implementing a random pool inspection system; and
- Joining the Department to raise awareness of the importance of safe pool fencing and other measures to prevent fatalities or injuries associated with children and residential swimming pools.

In this respect, the Assessment Services Group had budgeted for the 2007/08 year to continue undertaking systematic inspection program for pools approved during 1991-1998. Council records indicate there are approximately 3,500 pools that have been approved during 1991 – 1998 that form part of this project.

In order to continue to conduct these swimming pool and spa inspections on a shire wide basis, approval is sought from Council, to undertake Systematic Inspection Programs, as outlined in Section 1098 of the *Local Government Act*.

PURPOSE

This matter is referred to Council to make a resolution in accordance with section 1098 of the *Local Government Act 1993* allowing officers to undertake systematic inspection programs for Council approved domestic swimming and spa pools where Council records indicate that there is no final certificate or inspection undertaken.

BACKGROUND

Two Coroner's reports were released, in May and October 2002, regarding the drowning of young children in residential swimming pools in Queensland. As part of

the Coroner's recommendations, the former Department of Local Government and Planning conducted a review of the pool fencing requirements of the *Building Act 1975*. The review included an investigation of Council practices concerning the administration of the pool safety requirements of the Act.

In response, new laws were drafted and Council had undertaken a number of systematic inspection programs. This report seeks Council approval to continue the 06/07 program into the 07/08 financial year.

The current inspection program commenced in 2006/07 and the team has completed 1169 first inspections, and of that, 410 passed on the first inspection, 351 passed on the second, 6 on the third and 148 pools were removed. There are 254 still in compliance stage.

ISSUES

The 2007/08 year, there are still 549 new properties to be inspected and compliance undertaken and of course there will be follow up 2 or 3 inspections and compliance action as per previous experience.

Private

These programs are not targeting pools approved by Private Certifiers at this stage as they are an approving entity in their own right and are responsible for their own compliance and enforcement matters. If Council wishes to audit the work performed by private certifiers then this can be a separate inspection program administered under the same provisions of the *Local Government Act* and budgeted for in subsequent years.

Enforcement

These programs will also involve enforcement and prosecution for pool and spa owners who refuse to comply with the relevant legislation.

Depending on the nature of non-compliance, an enforcement process in accordance with the relevant legislation will be followed. Pools and spas which pose potential life safety situations will be given first priority and will result in immediate action.

Risk

Council needs to be aware of the potential life safety risks to toddlers (0 to 5) and the relevance of this project. The State Government is considering further changes to legislation to reduce the incidents of persons drowning in Queensland, however, it is important that Council's exposure be minimised and that duty of care is exercised in this manner. Even though it was not mandatory to inspect unless an inspection was called for, a pro-active approach is considered appropriate considering the impacts of legislation and the pending introduction of some form of mandatory annual inspections.

Inspection Program

In accordance with the *Local Government Act*, the systematic inspection programs are to be carried out in periods not exceeding 3 months and will involve public advertising. The inspection programs are attached to this report and will be freely available to the public.

Briefly, the project will follow the inspection and enforcement regime of the previous systematic inspection program. The project will reassess the effectiveness of the inspection programs and make any alterations as necessary. It is proposed that the first of these programs will be effective from 1 September 2007.

After this and subject to determining the duration of the project and budget availability, the balance of the properties will be inspected as programs 2, 3, 4 and so on, each being a period of not more than 3 months until the inspection program is complete.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to build safe, strong and self reliant communities with access to community services, infrastructure and opportunities for participation in community life.

FINANCIAL IMPLICATIONS

This project has been budgeted for in 2007/08 and is a continuation of the project started in 2006/07 year.

CONSULTATION

The Manager Assessment Services and Manager Land Use Planning have been consulted in this matter.

For the public, a notice must be placed in the local papers at least 14 days, but not more than 28 days, prior to the commencement of an approved inspection program. Each inspection program will require advertising.

OPTIONS

PREFERRED

That Council resolve, pursuant to section 1098 of the *Local Government Act 1993*, to approve the following Systematic Inspection Programs for outstanding Council approved domestic swimming and spa pools:

1. First program to commence on 1 September 2007 and cease on 30 November 2007;
2. Second program to commence on 1 December 2007 and cease on 29 February 2008;
3. Third program to commence on 1 March 2008 and cease on 31 May 2008; and
4. Fourth program to commence on 1 June 2008 and cease on 30 June 2008.

ALTERNATIVE

That no systematic inspection program takes place.

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

Moved by: Cr Williams

Seconded by: Cr Barker

That Council resolve, pursuant to section 1098 of the *Local Government Act 1993*, to approve the following Systematic Inspection Programs for Outstanding Council Approved Domestic Swimming and Spa Pools approved during 1991-1998:

- 1. First program to commence on 1 September 2007 and cease on 30 November 2007;**
- 2. Second program to commence on 1 December 2007 and cease on 29 February 2008;**
- 3. Third program to commence on 1 March 2008 and cease on 31 May 2008;
and**
- 4. Fourth program to commence on 1 June 2008 and cease on 30 June 2008.**

CARRIED

12.2.3 REDLAND BAY HALL COMPUTER ROOM EXTENSION

Datworks Filename: CP Halls - Redland Bay Community Hall
Responsible Officer Name: Greg Jensen
Group Manager Customer and Community Services
Author Name: Russell Cook
Leisure and Recreation Services Manager

EXECUTIVE SUMMARY

A report was requested by the Councillor for Division 5, Cr Burns, to outline the issues involved with a proposed extension to the Redland Bay Community Hall which is to be used as a computer training area by the Redland Bay Seniors. This extension will be partly funded by Council, (\$20,000), Cr Burns' portion of the Councillors' Community Benefit Fund (\$5,000) and the remainder of the project costs will be funded by the Rotary Club of Redlands Bayside.

The Redland Bay Seniors have requested that no other users have use of this hall extension due to the need for equipment security. No other of the 115 regular hirers of the 15 Community halls has this "exclusive use" status.

The room will house a number of computers that need to be secured when the room is not in use. The practical way to achieve this is limited access to the room through locking the room to exclude other users of the hall. Limited access will not grant exclusive access to the space, but will allow security of the computers. Should there no longer be a need for securing the room it would revert to general access like all other halls managed by Council.

PURPOSE

The purpose of this report is to outline the issues and seek Council's decision on allocating limited access to the room as requested by the Redland Bay Seniors.

BACKGROUND

After a request from the Redland Bay Seniors in early 2005 for additional space within the hall, Council constructed a 74 square metre extension to the Redland Bay hall at a cost \$120,000. This Meeting Room area was to be used as a computer room by the seniors and was developed with additional power outlets and a uni-sex toilet facility to cater for this use. While the seniors have used this area each week as part of their activities on Mondays from 8.00 am to 3.00 pm and Wednesdays from 11.00 am to 3.00pm the area has not been used for computer training as originally intended and has been used for other activities by the Redland Bay Seniors and other groups. The Redland Bay Seniors have incorrectly not been charged for the use of this additional space and currently pay the Reduced Hire fee of \$6.75/hr for use of the whole hall. To be consistent with all other Community Halls the additional

Meeting Room hire fee of \$3.40/hr was due to be charged from July, however, has been held off awaiting Council's decision in the matter.

Approximately four other groups hire this area, for a total of 15 to 20 hours per month, of the 248 hrs/month this area of the hall is available for hire (based on Council's Service Level Agreement Key Performance Indicators).

In March 2006 the seniors requested another 24 metre extension to the hall for the purpose of a "computer room". After support from Cr Burns, who was to provide \$5,000 from his portion of the Councillors' Community Benefit Fund, Council allocated \$20,000 towards this project in the 2006/07 budget. The Rotary Club of Redlands Bayside have given their support to this proposal and have arranged with a local building company to construct the extension and will fund any additional cost of the project above the \$25,000 allocated by Council.

Subsequent correspondence with the seniors has highlighted that they want to control access and use of this proposed extension and would leave the area set up with computers and associated equipment.

Of the 115 regular hires of the 15 community halls there are three other seniors groups based at Victoria Point, Wellington Point and Capalaba Place and numerous indoor bowls groups and Progress Associations who are not afforded "exclusive use" status within a hall.

ISSUES

The Community Services and Facilities Study September 2003 indicated a need to identify suitable locations and provide an "Aged Activity Centre" to service the southern suburbs. Funds have not been allocated to support this recommendation in the 10 Year Capital Budget.

Officers agree that the Redland Bay Seniors membership expanding to over 230 is putting additional strain on their capacity to provide activity space within the hall.

The extension will house a number of computers for training members of the Redland Bay Seniors. This activity is consistent with skill development in seniors to keep in touch with changes in information and communications technology. The current hall does not have sufficient storage to securely lock up the computers when not in use. The inconvenience of setting up computer work stations also needs to be considered. The most practical way to achieve the outcome is to have the room locked when the computers are not in use as there is no security on site outside of the Redland Bay Seniors' normal 10 hrs/week usage of the hall.

If they require access to the computer room outside their normal weekly hours this would potentially be in conflict with other hirers as there is only access to the room from within the hall and no external access. Use by the seniors of other areas such as toilets and the kitchen would also be restricted. Therefore, they would need to book this room with the Hall Booking Officer to minimise any disruption to other hirers.

Rather than granting exclusive use it is recommended that limited access is granted so that the Redland Bay Seniors are responsible for security and insurance of the computers, as items belonging to hirers that are left in the halls are not covered by Council's insurance. If other users desire to use the computer training facility this would be organised through the Redland Bay Seniors. Council should have the ability to require the computers to be removed if necessary due to changes in the hall's usage, so that the room is available to other community groups.

A fee also needs to be approved by Council for the use of this room. This was not set as part of the 2007/2008 budget process. Based on the Reduced Meeting Room hire fee for similar sized rooms at other halls, this proposed computer room would have a hire fee of \$11.00 per hour for Regular Hirers - Profit. With the fee reduction available to the Redland Bay Seniors this equates to \$2.75/hr hire fee. Therefore, they should then pay the following hourly fees:

Main area @ \$6.75/hr
Meeting Room @\$3.40/hr (additional fee for 2007/2008)
Computer Room @\$2.75/hr (new fee for new room to be constructed)
TOTAL \$12.90/hr

Currently the Redland Bay Seniors pay \$6.75/hr (all based on 07/08 fees) as the increased fee of \$3.40 for the Meeting Room has not been charged until this matter is decided.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to build safe, strong and self reliant communities with access to community services, infrastructure and opportunities for participation in community life.

FINANCIAL IMPLICATIONS

Council has allocated \$20,000 in the 2007/08 budget and Cr Burns will support the project with \$5,000 from his Community Fund. The total cost of the project is unknown until Council receives confirmation from the Rotary Club of Redlands but is estimated in excess of \$45,000. The remaining funds will be provided by The Rotary Club of Redlands Bayside.

CONSULTATION

Consultation has taken place with the Mayor, CEO, Community and Social Planning and Customer and Community Services.

OPTIONS

The following is the preferred option:

1. The Redland Bay Seniors be given limited access to the extension of the Redland Bay Community Hall for use as a Computer Training facility and must book the room with the Hall Booking Officer when required;

2. That should the extension (the room) no longer be used for computer training that the limited access be reverted to general access by the hall hirers;
3. That the Redland Bay Seniors be responsible for the security and insurance of any equipment left in the room; and
4. That Council adopts a fee of \$11/hour for Regular Hirers - Profit, for use of the Computer Room. This would mean a Reduced Fee of \$2.75/ hr for hirers, such as the Redland Bay Seniors.

OFFICER'S/COMMITTEE RECOMMENDATION

That Council resolve as follows:

1. The Redland Bay Seniors be given limited access to the extension of the Redland Bay Community Hall for use as a Computer Training facility and must book the room with the Hall Booking Officer when required;
2. That should the extension (the room) no longer be used for computer training that the limited access be reverted to general access by the hall hirers;
3. That the Redland Bay Seniors be responsible for the security and insurance of any equipment left in the room; and
4. That Council adopts a fee of \$11/hour for Regular Hirers - Profit, for use of the Computer Room. This would mean a Reduced Fee of \$2.75/ hr for hirers, such as the Redland Bay Seniors.

PROPOSED MOTION

Moved by: Cr Burns
Seconded by: Cr Dowling

That the Committee Recommendation be adopted with an amendment, that there be no charge to the Redland Bay Seniors for the use of the computer room for the remainder of the 2007/2008 financial year.

Cr Murray moved that the motion be put.

The motion to put the motion was put to the vote and CARRIED.

The Mayor put Cr Burns' motion.

One being put to the vote the Mayor declared the motion as LOST.

COUNCIL RESOLUTION

Moved by: Cr Dowling
Seconded by: Cr Williams

That Council resolve as follows:

1. The Redland Bay Seniors be given limited access to the extension of the Redland Bay Community Hall for use as a Computer Training facility and must book the room with the Hall Booking Officer when required;
2. That should the extension (the room) no longer be used for computer training that the limited access be reverted to general access by the hall hirers;
3. That the Redland Bay Seniors be responsible for the security and insurance of any equipment left in the room; and
4. That Council adopts a fee of \$11/hour for Regular Hirers - Profit, for use of the Computer Room. This would mean a Reduced Fee of \$2.75/ hr for hirers, such as the Redland Bay Seniors.

CARRIED

12.3 PLANNING AND POLICY

12.3.1 BALANCED SCORECARD REPORT - 2006-2007 YEAR

Datworks Filename:	GOV - Corporate BSC Monthly Reporting to Committee
Attachments:	<u>Corporate Balanced Scorecard – 2006-2007 Year</u>
Responsible Officer Name:	Warren van Wyk Manager Corporate Planning Performance & Risk
Author Name:	Jenny Forbes Senior Projects Adviser

EXECUTIVE SUMMARY

The Corporate Balanced Scorecard report, as attached, provides a high level overview of Council's performance in key areas of Council business.

As this is the final report for the 2006/07 financial year, this report provides the performance results and comments for the full 2006/07 year, and shows the results for each month of the year.

Performance is shown in one of four ranges: Outstanding (green), above standard (yellow), satisfactory (orange) or unsatisfactory (red).

The overall rating for Redland Shire Council for the 2006/07 year is outstanding.

PURPOSE

To provide Council with the Corporate Balanced Scorecard report for the 2006/07 financial year.

BACKGROUND

The performance management framework for Redland Shire Council comprises reports to Council on a monthly and quarterly basis as follows:

- The monthly Corporate Balanced Scorecard (BSC) report to Council of overall organisational performance. This report comprises a set of 11 high level KPI's that have been developed to reflect organisational performance against financial, customer, internal/business processes, and people and learning perspectives. This report provides Council with a monthly snapshot on how the organisation is performing in key areas of our business.
- A more detailed quarterly operational plan performance report that focuses on performance at a program level. This report comprises a summary of performance against 120 KPI's and more detailed comments from Managers about performance that falls above or below an acceptable range.

ISSUES

The following comments provide an overview of performance under each scorecard perspective and the associated key performance indicators.

Financial Perspective

Rating: Above Standard

NOTE: These are interim financial results and will be subject to change following completion of end of financial year processes. Updated results will be provided as soon as they are completed.

Comments:

- Earnings Before Interest Tax & Depreciation (EBITD) Savings to Budget (weighting 20%) rated at the outstanding level. Favourable fees & charges \$700K. Employee costs and goods & services under budget. These may have some reduction in impact after Period13 adjustments. Well outside target due to unbudgeted grants & significant under spends. Cash balance approx \$77M.
- Cash Levels within Targets (weighting 8%) rated in the unsatisfactory range. Cash balances far exceed anticipated levels as of 30th June due to under expenditure in operating goods and services, capital works, employee costs, and an unexpected seasonal high in grant funds and developer cash contributions.
- The Capital Works Program Financial Performance KPI (weighting 12%) compares expenditure on finalised projects with budget. The above standard result shows a saving of 3.86% due to a YTD Budget of \$24,236,111 compared to a YTD Actual of \$23,300,199.

Customer Perspective

Rating: Outstanding

Comments:

- Capital works program practical completion (weighting 15%) reports on the % of capital project milestones achieved compared to plan and continues to rate in the outstanding range. The result year to date of 101.64% indicates that milestones overall are being achieved ahead of schedule. Redland Water & Waste achieved 79 milestones for the year, achieving 89.77% of their targeted milestones. Non completion of milestones was mainly due to delay in receiving materials ordered from overseas. Project Delivery Group achieved 729 milestones for the year, achieving 98.91% of their targeted milestones. Corporate Services is way ahead of schedule with 429 milestones achieved compared to their target to 392 giving them 109.44% of capital project milestones achieved. Planning and Policy achieved 100% of their targeted capital project milestones.
- Compliance with the Australian Drinking Water Guidelines (ADWG, weighting 2.5%) was outstanding. Drinking water quality fully complied (100%) with all 4 key ADWG parameters: e-coli levels, turbidity, pH levels, and manganese levels.

- Compliance with our EPA Licence for Wastewater (weighting 2.5%) rated as outstanding. The total ADWF for 365 days YTD is 10196ML. Total compliant ADWF is 10189ML.
- % of development assessment, integrated commercial and land development applications processed within IPA timeframes (weighting 10%). 850 MCU/SB applications were processed this year. 31 applications were greater than 20+20 days giving a full year result of 96% and an above standard result.

Internal Processes Perspective

Rating: Outstanding

Comments:

- Asset Management Plans Actions Completed (weighting 7.5%) scored 91% and rated as above standard for the year. 644 out of 708 for the year were completed.
- % of Internal Audit Actions completed within agreed timeframes (weighting 7.5%), continues to rate as outstanding with 100% of audit recommendations completed on schedule.

People and Learning Perspective

Rating: Outstanding

Comments:

- % implementation of the Tri-Safe audit action plan (weighting 10%) remains at the outstanding level with all actions due completed on schedule and systematic improvements to Council's overall WH&S standards.
- The Lost Time Injury Frequency Rate (weighting 5%) YTD result is satisfactory with a predominance of minor injuries. In the June reporting period there were 3 LTI's mostly relating to strains and sprains. All have been returned to work with one on suitable duties.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to provide a clear organisational direction supported by effective leadership and a framework of policies, plans and strategies that are responsive to the community's needs and which promote accountable and ethical standards of practice.

FINANCIAL IMPLICATIONS

No direct financial implications arise from this report. The report does contain several indicators that either reflects financial performance to date or which will have had a direct or indirect impact on financial performance.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

The data and comments in the report were provided by relevant managers and were compiled by the Corporate Planning, Performance and Risk Group.

OPTIONS**PREFERRED**

That Council resolve to note the Corporate Balanced Scorecard for the 2006-2007 year.

ALTERNATIVE

That Council resolve to note the Corporate Balanced Scorecard for the 2006-2007 year and request additional information.

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

Moved by: Cr Williams

Seconded by: Cr Barker

That Council resolve to note the Corporate Balanced Scorecard for the 2006-2007 year, as attached.

CARRIED

12.3.2 OPERATIONAL PLAN REPORT - 2006-2007 YEAR

Datworks Filename: Gov-Corporate Performance Reporting-Quarterly
Attachment: [Operational Plan Report – June Quarter & 2006-07](#)
Responsible Officer Name: Warren van Wyk
Manager Corporate Planning Performance & Risk
Author Name: Jenny Forbes
Senior Projects Advisor

EXECUTIVE SUMMARY

Council adopted the Corporate Plan for 2006-2010 on 21 December 2005. Implementation of the Corporate Plan occurs through the annual Operational Plan.

The 2006-2007 Operational Plan was adopted on 31 May 2006 (and amended to reflect some minor changes in September 2006 and February 2007). It highlights to the Council and the community the key initiatives that Council will pursue this financial year towards achievement of the Corporate Plan's long term objectives.

In line with the *Local Government Finance Standard 2005*, the 2006-07 Operational Plan sets out the Key Outputs that will be delivered during the 2006-07 financial year for each of the Strategies in the Corporate Plan, and the Key Performance Indicators (KPI's) for those Outputs. This quarterly/full year report shows the actual achievements to date towards delivering on those KPI's, and also ensures that Council meets its obligations to monitor progress on delivering its Corporate and Operational Plans as required by *the Local Government Act 1993*.

The reporting system is designed to rate performance against each KPI in one of four ranges:

- Outstanding – Green (or ☆ in the summary)
- Above Standard – Yellow (✓)
- Satisfactory – Orange (▲)
- Unsatisfactory – Red (✖)

PURPOSE

This report ensures Council complies with the requirements of the *Local Government Act* and enables Council to monitor its business performance against its approved Operational Plan.

BACKGROUND

The Corporate Plan 2006-2010 has 130 Strategies. However, only the most significant Outputs scheduled to occur this year for each Strategy are identified in the Operational Plan to ensure a more strategic focus is maintained and that reports are manageable. In the case of some Strategies there are no key Outputs identified this year because they are scheduled to be delivered in later years of the Corporate Plan.

This is the normal “exceptions” based report which focuses on KPI’s performing in the unsatisfactory or outstanding ranges. A full report detailing results for all KPI’s is available from the Corporate Planning Performance & Risk Group (CPPR) and will be posted on the intranet. A copy of the KPI Register; which includes comprehensive details of all KPI’s including detailed definitions, sources of data, calculation methodology, targets each quarter, responsible officers and associated information; is available from CPPR and has been provided in the Councillors resource area for information.

The targets for some KPI’s are shown in the report as Satisfactory 0, Above Standard 1 and Outstanding 2. This indicates that there were no planned action/s in the relevant quarter. These ranges are required to allow the reporting system to assign scores when an actual result is entered.

ISSUES

Overall Performance – 2006-07 Year (refer to the Attachment p.3-8)

Performance against the Operational Plan as a whole rated in the above standard range for the year. The overall range of performance against each Strategic Priority is:

- Outstanding – Natural Environment, Economic Prosperity and Organisational Leadership.
- Above Standard – Community Health & Wellbeing, Essential Services and Knowledge Management.
- Satisfactory – Physical Character and Financial Management.
- Unsatisfactory – People Management.

KPI performance summary

There are 120 KPI’s out of a total of 130 that are reportable in the Operational Plan for the 2006-07 year. These KPI’s rated as follows:

- Outstanding – 65 KPI’s (54%)
- Above Standard – 9 KPI’s (8%)
- Satisfactory – 19 KPI’s (16%)
- Unsatisfactory – 27 KPI’s (22%) performed below expected levels.

Summary comments on the performance against each Strategic Priority follow. Comments on specific KPI’s are included where an unsatisfactory result has occurred this quarter.

Natural Environment (refer to the Attachment p. 9-11)

- Biodiversity and Environmental Performance Programs performed at an outstanding level.
- Coastal and Waterways Program achieved a satisfactory rating.

Physical Character (refer to the Attachment p. 12-16)

- Development Assessment achieved an outstanding result with DA approvals and RRIF projects all meeting targets as planned.
- Land Use & Infrastructure Planning and Open Space Programs achieved a satisfactory rating this quarter with the majority of initiatives progressing as planned. The only exceptions are:
 - The six-monthly RPS amendment actions were delayed due to late signoff by Minister of Amendment 1A & 1B. Amendment 1A was signed off late June 2007 and notification will commence 17 July 2007. Amendment 1B remains with the Minister for final signoff before going to public notification.
 - Completion of the Priority Infrastructure Plan (PIP) was delayed due to finalising the community land component. The other components have been adopted in the interim as Planning Scheme Policies.
- Local Area Planning Program achieved a below satisfactory result.
 - The SE Thornlands and Kinross Road area structure plans and incorporation into RPS are awaiting ministerial approval of the draft South East Thornlands Structure Plan to allow statutory public exhibition to commence. There has been significant delays in receiving State agency comments and then prolonged decisions in finalising particular issues such as road layout with DMR. The Draft Structure Plan for Kinross Road is currently being prepared for presentation to Council.
 - RPS provisions for compatibility with SEQ Regional Plan re Capalaba and Cleveland major business centres projects are deferred pending completion of a DMR study.
 - Planning and design of Dunwich Town Centre and Cleveland (Middle Street West) were delayed due to reallocation of responsibilities from LUPG Project Manager. The schematic design concept is prepared, however the project plan has been restructured to reflect problems experienced.

Essential Services (refer to the Attachment p.17-33)

- Roads & Drainage and Transport Programs achieved an outstanding rating, with all KPI's performing at the outstanding level.
- Wastewater, Marine Facilities, and Waste Management Programs achieved an above standard rating.
 - In the Marine program, the only KPI rating unsatisfactory was "Council adopting a position on the provision of marine infrastructure". A briefing note on this topic has been prepared but is yet to be considered by Council and a formal position determined.
- Water Supply Program achieved a satisfactory result.

The KPI's that performed unsatisfactorily in the Water Supply, Wastewater and Waste Management Programs reflect the impact of State Government actions concerning regional water supply and planning, and delays with the release of the

draft RWSS by QWC. All projects have been deferred until next financial year. The deferred projects are:

- Water Resource Strategy for Redland Shire
- Water quality objectives & targets project
- Capalaba Water Treatment Plant Planning Report
- Completion of the Waste Infrastructure Planning Report
- Report on strategic review of future loads to individual wastewater treatment plants
- Re-use policy project

Community Health & Wellbeing (refer to the Attachment p.34-42)

- Disaster Management Program achieved an outstanding rating; with 2 out of 3 KPI's performing at the outstanding level.
- Arts & Culture Program achieved an above standard rating with all KPI's performing satisfactorily or better.
- Sport & Recreation and Strong Communities Programs achieved a satisfactory result.
 - Stage Two of the Cleveland Aquatic Centre is currently under construction and due to open to the public in August 2007.
 - Further progress in 2006-07 on the recreation program review was not possible due to grant failures and budget constraints. This review is to be carried over to 2007-08.
 - Two-thirds of the Seniors Implementation Strategy is complete, with the consultation of senior RSC employees for the Age Friendly work practices deferred until next financial year.
 - Implementation of Stage One of North Stradbroke Island shared responsibility agreement, workshops have been completed and the activities identified will be completed by September 2007.
- Community Health & Safety Program achieved a below satisfactory rating, due to:
 - The Animal Local Law still awaiting State Government interest checks.
 - Crime Prevention Training was deferred until 2007/08 due to the need to complete the public consultation phase first.

Economic Prosperity (refer to the Attachment p. 43- 48)

- Business Retention & Expansion and Tourism Development Programs and all KPI's rated in the outstanding range. All initiatives are well ahead of schedule.
- Business Attraction rated above standard with all KPI's except one rating outstanding.
 - Three of the four business initiatives were completed however the Capalaba Business Investment forum was not held due to staff shortages.

Organisational Leadership (refer to the Attachment p. 49-54)

- Governance and Marketing & Communications Programs rated in the outstanding range. All initiatives are either on or ahead of schedule.
- Regional Collaboration Program performed at an above standard level with the completion of submissions on sustainability indicators for SEQ Regional Plan.
- Strategic Planning Program achieved a satisfactory result with 1 KPI in the unsatisfactory range.
 - The review of the Performance Management Framework has been rescheduled to 2007-08 due to limited available resources and new and higher priorities taking precedence.

Financial Management (refer to the Attachment p. 55-57)

- Financial Planning & Disclosure Program rated above standard and all KPI's rated satisfactory or better.
- Asset Management Program rated satisfactory with one KPI unsatisfactory.
 - Master Accommodation Plan has been revised and is due for delivery 13 July 2007. 30th of June deadline not met due to additional requirement for standardised data and unexpected delays with the consultant who was to deliver the revised plan.
- Treasury Program achieved a below satisfactory result.
 - Work on researching an overall framework for revenue and charging of Council services was delayed as available resources were reallocated to other projects such as the Planning & Policy core services review.

Knowledge Management (refer to the Attachment p. 58-61)

- Information Management Program and all KPI's rated outstanding except one.
 - The implementation of the Dataworks browser interface has been deferred until 2007-08 as was foreshadowed in last quarter's report.
- The Learning Program rated satisfactory with both measures on track.

People Management (refer to the Attachment p. 62-64)

- Both the Organisational Improvement and Human Resource Management Programs rated unsatisfactory this quarter. KPI's that did not achieve a satisfactory result included:
 - The development of the organisational climate change management strategy has been deferred pending decisions on the priority/timing of a culture/climate survey due to Local Government Reform.
 - Completion of the RSC employee value proposition and inclusion in the recruitment process has been deferred due to Local Government Reform.

- Development of a reward and recognition program has been designed; however launch has been delayed due to HR system implementation workloads.
- Training for managers and supervisors responsible for staff appraisals was delayed due to increased workload on system installation, hence rescheduled to 2007-08.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to provide effective organisational leadership through strategic planning and accountable and ethical standards of practice.

FINANCIAL IMPLICATIONS

No direct financial implications arise from this report. The report does contain several indicators that either reflects financial performance to date or which will have had a direct or indirect impact on financial performance.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will not require any amendments to the Redlands Planning Scheme.

CONSULTATION

The data and comments in the report were provided by relevant managers and were compiled by the Corporate Planning, Performance and Risk Group.

OPTIONS

PREFERRED

That Council resolve to note the Operational Plan Report for the June Quarter 2007 and the full 2006-07 Year.

ALTERNATIVE

That Council resolve to note the Operational Plan Report for the June Quarter 2007 and the full 2006-07 Year and seek additional information.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve to note the Operational Plan Report for the June Quarter 2007 and the full 2006-07 Year, as attached.

CARRIED

12.4 TENDERS FOR CONSIDERATION

MOTION TO CLOSE MEETING

That the meeting be closed to the public under Section 463(1) of the *Local Government Act 1993* to discuss the following item:

12.4.1 Assessment of Tenders for the Russell Island Pool Management Contract

The reason that is applicable in this instance is as follows:

“(e) contracts proposed to be made by it” (Council).

CARRIED

MOTION TO REOPEN MEETING

That the meeting be again opened to the public.

CARRIED

12.4.1 ASSESSMENT OF TENDERS FOR THE RUSSELL ISLAND POOL MANAGEMENT CONTRACT LRS 004

Datworks Filename: R & C Contract - Russell Island Pool
Attachment: [Evaluation of LRS 004](#)
Responsible Officer Name: Greg Jensen
Group Manager Customer and Community Services
Author Name: Russell Cook
Leisure and Recreation Services Manager

EXECUTIVE SUMMARY

Council at the General Meeting on 1 November 2006 accepted the report from the Manager Community & Social Planning on the management and funding options for the proposed Russell Island Pool, and resolved as follows:

1. To endorse the community support for the provision of the pool and call for tenders under Section 484 of the *Local Government Act 1993* seeking applications for the management rights of the Russell Island Pool; and
2. That a further report be brought back to Council on the tender submissions.

Subsequently Council officers advertised for an Invitation to Tender for the Management Services for the Russell Island Pool LRS - 004 which closed on 30 May 2007.

Three tenders were received and have been assessed in accordance with the selection criteria, a copy of which is attached.

PURPOSE

To seek Council's acceptance of the tender from the YMCA Brisbane for the Provision of Management Services for the Russell Island Pool, LRS - 004, for a period of 5 years, commencing in December 2007 and ending on the last Sunday of the Easter School holidays, namely 15 April 2012.

BACKGROUND

Council officers advertised an Invitation to Tender for the Management Services for the Russell Island Pool (LRS – 004) which closed on 30 May 2007. Fifteen (15) sets of documents were requested by potential tenderers but only three tenders were received. These were as follows:

1. YMCA Brisbane
2. Jason Scofield
3. Pamstream Aquatic and Leisure Management.

The YMCA were interviewed by Council officers and asked to provide additional information on the breakdown of their anticipated revenue and expenses. They were also asked to clarify their Deficit Funding Model and provide a maximum figure Council would be required to pay as the Management Fee for the first two years of the contract.

This information was subsequently provided as follows:

The YMCA proposes a partnership approach where Council would be responsible for any operational shortfall of the facility up to an amount of \$55,000. Should the shortfall be less, Council would only pay that amount and the YMCA would be responsible for any shortfall above the \$55,000 ceiling.

From the indicative Budget figures supplied the expected shortfall would be \$45,000 in Year 1, \$35,000 in Year 2 and \$30,000 for each of the remaining 3 years of the contract.

After assessing each tender against the advertised selection criteria, the Tender Evaluation Team believe that all groups who tendered have enough experience and resources to be able to provide the services and programs that Council requires during the contract period. However the most advantageous offer to Council would be that of YMCA Brisbane and it is recommended that Council accepts their tender for an amount of up to \$55,000 paid by Council per year (based on the worst case scenario).

ISSUES

The construction of the pool will commence shortly and is due for completion on 7 December 2007. This is after the expected starting date of the contract which would have ideally been at the start of the summer swim season, on the first Saturday of the

September / October School holidays. Therefore, for the first year of the contract the deficient amount payable by Council will be on a pro-rata basis of the proposed \$45,000 and would not be expected to exceed \$35,000.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to build safe, strong and self reliant communities with access to community services, infrastructure and opportunities for participation in community life.

FINANCIAL IMPLICATIONS

Council's current 07/08 budget shows the expected revenue of \$16,640 as a grant from the State Government, which is their commitment under the Joint Development Agreement for the operational component of this project. An additional \$35,000 was expected from Council. The Differential Rate for Southern Moreton Bay Islands Capital Reserve cannot be used for Operational projects, therefore, funds will be sought in the first quarter budget review to cover the approximate \$20,000 shortfall in year one of the contract.

CONSULTATION

Consultation has occurred with the following;

- Financial Services
- Community and Social Planning

OPTIONS

PREFERRED

1. That Council accept the tender for the Provision of Management Services for the Russell Island Pool, LRS 004 from YMCA Brisbane, for a partnership approach where Council would be responsible for any operational shortfall of the facility up to a maximum amount of \$55,000 per year;
2. That should the shortfall be less, Council be required to only pay the amount of the shortfall; and
3. That the contract be for a period of 5 years commencing in December 2007 and ending on the last Sunday of the Easter School holidays, namely 15 April 2012; and
4. That the Chief Executive Officer be delegated authority to –
 - a. make, vary and discharge the contract; and
 - b. sign all relevant documentation.

ALTERNATIVE

That Council accept the tender from the Jason Scofield for an amount of \$76,290 per year for the Provision of Management Services for the Russell Island Pool, LRS 004, for a period of 5 years commencing in December 2007 and ending on the last Sunday of the Easter School holidays, 15 April 2012.

Cr Elliott left the meeting at 5.42 during discussion on this item.

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

Moved by: Cr Burns

Seconded by: Cr Beard

That Council resolve as follows:

- 1. That Council accept the tender for the Provision of Management Services for the Russell Island Pool, LRS 004 from YMCA Brisbane, for a partnership approach where Council would be responsible for any operational shortfall of the facility up to a maximum amount of \$55,000 per year;**
- 2. That should the shortfall be less, Council be required to only pay the amount of the shortfall;**
- 3. That the contract be for a period of 5 years commencing in December 2007 and ending on the last Sunday of the Easter School holidays, namely 15 April 2012; and**
- 4. That the Chief Executive Officer be delegated authority to –**
 - a. make, vary and discharge the contract; and**
 - b. sign all relevant documentation.**

Cr Murray moved that the motion be put.

On being put to the vote, the motion to put the motion was LOST.

After further debate, Cr Burns' motion was put to the vote and **CARRIED**.

A division was called for.

Crs Murray, Williams, Beard, Burns, Dowling, Henry, Ogilvie, Barker and Secombe voted in the affirmative.

Cr Bowler voted in the negative.

Cr Elliott was not present when this motion was put.

The motion was declared by the Mayor as **CARRIED**.

MEETING CLOSURE

The meeting closed at 2.39pm.

13 DIRECT TO COUNCIL REPORTS

13.1 CORPORATE SERVICES

13.1.1 COUNCILLORS' REMUNERATION ENTITLEMENTS

Datworks Filename: Gov Councillors Remuneration

Attachment [GL-248-002 - Attachment A](#)
[GL-248-002 – Attachment B](#)

Responsible Officer Name: Ray Turner
General Manager Corporate Services

Author Name: Ray Turner
General Manager Corporate Services

EXECUTIVE SUMMARY

At the General Meeting of the 27 June 2007, Council resolved:

- 1. That under section 446-5 of Schedule 1 to the Taxation Administration Act 1953 (TAA) to provide for Councillors of Redland Shire Council to be subject to Pay As You Go (PAYG) withholding provisions effectively allowing Councillors to be treated as employees for taxation purposes;*
- 2. That this provision, allowing salary sacrificing, to afford councillors the same benefits as employees throughout Australia with respect to the new superannuation laws be subject to a statutory public notification period of 30 days prior to the final consideration by Council at its meeting on 1 August 2007.*

The 30 day public notification period for the proposed changes finished on the 30 July 2007. No submissions were received from members of the community.

Council is now in a position to decide on the proposed changes to their remuneration entitlements.

If Council unanimously passes a resolution to be subject to PAYG taxation provisions, Council will be required to pay Fringe Benefits Tax on relevant cash and non cash Councillor benefits of somewhere in the vicinity of \$30,000.00 to \$50,000.00 per annum.

PURPOSE

The purpose of this report is to provide information on the four week public display of proposed changes to Councillors' remuneration entitlements and to allow councillors to decide on the proposed changes.

BACKGROUND

At the General Meeting of 30 May 2007, Council resolved:

That following the Australian Taxation Office Directive 8/2006 in December 2006 regarding Queensland local government councillors, an urgent report be brought forward to Council outlining the advantages and disadvantages of councillors unanimously voting to become "employees for taxation purposes" as required by the Directive, in order to have the same salary sacrificing arrangements as other employed residents of Australia.

A report was presented to the Finance and Corporate Management Committee on 20 July 2007. Council resolved to allow the report to lie on the table until the General Meeting of the 27 June 2007.

At the General Meeting of the 27 June 2007, Council resolved:

1. *That under section 446-5 of Schedule 1 to the Taxation Administration Act 1953 (TAA) to provide for Councillors of Redland Shire Council to be subject to Pay As You Go (PAYG) withholding provisions effectively allowing Councillors to be treated as employees for taxation purposes;*
2. *That this provision, allowing salary sacrificing, to afford councillors the same benefits as employees throughout Australia with respect to the new superannuation laws be subject to a statutory public notification period of 30 days prior to the final consideration by Council at its meeting on 1 August 2007.*

The 30 day public notification period for the proposed changes finished on the 30 July 2007. No submissions were received from members of the community.

Council is now in a position to decide on the proposed changes to their remuneration entitlements.

ISSUES

Nothing in this report should be construed as offering any personal taxation or financial advice to Councillors. It is strongly advised that Councillors obtain their own taxation, superannuation or other advice.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to provide effective organisational leadership through strategic planning and accountable and ethical standards of practice.

FINANCIAL IMPLICATIONS

If Council unanimously passes a resolution to be subject to PAYG taxation provisions, Council will be required to pay Fringe Benefits Tax on relevant cash and

non-cash Councillor benefits of somewhere in the vicinity of \$30,000.00 to \$50,000.00 per annum.

CONSULTATION

The Mayor and all Councillors have been involved in discussions on this issue.

OPTIONS

The following options are provided:

1. To be classified as a local governing body subject to PAYG provisions -

Council resolves that under section 446-5 of Schedule 1 to the Taxation Administration Act 1953 (TAA), Councillors of Redland Shire Council are to be subject to Pay As You Go (PAYG) withholding provisions of the TAA. This resolution is to take effect from the 5 August 2007; and

That the Councillors' Entitlement Guideline GL-248-002 shown as Attachment A to this report be adopted.

OR

2. To continue to be classified as contractors and not be subject to PAYG provisions -

Council resolves that no change be made to the Councillor Remuneration entitlements adopted at the General Meeting of 26 May 2004; and

That the Councillors' Entitlement Guideline GL-248-002 shown as Attachment B to this report be adopted.

OFFICER'S RECOMMENDATION

That Council resolve to determine a resolution.

COUNCIL RESOLUTION

Moved by: Cr Murray

Seconded by: Cr Elliott

That Council resolves that under section 446-5 of Schedule 1 to the *Taxation Administration Act 1953* (TAA), Councillors of Redland Shire Council are to be subject to Pay As You Go (PAYG) withholding provisions of the TAA. This resolution is to take effect from the 5 August 2007; and

That the Councillors' Entitlement Guideline, GL-248-002, shown as Attachment A, to this report be adopted.

CARRIED (unanimously)

13.2 OFFICE OF CEO

13.2.1 MEMBERSHIP OF URBAN LOCAL GOVERNMENT ASSOCIATION (ULGA)

Dataworks Filename: Urban Local Government Association

Attachment: [Letter from ULGA](#)

Responsible Officer Name: Susan Rankin
Chief Executive Officer

Author Name: Susan Barnes
Executive Officer

EXECUTIVE SUMMARY

The Urban Local Government Association of Qld (ULGA) has recently advised its annual membership fee for the financial year 2007-08, which is a threefold increase from \$3,456 (previous year) to \$10,368.

Whilst previous annual fees have been modest, this unbudgeted increase of \$6,912 has prompted a re-assessment of the ULGA membership.

It is considered that the value of ULGA membership is only derived from conference attendance. With no other outcomes from this association evident, membership is considered to have limited benefit to Council and, therefore, it is recommended that ULGA membership be discontinued.

PURPOSE

To seek Council endorsement to cease membership of the Urban Local Government Association of Queensland Incorporated due to the considerable increased cost of membership and the lack of appreciable benefits from association membership.

BACKGROUND

Redland Shire Council has eight votes per annum at the ULGA annual conferences on which the new annual membership calculation is based (8 votes by fee of \$1,296 per vote per annum).

Therefore, the increase from \$432 per vote per annum to \$1,296 per vote per annum has drawn attention to whether this membership is of practical benefit to Council. Usually, Council has only one representative to attend the ULGA Annual Conference.

At the ULGA 2007 Annual Conference held at Toowoomba, 16 to 18 May, the following motion was carried for item 40, Future Direction for the ULGA:

“That the Urban Local Government Association endorse a new future directions strategy for the Association and, to facilitate the provision of this strategy, adopt a revised fee structure of \$1,296 per vote per annum with annual increases in line with CPI.”

Council has not received any documentation giving any clarification as to what is intended by the ULGA's "new future directions strategy".

ISSUES

The Local Government Association of Queensland (LGAQ) is the primary local government support body within Queensland on which Council is a member and receives adequate assistance and representation.

Cancellation of membership to ULGA is not considered to have any impact on Council's administrative capabilities.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to support the organisation's capacity to deliver services to the community by building a skilled, motivated and continually learning workforce, ensuring our assets and finances are well managed, our corporate knowledge is captured and used to best advantage, and that we market and communicate our services effectively.

FINANCIAL IMPLICATIONS

The ULGA membership has been budgeted according to the previous annual fee, therefore, the budget shortfall is \$6,912.00.

CONSULTATION

The Chief Executive Officer sent a memorandum to the Mayor on the increased fees and limited value of membership. The Mayor suggested that the matter be brought to Council for consideration.

OPTIONS

PREFERRED

That Council resolve to discontinue its membership of the Urban Local Government Association of Queensland Incorporated, effective August 2007.

ALTERNATIVE

That Council resolve to continue membership with the Urban Local Government Association of Queensland Incorporated.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUITON**

Moved by: Cr Murray
Seconded by; Cr Burns

That Council resolve to discontinue its membership of the Urban Local Government Association of Queensland Incorporated, effective August 2007.

CARRIED

A division was called for.

Crs Murray, Williams, Beard, Bowler, Burns, Henry, Ogilvie, Barker and Seccombe voted in the affirmative.

Crs Elliott and Dowling voted in the negative.

The motion was declared by the Mayor as **CARRIED**.

**13.2.2 REDLANDS TOURISM - COUNCILLORS' COMMUNITY BENEFIT FUND
APPLICATION REQUEST (DIVISIONS 2, 3 AND 6)**

Datworks Filename: G&S Councillors Community Benefit Fund
Responsible Officer Name: Susan Rankin
Chief Executive Officer
Author Name: Tina Robinson
Executive Support Officer

EXECUTIVE SUMMARY

Council annually allocates in its budget an amount for discretionary spending by the Divisional Councillors known as the Councillors' Community Benefit Fund (CCBF). All requests for funding individual projects with a greater expenditure than \$5,000 require approval from Council.

The total of this request is \$5,314.00 (GST exclusive) made up of the following CCBF allocations:

- Division 2 - \$1,771.33 (GST exclusive)
- Division 3 - \$1,771.33 (GST exclusive)
- Division 6 - \$1,771.33 (GST exclusive)

PURPOSE

The purpose of this report is to seek Council approval for an allocation of \$1,771.33 (GST exclusive) from each of Divisions 2, 3 and 6 portions of the CCBF to purchase a photocopier, enabling Redlands Tourism to print from the internet, and make copies of special events, activities and general information.

BACKGROUND

- Redlands Tourism has made application to purchase a photocopier for the use of staff, community and visitors;
- Councillors Ogilvie, Henry and Bowler support this request and allocation of \$1,771.33 (GST exclusive) from each of their respective portions of the CCBF;
- Council approval is required for funding of \$5,000 and over.

ISSUES

Redlands Tourism has sourced funding from Councillors Ogilvie, Henry and Bowler to purchase a photocopier.

The photocopier is to be located on site at the Redlands Visitor Information Centre, Shop 2 - 152 Shore Street West, Cleveland.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to build safe, strong and self reliant communities with access to community services, infrastructure and opportunities for participation in community life.

FINANCIAL IMPLICATIONS

Councillors Ogilvie, Henry and Bowler have sufficient funds in their respective portions of the CCBF to allocate \$1,771.33 (GST exclusive) each to Redlands Tourism for the purchase of a photocopier.

As per CCBF Guidelines (GL-2034) requirements, two written quotations have been received.

CONSULTATION

Councillors Ogilvie, Henry and Bowler have each received a copy of the application made by Redlands Tourism to purchase a photocopier and based on the information provided gave their support to this request.

OPTIONS

PREFERRED

That Council approve the total allocation of \$5,314.00 (GST exclusive) made up of \$1,771.33 (GST exclusive) from Division 2, 3 and 6 portions of the CCBF to assist Redlands Tourism in purchasing a photocopier to be utilised by staff, community and visitors to the Redlands Visitor Information Centre.

ALTERNATIVE

That Council not approve the total allocation of \$5,314.00 (GST exclusive) made up of \$1,771.33 (GST Exc) from Division 2, 3 and 6 portions of the CCBF to assist Redlands Tourism in purchasing a photocopier to be utilised by staff, community and visitors to the Redlands Visitor Information Centre.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUITON

Moved by: Cr Ogilvie
Seconded by; Cr Elliott

That Council resolve to approve a total allocation of \$5,314.00 (GST exclusive), made up of \$1,771.33 (GST exclusive) from each of Division 2, 3 and 6 portions of the CCBF to assist Redlands Tourism in purchasing a photocopier to be utilised by staff, community and visitors to the Redlands Visitor Information Centre.

CARRIED

13.2.3 MAYOR'S COMMUNITY FUND - CARRY FORWARD OF FUNDS INTO AN ELECTION YEAR

Datworks Filename: G&S Mayors Community Fund
Responsible Officer Name: Susan Rankin
Chief Executive Officer
Author Name: Jenny Axford
Executive Officer to Mayor

EXECUTIVE SUMMARY

Council annually allocates in its budget an amount of discretionary spending by the Mayor known as the Mayor's Community Fund (MCF). The fund supports contributions to individuals and community organisations/groups and sponsorship for projects and activities with the aim of providing tangible benefit to the community.

MCF Guideline GL-2035 allows for the carry forward of unspent funds into the following financial year. The carry forward of funds into an election year requires Council approval.

PURPOSE

The purpose of this report is to seek Council approval to carry forward unspent funds of \$16,574.51 into the 2007/08 financial year.

BACKGROUND

The MCF has been reconciled and unspent funds of \$16,574.51 detailed in this report agree with that reconciliation.

ISSUES

The MCF supports contributions to individuals and community organisations/groups and sponsorship for projects and activities with the aim of providing tangible benefit to the community based on the Strategic Direction, Priorities and Principles of the Corporate Plan. These donations and sponsorships are reported on a monthly basis through Council's Finance and Corporate Management Committee process. A final reconciliation of the MCF as at the end of the financial year shows unspent funds of \$16,574.51.

In accordance with MCF Guideline GL-2035 the carry forward of funds into an election year requires Council approval. Therefore, it is recommended in this report that Council resolve to approve the carry forward of unspent funds.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to support the organisation's capacity to deliver services to the community by building a skilled, motivated and continually learning workforce, ensuring assets and finances

are well managed, corporate knowledge is captured and used to best advantage, and that services are marketed and communicated effectively.

FINANCIAL IMPLICATIONS

The MCF has \$16,574.51 remaining at the end of the 2006/07 financial year. MCF Guideline GL-2035 allows for the carry forward of unspent funds into the following financial year. The carry forward of funds into an election year requires Council approval.

CONSULTATION

The Mayor was consulted and agrees with the recommendation in this report.

OPTIONS

PREFERRED

That Council resolve to approve the carry forward of \$16,574.51 into the Mayor's Community Fund for the 2007/08 financial year in accordance with Mayor's Community Fund Guideline, GL-2035.

ALTERNATIVE

That Council resolve to not approve the carry forward of \$16,574.51 into the Mayor's Community Fund for the 2007/08 financial year.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUITON

Moved by: Cr Dowling
Seconded by; Cr Beard

That Council resolve to approve the carry forward of \$16,574.51 into the Mayor's Community Fund for the 2007/08 financial year in accordance with Mayor's Community Fund Guideline, GL-2035.

CARRIED

A division was called for.

Crs Williams, Beard, Elliott, Burns, Dowling, Barker and Seccombe voted in the affirmative.

Crs Murray, Bowler, Henry and Ogilvie voted in the negative.

The motion was declared by the Mayor as **CARRIED**.

13.2.4 ALLEGED BREACH OF THE COUNCILLOR CODE OF CONDUCT

Datworks Filename: GOV Councillor Code of Conduct Breaches
Attachments: [Conduct Review Panel Report](#)
Responsible Officer Name: Susan Rankin
Chief Executive Officer
Author Name: Susan Rankin
Chief Executive Officer

EXECUTIVE SUMMARY

A complaint was received by the Chief Executive Officer against a Councillor which, if proven, would constitute a breach of the Redland Shire Council Councillor Code of Conduct ("the Code").

An investigation has been carried out and a recommendation has been made that the complaint was proven and the behaviour of the Councillor constituted a breach of the Code and the *Local Government Act 1993* ("the Act").

The matter is now referred to Council in accordance with section 250S of the Act to determine if a breach of the Code has occurred and, if so, appropriate action to be taken.

PURPOSE

This report is to refer an alleged statutory and minor breach to Council for determination and any appropriate action.

BACKGROUND

On 14 May 2007 the Chief Executive Officer (CEO) received a written complaint about the conduct of a Councillor. The attached report provides full details of the nature of the complaint.

Based on the details of the complaint it was initially considered there could be two potential breaches. Firstly, a potential statutory breach of section 250 of the Act and under Section 9.1.3 of the Code and secondly, a potential minor breach under section 6.3.3 of the Code.

In accordance with the General Complaints Process Guideline, the matter was referred for external investigation.

A thorough investigation was conducted by three members of the South-East Queensland Code of Conduct Review Panel pool and they provided a report, which is attached.

The panel members recommended that the Councillor's actions constituted (1) a statutory breach of section 250(2) of the Act and (2) a breach of sections 6.3.1 and

6.3.3 of the Code. The attached report recommends Council consider a suspension from two General Meetings for the statutory breach and a written reprimand for the minor breach.

The matter is referred to Council in accordance with section 250S of the Act.

ISSUES

The options available to Council are:

1. To consider that a breach did or did not occur;
2. If Council decides that a breach occurred, to determine if any penalty should occur;
3. If Council decides a penalty is appropriate, then the options are:
 - a) meeting suspension, or
 - b) written reprimand;
4. If Council decides that a breach did occur, Council can also then decide to accept or reject any other recommendations made by the Conduct Review Panel.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to provide a clear organisational direction supported by effective leadership and a framework of policies, plans and strategies that are responsive to the community's needs and which promote accountable and ethical standards of practice.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendation in this report.

CONSULTATION

Consultation was undertaken in accordance with the General Complaints Process Guideline and is outlined in the attached investigation report.

OPTIONS

1. That Council:-
 - a) resolve to accept the findings of the attached report that there is sufficient evidence to substantiate that Councillor Helen Murray's behaviour is in breach of section 250(2) of the *Local Government Act 1993* and also sections 6.3.1 and 6.3.3 of the Redland Shire Council Councillors' Code of Conduct; and
 - b) accepting that these breaches have occurred, that appropriate action/s be taken against the Councillor as outlined in the attached report; or
2. That Council not accept the findings of the investigation report.

CONCLUSION

This matter is now presented to Council for consideration and resolution.

Cr Murray declared a Material Personal Interest and left the meeting after giving a brief statement in her defence.

COUNCIL RESOLUTION

Moved by: Cr Beard

Seconded by: Cr Burns

That Council accepts the Conduct Review Panel's findings and recommendations contained in their report of 29 June 2007, and resolves as follows:

1. In relation to Complaint No 1:

a. That Council considers Cr Helen Murray's release of email correspondence directly to a non-Council third party to be a statutory breach of section 250(2) of the *Local Government Act 1993* and of the Redland Shire Council Councillor Code of Conduct; and

b. That Cr Murray be suspended for two (2) General Meetings of Council;

2. In relation to Complaint No 2:

a. That Council considers Cr Helen Murray's comments regarding Council employees to be a minor breach of sections 6.3.1 and 6.3.3 of the Code; and

b. That a written reprimand be issued to Cr Murray.

CARRIED

A division was called for.

Crs Williams, Beard, Burns, Dowling, Henry, Ogilvie, Barker and Seccombe voted in the affirmative.

Crs Elliott and Bowler voted in the negative.

Cr Murray was not present when this motion was put.

The motion was declared by the Mayor as **CARRIED**.

Cr Murray returned to the meeting.

14 ITEM REFERRED FROM DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF 24 JULY 2007

14.1 REPORT FROM CUSTOMER SERVICES

14.1.1 APPLICATION FOR DWELLING HOUSE AT 13 SOUTHSEA TERRACE, MACLEAY ISLAND

Datworks Filename: MC009877

Attachments: [Locality Map](#)
[Site Plan](#)

Responsible Officer Name: Timothy Donovan
Manager Assessment Services
Phil Parkes
Team Leader, Integrated Commercial

Author Name: Sera Rohan
Planning Officer, Land Use Planning

EXECUTIVE SUMMARY

Application Type	Impact Assessment (Inconsistent)
Proposed Use	Dwelling House
Property Description	Lot 207 RP 31201
Location	13 Southsea Terrace Macleay Island QLD 4184
Land Area	1011.7m ²
Redland Planning Scheme Zoning	Conservation
Zoning Sub- Area	CN 1 - Environmental and Drainage Constrained Land
Designated Infrastructure	Community Not Applicable
Overlays	Acid Sulphate Soils Bushfire Hazard, and Waterways, Wetlands and Moreton Bay
No. of Public Submissions	Nil
Applicant	Mr M F Tungate
Land Owner	Mr M F Tungate, Mrs S M Tungate
Date of Receipt	17/7/2006
Start Decision Stage	05/12/2006
Statutory Decision Date	08/02/2007
Application Coordinator	Sera Rohan
Manager	Phil Parkes

A report on this application for a Material Change of Use (Impact Assessment) for land at the above described location was presented to the Development Assessment Committee on 10 July 2007. Committee, under delegated authority, resolved to defer

this matter for one (1) month to allow for further negotiations with the applicant to take place.

Following this meeting, negotiations took place with the applicant, and on 17 July 2007 the applicant submitted an amended site plan to support his application.

This application, with the amended site plan, has now been assessed as a Material Change of Use (Impact Assessment) for a Dwelling House within Conservation sub-area CN1 allotment on the Southern Moreton Bay Islands and is considered to be an incompatible residential use in this location due to the inconsistency with the Redlands Planning Scheme. Accordingly, it is recommended that the application be refused.

Basis for refusal is summarised below:

The lot has been identified as containing significant environmental values through the Conservation Strategy for the Islands. A level one ecological assessment has been undertaken for the property by Biodiversity Assessment & Management and has confirmed that the property contains significant vegetation that includes an 'endangered' regional ecosystem. The proposed dwelling house and its servicing requirements would result in the removal of several mature trees diminishing the overall conservation value of the lot.

The subject site is within sub-area CN1 of the Conservation zone and Dwelling houses are identified as an inconsistent use within this zone. The applicant has not established 'sufficient grounds' to justify approval, despite the conflict.

PURPOSE

This Category 4 application is referred to the Development Assessment Committee for determination.

CONSULTATION

The Integrated Commercial Team has consulted with the various assessment teams, external agencies, referral agencies, the public and the Councillor for Division 5, Councillor John Burns:

- ***Divisional Councillor's comments: -***

Cr Burns did not have any objections to the proposal.

- ***Domestic Plumbing Team comments: -***

The application is suitable for a one (1) bedroom dwelling using a Household Sewerage Treatment Plant with 2 x 10m x 1500mm trenches.

- ***Land Use Planning Team comments:***

A dwelling house is identified as an inconsistent and impact assessable use within the Conservation Sub-Area CN1 zone of the Redlands Planning Scheme. The subject property has been included within the CN1 zone based on its identification for conservation purposes in the revised Conservation Acquisition Strategy [CAS] for the Southern Moreton Bay Islands. The property was identified through the CAS as containing significant conservation values associated with significant vegetation contained on the lot and its contribution to the wider conservation area in which it is located.

The Conservation Sub-Area CN1 zone identifies a dwelling house as an impact assessable inconsistent use. A dwelling house has been identified as being prejudicial to the protection, long-term management and enhancement of the environmental values of the land included in the Conservation Sub-Area CN1 zone. The proposed development [dwelling house] is in conflict with the Planning Scheme and should be refused unless sufficient planning grounds are provided to justify approval of the development despite the conflict.

The principal planning ground the applicant has submitted to justify approval of the application despite its conflict with the Planning Scheme is a level one ecological assessment.

The level one ecological assessment has been undertaken for the property by Biodiversity Assessment & Management. This assessment has confirmed that the property contains significant vegetation that includes an 'endangered' regional ecosystem in the south west portion of the lot and well developed canopy species on the northern portion of the lot that range in height from 15-20m. The assessment also indicates that the vegetation on the property provides habitat value to native fauna. The proposed dwelling house and its servicing requirements would result in the removal of several mature trees diminishing the overall conservation value of the lot.

It should also be noted that the ecological assessment provides a general recommendation of the Department of Natural Resources and Water that a development setback of at least 20m should be provided to the 'endangered' regional ecosystem. The amended plans show the dwelling outside of the recommended 20m buffer, however will result in the removal of the well developed canopy species ranging for 15-20m in height. Siting of the dwelling in this area would result in the removal of these significant canopy species.

The subject property is located within the SMBI Bushfire Hazard area of the Planning Scheme Bushfire Hazard Overlay. Recognising that the dwelling house is proposed to be constructed in accordance with the Australian Standard for building in bushfire prone areas a Fuel Reduction Area [FRA] of 8m from the dwelling house and associated structures will be required to mitigate bushfire risk. An area of a FRA for the dwelling house would need to be located on the adjoining Council lot to the west included in the CN1 zone. The required FRA would expand the development footprint of the dwelling house disturbing the conservation values of the property further.

In consideration that the ecological assessment undertaken on the subject property has confirmed the conservation value of the lot the applicant has not adequately demonstrated that the proposed dwelling house and its servicing requirements would not adversely impact on these conservation values insufficient planning grounds have been provided to justify approval of development that is in conflict with the Planning Scheme.

The applicant should however be advised that Council would still consider providing a land exchange offer in the interests of ensuring the protection of the conservation values of the lot and to provide for improved conservation management of the wider conservation value to the west that is primarily in Council ownership.

• ***Environmental Assessment Team comments: -***

The site is part of a wide area zoned Conservation CN1. Section 4.3.7 (2)(b)(ii) of the Conservation Zone code notes that:

“Within sub-area CN1 - uses and other development, especially dwelling houses, are highly restricted. The nature, operational characteristics and impacts of the majority of uses and other development are inappropriate due to inherent drainage problems and are prejudicial to the protection, long term management and enhancement of the environmental values of sub-area CN1.”

The applicant was asked during the information request period how the proposal was compatible with the zone code and the environmental values. The response was that there are no drainage problems, only trees in the dwelling footprint will be removed, revegetation of native species will be undertaken, and no native species are to be removed. The plan provided indicates that the dwelling, driveway access and wastewater disposal area will fully occupy the lot except for part of the embankment. No demonstration of how the above could be achieved has been provided.

The applicant has since provided an ecological assessment. Four vegetation communities were identified. These are:

- 1) an Endangered Remnant Ecosystem in the south-west which is not proposed for removal. The Vegetation Management Act is not triggered by this application as the site is less than 2ha in area;
- 2) grassland in the mid to southern section which will serve as the dwelling access;
- 3) a non-remnant stand of eucalypt species with a well-developed canopy plus Lantana where the dwelling and effluent disposal area are proposed;
- 4) two areas on the embankment consisting of native trees and weed species.

No critical fauna habitat was recorded, however the eucalypt canopy was considered likely to be a food source for birds.

The applicant has provided a site stability assessment. The dwelling site was rated as having a moderate risk of soil creep under saturated conditions. Recommended risk

minimisation included pierced construction, diversion of stormwater from the embankment, and revegetation of the embankment with vegetation having extensive root systems.

The part of the embankment in the vicinity of the dwelling will be in shade, and it will therefore be difficult to establish sufficient vegetation of the type recommended.

Construction of the dwelling and installation of the effluent treatment system will result in removal of the identified canopy species above the embankment. It is likely that some specimens on the embankment will be subject to requests for a removal permit, given their proximity to the dwelling and the Local Law 6 exemption which provides for this. In this case, further destabilisation of the embankment is a possibility.

A development envelope is not considered a viable option on a site of this size. An envelope would have to encompass the dwelling, effluent disposal area, and Local Law 6 safety zone of 10 metres around the dwelling. Effectively, this would exclude only the presently grassed access and the south-west corner. The latter is not being disturbed anyway.

The site serves as a buffer zone between existing development and the wider Conservation CN1 area of the embankment and land at lower elevations. Residential use of the subject site is not considered conducive to the effectiveness and integrity of this buffer.

Environmental Assessment supports the view held by Land Use Planning and accordingly recommends the application be refused.

- ***External Agencies***

There was no requirement to refer the application to External Agencies.

- ***Concurrence/Advice Agencies***

There was no requirement to refer the application to Concurrence/Advice Agencies.

- ***Public Consultation***

The application was publicly notified from 1 November 2006 to 30 November, 2006 in accordance with section 3.4.4 of the *Integrated Planning Act 1997*. During this time, nil submissions were received in relation to the application.

- ***Development Assessment Panel***

The application was referred to the Development Assessment Panel Meeting on the 11 December, 2006 to allocate a category to determine the application. The Outcome included Category 4 allocation with discussions between Land Use Planning to occur. A number of meetings have since occurred with D.A.P to discuss the application for

assessment under the superseded scheme (which was subsequently refused) and the recommendation for refusal.

BACKGROUND

1. DEVELOPMENT PROPOSAL AND SITE DESCRIPTION

1.1 Proposal

The proposal is for the construction of a dwelling house with a unknown maximum height, on an allotment with a an area of 1011.7m² on land described as Lot 207 on RP31201. External building materials for the dwelling house will consists of walls constructed of selected cladding with the roof being protected with metal sheeting. It is not known how the internal layout will be designed as no floor plans have been supplied. The total building footprint of the proposed dwelling will be approximately 123m². The proposed dwelling house is sited 31.6 metres from the front boundary, 2 metres from the rear boundary, 9 metres from the eastern side boundary and 2 metres from the western side boundary.

1.2 Site

Location

The site is 1011.7m² allotment located on the northern side of Southsea Terrace and has a southern orientation.

Topography

The land falls sharply (approximately 40%) to the south west over one third of the allotment, with the remainder being a more gentle slope to the west of approximately 6%.

Existing land use

The site is currently vacant with established mature trees located at the north-eastern and north-western corners of the allotment. The embankment remains heavily covered in shrubs and weeds etc.

1.3 Surrounding Area

The site is surrounded by existing residential dwellings on directly adjacent lots to the east and north of the subject site. The general area surrounding the subject land represents an intact residential area and conservation area. The land to the north and east is zoned SMBI Residential with dwelling houses established on those allotments, with the land to the west and north-west included in the Conservation zone sub-area CN1 of the Redlands Planning Scheme 2006, and remains vacant.

1.4 Amenity and Character

Amenity

The proposed dwelling is of a similar nature to that of the existing residences.

Access

Limited two (2) wheel drive vehicular access is available to this site from Southsea Terrace due to the embankment which exists on the west of the site and electricity pole at the front of the allotment.

2. APPLICATION ASSESSMENT

2.1 Integrated Planning Act 1997 (IPA)

This application has been made in accordance with Chapter 3 (Integrated Development Assessment System, IDAS) of the Integrated Planning Act 1997 and constitutes an application for impact assessment (inconsistent) for a material change of use under the Redlands Planning Scheme. The IPA provides a mechanism for an application in a locality where the development is not envisaged. The IPA indicates under section 3.5.14 (2) that an assessment manager's decision must not compromise the achievement of the DEO or conflict with the planning scheme unless there are sufficient grounds to justify the decision despite the conflict.

2.2 SEQ Regional Plan 2005-2056

The subject land is located within the Urban Footprint in the SEQ Regional Plan 2005-2056. The Urban Footprint identifies land to provide for the region's urban development needs to 2056. The Urban Footprint includes existing urban areas and Greenfield areas potentially suitable for future urban development. The area includes sufficient land to accommodate the full range of acceptable urban uses, such as housing, industry, business, infrastructure, community facilities and urban open spaces projected to be required over the next 20 years.

It is important to note that inclusion of land in the Urban Footprint does not imply that all such lands can be developed for urban purposes. The Urban Footprint includes some land not available or appropriate to develop. This includes national parks, state forests and wetlands. These lands will continue to be protected under state legislation such as the *Vegetation Management Act 1999* or local government planning schemes. Land in the Urban Footprint may otherwise be unsuitable for urban development for a range of more local reasons, including constraints such as flooding, land slope, scenic amenity, and protection of biodiversity values of state, regional or local significance.

Local government planning schemes and detailed local structure plans will be the principal instruments for establishing the desired use of land and the preferred timing of development within the Urban Footprint.

2.3 State Planning Policies

State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

Officer's Comments

The applicant has demonstrated that compliance can be achieved, however has failed to sufficiently locate the dwelling in the area with a lowest hazard. The applicant has provided a site stability assessment. The dwelling site was rated as having a moderate risk of soil creep under saturated conditions. Recommended risk minimisation included piered construction, diversion of stormwater from the embankment, and revegetation of the embankment with vegetation having extensive root systems. It is considered that revegetation of species with 'extensive root systems' would be unlikely to flourish as they would be located beneath the dwelling and thus not fully develop those root systems.

2.4 Southern Moreton Bay Development Entitlements Act 2006

The Southern Moreton Bay Island Development Entitlements Protection Act [SMBIDEP Act], allows an "owner", as defined by the Act, in possession of a lot on or before 13 April 2005 and listed in the associated Regulation to continue to exercise the development entitlements which existed under the superseded Transitional Planning Scheme for a period of ten years following the commencement of the Redlands Planning Scheme.

The subject lot is included within the SMBIDEP Regulation however Council records also show that the current owner was not in possession of the land prior to 13 April 2005. Accordingly, the Act does not apply to current owners.

The owner has applied under the Superseded Planning Scheme and has subsequently been refused.

2.5 Redlands Planning Scheme

Desired Environmental Outcomes

3.1.2 DEO No.1 - Natural Environment

(1) Redland Shire's environmental values and natural resources are managed in a sustainable manner to maintain biodiversity, ecological processes and community well being by ensuring development -

(a) protects and enhances -

(i) a wide range of natural ecosystems including –

b remnant ecosystems predominantly in the southern areas of the mainland, on North Stradbroke Island and on the Southern Moreton Bay Islands;

- c. *areas where there are opportunities for environmental enhancement activities to support significant ecosystems and also provide natural corridor linkages between conservation areas;*

Strategic Framework

While the Strategic Framework does not have a role in development assessment, it reflects the desired environmental outcomes and summarises the approach taken by the Redlands Planning Scheme to achieve the desired environmental outcomes.

Section 3.2.4 (1) (a) *Southern Moreton Bay Islands Urban Settlement Pattern* states:

(ii) Areas of high conservation value and areas required for the conveyance of stormwater or drainage constrained are precluded from development

*(viii) Core environmental areas and land with identified insurmountable drainage constraints are protected and managed within the Conservation Zone. **Urban development within Sub-Area CN1 of the Conservation Zone is inconsistent with the Planning Scheme.** Limited forms of development may be appropriate within the Conservation Zone (outside of the Sub-areas) where it can be demonstrated that environmental values are protected, maintained and rehabilitated where necessary.*

Zone Code

The subject lot is zoned Conservation sub area CN1 Environmental and Drainage Constrained Land. Dwelling houses are an inconsistent form of development in this zone, subject to Council approval, requirement a Material Change of Use – Impact Assessment (inconsistent).

An assessment of the development proposal has been carried out against the specific outcomes of the code. The proposed development does not comply with the overall outcomes of the Conservation sub area CN1 Zone Code.

Officers' comments

The proposed dwelling house would be prejudicial to the protection, long term management and enhancement of the identified environmental values as intended for the conservation area. The planning grounds which the applicant has submitted to justify the conflict have confirmed that significant vegetation (including a regional ecosystem) exist on the allotment, with vegetation also providing habitat value to native fauna. In a broader context, development of the site would also reduce the extent of the larger conservation area in which it is located. The subject site currently acts as buffer and any development would prejudice the conservation of this area.

Use Code

The proposal for a dwelling house requires assessment against the Dwelling House Code.

An assessment of the development proposal has been carried out against the specific outcomes of the code. The proposed development does not comply with the overall outcomes of the Dwelling House Code as it is identified as an inconsistent use within the zone. The applicant has not provided sufficient grounds to justify the proposal, despite the conflict.

Other Development Codes

The proposal for a Dwelling house has triggered the following other development code:

- *Domestic Driveway Crossover Code*

The proposed development complies with the acceptable solutions of the section 7.4.4 of this code. Requirements of this code could form a condition of approval.

- *Excavation and Fill Code*

The proposed development complies with the acceptable solutions of the section 7.6.4 of this code. Requirements of this code could form a condition of approval.

Overlay Codes

The subject lot is affected by the following overlays:

- *Acid Sulfate Soils*

The proposed development complies with the acceptable solutions of the section 5.1.8 of this overlay code. Requirements of this code could form a condition of approval.

- *Bushfire Hazard Overlay*

The proposed development is within SMBI Bushfire Hazard as identified within Redlands Planning Scheme. The applicant has demonstrated the proposal is able to comply with the Australian Standard in terms of construction but has failed to balance the environmental values of the site with the required Fuel Reduction Areas. The required FRA (8 metres) would need to be located on the adjoining Council lot to the west included in the CN1 zone which would increase the development footprint and further diminish the environmental values of the wider conservation area.

- *Waterways and Wetlands*

The subject site is identified as being within a Coastal Drainage Area within Redlands Planning Scheme. It is considered that the proposal complies with the overall outcomes of the code.

An assessment of the development proposal against the specific outcomes of the code is set out in the above mentioned appendix C and D. The proposed development complies with the overall outcomes of these other development codes.

General Codes

The proposal for a Dwelling House has triggered the following general codes:

- *Development Near Underground Infrastructure Code*

The proposed development complies with the acceptable solutions of the section 8.5.4 of this general code.

- *Erosion Prevention and Sediment Control Code*

The proposed development complies with the acceptable solutions of the section 8.6.4 of this general code. Requirements of this code could form a condition of approval.

- *Infrastructure Works Code*

The proposed development complies with the acceptable solutions of the section 8.7.4 of this general code. Requirements of this code could form a condition of approval.

- *Stormwater Management Code*

The proposed development complies with the acceptable solutions of the section 8.9.4 of this general code. Requirements of this code could form a condition of approval.

3. CONCLUSION

The proposal has been assessed against all relevant provisions of The Redlands Planning Scheme. Due regard has been given to the matters raised by the Divisional Councillor and Land Use Planning Team. It is considered that the use of dwelling house on the subject site conflicts with the Redlands Planning Scheme, and sufficient grounds have not been provided to justify the conflict, therefore it is recommended that the development application be refused.

At the Development Assessment Committee meeting on 24 July 2007, Committee resolved that this item be deferred and referred to the General Meeting scheduled for 1 August 2007.

This matter is now presented to Council for consideration.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

That the application for a Preliminary Approval for a Material Change of Use for a dwelling house on the land known as 13 Southsea Terrace, Macleay Island, described at Lot 207 on RP31201 be refused on the following grounds:

- a) The proposed development compromises the achievement of the Desired Environmental Outcomes, and is in conflict with the intent of the Conservation Zone, namely that the development does not protect identified conservation values of the wider conservation area. The RPS specifically discourages development of any type within sub-area CN1, as it is considered prejudicial to the long-term protection and enhancement of the identified environmental value of the site and surrounding conservation area; and
- b) The applicant has not provided sufficient grounds to warrant approval, despite the conflict, namely that the proposed development will not adversely impact on the significant conservation values on the site and its surrounds.

COUNCIL RESOLUTION

Moved by: Cr Dowling
Seconded by: Cr Burns

That Council resolve as follows:

- 1. To defer consideration of this matter and that it be referred to the next meeting of the Development Assessment Committee; and**
- 2. Under section 472 of the *Local Government Act 1993*, to delegate authority to the Development Assessment Committee to determine this matter.**

CARRIED

15 MAYORAL MINUTES

15.1 CHIEF EXECUTIVE OFFICER'S REMUNERATION

BACKGROUND

In accordance with salary administration policy the salary bands applicable to contracted council officers are reviewed annually against industry benchmarks, particularly against the Hay salary market data. Current contracts contain a requirement for this review and guarantee that the salary bands will be moved by an annual figure at least equal to the EB increase for the remainder of the staff. This year's EB increase to staff was 4%. Any increase over and above the EB increase is market driven. Decisions on these movements are made by the CEO in line with her delegations. Over the last two years the salary bands for all contracted officers have only been increased in line with the increase in the EB rates of pay.

A review of this year's data from market surveys has indicated that increases have ranged from between 8% to 15% across the different salary bands within the government and service industry sector. Further analysis of the data indicates that on average the increases applicable to staff remaining in the same positions has been 5.5%.

Based on the above information and to maintain Council's relativity within the market place for this group of contracted officers, the salary bands for all contracted officers (except for CEO position) have been increased by a total of 5.5% - that is 4% EB movement and 1.5% market movement.

Accordingly I recommend that the salary band for the CEO be increased by the same percentage – 5.5%

COUNCIL RESOLUTION

Moved by: Cr Seccombe

That the salary band for the Chief Executive Officer's position be increased by 5.5% for the 2007/08 financial year.

CARRIED

16 CONFIDENTIAL ITEMS

MOTION TO CLOSE MEETING

Moved by: Cr Williams

Seconded by: Cr Bowler

That the meeting be closed to the public under Section 463(1) of the *Local Government Act 1993* to discuss the following items:

16.1.1 Mayoral Minute – Acquisition of Property Lot 207 on RP31201

The reason that is applicable in this instance is section 463(1) *(e) contracts proposed to be made by it* (Council);

16.2.1 Land Court Application Claim for Compensation

The reason that is applicable in this instance is section 463(1) *(f) starting or defending legal proceedings involving it* (Council)

CARRIED

MOTION TO REOPEN MEETING

Moved by: Cr Dowling

Seconded by: Cr Elliott

That the meeting be again opened to the public.

CARRIED

16.1 MAYORAL MINUTE

16.1.1 ACQUISITION OF PROPERTY – LOT 207 ON RP31201

BACKGROUND

Property situated at 13 Southsea Terrace, Macleay Island described as Lot 207 on RP 31201 is in private ownership zoned Conservation Sub Area CN1.

Council owns 90% of surrounding land and good governance dictates that Council should attempt to acquire this allotment. The owner has offered to allow Council to purchase or enter an exchange of this land. It is proposed that Council accept the offer to either:

- (a) purchase the land for fair market value assessed on the basis of previous zoning as Comprehensive Development under the superseded planning scheme to which the use of dwelling house required impact assessment; or

- (b) exchange the property described as Lot 207 on RP31201 for Council land of similar value which is suitable for residential purposes, subject to approval of the exchange being obtained from the relevant State Government Minister.

COUNCIL RESOLUTION

Moved by: Cr Seccombe

1. That Council acquire the property described as Lot 207 on RP31201, either by -
 - a. purchase of the land for fair market value assessed on the basis of previous zoning as Comprehensive Development under the superseded planning scheme to which the use of dwelling house required impact assessment; or
 - b. exchange the property described as Lot 207 on RP31201 for Council land of similar value which is suitable for residential purposes, subject to approval of the exchange being obtained from the relevant State Government Minister;
2. That the Chief Executive Officer be authorised to negotiate, make or vary the purchase contract or land exchange; and
3. That the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documentation relating to this matter.

CARRIED

16.2 REPORT FROM CORPORATE SERVICES

16.2.1 LAND COURT APPLICATION CLAIM FOR COMPENSATION

Datworks Filename: LUP - 2006/0103 & 0102
Responsible Officer Name: Ray Turner
General Manager Corporate Services
Author Name: Andrew Ross
Senior Legal Officer

EXECUTIVE SUMMARY

A confidential report from the General Manager Corporate Services dated 30 July 2007 was presented and discussed in closed session.

COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Henry

That Council resolve as follows

- 1) To amend the 2007/2008 Budget to allocate sufficient funds to pay compensation to Edgarrange Pty Ltd as awarded by the Land Court on 12 July 2007;**
- 2) To delegate authority to the Chief Executive Officer to pay compensation as awarded by Land Court on 12 July 2007;**
- 3) To delegate authority to the Chief Executive Officer to continue settlement negotiations and to make or accept a settlement offer for compensation up to the amount as awarded by the Land Court on 12 July 2007 as outlined in this report;**
- 4) That the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documents;**
- 5) That this report remains confidential until this matter is settled; and**
- 6) That Council resolve that a Special Meeting of Council be held on Tuesday, 7 August 2007, at 9.00am to consider confidential legal advice received, judgement synopsis and critical timeframes to date on this matter prior to final determination by Council.**

CARRIED

17 URGENT BUSINESS WITHOUT NOTICE

The Mayor tabled a letter from the Minister for Local Government Planning and Sport dated 31 July 2007 regarding the Local Government Reform Commission's recommendations that all councils, except for two new indigenous councils and Brisbane City Council, be undivided for the 2008 local government elections.

The Minister, in his letter, invited this Council to make a submission by Friday, 3 August, on this Council's preferred name and electoral arrangements for council for the 2008 elections.

The Mayor reported that he will write to the Minister informing him of Council's resolution in 20 December 2006 in relation to electoral arrangements, namely, that the Shire remain divided into ten divisions with one councillor representing each division.

18 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 6.56 pm.

Signature of Chairperson: _____

Confirmation date: _____