



**Redland**  
CITY COUNCIL

# **MINUTES**

## **GENERAL MEETING**

**Wednesday 30 April 2008  
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 4.01 pm.

## 2 DEVOTIONAL SEGMENT

Pastor Glen Gray, from the Redland Ministers' Fellowship, led Council in a brief devotional segment.

## 3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

### MEMBERS PRESENT:

Cr M E Hobson PSM	Mayor
Cr T Bowler	Deputy Mayor and Councillor Division 6
Cr W Boglary	Councillor Division 1
Cr C B Ogilvie	Councillor Division 2
Cr D A Henry	Councillor Division 3
Cr P J Dowling	Councillor Division 4
Cr B A Townsend	Councillor Division 5
Cr M A Elliott	Councillor Division 7
Cr K A Reimers	Councillor Division 8
Cr K M Williams	Councillor Division 9
Cr H J Murray	Councillor Division 10

### EXECUTIVE LEADERSHIP GROUP:

Mr R Turner	Acting Chief Executive Officer
Ms K Fernon	Acting General Manager Corporate Services
Mr M Goode	General Manager Customer Services
Mr G Underwood	General Manager Planning and Policy

### APOLOGY:

Mr G Soutar	General Manager Redland Water & Waste
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### MINUTES:

Mrs J Thomas	Corporate Meetings & Registers Officer
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## 4 RECEIPT AND CONFIRMATION OF MINUTES

### 4.1 GENERAL MEETING MINUTES OF 27 FEBRUARY 2008

Moved by: Cr Elliott  
Seconded by: Cr Ogilvie

That the minutes of the General Meeting of Council held on 27 February 2008 be confirmed.

CARRIED

## **4.2 POST ELECTION MEETING MINUTES OF 1 APRIL 2008**

Moved by: Cr Ogilvie  
Seconded by: Cr Townsend

That the minutes of the Post Election Meeting held on 1 April 2008 be confirmed.

CARRIED

## **5 MATTERS OUTSTANDING FROM PREVIOUS GENERAL MEETING MINUTES**

### **5.1 REPORT FROM CHIEF EXECUTIVE OFFICER**

#### **5.1.1 SAFE COMMUNITIES PROGRAM**

At the General Meeting of 26 September 2007, it was resolved that a report be prepared on the Safe Communities Program and its applicability to the Redlands community as a means to:

- a. Assisting Council to meet its obligations under the Corporate Plan and Community Safety Policy;
- b. Determining the best way forward for community members and organisations with a demonstrable focus on, and commitment to, community safety; and
- c. Identifying other options to strengthen the community's capacity to respond to safety issues.

A report addressing this matter will be presented to the 18 June 2008 Planning and Policy Committee meeting.

#### **5.1.2 PETITION (DIVISION 9) – REQUESTING COUNCIL CLOSE PATHWAY ADJACENT TO 13 AND 15 DIANA STREET, CAPALABA**

At the General Meeting of 28 November 2007, Council resolved that the petition requesting that Council take appropriate measures to close the pathway adjacent to 13 and 15 Diana Street, Capalaba, be received and referred to the appropriate area of Council for consideration and a report to Council.

A report addressing this petition will be presented to the 21 May 2008 Planning and Policy Committee meeting.

#### **5.1.3 PETITION (DIVISION 9) – REQUEST TO INSTALL LOCAL AREA TRAFFIC MANAGEMENT DEVICES IN KILLARNEY CRESCENT, CAPALABA**

At the General Meeting of 19 December 2007, Council resolved that the petition requesting Council install local area traffic management devices in Killarney Crescent, Capalaba, be received and referred to the appropriate area of Council for consideration and a report to Council.

A report addressing this petition will be presented to the 7 May 2008 Planning and Policy Committee meeting.

#### **5.1.4 PETITION (DIVISION 4) – REDLANDS DISTRICT MOTORCYCLE CLUB REQUESTING THAT COUNCIL PROVIDE FACILITY FOR OFF ROAD MOTOR CYCLE VENUE**

At the General Meeting of 19 December 2007, Council resolved that the petition requesting that Council provide a facility for off-road motor cycle venue, be received and referred to the appropriate area of Council for consideration and a report to Council.

A report addressing this petition will be presented to the August 2008 Planning and Policy Committee meeting.

#### **5.1.5 PETITION (DIVISION 3) – REQUEST TO CONTROL TRAFFIC SPEEDS IN CLIFFORD PERSKE DRIVE, THORNLANDS**

At the General Meeting of 30 January 2008, Council resolved that the petition requesting that Council investigate means of controlling traffic speeds in Clifford Perske Drive so as to avoid further wildlife fatalities; the increasing threat to the safety of residents and pedestrians; and the accompanying decline in amenity and quality of life, be received and referred to the appropriate area of Council for consideration and a report to Council.

A report addressing this petition will be presented to the June 2008 Planning and Policy Committee meeting.

#### **5.1.6 REQUEST FOR REPORT – HEAVY VEHICLES, MT COTTON ROAD**

At the General Meeting of 30 January 2008, Council resolved that:

1. A report be prepared and brought back to Planning & Policy Committee investigating the need to remove heavy vehicles, including quarry trucks, along Mt Cotton Road between Broadwater & Moreton Bay Roads; and
2. That a 'Load Limit' sign be installed.

A report addressing this matter will be presented to the June 2008 Planning and Policy Committee meeting.

#### **5.1.7 PETITION (DIVISION 9) – REQUESTING TRAFFIC CALMING DEVICES IN WILLARD ROAD, CAPALABA**

At the General Meeting of 28 February 2008, Council resolved that the petition requesting some form of traffic calming device, i.e. speed humps, to be placed on



Willard Road in addition to footpaths for sidewalks, be received and referred to the appropriate area of Council for consideration and a report to Council.

A report addressing this petition will be presented to the 18 June 2008 Planning and Policy Committee meeting.

## **6 PUBLIC PARTICIPATION**

Moved by: Cr Dowling

Seconded by: Cr Henry

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

CARRIED

1. Ms M J Turk of Thornlands addressed Council in relation to the South-East Thornlands Structure Plan; and
2. Ms L Roberts, President Erapah Creek Landcare Association addressed Council in relation to the South-East Thornlands Structure Plan and tabled a petition objecting to the proposed development of South-East Thornlands.

## **MOTION TO RESUME MEETING**

Moved by: Cr Elliott

Seconded by: Cr Murray

That the proceedings of the meeting resume.

CARRIED

## **7 PETITIONS/PRESENTATIONS**

### **7.1 PETITION (DIVISION 5) – REQUESTING A VEHICULAR CROSSING BETWEEN LAMB AND MACLEAY ISLANDS**

Moved by: Cr Townsend

Seconded by: Cr Boglary

**That the petition, which reads as follows, be received and referred to the appropriate area of Council for consideration and a report to Council:**

***“We, the undersigned, electors of Division 5 of Redland City, request that Council approve and pursue the construction of a vehicular crossing between Lamb and Macleay Islands”.***

CARRIED

## **7.2 PETITION (DIVISION 3) – OBJECTION TO THE PROPOSED DEVELOPMENT OF SOUTH EAST THORNLANDS**

Moved by: Cr Henry  
Seconded by: Cr Williams

That the petition, which reads as follows, be received and referred to the relevant department to be addressed as part of the consultation process:

*“We, the undersigned, object to the proposed development of South East Thornlands on the grounds given below”.*

- *the loss of visual amenity that will occur with the urbanisation of the inter-urban break between Thornlands and Victoria Point;*
- *the increase in existing traffic congestion which will result from the increase from the present low density population to a likely 5,000 (or more);*
- *the local extinction of much-valued populations of koalas, gliders and wallabies;*
- *the strong likelihood of significant negative impacts to the Moreton Bay Marine Park, including the “of State significance” estuary of Eprapah Creek due to the unprecedented population increase.”*

**CARRIED**

## **8 MOTION TO ALTER THE ORDER OF BUSINESS**

Nil

## **9 DECLARATION OF INTEREST ON ANY ITEMS OF BUSINESS**

In accordance with *Local Government Act 1993* –

### **9.1 “S.244 EXCLUSION FROM MEETING OF COUNCILLOR WITH MATERIAL PERSONAL INTEREST**

The Mayor acknowledged the potential perception of a Material Personal Interest in *Item 10.1.1 Tourism Industry Working Party*, as the proprietor of a B&B business, and left the chamber prior to discussion and decision in this matter.

Cr Hobson conceded the potential perception of a Material Personal Interest in *Item 15.1 Notice of Motion to Amend Council Resolution of 31 October 2007 – Council Owned Land on the Southern Moreton Bay Islands (Cr Townsend)*, as the owner of

property on Macleay Island, and left the chamber prior to discussion and decision in this matter.

Cr Bowler conceded the potential perception of a Material Personal Interest in *Item 15.1 Notice of Motion to Amend Council Resolution of 31 October 2007 – Council Owned Land on the Southern Moreton Bay Islands (Cr Townsend)*, as the owner of property on Russell Island, and left the chamber prior to discussion and decision in this matter.

## **9.2 “S.246A RECORDING OF CONFLICT OF INTEREST**

Cr Williams declared a conflict of interest in *Item 12.3.1 Edgar Harley Pavilion Relocation and Refurbishment – Delegated Authority*, as Chair of the Spring Festival Committee, and left the chamber prior to discussion and decision in this matter.

**10 PLANNING & POLICY COMMITTEE 16/04/08 - RECEIPT AND ADOPTION OF REPORT**

Moved by: Cr Murray  
Seconded by: Cr Dowling

That the Planning and Policy Committee Report of 16 April 2008 be received.

CARRIED

**DECLARATION OF OPENING**

Cr Murray declared the meeting open at 9.01am.

**RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**Members Present

Cr H Murray	Chair and Councillor Division 10
Cr W Boglary	Councillor Division 1
Cr D Henry	Councillor Division 3 – entered at 9.17am
Cr P Dowling	Councillor Division 4
Cr B Townsend	Councillor Division 5
Cr T Bowler	Deputy Mayor & Councillor Division 6 – entered at 9.02am
Cr M Elliott	Councillor Division 7
Cr K Reimers	Councillor Division 8
Cr K Williams	Councillor Division 9

Acting Committee Manager

Mr G Photinos	Manager Environmental Management
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Officers

Ms J Sommer	Tourism Development Coordinator
Mr D Carter	Senior Advisor Natural Environment
Ms C Daunt	Support Officer Natural Environment

Minutes

Mrs J Parfitt	Corporate Meetings & Registers Officer
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**LEAVE OF ABSENCE**

Moved by: Cr Elliott  
Seconded by: Cr Boglary

That leave of absence from today's meeting be approved for Cr M Hobson PSM, Mayor.

CARRIED

**APOLOGY**

An apology was noted for Cr Ogilvie.

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**PUBLIC PARTICIPATION AT MEETING**

Moved by: Cr Dowling  
Seconded by: Cr Williams

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

CARRIED

- Mr Colin McInnes of Lamb Island addressed committee in relation to Item 1.1 on the agenda – *Tourism Industry Working Party*.

Moved by: Cr Dowling  
Seconded by: Cr Elliott

That the meeting resume.

CARRIED

**DECLARATION OF INTEREST**

Nil

**MOTION TO ALTER THE ORDER OF BUSINESS**

Moved by: Cr Bowler  
Seconded by: Cr Townsend

That the order of business be altered to discuss Item 3 General Business before the closed session Item 2.1 *Interim Vegetation Protection Order – Beachcrest*.

CARRIED

**10.1 PLANNING AND POLICY****10.1.1 TOURISM INDUSTRY WORKING PARTY**

**Dataworks Filename:** Redland Shire Visitor Services Strategy  
**Attachment:** [Tourism Industry Working Party Outcomes of Workshop 6 March 2008 \(Calais Consultants\)](#)  
**Responsible Officer Name:** Alan Burgess  
Manager Economic Development  
**Author Name:** Jan Sommer  
Tourism Development Coordinator

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**EXECUTIVE SUMMARY**

The Visitor Services Strategy incorporating the Review of Visitor Services Report for the Redland Shire was presented to Redland Shire Council in October 2007. To

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address the recommendations of the report, Council resolved to establish an industry working party at the General Meeting in October.

A sixteen (16) person Tourism Industry Working Party (TIWP), representing tourism sectors, the business community and the three geographic areas of the Redland Shire, was endorsed by Council at the November General Meeting. The first workshop, facilitated by Satwant Calais, principal of Calais Consultants, was held on 6 December 2007.

The TIWP expressed a strong desire to achieve a clear direction for tourism in the Redlands. Cohesiveness, one direction, vision, strategic planning and unity were considered an imperative to earning respect and gaining credibility from the tourism industry and the community. The participants were strongly of the opinion that if the bigger picture issues were resolved then visitor services and marketing recommendations would be better able to be resolved.

The primary recommendation from the TIWP was the establishment of a Tourism Advisory Board (TAB) representing a strong industry / local government partnership. This was agreed as the most appropriate model for Redlands at this time with one (1) Councillor, one (1) Redlands Tourism representative, four (4) industry specialists and three (3) representatives of the geographic areas of the Redlands (mainland, NSI and southern Moreton Bay islands).

The Chair of the Tourism Advisory Board will act as a conduit between Council and the Board with the reporting being undertaken by tourism staff in Council's Economic Development and Tourism Unit.

The proposal for the appointment of a TAB and its structure was endorsed at General Meeting in January 2008. The resolution also required the TIWP to continue to meet to discuss and determine the roles and responsibilities, objectives, and composition, nomination and appointment of the Tourism Advisory Board.

The second workshop of the TIWP was scheduled for 6 March. The visitor services subcommittee, established following the first workshop, met on two occasions in January and February to specifically address matters relating to visitor information centres (accredited and supplementary), destination marketing tools, communication systems and effective monitoring.

In addition to the main workshop, small group meetings were scheduled over two days prior to the workshop. Three of the six people who were unable to attend the main workshop attended and participated in the small group meetings which helped inform the workshop discussion.

During discussion, the roles and responsibilities of the TAB were clearly defined, as were the objectives and the composition, nomination and appointment process. Further, the stakeholders were identified, as were the relationships and reporting mechanisms.

Redlands Tourism, as the membership based local tourism organisation, was recognised as a key stakeholder, with the opportunity to participate on the TAB and also as a supplier of services to the industry.

The TIWP strongly recommended that communication to the wider tourism industry in relation to the formation of the Tourism Advisory Board, its structure, roles and responsibilities should be undertaken jointly by Redlands Tourism and Redland City Council in a clear and succinct manner to ensure there is a clear understanding of the future direction for tourism in the Redlands.

## **PURPOSE**

To present the recommendations of the second Tourism Industry Working Party (TIWP) workshop held in March 2008, including the recommendations of the Visitor Services subcommittee. This subcommittee was established following the first TIWP workshop in December 2007, to specifically address matters relating to visitor information centres, destination marketing tools, communication systems and effective monitoring.

The TIWP report, prepared by Satwant Calais who facilitated the meeting, is attached as an appendix to this report.

## **BACKGROUND**

In December 2006, Council resolved to terminate the tender process for a three year contract for the delivery of visitor services at Redlands Visitor Information Centre and further that a Visitor Services Strategy be prepared to determine the future delivery of visitor services in the shire.

Calais Consultants was commissioned to undertake four (4) workshops with Councillors, key stakeholders and the tourism industry and to prepare a report at the conclusion. The Review of Visitor Services Report, prepared by Satwant Calais, principal of Calais Consulting, is included wholly within the Visitor Services Strategy as an Appendix and is referred to throughout the document.

During the industry and stakeholder workshop discussions, wider industry concerns were aired that were detailed in the Review of Visitor Services Report. These were incorporated into the matters for consideration by the TIWP, as determined by the resolution of Council in October.

Following Council's endorsement of the working party participants at the General Meeting in November, reference documents were distributed to the participants including the Visitor Services Strategy and Review of Visitor Services Report, ATS Tourism Strategy 2002 (report and Background Paper).

The TIWP's first meeting was scheduled for the afternoon of 6 December 2007 and individual appointments were scheduled over two days between the consultant and TIWP participants to establish rapport and to discuss any issues arising from the Review of Visitor Services Report.

The TIWP was specifically requested to consider the following:

- roles and responsibilities of Council and Local Tourism Organisations for tourism in Redlands and the six recommendations from the Visitor Services strategy in relation to accredited and non accredited visitor information centres;
- Establishment of a hierarchy of visitor services, including a primary accredited Visitor information centre, supported by non accredited supplementary centres on the islands and mainland;
- Engage “captured” audience via multimedia presentations and destination information on water transport vehicles;
- Rationalise critical destination marketing tools to a single website and visitor guide reflecting the Redlands on Moreton Bay branding;
- Direct all marketing initiatives to 1300 telephone number and single website, incorporating the online booking service offered by Brisbane marketing, to deliver comprehensive customer service;
- Install a KPI system which provides a clear picture of services being provided and the ability to track the response to marketing campaigns. This includes a dedicated 1300 telephone line and statistics for online and email bookings; and
- Investigate the financial viability and effectiveness of stand alone information kiosks and report back to Council with recommendations and budget implications.

The TIWP expressed a strong desire to achieve a clear direction for tourism in the Redlands. Cohesiveness, one direction, vision, strategic planning and unity were considered an imperative to earning respect and gaining credibility from the tourism industry and the community. The participants were strongly of the opinion that if the bigger picture issues were resolved then visitor services and marketing recommendations would be better able to be resolved.

Although several tourism structure models were discussed at the workshops and included in the Review of Visitor Services Report it was agreed that the most appropriate model for Redlands at this time is a strong industry / local government partnership.

At the conclusion of the workshop, based on the TIWP discussions, Calais Consulting prepared a report recommending the following strategic direction for tourism in the Redlands:

- Appointment of a Tourism Advisory Board (TAB);
- Composition of the board; and
- Roles and responsibilities (in principle)

In January, a report presenting the recommendations of the TIWP was presented to the Planning and Policy Standing Committee and General Meeting of Council. The recommendation to establish the TAB was endorsed and the TIWP was requested to continue to meet to determine strategic directions for the TAB and consider recommendations from the visitor services subcommittee and to report back to Council by 30 April.

The attached report, prepared by Calais Consulting at the conclusion of the TIWP March workshop, addresses the actions requested by Council following the adoption

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of the recommendation of the TIWP to establish the Tourism Advisory Board by Council at the 30 January General Meeting. Specifically, these actions are as follows:

1. Finalise the strategic directions of the TAB
  - 1.1 Roles and Responsibilities for Council and TAB (point 5)
  - 1.2 Objectives (point 4)
  - 1.3 Composition arrangements, nomination & appointment process (points 7, 8 & 9)
2. Relationships with Existing Stakeholders (point 5)
3. Subcommittee Investigations (point 2.2)

## ISSUES

### Tourism Industry Support

A strong message was received from the local tourism industry at the initial workshops that strong leadership and clarification of the roles of Redland City Council and Redlands Tourism was required. The TIWP, charged with this task by Council, has defined this through the TAB and its relationship with key stakeholders. Those present at the March workshop were of the strong opinion that the momentum generated by the TIWP must be maintained in order to generate confidence in the process by the industry.

The TIWP proposed that nomination for the TAB be implemented immediately and the appointment and establishment of the TAB was recommended to be finalised by 30 June 2008.

### Roles and Responsibilities of Redlands Tourism

Whilst the relationship of the proposed TAB with the key stakeholders was clear and defined, the TIWP was unclear of Redlands Tourism present roles, responsibilities and support for the TAB and its future direction. The TIWP resolved that a letter be forwarded to Redlands Tourism to seek formal clarification of these points, with a response requested by 31 March 2008. The TIWP also requested a date to be determined for a meeting of the full Redlands Tourism Board and the TIWP.

In a letter of response the Chair of Redlands Tourism suggested they would require further time to generate a formal position. No immediate date for a meeting between the TWIP and Redlands Tourism has yet been set.

### Legal Structure

The legal structure of the TAB was discussed and on further advice from Council's Legal Officer, the most practical course of action is for the TAB to be established initially as a community board, according to Section 473A of the Local Government Act until such time as the TAB is ready to become a separate entity. This community board would operate with a clearly defined charter, identifying the stakeholders to which it would consult and advise on tourism related matters.

## **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**

The Visitor Services Strategy set out the financial implications for the hierarchy of visitor services in consideration of the current budget allocation, including the primary accredited VIC, supplementary centres and on board promotional material for water transport.

The ability to attract additional funding through state and federal government grants for tourism development projects and cooperative marketing opportunities would be enhanced with the existence of a Tourism Advisory Board that has a Business Plan, incorporating an annual marketing plan, demonstrating robust tourism industry partnerships and alliances.

The preparation of strategic plans would be undertaken by the tourism staff of the Economic Development Unit in conjunction with the TAB which would be presented to Council annually for endorsement and the outcomes reported through the normal council reporting process through the Planning and Policy Standing Committee.

## **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 TIWP workshop was held on 6 March 2008. The facilitator also held small group meetings with TIWP members prior to the main workshop to ensure the views of all participants were considered.

All members of the working party received a copy of the report on receipt from the consultant.

- Mayor Don Secombe (small meeting and workshop)
- Cr Craig Ogilvie (small meeting)
- Cr Karen Williams (workshop)
- John Conley (small meeting and workshop)
- Steve Eisele - standing in for Graeme Leishman (small meeting and workshop)
- David Thomson (workshop)
- Melva Hobson (small meeting)
- Suzanne Deed (workshop)
- Juliette Lally (workshop)
- Marianna Tigani (small meeting)

- Heather Truman (small meeting and workshop)
- Alan Burgess (small meeting and workshop)
- Jan Sommer (small meeting and workshop)
- Colin McInnes (apology - illness)
- Jason Thomas (apology – overseas on business)
- Garth Bell (apology)

General Manager – Planning & Policy;  
Redland City Council Legal Officer.

The comments, concerns and issues raised by the members of the TIWP are recorded in the attached report, prepared by Calais Consulting.

## **OPTIONS**

### **PREFERRED**

That Council endorse the recommendations of the Tourism Industry Working Party (TIWP) as required by the resolution of 30 January General Meeting of Council specifically relating to the following:

1. Strategic directions of the Tourism Advisory Board;
  - 1.1 Roles and Responsibilities for Council and TAB (TIWP Report - point 5);
  - 1.2 Objectives (TIWP Report - point 4); and
  - 1.3 Composition arrangements, nomination and appointment process (TIWP Report points 7, 8, and 9);
2. Relationships with Existing Stakeholders (TIWP Report - point 5); and
3. Subcommittee Investigations and Outcomes (TIWP Report - point 2.2).

## **OFFICER'S RECOMMENDATION**

That Council endorse the recommendations of the Tourism Industry Working Party (TIWP) as required by the resolution of 30 January General Meeting of Council specifically relating to the following:

1. Strategic directions of the Tourism Advisory Board;
  - 1.1 Roles and Responsibilities for Council and TAB (TIWP Report - point 5);
  - 1.2 Objectives (TIWP Report - point 4); and
  - 1.3 Composition arrangements, nomination and appointment process (TIWP Report points 7, 8, and 9);
2. Relationships with Existing Stakeholders (TIWP Report - point 5); and
3. Subcommittee Investigations and Outcomes (TIWP Report - point 2.2).

## **COMMITTEE RECOMMENDATION**

That this item be deferred to the next Planning & Policy Committee meeting.

**PROPOSED MOTION**

Moved by: Cr Dowling  
Seconded by: Cr Williams

That the committee recommendation not be adopted and that the item not be deferred but be dealt with tonight for the following reasons:

1. The deferral was against a motion of council where it was, by resolution carried that the TAB tourism advisory board recommendations be reported back to Council by 30 April (page 13);
2. Demonstrate to the tourism industry that we are capable of moving forward and delivering on the plan put forward by the industry working group
3. That the grounds given by Cr Bowler for the deferral (Mayor, Cr Hobson request) will almost certainly expose Cr Hobson to an MPI conflict as the proprietor of a tourism business of a B&B.
4. The item should be dealt with tonight and in the absence of Cr Hobson.

The Mayor denied that there was any Material Personal Interest, however to avoid any perceived MPI conflict, opted to leave the chamber during discussion and decision in this matter.

Cr Elliott asked whether Cr Williams should also declare a Material Personal Interest in this matter due to the fact that she was Chair of the Spring Festival Committee.

Cr Williams denied any MPI conflict, but conceded there was a conflict of interest and left the chamber during discussion and decision in this matter.

Due to the fact that the seconder of the motion, Cr Williams, had declared a conflict of interest in the matter, a ruling was sought from the Deputy Mayor as to the legality of the motion. The Deputy Mayor ruled that she did not accept this as a legal motion and requested a new seconder for Cr Dowling's motion.

The motion lapsed for want of a seconder.

**COUNCIL RESOLUTION**

Moved by: Cr Murray  
Seconded by: Cr Reimers

**That this item be deferred to the next Planning & Policy Committee meeting.**

**CARRIED**

Crs Hobson and Williams returned to the meeting at 4.37 pm.

**10.1.2 VEGETATION PROTECTION ORDER CONFIRMATION - COLLINGWOOD ROAD**

**Dataworks Filename:** EM Vegetation Protection  
**Attachments:** [VPO Summary Sheet](#)  
[Expert Report](#)  
**Responsible Officer Name:** Gary Photinos  
Manager - Environmental Management  
**Author Name:** Leo Newlands  
Advisor- Reserve Management

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**EXECUTIVE SUMMARY**

The owner of the property situated at 68 Collingwood Road Birkdale applied for a Vegetation Protection Order for two *Eucalyptus tereticornis* trees under Local Law No. 6, "Protection of Vegetation".

Council resolved on 30 January 2008 to make an Interim Vegetation Protection Order under the provision of Local Law No.6. The interim order can only remain in place for a period of 6 months while Council calls for public submissions and prepares an expert report. If the interim order is not confirmed within 6 months, the interim order would lapse.

This report outlines the outcomes of public submissions, expert report and officer recommendations regarding the confirmation of a full vegetation protection order and recommends that Council confirms a Vegetation Protection Order under the provision of Local Law No. 6 on two mature *Eucalyptus tereticornis* trees located on Lot 1 RP234065.

**PURPOSE**

That Council consider the expert report and submissions made in response to the notice of the order, confirm the Vegetation Protection Order under the provisions of Local Law No. 6 "Protection of Vegetation" on two mature *Eucalyptus tereticornis* trees located on the corner of Collingwood Road and Shonagh Court, described as 68 Collingwood Road Birkdale (Lot 1 RP 234065).

**BACKGROUND**

- An application for a Reconfiguration of a Lot application was lodged on the 12<sup>th</sup> July 2007, and has been assessed against the requirements of the Planning Scheme. Specifically, the application (SB005251) is to reconfigure a single lot (RP234065) into 2 lots.
- Redland City Council Local Law 6 (Protection of Vegetation) provides for the protection of vegetation through Vegetation Protection Orders. The owner of the property made an application for a Vegetation Protection Order for two *Eucalyptus tereticornis* trees on one of the proposed allotments.

- Council resolved at the General Meeting on 30 January 2008 to make an Interim Vegetation Protection Order under the provision of Local Law No.6.
- Council now has the expert report for the trees, undertaken the public notification of the Vegetation Protection Order and is in a position to determine whether the interim vegetation protection order should be confirmed.

## ISSUES

### MAKING OF VEGETATION PROTECTION ORDER'S UNDER LOCAL LAW 6 (PROTECTION OF VEGETATION)

Any person may apply to have a Vegetation Protection Order (VPO) placed on vegetation on private land. Local Law No. 6, Protection of Vegetation provides the power for Local Government to make VPO's for 'significant vegetation' as defined by the local law on private land.

Council in assessing this request, may by resolution, place an interim VPO upon the trees.

The interim VPO will remain for 6 months in which time public notification with a minimum of 21 days for submissions to be received, and during this time Council must also get an expert report ensuring the order is consistent with and justified in light of the objects of the law.

The advertisement must detail the grounds on which the VPO is being made and invite public submissions within 21 days of a fixed date, for or against the order. The outcomes of the expert report and public submissions are subsequently presented to Council for a decision on whether the VPO is confirmed.

### OUTCOME FROM SUBMISSIONS PROCESS

No submissions had been received for or against the protection of these trees subsequent to the public notice calling for submission placed in Redland Times on Friday 15<sup>th</sup> February 2008.

### OUTCOME FROM EXPERT REPORT

A report, as per attachment, has been undertaken by external consultant (Biodiversity Assessment and Management) to assess the trees. Specifically, the expert report must determine whether the order is consistent with, and justified in the light of the reasons for which it has been protected. The conclusion of the report is as follows: "The subject trees are located in an area that has been heavily developed for residential dwellings, with small pockets of bushland being retained in some surrounding areas. The retention of the subject trees provided what could be considered an important link to these surrounding bushland areas. It is our opinion that a vegetation protection order should be placed on the subject trees."

### GROUNDS FOR THE VEGETATION PROTECTION ORDER

The resident in his application for VPO has stated the grounds for the application was under Local Law 6, Part1 3 (h) that the vegetation is "a significant value habitat for

native animals (including native or migratory birds) or a part of a fauna and flora corridor”.

#### ZONING AND KOALA HABITAT RETENTION

The allotment is zoned 'urban residential' and allows for infill development to occur. Whilst infill development can reduce pressure for green field development, the reduced size of allotments can cause the progressive removal of koala habitat and food trees in urban areas. Urban Koala populations and urban habitat trees are seen to be integral to sustaining koala populations in the Redlands and the Koala Coast. Therefore, protection of trees through VPO's is an integral element to sustaining koala populations. The owner of this lot recognises the habitat value of these trees and has initiated the VPO.

#### ONGOING TREE MANAGEMENT

Eucalyptus tereticornis has the propensity to drop large limbs in storms. Ongoing management of these trees can still occur with the VPO; however a permit for removal or trimming of the trees will be required. Currently Council applies a fee for permit applications.

#### CONDITIONS TO APPLY TO THE VEGETATION PROTECTION ORDER

The management of trees requires consideration of the site specific impacts of development on all parts of the plant including trunk, canopy, and root structure. As such, a confirmed VPO requires a set of conditions that afford a level of regard for the trees' long term viability.

Where Subordinate Local Law No. 6 permits for damage to protected vegetation under certain circumstances, it is proposed that a condition be included in the Vegetation Protection Order that any damage to the trees can only be carried out with a permit issued under the local law.

#### **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**

Council costs associated with this application have amounted to \$1,200.00 for the preparation of the expert report and advertising of public submissions notice. Ongoing costs to Council should this order be confirmed will be associated with in-kind support (advice) to the owners when required from Council's arborist.

The landowners will incur costs associated with the ongoing management of the protected trees by engaging an arborist to undertake any works to ensure the long term viability of the trees as well as Council's permit chares.

Currently, Council charges applicants \$104.00 (general permit) to assess an application for a permit to damage protected vegetation. This may increase to \$125.00 in line with CPI increases in the upcoming budget if approved by Council. The fees have come about to recover costs associated with the processing of permit applications by the Customer Services Department. Council's fees and charges schedule does not stipulate any circumstances where these fees can be waived.

## **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 been undertaken with Environmental Management, David Spinks (the current property owner), Development Assessment, Operations and Maintenance, external consultant (Biodiversity Assessment and Management) and the public who are all supportive of the recommendation to confirm the vegetation protection order.

## **OPTIONS**

### **PREFERRED**

That Council, having considered the expert report and submissions made in response to the notice of the order, resolve:

1. To confirm the Vegetation Protection Order under the provisions of Local Law No. 6 "Protection of Vegetation" on two mature Eucalyptus tereticornis trees located on the corner of Collingwood Road and Shonagh Court, described as 68 Collingwood Road Birkdale (Lot 1 RP 234065); and
2. That any damage to the trees can only occur where a permit has been issued by Council under the provisions of Local Law 6 (Protection of Vegetation).

### **ALTERNATIVE**

That Council, having considering the expert report and submissions made in response to the notice of the order, resolve to **not** confirm a Vegetation Protection Order and wholly revoke the interim protection order made on the 30<sup>th</sup> January 2008.



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

Moved by: Cr Murray  
Seconded by: Cr Henry

**That Council, having considered the expert report and submissions made in response to the notice of the order, resolve as follows:**

- 1. To confirm a Vegetation Protection Order under the provision of Local Law No. 6 "Protection of Vegetation" on two mature *Eucalyptus tereticornis* trees located on the corner of Collingwood Road and Shonagh Court, described as 68 Collingwood Road, Birkdale (Lot 1 RP 234065); and**
- 2. That any damage to the trees can only occur where a permit has been issued by Council under the provisions of Local Law 6 (Protection of Vegetation).**

**CARRIED**

**10.2 GENERAL BUSINESS**

Permission was granted for the following items of general business to be raised.

**10.2.1 REQUEST FOR REPORT – REVIEW OF CURRENT POSITION ON MANAGEMENT OF SHOPPING TROLLEYS****COMMITTEE RECOMMENDATION/  
COUNCIL RESOLUTION**

Moved by: Cr Murray  
Seconded by: Cr Elliott

**That a report be prepared and presented to Council to review the current position on the management of shopping trolleys and to provide additional options for compliance.**

**CARRIED**

**10.2.2 REQUEST FOR REPORT – OPPORTUNITIES FOR RECREATIONAL, SPORTING OR FESTIVAL FACILITIES USE ON COMMONWEALTH LAND AT BIRKDALE****COMMITTEE RECOMMENDATION/  
COUNCIL RESOLUTION**

Moved by: Cr Murray  
Seconded by: Cr Elliott

**That a report be prepared and presented to Council on the opportunities for recreational, sporting or festival facilities use on commonwealth land (telecommunications) on Old Cleveland Road East, Birkdale.**

**CARRIED**

**10.2.3 STATUS REPORT – QUARRY TRUCKS USING MOUNT COTTON ROAD,  
CAPALABA**

**COMMITTEE RECOMMENDATION/  
COUNCIL RESOLUTION**

Moved by: Cr Murray  
Seconded by: Cr Elliott

**That a status report be provided to Cr Bowler on her previous request on the legalities of quarry trucks using Mount Cotton Road, Capalaba past the Capalaba State School.**

**CARRIED**

**10.2.4 UPDATE ON REPORT FOR CLOSURE OF EASEMENT ON DIANA  
STREET, CAPALABA**

**COMMITTEE RECOMMENDATION/  
COUNCIL RESOLUTION**

Moved by: Cr Murray  
Seconded by: Cr Elliott

**That an update be provided to Cr Williams on report for closure of easement on Diana Street Capalaba previously due to April Planning & Policy meeting.**

**CARRIED**

### 10.3 CLOSED SESSION

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

#### 10.3.1 Interim Vegetation Protection Order - Beachcrest

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

*"(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage."*

CARRIED

### MOTION TO REOPEN MEETING

That the meeting be again opened to the public.

CARRIED

#### 10.3.1 INTERIM VEGETATION PROTECTION ORDER - BEACHCREST

**Dataworks Filename:** EM Vegetation Protection  
**Responsible Officer Name:** Gary Photinos  
Manager - Environmental Management  
**Author Name:** Candy Daunt  
Support Officer - Natural Environment

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### EXECUTIVE SUMMARY

A request from a member of the community has been received for vegetation protection to apply to a large pine tree on Beachcrest Road, Wellington Point.

The 'pine' tree which is believed to be a Cook Pine (*Araucaria columnaris*) and is a significant specimen considered to be greater than 100 years old. This tree, located within an urban lot, is an important land and sea mark in the area.

This report outlines the rationale and considerations for the proposed Interim Vegetation Protection Order for the tree. It is further recommended that the details of the report remain confidential until such time as the land owner has been officially notified on the proposed vegetation protection order.

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

Moved by: Cr Murray  
Seconded by: Cr Elliott

**That Council resolve as follows:**

- 1. To make an Interim Vegetation Protection Order under the provision of Local Law No. 6 "Protection of Vegetation" on the large *Araucaria sp* (pine) tree located at Beachcrest Road, Wellington Point;**
- 2. That damage to the tree is only permitted under Section 27(J) "if the damage is allowed under a permit issued by Council under the provisions of this Local Law"; and**
- 3. That the details of the interim vegetation protection order contained within this report remain confidential to the public until the landowner has been officially notified.**

**CARRIED**

**11 REDLAND WATER AND WASTE COMMITTEE 22/04/08 - RECEIPT AND ADOPTION OF REPORT**

Moved by: Cr Henry  
Seconded by: Cr Reimers

That the Redland Water and Waste Committee Report of 22 April 2008 be received.

CARRIED

**DECLARATION OF OPENING**

Cr Henry declared the meeting open at 2.00 pm.

**RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**Members Present

Cr D A Henry	Chair and Councillor Division 3
Cr M A Hobson PSM	Mayor
Cr W Boglary	Councillor Division 1
Cr P J Dowling	Councillor Division 4
Cr B A Townsend	Councillor Division 5
Cr T Bowler	Deputy Mayor and Councillor Division 6 Entered at 2.04 pm
Cr M A Elliott	Councillor Division 7 Entered at 2.03 pm
Cr K A Reimers	Councillor Division 8
Cr K M Williams	Councillor Division 9
Cr H J Murray	Councillor Division 10 Entered at 2.01pm

Committee Manager

Mr G Soutar General Manager Redland Water & Waste

Officers

Mr R Turner	Acting Chief Executive Officer
Mr B Taylor	Manager Treatment Operations
Mr S Cantrell	Acting Manager Technical Support
Mr K McGuire	Acting Manager Customer Service and Business Performance

Minutes

Mrs J Thomas Corporate Meetings & Registers Officer

**APOLOGY**

Cr C B Ogilvie Councillor Division 2

**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 –  
MARCH 2008**

**Datworks Filename:** WW Redland Water & Waste Committee  
WM Redland Water & Waste Committee  
WS Redland Water & Waste Committee

**Attachments:** [Business Unit Report – March 2008](#)  
[Appendix A – Additional Water Quality Indicators](#)  
[Appendix B – Wastewater Treatment Plants](#)  
[Supplementary Performance Information](#)

**Responsible Officer Name:** Gary Soutar  
General Manager, Redland Water & Waste

**Author Name:** Gary Soutar  
General Manager, Redland Water & Waste

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**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 March 2008 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.

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## **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:

- Acting Manager Customer Service & Business Performance, RWW;
- Manager Treatment Operations, RWW;
- Acting 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 March 2008, 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 Henry  
Seconded by: Cr Boglary

**That Council resolve to accept the Redland Water & Waste Council Business Unit Report for March 2008, as presented in the attachment.**

**CARRIED**

### 11.1.2 DELEGATIONS TO CEO - WATER ACT 2000 AND LOCAL LAW 31 (WATER SUPPLY)

**Dataworks Filename:** WS – Legislation – Water Act 2000  
L & E Local Laws - Local Law 31

**Attachment:** [Attachment 1 - Extract from Water Act 2000](#)  
[Attachment 2 - Extract from Local Law 31](#)

**Responsible Officer Name:** Kevin McGuire  
Acting Manager Customer Service & Business  
Performance

**Author Name:** Michelle Vanyai  
Senior Project Officer

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#### EXECUTIVE SUMMARY

Redland City Council (RCC) is a registered water service provider (WSP) under the *Water Act 2000*. In order for RCC to carry out its obligations as a WSP, it is recommended that Council delegate authority to the Chief Executive Officer (CEO) under specific sections of the *Water Act 2000* and *Local Law 31 (Water Supply)* to appoint authorised officers under the Local Law.

Through this delegated authority to the CEO and the appointment of authorised officers, the WSP's operational activities can be carried out and enforced under the specified act and local law.

#### PURPOSE

The purpose of this report is to recommend that Council delegate authority to the CEO under the *Water Act 2000* and for Council to appoint authorised officers under *Local Law 31 (Water Supply)*.

#### BACKGROUND

RCC operates as a WSP under the *Water Act 2000* and has established Redland Water & Waste (RWW) as a commercial business unit to undertake the operations of the WSP.

Recent changes to the *Water Act 2000*, together with staff movements within RWW, have necessitated a review of current delegations and authority to be undertaken, particularly as they relate to water restrictions and Council's ability to protect the city's infrastructure system and supply.

Several areas under the *Water Act 2000* provide for Council to delegate authority to the CEO. *Local Law 31 (Water Supply)* requires Council, by resolution, to appoint officers for the purposes of exercising powers of authorised officers to undertake particular operational functions.

## ISSUES

The CEO has the power under the *Local Government Act 1993*, section 1132, to delegate authority to employees of RCC, unless Council resolves otherwise. It is intended that the powers recommended for delegation to the CEO will be on-delegated to suitably qualified, experienced and trained officers of Council.

The attachments outline the recommended sections for delegation under the *Water Act 2000* and *Local Law No 31 (Water Supply)*.

## RELATIONSHIP TO CORPORATE PLAN

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

## FINANCIAL IMPLICATIONS

There are no financial implications relating to the delegation of authority recommended 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

Consultation has occurred with:

- Legal Services; and
- Corporate Meetings and Registers Team.

## OPTIONS

### PREFERRED

That Council resolve as follows:

- To delegate authority, under section 472 of the *Local Government Act 1993*, to the Chief Executive Officer to exercise the powers and responsibilities relating to sections 384A and 385 of the *Water Act 2000*;
- To appoint the following officers as authorised officers under Local Law No 31 (Water Supply), section 5.3, to exercise the powers and responsibilities as specified below for the purposes of this local law;

Kevin McGuire, Water Reticulation Services Manager	Section 29 Note: Additional to sections already delegated to K McGuire – General
--	--

	Meeting 28/09/2005
Meredith Boyle Water Billing Team Leader	Section 29
Darren Smith Supervisor Water Services	Sections 18, 19, 27, 28

- That the Local Law 31 appointments above expire when the authorised officer ceases employment with Redland City Council or if the instrument is revoked by Council resolution.

#### ALTERNATIVE

That Council resolve to not delegate any or all of the recommended powers.

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

Moved by: Cr Henry  
Seconded by: Cr Boglary

That Council resolve as follows:

1. To delegate authority, under section 472 of the *Local Government Act 1993*, to the Chief Executive Officer to exercise the powers and responsibilities relating to sections 384A and 385 of the *Water Act 2000*;
2. To appoint the following officers as authorised officers under Local Law No 31 (Water Supply), section 5.3, to exercise the powers and responsibilities as specified below for the purposes of this local law;

<b>Kevin McGuire, Water Reticulation Services Manager</b>	<b>Section 29 Note: Additional to sections already delegated to K McGuire – General Meeting 28/09/2005</b>
<b>Meredith Boyle Water Billing Team Leader</b>	<b>Section 29</b>
<b>Darren Smith Supervisor Water Services</b>	<b>Sections 18, 19, 27, 28</b>

3. That the Local Law 31 appointments above expire when the authorised officer ceases employment with Redland City Council or if the instrument is revoked by Council resolution.

**CARRIED**

## 11.2 TENDERS FOR CONSIDERATION

### 11.2.1 TENDER RWW-55005-4 OPERATION OF GATEHOUSES AT THREE (3) WASTE HANDLING FACILITIES

**Datworks Filename:** WM Tender RWW 55005-4  
**Responsible Officer Name:** Gary Soutar  
 General Manager Redland Water & Waste  
**Author Name:** Paula Kemplay  
 Service Manager Waste Operations

#### EXECUTIVE SUMMARY

The contract for the operation of the weighbridge and gatehouses at the three (3) mainland waste transfer stations expires on 30 June 2008 after the maximum 5-year duration. A new tender was prepared and it is recommended that Council accept the tender from the Pickwick Group Pty Ltd and enter into a schedule of rates contract for 2 years from 1 July 2008 to 30 June 2010, with the option to extend for a further three (3) one-year periods.

#### PURPOSE

The purpose of this report is to recommend acceptance of the most advantageous tender for operation of the weighbridge and gatehouses.

#### BACKGROUND

On 9 February 2008, in accordance with section 484(1) of the *Local Government Act 1993*, Council advertised in the Courier-Mail inviting tenders for the works. Suitable security companies were also contacted by phone to advise of the tender availability.

A total of 14 tenders were issued and 3 tenders were received by the due date and time. The 3 tenders received were compliant and evaluated in accordance with the tender evaluation plan. Tenderers were asked to respond to the requirements below as follows:

<b>TENDER EVALUATION CRITERIA</b>	
<b>Criteria – all tenderers</b>	<b>Reference to tender deliverable attachment in Section B</b>
Form of tender	Tender deliverable attachment - A
Statement of non-compliance	Tender deliverable attachment - B
Corporate and financial information	Tender deliverable attachment - C
Insurances	Tender deliverable attachment -D
Referee reports	Tender deliverable attachment – E
Operational & delivery capacity	Tender deliverable attachment – F
Nominated staff	Tender deliverable attachment – G
Notice of sub-contractors	Tender deliverable attachment – H

Compliance statement	Tender deliverable attachment – I
Documentation	Tender deliverable attachment – J
Pricing schedule	Tender deliverable attachment - K

The service to be provided is managing the gatehouse operations at the 3 Redland City Council (RCC) mainland waste handling facilities including attending the gatehouse, assessment of loads against waste acceptance criteria, recording of all transactions, application of fees and charges, maintaining the weighbridge and ensuring optimum diversion of resources from the waste stream.

The level of service required in terms of opening hours and work to be undertaken remains the same as the last contract; however the tender included new workplace health and safety (WH&S) and quality system reporting requirements which aligns this contract with other Council contracts. In addition, key performance indicators (KPIs) and liquidated damages were included to ensure strong performance in terms of site attendance, competencies of staff, compliance with Trades Measurement Branch legislation and accuracy of transactions.

## ISSUES

Clarifications were sought from all tenderers regarding information provided in their offers.

## RELATIONSHIP TO CORPORATE PLAN

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

## FINANCIAL IMPLICATIONS

The estimated cost of the new recommended schedule of rates contract including some provisional costs for additional operations and weighbridge repairs will be \$791,974 (including GST) for the first 2 years. Funds for this have been referred to the 2008/09 budget submission. This is an increase of 14% on the existing budget.

The contract will be subject to CPI adjustments from 2009/10.

## PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was not 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 Contract Management Services Unit was consulted regarding the corporate templates;
- external consultants, ELT Solutions, assisted in compiling the tender deliverables and were part of the evaluation team;

- Australian Business Reporting was also contacted for a contractor report.

## **OPTIONS**

### **PREFERRED**

That Council resolve as follows:

1. To accept the tender and enter into a schedule of rates contract RWW-55005-4 with the Pickwick Group Pty Ltd for operation of the weighbridge and gatehouses at Redland City Council's 3 mainland waste handling facilities for a period of 2 years from 1 July 2008 to 30 June 2010;
2. To delegate authority to the Chief Executive Officer to:
  - a. make, vary and discharge the contract in accordance with the agreed contract terms for any changes;
  - b. exercise any further options to extend this contract as specified in the contract; and
  - c. sign all relevant documentation;
3. That a contingency amount of 5% of the contract value equivalent to \$39,600 (including GST) be allocated for any variations approved by the Chief Executive Officer;
4. To delegate authority for the Chief Executive Officer to sign the contract documents; and
5. That the document entitled "Summary of Evaluation for Tender RWW 55005-4" remains confidential.

### **ALTERNATIVE**

That Council resolve to not accept the tender and enter into a schedule of rates contract RWW-55005-4 with the Pickwick Group Pty Ltd for operation of the weighbridge and gatehouses at Redland City Council's three (3) mainland waste handling facilities for a period of 2 years from 1 July 2008 to 30 June 2010 and to reassess options in the marketplace for delivering the service.

This option is not recommended as any re-tendering process could not be completed before the existing contract expires.

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

Moved by: Cr Henry  
Seconded by: Cr Boglary

**That Council resolve as follows:**

1. To accept the tender and enter into a schedule of rates contract RWW 55005-4 with the Pickwick Group Pty Ltd for operation of the weighbridge and gatehouses at Redland City Council's 3 mainland waste handling facilities for a period of 2 years from 1 July 2008 to 30 June 2010;
2. To delegate authority to the Chief Executive Officer to:
  - a) make, vary and discharge the contract in accordance with the agreed contract terms for any changes;
  - b) exercise any further options to extend this contract as specified in the contract;
  - c) sign all relevant documentation;
3. That a contingency amount of 5% of the contract value equivalent to \$39,600 (including GST) be allocated for any variations approved by the Chief Executive Officer;
4. To delegate authority for the Chief Executive Officer to sign the contract documents; and
5. That the document entitled "Summary of Evaluation for Tender RWW 55005-4" remains confidential.

**CARRIED**



## 11.3 CLOSED SESSION

### 11.3.1 WATER REFORM - RETAIL ENTITIES

**Datworks Filename:** WS Planning – Water Reform  
**Responsible Officer Name:** Gary Soutar  
General Manager, Redland Water & Waste  
**Author Name:** Gary Soutar  
General Manager, Redland Water & Waste

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#### EXECUTIVE SUMMARY

As part of the water reform in South-East Queensland (SEQ), legislation was enacted which provided for between 3 and 10 water retailers being owned by local governments.

The Council of Mayors (SEQ) (COMSEQ) engaged Synergies Economic Consulting to prepare an options paper for the amalgamation of Councils' water retail functions. This paper is to assist COMSEQ to make a submission to the Queensland government on the number and form of the retail entities, their ownership arrangements and the transition pathway. A part of the requirements of this submission will be a decision by each Council as to whether they want to retain ownership of a retail function and, if so, in what form.

Following a review of the issues, risks, functions and a financial analysis, it is recommended that Council does not participate in the retail function and seeks to sell its customer base to another retailer.

#### PURPOSE

This report is being presented for Council's consideration and endorsement of the recommendation because Council is required to inform the Queensland Government of its position in respect to ownership of a water retail business. Council responses are being co-ordinated through COMSEQ.

#### BACKGROUND

As part of the water reform in SEQ, legislation was enacted which provided for between 3 and 10 water retailers being owned by local government.

COMSEQ engaged Synergies Economic Consulting to prepare an options paper considering the issues and suggesting recommendations in relation to the amalgamation of Councils' water retail functions. The report also provides advice to Councils considering whether or not they wish to own a retail water business under the new institutional arrangements.

#### ISSUES

The key findings of the report are as follows:

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- **Number and configuration of retailers**

The criteria for determining the number of retailers were efficiency, business performance and sustainability and organisation capacity and resourcing. Based on these criteria, the report recommended as few as possible retailers on the basis that this presents them with the best opportunity to be commercially successful. As the current state legislation requires a minimum of 3 retailers in SEQ, the report confirms that 3 should be the maximum number, but notes that in the best case and based on the necessary economies of scale, one retailer would be ideal. It is acknowledged that for the purposes of competition, 2 retailers might be workable, subject to market rules.

Based on the state's requirement for a minimum of 3 retailers, Brisbane City Council (BCC) would be one retailer, with the remaining Councils forming the other 2 retailers. Under the current guidelines, no Council can have more than 40% of the market and BCC's current market share is approximately 37%.

- **Shareholding arrangements**

As a starting point, it is reasonable to expect that shares be established proportional to the number of connections for each Council. This would give Council a 15% shareholding in one of the companies.

- **Functions**

The report recommends that retail businesses perform a narrow function typical of retailers in other utilities. These would include procurement of water, forecasting and water trading - the last 2 functions having an element of risk. The report suggests that including wastewater retail function in the business would improve profitability. However, no policy direction has been formulated.

- **Financial issues**

It is likely that Councils will be required to finance the majority of start-up costs. Industry benchmarks for this type of operation suggest a start-up cost in the order of \$75 million could be expected. If Council had a 15% shareholding, our portion of the start-up costs would be \$11.25 million.

There is also an uncertainty about profitability. Most retail businesses rely on turnover to increase profits, yet the focus across SEQ is on water conservation which could result in reduced consumption.

- **Uncertainties**

A number of matters still require resolution:

- a. confirmation of the obligations of retailers and the associated risks borne by retailers;
- b. what are the grid market rules that reflect the above obligations;
- c. whether retail contestability will be introduced and, if so, when;

- d. what is the framework for pricing regulation;
- e. matters affecting working capital including any regulatory constraints upon the retail businesses in setting the terms of trade with their customers.

Considering all the issues outlined above, it is considered that the risks far outweigh the advantages of Council having or being part of a retail water business.

However, in arriving at that conclusion, there is no doubt that Council's current consumer base is of value to either a larger Council or another retailer. An opportunity exists for Council to sell this consumer base.

### **RELATIONSHIP TO CORPORATE PLAN**

This issue has no relationship to Council's corporate plan.

### **FINANCIAL IMPLICATIONS**

Initial start-up costs could be in the order of \$11.25 million. Profit margins could be in the order of 1.5% of costs.

### **CONSULTATION**

Consultation has been undertaken with the Chief Executive Officer (CEO) and General Manager Corporate Services.

### **OPTIONS**

#### **PREFERRED**

That Council resolve as follows:

1. To advise the Queensland Government, through the Council of Mayors, that it does not wish to own, either in part or whole, a retail water business; and
2. That the Chief Executive Officer be authorised to enter into negotiations to sell Council's consumer base to interested parties should the opportunity arise.

#### **ALTERNATIVE**

That Council maintain an interest in a retail water business.

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

Moved by: Cr Henry  
Seconded by: Cr Boglary

**That Council resolve as follows:**

- 1. To advise the Queensland Government, through the Council of Mayors, that it does not wish to own, either in part or whole, a retail water business; and**
- 2. That the Chief Executive Officer be authorised to enter into negotiations to sell Council's consumer base to interested parties should the opportunity arise.**

**CARRIED**

## 12 FINANCE AND CORPORATE MANAGEMENT COMMITTEE 23/04/08 - RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Townsend  
Seconded by: Cr Dowling

That the Finance and Corporate Management Committee Report of 23 April 2008 be received.

CARRIED

### DECLARATION OF OPENING

Cr Townsend declared the meeting open at 2.00pm.

### RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

#### Members Present

Cr B Townsend	Chair & Councillor Division 5
Cr M Hobson PSM	Mayor – entered at 2.02pm
Cr W Boglary	Councillor Division 1
Cr C Ogilvie	Councillor Division 2
Cr D Henry	Councillor Division 3
Cr P Dowling	Councillor Division 4
Cr T Bowler	Deputy Mayor & Councillor Division 6
Cr M Elliott	Councillor Division 7 – entered at 2.14pm
Cr K Reimers	Councillor Division 8
Cr K Williams	Councillor Division 9 – entered at 2.04pm
Cr H Murray	Councillor Division 10 – entered at 2.02pm

#### Committee Manager

Mr R Turner Acting Chief Executive Officer

#### Officers

Mr M Goode	General Manager Customer Services
Mr G Underwood	General Manager Planning & Policy
Mr G Soutar	General Manager Redland Water & Waste
Mrs K Fernon	Acting General Manager Corporate Services
Mrs K Phillips	Manager Financial Services
Mr P Bucknell	Manager Information Management
Mr M Elliott	Property Services Manager
Mr W Dawson	Manager Land Use Planning
Mr T Donovan	Manager Assessment Services
Mr W Van Wyk	Manager Corporate Planning, Performance and Risk

#### Minutes

Mrs J Parfitt Corporate Meetings & Registers Officer

**PUBLIC PARTICIPATION AT MEETING**

Nil

**DECLARATION OF INTEREST**

Cr Williams declared a conflict of interest in Item 3.1 – *Edgar Harley Pavilion Relocation and Refurbishment – Delegated Authority* as Chair of the Spring Festival Committee who use the Edgar Harley Pavilion building and was present for discussion and vote on this item.

**ORDER OF BUSINESS**

Nil

Cr Elliott left the meeting at 3.00pm during discussion on Item 3.1.

Cr Dowling left the meeting at 3.13pm during discussion on Item 4.1.

**12.1 OFFICE OF CEO****12.1.1 REPORT ON THE AUDIT COMMITTEE MEETING - 12 FEBRUARY 2008**

**Dataworks Filename:** GOV Audit Committee  
**Responsible Officer Name:** Susan Rankin  
Chief Executive Officer  
**Author Name:** Kylie Fernon  
Manager Internal Audit

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**EXECUTIVE SUMMARY**

In line with the Audit Committee Charter, the Audit Committee meeting of 12 February 2008 was scheduled to enable discussion and consideration of the following:

- Receipt and Confirmation of Minutes of 30 October 2007;
- Business Arising from Previous Minutes;
- Local Government Finance Standard 2005 – Section 15 Requirements;
- Compliance Certificates;
- Internal Audit Plan Status;
- Internal Audit Recommendations Due for Implementation;
- QAO Recommendations Due for Implementation;
- Internal Audit Reports;
- 2007/2008 Audit Plan – External Audit;
- Emerging Issues; and
- Other Business.

## PURPOSE

The authority for the establishment of an Audit Committee is provided for under Section 502 of the *Local Government Act 1993*. It operates in accordance with Part 2, Section 7 of the *Local Government Finance Standard 2005*.

The purpose of this report is to provide a summary of the issues discussed at the meeting on 12 February 2008.

## BACKGROUND

The primary objective of the Audit Committee is to assist Council in fulfilling its corporate governance role and oversight of financial measurement and reporting responsibilities imposed under the *Financial Administration and Audit Act 1997*, the *Local Government Act 1993* and other relevant legislation.

To fulfil this objective, it is necessary that a report on discussions and deliberations of the Audit Committee be submitted to Council to enhance the ability of Councillors to discharge their legal responsibility.

## ISSUES

The following is a summary of the issues discussed at the meeting of 12 February 2008:

The Chair, Mr Scanlan, declared the meeting open (Item 1), with all members and invitees present (Item 2).

### 3. Receipt and Confirmation of Minutes

Moved by: Cr Seccombe

Seconded by: Cr Dowling

That the minutes of the Audit Committee meeting of 30 October 2007 are a true and accurate record of proceedings.

#### 3.1 Business Arising from Previous Minutes

The Chair asked for any business arising from the previous minutes of this committee.

##### 3.1.1 QAO Audit Recommendations

- KPMG 2007-2008 Audit Plan – This item was deferred for discussion at item 9.1.
- Payroll/Leave – Ongoing. This item will be dealt with and expected to be resolved this financial year.
- Asset Recognition – Discussions continuing. This item will be dealt with and expected to be resolved this financial year.

- Advice on new Committee Chairs – CEO stated that committee structure and chairs would be decided at the Statutory meeting of the new Council. Envisaged that there would still be a requirement for an audit committee with, most probably, an external chair.

#### **4. Local Government Finance Standard 2005 – Section 15 Requirements**

The CEO reported as follows:

Water is still a major issue at the moment. We have received our compensation offer and we are negotiating that offer.

The formal transfer date is 2 May 2008. We have indicated we are happy to complete the transaction sooner once we agree on compensation and asset issues.

Pending policy decision on whether we keep our water retailing business. This decision will need to be taken by the new Council in April to meet the State Government's timeframes.

Decision on distribution water business will be spread through this and the next financial year.

We will need to explore options on how we show the compensation figure for bulk water assets in our financial statements given that the compensation is less than the current asset values. CEO to raise this issue with Treasury and request that they discuss with Auditor General to get a consistent treatment across all councils.

The Audit Committee noted the report.

#### **5. Compliance Certificates**

Compliance Certificates for the Office of CEO, Customer Services, Planning and Policy, Corporate Services and Redland Water and Waste were presented to the Committee.

The Audit Committee noted the Compliance Certificates as presented.

#### **6. Internal Audit Plan**

##### **6.1 Audit Plan Status**

The status of the Audit Plan was presented to the Committee for noting.

The Audit Committee noted the status of the Audit Plan as presented.



## **7. Audit Recommendations Due For Implementation**

### **7.1 Internal Audit Recommendations**

The Manager Internal Audit presented a progress report of audit recommendations due for implementation to the Committee.

The Audit Committee noted the Audit Recommendations Due For Implementation as presented.

### **7.2 QAO Recommendations**

Ms J Richards stated these would be followed up during their interim visit.

The Audit Committee noted the Audit Recommendations to that report.

## **8. Internal Audit Reports**

The following reports were presented for Audit Committee consideration:

### **8.1 Customer Services**

- Internal Audit Report 22/10/07 – Review of Local Disaster Management Planning (distributed separately)
- Internal Audit Report 08/11/07 – Review of the Functionality of the Horizon System (distributed separately)
- Internal Audit Report 23/01/08 – Review of Home Assist Secure (distributed separately)

### **8.2 Redland Water and Waste**

- Internal Audit Report 08/02/08 – Review of Water and Wastewater Recoverable Private Works.

**Note:** It was resolved to defer consideration of this report until the next Audit Committee meeting to permit inclusion of management comments prior to consideration by the Committee.

### **8.3 Planning and Policy**

Nil.

### **8.4 Corporate Services**

- Internal Audit Report 30/01/08 – Review of Procedure Document 'Issue and Use of Cabcharge eTickets' PR-3043-001-019 (distributed separately)

## **8.5 Across Council**

- Internal Audit Report 13/12/07 – Review of Fees and Charges (distributed separately)
- Internal Audit Report 22/01/08 – Review of Materials and Services (distributed separately)
- Internal Audit Report 17/01/08 – Review of Contract Management (distributed separately)

The reports were received and noted as presented.

## **9. Update From External Auditors**

### **9.1 2007-08 Audit Plan**

Ms J Richards presented the Audit Plan to committee. The purpose of the Audit Plan is to:

- Summarise the major areas of audit focus;
- Outline KPMG audit approach;
- Confirm KPMG audit approach with the Council's Audit Committee and the Queensland Audit Office;
- Set out KPMG communication protocols and deliverables; and
- Confirm KPMG and QAO senior external audit contacts.

The KPMG 07-08 Audit Plan was noted as presented.

## **10. Emerging Issues**

The Committee acknowledged that water was an emerging issue.

## **11. Other Business**

Nil.

## **12. Meeting Closure**

The Chair noted his appreciation for his involvement with Council in his capacity as Chair of the Audit Committee over the past 3 years.

Mr Scanlan was thanked for his professionalism as an independent chair.

The Chair closed the meeting at 2.47pm.

**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 cost to Council for the attendance of the independent Committee Chair is \$5,000 per annum. This is provided for in the Internal Audit Group Budget.

**CONSULTATION**

The Audit Committee minutes are presented for confirmation as true and accurate record of proceedings at its next meeting.

**OPTIONS****PREFERRED**

The Council accept this report, which summarises the issues discussed at the Audit Committee meeting of 12 February 2008.

**ALTERNATIVE**

1. That Council accept this report and request additional information; or
2. That Council not accept this report and request an alternative method of reporting.

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

Moved by: Cr Townsend  
Seconded by: Cr Reimers

**That Council resolve to accept this report, which summarises the issues discussed at the Audit Committee Meeting of 12 February 2008.**

**CARRIED**

## 12.2 CORPORATE SERVICES

### 12.2.1 MARCH 2008 - MONTHLY FINANCIAL REPORTS

**Datworks Filename:** FM Monthly Financial Reports to Committee  
**Attachment:** [EOM Report](#)  
**Responsible Officer Name:** Kerry Phillips  
Manager Financial Services  
**Author Name:** Deborah Hall  
Finance Officer

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#### 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 March 2008 financial statement of accounts to Council and provide detailed analytical commentary.

All of the seven Key Financial Performance Indicators exceeded targets set at the beginning of the financial year. These are:

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

The operating financial result (Earnings Before Interest, Tax and Depreciation – EBITD) is ahead of budget by \$7.9 million, with operating expenditure favourable by \$7.3 million and operating revenue favourable by \$0.6 million.

Capital expenditure is \$5.3 million behind budget expenditure levels at the end of March.

The cash flow position for the year is ahead of forecast levels by \$3.1 million at the end of March 2008.

#### PURPOSE

The purpose is to present the March 2008 report to Council and explain the content and analysis of the report. Section 528 of the *Local Government Act 1993* requires

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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 Redland City 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 March 2008:

### **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 30 June 2008 figures are produced. Permanent variances imply the variance will remain into the next financial 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 \$20,000.

An **Operational Statement by Strategic Priority (E)**; a **Balance Sheet (F)**, an **Investment Summary (G)**, a **Statement of Cash Flows (H)**, **Financial Stability Ratios Report (I)**, **Community Benefit Fund Report (J)** ), **Type III Business Activities Report (K)** and a **Quarterly Operational and Capital Projects Report (L)** have been included to provide the complete picture of Council's finances.

## **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 overall financial position remains strong with EBITD of \$34.1 million (\$7.9 million ahead of budget). This result is due to total operating revenue of \$121.6 million (\$0.6 million ahead of budget) and total operating costs of \$87.5 million (favourable variance of \$7.3 million).

The capital expenditure program is \$5.3 million behind targeted expenditure levels at the end of March 2008.

The investment of surplus funds for the month returned a weighted average rate of return of 7.11% that compares favourably to the benchmark UBS Australia Bank Bill Index of 7.08%. These returns are reported on a monthly weighted average return. In turn Council benchmarks the funds against the UBS Australia Bank Bill Index. Interest return is reported on both an annual effective and nominal rate of return. On a YTD basis it is slightly above due to the volatility of world markets.

The Cash Enhanced Funds have now under-performed for 8 of the last 9 months due to the uncertainty of world financial markets. A reduction was made in these types of investments mid September 2007. A further decision was made in December 2007 to transfer the balance in the Q I C Cash Enhanced Fund to the QTC Cash Fund and the situation to be kept under review during the coming months. It should be noted that the QTC Cash Fund is capital guaranteed.

The cash balance exceeds the target range of \$32 million to \$42 million at \$55.5 million, equivalent to 5.2 months cash capacity.

### **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 has taken place amongst the Executive Leadership Group.

### **OPTIONS**

#### **PREFERRED**

That Council note the End of Month Financial Reports for March 2008 and explanations as presented in the attachments.

#### **ALTERNATIVE**

That Council requests additional information.

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

Moved by: Cr Townsend  
Seconded by: Cr Reimers

**That Council resolve to note the End of Month Financial Reports for March 2008 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. Operational Statement by Strategic Priority;**
- 6. Balance Sheet;**
- 7. Investment Summary;**
- 8. Statement of Cash Flows;**
- 9. Financial Stability Ratios Report;**
- 10. Community Benefit Fund Report;**
- 11. Type III Business Activities Report and a**
- 12. Quarterly Operational and Capital Projects report.**

**CARRIED**

## 12.2.2 TYPE 3 BUSINESS ACTIVITIES - CODE OF COMPETITIVE CONDUCT FOR 2008/2009

**Datworks Filename:** FM Corporate Budget  
**Responsible Officer Name:** Ray Turner  
General Manager, Corporate Services  
**Author Name:** Kerry Phillips  
Manager, Financial Services

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### EXECUTIVE SUMMARY

The *Local Government Act 1993*, section 766(1) provides that Council must resolve whether the Code of Competitive Conduct should or should not be applied to each of its business activities for the following financial year.

The purpose of this report is to review the application of the Code of Competitive Conduct (the Code) to business activities across Redland City Council, to recommend those which should continue to have the Code applied for 2008/2009 and identify if any additional activities should have the code applied.

It is recommended that Council resolve to apply the Code of Competitive Conduct to the following business activities for 2008/2009 –

1. School Age Care;
2. Caravan Parks and Camping;
3. Redland Performing Arts Centre; and
4. Building Certification Services.

### PURPOSE

The purpose of this report is to review the application of the Code to business activities across Redland City Council, to recommend those which should continue to have the Code applied for 2008/2009 and identify if any additional activities should have the code applied.

### BACKGROUND

The requirements of the *Local Government Act 1993* ('The Act') and the *Local Government Finance Standard 2005* ('The Standard') can be summarised as follows:

- S.761 defines

***building certification business activity, of a local government, means-***

*(a) performing building certifying functions if the local government, in carrying on the activity, engages in competition with the private sector; and*



*(b) the activity is prescribed under a regulation. ( see Local Government Regulation 2005 S.30)*

- S.765 of the Act requires that during each financial year a local government must identify its activities that are 'Business Activities'.
- S.762 (1)(a) and (b) of the Act says that a 'business activity' of a local government is (a) *any activity "trading in goods and services to clients such as off-street parking and cultural, sporting and recreational facilities and quarries if, in carrying on the activity, the local government engages in competition with the private sector; or*  
*(b) submission of a competitive tender in the local government's own tendering process in competition with other for the provision of goods and services to itself."*
- S.762(2) of the Act specifically excludes "a roads business activity" and "library services" from the definition of "business activity".
- S.766(1) of the Act provides that Council must resolve whether the code of competitive conduct should or should not be applied to each of its business activities for the following financial year.
- S.763(1) of the Act requires Council to apply the code of competitive conduct to "roads business activities" which can be defined as road works undertaken by competitive tender , other than by sole supplier arrangement or Agreed Price Performance Contract (APPC), which are road works on State controlled roads or Council roads that have been put out to competitive tender.
- Part 11 of the Standard (CODE OF COMPETITIVE CONDUCT) prescribes the code of competitive conduct, ('The Code') incorporating competitive neutrality principles for the purposes of the Act.
- Elements of the Code (S.72 of the standard) are:
  - full cost pricing;
  - treatment of community service obligations;
  - elimination, or taking account, of advantages and disadvantages of public ownership; and
  - financial reporting.
- The Queensland Local Government Department ('The Department') made a regulation limiting the requirements of the Act (S.765,766) to business activities with current expenditure for the activity for the previous financial year greater than \$270,000 (S.31(1) *Local Government Regulation 2005*). Notwithstanding, the code of competitive conduct may also be voluntarily applied to business activities below the threshold and any other activities that are not business activities (S.767 of the Act).

## ISSUES

In view of the above, the following definitions can be used in discussion of these activities.

- Type 3 Business Activities – “business activities” with current expenditure for the activity for the previous financial year greater than \$270,000
- Type 3 Roads Business Activities – as defined in S763(1)
- Other Business Activities – “business activities” with current expenditure for the activity for the previous year less than or equal to \$270,000
- Other Activities - any other activity as provided in S767 of the Act.

Council’s decision of 31 May 2005 regarding “Progressing National Competition Policy (NCP) Reforms” reviewed the application of the Code across the following areas covered in the table below. Comments in the last column address the current status in relation to such definitions and makes recommendation as to how the Code should be applied for 2008/2009.

Activity	Classification	Comments and recommendation
<b>Caravan Parks and Camping</b>	Type3 Business Activities	Estimated current year expenditure for 2007/2008 \$2,661,000 is greater than the Department’s threshold. Recommendation must apply the Code for 2008/2009.
<b>School Age Care</b>	Type3 Business Activities	Estimated current year expenditure for 2007/2008 is \$2,944,000 which exceeds the Department’s threshold. Recommendation must apply the Code for 2008/2009.
<b>Redland Performing Arts Centre</b>	Type3 Business Activities	It is expected in the first full year of operation the centre will generate expenditure which will exceed the Department’s threshold.  Visibility of financial performance for this service specifically in 2007/2008 will be constructed for inclusion in the 2008/09 budget publication.  It is highly recommended that Council apply the code for 2008/2009

Activity	Classification	Comments and recommendation
<b>Building Certification Services</b>	Type3 Business Activities	<p>Local Government Regulation 2005 combined with the pricing of services in 2007/2008 implies the requirement for compliance.</p> <p>Visibility of financial performance for this service specifically in 2007/2008 will be constructed for inclusion in the 2008/09 budget publication.</p> <p>It is highly recommended Council apply the code for 2008/2009 to ensure public transparency.</p>

### 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

There are no actual financial implications with respect to the recommendation.

### CONSULTATION

In preparing this report, consultation has been undertaken with the Senior Financial Advisor Customer Services Department, the General Manager Customer Services and the General Manager Corporate Services.

### OPTIONS

#### PREFERRED

That Council resolve to apply the Code of Competitive Conduct to the following business activities for 2008/2009 –

1. School Age Care;
2. Caravan Parks and Camping;
3. Redland Performing Arts Centre; and
4. Building Certification Services.

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

Moved by: Cr Townsend  
Seconded by: Cr Reimers

**That Council resolve to apply the Code of Competitive Conduct to the following business activities for 2008/2009 –**

- 1. School Age Care;**
- 2. Caravan Parks and Camping;**
- 3. Redland Performing Arts Centre; and**
- 4. Building Certification Services.**

**CARRIED**

**12.2.3 REMOTE ACCESS AND WAN SOFTWARE/HARDWARE**

**Datworks Filename:** IM Acquisitions - Software  
**Responsible Officer Name:** Phil Bucknell  
Group Manager Information Management  
**Author Name:** Phil Bucknell  
Group Manager Information Management

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**EXECUTIVE SUMMARY**

Council's annual operational budget and 5 Year Operational Plan includes ongoing funding for upgrades and extensions to the Wide Area Computer Network (WAN) and continuous improvement of computer access from remote external Council sites.

After extensive research and experience with a variety of products, a unique combined hardware/software package has recently been identified that will enhance this computer functionality. There is only one vendor for this product in Australia.

Section 481 of the *Local Government Act 1993* requires Council to resolve that it is not necessary to seek further tenders or quotes if it is satisfied that there is only one supplier of a particular product available to it.

**PURPOSE**

The purpose of this report is to request that Council resolves that PK Business Advantage is the only supplier of the NetLeverage Network Appliance and ThinPoint software associated with it.

**BACKGROUND**

The brief of the Information Management Group includes:

- 1) investigating and taking opportunities to leverage off current technologies and developments; and
- 2) investigating and implementing continuous improvement initiatives for existing Information Management services.

Both Local and Wide Area Network users benefit from the results of this effort. There is a growing need for fast efficient and low cost access to Council's computer systems for staff while out in the field. An increasing demand for remote and mobile access to corporate software applications is being matched by a variety of remote access devices becoming available in the marketplace.

Information Management Group has an annual budget allocation to meet its objectives and is constantly assessing the IT marketplace for software and hardware that meets with Council's business needs. Recent research has identified a solution which is worthy of further investigation and piloting.

The NetLeverage/ThinPoint package is a combined hardware/software system distributed solely by PK Business Advantage. It is already used by over 1200 organisations, the most prominent of which are in the mining and education sectors. This solution has also been implemented by the Department of Health and Community Services (DGCS) in the Northern Territory in order to provide fast, secure access to doctors traveling in remote areas.

Section 481 of the *Local Government Act 1993* requires Council to resolve that it is not necessary to seek further tenders or quotes if it is satisfied that there is only one supplier of a particular product available to it.

## **ISSUES**

Any purchase of this hardware/software system will form part of IM's continuous improvement process and will align with the approved ICT Strategic Plan 2006-2010.

## **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**

No additional funding is being sought as all costs can be covered within existing budgets. The initial purchase of a startup package will cost \$21,750 with an ongoing annual maintenance and support fee of \$1,250. Initial set-up and training is included in this quote. A successful pilot could result in substantial ongoing savings as this product has the potential to replace existing more expensive ones currently in use.

## **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 Group Manager, Information Management has consulted with the General Manager Corporate Services, and the Service Managers of IM Technical Services, Business Improvement and Information Systems.

## **OPTIONS**

### **PREFERRED**

1. That under section 486(1)(a) of the *Local Government Act 1993*, Council resolves that it is satisfied that there is only one supplier reasonably available to

it to provide the NetLeverage Network Appliance and ThinPoint software associated with it, namely PK Business Advantage; and

2. That the Chief Executive Officer be authorised to make, vary and discharge a contract with PK Business Advantage under sections 483(1) and 486(1) of the *Local Government Act 1993*.

#### ALTERNATIVE

That Council take no action.

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

Moved by: Cr Townsend

Seconded by: Cr Reimers

**That Council resolve as follows:**

1. **That under section 486(1)(a) of the *Local Government Act 1993*, Council resolves that it is satisfied that there is only one supplier reasonably available to it to provide the NetLeverage Network Appliance and ThinPoint software associated with it, namely PK Business Advantage; and**
2. **That the Chief Executive Officer be authorised to make, vary and discharge a contract with PK Business Advantage under sections 483(1) and 486(1) of the *Local Government Act 1993*.**

**CARRIED**

**12.2.4 PROPOSED SALE OF LAND - 189 SCHOOL OF ARTS ROAD, REDLAND BAY**

**Dataworks Filename:** P.322230  
**Attachments:** [Site Plan](#)  
**Responsible Officer Name:** Brian Lewis  
Manager Corporate Acquisitions Fleet & Facilities  
**Author Name:** Merv Elliott  
Property Service Manager

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**EXECUTIVE SUMMARY**

Council owned land located at 189 School of Arts Road, Redland Bay has been resurveyed so that the proposed roundabout at the intersection of School of Arts Road and Collins Street can be built. The balance of the property, containing an old timber dwelling, is no longer required by Council and can be sold.

This property has been identified by Council as having significant heritage value and has been registered on Council's Heritage Register. It is Council's intention to sell the property with the Heritage Listing on it, so that any potential purchaser is aware of their obligations with respect to preserving the dwelling.

At its meeting held on 31 May 2006 Council resolved as follows:

“That consideration of this matter be deferred until such time as the road alignment is completed”.

It is now considered appropriate to bring this matter to Council for further consideration.

**PURPOSE**

The purpose of this report is to recommend that Council agree to resolve to submit the property for sale at public auction.

**BACKGROUND**

In 2001, Council acquired land located at Lot 1 RP48961 – 189 School of Arts Road, Redland Bay. This property was acquired to allow for the construction of a 2-lane roundabout at the intersection of School of Arts Road and Collins Street.

The property has an old timber dwelling on it that has significant heritage value. In 2002, it was decided that the roundabout proposed at this intersection should be redesigned to avoid demolition of the heritage dwelling. Infrastructure Planning have amended the planning layouts to incorporate this change and have resurveyed the old Lot 1 into a new Lot 1 on SP165089, reducing the lot size from 2000m<sup>2</sup> down to 937m<sup>2</sup>, with the balance being transferred over to road reserve.



This issue of sale was reported to Council's General Meeting of 31 May 2006 and Council resolved as follows:

"That consideration of this matter be deferred until such time as the road alignment is completed".

## **ISSUES**

Investigations made with the developer of adjoining land have revealed that development and subsequent intersection road works will not be undertaken for some time, possibly 18 months to 2 years. It is considered inappropriate to delay sale for this period of time due to maintenance issues associated with the dwelling. During the past 12 months, \$45,000 has been spent on replacing the roof, repainting and other urgent repairs.

The land is listed as a place of local heritage in Schedule 4 of the Redland Planning Scheme and subsequent owners are required to honour the intent of the heritage status. As a result of the Planning Scheme designation, any demolition or removal application would require an Impact Assessment Material Change of Use approval from Council which would be unlikely to be successful. In any case, it is considered that the dwelling adds value to the site and such an application would appear unlikely.

At the present time, the property is rented and will become vacant within the next several months. It is considered appropriate that action should be taken now to dispose of the property by public auction.

## **RELATIONSHIP TO CORPORATE PLAN**

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

## **FINANCIAL IMPLICATIONS**

Council will receive significant income from the sale, receive annual rates payments, and be relieved of ongoing maintenance costs.

## **CONSULTATION**

Property Service Manager has consulted with Local Councillor and Manager Community & Social Planning.

## **OPTIONS**

### **PREFERRED**

That Council resolve as follows:

1. To sell the land located at 189 School of Arts Road, Redland Bay, being Lot 1 SP165089;
2. That the Chief Executive Officer be delegated the authority to:

- a) Negotiate the sale of the land at 189 School of Arts Road, Redland, being Lot 1 SP165089; and
- b) Make, vary and discharge the contract in accordance with the agreed contract terms; and
- c) Sign all relevant documentation in this matter.

**ALTERNATIVE**

1. Council retains the property and investigates utilisation for tourism/historical or other public purposes; or
2. Council retains the property and offers the property for rent.

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

Moved by: Cr Henry  
Seconded by: Cr Elliott

**That Council resolve as follows:**

1. **To sell the land located at 189 School of Arts Road, Redland Bay, being Lot 1 SP165089;**
2. **That the Chief Executive Officer be delegated the authority to:**
  - a) **Negotiate the sale of the land at 189 School of Arts Road, Redland, being Lot 1 SP165089; and**
  - b) **Make, vary and discharge the contract in accordance with the agreed contract terms; and**
  - c) **Sign all relevant documentation in this matter.**

**CARRIED**

## 12.3 CUSTOMER SERVICES

Cr Williams declared a conflict of interest at Committee in the following item as Chair of the Spring Festival Committee and remained in the meeting for discussion and vote on this item.

Cr Williams declared a conflict of interest in this item at today's General Meeting as Chair of the Spring Festival Committee and left the chamber prior to discussion and decision in this matter.

### 12.3.1 EDGAR HARLEY PAVILION RELOCATION AND REFURBISHMENT - DELEGATED AUTHORITY

**Datworks Filename:** 70837; 42121  
**Responsible Officer Name:** Michelle Pipia  
Acting Group Manager, Project Delivery Group  
**Author Name:** Nigel Carroll  
Acting Service Manager, Project Management Services Unit

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## EXECUTIVE SUMMARY

The Edgar Harley Pavilion relocation and refurbishment project forms part of the implementation of the priorities in the Cleveland Showgrounds Master Plan. The project must be done to allow for the construction of the already awarded Cleveland Showgrounds Site Entry, Plaza Roof & Trail project that is to be constructed in that location.

The Edgar Harley Pavilion is currently a two storey building and this project involves the relocation of the top storey only to another site within the Cleveland Showgrounds and the re-establishment of the single storey building on new foundations at the new location. The single storey building will then be refurbished and extended to incorporate toilets, kitchen facilities and provide disability access. The remaining bottom storey in the original location will be demolished to allow for the Site Entry, Plaza Roof & Trail project to be constructed.

The budget for this project is split over two financial years (2007/2008 and 2008/2009) and the project is currently out to tender as one tender with two separable portions that are in line with the budget allocations:

Separable Portion 1 – Stage 1 (2007/2008) - The relocation and re-establishment (excluding service connections) of the single storey building on new foundations and the demolition of the remaining bottom storey.

Separable Portion 2 – Stage 2 (2008/2009) – The refurbishment and extension of the single storey building (including service connections) to incorporate toilets, kitchen facilities and provide disability access.

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The total project budget over two financial years is \$627,054. An estimate from a Quantity Surveyor for the entire project is \$620,034 excluding contingency and GST.

The timing of the Edgar Harley Pavilion relocation and refurbishment project is critical and any delays could result in delay costs occurring against Council on the Cleveland Showgrounds Site Entry, Plaza Roof & Trail contract and could jeopardise the approved funding. To expedite the tender award process, delegated authority is being sought for the Chief Executive Officer to accept the tender most advantageous to Council and to make, vary and discharge a contract with the successful tenderer for the Edgar Harley Pavilion relocation and refurbishment project and sign all relevant documentation in accordance with *the Local Government Act 1993*.

## **PURPOSE**

The purpose of this report is to seek resolution from Council to:

1. Proceed with the Edgar Harley Pavilion Relocation and Refurbishment project and note that the Council must provide \$382,000 (of which \$50,000 is approved funding) in the 2008/2009 adopted budget.
2. Delegate authority to the Chief Executive Officer to accept the tender from and make, vary and discharge a contract with the successful tenderer for Tender PDG-70837-2 for the Edgar Harley Pavilion Relocation and Refurbishment.
3. Delegate authority to the Chief Executive Officer to sign and amend all relevant documentation.
4. Appoint the Chief Executive Officer as Principal's Representative for this contract.
5. Authorise the Chief Executive Officer to delegate further the Principal's Representative role to an appropriate senior officer within Council.

## **BACKGROUND**

The Edgar Harley Pavilion relocation and refurbishment project forms part of the implementation of the priorities in the Cleveland Showgrounds Master Plan. The Master Plan was developed through a comprehensive consultation process with the community, Council and user groups.

The Edgar Harley Pavilion must be relocated to allow for the construction of the Cleveland Showgrounds Site Entry, Plaza Roof & Trail project that is to be constructed in that location. That project has an approved Queensland 150th Legacy Infrastructure Program [Q150] funding amount of \$486,825 and must be completed by 31<sup>st</sup> December 2008 to comply with the funding requirements. A contract for the design and construction of that project has already been awarded and before any construction works can commence on site for that project, it is a requirement that the Edgar Harley Building be relocated.

The Edgar Harley Pavilion is currently a two storey building and this project involves:

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- the relocation of the top storey only to another site within the Cleveland Showgrounds (adjacent to the Memorial Hall) and the re-establishment (excluding service connections) of the single storey building on new foundations at the new location;
- the demolition of the remaining bottom storey to allow for the Site Entry, Plaza Roof & Trail project to be constructed;
- the refurbishment and extension of the single storey building (including service connections) to incorporate toilets, kitchen facilities and provide disability access.

Council was successful in obtaining \$50,000 funding under the Arts Queensland "Gritty Places Partnership Program" for the refurbishment component of this project. A requirement of this funding is to complete the refurbishment by the end of September 2008.

The budget for this project is split over two financial years (2007/2008 and 2008/2009) with the relocation, re-establishment and demolition works to be completed in the current financial year and the refurbishment and extension works to be completed in the 2008/2009 financial year.

Due to the time constraints on the project and to obtain value for money it was decided to tender the works as one project with two separable portions that are in line with the budget allocations:

Separable Portion 1 – Stage 1 (to be completed in 2007/2008) - The relocation and re-establishment (excluding service connections) of the single storey building on new foundations and the demolition of the remaining bottom storey. This portion of the work is to be completed no later than 30<sup>th</sup> June 2008.

Separable Portion 2 – Stage 2 (to be completed in 2008/2009) – The refurbishment and extension of the single storey building (including service connections) to incorporate toilets, kitchen facilities and provide disability access. This portion of the work is to commence in July 2008 and is to be completed no later than the end of September 2008.

## **ISSUES**

The timing of the Edgar Harley Pavilion relocation and refurbishment project is critical as it has to be relocated before the Cleveland Showgrounds Site Entry, Plaza Roof & Trail project can commence construction on site. The Cleveland Showgrounds Site Entry, Plaza Roof & Trail contract has been awarded as a design and construct contract and is currently in the early stages of the detailed design phase. Any delays with the Edgar Harley Pavilion project could result in delay costs occurring against Council on the Cleveland Showgrounds Site Entry, Plaza Roof & Trail contract as it would affect granting possession of site to the contractor. Any delays could also jeopardise the approved funding if the projects are not delivered within the timeframes set out in the funding agreements.

This project is currently in procurement phase with the tender in the market place and scheduled for closure on 6<sup>th</sup> May 2008. A tender evaluation will then be conducted to identify the most advantageous tender bid to Council with the intention of awarding a contract to the successful tenderer. In an effort to expedite the tender award process, delegated authority is being sought for the Chief Executive Officer to accept the tender most advantageous to Council and to make, vary and discharge a contract with the successful tenderer for the Edgar Harley Pavilion relocation and refurbishment project and sign all relevant documentation in accordance with the *Local Government Act 1993*.

As this project is to be carried out over two financial years, Section 522 of the *Local Government Act 1993* allows Council to enter into this contract which financially binds Council to allocate the funds of \$382,000 (of which \$50,000 is approved funding) from the 2008/2009 budget. Council must provide for this budget in the 2008/2009 adopted budget.

### 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

The total project budget over the two financial years is \$627,054. An estimate from a Quantity Surveyor has been supplied for the entire project based on the detailed design and is \$620,034 excluding contingency and GST. The following table details the budget allocation and Quantity Surveyor's estimate over the two financial years. Please note all figures are exclusive of GST.

	2007/2008	2008/2009	TOTAL
Budget Allocation	\$245,054	\$332,000	\$577,054
Gritty Places Partnership Program Funding		\$ 50,000	\$ 50,000
<b>Total Budget (excluding GST)</b>	<b>\$245,054</b>	<b>\$382,000</b>	<b>\$627,054</b>
Quantity Surveyor's Total Project Estimate (excluding contingency and GST)	\$238,190	\$381,844	\$620,034

### 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 Tenders and Contracts Officer, Technical Officer – Building, Project Management Services Manager and Group Manager, Project Delivery Group and the Senior Advisor Sport and Recreation have been consulted in the preparation of this report.

## OPTIONS

### PREFERRED

That Council resolve to:

1. Proceed with the Edgar Harley Pavilion Relocation and Refurbishment project and note that the Council must provide \$382,000 (of which \$50,000 is approved funding) in the 2008/2009 adopted budget.
2. Delegate authority to the Chief Executive Officer to accept the tender from and make, vary and discharge a contract with the successful tenderer for Tender PDG-70837-2 for the Edgar Harley Pavilion Relocation and Refurbishment.
3. Delegate authority to the Chief Executive Officer to sign and amend all relevant documentation.
4. Appoint the Chief Executive Officer as Principal's Representative for this contract.
5. Authorise the Chief Executive Officer to delegate further the Principal's Representative role to an appropriate senior officer within Council.

### ALTERNATIVE

That Council resolve to not delegate this authority to the Chief Executive Officer which could result in delay costs occurring against Council on the Cleveland Showgrounds Site Entry, Plaza Roof & Trail contract and could jeopardise the approved funding amount of \$536,825.

## OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Dowling  
Seconded by: Cr Elliott

That Council resolve to:

1. **Proceed with the Edgar Harley Pavilion Relocation and Refurbishment project and note that the Council must provide \$382,000 (of which \$50,000 is approved funding) in the 2008/2009 adopted budget;**
2. **Delegate authority to the Chief Executive Officer to accept the tender from and make, vary and discharge a contract with the successful tenderer for Tender PDG-70837-2 for the Edgar Harley Pavilion Relocation and Refurbishment;**

3. **Delegate authority to the Chief Executive Officer to sign and amend all relevant documentation;**
4. **Appoint the Chief Executive Officer as Principal's Representative for this contract; and**
5. **Authorise the Chief Executive Officer to delegate further the Principal's Representative role to an appropriate senior officer within Council.**

**CARRIED**

Cr Williams returned to the meeting at 4.45 pm.



**12.3.2 PROPOSED ROAD OPENING FROM LOT 2 ON RP62499 AND LOT 13 ON RP14808**

**Dataworks Filename:** 41855

**Attachments:** [Proposed New Road From Lot 2 on RP62499](#)  
[Proposed New Road From Lot 13 on RP14808](#)  
[PDG-41855 Proposed Design](#)  
[Locality Plan](#)

**Responsible Officer Name:** Jason Masters  
Acting Survey Services Manager

**Author Name:** Michelle Steel  
Survey Administration Officer

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**EXECUTIVE SUMMARY**

As part of the 07/08 Transport Trunk Infrastructure Program, two separate road openings are required at Thornlands Road, Thornlands. This project is for the Thornlands Road culvert upgrade and widening, job number 41855. The road openings will facilitate the culvert upgrade, widening and associated road works. An acquisition of approximately 66m<sup>2</sup> will be required from Council owned Lot 2 on RP62499 and an acquisition of approximately 306m<sup>2</sup> from Council owned Lot 13 on RP14808. The widening will also improve pedestrian movements and accommodate any new services or existing service changes that may be required.

This report recommends the dedication of part of Council owned Lot 2 on RP62499 and Lot 13 on RP14808 for road purposes and that the Chief Executive Officer be authorised to sign all relevant documentation in accordance with the *Land Title Act 1994*.

**PURPOSE**

1. To seek Council approval to dedicate approximately 66m<sup>2</sup> from Lot 2 on RP62499 to road as shown on drawing AT2-1-1 (Rev A) pursuant to Section 51 of the *Land Title Act 1994*;
2. To seek Council approval to dedicate approximately 306m<sup>2</sup> from Lot 13 on RP14808 to road as shown on drawing AT2-2-1 (Rev A) pursuant to Section 51 of the *Land Title Act 1994*;
3. To amalgamate Lot 2 on RP62499 with Lot 13 on RP14808 to create one parcel of land.

**BACKGROUND**

The road works design has identified the need for acquisition of approximately 66m<sup>2</sup> from Council owned Lot 2 on RP62499 and approximately 306m<sup>2</sup> from Lot 13 on RP14808 as shown on proposed design drawing 41855-3 (Rev A).

The culvert upgrade will improve water flow to the site and the widening will enhance safe traffic sight distances, accommodate any new services or existing service changes and improve pedestrian movements. To facilitate the culvert upgrade, widening and associated road works to Council standards, both acquisitions will be required.

## **ISSUES**

The works are required as part of the Thornlands Development Control Plan (DCP). Developers have made financial contributions to the upgrade of the culverts.

An amalgamation of both Council owned Lot 2 on RP62499 and Lot 13 on RP14808 to form one parcel of land is proposed once the acquisitions are finalised. This will assist in future administration of the land.

When construction is completed, the headwall for the main culvert crossing (structure 2/2 on proposed design drawing 41855-3 Rev A) will intersect the boundary. The headwall for the smaller structure (structure 2/1 on proposed design drawing 41855-3 Rev A) taking stormwater from Thornlands Road will be contained within the new council owned lot. Advice from the Department of Natural Resources and Water indicates that Council will be creating an encroachment as per the *Property Law Act of 1974*. As Council is the owner of the lot where the encroachment will be contained, no further action is required at this stage. However, Council will accept additional risk in relation to the structure being on Council freehold land rather than road. The risk will be minimal and has presented no issues in past occurrences. The encroachment will need to be rectified in future should the lot be transferred to another owner.

## **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**

It is anticipated that the survey and legal fees associated with the proposed new road land actions will be in the order of \$5,500. The budget is being allocated from the 07/08 Capital Works project funding.

## **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 the following officers:

- Manager Infrastructure Planning
- Manager Technical Support Redland Water
- Manager Land Use Planning
- Manager Customer Service and Business Performance
- Manager Environmental Management
- Acting Survey Services Manager
- Stormwater Management Engineer
- Manager Land Development
- Operations & Maintenance Manager
- Manager Project Delivery Group
- Property Services Manager
- Design Services Manager
- Services Manager Project Management
- Principal/Senior Design Technician
- Senior Surveyor with the Department of Natural Resources & Water

## OPTIONS

### PREFERRED

That Council resolve as follows:

1. To dedicate part of Lot 2 on RP62499 as road under Section 51 of the *Land Title Act 1994*;
2. To dedicate part of Lot 13 on RP14808 as road under Section 51 of the *Land Title Act 1994*;
3. To amalgamate Lot 2 on RP62499 with Lot 13 on RP14808 to create one parcel of land; and
4. That the Chief Executive Officer be authorised to sign any documentation relating to these matters.

### ALTERNATIVE

That Council resolve not to dedicate both Lot 2 on RP62499 and Lot 13 on RP14808 as road, resulting in the culvert upgrade, widening and associated road works not proceeding and the issues of water flow still remain.

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

Moved by: Cr Townsend  
Seconded by: Cr Reimers

**That Council resolve as follows:**

1. To dedicate part of Lot 2 on RP62499 as road under Section 51 of the *Land Title Act 1994*;
2. To dedicate part of Lot 13 on RP14808 as road under Section 51 of the *Land Title Act 1994*;
3. To amalgamate Lot 2 on RP62499 with Lot 13 on RP14808 to create one parcel of land; and
4. That the Chief Executive Officer be authorised to sign any documentation relating to these matters.

**CARRIED**

## 12.4 PLANNING AND POLICY

### 12.4.1 CORPORATE MONTHLY BALANCED SCORECARD - MARCH 2008

<b>Datworks Filename:</b>	<b>GOV Corporate Balanced Scorecard Monthly Report to Council</b>
<b>Attachments:</b>	<a href="#"><u>Corporate Balanced Scorecard Report March 2008</u></a>
<b>Responsible Officer Name:</b>	<b>Warren van Wyk Manager, Corporate Planning, Performance &amp; Risk</b>
<b>Author Name:</b>	<b>Grant Bennett Service Manager, Corporate Planning &amp; Performance</b>

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### EXECUTIVE SUMMARY

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

This report provides the performance results and comments for the month of March 2008. Performance is shown in one of four ranges: Outstanding (green), above standard (yellow), satisfactory (orange) or unsatisfactory (red). The overall rating for each Perspective is determined by the relative weightings of each KPI it includes.

The overall rating for Redland City Council for the month of March 2008 is Outstanding.

### PURPOSE

To provide Council with the Corporate Balanced Scorecard report for the month of March 2008.

### BACKGROUND

The performance management framework for Redland City Council includes the requirement for 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 concise set of 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

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against all 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**

March Rating: Outstanding

Proven Earnings Before Interest Tax & Depreciation (EBITD) Savings to Budget (weighting 20%) rated at the outstanding level, with a budget of \$26.2 million actual \$34.1 million. Full details are provided in the monthly finance report.

Cash Levels within Targets (weighting 8%) rated satisfactory well within the target range.

The Capital Works Program Financial Performance KPI (weighting 12%) compares expenditure on finalised projects with budget. The current result is a 5.75% saving. PDG projects continue to be delivered with savings, with a budget of \$9,236,558 and actual expenditure of \$8,695,103.

### **Customer Perspective**

March Rating: Outstanding

Capital Works Program Practical Completion (weighting 15%) reports on the % of capital project milestones achieved compared to plan. PDG is currently managing 371 capital works projects, and have achieved 554 milestones. 127 projects have reached practical completion. Redland Water and Waste continues to be ahead of target with 36 milestones due and 41 achieved. Information Management was slightly behind schedule due to cable and server replacements. In Corporate Services, Corporate Assets, Fleet and Facilities all planned milestones have been met.

Compliance with the Australian Drinking Water Guidelines (ADWG, weighting 2.5%): 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%) currently rates as above standard, with no non-conformances during March at Capalaba WWTP.

Development Application Assessment Performance Index Timeframes (weighting 10%) achieved a satisfactory rating. This index reflects the performance of each of the 3 categories of applications - Integrated Commercial, Land Development and Development Assessment. Resources in Land Development were redirected due to a large scale development. Staff vacancies impacted on Development Assessment for March.

**Internal Perspective**

March Rating: Outstanding

Asset Management Plans Actions Completed (weighting 7.5%) was above standard with 93% completed on time.

% 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 & Learning Perspective**

March Rating: Outstanding

% of Funded Workplace Health and Safety Management Plan Actions (weighting 10%) rated as outstanding. All actions are on target.

The Lost Time Injury Frequency Rate (weighting 5%) is expressed as a rolling 12 month average and rated as above standard. There were three injuries during March, two have returned to full time 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**

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 month of March 2008, as attached.

**ALTERNATIVE**

That Council resolve to note the Corporate Balanced Scorecard for March 2008 and request additional information.

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

Moved by: Cr Townsend  
Seconded by: Cr Reimers

**That Council resolve to note the Corporate Balanced Scorecard for month of March 2008 as attached.**

**CARRIED**



**12.4.2 QUARTERLY OPERATIONAL PLAN REPORT FOR MARCH 2008**

**Dataworks Filename:** Gov - Corporate Performance Reporting Quarterly

**Attachment:** [Quarterly Operational Plan March 2008](#)

**Responsible Officer Name:** Warren van Wyk  
Manager Corporate Planning Performance & Risk

**Author Name:** Grant Bennett  
Service Manager Corporate Planning & Performance

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**EXECUTIVE SUMMARY**

The Corporate Plan for 2006 – 2010 was adopted by Council on 21 December 2005. In June 2007 the Corporate Plan was refined to reduce overlap between programs, to simplify terminology and to reduce the number of internally focused strategic priorities. Implementation of the Corporate Plan occurs through the annual Operational Plan.

The 2007-08 Operational Plan, as adopted in June 2007 and amended in October 2007, 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 2007-08 Operational Plan sets out the Key Outputs that will be delivered during the 2007-08 financial year for each of the Strategies in the Corporate Plan, and the Key Performance Indicators (KPI's) for those Outputs. This quarterly report shows the actual achievements to date towards delivering on those KPI's, and by doing so 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 includes 127 Strategies. To ensure a more strategic focus is maintained and reports are manageable, Council identified in this year's Operational Plan only the most significant Outputs scheduled to occur this year for each Strategy. For some Strategies there are no Key Outputs identified this year because they, either have been delivered in the previous financial year or are scheduled to be delivered in later years of the Corporate Plan.

The attached report details results for all KPI's. Results for KPI's are based on a schedule of key milestones or targets which are included in the 2007-08 KPI Register. This Register includes comprehensive details of all KPI's including detailed definitions, sources of data, calculation methodology, targets each quarter, responsible officers and associated information; and is available electronically on the Intranet.

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 due to limitations with the current reporting software, and allow the system to assign scores when an actual result is entered.

## ISSUES

Overall Performance – March Quarter (refer to the Attachment p.7)

Performance against the Operational Plan as a whole rated in the outstanding range this quarter.

The overall performance of each strategic priority this quarter was as follows:

Outstanding:	Natural Environment, Community Health & Wellbeing, Governance and Corporate Services
Above Standard:	Essential Services, Economic Prosperity
Satisfactory:	Land Use

### KPI Performance Summary

There are 115 KPI's that are reportable in the Operational Plan for the 2007-08 year. These KPI's rated as follows:

- Outstanding – 87 KPI's (76%)
- Above Standard – 1 KPI's (1%)
- Satisfactory – 12 KPI's (10%)
- Unsatisfactory – 15 KPI's (13%) 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 pp. 8 - 14)

- Coastal & Waterways, Environmental Performance and Biodiversity Programs all performed at an outstanding level with all key initiatives on target.

Land Use (refer to the Attachment pp. 15-21)

Council should note that the process of gaining approvals and commitments from the State Government for a number of Land Use projects and initiatives has been affected by decisions of the State Government to put many significant matters on hold until after the local government elections were completed.

- The Local Area Planning and Rural Landscape & Green Space Programs rated as outstanding and all initiatives are meeting or exceeding planned milestones.
- The Integrated Planning Program achieved an above standard result with only one initiative behind target – the completion of 6 monthly RPS scheme amendments is behind schedule due to delays with State responses and action is being taken in an endeavour to address this problem.
- Development Assessment program met targets, with DA's overall being processed within timeframes. Lack of staff resources however delayed the planned roll-out of further on-line DA projects and this KPI rated as unsatisfactory.

Essential Services (refer to the Attachment pp.22-34)

- Transport, Roads & Drainage and Marine Facilities programs all achieved an outstanding rating, with all projects performing at the outstanding level.
- Waste Water and Water Supply programs rated as satisfactory this quarter. Some delays, which are expected to be overcome next quarter, occurred in finalising waste water treatment plant renewal and replacement reports. Installation of monitoring equipment to monitor riparian vegetation data at Leslie Harrison Dam is behind schedule due to delayed delivery of equipment from suppliers, and documentation of critical control points and emergency protocols is slightly behind schedule but is currently in progress.

Community Health & Wellbeing (refer to the Attachment pp.35 - 47)

- Strong Communities and Disaster Management Programs achieved an outstanding rating. All initiatives are on or ahead of schedule.
- Sport & Recreation, Arts & Culture, and Community Health & Safety Programs achieved an above standard result, with most KPI's well on target. The recreation program review continues to experience delays out of our control – the State Government has not yet released its grants program as scheduled. The Community Safety Committee priority project also continues to be behind schedule due to the resignation of the Community Safety Officer. In Arts &

Culture, the opening of the new Redlands Performing Arts Centre has been delayed.

Economic Prosperity (refer to the Attachment pp.48-54)

- Business Retention & Expansion and Business Attraction programs rated in the outstanding range. All initiatives are on schedule.
- Tourist Development Program achieved an above standard rating this quarter. The visitor guide is slightly behind schedule but is nearing completion.

Governance (refer to the Attachment pp.55 - 62)

- Strategic Planning and Governance Programs rated in the outstanding range. All initiatives are on schedule, except the development of a marketing and communications plan which has been deferred until next financial year to ensure alignment with the new Council's directions.
- Financial Planning and Disclosure Program rated in the above standard range with all initiatives which were due on schedule.

Corporate Services (refer to the Attachment pp. 63-73)

- Treasury, Asset Management, Marketing and Communications and Human Resource Management programs all achieved an outstanding result with most initiatives progressing well.
- Information Management and Learning Programs rated as above standard with the vast majority of initiatives on schedule. Some initiatives are scheduled to commence later in the year. The leadership development program has now been given priority following completion of the e-learning modules, and the conversion from microfilm to digital project is behind schedule but will be completed next quarter.
- Organisational Improvement program rated as satisfactory, whilst the change leadership program is on schedule, the tender process for the leadership development program for senior management is behind schedule as resources have been dedicated to the e-learning project.

## **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 Operational Plan Report for the 2008 March Quarter, as attached.

**ALTERNATIVE**

That Council resolve to note the Operational Plan Report for the 2008 March Quarter and seek additional information.

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

Moved by: Cr Townsend  
Seconded by: Cr Reimers

**That Council resolve to note the Operational Plan Report for the 2008 March Quarter, as attached.**

**CARRIED**

### 13 ITEM REFERRED FROM DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF 29 APRIL 2008

#### 13.1 REPORT FROM CUSTOMER SERVICES

##### 13.1.1 DEDICATION OF LAND FOR ROAD PURPOSES AT 58-70 STATION STREET, WELLINGTON POINT

**Datworks Filename:** EC005170.1

**Attachments:** [Locality Map](#)  
[Proposed Intersection Plan](#)

**Responsible Officer Name:** Tim Donovan  
Manager Assessment Services

**Author Name:** Bruce Appleton  
Services Manager Development Co-Ordination

#### EXECUTIVE SUMMARY

<b>Application Type</b>	Reconfiguration of Lot
<b>Proposed Use</b>	Dedication for road
<b>Property Description</b>	Lot 38 SP 171297
<b>Location</b>	58-70 Station Street Wellington Point QLD 4160
<b>Total Land Area</b>	2.2125 ha
<b>Zoning</b>	CN – Conservation (Sub Area CN2)
<b>Overlays</b>	Acid Sulphate Soils Overlay Bushfire Hazard Overlay Bushland Habitat Overlay Flood Storm and Drainage Constrained Land Overlay Road and Rail Noise Impact Overlay Waterways Wetlands and Moreton Bay Overlay
<b>No. of Public Submissions</b>	n/a
<b>Applicant</b>	Redland City Council
<b>Land Owner</b>	Redland City Council
<b>Date of Receipt</b>	n/a
<b>Start Decision Stage</b>	n/a
<b>Statutory Decision Date</b>	n/a
<b>Application Coordinator</b>	Bruce Appleton
<b>Manager</b>	Timothy Donovan – Manage Assessment Services

This proposal is to seek a resolution of Council for the dedication of part of Council's property at 58-70 Station St, Wellington Point, to be used for road purposes.

The matter has been assessed against all relevant legislation including the Redlands Planning Scheme. The proposed road is to facilitate the redesign of the proposed Sawmill Rd alignment to avoid the loss of significant vegetation.

It is recommended that Council resolve to deal with the property described as Lot 38 on SP171297 by dedicating part of the land for road purposes, and to delegate the CEO to sign all relevant legal documents arising from the proposal.

This report is presented to the Development Assessment Committee for consideration and will be presented to the General Meeting on 30 April 2008 for final resolution, due to the conditions of the powers delegated to this Committee.

## **BACKGROUND**

### **Compliance or non compliance with Legislation and relevant Planning Instruments**

The following Legislation and Planning Instruments were considered in the assessment of this proposal:

- The *Integrated Planning Act 1997*; and
- Redlands Planning Scheme 2006, and
- *Land Title Act*;
- *Local Government Act*.

The proposal generally complies with the Legislation and Planning Instruments. The site from which the road dedication is to occur is zoned Conservation (Sub Area CN2) under the Redlands Planning Scheme 2006. The proposal is considered to be consistent with community expectations for vegetation protection and enhancement.

### **Consultation**

The Manager Development Coordination has consulted with the Property Services, Legal Services, Parks & Conservation and the General Manager Customer Services. Consultation has also occurred with the developer and consultants responsible for engineering design of the proposed Sawmill Road.

### **Issues**

This proposal is to consider the realignment of works to avoid the loss of significant vegetation located in the current road reserve for Sawmill Drive, Wellington Point. The realignment of roadworks will necessitate the dedication of extra land for road purposes from land described as Lot 38 on SP171297. That land is Council owned in freehold.

There is a current development application for approval of engineering works in Sawmill Road which is nearing final approval. That has been put on hold by agreement with the developer. That design will need to be amended and re-lodged for Council approval.

The redesign will need to follow survey of a new road centreline which will then identify the extent of land to be dedicated.

The survey of land to be dedicated and the preparation of a plan of survey will need to be prepared by Council and lodged for registration in the Titles Office. That will be a cost attributable to Council. The costs for the redesign of engineering works will be borne by the developer.

The parameters for the redesign have been given to the developer and include the relocation of all road pavements, underground service alignments and earthworks that might otherwise impact on the specific vegetation.

### **Financial Implications**

The financial implications include the costs to survey the land for road dedication, the costs to prepare the plan of survey and costs to lodge the plan of survey at the Titles Office.

Other costs include the redesign of roadworks prepared by the developer in accordance with Council's approvals.

The developer is not prepared to fund the land dedication costs, but will meet the costs to redesign the road.

Council then must fund the survey and lodgement costs for the road dedication.

### **Conclusion**

It is recommended that Council resolve to dedicate part of the land described as lot 38 on SP171297 for road purposes, fund the costs to dedicate land for new road and delegate the Chief Executive Officer to sign all relevant documents on behalf of Council.

This report was presented to the Development Assessment Committee for consideration and is now presented to the General Meeting for final resolution, due to the conditions of the powers delegated to this Committee.

### **COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION**

Moved by: Cr Boglary  
Seconded by: Cr Dowling

#### **That Council resolve as follows:**

- 1. To dedicate part of the land described as Lot 38 on SP171297 for road purposes, the extent of dedication is as described in the attached Proposed Intersection Plan;**
- 2. To fund the costs to dedicate land for new road; and**



3. To delegate authority to the Chief Executive Officer to sign all relevant documents on behalf of Council; and
4. That this report will be presented to the General Meeting on 30 April 2008 for final resolution.

**CARRIED**

Cr Bowler declared a conflict of interest in this item at today's General Meeting and left the chamber prior to discussion and decision in this matter.

## **14 DIRECT TO COUNCIL REPORTS**

### **14.1 OFFICE OF CEO**

#### **14.1.1 CODE OF CONDUCT MATTER RELATING TO CR TONI BOWLER**

**Datworks Filename:** GOV Councillors - Code of Conduct

**Attachments:** [Att 1 Conduct Review Panel Report](#)  
[Att 2 Letter from Nathan Lawyers](#)  
[Att 3 Independent Legal Advice](#)  
[Att 4 Email Response from CRP Convenor](#)  
[Att 5 Letter from Queensland Ombudsman](#)

**Responsible Officer Name:** Susan Rankin  
Chief Executive Officer

**Author Name:** Susan Rankin  
Chief Executive Officer

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### **EXECUTIVE SUMMARY**

At the General Meeting of 27 February 2008, Council resolved that this item be deferred to the first General Meeting of Council after the March 2008 Election.

This matter is now presented to Council for consideration.

Attached is a report and recommendations from the SEQ Code of Conduct Panel dealing with a Code of Conduct referral concerning Cr Toni Bowler.

This matter deals with a formal complaint by a shire resident that Cr Bowler was absent from Council on personal business without providing appropriate prior notice to Council in accordance with a Council guideline dealing with Councillor Attendance, and also that the Councillor was, therefore, unavailable to represent her constituents. The complaint also makes other allegations in relation to behaviour of Cr Bowler inappropriately attempting to interfere with a building matter.

### **PURPOSE**

To provide Council with the report from the SEQ Code of Conduct Panel for Council's consideration and decision regarding this matter.

### **BACKGROUND**

The complainants had a building application with Council for the construction of a shed. This application had issues to resolve with respect to the placement of the shed and clearing of associated vegetation. The complainants were unsatisfied with

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Council's treatment of their application and made a written complaint to the CEO regarding the matter.

This original complaint was investigated in accordance with Council's Complaint Management policy and guideline by the Manager Internal Audit, who was subsequently able to mediate a resolution which was agreeable to all parties.

Cr Bowler is the complainants' Divisional Councillor and was absent overseas during this time and also during the period when their original complaint was investigated. Prior to the finalisation of the decision on the shed application, Cr Bowler called the matter to Council for final determination, as she is entitled to do as the Divisional Councillor.

Based on Cr Bowler's alleged behaviour in this matter, the complainants lodged a second written complaint in relation to Cr Bowler under the Councillor Code of Conduct.

As the Manager Internal Audit had previously been successful in mediating an outcome to the original complaint she was requested to contact the complainants to see if mediation was an alternative and to clarify the substantive allegations of the complaint.

The complainants advised that mediation was not a course of action they wished to pursue and the matter was subsequently referred to the Convenor of the SEQ Code of Conduct Panel. The initial referral was for advice as to whether or not, based on her experience as Convenor, she considered this matter was of a trivial nature. The Convenor advised that she did not consider the matter trivial and provided several examples in relation to the Code which she believed may be considered by the panel. Therefore, the matter was formally referred to the Convenor for appropriate action.

Details of the process and consideration of this matter are contained in the Panel's report (Attachment 1) which was received at 9pm on 12 February 2008. A copy of this report was provided to Councillor Bowler at 10am on 13 February 2008.

On 21 February a response was received from Nathan Lawyers, who are representing Councillor Bowler in this matter. A copy of their correspondence is also attached for Council's information (Attachment 2). Given the nature of some of the comments in the Nathan Lawyers correspondence, independent advice was obtained and a copy of this advice is also attached for Council's information (Attachment 3). A copy of the response from the Convenor of the SEQ Panel to Nathan Lawyers is also attached for noting (Attachment).

The matter is now presented to Council in Accordance with section 250S of the *Local Government Act 1993* for Council's decision.

## **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 implementing the recommendations of this report.

### **CONSULTATION**

Consultation has occurred with the Convenor of the SEQ Code of Conduct Panel and Panel members.

### **OPTIONS**

#### **OPTION 1**

Council resolve to accept the recommendations of the SEQ Code of Conduct Panel, namely that:

1. The Councillor be given a written reprimand for her breach of section 8.1.3 of the Councillor Code of Conduct;
2. The Chief Executive Officer provide written advice to Chairs of Committees and General Meetings of the need for care and rigour in the recording of absences of councillors from scheduled meetings; and
3. The Chief Executive Officer take appropriate action so as to ensure that councillors are properly briefed in relation to the need for councillors to give a full-time commitment to their role and to attend Council meetings whenever required.

#### **OPTION 2**

Council resolve not to accept the recommendations of the SEQ Code of Conduct Panel and make some other resolution regarding this matter.

### **PROPOSED MOTION 1**

Moved by: Cr Williams  
Seconded by: Cr Dowling

That this item be deferred to allow time for Councillors to read all relevant documentation relating to this matter.

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

**PROPOSED MOTION 2**

Moved by: Cr Dowling  
Seconded by: Cr Williams

That Council resolve to accept Option 1 of the SEQ Code of Conduct Panel, as follows:

1. The Councillor be given a written reprimand for her breach of section 8.1.3 of the Councillor Code of Conduct;
2. The Chief Executive Officer provide written advice to Chairs of Committees and General Meetings of the need for care and rigour in the recording of absences of councillors from scheduled meetings; and
3. The Chief Executive Officer take appropriate action so as to ensure that councillors are properly briefed in relation to the need for councillors to give a full-time commitment to their role and to attend Council meetings whenever required.

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

A division was called for.

Crs Dowling and Williams voted in the affirmative.

Crs Boglary, Ogilvie, Henry, Elliott, Murray, Townsend, Reimers and Hobson voted in the negative.

Cr Bowler was absent from the meeting when the vote was taken.

The motion was declared by the Mayor as LOST.

**COUNCIL RESOLUTION**

Moved by: Cr Ogilvie  
Seconded by: Cr Henry

**That Council resolve as follows:**

- 1. Not to accept the recommendations of the SEQ Code of Conduct Panel and that no further action be taken; and**
- 2. That the letter dated 24th April 2008 from the Ombudsman to the Acting Chief Executive Officer be included in the minutes.**

After further debate, Cr Elliott moved that Cr Ogilvie's motion be put.

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

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

Cr Bowler returned to the meeting at 5.06 pm.

## 14.2 REPORT FROM CUSTOMER SERVICES

### 14.2.1 DEVELOPMENT APPLICATION FOR A MCU MIXED DEVELOPMENT (RES/COMM & REC FACILITIES) AT 219-221 BLOOMFIELD STREET, CLEVELAND - DECISION MADE UNDER DELEGATION IN ACCORDANCE WITH COUNCIL RESOLUTION OF 27/02/2008

**Datworks Filename:** GOV-DAC Delegated Items  
**Responsible Officer Name:** Tim Donovan  
Manager, Assessment Services  
**Author Name:** Pat McKendrick  
Administration Officer, Assessment Services

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#### EXECUTIVE SUMMARY

At the General Meeting on 27 February 2008, Council resolved as follows:

1. *That in accordance with section 472(1) of the Local Government Act 1993, to delegate to the Chief Executive Officer for the period from 28 February, 2008 until the first Development Assessment Committee Meeting and General Meeting after the 15 March 2008 local government quadrennial election the following powers:*
  - d. *to decide development applications under the Integrated Planning Act 1997;*
  - e. *to decide applications under the Redlands Planning Scheme;*
  - f. *to provide instructions to legal counsel for litigation including appeal matters actioned under Chapter 4 of the Integrated Planning Act 1997;*
  - g. *to make vary and discharge contracts with a value in excess of \$500,000 subject to the requirements of the Local Government Act 1993;*
  - h. *to apply to the Minister for Local Government for approval to make any major policy decision during the caretaker period in accordance with section 441D of the Local Government Act 1993;*
2. *The above delegations are to be exercised subject to the requirements of the Local Government Act 1993, the Integrated Planning Act 1997 and any other relevant legislation; and*
3. *That all matters determined under the above delegations be reported to the first General Meeting of the new Council.*

#### PURPOSE

The purpose of this report is for Council to note that the following application was dealt with in accordance with Council's resolution of 27 February, 2008.

**Development application for a material change of use for a mixed development (residential, commercial and recreational facilities) at 219-221 Bloomfield Street, Cleveland. RGF Kempe Australia Pty Ltd. (MC010790).**

The application is to modify a previous approval issued by Council for a Mixed Use Development (Residential, Commercial and Recreational Facilities) on a site located at 219-221 Bloomfield Street, Cleveland.

The uses include apartments, commercial offices, public and private indoor recreation centre (bowling alley, squash court, gym and tennis court), refreshment establishments, child care centre, educational facility, health care centre and shops.

The application has been assessed against the *Redlands Planning Scheme* and all other applicable standards and policies. The proposal is considered to be generally in accordance with these documents and it is therefore recommended that the application be approved and a Development Permit be granted subject to conditions.

**KEY BACKGROUND ISSUES**

The current application is essentially a modification of a previous approval (MC009427) and includes changes to:

- GFA of residential apartments, which have been increased by 5480m<sup>2</sup> (total 28, 960m<sup>2</sup>);
- Balcony areas were also increased to accommodate access for the disabled;
- Increase in commercial office space by 500m<sup>2</sup> and subsequent reduction in GFA for Health Care Centre;
- Geometry of the residential towers, from angled to orthogonal to simplify the structural grid at car park level;
- Reduction in southern and eastern boundaries of the residential towers (to approximately 6m);
- Car parking numbers increased by 5, however layout of the car parks changed, in that 71 spaces are tandem;
- Reduction in northern and southern side setbacks reduced due to change in geometry of the buildings;
- Site coverage increased to 68%, reducing open space to 32%;
- Change in proposed uses to landscaped podium (gym and child's play area instead of squash court and sauna);
- Introduction of private recreational area for commercial offices.

Scale of Centre Uses

A key consideration of the application is the scale of centre uses and its impact on the Cleveland Business District. The overall outcomes for the MC8 zoning envisages, amongst other things, the provision of a range of uses that:

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*encourages potential redevelopment for apartment buildings and a range of other non-retail uses that are appropriate on the land, which support the centre but do not result in its fragmentation and decentralization.*

The combined centre uses, (excluding the residential component) is equivalent to 11,254sqm. This is significant considering the close proximity of the Cleveland Business District. However, the centre is unique to the Shire in that it provides for a concentration of health and natural healing facilities in the one complex. Furthermore, the centre does not contain key businesses, which are commensurate of the Cleveland Business District. The retailing component is also capped at a maximum of 500sqm and provides for convenience shopping only. The commercial component is intended to encourage those who live at the centre to work at the same location.

#### Social and Economic Impact Assessment

It is recognized that the size of the centre uses is substantial and arguably should demonstrate, via a Social and Economic Impact Assessment that it will not result in the fragmentation or decentralization of the Cleveland Business Core. Such a study was requested with the initial application, however the applicant did not respond. As the proposal includes a natural therapies emphasis, and is not proposed to include businesses that are similar in nature to the Cleveland Business District, it is unlikely that the proposal will fragment the CBD.

#### Requirement for Basement Car parking

Hendriks House Engineers have advised that the Ross Creek flood levels are too high to allow the use of a basement car park. With reference to their report "Site Based Stormwater Management Plan for 219-221 Bloomfield St, Cleveland," (p9) they noted that at the middle of the site, the Q100 flood level is RL 8.197 and the minimum habitable floor level is 8.677m. A car park could be set at RL 8.197. With ground levels over the site varying from RL 7.5 to RL 9.5 a basement car park cannot be built, without being well below the Q100 level. In addition, the applicants have elected to deal with as little acid sulphate soils as possible.

The Planning Scheme does not have a preference for basement car parking over undercroft car parking.

#### Major Centre Zone Code, Redlands Planning Scheme

##### **Probable Solution P2.1 (1)**

*Buildings or structures do not exceed –*

*the height limits as shown on the following –*

*(ii) Map 2 – Cleveland Height Limits;*

Map 2 indicates a maximum height of 20m.

Centre Design Code, Redlands Planning Scheme**Table 1 – Maximum Height to the Top of the Floor Level of Highest Habitable Room/Commercial Storey**

The site, being in the MC8 sub-area is restricted to 20m overall height, with 14m to the finished floor level of the highest habitable room (5 storey). The proposal, as previously approved has a maximum overall height of 22.5m. It is considered that the extra 2.5m in height (above the probable solution in the RPS) will not have any adverse impacts on adjoining or surrounding properties and will result in optimum development of the site that will ultimately support the Cleveland Business District.

**CONSULTATION**

The Development Assessment Team has consulted with other assessment teams where appropriate and relevant external Concurrence Agencies for comment. Copies of the original proposal to the application were provided to Councillor Ogilvie on 30 August, 2007 and 23 November, 2007.

The application was publicly notified in accordance with the provisions of the *Integrated Planning Act 1997* and two submissions were received. The issues raised in the submissions have been taken into consideration (refer to section 4.0 for detailed assessment).

**1.0 DEVELOPMENT PROPOSAL AND SITE DESCRIPTION****1.1 Proposal**

The proposal is for a Mixed Use Development comprising the following:

- Eight (8) high rise residential towers with a total of 152, one, two and three bedroom units on six (6) storeys which sit above a two-level carpark;
- 3,280sqm commercial office space, 500sqm retail and 360sqm refreshment establishment uses totalling 3,640sqm and located on three levels;
- A pedestrian plaza along the building comprising commercial, retail and refreshment establishment uses;
- 5,265sqm of natural healing including conference rooms, sporting and recreation facilities;
- Child care centre (300sqm) for residents and patrons using the natural healing facilities;
- 370sqm of multi function area to be used as exercise studios and overflow conference facilities;
- Bowling alley that will be open to the general public (1179sqm);
- Two (2) tennis courts for residents;
- A recreation centre comprising indoor and outdoor pool, sauna, gym and child's playground for use by residents;
- Two levels of car parking;

### Precinct A

The main part of the site will comprise two (2) levels of car parking and eight (8) high rise residential towers with a total of 152, one, two and three bedroom units on six (6) levels. Access to each tower will be gained from the foyer located at ground level. Recreational facilities will be available for the exclusive use of the residents, including two tennis courts (ground level), indoor and outdoor swimming pools, sauna and gym (level 2). In the north eastern corner of the carpark (ground level and level 1) will be a bowling alley which will also be available to the public. At ground level there will be a multi-function building which is proposed to be used by the natural healing centre as an exercise studio (eg for yoga, pilates, tai chi classes) and for overflow conference facilities when required.

### Precinct B

Along the rear of the existing service station and the single storey dwelling site on Bloomfield Street will be a three storey building separated from the main complex by a pedestrian plaza. It will be occupied by commercial offices and businesses (including craft type uses) and refreshment establishments on the ground level.

### Precinct C

The five (5) storey building on the southern boundary will be mainly occupied by a Natural Healing Centre (Levels 2 and 3) with associated conference facilities on levels 4 and 5. On the ground floor there will be 500sqm of retail shopping space (occupied by a "Night Owl" type convenience store) and a restaurant (360sqm). Also on the ground floor will be a child care centre and outdoor play area for use by the residents and patrons of the natural healing facilities.

The natural healing centre will offer a range of natural therapies for visitors and residents. The range of services will include Diet, Acupuncture, Homeopathy, Osteopathy, Herbal Medicine, Hypnotherapy, Counselling Services, Chiropractic, Reflexology, Relaxation (Massage and Yoga), Exercise and Nutrition. It is proposed that the centre will include a health education program to develop improved health products and techniques.

## **1.2 Site**

The site is 2.4395ha in area and is centrally located in Cleveland in close proximity to the town centre. It has two street frontages, one on Bloomfield Street (East) and the second on Ross Court (North).

The site is vacant and predominately flat and virtually devoid of trees, except for a few on the western boundary and a buffer that has been established along the southern boundary to screen 'Gill and Co's' timber yard on an adjoining site. It is in close proximity to a number of existing retail and commercial uses.

The site is adjoined by an Ampol service station located on the corner of Bloomfield Street and Ross Court. A site adjoining the service station to the south is occupied by a single storey dwelling currently used for a hire vehicle business. To the east, on the opposite side of Bloomfield Street is a large town house complex accessed from Princess Street. To the north, on the opposite side of Ross Court, are the Ross Court retail/commercial complex and other service industrial and commercial uses. To the

west, beyond Waterloo Street, are the showground complex and the open drainage channel within the Waterloo Street road reserve.

The site is separated from the residential uses to the east by busy Bloomfield Street, with a wide reserve and divided carriageways each way with two traffic lanes and one parking lane.

### **1.3 Surrounding Area**

The site is surrounded by commercial development. To the south is a large timber yard. Adjoining the site to the east and on the corner of Bloomfield Street and Ross Court is a service station. Directly across from the site is a retail and commercial complex (Ross Court). To the west is the showground complex separated by the Ross Creek waterway and a public walkway. Across from the site to the east is a town house complex.

The site is located at the periphery of the Cleveland Major Centre and has access to public transport, including the train station.

### **1.4 Amenity and Character**

The locality is in close proximity to a number of existing retail and commercial uses, employment, recreation areas and public transport. The site is located within walking distance to Ross Court and to the Cleveland Major Centre. It is within reasonably close proximity to the Cleveland Train Station, various bus services and the Raby Bay Harbour. There are a number of public open spaces for recreation in close vicinity such as the showground complex and the park on the corner of Bloomfield and Russell Streets.

The character of the surrounding area is a mix of residential and commercial with a moderate level of traffic along Bloomfield Street during peak periods.

## **2.0 APPLICATION ASSESSMENT**

### **2.1 *Integrated Planning Act 1977 (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 for a material change of use under the

### **2.6 SEQ Regional Plan 2005-2026**

The subject land is located within the urban Footprint in the SEQ Regional Plan 2005-2026.

The Urban Footprint identifies land to provide for the region's urban development needs to 2026. 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.

## **2.7 State Planning Policies**

There are no applicable State Planning Policies for this application.

### **Architecture/Urban Design**

The proposal represents a significant departure from the previous design on this site. The residential towers have been considerably increased in size and more closely spaced which will have the effect of one large building rather than a number of individual towers. This may be acceptable in this zone for commercial buildings but does not produce a high quality residential outcome and provides poor amenity for the occupants.

The closest separation distance of the towers varies from approx. 5.5m to approx. 8.0m, and visual privacy is of concern. A condition to meet Probable Solution P4 of the Apartment Building Use Code is to be included.

### **Engineering**

The proposal has been assessed against all relevant engineering requirements. Details are as follows: -

### **Road Access and Required Road Frontage Works**

The site has street frontages to Bloomfield Street and Ross Court. The proposed development provides access to both streets where the main access is through an internal circulation system that connects to Bloomfield Street. Two driveway entries have been provided for Ross Court.

#### *Bloomfield St*

Currently kerb and channel is present along the entire frontage of the site as well as a concrete footpath. There will be a requirement to widen the concrete footpath to accommodate a 2.5m width shared use path. There will be a requirement to provide further information in relation to the left in and left out provision at this entrance, this can be addressed at the Engineering Compliance-Operational Works stage.

#### *Ross Court*

Kerb and channel as well as a concrete footpath are present on part of the road. The proposed works will involve the re-alignment of the kerb and channel as well as construction of a concrete footpath as per council standards for an access street.

The proposed development will have an impact on the local traffic network for the area. A Traffic Impact Report submitted with the application identified the need to restrict right turning movements from Ross Court into Bloomfield St.

This restriction has a direct impact on the intersection of Russell St and Bloomfield St as the present roundabout has not the ability to cater for u-turns movements for commercial vehicles.

An initial response from Main Roads Department supported the banning of the right turn movement from Ross Court, however, this position has been modified in view of the traffic impact on the intersection previously mentioned.

Therefore, it is required that all the Ross Court intersection all-turns movement be retained and signalised in order to provide for turning movements required for this development. It will be necessary for the applicant to provide Council with a traffic assessment of the capacity of the right turn movements into Ross Court. Any improvements for the intersection identified in the report will be constructed by the applicant as a condition of any Operational Works – Compliance Assessment (Engineering) approval.

### **Internal Traffic Movement and Car Parking**

The car parking requirement for this development is as follows:

#### **Precinct A**

Residential: 235

Bowling Alley: 36

Multi-Function Centre: 37

#### **Precinct B**

Commercial Businesses: 56

Refreshment Establishment: 36

#### **Precinct C:**

Retail: 13

Natural Healing: The car parking requirement for the Natural Healing Centre is dependant upon the number of practitioners, employees and rooms. However, 173 car parks are available for this use.

#### **Total Requirement: 413 plus the number required for Natural Healing Centre**

The applicant has provided a total of 586 car parks. It is anticipated that the total car parking will exceed the Planning Scheme requirements.

The additional cross-over driveways on Ross Court improves the internal vehicle movement for the site.

The proposed Car Parking Layout to complies with Council Access and Parking Code and Schedule, Infrastructure Works Policy and Australian Standards 2890.1, AS 2890 and AS 1428. However, a detailed application is required at the Associated Development Works - Engineering stage in order to fully assess the proposal.

Dimensions and layouts of the car parking spaces generally comply with AS2890.1. However, the Disabled Parking Spaces in front of the Commercial use building and the Natural Healing building need to comply with AS 1428 requirements.

#### **Stormwater**

With adequate engineering design to be provided during a subsequent Associated Development Works application, it is believed that no stormwater problems will occur for upstream or downstream properties, or for the site itself. No stormwater quality plan has been developed.

The nominated point of discharge is Ross Creek Drain.

**Flood Assessment**

The site is bounded by Ross Creek that is subject to flooding in a Q100 storm event. The floor levels for the proposed development are above the calculated Q100 levels.

Advice from Infrastructure Planning has confirmed that the Flood Levels contained in the Site-Based Stormwater Management Plan (subject to a minor correction) are acceptable to Council.

**Waste Water**

The proposed development can be connected to the existing Waste Water reticulation system. The development may have an impact on the capacity of the waste water system, and a condition will require the applicant to provide a report and recommendations for any relevant augmentation necessary.

**Water Supply**

The proposed development can connect to the existing water reticulation system. The development may have an impact on the capacity of the water reticulation system, and a condition will require the applicant to provide a report and recommendations for any relevant augmentation necessary.

**Electricity Services**

The subject land has electricity services available but it will be a requirement of the development that agreement be provided by Energex that there is suitable capacity for the development prior to any commencement of use.

**Telecommunication Services**

The subject land has access to telecommunication services and a Telstra agreement will be required to be provided to Council prior to any commencement of use.

**2.9 Pollution Prevention**

Council's Pollution Prevention Unit has assessed the proposal and has imposed conditions as necessary.

**2.10 Environmental Assessment**

The site is substantially cleared with the only natural environmental values being the Queensland blue gums in the north western corner with other native vegetation adjacent to the property boundary in the Ross Creek waterway / Waterloo Street road reserve. The largest blue gum is on the property boundary. All are worthy of retention and the design of the complex should incorporate these trees. The main environmental issues are the discharge of water from the site that will meet Council's water quality objectives and the creation of a western enhancement corridor.

Water quality objectives should be able to be achieved with a combination of water reuse and treatment prior to discharge to Ross Creek. The stormwater report by Hendricks House, while mentioning water quality, does not address the treatment requirements. A water quality condition has been included as part of the environmental conditions of this approval.

The enhancement of the Ross Creek waterway is being investigated by the Council and the creation of the 12 metre wide Enhancement Corridor of the Redlands Planning Scheme within this property would complement these future works. The intent of the planning scheme has been conditioned.

### **2.11 Landscaping**

The landscape concept plan is considered satisfactory. A detailed Compliance Assessment – Operational Works (Landscaping) application is conditioned to form a part of the post-approval process.

### **2.12 Waste Management**

The proposed land use has the potential to generate a total volume of 27,000 litres of waste and 20,000 litres of recyclables per week, which is equivalent to filling almost two collection trucks of rubbish. To collect such large waste and recyclable volumes in a safe and efficient manner, the applicant has provided collection truck access via a service road extending around the western end of the site. This service road passes through temporary bin storage areas that are located to ensure adequate vertical clearance for bin lifting.

The eight residential towers in Precinct A have waste chutes that lead to internal waste rooms on the ground floor. It will be responsibility of site management to locate the 1.5m<sup>3</sup> bulk waste and recycle bins from the waste rooms to the temporary storage areas on collection days, and return the bins to the waste rooms soon after. Waste and recyclables from Precincts B and C will be collected in bulk bins that will be serviced adjacent to the Natural Healing Centre.

### **2.13 Referral Agencies**

The application triggered a referral to the Department of Main Roads (DMR) under the IDAS. The Department provided a response to the application on 12<sup>th</sup> September, 2007 and advised Council that: -

- Original conditions (outlined in letter dated 23<sup>rd</sup> August, 2006) remain;
- That they support the original condition of approval (14.15) to signalise the Ross Court and Bloomfield Street intersection and confirm that where there is inconsistency with original condition imposed by Main Roads (to close right turn from Ross Court to Bloomfield Street), then Council's requirement for signalisation prevails;
- Signalisation, as imposed by Council is to be at no cost to Main Roads;
- An application for road access works on the state-controlled roads will be required.

All original conditions for the previous application (MC009427), as outlined in Decision Notice dated 2 January, 2007 will remain as part of the current application.

Department of Natural Resources and Mines were acknowledged as an Advice Agency due to the potential disturbance of Acid Sulphate Soils. The Department provided supplementary advice on 16 January, 2008 confirming they have no



comments on the proposal as the applicant has demonstrated that less than 100 m<sup>3</sup> of soil will be disturbed below 5mAHD.

### **REDLANDS PLANNING SCHEME**

According to the *RPS*, the subject site is within the Major Centre Zone, sub-area 8 (MC8) (Cleveland – Waterloo Street, Ross Court, Bloomfield Street and Princess Street), and is affected by the Acid Sulphate Soils, Bushland Habitat and Road and Rail Noise Impacts Overlays. The proposed uses are defined under the *RPS* as:

**Apartment Building** – means the use of premises for three or more dwelling units in a building that:

- (a) is three or more storeys in height;
- (b) results in another dwelling above or below;
- (c) has a common foyer entrance;
- (d) has communal facilities including outdoor spaces, car parking and waste collection.

**Commercial Office** - means the use of premises for a business or office where the principal activity provides:

- (a) business or professional advice;
- (b) services or goods that are not physically on the premises;
- (c) the office based administrative functions of an organisation.

**Child Care Centre** - means the use of premises for the minding or care, but not residence, of children under school age. The term includes a kindergarten, crèche, preschool and after school care.

**Health Care Centre** - means the use of premises for the medical care or treatment of persons not resident on the premises. The term includes premises used for the following like activities - maternal and child welfare clinic; acupuncturist; chiropodist; chiropractor; dentist; medical practitioner; naturopath clinics and alternative therapies; nursing service; optometrist; pathologist; physiotherapist and radiologist.

**Indoor Recreation Facility** - means the use of premises for playing of a game, recreation, athletics, sport and entertainment where these activities take place primarily in a building. The term includes theatres, cinemas, amusement centres, function and convention centres, sport and fitness centres and gyms.

**Refreshment Establishment** - means the use of premises for a cafe, fast food outlet, milk bar, refreshment kiosk, restaurant, snack bar, take-away food premises, tea garden, tea room or uses of a like nature. The term includes ancillary activities that involve entertainment or the consumption of liquor.

**Service Industry** - means the use of premises for a small scale, low impact industrial activity which is intended to provide industry services to the general public or is similar to those activities set out below and ancillary activities that support the industrial use such as administration offices or sales and display areas for products manufactured, assembled or finished on the site -

- 
- (a) *making of the following -*
- (i) *artificial flowers;*
  - (ii) *bread, cakes and pastry;*
  - (iii) *dental prostheses;*
  - (iv) *fashion accessories;*
  - (v) *garments;*
  - (vi) *jewellery;*
  - (vii) *optical goods, being spectacles and the like;*
  - (viii) *soft furnishings;*
  - (ix) *toys;*
- (b) *assembling the following from components manufactured elsewhere -*
- (i) *aids and appliances for people with a disability;*
  - (ii) *audio-visual equipment;*
  - (iii) *barbeques;*
  - (iv) *blinds;*
  - (v) *furniture;*
  - (vi) *portable domestic electrical appliances;*
  - (vii) *domestic light fittings and accessories;*
  - (viii) *scientific instruments;*
  - (ix) *sports equipment, other than ammunition, vehicles and water craft;*
  - (x) *television and video equipment;*
- (c) *repairing and servicing the following -*
- (i) *blinds;*
  - (ii) *cameras or other photographic equipment;*
  - (iii) *canvas goods, tents and camping soft goods;*
  - (iv) *computers and computer equipment;*
  - (v) *electronic instruments and equipment;*
  - (vi) *garments;*
  - (vii) *mowers, including motor mowers and portable gardening equipment;*
  - (viii) *optical goods, being spectacles and the like;*
  - (ix) *domestic electrical appliances;*
  - (x) *power and other tools;*
  - (xi) *scientific instruments;*
- (d) *providing the following services -*
- (i) *book binding;*
  - (ii) *document duplicating or copying or photocopying;*
  - (iii) *engraving by hand;*
  - (iv) *laboratory facilities;*
  - (v) *locksmith services;*
  - (vi) *photographic film processing;*
  - (vii) *picture framing;*
  - (viii) *plan printing;*
  - (ix) *restoration of small articles of a personal or domestic nature or works of art;*
  - (x) *studio facilities for film, theatre or television.*
-

*The term does not include any use defined as a dangerous goods location, large dangerous goods location or major hazard facility.*

**Shop** - means the use of premises for the purpose of displaying or offering goods or personal services for retail sale or hire. The term includes supermarkets, chemists, newsagent, boutiques or the like and the incidental storage of such goods on the same premises.

In accordance with the Table of Assessment for Material Change of Use of Premises for the Major Centre Zone, an Apartment Building is impact assessable where it exceeds the height limit contained within Map 2.

The proposed use of land for apartments and other uses is considered to be consistent with the primary objectives of the Major Centre Zone, sub-area 8 and the applicable codes under the *RPS*, in that the proposal:

- will provide a key source of economic activity and employment.
- encourages potential redevelopment for apartment buildings and a range of other non-retail uses that are appropriate on the land that support the Cleveland Major Centre.
- a building height of 22.5m does not overwhelm or dominate the Cleveland Major Centre given the current ground levels and the separation distance from the main centre and will not impact adversely on neighbouring properties ability to access solar energy.
- subject to conditions on any permit issued, the development will satisfactorily address issues related to the protection of neighbourhood amenity and natural environment, creation of a public place, connectivity, as well as provision of infrastructure and services for the site and the surrounds.

The proposal does not comply with the Probable Solution (P2.3 (3)) for setbacks above podium levels however it does comply with the relevant specific outcome in that:

- The separation between each residential tower allows light penetration and reduces overall building bulk;
- Landscaped areas at ground level and on podiums (level 3) maintain a sense of open space and maintain pedestrian scale both at ground and above ground level.

The Bushland Habitat Overlay designates an Enhancement Corridor over a 12 to 15 metre wide strip along the western boundary. The design of the complex has not addressed this aspect of the scheme. This has been conditioned to address the intent of the Planning Scheme.

Accordingly, it is considered that the proposal, if approved, will not detrimentally impact on the intended objectives for the area under the *RPS* and can be supported, subject to conditions.

**GROUNDS OF SUBMISSIONS**

Two submissions have been received. A summary of responses to the submissions is provided below.

*Objection to the proposed overall maximum height of 25.5m when the Planning Scheme permits up to 20m.*

The overall height to 22.5m, as a result of negotiations as part of the initial application. This is considered to be an acceptable solution in achieving the overall outcomes for the site.

*Increased traffic in the area/traffic generated by the child care centre should not affect amenity of residences*

The Traffic Report undertaken by Arup has identified deficiencies in the current local network. However, it has been concluded, in conjunction with DMR, that the signalisation of Ross Court/Bloomfield Street will lessen the impact of the traffic generated by this development.

In zoning the site to Major Centre Zone, it was envisaged that the current road networks would be sufficient to cater for the demand generated by such a development.

The Child Care Centre is for the use of residents and patrons of the complex only, with conditions imposed to reflect this.

*It is unreasonable to expect review of the impact of the proposed development in relation to noise, odour, fumes and dust to be undertaken without modelled data and predictions based on industry standards available...it is unreasonable to expect anything other than that mitigation occur at the receiver. And to ensure that the facades of the building and the ventilation are conditioned to ensure this occurs.*

Council's Pollution Prevention Team has imposed conditions that require mitigation occur at the receiver i.e. on the development site.

*Lack of information provided and justification being that the proposal is 'modification' of an existing approval.*

Amended reports were requested as part of the information request. Letters have been provided from the relevant consultants, however conditions will be imposed to ensure amended reports are received prior to Operational Works (Engineering) Assessment.

 **CONCLUSION**

The proposal is considered to be generally in accordance with the provisions of the Redlands Planning Scheme and the applicable planning policies and codes and is not a significant departure from the approval.

Accordingly, it is recommended that a development permit be granted, subject to conditions.

#### **DECISION UNDER DELEGATED AUTHORITY**

In accordance with Council resolution of 27 February, 2008, the Chief Executive Officer was provided with a copy of the development application report.

After consideration of this report, the Chief Executive Officer granted a development permit under delegated authority.

The applicants have been advised that a development permit has been granted subject to conditions.

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

Moved by: Cr Dowling  
Seconded by: Cr Elliott

**That Council resolve to note the report and decision in this matter.**

#### **CARRIED**

A division was called for.

Crs Boglary, Ogilvie, Henry, Dowling, Townsend, Elliott, Reimers and Murray voted in the affirmative.

Crs Bowler, Williams and Hobson voted in the negative.

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

**15 NOTICE OF MOTION UNDER SECTION 451 OF LOCAL GOVERNMENT ACT 1993****15.1 NOTICE OF MOTION TO AMEND COUNCIL RESOLUTION OF 31 OCTOBER 2007 – COUNCIL OWNED LAND ON THE SOUTHERN MORETON BAY ISLANDS (CR TOWNSEND)****BACKGROUND**

At the General Meeting of 31 October 2007, (item 10.2.1 refers) Council resolved as follows:

1. *To confirm the list of Council owned freehold lots identified in confidential Attachment 1 'Southern Moreton Bay Islands Land Disposal Schedule 2007' as surplus to Local Government requirements;*
2. *To approve the disposal of all land identified in confidential Attachment 1 through a land sale program and land exchange program in accordance with sections 491 and 492 of the Local Government Act 1993;*
3. *To initiate a land sale program to undertake the staged public auction of Council owned freehold lots identified in confidential Attachment 1 at a rate of 50 lots/annum subject to annual review;*
4. *To initiate a land exchange program to commence negotiations to voluntarily acquire, through land exchange, private lots identified in Maps 2a and 2b of the confidential attachments;*
5. *To prepare a community consultation strategy to accompany the disposal of surplus Council land;*
6. *To delegate authority to the Chief Executive Officer to identify and implement the Council surplus land sale program with annual progress reporting to Council;*
7. *To amend the Redlands Planning Scheme in accordance with Schedule 1 of the Integrated Planning Act [1997] to:*
  - a. *Include all Council owned freehold lots identified in confidential Attachment 1 – SMBI Land Disposal Schedule 2007 in the SMBI Residential zone;*
  - b. *Include all Council owned freehold lots identified in confidential Attachment 2 – SMBI Land Retention Schedule 2007 within the Conservation Sub-Area CN1 zone or Open Space zone;*
8. *That Council lots identified in confidential Attachment 1 and currently included in the Community Purposes Sub-Area CP10 zone not be disposed of through sale or exchange until such time as the Redlands Planning Scheme is amended to include these lots within the SMBI Residential zone;*
9. *To commence investigation into the amalgamation of Council owned allotments included within the Conservation Sub-Area CN1 zone of the Redlands Planning Scheme, with a further report to be provided to Council for its consideration of the matter;*

10. *That water access charges be removed from all Redland Water & Waste categorised Category 3 properties listed in the confidential schedule attached to the addendum, with owners notified as part of the land swap proceedings; and*
11. *That the attachments referred to in this report and details of properties identified in the addendum remain confidential.*

On 9 April 2008, Cr Townsend gave notice that she intends to move as follows:

That the resolution of Council at the General Meeting of 31 October 2007 in relation to item 10.2.1 of the Planning & Policy Committee Report of 17/10/2007 – Council owned land on the Southern Moreton Bay Islands:

be AMENDED by;

- a. adding “at this stage” after, “Local Government requirements” in part 1; and
- b. deleting “land sale program and” after “Attachment 1 through a” in part 2; and
- c. deleting parts 3, 5 & 6 altogether; and
- d. deleting section a. in part 7; and
- e. deleting “sale or” after “disposed of through” in part 8; and
- f. all parts to be numbered 1 through to 8

Prior to discussion on this item, the Mayor reminded all councillors of their responsibilities in respect to any Material Personal Interest.

Crs Hobson and Bowler both conceded a perceived potential Material Personal Interest, both being owners of property on Macleay and Russell Islands respectively and left the chamber prior to discussion and decision in this matter.

With both the Mayor and Deputy Mayor absent from the proceedings, the following motion was put to the vote.

Moved by: Cr Dowling  
Seconded by: Cr Williams

That Cr Elliott chair the meeting in the absence of both Cr Hobson, Mayor and Cr Bowler, Deputy Mayor.

CARRIED

**COUNCIL RESOLUTION**

Moved by: Cr Townsend  
Seconded by: Cr Boglary

**That Council resolve as follows:**

1. **To confirm the list of Council owned freehold lots identified in confidential Attachment 1 'Southern Moreton Bay Islands Land Disposal Schedule 2007' as surplus to Local Government requirements at this stage;**
2. **To approve the disposal of all land identified in confidential Attachment 1 through a land exchange program in accordance with sections 491 and 492 of the Local Government Act 1993;**
3. **To initiate a land exchange program to commence negotiations to voluntarily acquire, through land exchange, private lots identified in Maps 2a and 2b of the confidential attachments;**
4. **To amend the Redlands Planning Scheme in accordance with Schedule 1 of the Integrated Planning Act [1997] to Include all Council owned freehold lots identified in confidential Attachment 2 – SMBI Land Retention Schedule 2007 within the Conservation Sub-Area CN1 zone or Open Space zone;**
5. **That Council lots identified in confidential Attachment 1 and currently included in the Community Purposes Sub-Area CP10 zone not be disposed of through exchange until such time as the Redlands Planning Scheme is amended to include these lots within the SMBI Residential zone;**
6. **To commence investigation into the amalgamation of Council owned allotments included within the Conservation Sub-Area CN1 zone of the Redlands Planning Scheme, with a further report to be provided to Council for its consideration of the matter;**
7. **That water access charges be removed from all Redland Water & Waste categorised Category 3 properties listed in the confidential schedule attached to the addendum, with owners notified as part of the land swap proceedings; and**
8. **That the attachments referred to in this report and details of properties identified in the addendum remain confidential.**

**CARRIED**

A division was called for.

Crs Boglary, Murray, Reimers, Townsend and Elliott voted in the affirmative.

Crs Ogilvie, Henry, Dowling and Williams voted in the negative.



Crs Hobson and Bowler were absent from the meeting when the vote was taken.

The motion was declared by the Acting Chair as **CARRIED**.

Cr Hobson returned to the meeting at 5.40 pm and resumed the Chair.

## 16 MAYORAL MINUTES

### 16.1 SOUTH EAST THORNLANDS STRUCTURE PLAN

#### Background

Council at its General Meeting on 27 February, 2008 resolved to commence public notification of the draft South-East Thornlands Structure Plan and associated Redlands Planning Scheme Amendments. The Consultation Period commenced on 4 March, 2008 and is to conclude on 2 May, 2008. Whilst this period met the requirements of the *Integrated Planning Act*, the additional period to the 2 June 2008 will afford further opportunity for interested persons to review the Plan and Proposed Amendments and if desired, make an informed submission for Council's consideration.

#### **COUNCIL RESOLUTION**

Moved by: Cr Hobson

**That Council resolve to extend the Consultation Period (under Schedule 1 Part 2 (12)(2) of the *Integrated Planning Act*) for the South-East Thornlands Structure Plan and associated proposed amendments to the Redlands Planning Scheme, by a further 20 business days to the 2 June 2008. Additionally, appropriate public notification of this extended consultation period is to be communicated via the local newspaper, on Council's website and by direct mail out to affected landowners.**

**CARRIED**

## 16.2 LOCAL GROWTH MANAGEMENT STRATEGY (LGMS)

### Background

Council, at a Special Meeting on 21 June 2007, resolved to adopt the draft LGMS and associated Planning Study and Schedule of Implementation Activities for referral to the State Government for first State interest review.

The State Government's comments were considered by Council at its General Meeting on 31 October 2007, with Council adopting the recommended responses to the State Agencies comments and forwarding a copy to the Regional Planning Minister for finalising the first state interest review .

The first State interest review is not yet finalised by the Minister and as a new Council was elected in March 2008, it is considered appropriate that such a significant strategy/policy document be withdrawn back from the State Government for review and further consideration.

Through the recent local government election, the local community has raised concerns regarding the level of predicted population growth, identified new development areas and sequencing / timing of this predicted growth in the City to 2026.

Furthermore, Council has been recently advised (at officer level) by the State that it will defer finalisation of Redland City Council's draft LGMS to enable Council time to review its position and provide advice back to the State on its strategic intent for input into the SEQ Plan Review.

Cr Bowler returned to the meeting at 5.44 pm.

### **COUNCIL RESOLUTION**

Moved by: Cr Hobson

**That Council write to the Deputy Premier and Minister Infrastructure & Planning and advise that the draft Local Growth Management Strategy (LGMS) together with the accompanying Planning Study & Schedule of Implementation Activities documents, as submitted to the State Government in June 2007 (for first State interest review) and in January 2008 (revised in response to the First State Interest Comments) are being withdrawn by the new Redland City Council for review and reconsideration of the strategies for growth management in the City to 2026. Council in due course will resubmit a response to the State Government for reconsideration.**

**CARRIED** (unanimously)

### 16.3 ADMINISTRATIVE DELEGATION

#### Background

At the post-election meeting held on 1 April 2008, Council unanimously resolved to delegate authority to the Mayor to deal with the administrative arrangements regarding employment conditions and performance management matters pertaining to the Chief Executive Officer in accordance with Section 1129 of the *Local Government Act 1993*.

#### **COUNCIL RESOLUTION**

Moved by: Cr Hobson

**That Council resolve to delegate full and complete authority to the Mayor to deal with all matters relating to the employment of the Chief Executive Officer, including matters relating to the cessation of that employment.**

**CARRIED**

### 17 MEETING CLOSURE

The meeting closed at 5.52 pm.

Signature of Chair: \_\_\_\_\_

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