



Redland
SHIRE COUNCIL

MINUTES

GENERAL MEETING

**Wednesday 30 January 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 4.00pm.

2 DEVOTIONAL SEGMENT

Rev. Bruce Warren, from the Redland Ministers' Fellowship, led Council in a brief devotional segment.

3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

MEMBERS PRESENT:

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

EXECUTIVE LEADERSHIP GROUP:

Mrs S Rankin	Chief Executive Officer
Mr M Goode	General Manager Customer Services
Mr R Turner	General Manager Corporate Services
Mr G Underwood	General Manager Planning and Policy

MINUTES:

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

Moved by:	Cr Dowling
Seconded by:	Cr Beard

That the minutes of the General Meeting of Council held on 19 December 2007 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 petition will be presented to the April 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 April 2008 Planning and Policy Committee meeting.

5.1.3 PETITION (DIVISION 4) – REQUESTING COUNCIL UNDERTAKE A REVIEW OF PARKING AND SECURITY AT VICTORIA POINT

At the General Meeting of 28 November 2007, Council resolved that the petition requesting Council to undertake a review of parking and security at Victoria Point with a view to obtaining securing improvement program funding to upgrade lighting and other measures, 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 February 2008 Planning and Policy Committee meeting.

5.1.4 REQUEST FOR PROGRESS REPORT - UNDERGROUNDING OF POWERLINES

At the General Meeting of 28 November 2007, Council resolved that a report be presented to Council on the progress made with Energex regarding undergrounding of powerlines in selected areas.

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

5.1.5 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 matter will be presented to the May 2008 Planning and Policy Committee meeting.

5.1.6 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 matter will be presented to the May 2008 Planning and Policy Committee meeting.

6 PUBLIC PARTICIPATION

MOTION TO ADJOURN MEETING

Moved by: Cr Dowling
Seconded by: Cr Henry

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

CARRIED

1. Ms M Hobson of Wellington Point, representing Redlands Tourism, addressed Council in relation to Item 10.1.1 – Tourism Industry Working Party.
2. Mr C McInnes of Lamb Island, addressed Council in relation to Item 10.1.1 – Tourism Industry Working Party.

MOTION TO RESUME MEETING

Moved by: Cr Barker
Seconded by: Cr Ogilvie

That the proceedings of the meeting resume.

CARRIED

7 PETITIONS/PRESENTATIONS

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

Moved by: Cr Henry
Seconded by: Cr Bowler

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 request 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.”

CARRIED

7.2 CONFERENCE REPORT – (CR BOWLER, DIVISION 6) – QUEENSLAND TRANSPORT CYCLING CONGRESS 2007

Cr Bowler presented a brief report to Council on her attendance at the recent Queensland Transport Cycling Congress 2007 held at the Brisbane Marriott Hotel, 22-23 November 2007.

The purpose of the congress was to promote the planning and delivery of best practice cycling infrastructure in the future.

The first day of the congress consisted of the launch of the South East Queensland Principal Cycle Network Plan, a review of the Cycle Network Program, as well as an overview of the TravelSmart Brisbane North Project. Local Governments also showcased their project achievements in order to boost cycling in their local area, as well as to enhance the quality of future projects.

The second day consisted of a planning day, involving a review of regional priorities, as well as a presentation on the ‘Best Practice in the Northern Hemisphere’. A workshop regarding Key Count Data Collection Points was also held.

7.3 CONFERENCE REPORT – (CR BOWLER, DIVISION 6) – LOCAL GOVERNMENT SUSTAINABLE DEVELOPMENT 2007

Cr Bowler presented a brief report to Council on her attendance at the Local Government Sustainable Development 2007 conference held at the Hilton on the Park Hotel, Melbourne, 11-12 September 2007.

Day 1 Sessions included:

- Reducing the carbon footprint of local government;
- Working together to achieve world best practice in emissions reductions;

- Local action on climate change; and
- Mobilising and engaging the local community.

Day 2 Sessions included:

- Water planning;
- Built environment initiatives; and
- Waste initiatives.

8 ORDER OF BUSINESS

Moved by: Cr Dowling
Seconded by: Cr Burns

- That a late item, *Alleged Breach of Councillor Code of Conduct*, be received and discussed as item 14.1.6.
- That a late item, *Public Notification – South East Thornlands Structure Plan*, be received and discussed as item 17.1.1.

CARRIED

9 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEMS OF BUSINESS

Cr Seccombe declared a conflict of interest in Item 10.1.2 – *Review of Leasing of Council Land Policy*, as president of the Redlands Sporting Club, and left the chamber prior to discussion and for the decision on this item.

Cr Bowler left the chamber prior to discussion and for the decision on Item 14.1.5 – *Ombudsman’s Report – Investigation Report under Section 501E*.

Cr Elliott left the chamber for the majority of the discussion and for the decision on Item 14.1.6 - *Alleged Breach of Councillor Code of Conduct*.

10 PLANNING & POLICY COMMITTEE 22/01/08 - RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Burns
Seconded by: Cr Dowling

That the Planning & Policy Committee Report of 22 January 2008 be received.

CARRIED

DECLARATION OF OPENING

Cr Burns declared the meeting open at 2.00pm.

RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

Members Present

Cr J L Burns	Chairperson and Councillor Division 5
Cr D H Seccombe	Mayor
Cr A G Barker	Councillor Division 1
Cr C B Ogilvie	Councillor Division 2
Cr D A Henry	Councillor Division 3 – entered at 2.01pm
Cr P J Dowling	Deputy Mayor and Councillor Division 4
Cr T Bowler	Councillor Division 6 – entered at 2.04pm
Cr M A Elliott	Councillor Division 7 – entered at 2.04pm
Cr A R Beard	Councillor Division 8
Cr H J Murray	Councillor Division 10 – entered at 2.04pm

Committee Manager

Mr G Underwood	General Manager Planning and Policy
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Officers

Mrs S Rankin	Chief Executive Officer
Mr A Burgess	Manager Economic Development
Ms J Sommer	Tourism Development Coordinator
Mr G Photinos	Manager Environmental Management
Mr D Carter	Senior Advisor Natural Environment
Mr S Fitzsimmons	Advisor Biodiversity Planning
Ms R Bonnin	Manager Community and Social Planning
Mr P Mayes	Senior Advisor Sport & Recreation
Mr D Elliott	Manager Infrastructure Planning
Mr S Hill	Acting Manager Land Use Planning
Mrs J Saunders	Strategic Planning Advisor

Minutes

Mrs J Parfitt	Corporate Meetings & Registers Officer
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APOLOGY

Moved by: Cr Seccombe
Seconded by: Cr Beard

That an apology be noted for Cr Williams.

CARRIED

PUBLIC PARTICIPATION AT MEETING

Moved by: Cr Dowling
Seconded by: Cr Beard

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

CARRIED

- Ms M Hobson, representing Wellington Point Bed & Breakfast and Deputy Chair Redlands Tourism, addressed Committee in relation to Item 1.1 – Tourism Industry Working Party.

Moved by: Cr Seccombe
Seconded by: Cr Beard

That the meeting resume.

CARRIED

DECLARATION OF INTEREST

Cr Seccombe declared a conflict of interest in Item 1.2 *Review of Leasing of Council Land Policy*, as President of the Redlands Sporting Club, and left the meeting during discussion and decision on this item.

MOTION TO ALTER THE ORDER OF BUSINESS

Nil.

Cr Elliott left the meeting at 2.58pm during discussion on item 1.7 and returned at 4.27pm during discussion on item 1.10.

10.1 PLANNING AND POLICY

10.1.1 TOURISM INDUSTRY WORKING PARTY

Dataworks Filename:	Redland Shire Visitor Services Strategy
Attachments:	<u>Tourism Industry Working Party Report - Calais Consultants</u>
Responsible Officer Name:	Alan Burgess Manager Economic Development
Author Name:	Jan Sommer Tourism Development Coordinator

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 and to address the recommendations of the report, Council resolved at the General Meeting in October to establish a Tourism Industry Working Party (TIWP). Council approved the membership of the TIWP at the November General Meeting.

The TIWP was specifically requested to consider the following:

- Definition of roles and responsibilities of Council and Local Tourism Organisations for tourism in Redland Shire;
- 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 Redland Shire with cohesiveness, one direction, vision, strategic planning and unity being 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 Redland Shire at this time is a strong industry / local government partnership.

In addition to the structure, the TIWP unanimously agreed on the following direction for tourism in the Redland Shire:

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

It is proposed that 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 report of the TIWP, prepared by the consultant following the meeting, was circulated to the participants one week following the meeting.

A meeting of the Visitor Services subcommittee, as determined by the TIWP, to discuss the hierarchy of visitor services as recommended in the Visitor Services Strategy was scheduled for Tuesday 8 January 2008.

The TIWP will continue to meet to discuss the recommendations of the Review of Visitor Services until the Tourism Advisory Board is appointed.

PURPOSE

To present the recommendations of the Tourism Industry Working Party (TIWP), established as an outcome of the Visitor Services Strategy to consider the recommendations of the Review of Visitor Services as requested at the October General Meeting. 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 Redland Shire 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 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 for visitor services in the Redland Shire, wider concerns were aired that were detailed in the Review of Visitor Services Report.

These included:

- Vision for the future;
- State of the industry;
- Visitor services;
- Marketing tools, eg, printed collateral and websites; and
- Signage

These concerns 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, 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).

Due to Satwant Calais' long term international and interstate commitments in November the meeting of the TIWP 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.

ISSUES

The majority of TIWP participants stressed the importance of resolving the big issues during the one on one discussions with the facilitator. The consensus was once the strategic direction is determined, including structure, roles and responsibilities, then the other issues concerning visitor services, marketing tools and monitoring could be appropriately addressed.

The limited availability of North Stradbroke Island Visitor Guides was discussed in light of the recommendation to rationalise marketing tools such as printed collateral. To ensure availability of supplies for marketing activities in 2008, the meeting resolved, as an interim measure, that the publication of the guide should proceed by Redlands Tourism.

The TIWP will continue to meet to discuss the recommendations of the Review of Visitor Services until the Tourism Advisory Board is appointed.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to enhance employment participation and the community's standard of living through encouraging economic development opportunities.

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 vehicles.

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 (TAB) 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.

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 Tourism Industry Working Party, appointed by Redland Shire Council, unanimously agreed to the outcomes of the workshop discussions as presented in the report. All members of the working party received a copy of the report on receipt from the consultant.

- Mayor Don Seccombe
- Cr Craig Ogilvie
- Cr Karen Williams
- John Conley
- Graeme Leishman
- David Thomson
- Melva Hobson
- Colin McInnes
- Suzanne Deed
- Juliette Lally
- Marianna Tigani
- Jason Thomas
- Garth Bell
- Heather Truman
- Alan Burgess
- Jan Sommer

OPTIONS

PREFERRED

1. That a Tourism Advisory Board be established and structured as follows:

- Chair: Redland City Councillor
- Secretary: Tourism Development Coordinator

- Members
Four (4) private sector specialists:
 - Tourism
 - Strategy
 - E Marketing
 - Entrepreneur/business development

Three (3) private tourism operators representing the following precincts:

- North Stradbroke Island
- Southern Moreton Bay Islands
- Mainland

One (1) representative of Redlands Tourism Inc

2. That expressions of interest be called for membership of the Tourism Advisory Board in April 2008.

ALTERNATIVE

That Council resolve not to appoint the Tourism Advisory Board.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. That a Tourism Advisory Board be established and structured as follows:

- Chair: Redland City Councillor
- Secretary: Tourism Development Coordinator

- Members
Four (4) private sector specialists:
 - Tourism
 - Strategy
 - E Marketing
 - Entrepreneur/business development

Three (3) private tourism operators representing the following precincts:

- North Stradbroke Island
- Southern Moreton Bay Islands
- Mainland

One (1) representative of Redlands Tourism Inc

2. That expressions of interest be called for membership of the Tourism Advisory Board in April 2008.

COMMITTEE RECOMMENDATION

That Council resolve as follows:

1. That the Officer's Recommendation not be adopted;
2. That Council note this report;
3. That the working group be asked to continue their work in finalising the strategic actions requested from the Council resolution of 31 October 2007; and
4. That a workshop be held to discuss this matter in the new term.

COUNCIL RESOLUTION

Moved by: Cr Williams

Seconded by: Cr Ogilvie

That Council resolve as follows:

1. **That the Committee Recommendation not be adopted;**
2. **That the Tourism Working Party's recommendation to establish an Advisory Board be accepted and structured as follows:**
 - **Chair: Redland City Councillor**
 - **Secretary: Tourism Development Coordinator**
 - **Members**
 - Four (4) private sector specialists:**
 - **Tourism**
 - **Strategy**
 - **E Marketing**
 - **Entrepreneur/business development**
 - Three (3) private tourism operators representing the following precincts:**
 - **North Stradbroke Island**
 - **Southern Moreton Bay Islands**
 - **Mainland**
 - One (1) representative of Redlands Tourism Inc**
3. **That until the proposed Board structure is in place, the current tourism working group be asked to immediately continue their work in finalising the strategic actions requested from the Council resolution of 31 October 2007; specifically to deliver:**
 - a. **A draft outline of roles and responsibilities for Council and the Advisory Board;**
 - b. **Draft objectives of the proposed Advisory Board;**

- c. The proposed composition arrangements, nomination and appointment process of the proposed Advisory Board; and
 - d. Results of sub committees investigations.
- 4. That a report outlining these actions be brought back to Council before 30 April 2008.

CARRIED

Cr Seccombe declared a conflict of interest at the Planning & Policy Committee, as President of the Redlands Sporting Club, and left the meeting for discussion and decision on the following item.

Cr Seccombe declared a conflict of interest in the following item at the General Meeting, vacated the Chair, and left the meeting prior to discussion and for the decision on the following item. Cr Dowling presided.

10.1.2 REVIEW OF LEASING OF COUNCIL LAND POLICY

Dataworks Filename: Policy - Leasing of Council Land

Attachments: [Leasing of Council Land/Facilities - Discussion Paper](#)
[List of Current Land Leased to Community Organisations](#)
[Summary of Other Local Government Leasing Policies](#)
[Planning Considerations in Leasing Council Land Leasing Process](#)
[Draft Policy Document – POL-3071](#)

Responsible Officer Name: Roberta Bonnin
Manager - Community & Social Planning

Author Name: Paul Mayes
Senior Advisor Sport and Recreation

EXECUTIVE SUMMARY

Council's current policy, CSAS 003 – 'Leasing of Council Land' was adopted by Council in 1994. A new policy is required to acknowledge the partnership approach between Council and the community in managing land and facilities and promoting the sustainability of community, cultural, sport and recreation organisations.

In reviewing the Leasing of Council Land Policy, Council partnered with Logan City and Noosa Shire Council to assess practices for making Council-owned or controlled land available for use by community and sport and recreation organisations. The review, (undertaken by external consultants), workshops with Council officers and Council's Corporate Plan provided Council with basis for a discussion paper.

The discussion paper has been workshopped with staff and ELG and a new policy statement prepared. It is recommended that CSAS003 be declared obsolete and that new POL 3071 Leasing of Council Land and Facilities be adopted. It is further recommended that the provisions within the Discussion Paper and included in Table 1 of this report be endorsed by Council for inclusion as direction for leasing in future guidelines, procedures and fees and charges.

PURPOSE

The purpose of this report is to seek Council adoption of Corporate Policy POL 3071 Leasing of Council Land and Facilities and declare obsolete the current policy CSAS003. In addition, Council endorsement is sought for the provisions as detailed in Table 1 as direction for leasing in future guidelines, procedures and fees and charges.

BACKGROUND

The size and scale of many of the Shire's community, sporting, cultural and recreational organisations have changed significantly since 1994 and the provisions of the existing current Policy CSAS003 do not reflect the changed circumstances of many organisations. Many organisations have expanded over the past decade and now hold full liquor licenses and/or gaming licences. Other organisations struggle to attract volunteers to manage their program and maintain their clubs assets.

The Leasing of Council Land/Facilities Discussion Paper January 2008 (attached) has been prepared to lead the discussion on issues associated with leasing Council property as part of the review of the existing policy. The paper has drawn on a report commissioned by Redland Shire Council, Logan City Council and Noosa Shire Council which reviewed practices for making Council-owned or controlled land available for use by community sport and recreation organisations.

Key findings from Australian and international government land management agencies indicated very different policies based on their philosophy, objectives and their total asset management systems. No two councils manage the provision of community facilities in the same way. A summary of local government leasing policies is provided as an attachment in the Discussion Paper

Risk and asset management considerations differentiate many leasing policies. Some councils take on all the responsibility for the maintenance of the assets whereas other councils devolve the significant burden of responsibilities to the lessee, and specify within the lease the standard to which the lessee must maintain the facilities. This issue is closely tied to risk management and the capacity of the community organisations. There is a current trend whereby some local governments undertake a greater role in asset management or build the capacity of the organisations to better manage their assets through organisational development and asset management plans.

Council's 2006-2010 Corporate Plan quadruple bottom line approach to sustainable decision-making and management provides the formal framework for the construction of the proposed Leasing of Council Land and Facilities Policy (attached). These four elements, Social, Economic, Environment and Governance provide perspectives regarding:

1. the recognition of community service obligations and volunteering
2. cost recovery and affordability
3. best use of land and facilities to cater for a broad range of activities
4. sound management and long term sustainability

Policy Amendments

The new policy recommendations have been developed from a comprehensive review of issues and trends to establish a balanced view in line with the elements of the quadruple bottom line. A summary of the existing and proposed leasing policy changes are listed below:

Table 1

Existing Leasing Policy Provisions	Proposed Leasing Policy Provisions
<p>Lease Area Restricted to the footprint of the building (unless a specialist activity eg tennis, golf, bowling green)</p>	<p>Lease Area</p> <ul style="list-style-type: none"> - Lease the footprint of the building only (with connected outdoor food and licenced beverage area if applicable) <p>Lease to be granted over the full site where exclusive or potentially hazardous activity occurs eg golf club, bowls club, museum, tennis courts etc</p> <ul style="list-style-type: none"> - Permit to Occupy for use of activity areas outside the footprint (ie. associated fields and courts) - New organisation to commence with a Permit to Occupy to demonstrate capacity to manage - Community consultation is required for new leases over Council open space if secondary use is triggered or impact assessable development is proposed.
<p>Lease Term Lease - 20 years Permit to Occupy – individual case basis (1 to 5 years)</p>	<p>Lease Term The period of standard lease term be up to 10 years, 20 years or 30 years as required - where the lessee invests significant funds into infrastructure or leases for emergency services</p> <p>Permit to Occupy – individual case basis (1 to 5 years)</p>
<p>Fees and Charges</p> <ul style="list-style-type: none"> - Application fee of up to \$500 may be requested - Flat Lease fee of \$1 for all 	<p>Fees and Charges</p> <ul style="list-style-type: none"> - Application fee removed - Lease Fee based on Category: A: \$1 per year (no liquor license)

Existing Leasing Policy Provisions	Proposed Leasing Policy Provisions
<p>organisations</p> <ul style="list-style-type: none"> - General Rate applied to organisations with a full Liquor Licence 	<ul style="list-style-type: none"> B: \$1 per year (restricted liquor licence) C: \$500 per year (full liquor licence) D: \$100 per machine per year for 30 or less gaming machines E: \$125 per machine per year for more than 30 gaming machines plus all costs associated with maintenance and mowing of the lease and permit areas (ie all fields and carparks) <ul style="list-style-type: none"> - General Rate applied to organisations with a full Liquor Licence.
<p>Asset Management / Maintenance Responsibilities</p> <ul style="list-style-type: none"> - The lessee is to maintain the leased area to the satisfaction of Council. - General understanding mowing and maintenance costs outside lease area to be negotiated between Council the Lessee with financial contribution from Council. - Council pays for water use outside of lease area 	<p>Asset Management / Maintenance Responsibilities</p> <ul style="list-style-type: none"> - The lessee is to maintain the leased area to the satisfaction of Council. - Mowing and maintenance costs outside lease area to be negotiated between Council the Lessee with financial contribution from Council. - Responsibilities and financial contributions to be documented in the Permit to Occupy. - Council to manage water on sportsfields through Central Control System, pay for water and compliance requirements of water restrictions (under current water supply arrangements) - Club to maintain all sport specific assets and Council to maintain general park assets.
<p>Leasing Conditions Not specified</p>	<p>Leasing Conditions</p> <ul style="list-style-type: none"> - Annual reports will be required (which include membership and participation numbers and community benefit statement), - Five year Development and Risk Management Plans will be required - New guidelines to be developed for lessees on landfill sites.

ISSUES

Careful consideration has been given by senior officers to the financial impacts on all clubs in light of new fees and charges. Annual reports obtained through Office of Fair Trading for clubs with liquor licences or gaming machines have been used to model the proposed fees in relation to net annual profits, ongoing revenue capacity and longer term financial positions. The three proposed lease terms and the permit to occupy are designed to provide appropriate tenure to meet the planning horizons and infrastructure investment of clubs and organisations and satisfy state government funding requirements. Consultation has occurred with individual clubs in relation to lease terms, asset management/maintenance responsibilities and leasing conditions but not fees and charges.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

There will be resourcing implications for Council; however, this is expected to be offset by the increased revenue to Council from the collection of annual fees. The lease fee revenue proposed through new A – E fee category will return approximately \$60,000 annually to Council. It is proposed that Implementation of the new policy will be staged to provide sufficient time for Council and clubs to allocate the required resources to implement the proposed changes.

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

Community & Social Planning has consulted with:

- Executive Leadership Group
- Land Use Planning
- Property Services
- Leisure & Recreation Services
- Community Development
- Asset Management
- Environmental Management
- Rating Services
- Parks & Conservation
- Risk Management
- Cultural Services

OPTIONS**PREFERRED**

That Council resolve to:

1. Adopt the Corporate Policy POL-3071, Leasing of Council Land and Facilities and declare CSAS003 obsolete; and
2. Endorse the provisions as indicated in Table 1 as direction for future leasing guidelines, procedures and fees and charges.

ALTERNATIVE

That Council resolve not to adopt Corporate Policy 3071 Leasing of Council Land and Facilities so that additional research can be undertaken.

OFFICER'S RECOMMENDATION

That Council resolve to:

1. Adopt the Corporate Policy POL-3071, Leasing of Council Land and Facilities and declare CSAS003 obsolete; and
2. Endorse the provisions as indicated in Table 1 as direction for future leasing guidelines, procedures and fees and charges.

COMMITTEE RECOMMENDATION

That Council resolve as follows:

1. That the Officer's Recommendation not be adopted; and
2. That this item be presented to a Councillor workshop.

ADDENDUM – 29 JANUARY 2008

At the Planning & Policy Committee meeting of 22 January 2008, this item was deferred to a Councillor workshop for further discussion.

After consideration at the workshop, the following amendments are proposed to the report and attachments:

1. Remove from Table 1 of the report under Fees and Charges in Category E the words....."*plus all costs associated with maintenance and mowing of lease and permit areas (ie all fields and carparks)*."
2. Add a new dot point in Table 1 of the report under Fees and Charges in both columns "*Service Charges apply to all leases*".
3. The above changes also need to be made on page 22 of the Discussion Paper Attachment

4. The Leasing Process Attachment requires title on page 1 to be amended to read *"Request from new club for lease or reassignment of existing lease on Council land"*

Council is now presented with the amended documents and the following revised recommendation for consideration:

REVISED OFFICER'S RECOMMENDATION

That Council resolve to:

1. Adopt the Corporate Policy POL-3071, Leasing of Council Land and Facilities and declare CSAS003 obsolete; and
2. Endorse the provisions as indicated in Table 1, as amended, as direction for future leasing guidelines, procedures and fees and charges.

COUNCIL RESOLUTION

Moved by: Cr Burns
Seconded by: Cr Barker

That Council resolve to:

1. **Adopt the Corporate Policy POL-3071, Leasing of Council Land and Facilities and declare CSAS003 obsolete; and**
2. **Endorse the provisions as indicated in Table 1, as amended, as direction for future leasing guidelines, procedures and fees and charges.**

Cr Bowler left the meeting at 4.45pm.

AMENDMENT MOTION

Moved by: Cr Williams
Seconded by: Cr Beard

That point 2 be amended to read:

2. **Endorse the provisions as indicated in Table 1, as amended, as direction for future leasing guidelines, procedures and fees and charges. An additional amendment to item 2 in respect of categories D & E which caps fees on the poker machine levy to 4% of net profit based on the prior year's financial return or whichever is the lesser amount.**

Moved by: Cr Elliott
Seconded by: Cr Burns

That the amendment be put.

CARRIED

On being put to the vote the amendment was **CARRIED**.

A division was called for.

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

Crs Beard, Burns and Dowling voted in the negative.

Crs Seccombe and Bowler were not present when this motion was put.

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

The motion with the amendment became the motion and was put as follows:

That Council resolve to:

- 1. Adopt the Corporate Policy POL-3071, Leasing of Council Land and Facilities and declare CSAS003 obsolete; and**
- 2. Endorse the provisions as indicated in Table 1, as amended, as direction for future leasing guidelines, procedures and fees and charges. An additional amendment to item 2 in respect of categories D & E which caps fees on the poker machine levy to 4% of net profit based on the prior year's financial return or whichever is the lesser amount.**

CARRIED

Cr Seccombe returned to the meeting and resumed the Chair.

10.1.3 PETITION (DIV 4) ROADWORKS IN OOYAN ST, COOCHIEMUDLO ISLAND

Dataworks Filename: RTT: Capital Works Program
Attachments: [Red-e-map image of Ooyan Street, Coochiemudlo Island](#)
Responsible Officer Name: David Elliott
Manager Infrastructure Planning
Author Name: Len Purdie
Senior Advisor Capital Project Programming

EXECUTIVE SUMMARY

A petition has been received by Council to include Ooyan Street, Coochiemudlo Island in the current roadworks program.

At the General Meeting of 26 September 2007, Council resolved that the petition be received and referred to the appropriate area for consideration and a report to a future Planning and Policy committee meeting.

PURPOSE

To prepare a response to a petition from residents requesting that Council include Ooyan Street, Coochiemudlo Island in the current roadworks program.

BACKGROUND

At the General Meeting of 26 September 2007, Council resolved that the petition be received and referred to the appropriate area for consideration and a report to a future Planning and Policy committee meeting.

Council has recently completed roadworks on Coochiemudlo Island including the sealing of Victoria Parade, Innes Street and Nama Street. Ooyan Street links between these sealed roads.

ISSUES

Council is committed to sealing roads on Coochiemudlo Island. However, this is a slow process with a limited budget, so it is necessary to prioritise the roads that are sealed each year.

Ooyan Street is the last road requiring sealing in this precinct. However, it has a priority of 14 out of 23 remaining roads on the Island and cannot be included within Council's 10 Year Capital Program without removing works of a higher priority.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report 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

The estimated cost of sealing Ooyan Street, Coochiemudlo Island is \$110,000.

PLANNING SCHEME IMPLICATIONS

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

CONSULTATION

The Divisional Councillor was consulted regarding the report and supports the recommendation.

OPTIONS

PREFERRED

That Council resolve as follows:

1. That Ooyan Street, Coochiemudlo Island has a low priority for sealing in relation to other roads on the Island and cannot be funded within Council's 10 Year Capital Program at this time; and
2. That the principal petitioner be advised of Council's resolution in this matter.

ALTERNATIVE

No alternative suggested.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Burns

Seconded by: Cr Beard

That Council resolve as follows:

1. **That Ooyan Street, Coochiemudlo Island has a low priority for sealing in relation to other roads on the Island and cannot be funded within Council's 10 Year Capital Program at this time; and**
2. **That the principal petitioner be advised of Council's resolution in this matter.**

CARRIED

Cr Elliott voted in the negative.

10.1.4 PETITION (DIV 5) - REQUEST COUNCIL PROVIDE BITUMEN SEAL TO ROADS ON PERULPA ISLAND

Dataworks Filename: RTT: Capital Works Program
Attachment: [Aerial Photo - Blue Bay Crescent, Perulpa Island](#)
Responsible Officer Name: David Elliott
Manager Infrastructure Planning
Author Name: Len Purdie
Senior Advisor Capital Project Programming

EXECUTIVE SUMMARY

A petition has been received by Council to provide a bitumen seal to the roads on Perulpa Island, namely Blue Bay Crescent and Calm Waters Crescent. At the General Meeting of 31 October 2007, Council resolved that the petition be received and referred to the appropriate area for consideration and a report back to Council.

PURPOSE

To prepare a response to a petition from residents requesting that Council provide bitumen seal to roads on Perulpa Island.

BACKGROUND

A number of residents on Perulpa Island (refer to attached map), have requested bitumen sealing of roads on Perulpa Island, namely Blue Bay Crescent and Calm Waters Crescent to remedy the dust nuisance caused by increasing levels of traffic.

As there is no traffic count information for the island road usage was determined principally from a desktop assessment based on the number of dwellings along these roads and likely visitors.

ISSUES

Council is committed to sealing roads on the Southern Moreton Bay Islands (SMBI). This is a slow process with a limited budget, so it is necessary to prioritise the roads that are sealed each year.

In reviewing the requested streets, Blue Bay Crescent and Calm Waters Crescent, the number of existing dwellings in the area is well under the total that can ultimately be built, but sufficient for consideration. This area also attracts visitors, resulting in increased traffic.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report 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

The estimated cost of sealing Blue Bay Crescent and Calm Waters Crescent is \$280,000

PLANNING SCHEME IMPLICATIONS

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

CONSULTATION

The Divisional councillor was consulted regarding the report and supports the recommendation.

OPTIONS

PREFERRED

That Council resolves as follows:

1. To list the sealing of Blue Bay Crescent and Calm Waters Crescent for consideration in 2009/10 budget;
2. That other roads on Perulpa Island be considered in future budgets based on priorities for sealing of other roads on the Southern Moreton Bay Islands; and
3. That the principal petitioner be advised of Council's resolution in this matter.

ALTERNATIVE

No other alternative suggested.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Burns

Seconded by: Cr Beard

That Council resolve as follows:

- 1. To list the sealing of Blue Bay Crescent and Calm Waters Crescent for consideration in 2009/10 budget;**
- 2. That other roads on Perulpa Island be considered in future budgets based on priorities for sealing of other roads on the Southern Moreton Bay Islands; and**
- 3. That the principal petitioner be advised of Council's resolution in this matter.**

CARRIED

Cr Elliott voted in the negative.

10.1.5 OLD COMMUTER JETTY IN WEINAM CREEK

Dataworks Filename: RTT Marine facilities
Responsible Officer Name: David Elliott
Manager Infrastructure Planning Group
Author Name: Michael Pattinson
Senior Advisor Investigations

EXECUTIVE SUMMARY

The Old Commuter jetty within Weinam Creek no longer plays a pivotal role in marine transport since the construction of the new facility several years ago.

Queensland Police currently utilise the Weinam Creek Marina to moor their two vessels which is not practical due to the constraints of the facility.

It is proposed to negotiate the transfer of the Old Commuter jetty and waiting area to the Queensland Police for their exclusive use.

PURPOSE

To seek permission from Council to negotiate the transfer of the old commuter jetty in Weinam Creek to the Queensland Police.

BACKGROUND

This existing fixed jetty within Weinam Creek was used as the commuter facility to the Southern Moreton Bay Islands prior to the construction of the new facility. The structure is now used for the refuelling of BITS ferries and the odd recreational boat owner.

BITS is currently in the process of obtaining approvals to construct a new refuelling structure adjoining the new facilities.

The Queensland Police Service has expressed an interest in obtaining the asset to moor their two vessels, improve access and facilitate storage of materials.

The onshore portion of the facility, including access, is located on Council freehold land. The jetty itself is on unallocated State land.

ISSUES

1. An existing floating pontoon within Weinam Creek already provides recreation boats with an access point. This floating pontoon is currently budgeted for replacement next financial year. The old commuter jetty will then have no further use to the public.
 2. Transfer of the property to Queensland Police would be dependent on BITS relocating their refuelling facility to the new commuter facility. Council has already approved the relocation of the existing fuel facility.
-

3. The Queensland Police currently have two boats moored at the Weinam Creek marina. The facility does not meet their needs, with access via ladders being difficult especially for boat maintenance.
4. The Weinam Creek marina was not constructed for commercial vessels.
5. The old commuter facility would provide a much larger area and better access for Queensland Police.
6. The structure is approximately 20 years old and in reasonable condition and currently has no major maintenance concerns. Maintenance is expected to significantly rise in future years.
7. Developed commercial berthing areas are difficult to acquire and therefore it is expected that some benefit could be negotiated with the Queensland Police for the transfer of the asset.
8. Access to the jetty is over Council freehold land. Transfer of or granting a lease over the access land to Queensland Police Services would be required in the event of the jetty disposal.

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

The asset has a written down value of \$66,780, with an estimated replacement cost of \$143,100 according to Council's asset records. It is proposed that the asset be transferred for market value which may differ from the estimated replacement cost which appears to be on the low side.

PLANNING SCHEME IMPLICATIONS

The only reference to the Old Commuter Jetty in the Redland Bay Centre & Foreshore Master Plan and Report states that as a long term strategy "Obsolete Water Taxi area reconfigured to provide marine activity based opportunities". The proposal fits with the objectives of the Master Plan for the area.

CONSULTATION

The following persons were consulted; General Manager Planning & Policy, Manager Facility Services, Manager Infrastructure Planning Group and Councillor for Division 5.

OPTIONS

PREFERRED

That Council resolve to:

1. Approve the disposal of the Old Commuter Jetty facility to the Queensland Police Services;
2. Obtain a market valuation of the asset;

3. Authorise the Chief Executive Officer to negotiate and settle the terms for the transfer of the asset; and
4. Authorise the Mayor and Chief Executive Officer to sign all documents associated with the transfer of the asset.

ALTERNATIVE

That Council retains the asset and Queensland Police Services continue to use the existing facilities.

Cr Seccombe returned to the Planning & Policy Committee Meeting at 2.54pm.

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

Moved by: Cr Burns
Seconded by: Cr Beard

That Council resolve to:

1. **Approve the disposal of the Old Commuter Jetty facility to the Queensland Police Services;**
2. **Obtain a market valuation of the asset;**
3. **Authorise the Chief Executive Officer to negotiate and settle the terms for the transfer of the asset; and**
4. **Authorise the Mayor and Chief Executive Officer to sign all documents associated with the transfer of the asset.**

CARRIED

Cr Elliott voted in the negative.

10.1.6 INTERIM VEGETATION PROTECTION ORDER - 68 COLLINGWOOD ROAD, BIRKDALE

Dataworks Filename: EM Vegetation Protection

Attachments: [Proposed VPO 68 Collingwood Road](#)
[VPO Application form for 68 Collingwood Road](#)

Responsible Officer Name: Gary Photinos
Manager- Environmental Management

Author Name: Dan Carter
Senior Advisor Natural Environment
Leo Newlands
Advisor-Reserve Management

EXECUTIVE SUMMARY

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

Prior to this vegetation protection order application, an application has been submitted to Council for reconfiguration of one lot at 68 Collingwood Road into two. One of the allotments included two *Eucalyptus tereticornis* trees.

This report and appendices outline the rationale and considerations for the proposed Interim Vegetation Protection Order for the two trees identified to be made by Council.

PURPOSE

That Council resolve to make an Interim 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).

BACKGROUND

- An application for a Reconfiguration of a Lot application was lodged on the 12th 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 Shire Council Local Law 6 (Protection of Vegetation) provides for the protection of vegetation through Vegetation Protection Orders. The owner of the property has now made an application for a Vegetation Protection Order for two *Eucalyptus tereticornis* trees on one of the proposed allotments.

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 VPOs for 'significant vegetation' (defined under LL6) on private land. This request for VPO must be assessed by council and by resolution for an interim VPO be placed 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 by qualified person 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 will be subsequently presented to Council for a decision on the whether the VPO is confirmed.

GROUND'S FOR THE VEGETATION PROTECTION ORDER

The resident in his application for VPO has stated the grounds for the application was the vegetation has 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 Shire 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 thus initiated this VPO.

SIZE OF BLOCK AND EXISTING TREE PROTECTION

The application is for a one into two lot reconfiguration. The lot containing the existing house will be on a lot 397m² in size, the balance corner lot which will encompass the two trees will be 400m² in size. Given the size of the lot, both trees will likely fall within 10 metres of a proposed building and are both within 3 metres of the fencing. Further, the size of the allotment does not trigger LL6 for providing tree protection in this instance. Existing protection for these trees presently is temporary under the development application process.

SAFETY

Eucalyptus tereticornis are considered to cause conflict with property owners and the public because of their propensity to drop large limbs in storms. The VPO will not

stop future owners applying for a permit for removal or trimming if the trees show signs of stress or damage from storms.

TIMING OF VPO

An application for a vegetation protection order can be made by any member of Council or public for the protection of vegetation on private land. On approval by council an interim VPO will be placed over the trees or vegetation and will remain in force for a period of 6 months in which time all information including expert reports must be finalised in order to secure the VPO.

CONDITIONS

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 finalised VPO will require a set of conditions that afford a level of regard for the trees' long term viability. These will need to be developed by a qualified arborist during the interim VPO period.

Subordinate Local Law No. 6 permits for damage to protected vegetation under the following circumstances:-

- if the damage is reasonably necessary for carrying out work authorised or required under an Act:-

Examples:-

- road, water supply, sewerage or drainage work for which all necessary statutory approvals have been obtained;
 - work authorised by development approval;
- if the damage is:-
 - within ten (10) metres of a constructed dwelling house lawfully in existence at the date of commencement of this Local Law;
 - within three (3) metres of a building or structure (other than a dwelling or fence) or the foundations of a building or structure (other than a dwelling or fence) lawfully in existence at the date of commencement of this Local Law;
 - within three (3) metres of the site of a proposed building or structure (other than fence) in respect to which a development permit or preliminary approval has been granted under the provisions of the Integrated Planning Act 1997 (as amended from time to time) to the carrying out of work pursuant to the provisions of the Building Act 1975 and Standard Building Local Laws as amended from time to time;
 - within three (3) metres of the boundary between land under separate ownership and is reasonably necessary for erecting or maintaining a dividing fence;
-

- within three (3) metres of the boundary between land under separate ownership and is reasonably necessary for a survey of the boundary by a registered surveyor;
- within three (3) metres of the boundary between land under separate ownership and is reasonably necessary to establish or maintain a fire break;

except where a vegetation protection order has been declared for the express purpose of protecting such vegetation.

Therefore, it would be a condition under Vegetation Protection Order that these trees would not be subject to these rules, as specified in the Local Law Policy No. 6. This condition has been specifically requested by the owner of the property.

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

There are no financial implications associated with this application.

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 (property owner), Development Assessment, Operations and Maintenance who are all supportive of the recommendation.

OPTIONS

PREFERRED

That Council resolve to make an Interim 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).

ALTERNATIVE

That Council resolve to **not** make an Interim 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).

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

Moved by: Cr Henry
Seconded by: Cr Beard

That Council resolve to make an Interim 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).

CARRIED

10.1.7 MORETON BAY MARINE PARK DRAFT ZONING PLAN**Dataworks Filename:** LUP Marine Parks (Moreton Bay) Zoning Plan**Attachments:** [Attachment 1 - Maps](#)
[Attachment 2 - Submission Form](#)
[Attachment 3 - Council Recommendations](#)**Responsible Officer Name:** Gary Photinos
Manager Environmental Management**Author Name:** Stuart Fitzsimmons
Adviser Biodiversity Planning

EXECUTIVE SUMMARY

The *Marine Parks (Moreton Bay) Zoning Plan 1997* has been reviewed to conserve the marine park's unique values and to ensure its sustainable use for present and future generations.

The current zoning plan was reviewed as a requirement of the *Statutory Instruments Act 1992*, which required sub-ordinate legislation to be reviewed every 10 years. The current zoning plan is due to expire in September 2008.

The Moreton Bay Marine Park Draft Zoning Plan is proposing zone and zone boundary amendments to reflect changes in the conservation and amenity values of the Bay.

PURPOSE

The purpose of the report is to seek Council endorsement on the response made to Environmental Protection Agency with regards to the proposed draft Moreton Bay Marine Park Zoning Plan.

BACKGROUND

- Current *Marine Park (Moreton Bay) Zoning Plan 1997* commenced
- 4 November 2004 Council submitted response letter to Queensland Parks and Wildlife Services on proposed amendments to zoning
- 6 December 2004 Council endorsed proposed response letter to QPWS amendments to zoning
- 22 February 2007 Council advised by Environmental Protection Agency that current zoning will expire on 1 September 2008, and that a review process was about to commence
- The review process involves 3 stages – first stage of collection and analysis of information, second stage is release of draft zoning plan and third stage is release and implementation of final zoning plan
- 27 February 2007 Council received "Leaders Kit" in relation to stage 1 of review
- 21 May 2007 EPA addressed Councillors and Officers as part of stage 1 stakeholder consultation process

- 29 May 2007 Officers submitted response letter to EPA regarding broad range of management, conservation and operational issues that affect Council
- 8 August 2007 Officer attended meeting with EPA to discuss proposed new zonings
- 30 August 2007 Representatives from EPA address Councillors and Officers regarding proposed “Areas of Special Interest” – potential conservation areas
- 12 September 2007 Workshop with Councillors to prepare response to EPA on “Areas of Special Interest”
- 19 September 2007 Council submitted written response and mapping to EPA summarising the information from previous meeting
- 2 December 2007 Draft Zoning Plan released for public consultation and Council received correspondence from EPA regarding submission

ISSUES

The EPA has requested that Council provide comments and feedback on the draft Moreton Bay Marine Park zoning during the Stage 2 consultation period. The draft proposes revised zone categories, new zone areas and new designated areas (see attachment 1). These have been drafted after extensive public consultation during Stage 1 of the review. One of the main changes has been the increase in protected area (Marine Park) of 0.5 percent to 15 percent under the proposed plan.

Proposed changes include;

1. Current zone categories – General Use zone, Habitat zone, Conservation zone, Buffer zone and Protection zone to be replaced with General Use zone, Habitat Protection zone, Conservation Park zone and Marine National Park zone.
2. Expansion of go-slow designated areas for dugong & turtles, Works Areas, go-slow areas for vessels >6m, go-slow areas for natural values, no anchoring areas, MEDA (material extraction and disposal area) – nourishment / dredge material deposition site / sand extraction, mooring areas and grey nurse shark area.

SUBMISSION RESPONSE

The submission response to EPA, including additional information and mapping is attached (see Attachment 2 & 3). There are numerous zones and areas that impact upon Councils activities, including:

TOONDAH HARBOUR / WEINAM CREEK WORKS AREAS (DA22/DA23)

The two existing works areas (Weinam Creek and Toondah Harbour) will be retained with no changes, and allows for pre-existing approvals to continue. Further works areas may be considered in the future if required. Activities in works areas are managed by a permit, and there are no proposed changes.

However, there is a proposed zone change around Weinam Creek Harbour from Habitat zone to General Use zone (GUZ08) that reflects the designated works area. The change in zoning reflects the advice from Council following Stage 1 consultation;

however it is proposed that the general use zone be expanded (see Appendix 1 and 3 in Attachment 3).

Toondah Harbour is currently Habitat zone and is proposed as part of Habitat Protection zone (HPZ02). Council will again strongly advocate that the zoning around Toondah Harbour be considered as a General Use zone as requested in Stage 1 review.

In accordance with the SMBIPLUS and Redland Planning Scheme, maintaining a high quality water transport system is fundamentally important to support the long-term development of the Southern Moreton Bay Islands. In addition, continued population growth but predominately tourist demand will require the continual upgrading and maintenance of water based transport systems servicing North Stradbroke Island, essentially through Toondah Harbour. Accordingly, it is recommended that the area be included within the General Use zone, which is consistent with the proposed zoning for the Weinam Creek marine area.

DUNWICH (GUZ07)

Dunwich remains as General Use zone in proposed zoning. Council supports retention of this zoning to provide transport services to NSI.

OTHER MAJOR TRANSPORT FACILITIES

Presently the Council transport facilities servicing the SMBI are zoned within the Habitat Zone. During the Stage 1 consultation, Council lobbied the EPA to have the zoning around the transport facilities plus a buffer zone of 100m either side to be changed to General Use zoning. The draft zoning retains these facilities in Habitat Protection zone (HPZ02) – no change proposed. Council strongly advocates that these zones be amended to General Use zones to allow the Bay Islands to be provided with the level of water based transport and other community service required, and to recognise the future demands established by the increasing population on the Bay Islands (see Appendix 3 in Attachment 3).

PARK FACILITIES

Council manages a number of parks and reserves on land directly adjoining Moreton Bay. These areas provide major recreational opportunities for the south east Queensland community. These community assets require routine maintenance to ensure continual enjoyment of the areas (e.g. maintenance of rock walls). In addition, enhancement of these areas in the future, such as the establishment of boardwalks, may occur. As such, it is recommended that each of the following foreshore parks and reserves be included in the General Use zone (see Appendix 4 in Attachment 3):

- Cleveland Point
- Wellington Point
- Victoria Point
- Tingalpa Creek

RUSSELL ISLAND GENERAL USE ZONE (GUZ09)

This same area was proposed as an amendment to the zoning plan in 2004. Council opposed the amendment from Conservation to General Use zoning due to the fact it would prejudice rehabilitation activities that may occur in the future and may lead to further degradation of the areas coastal values. Rehabilitation activities within the area would be consistent with the outcomes sought by the State Coastal Management Plan, along with policies and guidelines that have been developed by Council, to ensure ecological sustainable development in such areas adjoining the coastline. The proposed zoning is contradictory to the zoning proposed around the Council's transport facilities in similar locations.

Under the proposed draft, Redland Shire Council opposes the zoning of General Use Zone (GUZ09) and advocates this area be zoned within the Conservation Protection Zone (CPZ09) (see Appendix 5 in Attachment 3).

NEW MOORING AREAS

As the popularity of boating increases in Moreton Bay, the demand for more moorings and greater management of moorings is increasing. Proposed mooring areas in the draft zoning apply only to private and non-commercial vessels. There are 49 proposed mooring areas – 23 existing, 10 extended and 14 new. Mooring areas have been introduced to simplify the approval process.

There are 6 existing areas, 6 extended and 5 new mooring areas proposed within the vicinity of the Redlands (see Attachment 1).

NO ANCHORAGE AREAS

The purpose of these areas is to protect coral habitats, and is included within the Marine National Park zones. Areas within southern Moreton Bay include Myora and Flat Rock off NSI. This zoning has been and continues to be supported by Council (see Attachment 1).

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

The recommendations within this report do not have financial implications.

PLANNING SCHEME IMPLICATIONS

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

CONSULTATION

The General Manager of Planning and Policy, together with officers in the following groups has been consulted – Environmental Management Group, Land Use Planning, Economic Development, and Infrastructure Services.

OPTIONS

PREFERRED

That Council endorses the submission to the Environmental Protection Agency on the draft Moreton Bay Marine Park zoning as set out in Attachments 2 and 3.

ALTERNATIVE

1. That Council endorses the submission to the Environmental Protection Agency, with amendments to Attachments 2 and 3.
2. That Council resolves not to endorse the submission as set out in Attachments 2 and 3, and provide alternate advice to the Environmental Protection Agency.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Burns
Seconded by: Cr Beard

That Council resolve to endorse the submission to the Environmental Protection Agency on the draft Moreton Bay Marine Park zoning as set out in Attachments 2 and 3.

CARRIED

Cr Elliott voted in the negative.

10.1.8 REDLANDS KOALA POLICY 2008 AND STRATEGY

Dataworks Filename: Koala Policy

Attachments: [Responses - Graphs](#)
[Submissions - Comments only](#)
[Individual Detailed Responses \(EPA, KAG, Lyn Roberts, Main Roads\)](#)
[Koala Policy 2008](#)
[Redlands Koala Implementation Strategy 08 \(Highlighted Changes\)](#)
[Redlands Koala Implementation Strategy 08 \(FINAL\)](#)

Responsible Officer Name: Gary Photinos
Manager Environmental Management

Author Name: Dan Carter
Senior Advisor natural Environment

EXECUTIVE SUMMARY

Council resolved on the 14th of November 2007 to commence public consultation on the Draft Koala Policy and Strategy. The consultation was undertaken for 4 weeks from the 15th of November to the 14th of December. In this time a number of newspaper articles and radio interviews and advertising was undertaken to notify the community of this policy.

In the 4 week period 101 submissions were received with a majority of submissions supporting the Policy objective and statements. In addition Council received 326 comments on the online attitude and value surveys conducted prior and post the Koala Summit.

Another key question asked was the funding of actions, which also received support from the majority of submitters.

All comments received related specifically to actions identified in the strategy with many providing opinions on current land development rates within the shire and to impacts of koala protection on rural residents. The level of interest and level of response by a number of organisations and individuals was impressive considering the number of actions identified in the strategy.

PURPOSE

That Council resolve:

1. To adopt the Redlands Koala Policy 2008 and Implementation Strategy 2008 which has been amended after considering all submissions made during the public consultation period, and
2. To consider funding the implementation strategy during the budget deliberations for 2008/2009 financial year.

BACKGROUND

- On 2nd and 3rd of November Council facilitated the Koala Summit, which put forward conclusions.
- On the 14th of November 2007 Council resolved to receive the Draft Redlands Koala Policy and Strategy 2007 to immediately commence public consultation until 15th of December.
- All submissions from the consultation period have been considered. The Policy which remains unchanged is now submitted to Council for final adoption. The Implementation Strategy which has been amended in light of the comments received is also submitted for final adoption.

ISSUES

COMMUNITY CONSULTATION ON THE DRAFT KOALA POLICY

LOCAL NEWSPAPER

Council was able to throughout the consultation period to have two articles published in the Bayside Bulletin on November 20th and on December 11th with survey form allowing residents to fill in and send to council. Throughout the entire consultation period the draft policy was advertised in Council's half page advertisement in the Bayside Bulletin.

RADIO

On Saturday the 18th of November radio interviews occurred on 4BC in the afternoon and evening to discuss the koala policy and inform people consultation period was ending soon. Another radio interview was held on the Wednesday the 12th of December in the morning.

INTERNET

Throughout the consultation period the koala policy was posted on the Redland Shire Web page with web survey form with copies of both the policy and implementation strategy able to be downloaded.

VALUES AND ATTITUDES ON LINE SURVEY

An electronic survey was undertaken for six weeks from the 25th to the 7th of December which was promoted on the web site and in the local media.

CONSULTATION DOCUMENT

Councils Marketing and Communication department created a consultation document providing some background and key points in regards to koala decline in the Redlands. It discussed the koala summit, the draft koala policy and implementation strategy and at the back provided the same survey sheet as that found on the internet. This document was available on the web, customer service centres and libraries.

KEY FINDINGS**SUBMISSION RESPONSES**

During the 4 week consultation period 101 responses were received by Council with several detailed submissions made with specific requests for changes or comments on implementation strategies (a summation of the results can be found in the attachments, table of all submissions and some individual submissions are attached which were too detailed to be included within the table).

- In terms of the policy objectives a majority of submitters agreed with council's overall objective 82% said yes, 9% said No and a 9% not stated (n=101).
- In regards to policy **Statement 1 Impacts of urbanisation and its future growth on koala population** (74% Yes, 17 No and 9% not stated).
- In regards to policy **Statement 2 Road and Rail Koala Deaths** was supported by the majority (81% Yes, 10% No and 9% Not stated).
- In regards to policy **Statement 3 Dog attacks on Koalas** was supported by the majority (78% Yes, 12% No and 10% Not stated).
- In regards to policy **Statement 4 Protect, enhance and increase koala habitat** was supported by the majority (82% Yes, 11% No and 7% Not stated).
- In regards to policy **Statement 5 Improvement to koala movement in our neighbourhoods and backyards** was supported by the majority (84% Yes, 7% No and 9% Not stated).
- In regards to policy **Statement 6 Increased commitment to the level of funding for koala research and monitoring** was supported by the majority (89% Yes, 5% No and 6% Not stated).
- In regards to policy **Statement 7 Creation of a Koala Active community, which understands its role and takes positive action for the long term survival of koalas.** was supported by the majority (86% Yes, 7% No and 7% Not stated).
- In regards to policy **Statement 8 Preparation of a detailed and costed implementation plan** was supported by the majority (85% Yes, 8% No and 7% Not stated).

Overall general feedback on the policy and statement was in support of the policy and document with a lot of feedback in regards to specific issues or actions within the implementation strategy. A number called for a halt to further development within the shire while others were keen to see the whole of Redlands community pay for the restrictions placed on rural property owners in protecting and enhancing koala habitat. A few submitters requested the word Stop be placed before the first three policy statements.

Environmental Protection Agency provided comprehensive feedback in regards to actions within the implementation plan. They asked if council would consider prioritising the top 10 actions to be undertaken immediately. The opportunity for the creation of a MoU with EPA in regards to koala research, education of the community

and management of dog attacks in the shire. They asked council to consider the placement of Urban Koala category over the urban footprint.

Main Roads Department feedback was specific about the need for both parties to establish an agreed program of works for the next 5 years within the shire. Along with identifying key information sharing and establish monitoring and other cooperative opportunities.

The community were also asked in the Koala Policy survey of their thoughts about the cost estimation of \$1.50 per week per rateable property and whether they would support this cost to achieve the objectives and outcomes of the policy and strategy. The majority of respondents (65%) supported, (19%) did not support and (16%) did not state an opinion.

OFFICER'S RESPONSE TO SUBMISSIONS MADE

Officers have responded to most of the submissions in the attached table. There has been no recommended change to either the policy or the policy statements given the response from the community. Generally many of the submissions stated general views or thoughts on specific matters (i.e. development, dogs, cars, education or research). There has also been a few that have provided specific suggestions to clarify or reword a number actions within the implementation strategy. There have been a number of changes made to the implementation strategy to clarify the meaning and wording of a number of the actions. Some new actions have also been written following suggestions from the submitters.

It was also recommended that Council identifies the top 10 actions which need to be a priority in terms of funding and officer time allocation for these tasks to be undertaken in the next 12 months. The key actions have been highlighted within the Koala Policy Strategy 2008.

Another general recommendation that is supported by the officers is that the policy and strategy be provided with background and introductory information on the history of koalas in the Redlands, the current state of koalas, the roles and responsibilities and why the importance of the actions required for the protection of the koala in the Redlands.

An action has also been written that will require council officers to report in October 2008 on the progress of the implementation of the actions from the Koala implementation strategy 2008.

VALUES AND ATTITUDE SURVEY

Council received 326 responses to the values and attitudes survey. Overall koalas are considered an important issue and are highly valued by the community.

The majority strongly agree that they are important to the Shire's unique image and biodiversity (78%), important to the local economy through tourism (55%) and part of the local culture (70%). Residents also actively look for koalas within the Shire (86%) and believe they belong in urban suburbs (76%).

Furthermore, most do not believe too much attention is given to koala issues (68%), nor do they believe they are a pest (83%) having little benefit to residents living in the Shire (66%).

With regard to dogs, over one third own a dog (37%) and most of these people keep their dog enclosed or inside the house at night (61%).

However, nearly all residents surveyed believe more should be done to save the koala population in the Shire (93%) and most do not believe the local government is doing enough to protect them in their habitat (75%). Although, when asked who they think is responsible for koala conservation in the Shire many responses suggest that everyone is accountable, i.e. all community, business and local and state government.

When asked what more could be done, the main actions people identified include:

- Reduce/ stop development and preserve koala habitat
- fencing, under/ over passes, koala corridors, and better road signage to allow safer movement for koalas
- Stricter dog control measures

These findings indicate that Council may benefit from making the community more aware of the actions taken to preserve the koala population in the Shire.

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

Currently the costed actions of the strategy total \$5,200,000 with no calculation of the actions that require specific officer time in addressing the specific issue identified.

However, these total costs could be spread over a number of years as some actions are one off while others would be ongoing.

An option for council to consider in future budget deliberations would be increasing the Environment Charge. The current charge of \$72.80 comprises of \$31.20 for acquisitions, \$31.20 for maintenance, and \$10.40 for implementing developed plans for conservation areas, especially creeks and waterways. An additional \$31.20 to this charge bringing the total to \$104 would provide a further 1 million dollars for acquisition and 1 million for the implementation of priority actions from the Koala implementation strategy. The proposed breakdown of the new \$104 charge would be \$46.80 for acquisitions (includes additional \$15.60 for Urban koala habitat acquisitions), \$31.20 for maintenance, \$10.40 for implementing developed plans for conservation areas, especially creeks and waterways and \$15.60 for implementation of the koala policy and strategy (excluding land acquisitions).

This however would require an amendment to the current policy (POL-3057 Environment Charge Acquisition and Management Policy) to include a further objective of allowing funds to be expanded for the encouragement of the community to undertake stewardship of the natural environment.

Costs will also be occurred by relevant state government and developers within the shire to undertake a number of the actions identified to assist in the long term survival of the koala in the shire.

Further funding opportunities may exist with State and Federal funding schemes to assist in the construction and undertaking of a number of actions identified in the strategy.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the outcome of recommendations in this report will result in possible amendments to the Redlands Planning Scheme, such changes to habitat overlay code.

CONSULTATION

Consultation has occurred with community for a 4 week period commencing on the 15th of November to the 14th of December. Council received 101 submissions with all suburbs represented and 7 submissions from residents outside of the shire.

Submissions were also received from Environmental Protection Agency, Main Roads, Community and Social Planning, Infrastructure Planning, Environmental Education and Parks & Conservation.

OPTIONS

PREFERRED

That Council resolves

1. To adopt the Redlands Koala Policy 2008; and
2. To adopt the Redlands Implementation Strategy 2008 for planning purposes and refer funding to the 2008-2009 Budget deliberations.

ALTERNATIVE

That Council resolve:

1. To adopt the Redlands Koala Policy 2008 and Koala Implementation Strategy 2008; and
2. That the funding of the Koala Policy and implementation Strategy 2008 be referred to the 2008-2009 Budget deliberations.

COMMITTEE DISCUSSION

Committee thanked officers for their efforts in putting these documents together.

Cr Bowler returned to the meeting at 4.48pm.

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

Moved by: Cr Beard

Seconded by: Cr Henry

That Council resolve to:

- 1. Adopt the Redlands Koala Policy 2008; and**
- 2. Adopt the Redlands Implementation Strategy 2008 for planning purposes and refer funding to the 2008-2009 Budget deliberations.**

CARRIED

10.1.9 PETITION REQUEST FOR COUNCIL TO STOP APPROVING SMALL LOTS AT AMITY POINT

Dataworks Filename: GOV Petitions
Attachment: [Figure 1 – Existing Small Lots and Lots >800m²](#)
Responsible Officer Name: Wayne Dawson
Manager Land Use Planning
Author Name: Bridget Tidey
Strategic Planning Advisor

EXECUTIVE SUMMARY

At the General Meeting on 31 October 2007, Council resolved that a petition requesting Council to stop approving small lot houses at Amity Point and to undertake a Local Area Plan for Amity Point, be received and referred to the Land Use Planning Group for consideration and report back to Council.

It is recommended that the position of Council be maintained, that is, the Redlands Planning Scheme is more than adequate to assess development applications lodged for small lots and dual occupancies and that a review is undertaken of the creation of small lots at Amity Point as a part of the broader planning exercise in preparation of a Local Area Plan for Amity Point in 2009/2010.

PURPOSE

The purpose of this investigation is to advise Council on present planning scheme provisions regarding the development of a small lot house or undertaking lot reconfiguration to create a small lot at Amity Point and additionally to look at the past and current situations in relation to the level of development applications for such development at Amity Point.

BACKGROUND

A petition with 43 signatures has been submitted to Council requesting to:

1. Stop approving small lot houses at Amity. These houses are only suitable for the mainland and are detrimental to the character and lifestyle of Amity.
2. Do a "Local Area Plan" so that development controls for this special place can be enacted. We are not the mainland and do not want to look like it.

Small Lots

The definition of a small lot house under the Redlands Planning Scheme (RPS) is as follows:

"Means the use of premises for a dwelling unit on a lot with an area less than 500m²."

It is proposed in RPS Amendment 1B that the small lot house definition is amended to read:

“Means the use of premises for a dwelling unit on a lot with an area less than 500m² or with a frontage of equal to or less than 14 metres.”

Currently there are 12 existing small lots at Amity that are zoned Urban Residential. These lots range in size from 248m² to 486m². It has not been determined when these allotments were created however, all but two have been approved as a result of individual titling duplex units or multiple dwellings approved during the period ranging from 1989 to 2000. These existing lots are listed below in Table 1 and can be seen in Figure 1 attached.

Multiple Dwellings and Dual Occupancies

Material change of use (MCU) approvals have been granted for multiple dwellings and subsequently the allotments have been reconfigured for the purposes of creating a group title over the approved multiple dwelling, duplex or dual occupancy.

Please note that the definition of multiple dwelling under the superseded planning scheme was:

“Means any premises used or intended for use as attached houses, cluster houses, flats, home units or townhouses, or other residential use comprising two (2) or more units of self contained accommodation on one (1) allotment or a group of adjoining allotments”.

Under the RPS, the definition of multiple dwelling has changed from the definition under the superseded planning scheme. The current definition of multiple dwelling under the RPS is:

“Means the use of premises for three or more dwelling units on a lot, where each dwelling unit has a separate entrance. The term includes townhouses, villas and terrace housing.”

Under the RPS the definition of dual occupancy is similar to the definition of the multiple dwelling under the superseded planning scheme. The current definition of dual occupancy under the RPS is:

“Means the use of premises for residential accommodation that comprises two dwelling units on one lot whether attached or detached.”

Table 1: Existing Lots less than 500m²

<u>Lot And Plan</u>	<u>Area</u>	<u>Address</u>
<i>Existing small lots</i>		
6 A3398	484m ²	13 Mirimar Street, Amity
9 A3398	486m ²	7 Mirimar Street, Amity

<i>Existing multiple dwellings, duplexes or dual occupancies</i>		
1 SP138732	371m ²	38A Sovereign Road, Amity
2 SP138732	371m ²	38B Sovereign Road, Amity
1 SP111443	248m ²	1/8 Llewellyn Street, Amity
2 SP111443	292m ²	2/8 Llewellyn Street, Amity
1 GTP3314	291m ²	1/26 Kindara Street, Amity
2 GTP3314	291m ²	2/26 Kindara Street, Amity
1 SP137450	325m ²	1/40 Kindara Street, Amity
2 SP137450	379m ²	2/40 Kindara Street, Amity
1 GTP3330	291m ²	1/48 Kindara Street, Amity
2 GTP3330	291m ²	2/48 Kindara Street, Amity

It is clear from the above information that there has not been in the past or is there any current evidence to show any significant trend in the reconfiguration of lots, that is, creating standard format lots.

Lot reconfiguration without MCU approval

There has been only two approvals of small lots (4) being created, not as a consequence of a prior MCU approval.

There are 32 allotments zoned Urban Residential and based on their sizes and lot frontages (800m² or greater and 20m frontage or greater), an application could be potentially made for consideration for reconfiguration.

There are 3 allotments zoned Urban Residential and based on their sizes (1000m² or greater and 20m frontage or greater), they could potentially be subdivided into standard lots or a combination of a standard lot and small lot.

Of these 35 allotments that could potentially be subdivided into small lots, only one is vacant. The remaining 34 lots are currently occupied with 31 dwelling houses and 3 dual occupancies.

The majority of the allotments currently zoned Urban Residential were previously zoned Residential B under the superseded planning scheme. Under the superseded planning scheme multiple dwellings were code assessable in the Residential B zone. This has remained the same under the RPS, where dual occupancies are code assessable in the Urban Residential zone. Table 2 below outlines the lot size and frontage criteria for code assessable small lots and dual occupancies and reconfiguration requirements in the Urban Residential zone.

Table 2: Lot size and frontage criteria for code assessment in the Urban Residential Zone

Use	Lot size and frontage criteria
Dual Occupancy	The premises is - (a) greater than 800m ² in area; (b) has a frontage of 20 metres or more

Small Lot House	The premises is - (a) greater than 400m ² and less than 500m ² in area; (b) where the premises exists at the time the planning scheme has effect, has a frontage of 10 metres or more; or (c) has a frontage of 14 metres or more
Creating lots by subdividing another lot by Standard Format Plan	(1) The proposal contains 50 or less lots; (2) Not in sub-area UR3

There are a number of specific outcomes that would need to be achieved and these reflect issues of:

- the protection of environmental values;
- site constraints such as hazards, slope and site drainage;
- the ability to provide on-site solar access and access to breezes;
- the ability to provide locations for private outdoor places'
- the provision of provide convenient vehicle access and on-site parking;
- instances where reticulated sewer is not available there must be sufficient area for on-site wastewater management systems;
- density requirements;
- lot type, area and frontage criteria; and
- expected end uses or approved uses.

Infrastructure

There is no reticulated sewerage at Amity Point. The ability to accommodate on-site sewerage disposal systems on the allotments is a critical factor in the assessment of reconfiguration and dual occupancy applications. The ability to meet standards through employing of State approved systems has occurred in Kindara Street and other locations where associated with dual occupancy approvals.

Local Area Planning

The RPS is the current planning instrument that regulates development in Amity Point. A local area planning exercise for Amity Point is included in the Land Use Planning Group's ten year operational plan and is programmed to be undertaken in the third year of this plan, that being in the 2009/2010 financial year. The Local Area Plan will set the vision for the Amity Point township for the next 20 years and will identify local strategies to achieve this vision. This comprehensive local planning exercise, which in addition to other initiatives and outcomes, will determine as to whether any amendments are required to be made to the RPS.

ISSUES

Based on this investigation it appears that there have only been two recent reconfiguration approvals for a small lot at Amity Point and there is no trend to indicate that there may be an influx of small lot reconfigurations. The RPS states minimum lot sizes and minimum frontages for both reconfiguration and dual

occupancies. In addition to the code outcomes (criteria as indicated above), any Development Application will be required to demonstrate that the allotment has an adequate size and lot frontage (minimum 20 metres for a small lot reconfiguration and minimum 20 metres for a dual occupancy).

At this time, it is considered that the following position be endorsed:

1. To retain the RPS as drafted and manage assessment under the current codes.
2. To undertake the LAP for Amity Point in the 2009/2010 Financial Year.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to preserve a balance with urban, rural, bushland, village, coastal and island character of the Redlands by managing growth.

FINANCIAL IMPLICATIONS

The recommendations in this report will not result in financial implications.

PLANNING SCHEME IMPLICATIONS

It is considered that the outcome of recommendations in this report will at this time not result in amendment to the Redlands Planning Scheme.

CONSULTATION

The Land Use Planning Group consulted with the Assessment Services Group – Land Development Team.

OPTIONS

PREFERRED

That Council resolve as follows:

1. That the Redlands Planning Scheme be retained as drafted without amendment;
2. That Council will as programmed be undertaking a local area planning exercise for Amity Point in the 2009/10 financial year; and
3. That the head petitioner be advised of Council's resolution in this matter and be requested to advise the other petitioners of Council's decision.

ALTERNATIVE

That Council not accept the council Officers recommendation.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Burns
Seconded by: Cr Beard

That Council resolve as follows:

1. That the Redlands Planning Scheme at this time be retained as drafted without amendment;
2. That Council will as programmed be undertaking a local area planning exercise for Amity Point in the 2009/10 financial year; and
3. That the head petitioner be advised of Council's resolution in this matter and be requested to advise the other petitioners of Council's decision.

CARRIED

Cr Elliott voted in the negative.

10.1.10 PUBLIC NOTIFICATION OF REDLAND PLANNING SCHEME AMENDMENT 1B

Dataworks Filename: LUP Redland Planning Scheme Amendment 1B
Attachments: Attachment 1 - [Submission Review Report](#)
Attachment 2 - [RPS Amendment 1B document](#)

Responsible Officer Name: Stephen Hill
Acting Manager Land Use Planning

Author Name: Julie Saunders
Strategic Planning Advisor

EXECUTIVE SUMMARY

In accordance with the requirements of the *Integrated Planning Act 1997* as amended (IPA), Council undertook public notification of the proposed Redlands Planning Scheme Amendment 1B from 16 October to 26 November 2007.

One hundred and fifty one (151) submissions were received during the notification period. 150 of the submissions consisted of a 'proforma' style submission specifically relating to the:-

- Proposed amendment of the general and heavy industry definitions;
- The creation of a High Impact definition; and
- Removal of the General Industry sub area GL2 – Cleveland industrial estate and its inclusion in the General Industry zone.

All submissions have been reviewed with recommendations incorporated in Attachment 1 – Submission Review Report.

With adoption of this report's recommendations, the draft amendments will be altered accordingly and referred back to the relevant State government Minister for Second State Interest Review.

PURPOSE

To review submissions received in response to the public exhibition of the proposed Redlands Planning Scheme (RPS) Amendment 1B in accordance with Schedule 1 of the *Integrated Planning Act 1997*, and forward notification to the relevant Minister to proceed with Second State Interest Review.

BACKGROUND

By letter dated 25 September 2007, the Minister for Local Government, Planning and Sport advised Council that there were no State interests that would be adversely affected by the proposed RPS Amendment 1B. The Minister also advised that Council could proceed to the public notification stage pursuant to Section 11 of

Schedule 1 of the *Integrated Planning Act 1997*. Public Notification occurred between 16th October and 26th November 2007.

ISSUES

During the public notification period of the RPS Amendment 1B, 151 submissions were received. The vast majority (150 of 151) of these consisted of a 'proforma' style submission specifically relating to the proposed amendment of the general and heavy industry definitions, the creation of the High Impact Industry definition and the proposed removal of the General Industry Sub-Area GL2 – Cleveland Industrial Estate and its inclusion into the General Industry Zone. Please refer to Attachment 1 Submission Review Report for assessment and recommendations in response to the submissions received.

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to preserve a balance with urban, rural, bushland, village, coastal and island character of the Redlands by managing growth. In addition, the scheme and associated amendments will contribute to the achievement of the Natural Environment, Essential Services, Community Health and Wellbeing and Economic Prosperity strategic priorities in the Corporate Plan.

FINANCIAL IMPLICATIONS

Amendments to the RPS are conducted in accordance with Schedule 1 of the *Integrated Planning Act 1997*. Associated costs are within budgeted expenditure in the 2007/08 financial year.

PLANNING SCHEME IMPLICATIONS

The outcome of recommendations made in this report will result in amendments to the Redlands Planning Scheme.

CONSULTATION

As per the requirements of Section 12 of Schedule 1 of the *Integrated Planning Act 1997*, public notification of the proposed RPS Amendment 1B commenced on 16th October 2007 and finished on 26th November 2007.

OPTIONS

PREFERRED

That Council resolve as follows:

1. To adopt the recommendations on the submissions as outlined in Attachment 1 – "Submissions Review Report".
2. To redraft the proposed amendments to the Redlands Planning Scheme in accordance with Recommendation 1.
3. To refer the redrafted amendments to the Redlands Planning Scheme to the relevant State Government Minister to proceed with Second State Interest Review

in accordance with Schedule 1 Section 18 (2) of the *Integrated Planning Act 1997* as amended.

4. To notify all principal submitters of Council's decision in accordance with the requirements of the *Integrated Planning Act 1997* as amended.

ALTERNATIVE

That Council resolve not to prepare an amendment to the Redlands Planning Scheme in accordance with Section 18 of Schedule 1 of the *Integrated Planning Act 1997*, and not to forward the amendments to the relevant Minister for the purpose of Second State Interest Review.

OFFICER'S/COMMITTEE RECOMMENDATION

That Council resolve as follows:

1. To adopt the recommendations on the submissions as outlined in Attachment 1 – "Submissions Review Report";
2. To redraft the proposed amendments to the Redlands Planning Scheme in accordance with Recommendation 1;
3. To refer the redrafted amendments to the Redlands Planning Scheme to the relevant State Government Minister to proceed with Second State Interest Review in accordance with Schedule 1 Section 18 (2) of the *Integrated Planning Act 1997* as amended; and
4. To notify all principal submitters of Council's decision in accordance with the requirements of the *Integrated Planning Act 1997* as amended.

PROPOSED MOTION

Moved by: Cr Henry

Seconded by: Cr Bowler

That Council resolve as follows:

1. To adopt the recommendations on the submissions as outlined in Attachment 1 – "Submissions Review Report";
2. To redraft the proposed amendments to the Redlands Planning Scheme in accordance with Recommendation 1;
3. To refer the redrafted amendments to the Redlands Planning Scheme to the relevant State Government Minister to proceed with Second State Interest Review in accordance with Schedule 1 Section 18 (2) of the *Integrated Planning Act 1997* as amended; and
4. To notify all principal submitters of Council's decision in accordance with the requirements of the *Integrated Planning Act 1997* as amended.

5. That item (a)(iv) chemical storage –
 - a. Definition of General and Heavy Industry remain unchanged; and
 - b. Heavy Industry remains an inconsistent use in the General Industry sub-areas of the Cleveland Industrial Estate.

On being put to the vote the motion was LOST.

A division was called for.

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

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

The motion was declared by the Mayor as LOST.

COUNCIL RESOLUTION

Moved by: Cr Dowling
Seconded by: Cr Beard

That Council resolve as follows:

- 1. To adopt the recommendations on the submissions as outlined in Attachment 1 – “Submissions Review Report”;**
- 2. To redraft the proposed amendments to the Redlands Planning Scheme in accordance with Recommendation 1;**
- 3. To refer the redrafted amendments to the Redlands Planning Scheme to the relevant State Government Minister to proceed with Second State Interest Review in accordance with Schedule 1 Section 18 (2) of the Integrated Planning Act 1997 as amended; and**
- 4. To notify all principal submitters of Council’s decision in accordance with the requirements of the Integrated Planning Act 1997 as amended.**

CARRIED

A division was called for.

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

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

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

10.1.11 PUBLIC DISPLAY OF THE SOUTHERN REDLAND BAY INVESTIGATION AREA – PLANNING STUDY VOLUMES 1 & 2

Datworks Filename:	LUP Studies – Southern Redland Bay Investigation Area
Attachments:	<u>Southern Redland Bay Investigation Area Public Comment Review Report</u> <u>Volume 1: Summary Report</u> <u>Volume 2: Background Papers</u>
Responsible Officer Name:	Stephen Hill Acting Manager Land Use Planning Group
Author Name:	Michael Beekhuyzen Strategic Planning Advisor

EXECUTIVE SUMMARY

Council at its General Meeting held 31 October 2007 resolved to publicly display the Southern Redland Bay Investigation Area Planning Study Volumes 1 & 2. The Planning Study was available for publicly comment from 19 November to 14 December 2007.

Thirty three [33] public comments were received during the public display period. The public comments have been grouped into the following broad categories:

- support for the establishment of a urban community within the Investigation Area;
- landowners outside of the Investigation Area requesting to be included;
- supply of infrastructure including roads, public transport, community facilities and walking and cycling paths to future urban development of the area;
- protection of ecological values including koala protection:
- health and safety concerns relating to road safety and biting insects:
- the proposed population and density of a future urban community:
- protection of agriculture and rural landscape values:
- administrative issues with the consultation process; and
- mapping and urban design issues.

All public comments have been reviewed and assessed with recommendations incorporated in Attachment 1 – Southern Redland Bay Investigation Area Public Comment Review Report.

It is recommended that the Southern Redland Bay Investigation Area Planning Study Volumes 1 & 2:

- incorporates a section which reports and addresses the public comments received during the public display period; and
- minor amendments are made to the Planning Study in response to public comments.

It is further recommended that the amended Planning Report be formally submitted to the Minister of Infrastructure and Planning in support of the areas' inclusion into the urban footprint of the SEQ Regional Plan as part of Regional Plan review process.

PURPOSE

The purpose of this report is to:

- review public comments received in response to the public display of the Southern Redland Bay Investigation Area Planning Study Volumes 1 & 2 and adopt Council responses to these comments; and
- formally submit the Southern Redland Bay Investigation Area Planning Study Volumes 1 & 2 as amended to the Minister of Infrastructure and Planning in support of the areas' inclusion into the urban footprint of the SEQ Regional Plan as part of the Regional Plan review process in 2009/2010.

BACKGROUND

The Southern Redland Bay Investigation Area covers approximately 300 hectares of land between Moreton Bay and koala conservation areas and is one of eight investigation areas identified across the region as potential land banks for medium to longer term urban development to accommodate population growth. The SEQ Regional Plan states that if the Investigation Area is found to be suitable, development is not expected until 2010 to 2015. Prior to any urban development occurring, the SEQ Regional Plan requires a detailed planning study to be undertaken in this Investigation Area.

Over the last year a Planning Study for the Investigation Area in accordance with the requirements of the SEQ Regional Plan has been undertaken. The Planning Study was undertaken by the Land Use Planning Group and Urban Systems (independent planning consultants) in consultation with the State Government, a Community Reference Group and Council Working Group. The purpose of the Planning Study is to assist the State Government to decide if and when the Investigation Area will be developed as a new urban community.

In summary, the planning study has found that the area is suited for the establishment of an 'urban village' supporting a population of between 8,000-10,000 within a range of housing types [including medium to higher density] with a strong village centre. The study also recognises the need to establish much stronger flora and fauna connections between the Moreton Bay foreshore and the koala conservation areas. Planning Study Volumes 1 & 2 are attached in full for details on the planning process and preferred 'urban village' option.

The findings of the Planning Study have been incorporated into the draft Redlands LGMS and form a key component with the area identified as required for the establishment of an urban community to meet forecast population growth to 2026.

ISSUES

During the public display period thirty three [33] comments were received. The public comments have been grouped into the following broad headings:

- support for the establishment of an urban community within the Investigation Area;
- landowners outside of the Investigation Area requesting to be included;
- supply of infrastructure including roads, public transport, community facilities and walking and cycling paths to future urban development of the area:
- protection of ecological values including koala protection:
- health and safety concerns relating to road safety and biting insects:
- the proposed population and density of a future urban community:
- protection of agriculture and rural landscape values:
- administrative issues with the consultation process; and
- mapping and urban design issues.

Please refer to Attachment 1 – Southern Redland Bay Investigation Area Public Comment Review Report for assessment and recommendations in response to public comments received.

The Office of Urban Management has co-ordinated State Government agency input into the preparation of the Planning Study. This has involved a series of workshops held at key stages of the study and included a design workshop day and presentation of the findings of the study. State Agency comments received during this process have been incorporated into the planning study.

Council has however not received formal comment from a number of State Agencies during the planning study process and no comment relating to the evaluation of options. With completion of the recent public display period it is considered appropriate to submit the Southern Redland Bay Investigation Area Planning Study Volumes 1 & 2 for formal consideration as part of the SEQ Regional Plan 2009/2010 review.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to preserve a balance with urban, rural, bushland, village, coastal and island character of the Redlands by managing growth.

FINANCIAL IMPLICATIONS

The Southern Redland Bay Investigation Area – Planning Study is a budgeted program with no additional funding required for its submission to the State Government.

PLANNING SCHEME IMPLICATIONS

No amendments to the Redlands Planning Scheme are required as a result of submitting the Southern Redland Bay Investigation Area – Planning Study Volumes 1 & 2 to the State Government.

CONSULTATION

Prior to the public display of the Southern Redland Bay Investigation Area – Planning Study Volumes 1 & 2 it was prepared in consultation with the State Government Agencies and a Community Reference Group. A working group of Council has also been involved at key stages through the planning study preparation and included relevant groups of Planning & Policy as well as Redland Water and Waste. The findings of the Southern Redland Bay Investigation Area – Planning Study were presented to a Councillor Workshop on 29 October 2007.

The Planning Study was publicly displayed from 19 November to 14 December 2007. During the public display a number of public consultation tools were used to ensure the community were aware of the public display period and the opportunity to comment. These included:

- advertisements in local newspapers;
- a newsletter was sent to all residents of Redland Bay;
- making the Planning Study available on Council's website and providing opportunity for an on-line comments;
- displays and documentation was available at Council's Customer Service Centres at Cleveland and Capalaba and the Victoria Point Library;
- a hotline was established for public enquiries; and
- a public open day was held at the Redland Bay Community Hall.

OPTIONS

PREFERRED

That Council resolve as follows:

1. To adopt the recommendations of the Southern Redland Bay Investigation Area Public Comment Review Report as detailed in attachment 1;
2. To include a section within the Planning Study that reports on the public display period and make minor amendments to the Planning Study in accordance with the recommendations of the Public Comment Review Report; and
3. To formally submit the Southern Redland Bay Investigation Area Planning Study Volumes 1 & 2 to the Minister for the Department of Infrastructure and Planning in support of the areas' inclusion into the urban footprint as part of the SEQ Regional Plan 2009/2010 review.

ALTERNATIVE

That Council resolve not to adopt the recommendations of the Southern Redland Bay Investigation Area Public Comment Review Report, and not submit the Planning Study to the Minister of Infrastructure and Planning.

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

Moved by: Cr Burns
Seconded by: Cr Beard

That Council resolve as follows:

- 1. To adopt the recommendations of the Southern Redland Bay Investigation Area Public Comment Review Report as detailed in attachment 1;**
- 2. To include a section within the Planning Study that reports on the public display period and make minor amendments to the Planning Study in accordance with the recommendations of the Public Comment Review Report; and**
- 3. To formally submit the Southern Redland Bay Investigation Area Planning Study Volumes 1 & 2 to the Minister for the Department of Infrastructure and Planning in support of the areas' inclusion into the urban footprint as part of the SEQ Regional Plan 2009/2010 review.**

CARRIED

Cr Elliott voted in the negative.

10.1.12 SMBI COUNCIL SURPLUS LAND DISPOSAL STRATEGY - LAND SALE PROGRAM

Datworks Filename: LUP - Local Area Plan SMBI
Responsible Officer Name: Mark Grenfell
Acting Manager: Land Use Planning Group
Author Name: Michael Beekhuyzen
Strategic Planning Advisor

EXECUTIVE SUMMARY

Council at its General Meeting held 31 October 2007 adopted a Southern Moreton Bay Islands [SMBI] Council Surplus Land Disposal Strategy. The Strategy primarily included a land sale and land exchange program.

The land sale program involves the staged public auction of Council surplus lots at a rate of fifty [50] lots/annum subject to annual review. The Land Use Planning Group and the Property Services Unit have identified fifty [50] surplus Council lots to be publicly auctioned in the 2007/2008 financial year. To facilitate the staged public auctioning process and future land exchange program, it is recommended that:

1. to delegate authority to the Chief Executive Officer to negotiate, make, vary or discharge all relevant contracts to acquire or dispose of land identified within the SMBI Council Surplus Land Disposal Strategy; and
2. that the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documents relating to SMBI Council Surplus Land Disposal Strategy.

PURPOSE

To delegate authority to:

1. to delegate authority to the Chief Executive Officer to negotiate, make, vary or discharge all relevant contracts to acquire or dispose of land identified within the SMBI Council Surplus Land Disposal Strategy; and
2. that the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documents relating to SMBI Council Surplus Land Disposal Strategy.

BACKGROUND

Council at its General Meeting held 31 October 2007 adopted a Southern Moreton Bay Islands [SMBI] Council Surplus Land Disposal Strategy. The Strategy included a land sale and land exchange program. The land sale program identified the staged public auction of Council surplus lots at a rate of fifty [50] lots/annum subject to annual review.

ISSUES

The Land Use Planning Group and the Property Services Unit have identified fifty [50] Council owned surplus allotments on the SMBI to be offered for sale through a staged public auction in the 2007/2008 financial year. The Council surplus lots to be

offered for sale are all included in the SMBI Residential zone, have road access and are serviced by reticulated water and electricity.

To facilitate the staged public auctioning process and future land exchange program, it is recommended that:

1. to delegate authority to the Chief Executive Officer to negotiate, make, vary or discharge all relevant contracts to acquire or dispose of land identified within the SMBI Council Surplus Land Disposal Strategy; and
2. that the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documents relating to SMBI Council Surplus Land Disposal Strategy.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to preserve a balance with urban, rural, bushland, village, coastal and island character of the Redlands by managing growth.

FINANCIAL IMPLICATIONS

The sale of fifty [50] Council surplus land has the potential to generate significant revenue in the 2007/2008 financial year.

The costs associated with the land sale program will be funded with revenue received through the sale program.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group has prepared this report with no amendments to the Redlands Planning Scheme identified.

CONSULTATION

Consultation has taken place with the Legal Services and Property Services.

OPTIONS

PREFERRED

That Council resolve as follows:

1. to delegate authority to the Chief Executive Officer to negotiate, make, vary or discharge all relevant contracts to acquire or dispose of land identified within the SMBI Council Surplus Land Disposal Strategy; and
2. that the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documents relating to SMBI Council Surplus Land Disposal Strategy.

ALTERNATIVE

That Council not resolve as follows:

1. to delegate authority to the Chief Executive Officer to negotiate, make, vary or discharge all relevant contracts to acquire or dispose of land identified within the SMBI Council Surplus Land Disposal Strategy; and
2. that the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documents relating to SMBI Council Surplus Land Disposal Strategy.

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

Moved by: Cr Burns

Seconded by: Cr Beard

That Council resolve as follows:

- 1. to delegate authority to the Chief Executive Officer to negotiate, make, vary or discharge all relevant contracts to acquire or dispose of land identified within the SMBI Council Surplus Land Disposal Strategy; and**
- 2. that the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documents relating to SMBI Council Surplus Land Disposal Strategy.**

CARRIED

Cr Elliott voted in the negative.

10.2 CLOSED SESSION AT COMMITTEE

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

2.1 Draft Kinross Road Structure Plan

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

10.2.1 DRAFT KINROSS ROAD STRUCTURE PLAN

Dataworks Filename: LUP Studies - Kinross Road Structure Plan
Responsible Officer Name: Stephen Hill
Acting Manager Land Use Planning
Author Name: Stephen Glowacz
Strategic Land Advisor

EXECUTIVE SUMMARY

Council is required to prepare a structure plan for the Kinross Road Major Development Area. This structure plan outlines Council's preferred development intent for the future urbanisation of the area. Prior to any future development taking place a structure plan approved by the regional planning Minister must be in place.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Burns
Seconded by: Cr Beard

That the Officer's Recommendation in the confidential report relating to this matter from Acting Manager Land Use Planning dated 10 January 2008, be adopted.

CARRIED

Cr Elliott voted in the negative.

11 REDLAND WATER AND WASTE COMMITTEE 23/01/08 - RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Barker
Seconded by: Cr Williams

That the Redland Water and Waste Committee Report of 23 January 2008 be received.

CARRIED

DECLARATION OF OPENING

Cr Barker declared the meeting open at 9.01 am.

RECORD OF ATTENDANCE AND LEAVE OF ABSENCEMembers Present

Cr A G Barker	Chair and Councillor Division 1
Cr D H Seccombe	Mayor
Cr C B Ogilvie	Councillor Division 2 Entered at 9.03 am
Cr D A Henry	Councillor Division 3
Cr P J Dowling	Deputy Mayor and Councillor Division 4
Cr J L Burns	Councillor Division 5
Cr M A Elliott	Councillor Division 7 Entered at 9.03 am
Cr A R Beard	Councillor Division 8
Cr K M Williams	Councillor Division 9
Cr H J Murray	Councillor Division 10 Entered at 9.20 am

Committee Manager

Mr G Soutar	General Manager Redland Water & Waste
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Officers

Mrs S Rankin	Chief Executive Officer
Mr T Kasper	Manager Technical Support
Ms E Bray	Manager Customer Service and Business Performance
Mr B Taylor	Manager Treatment Operations

Minutes

Mrs J Thomas	Corporate Meetings & Registers Officer
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ABSENT

Cr T Bowler	Councillor Division 6
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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 –
DECEMBER 2007**

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

Attachments: [Business Unit Report - December 2007](#)
[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

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 December 2007 and covers financial and non-financial indicators for water, wastewater and waste.

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

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

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

PURPOSE

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

BACKGROUND

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

ISSUES

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

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

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

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

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

RELATIONSHIP TO CORPORATE PLAN

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

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

FINANCIAL IMPLICATIONS

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

CONSULTATION

Consultation has occurred with:

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

OPTIONS**PREFERRED**

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

ALTERNATIVE

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

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

Moved by: Cr Barker

Seconded by: Cr Elliott

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

CARRIED

11.1.2 DELEGATIONS UNDER LOCAL LAW NO. 31 (WATER SUPPLY)

Dataworks Filename: L&E - Local Law No 31 – Water Supply
Attachment: [Local Law No 31 \(Water Supply\) Extract](#)
Responsible Officer Name: Gary Soutar
General Manager, Redland Water & Waste
Author Name: Shelley Thompson
PA to General Manager, Redland Water & Waste

EXECUTIVE SUMMARY

Redland Shire Council (RSC) is a registered water service provider (WSP) under the *Water Act 2000*. In order for RSC to carry out its obligations as a WSP, at its General Meeting of 28 September 2005, Council resolved to appoint authorised officers under *Local Law 31 (Water Supply)*. This means that the water provider's operational activities can be carried out and enforced under the Local Law.

As some of the staff who were appointed authorised officers in October 2005 have now left Council's employment and others have changed positions, it is necessary to amend the delegations. This will take the form of revoking the delegations for staff who have left and appointing new authorised officers.

PURPOSE

The purpose of this report is to recommend that Council revoke previous and appoint new authorised officers under *Local Law 31 (Water Supply)*.

BACKGROUND

RSC 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.

In reviewing current delegations and authority due to some authorised staff leaving Council's employment and others changing positions, it is necessary to revoke those names and authorise new staff. *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

Redland Shire Council (RSC) is a registered water service provider (WSP) under the *Water Act 2000*. In order for RSC to carry out its obligations as a WSP, at its General Meeting of 28 September 2005, Council resolved to appoint authorised officers under *Local Law 31 (Water Supply)*. This means that the water provider's operational activities can be carried out and enforced under the Local Law.

In reviewing current delegations and authority due to some authorised staff leaving Council's employment and others changing positions, it is necessary to revoke those names and authorise new staff. *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.

The attachment outlines the recommended sections for delegation under *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 infrastructure.

FINANCIAL IMPLICATIONS

There are no financial implications relating to the delegation of authority recommended in this report.

CONSULTATION

Consultation has occurred with:

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

OPTIONS

PREFERRED

That Council resolve as follows:

1. To revoke the following officers as authorised officers under *Local Law No 31 (Water Supply)*;
 - a) Jim Pruss, General Manager RWW;
 - b) Gary Kirby, Compliance Services Manager, RSC;
 - c) Timothy Rule, Local Laws Officer, RSC;
 - d) Geoffrey Oxtoby, Local Laws Officer, RSC; and
 - e) Peter Bourke, Local Laws Officer, RSC.
2. To appoint Gary Soutar as an authorised officer under *Local Law No 31 (Water Supply)*, section 5.2 to exercise all the powers and responsibilities of an authorised officer under this Local Law;
3. 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:

i. Gary Kirby	Sections 40, 41, 42, 43, 47 and 51
ii. Warren Jones	Sections 40, 41, 42, 43, 47 and 51

iii. Ron Munro	Sections 40, 41, 42, 43, 47 and 51
iv. Lisa Mann	Sections 40, 41, 42, 43, 47 and 51
v. Ross Caruso	Sections 40, 41, 42, 43, 47 and 51
vi. Dan Lander	Sections 40, 41, 42, 43, 47 and 51
vii. Bradley Whittington	Sections 40, 41, 42, 43, 47 and 51

4. That these appointments expire when the authorised officer ceases employment with Redland Shire Council or if the instrument is revoked by Council resolution.

ALTERNATIVE

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

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Barker

Seconded by: Cr Elliott

That Council resolve as follows:

1. To revoke the following officers as authorised officers under Local Law No 31 (Water Supply);
 - a. Jim Pruss, General Manager RWW;
 - b. Gary Kirby, Compliance Services Manager, RSC;
 - c. Timothy Rule, Local Laws Officer, RSC;
 - d. Geoffrey Oxtoby, Local Laws Officer, RSC; and
 - e. Peter Bourke, Local Laws Officer, RSC.
2. To appoint Gary Soutar as an authorised officer under Local Law No 31 (Water Supply), section 5.2 to exercise all the powers and responsibilities of an authorised officer under this Local Law;
3. 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:

i. Gary Kirby	Sections 40, 41, 42, 43, 47 and 51
ii. Warren Jones	Sections 40, 41, 42, 43, 47 and 51
iii. Ron Munro	Sections 40, 41, 42, 43, 47 and 51
iv. Lisa Mann	Sections 40, 41, 42, 43, 47 and 51
v. Ross Caruso	Sections 40, 41, 42, 43, 47 and 51
vi. Dan Lander	Sections 40, 41, 42, 43, 47 and 51
vii. Bradley Whittington	Sections 40, 41, 42, 43, 47 and 51

4. That these appointments expire when the authorised officer ceases employment with Redland Shire Council or if the instrument is revoked by Council resolution.

CARRIED

11.1.3 POLICY REVIEW WASTE AND RECYCLING COLLECTION SERVICES – POL-2836**Dataworks Filename:** WM Waste Policies and Guiding Documents**Attachments:** [Att 1 - Current Policy 2836](#)
[Att 2 - Amended Policy 2836](#)
[Att 3 - New Guideline 2836](#)
[Att 4 - HCHP018 EXT - Establishment of refuse service](#)
[Att 5 - HCHP019 EXT - Cancellation of refuse service](#)
[Att 6 - HCHP023 EXT - Replacement of Mobile Garbage Bins](#)
[Att 7 - HCHP 022 EXT Placement of Mobile Garbage Bins for servicing](#)**Responsible Officer Name:** Eleanor Bray
Manager Customer Service & Business Performance**Author Name:** Michelle Sprigg
Waste Projects Officer

EXECUTIVE SUMMARY

Existing Corporate Policy, POL-2836 Waste and Recycling Collection Services, was identified for review under the policy review schedule. This policy outlines the collection services for waste and recycling within the shire.

The review process has highlighted the need to make a small number of minor changes to the policy in addition to the need for the creation of an operating guideline. A revised policy and detailed guideline have been drafted to replace the existing policy.

The main issue which this policy review has identified is that Council has the statutory authority to apply the utility charges to both commercial and domestic premises, and the potential for a 2-part-tariff to be applied for waste services.

PURPOSE

The purpose of this report is:

- to seek a resolution from Council to amend the current Waste and Collection Services Policy POL-2836 and make obsolete the operating guidelines, shown as Attachments 4, 5, 6 and 7; and
- for Council to note the new Waste and Recycling Collection Services Guideline GL-2836-001, shown as Attachment 3.

BACKGROUND

The existing Corporate Policy POL-2836 Waste and Recycling Collection Services was approved at Council's General Meeting of 17 December 2003 and was reviewed by the due date of 30 December 2007.

Under legislation, Redland Water & Waste (RWW) currently provides a mandatory waste and recycling collection service to domestic properties and an optional service to commercial properties upon request. The wheelie bin collection is provided weekly for waste, and fortnightly for recycling services. Bulk bin collections are undertaken at agreed intervals, with a choice of different waste container sizes.

Council applies utility charges, pro-rata from the commencement of the service, to the rates notice for all domestic premises and the commercial premises who request a collection service.

ISSUES

1. The Creation of a Detailed Guideline

A policy is a definitive statement issued at the highest level, which clearly outlines Council's position or commitment to achieve a stated objective, whereas guidelines are the broad direction to achieve policy objectives or outcomes.

The current policy is extensive, and includes a lot of information which it is believed is more suitable within an operating guideline. Details on service standards, bin sizes and Council business, owner and occupier responsibilities have been transferred from the policy to the guideline.

The proposed new Guideline GL-2836-001 is shown as Attachment 3.

2. Utility Charge

Council has statutory authority under section 973 of the *Local Government Act 1993* to levy a utility charge for the supply of cleansing services to occupied land or structures within the local government area as long as the property is capable of generating waste.

Council currently applies waste charges to all domestic properties and those commercial properties that request a service.

Legal advice has suggested that Council has the option to levy a cleansing charge consisting of 2 components. The first being a uniform fee applicable to all occupied land capable of generating waste within a defined area to pay for the operation of waste handling facilities, and the second component being a fee for the collection service based on the size to be collected. With this 2-part-tariff; owners of occupied rateable land would have to pay the first component even if they decided not to have Council collect the waste and instead chose to deliver waste to the transfer stations by other means.

Of the south-east Queensland (SEQ) Councils benchmarked in this policy review, some levy 2 distinct charges - a utility charge and a separate waste management charge. The charges levied by various Councils are illustrated in Table 1 below.

Table 1: Waste fees and charges benchmarking

	Collection charge p.a.(utility cleansing) domestic 240L charge shown only	Waste management levy Separate charge	Waste disposal fees Residents' fees shown only
Beaudesert	\$81	\$80 per rateable property	Free - Less than 1m3 Extra - \$15/m3
Brisbane	\$215.52	-	\$7.70 for 100kg green/mixed/general
Caloundra	\$246	\$25 per rateable property	\$5 - General waste sedan
Gold Coast	\$168	-	Free
Ipswich	\$204	-	\$3 up to 500kg
Logan	\$160	-	\$3 up to 750kg
Mackay	\$147.30	\$95.90 per rateable property	\$3 per sedan
Noosa	\$142	\$71 for properties outside waste collection area	\$1.60 per 120L waste *No charge for recyclables
Pine Rivers	\$189	\$82 for properties outside waste collection area	No charge for residents with vehicles up to 3 tonnes GVM
Redcliffe	\$194.24	-	No charge for residents with vehicles up to 4.5 tonnes GVM
Redlands	\$225	-	No charge for residents with vehicles up to 3 tonnes GVM

At this stage, it is considered that the introduction of a 2-part tariff for domestic waste should not be considered until the outcomes of the Queensland waste strategy are known.

Legal advice has also suggested that Council has the option to apply the utility charge for cleansing services to all commercial premises in addition to domestic premises. The theoretical benefits of Council managing all waste collections in the shire include:

- better control of public health issues such as noise nuisance;
- greater economies of scale when tendering out a contract; and
- increased rating revenue and expenses would also be expected.

Of the SEQ Councils benchmarked in this policy review, only Gold Coast City Council (GCCC) mandates that commercial premises within particular areas use Council waste collection services. At this point in time, it is considered that the disadvantages outweigh any advantages. Shortcomings include:

- Unserviceable waste: commercial waste may be unserviceable because of waste stream incompatibility with Council's Birkdale landfill licence, for example; hazardous or regulated wastes. If this waste is collected, it could contaminate the waste stream, and jeopardise Council's licence.
- Existing development applications: existing development approvals may authorise the use of private waste collectors. To mandate such charges, Council would be required to challenge each of the development applications in a court of law. There is no way of knowing how many properties have such approvals without extensive review and assessment. The exercise would have high administrative costs and potentially high legal costs.
- Unserviceable premises: if the collection vehicle doesn't have adequate access onto the property, and therefore is unable to collect the waste, Council cannot mandate that the waste generator uses Council services.
- Contractual issues: the size of a contract variation could potentially cause high financial and administrative costs from the contractor.
- Landfill capabilities: Birkdale landfill's licence is limited to receive between 50,000 and 75,000 tonnes of mixed waste per annum. If Council were to apply the utility charge and service to all commercial premises, the amount of waste currently received would increase substantially and violate licence conditions.

Due to the number of disadvantages, it is considered that the method of applying the utility charges to the commercial premises upon request remains unaltered.

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

There are no financial implications from the preferred options. The general financial implications of adopting some alternative options are supplied in the report but would need to be costed in detail if Council chose to adopt these instead of the recommendations.

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

1. RWW management was consulted to review the waste and recycling collection services, including the following personnel:
 - Jim Pruss, outgoing General Manager – RWW;
 - Gary Soutar, incoming General Manager – RWW;
 - Eleanor Bray, Manager – Customer Service & Business Performance – RWW;
 - Paula Kemplay, Service Manager Waste Operations - RWW;
 - Steven Cantrill, Senior Waste Planner, Technical Support – RWW;
 - Sherryn Filip, Customer Services Coordinator – RWW;
2. Extensive legal advice was also sought in this policy review, to ensure potential risk and avenues were explored in the relevant legislation. Much of the legal advice has been referred to throughout this report. Support was sought from the following professionals and organisations:
 - Paul R Smith, Barrister at Law;
 - Andrew Ross, Senior Legal Officer, Legal Services – RSC;
 - David Eastman, Project Leader – Governance - Department of Local Government, Planning, Sport and Recreation;
 - David Aust, Senior Advisor, Strategic Land Use – Strategic Planning-RSC;
3. Benchmarking of waste and collection policies and operations of waste collection and systems of charging in the SEQ region were obtained by searching the internet and consulting with the following professionals and organisations, the results of which are included in the text of this report:
 - Bob Eggleton, Acting Manager - Ipswich Waste Services;
 - Chris Vakas, Waste Services Coordinator – Hervey Bay;
 - Brett Lee, Co-ordinator Waste Services – Logan City Council;
 - Melanie Jones, Acting Waste Projects Supervisor – Beaudesert Shire Council;
 - Doug Barnes, Senior Operational Health Officer – Noosa;
 - Luke Maloney, Waste Management Officer – Caloundra;
 - John Hogg, Collections Contract Manager - Brisbane City Council.

OPTIONS**PREFERRED**

That Council resolve as follows:

1. To adopt the amendments to Corporate Policy POL-2836, Waste and Recycling Collection Services, shown as Attachment 2;
4. To note the guideline document Guideline GL-2836-001; Waste and Recycling Collection Services, shown as Attachment 3; and
5. To declare obsolete the following existing guidelines, shown as Attachments 4, 5, 6 and 7:
 - a) HCHP018 EXT Establishment of refuse service;
 - b) HCHP019 EXT Cancellation of refuse service;
 - c) HCHP023 EXT Replacement of Mobile Garbage Bins;
 - d) HCHP 022 EXT Placement of Mobile Garbage Bins for servicing.

ALTERNATIVE 1

That Council resolve to maintain the existing policy 2836, shown as Attachment 1.

ALTERNATIVE 2

That Council resolve to accept a combination of the preferred options.

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

Moved by: Cr Barker
Seconded by: Cr Elliott

That Council resolve as follows:

2. **To adopt the amendments to Corporate Policy 2836, Waste and Recycling Collection Services, shown as Attachment 2;**
3. **To note the guideline document Guideline GL-2836-001; Waste and Recycling Collection Services, shown as Attachment 3; and**
4. **To declare obsolete the following existing guidelines, shown as Attachments 4, 5, 6 and 7:**
 - a) **HCHP018 EXT Establishment of refuse service;**
 - b) **HCHP019 EXT Cancellation of refuse service;**
 - c) **HCHP023 EXT Replacement of Mobile Garbage Bins;**

- d) HCHP 022 EXT Placement of Mobile Garbage Bins for servicing.

CARRIED

11.2 TENDER FOR CONSIDERATION

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

11.2.1 Tender No. RWW-55008-1 – Site Management of Island Waste Transfer Stations

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

"(e) contracts proposed to be made by it; (Council)

CARRIED

MOTION TO REOPEN MEETING

That the Committee meeting be again opened to the public.

CARRIED

11.2.1 TENDER RWW - 55008-1 - SITE MANAGEMENT OF ISLAND WASTE TRANSFER STATIONS

Datworks Filename: WM Tendering 55008-1
Responsible Officer Name: Eleanor Bray
Manager Customer Service & Business Performance
Author Name: Paula Kemplay
Service Manager Waste Operations

EXECUTIVE SUMMARY

The contracts for the attendance and operation of the 6 island waste transfer stations expire on 30 June 2008. A tender was prepared for the site management of the transfer stations with a separable portion for each island.

It is recommended that Council accept the tender for all separable portions A to F and enter into a contract with Lone Ranger Waste Management for site management of the island waste transfer stations for a period of 2 years from 1 July 2008 to 30 June 2010, with the option to extend for a further 3 one-year periods.

PURPOSE

The purpose of this report is to recommend acceptance of the most advantageous tender for site management of the island waste transfer stations.

BACKGROUND

On 17 November 2007 in accordance with section 484(1) of the *Local Government Act 1993*, Council advertised in the Courier-Mail, Redland Times, Bayside Bulletin and Island Seaview Times inviting tenders for management of the island waste transfer stations. Posters were also placed at the island jetty noticeboards and transfer stations.

A total of 14 tenders were issued and 2 tenders were lodged by the due date and time. The 2 tenders received were compliant and evaluated in accordance with the tender evaluation plan. One tender covered 6 separable portions and the other tender covered 4 separable portions.

Tenderers were asked to respond to the requirements below as follows:

TENDER EVALUATION CRITERIA	
Mandatory criteria – all tenderers	Reference to tender deliverable attachment in Section 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

SEPARABLE PORTION SPECIFIC CRITERIA	
Separable portion criteria	Reference to tender deliverable attachment in Section B
Referee reports	Tender deliverable attachment - E
Operational and delivery capacity	Tender deliverable attachment - F
Equipment schedule	Tender deliverable attachment - G
Nominated staff	Tender deliverable attachment - H
Notice of sub-contractors	Tender deliverable attachment - I
Compliance statement	Tender deliverable attachment - J
Documentation	Tender deliverable attachment - K
Waste re-use	Tender deliverable attachment - L
Pricing schedule	Tender deliverable attachment - M

The level of service provision remains mostly the same in terms of opening hours and work to be undertaken, but the tender was written to include new workplace health and safety system responsibilities and reporting requirements which aligns this contract with other Council contracts. In addition key performance indicators have been included for bin compaction and resource recovery to achieve better operational efficiencies for transport which will assist Council with greenhouse gas reductions.

ISSUES

Clarifications were sought from both tenderers with respect to clarifying 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 cost of the new contract under the recommendation will be \$1,108,268 including GST for the first 2 years and will need to be referred to the budget development for 2008/9 and 2009/10. This is an increase on the existing budget of 55%.

The contract will be subject to a Security Officer award increase from the first extension period.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was not consulted as 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 contract templates and special contract requirements of the preferred tenderer.
- External consultant ELT Solutions assisted with compiling the tender deliverable schedules and other tender components excluding the specification. ELT Solutions were also the appointed Probity Advisor.

OPTIONS

PREFERRED

That Council resolve as follows:

1. To accept the tender and enter into a schedule of rates contract with the Lone Ranger Waste Management Company for management of the island waste transfer stations for the 6 separable portions A to F inclusive for a period of 2 years from 1 July 2008 to 30 June 2010 with the option to extend for a further 3 one-year periods thereafter;
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 \$55,413 including GST be allocated for any variations approved by the Chief Executive Officer;
4. To delegate authority to the Mayor and Chief Executive Officer to sign the contract documents under seal; and
5. That the document entitled "Summary of Tender Evaluation Tender 55008-1" remain confidential.

ALTERNATIVE

That Council resolve as follows:

1. To not accept the tender from the Lone Ranger Waste Management Company for management of the island waste transfer stations; and
2. To reassess options in the marketplace for delivering some or all of the separable portions.

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

Moved by: Cr Barker
Seconded by: Cr Elliott

That Council resolve as follows:

1. To accept the tender and enter into a schedule of rates contract with the Lone Ranger Waste Management Company for management of the island waste transfer stations for the 6 separable portions A to F inclusive for a period of 2 years from 1 July 2008 to 30 June 2010 with the option to extend for a further 3 one-year periods thereafter;
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 \$55,413 including GST be allocated for any variations approved by the Chief Executive Officer;
4. To delegate authority to the Mayor and Chief Executive Officer to sign the contract documents under seal; and

5. That the document entitled "Summary of Tender Evaluation Tender 55008-1" remains confidential.

CARRIED

**12 FINANCE AND CORPORATE MANAGEMENT COMMITTEE 23/01/08 -
RECEIPT AND ADOPTION OF REPORT**

Moved by: Cr Williams
Seconded by: Cr Dowling

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

CARRIED

DECLARATION OF OPENING

Cr Williams declared the meeting open at 2.00pm.

RECORD OF ATTENDANCE AND LEAVE OF ABSENCEMembers Present

Cr K M Williams	Chair and Councillor Division 9
Cr D H Seccombe	Mayor
Cr A G Barker	Councillor Division 1
Cr C B Ogilvie	Councillor Division 2 – entered at 2.07pm
Cr D A Henry	Councillor Division 3 – entered at 2.03pm
Cr P J Dowling	Deputy Mayor and Councillor Division 4
Cr T Bowler	Councillor Division 6
Cr M A Elliott	Councillor Division 7 – entered at 2.08pm
Cr A R Beard	Councillor Division 8
Cr H J Murray	Councillor Division 10

Committee Manager

Mr R Turner	General Manager Corporate Services
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Officers

Mrs S Rankin	Chief Executive Officer
Mr L Smith	Acting General Manager Customer Services
Mr G Underwood	General Manager Planning and Policy
Mr G Soutar	General Manager Redland Water & Waste
Mrs K Phillips	Manager Financial Services
Mr B Lewis	Manager Corporate Acquisitions Fleet & Facilities
Ms J Jones	Procurement Coordinator
Mr M Elliott	Property Services Manager
Mr P Powell	Survey Services Manager

Minutes

Mrs J Parfitt	Corporate Meetings & Registers Officer
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ABSENT

Cr J L Burns	Councillor Division 5
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PUBLIC PARTICIPATION AT MEETING

Nil.

DECLARATION OF INTEREST

Nil.

MOTION TO ALTER THE ORDER OF BUSINESS

Nil.

Cr Ogilvie left the meeting at 2.19pm during discussion on Item 1.3 and returned at 2.30pm during discussion on Item 2.2.

Cr Elliott left the meeting at 2.26pm.

12.1 CORPORATE SERVICES**12.1.1 DECEMBER 2007 - 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

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 December 2007 financial statement of accounts to Council and provide detailed analytical commentary.

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

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

The indicator which fell outside the target range is the debt servicing ratio. The debt servicing ratio of 24.4% for December was well outside the target level of under 17% due entirely to the early payment of QTC loan instalments. This indicator is expected to fall back within comfort levels before the end of the financial year.

The operating financial result (Earnings Before Interest, Tax and Depreciation – EBITD) is ahead of budget by \$3.7 million, with operating expenditure favourable by \$3.9 million and operating revenue unfavourable by \$0.2 million.

Capital expenditure is \$3.8 million behind budget expenditure levels at the end of December.

The cash flow position for the year is behind forecast levels by \$5.5 million at the end of December 2007.

PURPOSE

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

BACKGROUND

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

ISSUES

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

Corporate Financial Report Card (A)

- Operating Revenue compared with Budget;
- General Operating Costs compared with Budget;
- Capital Expenditure compared with Budget;
- Cash Position; and
- Employee Costs compared with Budget.

Report Card Analysis (B)

Classifies variances between revised budget and actual results as being either timing or permanent variances as well as favourable or unfavourable. Timing variances are anticipated to evaporate once 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 \$22.6 million (\$3.7 million ahead of budget). This result is due to total operating revenue of \$78.8 million (\$0.2 million behind budget) and total operating costs of \$56.2 million (favourable variance of \$3.9 million).

The capital expenditure program is \$3.8 million behind targeted expenditure levels at the end of December.

The investment of surplus funds for the month returned a weighted average rate of return of 6.82% that compares unfavourably to the benchmark UBS Australia Bank Bill Index of 6.88%. 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. Council's effective interest rate of return exceeded the benchmark figure for December, although on a YTD basis it is slightly below due to the volatility of world markets.

The Cash Enhanced Funds have now under performed for 5 of the last 6 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.

The cash balance exceeds the target range of \$32 million to \$42 million at \$51.5 million, equivalent to 4.9 months cash capacity. The balance is behind the YTD budget due to the large QTC repayments made in December.

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 December 2007 and explanations as presented in the attachments.

ALTERNATIVE

That Council requests additional information.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Barker

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

- 1. Corporate Financial Report Card;**
- 2. Report Card Analysis;**
- 3. First Council Financial Report;**
- 4. Second Council Financial Report;**
- 5. 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**
- 12. Quarterly Operational and Capital Projects report.**

CARRIED

12.1.2 EXTERNAL AUDIT MANAGEMENT REPORT FOR YEAR ENDED 30 JUNE 2007

Dataworks Filename: FM Audit
Attachment: [Audit Management Report 2006/07](#)
Responsible Officer Name: Ray Turner
General Manager Corporate Services
Author Name: Kerry Phillips
Group Manager Financial Services

EXECUTIVE SUMMARY

Under s.530(4) of the *Local Government Act 1993* the management report provided to Council in relation to the annual external audit of the financial statement must be tabled for noting by Council.

It is recommended that Council note the external audit management report for the 2006/2007 year, as attached.

PURPOSE

The purpose of this report is for Council to note the external audit management report for the 2006/2007 year, as attached.

BACKGROUND

Under s530(4) of the *Local Government Act 1993* the management report provided to Council in relation to the annual external audit of the financial statement must be tabled for noting by Council.

The Redland Shire Council final audit for 2006-07 has been completed and the general purpose financial statements have been audited and certified without qualification. The statements have been included as audited in the Council's Annual Report.

ISSUES

A number of issues have been brought to management's attention for subsequent action. The risk attached to these issues has been assessed as moderate. Management comments have also been provided in the final report as attached.

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

Nil

CONSULTATION

Consultation in reaching the final version of this report was between the audit staff, Group Manager Financial Services, Service Manager Corporate Asset Information Team, Service Manager Financial Reporting, Group Manager Human Resources, Group Manager Internal Audit, General Manager Corporate Services and the CEO.

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

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve to note the external audit management report for the 2006/2007 year as attached.

CARRIED

12.1.3 PURCHASE OF ELECTRICITY

Datworks Filename: FM Tenders - Supply Services
Attachment: [Proposed Green Energy Sites](#)
Responsible Officer Name: Brian Lewis
Manager Corporate Acquisitions Fleet and
Facilities
Author Name: Jillian Jones
Procurement Coordinator

EXECUTIVE SUMMARY

The current contract for electricity on Councils largest 13 consuming sites (1021-2005-CAF) expires 31 July 2008. Redland Shire Council is intending to approach the market as a collaborative group with seven South East Queensland Councils for the purchase of electricity for these sites.

There is an existing contract for low consumption sites in place (previously tendered in 2007 by six SEQ Councils) which allows Council to transfer its 252 low consumption sites from the current default arrangement to the contract market also.

It is possible to achieve savings on the current purchase price by moving these 252 sites onto the existing arrangement in place.

PURPOSE

To seek Council approval:

1. To delegate the Chief Executive Officer the power to approve the award of the RSC component of the Electricity tender (including water and waste water sites) being completed collaboratively with other SEQ Councils.
2. To transfer the low consumption sites (including water and waste water sites) to the existing SEQ local government contract in place with Integral Energy at an estimated cost of \$389,440 incl GST per annum expiring 22 August 2010. The estimated cost of entering this contract is \$908,692 incl GST based on current consumption figures for two (2) years and four (4) months commencing April 2008.

BACKGROUND

Delegation – high consumption sites

A collaborative group has been set up for the purchase of electricity for large consuming sites in the contestable market involving the following Councils as well as Redland Shire:

- Maroochy Shire
- Redcliffe City

- Pine Rivers Shire
- Caboolture Shire
- Caloundra City
- Noosa Shire
- Ipswich City Council

The proposed tender advertisement date is 2 February 2008 closing on 17 April 2008, the pricing validity period for electricity tenders is seven days and therefore award will need to be made on 23 April 2008. This timeframe is too tight to allow for the Council resolution process and therefore requires the Chief Executive Officer to be delegated the power to award the contract.

The value of the contract at this time is unknown and dependant on a number of variables–

- Of the current 13 sites, there are 4 RSC sites, 3 Water Treatment Plants, 5 Waste Water Treatment Plants and 1 reservoir. The dates for the transfer of water and waste water assets will directly impact on the value of the contract as Council's liability changes based on Council/State ownership.
- The term of the contract will be decided based on an evaluation of the offers received with the most advantageous term selected – dependant on offers received.
- The tariff to be paid is unknown at this stage until the market has been approached.
- As an indication the current contract value is \$1.7 million per annum. Approximately twenty percent of this is RSC sites with the other eighty percent attributed to RWW. The market price has risen in excess of forty percent since this arrangement was entered.

Contract – low consumption sites

There are currently 252 sites (including water and waste water sites) that can be transferred to the current collaborative contract. By transferring these sites \$66,640 incl GST can be saved over the two year four month term of the agreement. This figure is calculated on the current default tariff paid by council compared to the contract price on offer by transferring to the collaborative agreement.

These savings can be utilised by the purchase of green power to assist in Councils Cities for Climate Protection target. Rather than purchasing a flat percentage of renewable energy eg. 5% it would be more appropriate to purchase 100% green power at certain high profile sites eg BBQ's, Caravan Parks, and minor libraries (Attachment 1). This gives an option to install signage advising that Council is powering the site with 100% renewable energy. There may be a small number of additional BBQ's/amenities blocks added to this list in the finalisation of savings. In order to ensure that only the contract savings are utilised for this, the budgets for these 252 sites for 2008/09 would need to be prepared for upload by Supply Services in line with the contract arrangements.

There will be 14 remaining sites that will require further investigation to source the best available franchise tariff as they have been identified as not cost effective to move to the collaborative arrangement. Pricing for these sites will be investigated once the other sites have been finalised.

When the assets transfer to the State, the contract for each individual site transfers also, by the Council's entering a collaborative arrangement the State will benefit from the Council's contracts expiring in line with each other. All Councils will benefit from the inclusion of their Water and Waste consumption figures in the market approach, with this pricing in place for the term of the contract.

ISSUES

Council is exempt from tendering for the 252 sites under Section 486 (I) (f) (ii) as the contract is made with, or under an arrangement with or made by the State, a government entity, a local government owned corporation, the Brisbane City Council or another Local Government.

By completing this tender collaboratively and transferring sites to the existing collaborative contract Council will benefit from the greater purchasing power achieved through higher consumption levels. There is also a benefit in lower consultancy fees for the completion of the tender as these costs are shared amongst the collaborative group.

Elizabeth Sciberras of Energetics, an external Energy Consultant who Council have engaged previously to assist with tendering in the electricity market, has advised that better pricing will be achieved by entering a collaborative arrangement rather than going to market in our own right.

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

It is expected that there will be significant impact on the large consumption site pricing due to the spiralling costs of electricity since the previous contract entered 3 years ago. An estimate of the increase will be supplied to finance for inclusion in the budget preparation statistics, with the final figure available for upload at the end of April, prior to the final adoption of the 2008/09 budget.

CONSULTATION

Consultation has occurred with:

- Gary Soutar General Manager Redland Water and Waste

Agreement to include RWW sites in the two contracts

- Warren Mortlock Senior Advisor Environmental Protection
Agreement to purchase of renewable energy
- Mick Fullelove Maroochy Shire Council Sustainable Business
Coordinator
Analysis of consumption data, tariffs and collaborative tender
- Greg Jensen Manager Customer and Community Services
Agreement on site options to be included in 100% renewable energy purchase
- Neil Kesur Manager Operations and Maintenance (higher duties)
Agreement on site options to be included in 100% renewable energy purchase

OPTIONS

PREFERRED

That Council resolve as follows:

1. To delegate the Chief Executive Officer the power to approve the awarding of the RSC component of the Electricity tender (including water and waste water sites) being completed collaboratively with other SEQ Councils;
2. To transfer the low consumption sites (including water and waste water sites) to the existing SEQ local government contract in place with Integral Energy at an estimated cost of \$389,440 incl GST per annum expiring 22 August 2010. The estimated cost of entering this contract is \$908,692 incl GST based on current consumption figures for two (2) years and four (4) months commencing April 2008.
To consider utilising any savings accrued from entering into the collaborative electricity arrangement, by increasing the percentage of green energy used at high profile sites, at the next budget review.

ALTERNATIVE

That Council resolve as follows:

1. To delegate the Chief Executive Officer the power to approve the award of the RSC component of the Electricity tender (including water and waste water sites) being completed collaboratively with other SEQ Councils; and
2. To transfer the low consumption sites (including water and waste water sites) to the existing SEQ local government contract in place with Integral Energy at an estimated cost of \$389,440 incl GST per annum expiring 22 August 2010. The estimated cost of entering this contract is \$908,692 incl GST based on current consumption figures for two (2) years and four (4) months commencing April 2008.

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

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve as follows:

- 1. To delegate to the Chief Executive Officer the power to approve the awarding of the RSC component of the Electricity tender (including water and waste water sites) being completed collaboratively with other SEQ Councils;**
- 2. To transfer the low consumption sites (including water and waste water sites) to the existing SEQ local government contract in place with Integral Energy at an estimated cost of \$389,440 incl GST per annum expiring 22 August 2010. The estimated cost of entering this contract is \$908,692 incl GST based on current consumption figures for two (2) years and four (4) months commencing April 2008; and**
- 3. To consider utilising any savings accrued from entering into the collaborative electricity arrangement, by increasing the percentage of green energy used at high profile sites, at the next budget review.**

CARRIED

12.1.4 REDLAND SHIRE COUNCIL NAME CHANGE

Datworks Filename: CR Corporate Image - Redland City Council
Responsible Officer Name: Kathy Petrik
Manager Marketing & Communications
Author Name: Jennifer Munoz
Principal Advisor Marketing & Communications

EXECUTIVE SUMMARY

In its submission to the Local Government Reform Commission in 2007, Redland Shire Council proposed a name change to Redland City Council, reflecting the size and diversity of the Redlands.

The Commission approved the name change and enabling legislation has now been enacted. The new name will apply from 15 March 2008, the date of the next local government elections.

Ultimately all Council materials, products and services will bear this name, but the changeover will be progressive to ensure cost-effectiveness and minimal waste. Priority for changes is being given to 'flagship' items and those with a compliance element.

PURPOSE

To seek Council's approval for the progressive implementation of branding for the new Redland City Council.

BACKGROUND

It was determined at the outset that the corporate logo would be simply updated by changing the typography from "Shire" to "City".



The Marketing and Communications Group liaised with all Council departments to identify needs, priorities, scheduling and any related costs to ensure an effective and coordinated transition.

All internal and external materials were audited by Council departments to ascertain materials needing change at some point. This included the corporate seal, registered trademarks, signage, uniforms, printed and online materials.

Each department highlighted items that needed to be in place by March 2008 and specified existing external materials that needed to be reordered before the changeover date.

Updating logo

Following approval by the CEO of artwork for the logo wording change from Redland Shire Council to Redland City Council, refreshed artwork and style manuals (corporate, RWW, More2redlands and signage visual standards) were prepared by the Marketing and Communications Group in various formats for later use in all print and electronic materials, signs and uniforms.

Signage

Council has approximately 1725 signs on its parks database. Of these, 640 are still in the former advisory design and are being replaced with new compliance signs. As these signs had already been procured, they will now carry a decal with Redland City Council over the RSC identity.

Lettering will be changed on Council's Cleveland Administration Building above the entrance under the Shire crest and internally in all customer service areas in the week leading up to 15 March. Most of this will be achieved through overlay stickers.

A range of robust decals that will be applied as an overlay will be produced to update other signs, progressively replacing Redland Shire Council with Redland City Council throughout the Redlands.

Vehicle stickers

New UV-treated stickers are being produced for Council vehicles as a priority as these are frontline carriers of Council's branding.

Uniforms

The four suppliers of council uniforms have the new artwork and will introduce it in materials produced from February 2008. The main impact will be seen in the new financial year, when most staff re-order garments for the following 12 months.

Stationery

Liaison has occurred with officers responsible for stationery orders and they will ensure that stocks ordered from February will carry the updated corporate identity. Existing stocks of business cards, for example, will be allowed to run out before replacement, unless specifically requested, e.g. by ELG members.

Related modifications will be prepared for the suite of mayoral/councillor stationery and items will be ready after the election.

Websites

The web is a major source of Council information and both the corporate and the "More to" websites will be updated to include the amended corporate identity. This includes all external forms, internal and external templates, electronic newsletters, software templates.

Domain name

The corporate email address - rsc@redland is widely used on the web and in print materials. A new address has been registered - rcc@redland, but the current one will be 'masked' and retained for a considerable time to ensure emails sent to the old Council address continue to be received seamlessly.

ISSUES

It is impractical to consider holistic name and 'look' changes for all Council items in March. This is likely to occur over the next 18 months or so. The initial focus is on frontline services and identification eg customer service centres.

Changeover schedule

ITEM	TIMING
Admin. Building sign	13 March 2008 (proposed media photo opportunity)
Customer service/library internal signs	Held 10 March
Council vehicle ID	In place by 15 March
Council stationery	All orders from February 2008
Mayoral/councillor stationery	Shells prepared by March 2008, for completion post-election
Parks sign updates	From late Jan 2008 - ongoing
Uniforms	From 15 March (with new artwork on all 2008 orders)
Web	In-house reviews; progressive updates (ongoing)
Graphics	Revised style manuals completed Jan. 2008; ongoing implementation in new materials
Staff ID updates	All staff should change email signature information, with RCC applying from 17 March

RELATIONSHIP TO CORPORATE PLAN

The recommendation in this report primarily supports Council's strategic priority to enhance employment participation and the community's standard of living through encouraging economic development opportunities.

FINANCIAL IMPLICATIONS

No additional budget allocation is required for this project.

There are minimal financial implications for Council, with most revised materials being produced in line with normal schedules eg stationery/uniform orders, incorporated into existing projects or provided by in-house staff as part of normal budgets.

The biggest impact is on staff time for design and updating materials in the Marketing & Communications Group. Graphic and web designers and web content

administrators are primarily involved in the changeover. All work to date (approximately 62 hours) has been carried out within the normal budget allocations.

It is anticipated it will take approximately three weeks to undertake reviews, programming and content change for websites.

The following additional costs have been identified:

- | | |
|--|-----------------|
| • UV-treated vehicle stickers (2000) | \$5582.00 |
| • URL registration | \$250.00 |
| • Sign stickers eg customer service, libraries, parks and streetscapes | \$2000.00 |
| • New lettering for Administration Building (legally required to denote place of business) | \$5000.00 (TBC) |

CONSULTATION

All Council groups have been consulted in developing a comprehensive list of items with Council branding. Additional consultation has occurred with the Chief Executive Officer, General Manager Corporate Services and Council service providers.

OPTIONS

PREFERRED

That Council resolve to approve the progressive implementation of branding for the new Redland City Council.

ALTERNATIVE

That Council resolve not to approve the progressive implementation of branding for the new Redland City Council.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve to approve the progressive implementation of branding for the new Redland City Council.

CARRIED

12.1.5 CLEVELAND LIBRARY RESTAURANT

Dataworks Filename: P163335
Responsible Officer Name: Brian Lewis
Manager Corporate Acquisitions Fleet & Facilities
Author Name: Merv Elliott
Property Services Manager

EXECUTIVE SUMMARY

The lease of the Cleveland Library Restaurant has been surrendered due to the default by the Lessees.

Under the provisions of the *Local Government Act 1993*, Council is required to call tenders for the re-leasing of the premises.

PURPOSE

The purpose of this report is to obtain Council approval to call tenders for leasing of the subject premises for a 5 year term.

BACKGROUND

The current Lessee was granted a lease over a portion of the ground floor of the Library building to operate a restaurant. The lease was for the period 2 February 2007 to 9 May 2009.

The Lessee has breached the existing lease due to non payment of rent. As a consequence, the lease has been formally cancelled by Council and in order to relet the premises, tenders need to be called to obtain the best outcome for Council.

ISSUES

Due to a breach of conditions the present lease has been terminated by Council. The lessee, operating as El Majito is still trading. The Lessee has requested exemption from fulfilling their obligations under the previous lease for the period 1 February 2008 to 9 May 2009. All outstanding rental will be recovered by Council up to 1 February 2008.

In order to relet the premises Council is required to call tenders. It is proposed that the new lease term be for a period of 5 years with a stipulated yearly rental to be increased by 5 % per annum or CPI increases, which ever is the greater.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to enhance employment participation the community's standard of living through encouraging economic development opportunities.

FINANCIAL IMPLICATIONS

There may be some loss of rent until the premises are relet. At the present time Council receives \$5,000 per calendar month. It is quite possible that up to 3 months rent may be lost due to the tendering process which is unavoidable. It is not considered to be a viable option to attempt to recover this rent from the present Lessee.

CONSULTATION

The Property Services Manager has consulted with Council's Legal Advisors.

OPTIONS

PREFERRED

That Council resolve to:

1. Grant approval for tenders to be called for the leasing of the library restaurant premises for a 5 year term.
2. Agree to waive lease rental obligations in respect to the previous lease for the period 1 February 2008 to 9 May 2009.
3. Delegate authority to the Chief Executive Officer to enter into a new lease agreement with the successful tenderer.
4. Delegate authority to the Mayor and Chief Executive Officer to sign and seal all necessary documentation.

ALTERNATIVE

1. That Council do not call tenders for the leasing of the subject premises in order to use them for Council purposes.
2. That Council pursue the recovery of all rental due under the existing lease.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams

Seconded by: Cr Barker

That Council resolve to:

1. **Grant approval for tenders to be called for the leasing of the library restaurant premises for a 5 year term;**
2. **Agree to waive lease rental obligations in respect to the previous lease for the period 1 February 2008 to 9 May 2009;**
3. **Delegate authority to the Chief Executive Officer to enter into a new lease agreement with the successful tenderer; and**

4. Delegate authority to the Mayor and Chief Executive Officer to sign and seal all necessary documentation.

CARRIED

**12.1.6 MINING APPLICATION - NORTH STRADBROKE ISLAND - LOT 46 SL2482
(QUARRY RESERVE 1671)**

Datworks Filename: P101367
Attachment: [Site Plan & DNRM Approval](#)
Responsible Officer Name: Brian Lewis,
Manager Corporate Acquisitions Fleet & Facilities
Author Name: Merv Elliott
Property Services Manager

EXECUTIVE SUMMARY

Council hold in trust from the Crown, quarry reserve 1671, lot 46 SL2482 situated on North Stradbroke Island. In the 1970's a stockpile of black sand (ilmenite) was placed on the land. The stockpile was left behind after the area was mined. The stockpile covers an area of 500m² adjacent to an unsealed part of George Nothling Drive and is located approximately 1 kilometre from the nearest dwelling.

Green Coast Resources Pty Ltd has made application to various Government authorities to remove the stockpile which is considered to be a contaminant. The Environmental Protection Agency (EPA) has granted a Standard Environmental Authority (Mining Activities) under the *Environmental Protection Act 1994* subject to certain conditions.

PURPOSE

To recommend to Council that approval be granted for an agreement to be entered into with Green Coast Resources Pty Ltd in respect to the removal of the stockpile from lot 46 SL2482.

BACKGROUND

As owner in trust of the subject land on which the stockpile is located, Council is required to enter into an agreement with Green Coast Resources Pty Ltd setting out conditions considered relevant to protect Council's interest in respect to the proposed removal of the stockpile. Green Coast Resources Pty Ltd will also need to abide by the conditions applicable to the removal from the various Government agencies including E.P.A and Department of Natural Resources Mines and Water.

ISSUESQuarry Operations

The removal of the stockpile will not impact on Council's quarry activities and once the stockpile is removed the mining licence will be extinguished.

Compensation

Council is not entitled to the value of the materials in the stockpile. Under the provisions of the *Mineral Resources Act 1989 – 1990*, Council is only entitled to

compensation for deprivation of possession of the surface of the land, during the mining operation.

Rehabilitation of Site

Green Coast Resources Pty Ltd will be required to rehabilitate the site after removal of the stockpile to the satisfaction of Council and all requirements relating to re-vegetation in accordance with Council's Vegetation Enhancement Strategy which will also include consultation with Point Lookout Land Care Group and Quandamooka CDEP.

Truck Movements

It is proposed the activity will operate 7 days per week with a maximum of 2 truck trips per day.

Proposed Sewerage Works

Green Coast Resources have agreed to pay all costs that may be incurred should any re-design of Council's proposed sewerage infrastructure be required.

Timing

Removal of the stockpile will take approximately 12 months (10,000.00 tonnes)

Integrated Planning Act

Advice has been received that the application to mine does not trigger a development application. (Schedule 8, table 2, item 1 of IPA.)

Conclusion

It is considered that Council should grant approval for the removal of the stockpile of Ilmenite from Council Land described as lot 46 SL2482. This will allow the removal of an ugly stockpile that is a declared contaminant.

CONSULTATION

Property Services Manager has consulted with the Development Coordinator Service Manager, Manager Environmental Management, Operations & Maintenance Manager and Technical Support Manager Redland Water & Waste.

RELATIONSHIP TO CORPORATE PLAN

This recommendation in this report primarily supports Council's strategic priority to enhance employment participation and the community's standard of living through encouraging economic development opportunities.

FINANCIAL IMPLICATIONS

The proposal will be at no cost to Council.

OPTIONS**PREFERRED**

That Council resolve to:

1. Delegate authority to the Chief Executive Officer to enter into an agreement with Green Coast Resources Pty Ltd for compensation and conditions of rehabilitation in relation to the removal of the stockpile on Lot 46 SL2482; and
2. Delegate authority the Mayor and Chief Executive Officer to sign and seal all relevant documentation.

ALTERNATIVE

That Council does not grant approval to the proposal.

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

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve to:

1. **Delegate authority to the Chief Executive Officer, to enter into an agreement with Green Coast Resources Pty Ltd for compensation and conditions of rehabilitation in relation to the removal of the stockpile on Lot 46 SL2482; and**
2. **Delegate authority to the Mayor and Chief Executive Officer to sign and seal all relevant documentation.**

CARRIED

12.2 CUSTOMER SERVICES

12.2.1 DELEGATION TO CHIEF EXECUTIVE OFFICER UNDER PUBLIC HEALTH ACT 2005

Datworks Filename: GOV Delegations – LGA s.472
Responsible Officer Name: Timothy Donovan
Manager Assessment Services
Author Name: Joseph Casabella
Acting Team Leader Health & Environment

EXECUTIVE SUMMARY

This report proposes that Council delegate its administrative and enforcement powers under the *Public Health Act 2005 and Public Health Regulation 2005* to the Chief Executive Officer, who would then delegate this power to a nominated and suitably qualified and experienced Council officer.

The alternative is that Council would, by resolution, need to administer the Act and Regulation by appointing authorised persons to enforce the provisions of the Act and Regulation, and approve certain enforcement action against businesses or individuals.

PURPOSE

To recommend that Council delegate its authority to the Chief Executive Officer to administer the *Public Health Act 2005 and Public Health Regulation 2005*.

BACKGROUND

The Health and Environment Unit, within the Assessment Services Group, is responsible for administering public health and environmental legislation on behalf of Council. The *Public Health Act 2005* was passed by the Queensland Parliament in November 2005, with the intent of replacing the previous Health Act 1937. The official commencement of various provisions of the *Public Health Act 2005* affecting Local Government was intended to be phased in over a 2 year period. On 18 June 2007, the provisions affecting Local Governments commenced. Section 13 of the Act requires Local Government to administer and enforce the Act within its local government area.

This report provides for the delegation of primarily administrative powers associated with the *Public Health Act 2005 and Public Health Regulation 2005*. The proposed delegation allows the Chief Executive Officer to administer and enforce compliance with this legislation. The delegation to the Chief Executive Officer would then be further delegated to the Health and Environment Team Leader or other suitably qualified and experienced Officer under section 1132 of the *Local Government Act 1993* to undertake this function.

ISSUES

The purpose of the *Public Health Act 2005* and *Public Health Regulation 2005* is to protect and promote the health of the Queensland public. In particular Local Governments are responsible for managing and mitigating certain Public Health Risks within the community.

For Local Government, the purpose is to be achieved by –

- (a) Preventing, controlling and reducing risks to public health in residential areas (non- workplace or commercial activities); and
- (b) Preventing and controlling public health risks in relation to mosquitoes; and
- (c) Preventing and controlling public health risks in relation to rats and mice; and
- (d) Preventing and controlling public health risks in relation the dispersal or release of asbestos fibres in non workplace areas; and
- (e) Providing for compliance with the Act to be monitored and enforced.

A number of Public Health Risks are provided in the Act and Regulation that are similar to the previous provisions covered under the now repealed *Health Act 1937*. The primary means of regulating the provisions of both the Act and Regulation is in the form of a Public Health Order.

A public health order may require a person to do something at a place that is —
Reasonably necessary to remove or reduce the risk to public health from a public health risk, or prevent a risk to public health from recurring; and / or a public health order may require a person to do any of the following at the place —

- (a) Clean or disinfect the place, or part of the place, or a structure or other thing at the place, in the way stated in the order;
- (b) Carry out insect or pest control at the place in the way stated in the order;
- (c) Demolish stated structures or other property at the place in the way stated in the order;
- (d) Remove stated material or items from the place to another place stated in the order in the way stated in the order;
- (e) Dispose of stated material or items at the place in the way stated in the order, for example, by burying the material or items;
- (f) Destroy animals at the place or remove animals from the place for destruction at another place in the way stated in the order;
- (g) Stop using the place, or part of the place, for a stated purpose, within a stated period or until stated steps are taken.

However, the major unresolved issue that remains relates to the administration and enforcement of Asbestos in non- workplace areas.

In early negotiations on this matter with Queensland Health, the LGAQ identified a lack of commercially available insurance cover for Councils for public liability and professional indemnity risks arising from their role in enforcing asbestos provisions in the Act. Subsequently, the State has offered to Councils a “State Indemnity”.

Another issue identified in the legislation was a lack of clarity in some areas of asbestos management, particularly in relation to a do-it-yourself home handyman

working with more than ten square metres of asbestos in a non-workplace setting. It was determined that this matter would be resolved with an Agreement under Section 14 of the Act which would outline the responsibilities of both State and Local Government.

Over the past few months, the LGAQ has been endeavouring to secure, for the benefit of Queensland Councils, both the indemnity agreement and the Section 14 agreement. The first drafts of these agreements were submitted to the LGAQ on 5 June 2007.

At present, it is the LGAQ's view that the only way for both agreements to be effective is for individual agreements to be signed by each Council and Queensland Health (who will sign on behalf of the State). Councils and Queensland Health will then need to sign and return the documents prior to the indemnity being offered by the State becoming effective.

Section 1123 of the *Local Government Act 1993* requires that Councils maintain public liability and professional indemnity insurance for any activities undertaken. Accordingly, the recommendation from LGAQ is that Councils should not endeavour to undertake enforcement of any provisions of the legislation relating to asbestos in a non-workplace setting, until such time as an Indemnity Agreement with Queensland Health is signed.

In the interim, and where Council receives notification or complaints regarding asbestos in non-workplace areas, Queensland Health have provided mechanisms where the Chief Executive Officer or an authorised delegate of the Council can enter into an agreement with the Queensland Health Director of Environmental Health requesting Queensland Health to investigate the complaint under Section 14 of the *Public Health Act 2005*.

PLANNING SCHEME IMPLICATIONS

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

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this delegation.

CONSULTATION

The Manager Legal Services and the Senior Advisor - Environmental Health were consulted on this matter and agree that delegated authority to the Chief Executive Officer would be the preferred option.

OPTIONS**PREFERRED**

That Council resolve, under section 472 of the *Local Government Act 1993*, to delegate to the Chief Executive Officer:

1. The authority to exercise the powers and responsibilities relating to the sections 24, 27, 31, 32, 36, 388, 393, 406, 407, 433 of the *Public Health Act 2005*; and
2. The ability to sub-delegate the authority to exercise these powers and responsibilities to appropriate officers of Redland Shire Council.

ALTERNATIVE

That Council, by resolution, makes decisions on the administration of this legislation – including the appointment of officers and enforcement action against business or individuals.

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

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve, under section 472 of the *Local Government Act 1993*, to delegate to the Chief Executive Officer:

1. **The authority to exercise the powers and responsibilities relating to sections 24, 27, 31, 32, 36, 388, 393, 406, 407, 433 of the *Public Health Act 2005*; and**
2. **The ability to sub-delegate the authority to exercise these powers and responsibilities to appropriate officers of Redland Shire Council.**

CARRIED

12.2.2 PROPOSED ROAD OPENING FROM LOT 14 ON CP903658

Dataworks Filename: 45353
Attachments: [Proposed New Road North East Corner of Wellington and South Street, Cleveland](#)
Responsible Officer Name: Paul Powell
Survey Services Manager
Author Name: Michelle Steel
Survey Administration Officer

EXECUTIVE SUMMARY

Due to the proposed intersection improvements at Wellington and South Streets, Cleveland, a road opening is required to facilitate the roundabout upgrade. A truncation of 25m² will be required from Lot 14 on CP903658 (Council's South Street Depot).

The roundabout upgrade will allow for improvements in traffic flow and safety as well as allowing a safe pedestrian walkway.

In addition, it is recommended that the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documentation in accordance with the *Land Title Act 1994*.

PURPOSE

To seek Council approval to dedicate approximately 25m² of Lot 14 on CP903658 to road as shown on drawing No A2-S7-1-1 pursuant to Section 51 of the *Land Title Act 1994*.

BACKGROUND

As part of the 2007/2008 Roadworks Program, the construction of a new roundabout and additional lanes at the intersection of Wellington and South Streets will be completed. The new roundabout will allow for safe sight distances and a safe pedestrian walkway.

To construct the roundabout to Council and State standards, additional land will be required from Lot 14 on CP903658. The required road opening will consist of a 10m, three chord truncation (approximately 25m²).

ISSUES

In order to facilitate the roundabout it is proposed to dedicate 25m² as road from the Council owned Lot 14 on CP903658.

The widened road reserve will improve pedestrian movements and accommodate any new services or existing service changes that may be required.

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 costs associated with the proposed new road land action will be \$3000. This land action will need to proceed to facilitate the intersection works and the budget will be allocated from the 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 Customer Service and Business Performance
- Property Services Manager
- Service Manager of Development Coordination
- Principal Senior Design Technician
- Registered Surveyor

OPTIONS

PREFERRED

That Council resolve as follows:

1. To dedicate part of Lot 14 on CP903658 as road under Section 51 of the *Land Title Act 1994*; and
2. That the Mayor and Chief Executive Officer be delegated authority to sign and seal any documentation relating to these matters.

ALTERNATIVE

That Council resolve to not dedicate the land as road, resulting in the roundabout not being constructed to Council standards.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve as follows:

1. To dedicate part of Lot 14 on CP903658 as road under Section 51 of the *Land Title Act 1994*; and
2. That the Mayor and Chief Executive Officer be delegated authority to sign and seal any documentation relating to these matters.

CARRIED

12.3 PLANNING AND POLICY

12.3.1 MONTHLY BALANCED SCORECARD REPORT FOR DECEMBER 2007

Datworks Filename:	Gov - Corporate Balanced Scorecard Monthly Report to Committee
Attachment:	<u>Corporate Balanced Scorecard Report December 2007</u>
Responsible Officer Name:	Warren van Wyk Manager Corporate Planning Performance & Risk
Author Name:	Jenny Forbes Senior Projects Adviser

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 December 2007. 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 Shire Council for the month of December is Above Standard.

PURPOSE

To provide Council with the Corporate Balanced Scorecard report for the month of December 2007.

BACKGROUND

The performance management framework for Redland Shire 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 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

December Rating: Outstanding

Proven Earnings Before Interest Tax & Depreciation (EBITD) Savings to Budget (weighting 20%) rated at the outstanding level, with a budget of \$18.8 million actual \$22.6 million. The favourable variance is mainly due to timing issues with goods and services. Full details are provided in the monthly finance report.

Cash Levels Within Targets (weighting 8%) rated in the above standard range with the result of 4.9 months being a seasonal improvement on last months result of 6.3 months.

The Capital Works Program Financial Performance KPI (weighting 12%) compares expenditure on finalised projects with budget. An outstanding result of 16.27% savings was achieved with the budget for completed projects so far this year (which are almost exclusively PDG projects) of \$7,215,753 and actual expenditure of \$6,041,899.

Customer Perspective

December Rating: Outstanding

Capital Works Program Practical Completion (weighting 15%) reports on the % of capital project milestones achieved compared to plan. PDG is currently managing 331 projects and has achieved 340 milestones against a target of 353. 73 projects have reached practical completion YTD. Redland Water and Waste is ahead of target with 23 milestones due and 26 achieved. In Corporate Services, Information Management and Corporate Assets, Fleet and Facilities are spot on target with 40 milestones achieved.

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 satisfactory, with no non-conformances during December.

Development Application Assessment Performance Index Timeliness (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. Timeframes continue to be effected by resourcing issues.

Internal Perspective

December Rating: Outstanding

Asset Management Plans Actions Completed (weighting 7.5%) was above standard with 92% 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

December Rating: Unsatisfactory

% of Funded Workplace Health and Safety Management Plan Actions (weighting 10%) rated as unsatisfactory. Council is well into some of the actions related to milestones 4, 5 & 6 however milestone 3 has not been completed yet. This involves negotiating the interim audit with the Dept of WH&S, *prior to sign-off by the CEO*. This timing had not been factored in when the initial project milestones were set and this is the reason for the delay. Once milestone 3 is complete, because of the on-going work within the WH&S unit, we will be very close to being back on target for this KPI, and we will bring the KPI in on target for the year.

The Lost Time Injury Frequency Rate (weighting 5%) is expressed as a rolling 12 month average and rated as satisfactory. There were no recordable LTI's for December with the result showing a slight improvement over the 12 month period.

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 December 2007, as attached.

ALTERNATIVE

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

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

Moved by: Cr Williams

Seconded by: Cr Barker

That Council resolve to note the Corporate Balanced Scorecard for the month of December 2007, as attached.

CARRIED

12.4 GENERAL BUSINESS

Permission was granted for Cr Bowler to raise the following item of General Business at Planning & Policy Committee.

12.4.1 REQUEST FOR REPORT – HEAVY VEHICLES, MT COTTON ROAD**COMMITTEE RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Williams

Seconded by: Cr Barker

1. That 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.

CARRIED

13 MAYORAL MINUTE

13.1 REMUNERATION LEVELS FOR MAYOR & COUNCILLORS

BACKGROUND

The purpose of this Minute and its subsequent report is to remove Councillors from the task of calculating the value of their own services.

The Tribunal has recommended a range with a variance of 10% for Councillors and rather than Councillors having to deliberate on whether it should be in the high or low end, this Minute removes Councillors from the responsibility of evaluating their own roles against other like Councils.

COUNCIL RESOLUTION

Moved by: Cr Seccombe

That Council seek and appoint the services of an appropriate consultant to investigate and advise Council on the remuneration levels for the Mayor and Councillors of the new Redland City Council.

The investigation is to consider the Mayor and Councillor roles against other Category 6 Councils in the new Local Government Remuneration Tribunal Report released by the State Government on 29 November 2007 and recommend remuneration levels for the Mayor and Councillors, which must be within the range set by the Tribunal and after consideration of the current remuneration paid to other Category 6 Councils.

The recommendations should be included in a report to Council in time for presentation and adoption at the first meeting of the new Council.

CARRIED

14 DIRECT TO COUNCIL REPORTS

14.1 OFFICE OF CEO

14.1.1 LIBERTY SWING - SHARKS SPORTING CLUB - DIVISION 4 CCBF REQUEST

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

EXECUTIVE SUMMARY

Council annually allocates in its budget an amount for discretionary spending by Divisional Councillors known as the Councillors' Community Benefit fund (CCBF). In accordance with the requirements of the CCBF Policy and Guideline requests for expenditure over \$5,000.00 require Council approval.

This report details Cr Dowling's request to allocate \$9338.36 (GST Exc) from the Division 4 portion of the CCBF for the purpose of assisting with the installation costs only of a Liberty Swing at the Victoria Point Sharks Sporting Club.

PURPOSE

The purpose of this report is to seek Council approval to allocate \$9,338.36 (GST Exc) from the Division 4 portion of the CCBF to assist the Victoria Point Sharks Sporting Club with installation of the Liberty Swing.

BACKGROUND

In March 2007 a joint venture commenced with a private benefactor (Andreas Dagelet), the Rotary Club, Victoria Point Sharks Sporting Club and Variety Queensland to purchase and install a Liberty Swing in the Redlands.

A Liberty Swing is a playground swing for children with disabilities in wheelchairs to enjoy recreational swinging. The swing meets all standards and safety requirements and has a secure locking device when not in use.

The cost of a Liberty Swing is made up of two components:

- swing purchase - \$25,000.00 (GST Exc)
- installation costs (in accordance with supplier specifications) - \$14,449.91 (GST Exc)

The funds for the purchase of the Liberty Swing are being sourced from the Variety Club Qld, private benefactor (Andreas Dagelet) and Rotary Club. The private

benefactor is also providing \$5,111.55 (GST Exc) towards the installation of the Liberty Swing.

Cr Dowling has received a request from the Victoria Point Sharks Sporting Club for \$9,3338.36 (GST Exc) from the Division 4 portion of the Councillors' Community Benefit Fund to assist with the remaining installation costs.

ISSUES

The supplier of the Liberty Swing required that a Consent Form be signed and returned, detailing the installation requirements and maintenance program, before delivery could take place. Whilst Council has sourced a recommended contractor to install the Liberty Swing and obtained the required quote, the General Manager of the Sharks Sporting Club has undertaken the conditions listed on the Consent Form, signed and return the form.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

The Division 4 portion of the Councillors' Community Benefit Fund has sufficient funds to support this request.

Council has sourced a quote from Playground Inspection Protection on the recommendation of the Variety Club Queensland. To date Playground Inspection Protection has installed all Liberty Swings within South East Queensland and it is recommended that this contractor be the preferred supplier due to their installation experience in accordance with the supplier's standards.

CONSULTATION

Cr Dowling has consulted with the Liberty Swing sponsors (Variety Club Qld, Rotary Club, Victoria Point Sharks Sporting Club and Andreas Dagelet) to co-ordinating the purchase and installation of the swing.

The Office of the CEO has also consulted with the following:

- Liberty Swing sponsors (Variety Club Qld, Rotary Club, Andreas Dagelet & Victoria Point Sharks Sporting Club)
- Parks & Conservation
- Community & Social Planning.

Discussions between Parks & Conservation, Community and Social Planning and the Sharks Sporting Club have occurred to determine the best location of the Liberty Swing.

OPTIONS**PREFERRED**

That Council resolve to approve the allocation of \$9,338.36 (GST Exc) from the Division 4 portion of the Councillors' Community Benefit Fund to assist the Victoria Point Sharks Sporting Club with installation of a Liberty Swing.

ALTERNATIVE

That Council not approve the allocation of \$9,338.36 (GST Exc) from the Division 4 portion of the Councillors' Community Benefit Fund to assist the Victoria Point Sharks Sporting Club with installation of a Liberty Swing.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Dowling
Seconded by: Cr Burns

That Council resolve to approve the allocation of \$9,338.36 (GST Exc) from the Division 4 portion of the Councillors' Community Benefit Fund to assist the Victoria Point Sharks Sporting Club with installation of a Liberty Swing.

CARRIED

**14.1.2 SHARKS SPORTING CLUB-UPGRADE OF LIGHTING- CCBF REQUEST
DIVISION 4**

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

EXECUTIVE SUMMARY

Council annually allocates in its budget an amount for discretionary spending by the Divisional Councillors known as the Councillors' Community Benefit Fund (CCBF). In accordance with the requirements of the CCBF Policy and Guideline requests for expenditure over \$5,000.00 require Council approval.

This report details Cr Peter Dowling's request to allocate \$12,272.73 (GST Exc) from the Division 4 portion of the CCBF to assist the Sharks Sporting Club in providing field lighting at the Ern Dowling No.2 Sportsfield, corner of Link Road and Colburn Avenue, Victoria Point.

PURPOSE

The purpose of this report is to seek Council approval to allocate \$12,272.73 (GST Exc) from the Division 4 portion of the CCBF for the purpose of assisting the Sharks Sporting Club in providing field lighting at the Ern Dowling No.2 Sportsfield.

BACKGROUND

The Victoria Point Sharks Sporting Club approached Cr Dowling to request funding from the Division 4 portion of the CCBF to assist with the remainder of costs (\$12,272.73 GST Exc) to install lighting at the No.2 Ern Dowling Sportsfield.

The Sharks Sporting Club is contributing \$15,500.00 (GST Inc) towards this project and to assist with funding the club submitted a grant application to the State Government and was awarded \$63,500.00 (GST Inc) towards their total project of \$92,500.00 (GST Inc).

A CCBF Application has been received by Cr Peter Dowling who supports the request to allocate \$12,272.73 (GST Exc) from the Division 4 portion of the Councillors' Community Benefit Fund.

ISSUES

Council's Senior Adviser Urban Landscape met with a representative from Sea Eagle Electrical to discuss design layout and project requirements.

Council's Parks and Conservation area will monitor the installation to ensure that the previously laid irrigation is not impacted whilst the trenching is done for the electrical conduits.

A building application (BD143269) was submitted to Council and approved on 22 January, 2008.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

The Division 4 portion of the Councillors' Community Benefit Fund has sufficient funds to support this request.

In accordance with CCBF Guideline (GL-2034) three written quotations have been provided.

CONSULTATION

Cr Dowling has met with the Sharks Sporting Club to discuss their requirements to install field lighting.

Council's Senior Advisor Urban Landscape Design met with Sea Eagle Electrical to discuss works to be undertaken. It was also decided that Parks and Conservation will monitor the installation of the field lights so that previously laid irrigation is not impacted.

The Office of the CEO has also consulted with the following areas of Council in relation to this project:

- Community & Social Planning
- Leisure & Recreation
- Parks & Conservation

OPTIONS

PREFERRED

That Council approve the allocation of \$12,272.73 (GST Exc) from the Division 4 portion of the Councillors' Community Benefit Fund towards the installation of field lighting at No.2 Ern Dowling Sportsfield, Sharks Sporting Club.

ALTERNATIVE

That Council not approve the allocation of \$12,272.73 (GST Exc) from the Division 4 portion of the Councillors' Community Benefit Fund towards the installation of field lighting at No.2 Ern Dowling Sportsfield.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Dowling
Seconded by: Cr Williams

That Council resolve to approve the allocation of \$12,272.73 (GST Exc) from the Division 4 portion of the Councillors' Community Benefit Fund towards the installation of field lighting at No 2 Ern Dowling Sportsfield, Sharks Sporting Club.

CARRIED

14.1.3 FOLK REDLANDS - DIVISION 6 CCBF REQUEST

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

EXECUTIVE SUMMARY

Council annually allocates in its budget an amount for discretionary spending by Divisional Councillors known as the Councillors' Community Benefit Fund (CCBF). In accordance with the requirements of the CCBF Policy and Guideline requests for expenditure over \$5000.00 require Council approval.

This report details Cr Bowler's request to allocate \$5000.00 (GST Exc) from the Division 6 portion of the CCBF for the purpose of purchasing an enclosed trailer to store/transport music equipment (sound, lighting & stage gear) to events conducted by Folk Redlands Inc.

PURPOSE

The purpose of this report is to seek Council approval to allocate \$5000.00 (GST Exc) from the Division 5 portion of the CCBF to assist Folk Redlands Inc in purchasing an enclosed trailer.

BACKGROUND

Cr Toni Bowler and the Folk Redlands Inc have discussed project requirements of purchasing an enclosed trailer for storage and transport of music equipment.

The Folk Redlands conduct free concerts fortnightly and two free workshops and music festivals annually. The purchase of an enclosed trailer will allow them to transport their equipment to the various events and keep their equipment safe.

ISSUES

As per the Councillors' Community Benefit Fund Guidelines (GL-2034), two written quotations have been provided.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

The Division 6 portion of the Councillors' Community Benefit Fund has sufficient funds to support the allocation of \$5000.00 (GST Exc).

CONSULTATION

The Folk Redlands has consulted with Cr Toni Bowler on their project requirements and after considering their options decided on an enclosed trailer which will serve two purposes, storage and transporting of their music equipment.

OPTIONS**PREFERRED**

That Council approve the allocation of \$5,000.00 (GST Exc) from the Division 6 portion of the Councillors' Community Benefit Fund to assist with the purchase of an enclosed trailer for Folk Redland Incorporated to store and transport their music equipment.

ALTERNATIVE

That Council not approve the allocation of \$5,000.00 (GST Exc) from the Division 6 portion of the Councillors' Community Benefit Fund to assist Folk Redland Incorporated with the purchase of an enclosed trailer.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Bowler
Seconded by: Cr Williams

That Council approve the allocation of \$5,000.00 (GST Exc) from the Division 6 portion of the Councillors' Community Benefit Fund to assist with the purchase of an enclosed trailer for Folk Redland Incorporated to store and transport their music equipment.

CARRIED

**14.1.4 REDLANDS CRICKET CLUB - BOWLING MACHINE & PLATFORM - CCBF
REQUEST DIVISION 9**

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

EXECUTIVE SUMMARY

Council annually allocates in its budget an amount for discretionary spending by the Divisional Councillors known as the Councillors' Community Benefit Fund (CCBF). In accordance with the requirements of the CCBF Policy and Guideline requests for expenditure over \$5,000.00 require Council approval.

This report details Cr Karen William's request to allocate \$5,236.37 (GST Exc) from the Division 9 portion of the CCBF to assist the Redlands Cricket Club in purchasing a cricket bowling machine and custom made bowling machine platform.

PURPOSE

The purpose of this report is to seek Council approval to allocate \$5,236.37 (GST Exc) from the Division 9 portion of the CCBF to assist the Redlands Cricket Club in purchasing a bowling machine and platform.

BACKGROUND

The Redlands Cricket Club advised through their application that this additional equipment would be utilised by club members, particularly at Junior Clinic and when carnivals are held at the cricket facilities.

Cr Williams supports the request to purchase a bowling machine and platform.

ISSUES

Cr Karen Williams has sufficient funds to support the request for \$5,236.37 (GST Exc) to purchase a bowling machine and platform.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

As per CCBF Guidelines (GL-2034), two written quotations have been provided for the bowling machine and one quotation for the custom made bowling machine platform.

CONSULTATION

The cricket club have previously consulted with Cr Alan Barker (Division 1) about their requirements. Cr Barker has discussed their request with Cr Williams (Division 9) who supports the project.

OPTIONS

PREFERRED

That Council approve to allocate \$5,236.37 (GST Exc) from the Division 9 portion of the Councillors' Community Benefit Fund to assist the Redlands Cricket Club to purchase a bowling machine and custom made bowling platform.

ALTERNATIVE

That Council not approve the allocation of \$5,236.37 (GST Exc) from the Division 9 portion of the Councillors' Community Benefit Fund towards the purchase of a bowling machine and platform.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Barker

That Council resolve to allocate \$5,236.37 (GST Exc) from the Division 9 portion of the Councillors' Community Benefit Fund to assist the Redlands Cricket Club to purchase a bowling machine and custom made bowling machine platform.

CARRIED

Cr Bowler left the chamber prior to discussion and for the decision on this matter.

14.1.5 OMBUDSMAN'S REPORT - INVESTIGATION REPORT UNDER SECTION 501E

Dataworks Filename: GOV Councillors Code of Conduct
Responsible Officer Name: Susan Rankin
Chief Executive Officer
Author Name: Susan Rankin
Chief Executive Officer

EXECUTIVE SUMMARY

At the December 2007 General Meeting Council considered a report produced by the Ombudsman regarding the handling of a councillor code of conduct matter involving Cr Bowler.

As part of the decisions made on this matter Council indicated that they were not accepting the Ombudsman's recommendation 5 which was for Council to consider rescinding its previous motion finding Cr Bowler in breach of the code of conduct and issuing a written reprimand.

The Ombudsman advises that he does not believe Council has taken the steps he considers appropriate to give effect to recommendation 5 and has advised that he is considering what action to take in relation to this matter. Further the Ombudsman notes that in the course of its December decisions regarding this matter Council has not recorded written reasons for not accepting recommendation 5.

Accordingly this aspect of the Ombudsman's Report is presented to Council for further consideration.

PURPOSE

The purpose of the report is to note the Ombudsman's advice regarding progress on Council's consideration of his recent report and to resubmit for Council's further consideration an aspect of this report.

BACKGROUND

Issues The Ombudsman reviewed Council's handling of a code of conduct matter regarding Cr Bowler and produced a report containing a number of recommendations concerning this matter.

At its December 2007 General Meeting Council considered the Ombudsman's report and resolved as follows:

1. Accept the changes contained in the attached Guideline Document GL-3037-001;

2. Allow each individual Councillor to personally determine whether or not they should remain in the Chamber during debate and voting on any code of conduct matter relating to themselves (Option B); and
3. Not accept the intent of Recommendation 5 from the Ombudsman's report and that Council's decision of 26 July 2006 remains unaltered (Option B).

These decisions were advised to the Ombudsman immediately following the December meeting.

In addition to the above matters the report contained a recommendation that Council amend its Standing Orders to make it a requirement that Councillors not be present in the Chamber during debate on code of conduct matters involving them.

Advice was provided to the Ombudsman regarding the current Council's view on this matter but also noted that given there is insufficient time to change Standing Orders for this Council, it was recommended and accepted that this recommendation is revisited by the next Council. The Ombudsman has noted this advice and asked for a further update on this matter by 30 April 2008.

On the matter of the Council's non acceptance of recommendation 5 from the Ombudsman's Report, the Ombudsman has advised that:

- He believes his report on this matter makes it abundantly clear that he does not believe Council has a proper basis for its finding that Cr Bowler had breached the Councillor Code of Conduct;
- Had Council resolved in terms of Option A from the December report (resolve to accept the intent of recommendation 5, find the actions did not constitute a breach and withdraw the previous finding and reprimand) he would have considered it to have taken appropriate steps to give effect to his recommendation; and
- Given Council provided no written reasons for not accepting recommendation 5, that I provide such reasons or explanations to him so that he may appropriately consider what further action he may take.

ISSUES

1. Council is asked to reconsider Recommendation 5 from the Ombudsman's Report which says: "That Council rescind its motion of 26 July 2006 in relation to reprimanding Cr Bowler", based on the above advice; and
2. That subsequent to reconsidering this matter, should Council not accept this recommendation, provides written reasons for its 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.

OPTIONS

Option A

That Council resolve to:

1. Accept Recommendation 5 from the Ombudsman's report and find that Cr Bowler's actions did not constitute a breach of the Code of Conduct and advise her in writing that the previous finding and the reprimand are now withdrawn; and
2. Instruct the Chief Executive Officer to advise the Ombudsman accordingly.

Option B

That Council resolve to:

1. Not accept recommendation 5 from the Ombudsman's report to find that Cr Bowler's actions did not constitute a breach of the Code of Conduct and advise her in writing that the previous finding and the reprimand are now withdrawn; and
2. Document and resolve its reasons for not accepting recommendation 5, detail these reasons in an additional resolution (point 3) to be added to this report and request that the Chief Executive Officer provide these reasons to the Ombudsman to meet the required 1 February 2008 deadline.

COUNCIL RESOLUTION

Moved by: Cr Williams

Seconded by: Cr Beard

That Council resolves to:

1. **Advise the Ombudsman that the majority of Council previously did not accept Recommendation 5 from his recent report because Council believes that the Councillor's conduct was not in keeping with the intent of Council's Code of Conduct. Council's reasons for forming this view were based on the following behaviour of the Councillor in relation to the complaint matter:**
 - **Entering a site without requesting permission;**
 - **Not seeking prior permission to visit the site, which would be standard practice given the nature of activities occurring on the site;**
-

- Ignoring site signage requesting any visitors to the site to notify;
 - At the time the event took place, believing the site to be under the control of the complainant and therefore potentially knowing that her behaviours if detected may cause complaint; and
 - Not mitigating the negative outcomes of this event by offering a simple apology for these actions, whether intentional or not.
2. Acknowledges that this is a minor issue and is alarmed at the cost being incurred by the Ombudsman's Office and Council over this process, which would not have been necessary had an apology had been offered to the complainant.
 3. To not expend any further resources defending a matter which has only resulted in a simple reprimand, and therefore to accept Recommendation 5 from the Ombudsman's report and find that Cr Bowler's action did not constitute a breach of the Code of Conduct and advise her in writing that the previous finding and the reprimand are now withdrawn.
 4. Instruct the Chief Executive Officer to advise the Ombudsman accordingly.

CARRIED

A division was called for.

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

Crs Murray, Elliott, Henry and Ogilvie voted in the negative.

Cr Bowler was not present when this motion was put.

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

Cr Bowler returned to the meeting.

Cr Elliott left the chamber at 6.14pm, entered during discussion at 6.29pm and left the chamber at 6.32pm. He was not present for the decision on this matter.

14.1.6 ALLEGED BREACH OF COUNCILLOR CODE OF CONDUCT

Dataworks Filename: GOV - Councillors Code of Conduct

Attachment: [Conduct Review Panel Report and Recommendation](#)

Responsible Officer Name: Susan Rankin
Chief Executive Officer

Author Name: Susan Rankin
Chief Executive Officer

EXECUTIVE SUMMARY

Attached is a report and recommendations from the SEQ Code of Conduct Panel dealing with a Code of Conduct referral concerning Cr Murray Elliott. This panel received a referral to deal with an acknowledged statutory breach of Section 247 of the *Local Government Act* relating to the keeping of Councillors and Related Persons Registers of Interest.

Cr Elliott has acknowledged a breach of the *Local Government Act* provision and the attached report recommends the penalty and Panel's reasons for Council's consideration.

PURPOSE

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

BACKGROUND

On 22 August 2007, Council received a complaint regarding the sale of land at 17 Gotha Street Cleveland. In analysing the letter of complaint, I formed the opinion that there was prima facie evidence of a breach of section 247 of the Act namely a failure to maintain accurate Registers of Interests. In addition, the matter of an undisclosed material personal interest was raised. Therefore in accordance with the requirements of the CMC Act the matter was referred to them.

The CMC referred the matter back to Council for investigation and on 13 September 2007 in accordance with section 1105L of the LG Act, the Councillor was asked to respond to this matter.

As a result of the councillor's written admission and in accordance with Section 1105N of the LGA, I concluded that he had failed to comply with Section 247 of the LGA in relation to the register relating to him personally and in relation to his related

person register. In accordance with these sections of the LG Act, I referred the matter to the Director General of the Department of Local Government.

On 13 December 2007 the Director General of the Department of Local Government referred the matter back to me finding this to be a statutory breach of Section 247 of the LG Act. The advice provided was to either consider prosecuting this statutory breach directly or refer the matter to the SEQ Code of Conduct panel. The latter was undertaken and the matter was considered by the panel on 24 January 2008, producing the attached report for Council's consideration.

Cr Elliott has made a written request for this matter to be dealt with at the General Meeting of 30 January 2008.

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

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

1. The Councillor be given a written reprimand for his breach of section 3.4 of the Council Code of Conduct; and
2. The Chief Executive Officer provide a written reminder to Councillors of their responsibilities under section 247 of the *Local Government Act 1993* for the maintenance of up-to-date Registers of Interests with the reminder to be acknowledged in writing by all Councillors.

OPTION 2

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

COUNCIL RESOLUTION

Moved by: Cr Beard
Seconded by: Cr Dowling

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

- 1. The Councillor be given a written reprimand for his breach of section 3.4 of the Council Code of Conduct; and**
- 2. The Chief Executive Officer provide a written reminder to Councillors of their responsibilities under section 247 of the *Local Government Act 1993* for the maintenance of up-to-date Registers of Interests with the reminder to be acknowledged in writing by all Councillors.**

CARRIED

14.2 MAYORAL MINUTE

14.2.1 STATUTORY BREACH OF SECTION 247 OF THE *LOCAL GOVERNMENT ACT1993*

Moved by: Cr Seccombe

That an official approach to the Minister of Local Government be made to ascertain a greater understanding of why this department did not act on a breach of their own legislation but thought it appropriate to have Councillors sit in judgement on a Councillor under the Code of Conduct legislation.

CARRIED

Cr Elliott returned to the meeting.

14.3 CUSTOMER SERVICES

14.3.1 REDLAND COMMUNITY CULTURAL CENTRE RENOVATIONS

Dataworks Filename: CP Maintenance - Cultural and Community Centre

Responsible Officer Name: Greg Jensen
Manager Customer & Community Services

Author Name: Lex Smith
Acting Manager Customer Services

EXECUTIVE SUMMARY

The current Redland Community Cultural Centre requires some maintenance to prevent water ingress and damage to the internal building fabric and renovations to enable it to integrate with the new performing arts building. Restoration works have been delayed for a number of years awaiting decisions on the new performing arts building.

Funds are required to undertake initial maintenance to prevent water infiltration, structural wall works, preventative maintenance and exterior wall treatments to blend the two facilities together.

Builders and engineering estimates indicate that funding of \$297,000 will be required to undertake the project in a staged and coordinated manner. A contingency of \$40,000 has been recommended.

To enable the works to proceed in an efficient manner and with minimum disruption following opening of the new performing arts building, it is preferable to undertake the works post Christmas 2007 and prior to opening.

A budget review was not requested in Quarter 1 as more detailed investigations were required to the extent of works required. A budget review in Quarter 2 will be too late to commit a builder to the works to enable them to occur prior to the opening of the new centre.

This report seeks Council's approval to allocate \$337,000 to the project that will be staged to maximise the use of funds.

Detailed firm quotations have been being sought from the builder undertaking the construction of the Redland Performing Arts Centre.

PURPOSE

To seek Council approval to allocate \$337,000 for the maintenance and restoration of the Redlands Community Cultural Centre.

BACKGROUND

The existing Redland Community Cultural Centre will be integrated into the Redland Performing Arts Centre. It will be important to the operations in that it provides additional performance spaces and flexibility for performers in rehearsal and different types of performances. It is integral to the success of the centre for performing arts. The business plan requires both facilities to be operated as one venue and the need to ensure the community accept both old and new venues as quality performance spaces.

No significant maintenance or restoration works have occurred pending the decision on the new performing arts building. Both the existing and new buildings need to be seen as one venue. This can be achieved by undertaking maintenance works and restoration works that compliment the new building and also operating the two facilities as one.

Ideally the physical appearance of the existing building should compliment the new building and this would be preferable to occur prior to the opening of the new Redland Performing Arts Centre.

ISSUES

The maintenance and renovation works should occur prior to opening to minimise disruption to the operations and community. It is also preferable that the two buildings are seen and operated as one facility for the performing arts. The deterioration to the roofing, guttering and facades needs to be addressed to prevent water infiltration and damage to internal fittings and fixtures. Computer and office equipment is now located in the facility that was not previously required and water damage is a potential given the current condition of the roof. The exterior of the existing building requires maintenance and can be renovated to reflect the external finishes and colour schemes of the new building.

A detailed scope of works has been developed and firm quotations have been provided after inspections have occurred by a structural engineer to quantify maintenance and renovations works. It is expected that all the works will be completed within the quote.

There are two levels of priority for the works. Priority one work includes repairs to the roof, gutters, roof water disposal and deteriorated roof glazing seals and panels. Additionally it includes removal of the existing sign and deteriorated outdoor carpet and rendering and painting the front entrance brick wall to match the new buildings colour scheme. The cost of these works is \$141,000, plus \$24,000 contingency. Priority two works include cleaning and repainting the roof and fascias, demolition of a wall that has defects to its structural integrity, repairs and repainting of eaves and soffits as well as external brickwork. The total cost of this work is \$156,000 plus \$16,000 contingency.

The priority one works essentially prevent water infiltration into the building and removal of stormwater away from the building as well as achieving better visual

coordination of the interface of the two buildings at the entrance. The priority two works are urgent maintenance and preventative maintenance that is required to prevent further deterioration of the building that will increase the cost of future repairs. There are benefits in combining both priority works together as it is more efficient to undertake the works with the existing trades on site, it improves project coordination and management and will improve the current appearance of the existing Redland Community and Cultural Centre so that it is more in keeping with the new performing arts building that it adjoins.

The renovations would be staged and would take a number of weeks to complete and need to be completed prior to landscape renovations of the existing garden areas. A detailed maintenance and renovation plan will be developed once both centres are operational to determine the schedule of future maintenance and renovation works over a 10 year period.

Any works undertaken immediately would have regard for future renovations and maintenance so that works would not have to be redone at a later date.

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

A quotation has been sought from the existing builder undertaking the Redland Performing Arts Centre construction. It is intended to use all of the funds for maintenance as a first priority and then the balance to renovate the existing building to enable it to visually integrate with the new performing arts building. Some underlying maintenance may also be required to ensure that these issues do not affect any renovations that are undertaken.

The total value of the additional budget sought is \$337,000. Funds would be allocated to the Project Delivery Group SGA 057 to manage the project and a new job will be created to separately identify this expenditure.

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 Project Delivery Group, General Manager Customer Services and Corporate Assets Facilities and Fleet Group.

OPTIONS

Council has limited options available. It can either approve the allocation of funds to undertake the works or defer until a future budget submission is made in later financial years. The maintenance issues will be exacerbated over time and damage to fittings, furniture and equipment is likely to occur. Additionally the visual appearance of the facility will affect its community acceptance and ability to attract customers. If approval is given to undertake the works now it will reduce future disruption to the centre as construction will occur simultaneously with the new building construction and the venue has been booked out for construction works already. Visually the centre will also better integrate as one venue if externally both buildings compliment each other.

PREFERRED

That Council resolve as follows:

1. To approve \$337,000 expenditure under SGA 057 to enable the maintenance and renovations to occur to the current Redlands Community and Cultural Centre; and
2. That this budget approval is to be reflected in the next formal review of Council's budget.

ALTERNATIVE

1. To approve \$165,000 expenditure under SGA 057 to enable the priority one maintenance to occur to the current Redlands Community Cultural Centre; and
2. That Council refuses the request for allocation of funds to undertake the maintenance and renovations to the existing Redland Community Cultural Centre and consider the funding in the 2008/09 budget process.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Dowling

Seconded by: Cr Barker

That Council resolve as follows:

1. To approve \$337,000 expenditure under SGA 057 to enable the maintenance and renovations to occur to the current Redlands Community and Cultural Centre; and
2. That this budget approval is to be reflected in the next formal review of Council's budget.

CARRIED

15 ITEMS REFERRED FROM DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF 22 JANUARY 2008

15.1 CUSTOMER SERVICES

15.1.1 STRUCTURE PLAN - REDLAND INTEGRATED EMPLOYMENT CENTRE AT 678 GERMAN CHURCH ROAD, REDLAND BAY

Datworks Filename: MC008666

Attachments: [Locality Map](#)
[Att 1 – Covenant Plan](#)
[Att 2 – Structure Plan IEC](#)

Responsible Officer Name: Tim Donovan
 Manager, Assessment Services

Author Name: Bruce Appleton
 Manager, Development Co-ordination

EXECUTIVE SUMMARY

Application Type	Structure Plan submitted for assessment in accordance with conditions of approval of MC008666
Proposed Use	Integrated Employment Centre
Property Description	Lot 24 on RP203700 and Lot 2 on RP221100
Location	678 German Church Road, Redland Bay
Land Area	43.618 hectares
Redlands Planning Scheme	Rural Non-Urban
Zoning	Not applicable
Zoning Sub-Area	Not applicable
Designated Community	Not applicable
Infrastructure	
Overlays	Bushfire Hazard, Bushland Habitat, Extractive Resources, Flood Prone Storm Tide and Drainage Constrained Land, Protection of the Poultry Industry Road and Rail Noise Impact, State Koala Policy Water Supply Catchments, Waterways, Wetlands & Moreton Bay, Acid Sulphate Soils
SEQ Regional Plan - Land Use Category	Regional Landscape and Rural Production Area (NB: Originating development application lodged prior to SEQ Regional Plan)
No. of Public Submissions	Not applicable
Applicant	Wilcarn Pty Ltd
Land Owner	Carndale Pty Ltd & HG Associates Pty Ltd
Date of Receipt of Application	January 2007 (NB: Not an IDAS application)
Start Decision Stage	Not applicable
Statutory Decision Date	Not applicable
Application Coordinator	Bruce Appleton
Manager	Bruce Appleton

A draft Structure Plan was submitted for assessment in January 2007 in accordance with condition 4 of development approval MC008666. Following negotiations with Council officers an amended Structure Plan was submitted in November 2007 (*Redlands Business Park Structure Plan – Version 2.1, 16 January 2008, Volumes 1 and 2*).

The role of Volume 1 of the Structure Plan (the 'Structure Plan' proper) will be to provide guidance to applicants and Council in the design and assessment of development applications lodged under the Plan of Development that forms part of MC008666, including guidance about design treatments that are alternative solutions to the performance criteria of the applicable codes identified in the Plan of Development. Volume 2 of the Structure Plan is a reference document that contains technical reports supporting the principles contained in volume 1.

The assessment process included consideration of a revised layout for the development. The revised layout varies the development 'footprint' from that included in the Plan of Development and is supported by the proposed establishment of a statutory covenant to protect the environmental values of an area of adjoining land to the north of the subject land, identified as Enhancement Corridor in Council's environmental mapping.

The Environmental Protection Agency (EPA), while not formally involved in the assessment of the Structure Plan, has provided advice stating that it does not support version 2.1 of the plan and recommending a number of changes to the plan. Council officers do not agree that the changes recommended by EPA are necessary to achieve satisfactory outcomes for fauna in this location.

It is recommended that the Structure Plan be approved subject to a number of matters of documentation and clarification.

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.

PURPOSE

Redland Shire Council issued a decision notice on 13 February 2006 for a section 3.1.6 preliminary approval overriding the planning scheme for material change of use for an integrated employment centre on the subject land. Conditions of approval required the preparation of a Structure Plan and infrastructure agreement for the development (conditions 4 and 5 respectively). A draft Structure Plan was submitted for assessment in January 2007 in accordance with condition 4. The infrastructure agreement has been subject to a separate assessment and reporting process. Following negotiations with Council officers an amended Structure Plan was submitted in November 2007. The amended Structure Plan is referred to the Development Assessment Committee for approval. The process of assessing and approving the Structure Plan is not an IDAS development application and assessment process.

BACKGROUND

1. DEVELOPMENT PROPOSAL

1.1 Proposal

Redland Shire Council issued a decision notice on 13 February 2006 for a section 3.1.6 preliminary approval overriding the planning scheme for material change of use for an integrated employment centre on the subject land. The proposed development, to be known as the *Redlands Business Park*, is intended to provide a location for industrial and related employment-generating uses in a high quality built and landscape environment, in a location intended to service predominantly the southern parts of Redland Shire (including the Southern Moreton Bay Islands).

The development is intended to have 81 lots in four stages with lot sizes ranging from 1,295m² to 1.17 hectares. The development would provide 7.711 hectares of common property open space under the control of the body corporate and 7.991 hectares of open space to be dedicated as public reserve under the trusteeship of Redland Shire Council.

The development is conceived as a community titles scheme whereby ownership of internal services and infrastructure, including roads, water supply and sewerage, and management of landscaping and the built environment will be in the hands of a body corporate. It is intended that under the terms of the Community Management Statement for the body corporate, the development of individual lots will be subject to an internal approval process whereby a Design Assessment Panel established by the body corporate will assess building design and site layout against a Development Manual. A copy of the Development Manual is included in Volume 2 of the Structure Plan. This internal approval process is in addition to the IDAS development approval process under the Redlands Planning Scheme.

Council is currently in the process of separately assessing development applications for reconfiguring a lot for Stage 1 for 26 lots and operational work for bulk earthworks over Stages 1 and 2 of the development. An application for reconfiguration has just been received for Stage 2 (13 lots) of the development.

1.2 Future Development Assessment Framework

1.2.1 Plan of Development

As noted above, the land is subject to a development approval in the form of a section 3.1.6 preliminary approval overriding the planning scheme for material change of use for an integrated employment centre. The key element of the approval is a Plan of Development (*Integrated Employment Centre Plan of Development, version 1.6, 31 January 2006*) which divides the site into three precincts (two development precincts and an open space precinct), nominates levels of assessment for development of different types in each precinct and identifies applicable codes against which development is to be assessed.

The Plan of Development acts as a “mini planning scheme” for the site and takes the place of (“overrides”) the Redlands Planning Scheme. In practice, the Plan of Development uses the same defined terms as the Redlands Planning Scheme and, in addition to a specific Integrated Employment Centre Code, incorporates the codes of the Redlands Planning Scheme that are relevant to development of the types anticipated (*NB: to be precise, the Plan of Development incorporates the terminology and codes of the 2nd State Interest Review Version of the Redlands Planning Scheme, which was the relevant version of the planning scheme at the time the Plan of Development was prepared and approved*).

Most types of development are code assessable under the Plan of Development (i.e. require a development permit from Redland Shire Council). This includes the primary purposes of the development – used defined as General Industry and Service Industry.

1.2.2 Structure Plan

The Structure Plan is a planning and development assessment tool required as a condition of the development approval. It contains two volumes. The role of Volume 1 of the Structure Plan (the Structure Plan proper) will be to provide guidance to applicants and Council in the design and assessment of development applications under the Plan of Development, including guidance about design treatments that are alternative solutions to the performance criteria of the applicable codes identified in the Plan of Development. The major contents of Volume 1 of the Structure Plan are:

- A Structure Plan map (Figure 3 of the document) and other drawings that show:
 - land use precincts (IEC 1 – Low Impact Industry; IEC2 – General Industry, IEC3 - Habitat Area);
 - development management “zones” (Centre and Edge (primarily for fencing control purposes); and Area Not Suitable for Odour Sensitive Uses);
 - staging boundaries;
 - road hierarchy and intersection upgrades;
 - pedestrian and cycle networks;
 - bus stops; and
 - open space/landscape linkages and passive recreation opportunities;
- stormwater management principles;
- environmental management principles;
- land development and urban design principles;
- servicing strategies (water supply, sewer, power, telecommunications and roadworks);
- ownership and land management structure; and
- planning approvals process.

Volume 1 is supported by a separate reference document (Volume 2) that contains technical reports supporting the principles of the Structure Plan. These include:

- Stormwater Management Plan (prepared by WRM Water & Environment);
- Stormwater Cycle Management Plan (prepared by WRM Water & Environment);
- Environmental Management Plan (prepared by Chenoweth Environmental Planning & Landscape Architecture) containing:
 - Stormwater Quality, Sediment & Erosion Management Plan;
 - Waste Management Plan;
 - Noise & Vibration Management Plan;
 - Air Quality & Dust Management Plan;
 - Environmental Emergency Management Plan;
 - Hazardous Substances Management Plan;
 - Landscape Rehabilitation Plan;
 - Fauna Management Implementation Plan;
 - Koala Management Plan (prepared by the Australian Koala Foundation);
 - Vegetation Management Plan;
 - Bushfire Management Plan (prepared by The Consultancy Bureau Pty Ltd (Les Hawkes));
 - Terrestrial and Aquatic Fauna Habitat Assessment (prepared by Biodiversity Assessment and Management Pty Ltd);
- Site Contamination Report (prepared by Australian Environmental Geoscience Consultants Pty Ltd);
- Air Quality Assessment Report (prepared by Pacific Air & Environment);
- Acoustical Assessment Report (prepared by Bassett); and
- Water Supply & Sewerage Assessment (prepared by MWH Australia Pty Ltd).

1.2.3 Development Manual

Volume 2 also contains the Development Manual which sets out additional design requirements for development, building and landscaping in the areas of:

- Building siting & design;
- Building form, materials & colours;
- Access, driveways and parking;
- Fences & fauna movement;
- Landscaping;
- Signage;
- Water management;
- Site emissions;
- Refuse collection;

- Building timeframe; and
- Façade design.

As noted previously, the Development Manual is intended to be administered internally by a Design Assessment Panel to be established by the body corporate. To this extent the Council is not directly involved in the implementation of the Development Manual. However individual code assessable development applications within the development may be conditioned to comply with aspects of the Development Manual if considered necessary or desirable.

In combination, the above framework provides a very substantial level of regulatory control over development of the subject land.

2. ASSESSMENT

2.1 Development Approval MC008666

Condition 4 of the material change of use (MCU) development approval MC008666 states:

“Before Council is required to assess an application for a Development Permit for any aspect of development, or, within one year of the date of approval, whichever is the earliest, the owner(s) of an interest in the land must submit to Council for approval a Structure Plan which is to be generally in accordance with the approved POD (plan of development).”

The Structure Plan could include, but not limited to:

- *Broad Location of each proposed land use, including where applicable, the extent of facilities proposed such as community facilities, employment and education facilities;*
- *Existing and proposed road network, including level in the hierarchy;*
- *Existing and proposed movement systems;*
- *Existing and proposed public transport routes and stops;*
- *Proposed staging of development.*

The Structure Plan design, including land use allocation, movement system design, and open space and park network provision, must actively promote achievement of the purpose and performance criteria of the approved POD. The Structure Plan design must enable the development to comply with all requirements of all other relevant Codes identified in the approved POD, and if the POD does not have a relevant Code, then a relevant Code from the Redlands Planning Scheme.”

2.2 Assessment Process

The draft Structure Plan submitted in February 2007 was distributed for review and comment to the following Redland Shire Council units:

- Land Development;

- Environmental Assessment;
- Land Use Planning;
- Infrastructure Development;
- Environmental Management;
- Pollution Prevention; and
- Redland Water & Waste.

Following preliminary assessment of the draft Structure Plan multi-disciplinary teams drawn from the above units were established for the purposes of negotiations with the applicant's representatives and consultants. John Van As of Humphreys Reynolds Perkins Planning Consultants was appointed to coordinate the negotiations. Separate teams were briefed to deal with:

- Stormwater, stormwater quality & environment;
- Traffic & engineering design standards;
- Water, waste water & waste collection;
- Development layout & structure planning;
- Noise & odour;
- Infrastructure (headworks, staging & funding).

Following a series of negotiations through the course of 2007 an amended Structure Plan was submitted by the applicants in November 2007 (*Redlands Business Park Structure Plan – Version 2.1, 16 January 2008, Volumes 1 and 2*).

2.2.1 Variation from Previous Layout/ Development Footprint

At a relatively early stage in the negotiations the applicant requested consideration of an amended layout from that included in the Version 1.0 of draft Structure Plan (which in turn was based on the 'development footprint' shown on Figure 2 – Precinct Plan in the approved Plan of Development). The major variations involved:

- A decrease in the amount of open space in the north-west of the site;
- An increase in the amount of open space in the north-east of the site,
- Removal of the second (western) road connection to German Church Road;
- Removal of the potential future road connection to adjoining land to the west;
- A decrease in the total number of lots from 97 to 81;
- An increase in the area of developable industrial land from 22.233 hectares to 22.885 hectares (0.652 ha); and
- A decrease in the total area of open space (common property and public land) from 16.075 hectares to 15.702 hectares (0.373 ha);

In recognition of the reduced area of open space on the subject land, the applicant has offered to establish a Statutory Covenant for conservation purposes, registered on title under section 97A of the *Land Titles Act 1994*, over part of Lot 67 on RP82443 to the north of the subject land with an area of 3.93 hectares. This arrangement is shown in Figure 12 of the amended Structure Plan (Version 2.1, Volume 1) and is shown in more detail on Fox & Bell Dwg No. RBP02 Revision B dated 10.09.07 (*Covenant Plan 34 Giles Road Redland Bay*) - Attachment 1 of this report.

The amended layout was agreed to because:

- The increased area of open space in the north-east better reflects the drainage characteristics of the site and reduces the extent to which the development impacts on the ARI 100 floodway;
- The amended alignment of open space along the northern boundary of the site, together with the proposed s97A covenant area, better reflects the alignment of the Enhancement Corridor in this part of the Shire; and
- The removal of the western road connection to German Church Road and the potential future road connection to land to the west were changes requested by Council staff.

2.2.2 Current Status of Negotiations

It is understood that officers of the relevant units are satisfied with the amended Structure Plan documents. From a town planning perspective it is considered that the amended documents deal satisfactorily with the issues raised in the negotiations, subject to resolution of a number of documentation and clarification matters as summarised in the table forming Attachment 2 of this report. These matters are currently being attended to or, where necessary, considered by the applicant. It is considered that the matters outstanding are generally capable of resolution by agreement, as is suggested by the applicant's preliminary responses recorded in the table.

In addition to the matters listed in Attachment 2, it is considered that the following additional items provided by the applicant during the assessment process should be included in Volume 2 of the Structure Plan:

- Dwg No. RBP02 Revision B dated 10.09.07 (*Covenant Plan 34 Giles Road Redland Bay*);
- Chenoweth Environmental Planning and Landscape Architecture letter to Dan Carter dated 5 July 2007 (ref: 068088) and Attachments 1, 2 and 3 referred to therein (NB: part but not all of the three attachments may already be included in Version 2.0 of Volume 2 to the extent that the Biodiversity Assessment and Management report Terrestrial and Aquatic Fauna Habitat Assessment (File No. 0152-001, June 2007) is in Version 2.0 of Volume 2); and

- Chenoweth Environmental Planning and Landscape Architecture letter to Leo Newlands dated 7 November 2007 (ref: 068088) and the attachment thereto headed German Church Road Integrated Employment Centre Attachment: Additional Environmental Information.

It is also considered that final endorsement of the Structure Plan should be subject to registration of the proposed s97A statutory covenant over Lot 67 on RP82443.

2.2.3 Views of the Environmental Protection Agency

The Environmental Protection Agency is a referral agency with concurrence powers for the reconfiguring of land applications for this development. The EPA has provided its concurrence response for the Stage 1 reconfiguring of land application, specifying conditions to be attached to any approval granted by Council (EPA concurrence response 311289 dated 18 December 2007).

In that correspondence the EPA also provided additional advice (understood to be from its Environmental Planning Division, Southern Region) to the effect that Version 2.1 of the Structure Plan was not supported and recommending the following changes to the plan:

- “
- i. *The central 'multi-purpose green link' (functioning as a wildlife movement corridor and for industrial traffic) to be at least 50m wide, preferably 100m wide;*
 - ii. *The five lots toward the western end of the northern boundary, and adjacent that boundary, to be set back at least 50m from the northern boundary to create a buffer/corridor/green-link/habitat width of at least 50m wide at that location;*
 - iii. *The western buffer/corridor/green-link/habitat area remain free of any roads or trails, or access routes to the adjacent lots, and those lots have no rear access to that green space;*
 - iv. *The western buffer/corridor/green-link/habitat area to be at least 25m wide and preferably 50 or more wide; and*
 - v. *The fauna underpass should be designed and constructed with the assistance of suitably qualified specialists to function for fauna crossings, including but not exclusively for koalas.”*

This unusual situation was discussed at a meeting with the EPA, Council representatives and the applicant's representatives on 9 January 2008. The applicant believes that the EPA has overemphasised the intended ecological function of the central and western north-south links and that an increase in the width of these links as recommended above is not necessary to achieve satisfactory outcomes for fauna on the site and in the surrounding area. It is understood that Council's Environmental Management accepts this view, principally because the major north south-fauna corridor in this locality is on land to the west of the subject land and has been separately secured by Council action. In addition, the preliminary approval issued by Council has already endorsed in principle the open space network contained in the existing Structure Plan

3. REFERRAL AGENCIES

Not applicable – the assessment of the Structure Plan is not an IDAS application.

4. GROUNDS OF SUBMISSIONS

Not applicable – the assessment of the Structure Plan is not an IDAS application.

5. CONCLUSION

It is considered that the amended Structure Plan documents are satisfactory subject to the matters listed in Attachment 2 and the additional items noted at point 2.2.2 above.

It is recommended that Council adopt the proposed Structure Plan.

Consultation

The Development Assessment Team has consulted widely with internal and external stakeholders in the project. The external stakeholders include the applicants, their consultants and State Agencies. Whilst no consultation with State agencies was required, written comments were received from the Environmental Protection Agency (EPA) in relation to certain aspects of the Structure Plan. This is addressed at section 2.2.3 below. A consultant was engaged to assist with the coordination of the assessment of the Structure Plan and the negotiations with the applicant (John Van As of Humphreys Reynolds Perkins Planning Consultants).

No public notification was required.

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.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Dowling
Seconded by: Cr Barker

That Council resolve as follows:

1. That the documents identified as *Redlands Business Park Structure Plan Version 2.1 – 16 January 2008, Volumes 1 and 2* be accepted as satisfactory for the purposes of condition 4 of development approval MC008666 dated 13 February 2006 subject to the following:
 - 1.1 any further amendments necessary to resolve the matters listed in the table forming Attachment 2 to this recommendation (*Attachment 2 – Redlands Integrated Employment Centre /*

Redlands Business Park - Structure Plan Version 2.1 - 16 January 2008;

- 1.2 inclusion of the following additional material in Volume 2:
 - a) Dwg No. RBP02 Revision B dated 10.09.07 (*Covenant Plan 34 Giles Road Redland Bay*);
 - b) Chenoweth Environmental Planning and Landscape Architecture letter to Dan Carter dated 5 July 2007 (ref: 068088) and Attachments 1, 2 and 3 referred to therein; and
 - c) Chenoweth Environmental Planning and Landscape Architecture letter to Leo Newlands dated 7 November 2007 (ref: 068088) and the attachment thereto headed *German Church Road Integrated Employment Centre Attachment: Additional Environmental Information*; and
- 1.3 Registration of a s97A statutory covenant for environmental protection purposes over Lot 67 on RP82443 in a form satisfactory to Council and generally in accordance with Dwg No. RBP02 Revision B dated 10.09.07 (*Covenant Plan 34 Giles Road Redland Bay*), prior to Council being required to approve a Plan of Survey for the 1st stage of the reconfiguration of the site;
2. That the Chief Executive Officer be authorised to negotiate with the applicant to resolve the matters identified in Attachment 2 to this recommendation; and
3. That following satisfaction of conditions 1.1 to 1.3, endorsement of the final Structure Plan documents is delegated to the Mayor and Chief Executive Officer.

CARRIED

15.1.2 MATERIAL CHANGE OF USE FOR RESIDENTIAL PURPOSES AT 14-20 GORDON ROAD, REDLAND BAY

Datworks Filename: MC009566
Attachments: [Locality Map](#)
Responsible Officer Name: Allen Edwards
 Services Manager, Land Development
Author Name: Adam Webb
 Planning Officer, Land Development

EXECUTIVE SUMMARY

Application Type	Material Change of Use
Proposed Use	Residential
Property Description	Lot 1 on SL10475; and Lot 2 on RP205153.
Location	14-20 Gordon Road Redland Bay QLD 4165
Land Area	47627m ²
Superseded Zone	Rural / Non Urban
Superseded Development Control Plan	Lot 1 – Residential A Lot 2 – Residential A and Public Open Space
Superseded Strategic Plan	Lot 1 – Special Protection and Urban Residential Lot 2 – Special Protection, Urban Residential and Public Open Space
Superseded Greenspace	Greenspace
Zoning	Environmental Protection and Open Space
Zone Sub Area	N/A
Overlays	Acid Sulfate 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
No. of Public Submissions	Two
Applicant	M C Challoner & Associates
Land Owner	Slade Pty Ltd As Trustee, Mr P A Laing, Mrs J Laing
Date of Receipt	14/03/2006
Start Decision Stage	18/09/2007
Statutory Decision Date	31/01/2008
Application Coordinator	Adam Webb
Manager	Allen Edwards

A report on this application for a material change of use for residential purposes was presented to the Development Assessment Committee on 22 January 2008. Committee, under delegated authority, resolved to defer this matter for consideration to the next General Meeting of Council.

The Material Change of Use application has been received and has been assessed against the requirements of the Redlands Planning Scheme 2006.

It is recommended that the application for a material change of use for residential purposes be refused.

PURPOSE

This category 4 application is referred to the Development Assessment Committee for decision in accordance with delegations dated 15 May 2002.

BACKGROUND

Compliance or non compliance with Legislation and relevant Planning Instruments

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

- The Integrated Planning Act 1997;
- Superseded Strategic Plan 1998; and
- Redlands Planning Scheme 2006.

Consultation

The Land Development Team has consulted with the various assessment teams and provided a copy of the application to the Divisional Councillor (Cr Burns) on 22/03/2006.

Public Consultation

Two submissions were lodged during the Public Notification period. A summary of the grounds of the submissions and the officer's response are detailed below.

Ground 1 – Conflict with Redlands Planning Scheme

The submitter/s have advised that the proposed development is inconsistent with and cuts across the intent of the Redlands Planning Scheme, particularly since the majority of the property is zoned as Environmental Protection and Open Space.

Officer's Response

This issue has been identified within the grounds for refusal.

Ground 2 – EPBC Act – Detrimental affect on the environment

The submitter/s advised that a number of species listed under the EPBC Act utilise the site and consequently Council must be cognizant that the property supports matters of National Interest.

Officer's Response

The submission listed the Grey-headed Flying Fox as a potential user of this property. This is a possibility and the existence of potential habitat for this and other native species is part of the reason for the superseded scheme Preferred Dominant Land Use Special Protection Area and Greenspace designations and the Redlands Planning Scheme Environment Protection zoning and Habitat Protection – Bushland Habitat overlay.

Ground 3 – Road Access

The submitter/s asked where the access to the estate will be as they have been advised that Council will not allow access from Gordon or Boundary Roads.

Officer's Response

The proposed access is from the south through a proposed residential estate which does not provide for access to this particular site due to the zoning. A current access solution has not been provided. This is identified as a ground for refusal.

Material Change of Use Proposal

The application is to change the zoning of the land from Rural / Non Urban to Residential and parkland.

Integrated Planning Act 1997

This application was made under a transitional planning scheme and the transitional provisions of Chapter 6 of the *Integrated Planning Act (IPA)* provides that the assessment of the application is to be carried out effectively as if the former Local Government (Planning and Environment) Act had not been repealed.

Section 6.1.29 sets out those matters to be considered in the assessment of the application.

Those matters relevant to the Application are listed below:

- (a) *the common material for the application;*
- (b) *the transitional planning scheme;*
- (c) *the transitional planning scheme policies;*
- (d) *any planning scheme policy made after the commencement of this section;*
- (e) *all State planning policies;*
- (f) *the matters stated in section 8.2(1) of the repealed Act;*
- (g) *for an interim development control provision in force in a local government area – the interim development control provision;*
- (h) *if the application is for development that before the commencement of this section would have required an application to be made under any of the following sections of the repealed Act...(not applicable);*
- (i) *any other matter to which regard would be have been given if the application had been made under the P&E Act.*

Planning and Environment Act 1990

In the context of a Reconfiguration of Lot application Part 4 – Land Use Applications of the repealed *Planning and Environment Act* provides that:

In considering a land use application a local government is to assess a number of matters to the extent they are relevant to the application. Some matters include but are not limited to:

- Whether the proposal would create a traffic problem;
- Whether the inclusion of the land in the zone in which the land is proposed to be included would be in accordance with, or conflict with, the implementation of the Strategic Plan;
- Whether the land or any part thereof is low-lying or so subject to inundation as to be unsuitable for use for all or any of the uses permitted or permissible in the zone in which the land is proposed to be included; and
- the impact of the proposal on the environment.

It is considered that the application does not satisfactorily address these matters.

In accordance with the *Planning and Environment Act 1990* the local authority must refuse to approve the application if:

- the application conflicts with any relevant strategic plan or development control plan; and
- there are not sufficient planning grounds to justify approving the application despite the conflict.

In this regard, the application conflicts with Council's Superseded Strategic Plan 1988 and the Redlands Planning Scheme 2006 and the applicant has not demonstrated that the application should be approved despite the conflict.

Coty Principle

The reconfiguration application was lodged with Council on the 14 March 2006.

The first business day for assessment was therefore the 15 March 2006.

The Redlands Planning Scheme was adopted on the 15 March 2006.

The Redlands Planning Scheme took effect on the 30 March 2006.

The non-derogation principle (Coty), and the IPA allows weight as considered appropriate by the assessment manager to be given to the Redlands Planning Scheme on the basis that the application was lodged the day before the Redlands Planning Scheme 2006 was adopted and subsequently 15 days prior to the scheme taking effect.

Given that all processes, public notification, State Government review etc regarding the formation of the Redlands Planning Scheme 2006 had taken place and that at the time of lodgement the date for the Scheme to take effect was inevitable, it is considered reasonable to apply substantial weighting to the document.

TOWN PLANNING IMPLICATIONS FOR THE LAND

Redland Shire Council has adopted various Town Planning instruments which affect the land. The relevant instruments comprise the Superseded Town Planning Scheme for the Shire of Redland 1988, the Superseded Redland Shire Council Strategic Plan 1998 and associated designations and the Redland's Planning Scheme 2006.

Superseded Town Planning Scheme for the Shire of Redland 1988

The Superseded Town Planning Scheme for the Shire of Redland 1988 zoned the site Rural Non Urban.

The proposal is inconsistent with this zoning.

However in 1998 Council's Strategic Plan came into effect and imposed a Special Protection, Urban Residential and Public Open Space Preferred Dominant Land Use designation over the land. Prior to the current Redlands Planning Scheme 2006, the Superseded 1998 Strategic Plan prevailed over Superseded 1988 Town Planning Scheme for the Shire of Redland in instances where conflict occurred.

Superseded Planning Scheme 1988 – Filling & Drainage / Minimum Development Levels

The application indicates that a significant number of lots are situated below the 1 in 100 year flood event and these lots will need to be filled.

The applicant has not demonstrated compliance with:

- The Superseded Town Planning Scheme 1988;
- Part IV Division 5 Section 16. Filling and Drainage;
- Part IV Division 5 Section 17. Minimum Development Levels;
- Council's Superseded Town Planning Scheme 1988 Chapter 25 – Subdivision of Land Part 1 Section 8 Reasons for Refusal of an Application (1)(e) "*the subject land or any part of such land is, or is likely to be, subject to inundation by flood waters*".

Superseded Redland Shire Strategic Plan 1998

The subject site had a Special Protection, Urban Residential and Public Open Space Preferred Dominant Land Use.

Superseded Urban Residential Preferred Dominant Land Use

A Residential use within the Urban Residential Preferred Dominant Land Use is generally supported where all other aspects (including flooding) are considered and complied with. In this instance the land with an Urban Residential Preferred Dominant Land Use is flood constrained and is not supported for residential purposes.

Superseded Special Protection Preferred Dominant Land Use

The proposed residential allotments within the Special Protection Area designation are not considered to achieve the objectives of the Special Protection Area designation. The response to the Information Request placed no value on the existing vegetated area and claimed that the retention of 15% of the vegetated area as park to "maintain visual amenity" "retains the key natural values identified in the site".

The environmental report lacks the understanding of Council's superseded and current planning schemes, approvals on adjacent properties and the observation of the progressive rehabilitation of the water course to the south in recent subdivision construction to achieve the intent of the schemes. The site is part of a corridor along a western tributary of Moogurrapum Creek from west of Cleveland Redland Bay Road two kilometres to the south west of the site. The existing vegetation will serve as an important habitat area along this corridor and assist with linking the Remnant Ecosystem to the north of the site.

Superseded Public Open Space Preferred Dominant Land Use

The proposed park within the Public Open Space designation is supported as it is considered to achieve the objectives of this designation.

Superseded Greenspace

The Greenspace designation occupies 58% of the property in the area covered by bushland vegetation. This area coincides with the Environmental Inventory General Patch GP6418. The balance of the site is classified in the Environmental Inventory as Enhancement Corridor EC9205. The proposed subdivision does not respect this designation except in the park proposed in the northwest where edge effects will significantly impact on the habitat values of any enhanced vegetation.

The intent where Special Protection Area is overlaid by Greenspace is to protect, maintain and enhance environmental values and this has not been achieved in this instance. Special Protection Area and Greenspace may also affect the number, shape and size of lots.

Summary of the Superseded Planning Scheme

The Superseded Planning Scheme does not support filling and residential allotments that are flood affected are not supported within the Urban Residential Preferred

Dominant Land Use. Additionally, the proposed allotments within the Special Protection Area and Greenspace designations are not considered to achieve the habitat objectives values of these areas.

Redlands Planning Scheme 2006 Zone and Overlays

The proposed application was lodged on the 14 March 2006.

The Redlands Planning Scheme was adopted on the 15 March 2006.

The Redlands Planning Scheme took effect on the 30 March 2006.

Given that the Redlands Planning Scheme was adopted one day after the subject application was lodged, it is considered reasonable to apply significant weighting to the document.

The site is zoned Environmental Protection and Open Space within Council's 2006 Planning Scheme and the application is not cognisant of this.

Environmental Protection Zone

58% of the site is zoned Environmental Protection. The proposal is not considered to achieve the objectives of this zone. The above details of the Special Protection Area values apply to this zone area.

Open Space Zone

The proposed park within the Open Space Zone is considered to achieve the objectives of the Open Space Zone. However the proposed lots and stormwater treatment facilities within this area are not cognisant with the objectives of this zone.

Overlays

The following overlays affect the subject site within the Redlands Planning Scheme 2006:-

- Acid Sulfate Soils Overlay;
- Bushfire Hazard Overlay;
- Bushland Habitat Overlay;
- Flood Storm and Drainage Constrained Land Overlay;
- Road and Rail Noise Impact Overlay; and
- Waterways Wetlands and Moreton Bay Overlay.

Acid Sulphate Soils

No works or soil disturbance are proposed as part of this Material Change of Use application. Construction works at the subdivision stage would potentially be impacted by potential acid sulfate soils and would need to be addressed.

Bushfire Hazard

The potential for bushfire issues exist due to the existing vegetation and the enhancement required by the zone and overlay. In compliance with the zone and overlay, the risk of bushfire remains, but no significant property would be impacted in a manner that could not be ameliorated.

Bushland Habitat

The site is fully covered by the Habitat Protection –Bushland Habitat Overlay. The application does not address the requirements of this overlay. The section containing bushland is designated as Bushland Habitat and the balance of the site in the flood plain as Enhancement Corridor. The implementation of the intent of this overlay has not been achieved in the proposal. The comments detailed in the Special Protection Area section above are applicable to this overlay area.

Flood Prone Storm Tide and Drainage

The proposed allotments are subject to flooding and are therefore not supported. Filling of the site is not supported as it conflicts with Council's planning documents. The flood inundation report provided has abnormalities and is therefore not supported.

Waterways and Wetlands

A western tributary of Moogurrapum Creek flows through the eastern part of the site and the cleared area is half within the Waterways, Wetlands and Moreton Bay overlay. This area is to be included in parkland with habitat enhancement works and hence complies with the scheme.

Road and Rail Noise Impact

All road traffic noise impacts have been conditioned by Main Roads and Council agrees with these conditions.

Noise Impact on Development from Existing Use

The Acoustic Report submitted did not take into account the potential noise impacts from adjacent commercial business.

Summary of the Redlands Planning Scheme 2006

The Redlands Planning Scheme 2006 does not support the proposed lots as they are not considered to achieve the objectives of the Environmental Protection zone and Bushland Habitat Overlay.

The proposed allotments are not supported as they are subject to flooding. Filling of the site is not supported as it conflicts with Council's planning documents.

Conclusion

Having regard to all of the above, it is considered that this application should be refused.

At the Development Assessment Committee meeting on 22 January 2008, Committee resolved that this item be deferred to the General Meeting scheduled for 30 January 2008.

This matter is now presented to Council for consideration.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

That the application for a Development Permit for the Material Change of Use for residential purposes on Lot 1 on SL10475 and Lot 2 on RP205153 being situated at 14-20 Gordon Road Redland Bay be refused on the following grounds:

1. Superseded Planning Scheme 1988 - Minimum Development Levels

The applicant has not demonstrated compliance with:

- The Superseded Town Planning Scheme 1988;
 - Part IV Division 5 Section 16. Filling and Drainage;
 - Part IV Division 5 Section 17. Minimum Development Levels;
 - Council's Superseded Town Planning Scheme 1988 Chapter 25 – Subdivision of Land Part 1 Section 8 Reasons for Refusal of an Application (1)(e) "*the subject land or any part of such land is, or is likely to be, subject to inundation by flood waters*".

2. Planning and Environment Act 1990

In the context of a Reconfiguration of Lot application Part 4 – Land Use Applications of the repealed Planning and Environment Act provides that:

In considering a land use application a local government is to assess a number of matters to the extent they are relevant to the application. Some matters include but are not limited to:

- Whether the proposal would create a traffic problem;
- Whether the inclusion of the land in the zone in which the land is proposed to be included would be in accordance with, or conflict with, the implementation of the Strategic Plan;
- Whether the land or any part thereof is low-lying or so subject to inundation as to be unsuitable for use for all or any of the uses permitted or permissible in the zone in which the land is proposed to be included; and
- the impact of the proposal on the environment.

It is considered that the application does not satisfactorily address these matters.

In accordance with the Planning and Environment Act 1990 the local authority must refuse to approve the application if-

- the application conflicts with any relevant strategic plan or development control plan; and
- there are not sufficient planning grounds to justify approving the application despite the conflict.

In this regard, the application conflicts with Council's Superseded Strategic Plan 1988 and the Redlands Planning Scheme 2006 and the applicant has not demonstrated that the application should be approved despite the conflict.

3. Superseded Special Protection Preferred Dominant Land Use

The proposed residential allotments within the Special Protection Area designation conflict with the objectives of the Special Protection Area. The proposed Park B has only token respect of this designation.

4. Superseded Greenspace

The proposed residential allotments within the Greenspace area conflict with the objectives of this designation. The proposed Park B has only token respect of this designation.

5. Redlands Planning Scheme 2006

The IPA allows weight as considered appropriate by the assessment manager to be given to the Redlands Planning Scheme 2006, however the applicant has not adequately demonstrated compliance with the Redlands Planning Scheme 2006.

6. Environmental Protection Zone

The western approximately 58% of the site is zoned Environmental Protection. The proposal is not considered to achieve the objectives of this zone.

7. Open Space Zone

The eastern approximately 48% of the site is zoned Open Space. The proposal is not considered to achieve the objectives of this open space zone as approximately 30% of the open space zoned area is intended to be utilised for allotments and stormwater treatment facilities.

8. Bushfire Hazard Overlay

The potential for bushfire issues exist due to the existing vegetation and the enhancement required by the zone and overlay. With compliance with the zone and overlay the risk of bushfire remains and could be ameliorated with a complying use of the properties.

9. Habitat Protection - Bushland Habitat Overlay

Approximately 29670m² of the site is Bushland Habitat, however only approximately 13% or 3735m² of this area is proposed to be included within park. The values of this area would be degraded by edge effects. The balance of the Bushland Habitat area with proposed lots does not meet the outcomes of this overlay. The Enhancement Corridor has allotments and stormwater treatment facilities proposed over approximately 30% of the area. This does not achieve the outcomes of this overlay.

10. Flooding / Flood Prone Storm Tide and Drainage Overlay

The proposed allotments are subject to flooding and are therefore not supported. Filling of the site is not supported as it conflicts with Council's planning documents. The flood inundation report provided has abnormalities and is therefore not supported.

11. Noise Impact on Development from Existing Use/s

The developer has not provided an Acoustic Report that takes into account the potential noise impacts from adjacent commercial business on the proposed residential land use.

12. Road Access

The proposed allotments have not been provided with access to the existing road network.

COUNCIL RESOLUTION

Moved by: Cr Beard
Seconded by: Cr Dowling

That Council resolve that in light of the applicant's request for an extension in the decision making period that this matter be referred back to Development

Assessment Committee in accordance with *Integrated Planning Act* requirements for decision making.

CARRIED

A division was called for.

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

Cr Bowler voted in the negative.

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

16 NOTICE OF MOTION UNDER SECTION 451 OF LOCAL GOVERNMENT ACT 1993**16.1 NOTICE OF MOTION TO AMEND COUNCIL RESOLUTION OF 26 SEPTEMBER 2007 – PROPOSAL TO SEND LETTERS RE 2006 RPS ZONING CHANGE ON SMBI (CR BURNS)**Background

At its General Meeting on 26 September 2007 [item 14.1], Council resolved as follows:

- 1. That letters be sent to all those ratepayers of the Southern Moreton Bay Islands whose properties were zoned 'Open Space' or 'Conservation sub area CN1' as a result of the adoption of the Redlands Planning Scheme in 2006, notifying them of the change in zoning; and*
- 2. That the affected ratepayers be advised that, subject to the Southern Moreton Bay Islands Development Entitlements Protection Act 2004, until 30 March 2008 they may lodge a development application requesting council assess the application under the superseded planning scheme.*

The Conservation sub-area CN1 zone of the Redlands Planning Scheme includes properties that were previously zoned Drainage Problem or identified within Drainage Problem Category 1 of the Council endorsed Southern Moreton Bay Islands Drainage Constrained Area Mapping [2001]. Officers have advised that an application on such properties would need to demonstrate that sufficient unconstrained land was available for a dwelling house and its servicing requirements under either the 'superseded' planning scheme or the Redlands Planning Scheme. Accordingly, advising the owners of such lots that they may request to have an application assessed under the 'superseded' planning scheme may incur additional cost to these owners, in terms of the 'superseded' planning scheme application fee, which may or may not be approved and result in Council requiring the same drainage matters be addressed under either planning scheme.

In addition, Officers have advised that providing advice to the owners of such drainage constrained properties included in the Conservation sub-area CN1 that they may request an application be assessed under the 'superseded' planning scheme may cause these owners to expect that should such an application be lodged Council approval would be granted.

Officers have further advised that it is the *Integrated Planning Act 1997* that provides an owner with the ability to lodge an application with Council within 2 years from the adoption of the Redlands Planning Scheme and request it be assessed under the 'superseded' Planning Scheme. The Southern Moreton Bay Islands Development Entitlements Protection Act 2004 provide owners in possession of prescribed land in the associated regulation as of 13 April 2005 with the ability to direct Council to assess a development application for a dwelling house under the 'superseded'

Planning Scheme for 10 years from the adoption of the Redlands Planning Scheme in 2006.

In response to the above advice from Officers it is proposed that the subject resolution be amended to exclude the owners of properties zoned Conservation sub-area CN1 that were either previously zoned Drainage Problem or identified with Drainage problem Category 1.

On 24 January 2008, Cr Burns gave notice that at the General Meeting scheduled for 30 January 2008, he intends to move as follows:

COUNCIL RESOLUTION

Moved by: Cr Burns
Seconded by: Cr Barker

That Council amend its decision of 26 September 2007 in relation to item 14.1 of the General Meeting Minutes – *Proposal to Send Letters re 2006 RPS Zoning Change on SMBI* resolution 1, by –

- a) adding “and which had been zoned Residential A excluding properties identified within *Drainage Problem Category 1 [Southern Moreton Bay Islands Drainage Constrained Areas Mapping 2001]*” after, “in 2006”, and
- b) replacing “Southern Moreton Bay Islands Development Entitlements Protection Act 2004” with “Integrated Planning Act 1997”,

so that the resolution will read:

1. That letters be sent to all those ratepayers of the Southern Moreton Bay Islands whose properties were zoned ‘Open Space’ or “Conservation sub area CN1” as the result of the adoption of the Redlands Planning Scheme in 2006 which had previously been zoned Residential A excluding properties identified within Drainage Problem Category 1 [Southern Moreton Bay Islands Drainage Constrained Areas Mapping 2001], notifying them of the change in zoning; and
2. That the affected ratepayers be advised that, subject to the *Integrated Planning Act 1997*, until 30 March 2008 they may lodge a development application requesting Council assess the application under the superseded planning scheme.

CARRIED

17 DIRECT TO COUNCIL REPORT

17.1 PLANNING & POLICY

17.1.1 PUBLIC NOTIFICATION – SOUTH EAST THORNLANDS STRUCTURE PLAN

Dataworks Filename:	LUP South East Thornlands Structure Plan Project
Responsible Officer Name:	Greg Underwood General Manager Planning and Policy
Author Name:	Stephen Hill Acting Manager - Land Use Planning Group

EXECUTIVE SUMMARY

By letter dated 25 January 2008 the acting Minister for Infrastructure and Planning has confirmed no State interests would be adversely affected by the proposed South-East Thornlands Structure Plan and associated Redlands Planning Scheme amendments. Accordingly, Council may now proceed to public notification of the proposed planning scheme amendments [and by association, the draft Structure Plan], subject to complying with the following Ministerial condition:

- Insert a footnote in Structure Plan Map 1 - 'Land Use Precincts' against the reference in the legend entitled 'Mixed Use' as follows:

'Note: The State Government has concerns regarding the location of the proposed mixed use precinct, with reference to the preferred option identified in the planning study. The community is encouraged to comment to ensure a comprehensive consideration of all relevant issues prior to final approval of the Structure Plan.'

PURPOSE

To seek Council approval to commence the public notification for thirty [30] business days of the proposed South-East Thornlands Structure Plan and associated Redlands Planning Scheme amendments in accordance with section 12 of Schedule 1 of the *Integrated Planning Act 1997*.

BACKGROUND

Council at its Special Meeting on 21 April 2006 adopted the draft South-East Thornlands Structure Plan and associated planning scheme amendments for the purposes of First State Interest Review. Since that time Council has provided a response to comments received from the State Agencies and an amended version of the draft structure plan and scheme amendments was submitted to the State in July 2007.

ISSUES

The Department of Infrastructure and Planning has formally reviewed the amended version of the draft structure plan and associated scheme amendments. By letter dated 25 January 2008 the acting Minister for Infrastructure and Planning has advised that the Regional Level Structure Plan does contain some issues of concern to the State Government including:

1. The proposed location of the local centre/mixed use precinct;
2. the extent of the greenspace network in the southern sector, along Eprapah Creek;
3. koala habitat impacts;
4. pedestrian and bicycle permeability through the middle portion of the Major Development Area to access the local centre.

However, the acting Minister recognises that these matters may be resolved at the Second State Interest Review following an examination of any submissions received and the inclusion of additional provisions for several of the issues. Accordingly, the acting minister has confirmed that no State interests would be adversely affected by the proposed structure plan and associated scheme amendments and Council may now proceed to public notification subject to complying with the following Ministerial condition:

5. Insert a footnote in Structure Plan Map 1 - 'Land Use Precincts' against the reference in the legend entitled 'Mixed Use' as follows:

'Note: The State Government has concerns regarding the location of the proposed mixed use precinct, with reference to the preferred option identified in the planning study. The community is encouraged to comment to ensure a comprehensive consideration of all relevant issues prior to final approval of the Structure Plan.

Public notification of the draft structure plan and scheme amendments will involve a number of consultation activities including:

- the preparation and distribution of a newsletter;
- display material in Council's Customer Service Centres and libraries;
- internet material including on-line submission function;
- public information days.

It is estimated that it will take approximately four [4] weeks to prepare the necessary consultation material to support the public notification of the structure plan and associated scheme amendments.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to preserve a balance with urban, rural, bushland, village, coastal and island character of the Redlands by managing growth.

FINANCIAL IMPLICATIONS

PLANNING SCHEME IMPLICATIONS

Implementation of the South-East Thornlands Structure Plan will result in amendments to the Redlands Planning Scheme.

CONSULTATION

Land Use Planning has consulted with other groups of Planning and Policy throughout the preparation and First State Interest Review of the structure plan and associated scheme amendments.

OPTIONS

PREFERRED

That Council resolve:

1. To commence public notification of the draft South-East Thornlands Structure Plan and associated Redlands Planning Scheme amendments in accordance with the following:
 - the Ministerial condition to insert a footnote in Structure Plan Map 1 - 'Land Use Precincts' against the reference in the legend entitled 'Mixed Use' as follows:

'Note: The State Government has concerns regarding the location of the proposed mixed use precinct, with reference to the preferred option identified in the planning study. The community is encouraged to comment to ensure a comprehensive consideration of all relevant issues prior to final approval of the Structure Plan and
 - for thirty [30] business days in accordance with section 12 of Schedule 1 of the *Integrated Planning Act 1997*.
2. That the draft South-East Thornlands Structure Plan and associated planning scheme amendments remain confidential pending commencement of public notification.

ALTERNATIVE

That Council resolve not to proceed with public notification of the South-East Thornlands Structure Plan and associated Redlands Planning Scheme amendments.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. To commence public notification of the draft South-East Thornlands Structure Plan and associated Redlands Planning Scheme amendments in accordance with the following:

- the Ministerial condition to insert a footnote in Structure Plan Map 1 - 'Land Use Precincts' against the reference in the legend entitled 'Mixed Use' as follows:

'Note: The State Government has concerns regarding the location of the proposed mixed use precinct, with reference to the preferred option identified in the planning study. The community is encouraged to comment to ensure a comprehensive consideration of all relevant issues prior to final approval of the Structure Plan and

- for thirty [30] business days in accordance with section 12 of Schedule 1 of the *Integrated Planning Act 1997*.
2. That the draft South-East Thornlands Structure Plan and associated planning scheme amendments remain confidential pending commencement of public notification.

COUNCIL RESOLUTION

Moved by: Cr Ogilvie
Seconded by: Cr Bowler

That this item be deferred.

CARRIED

A division was called for.

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

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

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

18 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.22pm.

Signature of Chairperson: _____

Confirmation date: _____