



Redland
CITY COUNCIL

MINUTES

GENERAL MEETING

**Wednesday 25 February 2009
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 and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meet. The Mayor also paid Council's respect to their elders, past and present, and extended that respect to any indigenous Australians present.

2 DEVOTIONAL SEGMENT

The Mayor requested that the Chamber be upstanding for 1 minute silence as a mark of respect for the people suffering from both the recent Victorian Bushfires and the North Queensland floods.

Pastor Glen Gray of the Redlands Ministers' Fellowship led Council in a brief devotional segment.

3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

MEMBERS PRESENT:

Cr M Hobson PSM	Mayor
Cr T Bowler	Deputy Mayor and Councillor Division 6
Cr W Boglary	Councillor Division 1
Cr C Ogilvie	Councillor Division 2
Cr D Henry	Councillor Division 3
Cr P Dowling	Councillor Division 4
Cr B Townsend	Councillor Division 5 Entered at 4.03 pm
Cr M Elliott	Councillor Division 7
Cr K Reimers	Councillor Division 8
Cr K Williams	Councillor Division 9
Cr H Murray	Councillor Division 10

EXECUTIVE LEADERSHIP GROUP:

Mr G Stevenson PSM	Chief Executive Officer
Mr G Underwood	General Manager Planning & Policy
Mr R Turner	General Manager Corporate Services
Mr L Smith	Acting General Manager Customer Services
Mr G Soutar	General Manager Redland Water & Waste

MINUTES:

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

Moved by: Cr Reimers
Seconded by: Cr Murray

That the minutes of the General Meeting of Council held on 28 January 2009 be confirmed.

CARRIED

5 MATTERS OUTSTANDING FROM PREVIOUS GENERAL MEETING MINUTES

5.1 REPORT FROM CHIEF EXECUTIVE OFFICER

5.1.1 PETITION REGARDING RABY BAY CANAL LEVY CHARGES

At the General Meeting of 26 September 2007, Council resolved that a report be presented to Council addressing a petition which requests that Council contribute 50% of the cost annually to maintain the Raby Bay canals.

A report regarding this matter was presented to Council on 19 December 2007 where consideration of the item was deferred to a future meeting to enable a more detailed report to be prepared and that the report also consider the same issues for Aquatic Paradise and Sovereign Lakes. This report was presented to Council on 28 May 2008 and Council resolved to defer this item until further legal advice is received regarding the legitimacy of the benefit area levy in raising monies for repair to revetment walls.

A further report will be presented to Council as soon as legal advice has been received.

5.1.2 REQUEST FOR REPORT – PROTECTING SIGNIFICANT VEGETATION

At the General Meeting of 28 May 2008, it was resolved that a report be prepared and presented to Council on the steps Council is taking to protect significant vegetation through the Development Assessment process.

A report addressing this matter will be presented to a Planning & Policy Committee Meeting in April 2009.

5.1.3 REQUEST FOR REPORT – RESEARCH ON THE IMPACT OF TRAIL BIKES ON THE REDLANDS

At the General Meeting of 30 July 2008, Council resolved that research on the current impacts of trail bikes on the Redlands natural areas be undertaken.

A report addressing this matter will be presented to a Planning & Policy Committee Meeting in September 2009.

5.1.4 PETITION – OBJECTING TO THE TRIAL CLOSURE OF SOUTH STREET, CLEVELAND

At the General Meeting of 29 October 2008, Council resolved that the petition (containing 298 signatures) from business operators and stakeholders from South Street and Enterprise Street, objecting to the trial closure of South Street, be received, referred to the Planning and Policy Department and considered when a further report is prepared and presented to Council in this matter.

A report addressing this matter is scheduled for a Planning and Policy Committee meeting in May 2009.

5.1.5 POTENTIAL FORMATION OF A BUSINESS IMPROVEMENT DISTRICT

At the General Meeting of 29 October 2008, Council resolved that a report be prepared and presented to Council outlining the potential formation of a BID (Business Improvement District) in the precinct now formally recognised as CBD (Capalaba Business District).

A report addressing this matter will be presented to a Planning and Policy Committee Meeting in April 2009.

6 PUBLIC PARTICIPATION

MOTION TO ADJOURN MEETING

Moved by: Cr Henry
Seconded by: Cr Dowling

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

CARRIED

The following speakers addressed Council:

1. Mr B Paddison addressed Council in relation to fire management issues and the SEQ Regional Plan;
2. Mr I Maesepp, of Birkdale, addressed Council in relation to a development application at 77 Whitehall Avenue, Birkdale.

Moved by: Cr Williams
Seconded by: Cr Reimers

That the public participation segment be extended to allow further speakers.

3. Mr F Bradley of Cleveland, addressed Council in relation to various SMBI issues including fire management; and
4. Ms A Williams, of the Redlands Youth Forum, addressed Council in relation to the Redlands Youth Forum Annual Report for 2008.

MOTION TO RESUME MEETING

Moved by: Cr Elliott
Seconded by: Cr Dowling

That the proceedings of the meeting resume.

CARRIED

7 PETITIONS/PRESENTATIONS

7.1 PETITION (DIVISION 10) – REMOVAL OF CONCRETE ISLAND AND “GIVEWAY” SIGN IN BAUHINIA STREET, BIRKDALE

Moved by: Cr Murray
Seconded by: Cr Reimers

That the petition, which reads as follows, be received and referred to the Infrastructure Planning Group to investigate and report to a future Planning and Policy Committee meeting:

“We, the undersigned request that Council:

- 1. Remove the concrete island and “Giveaway” sign in Bauhinia Street, Birkdale adjacent to Carinyan Drive as indicated in Map 1; and**
- 2. Replace the above with a “Stop” sign in Carinyan Drive, Birkdale facing oncoming traffic from Carinyan Drive into Bauhinia Street as indicated in Map 2.**

The reason being to slow speeding traffic using Carinyan Drive and to ensure Bauhinia Street from Collingwood Road to Carinyan Drive is not viewed as part of Carinyan Drive and avoid much confusion.”

CARRIED

7.2 PETITION (DIVISION 6) – MEDIAN STRIP ON NEY ROAD, CAPALABA, BETWEEN KOALA PARK ESTATE AND GUYANA COURT

Moved by: Cr Bowler
Seconded by: Cr Elliott

That the petition, regarding the quality of the construction of the median strip on Ney Road between Koala Park Estate and Guyana Court, be tabled.

CARRIED

8 MOTION TO ALTER THE ORDER OF BUSINESS

Moved by: Cr Williams
Seconded by: Cr Henry

That the order of business be altered to permit Item 16 *Urgent Business Without Notice* to be discussed prior to discussion on any Committee confidential reports and Confidential Item 15.5.1 *SMBI Communities Futures Needs Campaign*.

CARRIED

9 DECLARATION OF INTEREST ON ANY ITEMS OF BUSINESS**9.1 “S.246A RECORDING OF CONFLICT OF INTEREST**

1. At the time in the meeting when the item was raised, Cr Dowling declared a Conflict of Interest in Confidential Item 18.2.1 *SMBI Communities Future Needs Campaign*, as he will be campaigning as a Candidate for Redlands in the upcoming State Election, and left the chamber prior to discussion and decision on this matter.
2. At the time in the meeting when the item was raised, Cr Ogilvie declared a Conflict of Interest in Confidential Item 18.2.1 *SMBI Communities Future Needs Campaign*, as he is a member of a political party, and left the chamber prior to discussion and decision on this matter.

10 PLANNING AND POLICY COMMITTEE 4/02/09 - RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Murray
Seconded by: Cr Reimers

That the Planning and Policy Committee Report of 4 February 2009 be received.

CARRIED

10.1 OFFICE OF CEO**10.1.1 STRATEGIC FRAMEWORK - SOUTHERN MORETON BAY ISLANDS / ISSUES**

Dataworks Filename: LUP SMBI - General
Attachments: [Framework](#)
[Terms of Reference](#)
Responsible Officer Name: Gary Stevenson
Chief Executive Officer
Author Name: Gary Stevenson
Chief Executive Officer

EXECUTIVE SUMMARY

This report provides information and documents for consideration by Council in order to progress Southern Moreton Bay Islands' (SMBI) issues.

PURPOSE

The purpose of this report is to adopt a Strategic Framework and to establish a SMBI Communities Advisory Committee.

BACKGROUND

It is evident that there are a number of significant issues that are unique to SMBI which present a challenge to their communities and to Council. Over many years, Council has endeavoured to address the issues and while there have been many incremental changes, there appears to have been little resolution of some of the underlying problems.

It is, therefore, critical that a framework be established that addresses governance, community engagement, planning, lobbying and implementation needs, and that creates a strong mandate for future action. In relation to some perspectives it requires a whole new way of thinking – a paradigm shift. In relation to many other

aspects of course it simply requires consolidation or integration of the good work already done in the past.

Following a series of workshops involving Councillors and officers, and careful consideration of the comments received, amendments have been made to the Strategic Framework for handling SMBI issues and the Terms of Reference for the creation of a SMBI Communities Advisory Committee and they are attached for Councillors' consideration.

ISSUES

The issues can be summarised as follows:

- Poorly planned early land development then under the jurisdiction of State Government with little regard to infrastructure requirements (eg drainage paths and land for community purposes);
- Substandard civil infrastructure for current and future population;
- Substandard social infrastructure and services for current and future population;
- Disjointed transport planning and delivery;
- Limited existing Council (own-source) revenue capacity;
- Limited future land development-related revenue capacity;
- Minimal State and Commonwealth Government support;
- High cost of operations, maintenance and construction;
- Relative isolation and associated communication and transport challenges;
- Entrenched community discontent;
- Disparate representative communities groups and high proportion of absentee landowners without adequate representation;
- Informal representation and advocacy exploiting community discontent;
- Current contentious issues, eg SMBI Differential Rate, Weinam Creek parking, dust problems etc;
- Recent intensely negative community reaction to contentious issues.

It is not intended to ignore the many, environmental and social strengths that exist within the communities of SMBI, as the unique lifestyle characteristics attract many visitors and residents alike. However, the focus of this report is to assess the challenges and to present a framework to address the more critical needs and to build community confidence.

RELATIONSHIP TO CORPORATE PLAN

The recommendation 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 is a need to allocate adequate resources to implement the proposals. Importantly, the framework does not seek to rely on Council as a sole respondent. The State Government will need to be convinced that it must accept responsibility for its past, and will need to be an active partner in delivery of the solutions for the future.

PLANNING SCHEME IMPLICATIONS

In the short term there are no implications for the Redland Planning Scheme, however, Strategic Planning outcomes may result in changes in due course.

CONSULTATION

It is intended that communications would be scheduled to support the creation of the advisory committee, the nomination process, the appointment of successful nominees and the agendas/outcomes of each advisory meeting.

OFFICER'S/COMMITTEE RECOMMENDATION

That Council resolve as follows:

1. To adopt the Strategic Framework for addressing SMBI issues;
2. To appoint a SMBI Communities Advisory Committee, under Section 452 of the Local Government Act 1993;
3. To adopt the attached Advisory Committee's Terms of Reference; and
4. To authorise the Chief Executive Officer to invite nominations for membership of the SMBI Communities Advisory Committee.

COUNCIL RESOLUTION

Moved by: Cr Townsend

Seconded by: Cr Bowler

That the Committee Recommendation be adopted with an amendment to Recommendation 3 attachment – Advisory Committee's Terms of Reference – Aspect – Head of Power – Quorum – to read as follows:

“Half plus one, providing that either the Divisional Councillor or the Mayor must be present.”

CARRIED

A division was called for.

Crs Townsend, Reimers, Murray, Bowler, Williams, Dowling, Henry, Ogilvie, Boglary and Hobson voted in the affirmative.

Cr Elliott voted in the negative.

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

11 REDLAND WATER AND WASTE COMMITTEE 17/02/09 - RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Henry
Seconded by: Cr Williams

That the Redland Water and Waste Committee Report of 17 February 2009 be received.

CARRIED

11.1 CORPORATE SERVICES

11.1.1 WATER REFORM UPDATE

Datworks Filename: GOV WRAD – RCC Business Readiness
Responsible Officer Name: Eleanor Bray
Manager Water Reform
Author Name: Taryn Davey
Project Support Officer

EXECUTIVE SUMMARY

Stage 2 of the regional water reform is progressing with the formation of the new distribution and retail entities. Redland will become part of Retailer Three with Gold Coast, Logan and Scenic Rim. The Council of Mayors (COM) water reform program is co-ordinating implementation of the water reform. Redland City Council (RCC) has established the Water Retail and Distribution Project to manage the transition and separation of the water business from Council with direction provided by a water reform steering group.

PURPOSE

The purpose of this report is to provide Councillors with an update on the regional water reform within south-east Queensland (SEQ).

BACKGROUND

The state government has commenced major water reforms in SEQ. These reforms include the separation and transition of local government water businesses into new vertically separated regional water businesses.

ISSUES

1. Formation of new entities

- In May 2007, the Queensland state government announced a blueprint for the reform of water ownership and management in SEQ.
- In Stage 1, the state took ownership (from councils) of all bulk water assets, including bulk water supply (SEQWater), bulk water transport (LinkWater) and desalination and recycled water treatment (WaterSecure).
- In Stage 2, the water distribution and retail businesses of all councils are to be separated from councils by 1 July 2010 and merged into a single distribution business and 3 retail businesses.
- The distribution business will be owned by the 10 SEQ Councils as shareholders:
 - Brisbane City Council (BCC);
 - Gold Coast City Council (GCCC);
 - Ipswich City Council;
 - Logan City Council (LCC);
 - Lockyer Valley Regional Council;
 - Moreton Bay Regional Council;
 - Redland Regional Council;
 - Scenic Rim Regional Council;
 - Somerset Regional Council; and
 - Sunshine Coast Regional Council.
- The retail businesses will be owned by the following councils as shareholders:
 - Retailer One – Brisbane;
 - Retailer Two - Ipswich, Lockyer Valley, Moreton Bay, Somerset and Sunshine Coast; and
 - Retailer Three - Gold Coast, Logan, Redland and Scenic Rim.
- Together, SEQWater, LinkWater, WaterSecure and the new distribution and retail businesses will provide water services to the SEQ region.

2. COM water reform program (WRP)

- The COMSEQ WRP has been established to implement the state government's water reforms, on behalf of, and in consultation with, SEQ councils by 1 July 2010.
- The WRP is responsible for the separation and transition of the current water businesses from councils, and the establishment of the new local government-owned water distribution business and three retail water businesses.
- As part of this separation, the WRP is also responsible for managing the due diligence process.
- A memorandum of understanding (MoU) was signed by each council in August 2008 which included a commitment to retain staff and protect employment conditions and entitlements.
- Representatives from councils are working with the WRP team, state government and unions to develop an employee framework which will enable a smooth transition of staff into the new businesses.

3. Retail business

- The retail businesses will be responsible for providing water and wastewater services to customers which will also involve billing, payment collection and providing customer contact services
- The retail businesses will collect over \$1 billion in revenue per year.
- The councils in each of the proposed businesses have recently commenced the process of establishing their retailers.
- A water retail consultative committee (WRCC) meets regularly to progress the common establishment issues relating to all the water retailers.

4. Distribution business

- The new distribution business will provide water distribution services to residential, commercial and industrial customers as well as wastewater collection transportation and treatment services.
- The distribution business will manage and operate about \$10 billion worth of water and wastewater assets and employ around 2,500 employees.
- The distribution business will be responsible for over 1 million water connections across the region, serving a land area of 23,000km² and a population of around 2.9 million people.

5. RCC water retail and distribution project

- RCC has established a Water Retail and Distribution (WRAD) project to manage the transition of the water business into the new retail and distribution business. A project team has formed and the water reform retail and distribution separation and transition plan is being developed and is nearing completion.
- The project team reports to the water reform steering group who will be responsible for all key strategic and operational decisions. The steering group members are the CEO, General Manager Corporate Services and General Manager RWW.
- The WRAD project will be managing the due diligence process which is being co-ordinated through the COM WRP. The due diligence process is expected to commence towards the end of February and will require a comprehensive data gathering exercise across council.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

CONSULTATION

Consultation has occurred with the WRP team and steering group.

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

Moved by: Cr Henry
Seconded by: Cr Williams

That Council resolve to note the update on the regional water reform within south-east Queensland (SEQ).

CARRIED

11.2 REDLAND WATER AND WASTE

11.2.1 REDLAND WATER & WASTE COUNCIL BUSINESS UNIT REPORT - JANUARY 2009

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

Attachments: [Business Unit Report - January 2009](#)
[Appendix A – 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 January 2009 and covers financial and non-financial indicators for water and wastewater.

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 and wastewater.

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 and wastewater 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 Treatment Operations, RWW; and
- Senior Advisor, Financial Management, RWW.

OPTIONS

PREFERRED

That Council resolve to accept the Redland Water & Waste Council business unit report for January 2009, as presented in the attachment.

ALTERNATIVE

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

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

Moved by: Cr Henry
Seconded by: Cr Williams

That Council resolve to accept the Redland Water & Waste Council Business Unit Report for January 2009, as presented in the attachment.

CARRIED

11.2.2 NAME CHANGE FOR REDLAND WATER & WASTE

Dataworks Filename: WW Redland Water & Waste Committee
WS Redland Water & Waste Committee
GOV Business Units

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

Author Name: Shelley Thompson
PA to General Manager, Redland Water & Waste

EXECUTIVE SUMMARY

Due to ongoing confusion in relation to the transfer of waste management to Operations & Maintenance in November 2008, Council's approval is being sought to change the business unit's name to Redland Water.

PURPOSE

To gain Council's approval to change the business unit's name from "Redland Water & Waste" to "Redland Water".

BACKGROUND

The commercial business unit was established on 1 July 1998 and operated under the name "Redland Water" until 1 January 2002. At this time, waste management was added to the unit's responsibilities and the name change to "Redland Water & Waste" took effect. It has operated as Redland Water & Waste since that time.

As a result of current water reform and in light of the impending transition of the water and wastewater activities from Council to the new distribution and retail entities, waste management was moved from Redland Water & Waste late in 2008 and now reports to the Manager Operations & Maintenance.

As the business unit's name has remained as "Redland Water & Waste", it is increasingly apparent that this is causing some confusion among staff and members of the public and it was decided that it may be easier for all to revert back to the original "Redland Water" name.

Contact was made with the Office of Fair Trading. They confirmed that the name "Redland Water" is still owned by Council and therefore any changes could be effective immediately at no additional cost. This name is due for renewal in August 2009 and will then take Council past the date when Redland Water will move to the new entities and therefore will no longer 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

There are no financial implications arising from this decision as signage etc would not be changed until it required replacing for other reasons. Stationery, business cards, etc would be updated as and when new supplies are ordered. The logo change will simply require the removal of the words "& Waste" from the unit's current version – no other changes are deemed necessary.

CONSULTATION

Consultation has occurred with:

- the Office of Fair Trading;
- Andrew Ross, Manager Legal Services; and
- Gary Stevenson, CEO.

OPTIONS

PREFERRED

That Council resolve to approve the change of name from "Redland Water & Waste" to "Redland Water", effective immediately.

ALTERNATIVE

That Council resolve to not approve the name change and that the business unit name remain as "Redland Water & Waste".

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Henry
Seconded by: Cr Williams

That Council resolve to approve the change of name from "Redland Water & Waste" to "Redland Water", effective immediately.

CARRIED

11.3 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 item:

11.3.1 Retailer Three Memorandum of Understanding

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

11.3.1 RETAILER THREE MEMORANDUM OF UNDERSTANDING

Dataworks Filename: GOV WRAD – Retail – Retailer 3 Other

Attachments: [MOU for Retailer 3](#)

Responsible Officer Name: Eleanor Bray
Manager Water Reform

Author Name: Eleanor Bray
Manager Water Reform

EXECUTIVE SUMMARY

In accordance with water reform institutional arrangements within south east Queensland (SEQ), a water retail business is to be formed between Logan (LCC), Gold Coast (GCC), Scenic Rim (SRRC) and Redland (RCC) councils. This retailer is currently referred to as Retailer Three. The Retailer Three Steering Committee has agreed on a Memorandum of Understanding (MoU), for which each retail partner will now seek approval from their respective Councils.

COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Henry
Seconded by: Cr Williams

That Council resolve as follows:

1. To enter into a Memorandum of Understanding (refer attachment) and delegate the Chief Executive Officer to sign and execute the actions in line with the MoU;
2. To endorse initial establishment costs of up to \$2 million (funded by the distribution company through the QTC line of credit) and to be capitalised into the new retail entity;
3. To endorse the governance arrangements for establishment of the retail entity, noting that the shareholders' agreement, determination of equity and constitution will be referred to Council for approval when developed;
4. To note the potential of having to provide a substantial contribution as equity in 2009/10 to Retailer Three at start up; and
5. That the report remain confidential until the new retail company becomes operational in June 2010.

CARRIED

12 PLANNING AND POLICY COMMITTEE 18/02/09 – RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Ogilvie
Seconded by: Cr Townsend

That the Planning and Policy Committee Report of 18 February 2009 be received.

CARRIED

12.1 PLANNING AND POLICY

12.1.1 SOUTHERN MORETON BAY ISLANDS SPORT AND RECREATION STRATEGY

Datworks Filename: R&C Southern Moreton Bay Islands Sport and Recreation Strategy

Attachments: [SMBI Sport & Rec Strategy Part A](#)
[SMBI Sport & Recreation Strategy Part B](#)
[Russell Island Site Analysis CP01](#)
[Russell Island CP02](#)
[Russell Island CP03](#)
[Macleay Island Site Analysis CP01](#)
[Macleay Island CP02](#)
[Macleay Island CP03](#)
[Macleay Island CP04](#)

Responsible Officer Name: Roberta Bonnin
Manager Community & Social Planning

Author Name: Kristina Dickman
Senior Adviser Sport and Recreation

EXECUTIVE SUMMARY

Council has developed a sport and recreation strategy for the Southern Moreton Bay Islands (SMBI) using an extensive community engagement program which included consultation with residents and community representatives on each island.

The aim of the strategy was to engage the community, government and non government stakeholders in the development of a cost effective implementation plan for current and future facilities and services on the Island.

In summary the Strategy identified that there is insufficient provision of accessible open space for sport and recreation activities and that there is a need for dedicated sport and recreation infrastructure to service the islands. The quality and age of park infrastructure varies across the islands and there is limited opportunity to get easy

access to the water. The primary issues for sport and recreation groups and the community are provision of:

- Water-based access for fishing, boating, swimming, kayaking, sailing etc;
- Quality opportunities for physical activity, such as walking and cycling;
- Quality parks and foreshore access and infrastructure;
- Development of open space on Macleay and Russell Islands to support structured sports activities on the islands rather than travel to the mainland;
- Active and healthy environmental design and increased physical activity programming for the islands such as activities at Russell Island pool (youth focus); and
- Club development and capacity building opportunities.

Based largely on the outcomes of the community engagement program a two part report has been prepared containing a list of key strategies which are accompanied by detailed and prioritised actions to implement the strategies across the SMBI.

PURPOSE

To seek Council endorsement of the *Southern Moreton Bay Island Sport & Recreation Strategy* (December 2008) in the future planning for SMBI.

BACKGROUND

Strategic Leisure Group, Leisure Planning + Management Consultants were engaged to work with Council, the community and the State Government to undertake the development of the Sport and Recreation Strategy for SMBI in May, 2008.

A comprehensive methodology was adopted, which included:

- A literature review of Council's corporate documents/policies and relevant State and Federal Government documents in order to gain an understanding of the planning and organisational context in which potential opportunities for SMBI might be met. A list of documents which were reviewed is included in Section 2 of Part A of the Strategy document.
- Site inspections of existing sport and recreation facilities on each island, together with brief consideration of mainland facilities that service the island catchment.
- Demographic and leisure trend analyses.
- Meetings, surveys and discussions with community representatives on each island.

- Analysis of sport and recreation supply to determine shortfalls, surpluses and opportunities.
- Synthesis of research and community feedback to develop recommendations based on short, medium and long term priorities up to 2026.
- Development of concept plans for newly acquired sport and recreation sites based on the research, community feedback and Steering Committee input.
- Broad-based consultation program to obtain input from stakeholders on each island and of all age groups.

The community response was very supportive and included the following activities:

- Publicity campaign to raise awareness and encourage feedback.
- Call for written submissions – 15 received.
- Project briefing sessions with Council officers and Cr Townsend, representing Division 5.
- Community meetings on Russell, Macleay, Lamb and Karragarra with over 110 participants.
- Household Survey across the four islands – 192 responses.
- Survey of local sport and recreation clubs – 14 distributed/ 13 responses (93%).
- Focus Group Meetings with community organisations and early childhood groups.
- A Sports Summit with SMBI sport and recreation clubs.
- Surveys of school principals on Macleay and Russell Islands.
- A Youth Voice Program involving local school students.
- Discussions with interest groups, residents and other stakeholders throughout the study.
- Public display of the Draft SMBI Sport & Recreation Strategy and a call for public comment.

In brief, the consultation revealed that the islands needed improved access to recreational opportunities through the development of new infrastructure and upgrades of the existing sport and recreation facilities to make them more functional. In particular, consultation emphasised water based access and new or connecting tracks and trails. Parks and foreshore areas require expansion and refurbishment along with new sport development scoped for High St, Macleay Island and Kennedy's Farm at Union St, Russell Island.

Youth were particularly targeted in the consultation and their identified needs included facilities for skating, BMX and motorbike riding. Additionally, the need for a youth space and for sport opportunities for girls was highlighted.

Detailed accounts of the community engagement comments can be found in Section 5 Part A of Strategy document.

It should be noted that the feedback from community engagement undertaken will be used to provide the guidance and direction into a range of recreation and open space planning projects including landscaping master planning of new and existing parks.

ISSUES

Eight core themes emerged during the consultation phase:

- Travel constraints on sport and recreation participation;
- Leisure needs arising from island population growth;
- Need for better quality parkland;
- Enhanced public access to Moreton Bay for water-based recreation;
- Strengthening the club sector and community capacity;
- Optimising public use of sport and recreation facilities on school grounds;
- Creating active and healthy communities; and
- Young people and healthy leisure options.

Key Recommendations

A number of strategies were developed to maintain and build upon SMBI's sport and recreation facilities. The list below details the recommended strategies:

Viability of Sport & Recreation Groups

- Provide support to the volunteer organisation and club sector to ensure the long term viability of sport and recreation provision on SMBI.
- Ensure a strong working relationship across government sectors and between community based organisations.
- Ensure formal and informal sporting opportunities exist for youth and older residents.

Council policies, co-ordination and Management Arrangements

- Ensure an appropriate level of resources is allocated and that planning and co-ordination are undertaken to achieve optimal sport and recreation outcomes.

- Ensure that community, sport and recreation programs are available to meet existing needs.
- Ensure Council policies protect and encourage maximum utilisation of assets.

Maintenance and Improvement of Existing Facilities and Programs

- Maintain a high standard of community facilities and services and improve these to cater for the needs of residents and visitors.
- Encourage and support sport and recreation organisations in applying for grants from external funding sources to develop and improve facilities and opportunities.
- Continue the implementation of a well designed and connected pedestrian and cycle network for residents and visitors.
- Improve parks, sporting and recreation facilities to meet a diverse range of user group needs and have safe and quality embellishments.

New Facilities, Programs and Initiatives

- Ensure that community, sport and recreation facilities are available to meet youth needs.
- Ensure that sport, recreation and physical activity programs are available to meet community demand and population changes.
- Improve access to sport and recreation activities.
- Increase the outcomes and value of obtaining external funding by Council and the community.

Information and Awareness

- Improve communication channels with Council and awareness by community organisations of their roles and responsibilities.
- Assist the community to develop communication of on-Island activities.

Part B of the attached SMBI Sport & Recreation Strategy document provides a detailed preliminary list of prioritised actions to implement the strategies.

The priorities will be reviewed on an annual basis to capitalise on opportunities that may present through partnerships with State and Federal Government, community organisations, Council Capital and operational works programs and budget. There are opportunities within the plan for private sector involvement to achieve strategy outcomes e.g. active living programs and water-based education. Part B (3) of the Strategy document provides details of potential funding opportunities for future budgeting purposes.

It is envisaged that the *Southern Moreton Bay Islands Sport and Recreation Strategy* (December, 2008) will be reviewed every three years to ensure that it remains relevant to community needs.

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

- This report does not incur any immediate financial implications for Council as the Strategy will be used for planning purposes only and individual projects will be submitted for Council consideration during budget deliberations over the short, medium and long term timeframes.
- The report does have direct implications on allocated time by officers of Leisure and Recreation, Community Development, Environmental Management and Community & Social Planning to support delivery of the recommendations.
- Priority scheduling of projects identified in the plan needs to be considered in budget planning and capital works allocation of the SMBI reserve funding.
- Operational works programs will be required to respond to ongoing maintenance schedules.

PLANNING SCHEME IMPLICATIONS

The Land Use Planning Group was consulted and it is considered that the recommendations in this report will require amendments to the Redlands Planning Scheme. Further advice will be sought in the event of any proposed extensions to existing facilities in the future.

CONSULTATION

A Project Group was established to oversee and provide direction to consultants in the development of the Strategy. Project Group members included:

- R Bonnin – Manager, Community & Social Planning
- A Wright – Senior Advisor, Open Space Planning
- R Cook – Manager, Leisure & Recreation Services
- M Hancock – Principal Advisor, Department of Local Government, Sport & Recreation
- L Habner – Advisor, Department of Local Government, Sport & Recreation
- C Dickson – Health Promotion Officer, Queensland Health

- J Lefevre – Community Representative

Consultation also occurred with:

- Cr Barbara Townsend – Cr Division 5;
- Other Council officers including – Manager Infrastructure Planning, Manager Environmental Management, Parks and Conservation Manager, Manager Customer and Community Services, Manager Land Use Planning, Manager Economic Development and staff from each of those groups;
- Government agencies;
- Community groups;
- Local schools and residents.

OPTIONS

PREFERRED

That Council resolve to endorse the *Southern Moreton Bay Islands Sport and Recreation Strategy* (December, 2008) for the purposes of future open space, sport and recreational planning for the Southern Moreton Bay Islands.

ALTERNATIVE

The Council resolve to defer the endorsement of the *Southern Moreton Bay Islands Sport and Recreation Strategy* (December, 2008) in its current form and requests further investigation of identified matters.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Ogilvie
Seconded by: Cr Elliott

That Council resolve to endorse the *Southern Moreton Bay Islands Sport and Recreation Strategy* (December, 2008) for the purposes of future open space, sport and recreational planning for the Southern Moreton Bay Islands.

CARRIED

12.1.2 REVIEW OF AND AMENDMENTS TO LOCAL LAW 21 ROADS

Datworks Filename:	L&E Local Law No 21 - Roads
Attachments:	<u>Redland City Council 16 01 09 – Local Law (Roads) Amendment 2009</u> <u>Local Law No 21 - Roads</u> <u>Local Law Policy No 21 (Roads)</u>
Responsible Officer Name:	David Elliott Manager Infrastructure Planning
Author Name:	Abdish Athwal Senior Engineer Traffic & Transportation

EXECUTIVE SUMMARY

This report proposes amendments to *Local Law 21 – Roads* to incorporate:

1. New provisions relating to
 - i) Shopping trolleys left unattended on roads;
 - ii) Unregistered vehicles parked on roads; and
 - iii) Control of the washing, cleaning, painting, repairing, altering or maintaining of vehicles on roads, and
2. Alterations to existing penalty units

Amendments to the local law are timely in that they will form part of Council's statutory requirement to review all its local laws in the 2008-2010 period.

The proposed inclusion of shopping trolley and unregistered vehicles are in response to Council's direction at its General Meeting on 30 April 2008 and are in line with similar provisions introduced by other Councils in recent years.

The amendments to the penalty unit values are included to better reflect the relevance of the offence and allow Council to issue penalty infringement notices for initial breaches rather than having to take the matter directly to the Magistrates Court, which is required for penalty unit values greater than 50.

While a Public Interest Test is not required as the local law contains no anti-competitive provisions, a State Interest check is a routine process in amending a local law. A community engagement process will be conducted.

The amendments to the local law as proposed have been developed in consultation with key internal stakeholders and solicitors acting on behalf of Council.

PURPOSE

1. To propose to make *Redland City Council Roads (Amendment) Local Law (No. 1) 2009*; [attached]
2. That Council refers the proposed amending local law to the Minister for Main Roads and Local Government for State Interest Checking; and
3. To delegate to the Chief Executive Officer its powers under section 867(7) of the *Local Government Act 1993* to agree to satisfy any conditions imposed by the Minister and proceed further in making the proposed amendment local law by consulting with the public about the proposed amendment local law.

BACKGROUND

Local Law 21

The objectives of Local Law 21 (Roads) are to:

- (a) ensure that the local government has the necessary powers to construct, maintain and improve roads within its area;
- (b) provide for the naming of roads and the numbering of adjacent properties;
- (c) ensure that roads and associated structures and vegetation are in harmony with their natural and built environment; and
- (d) regulate the use of roads to prevent nuisances and interference with the safe movement of traffic.

Local Law Review 2008 -2010

The *Local Government Act 1993* (the Act) requires that all Queensland local governments review their local laws between 1 January 2008 and 31 December 2010 and confirm that they are still relevant. Those local laws not reviewed and confirmed within this period will automatically expire on the 31 December 2010. The Act requires local governments to:

- Review local laws and subordinate local laws, specifically to identify and address any redundant provisions; and
- Review all anti-competitive provisions of the local laws and subordinate local laws.

Shopping Trolleys

Following is a brief synopsis of recent history of measures taken to address the problems related to abandoned shopping trolleys.

- October 2001 – Council resolved to pursue the matter of abandoned shopping trolleys at a regional through SEQROC.
- In 2003 Council adopted a non-regulatory approach by developing a Memorandum of Understanding (MOU) with the major supermarkets and shopping centre managers. Outcomes of the MOU were:
 - establishment of a hot line, which is still in existence; and
 - development of a joint marketing campaign, which for various reasons was not implemented.
 - a 2 year period in which there was a reduction in the numbers of unattended trolleys.

The MOU was not renewed by the major supermarkets beyond the initial 2 year period.

- In 2005 Council developed a Litter Prevention Strategy to cover litter not addressed in State legislation, abandoned trolleys being in this category. Reference was made in the strategy to the possible development of a 'waste management' local law, which has not occurred.
- In March 2006, Council considered a report which provided strategic advice on a best practice non-regulatory model to appropriately manage abandoned trolleys. The report was deferred and the recommendations not acted upon as it was not deemed to be an effective strategy.
- In 2007 representatives from South East Queensland (SEQ) Councils met with key shopping trolley collection contract managers at Logan City in an attempt to find solutions to the problem of abandoned trolleys. At the meeting, Logan City flagged that they proposed to implement an amendment to their Local Law to give Council the power to tag and impound abandoned shopping trolleys. The Logan City Local Law has since been implemented.
- At the General Meeting 30 April 2008, Council requested a report on the management of abandoned shopping trolleys.
- An officer workshop was conducted in May 2008 at which a senior representative of Logan City attended.
- Later in 2008, the Divisional Councillor and officers met with Capalaba Shopping Centre Management and representatives of the major supermarkets. Council representatives indicated that
 - a report was being prepared to amend Local Law 21 – Roads to give Council the power to seize and impound trolleys left unattended on roads;
 - community engagement would be implemented as required by the local law amendment process.

The meeting was also informed that Brisbane City Council had enacted laws giving them the power to seize and impound abandoned trolleys and impose fines.

Unregistered Vehicles

- At the General Meeting 30 April 2008, Council requested a report on the issue of unregistered vehicles left on roads.

Amendment Local Law

As per the request of the General Meeting 30 April 2008 and as part of Council's Local Law Review 2008 – 2010, an internal review of the local law and subordinate local law has been conducted by officers. This review identified that amendments to the local law are required and that the subordinate local law contains no redundant provisions.

The main objectives of the amendments to the local law are to:

- (a) Allow Council to seize and appropriately deal with shopping trolleys that are left on local government roads
- (b) Allow Council to remove unregistered vehicles parked on roads;
- (c) Prevent the washing, cleaning, painting, repairing, altering or maintaining vehicles or objects on a local government road; and
- (d) Amend the penalty unit value for a number of provisions to better reflect the relevance of the offence and allow Council to issue penalty infringement notices for breaches rather than have to take the matter directly to the Magistrates Court (i.e. reduce the value of the penalty unit value to 50 or less)

ISSUES

Shopping Trolleys

In spite of various above mentioned measures, undertaken by the major supermarkets such as the use of collection contractors, the leaving of trolleys in the external environs of the major shopping centres continues to be an issue of community concern.

In response to growing frustration over many years with the inability of voluntary non-regulatory agreements to resolve the issues, Logan and Brisbane City Councils have introduced measures into their local laws to enable them to seize and impound shopping trolleys left unattended on roads and as necessary impose fines.

There is a cost to Councils of seizing, impounding and if not reclaimed disposing of unattended trolleys. At Logan City, for example, where the release fee is \$75, only 11 trolleys have been recovered by supermarkets since early 2007. None of these were reclaimed by the major supermarkets. The cost of importing trolleys made in China has decreased considerably to the point where advice received indicates bulk costs

of under \$100 per trolley. This issue would be addressed in the setting of the release fees and charges as part of the budget process.

Unregistered Vehicles

Council currently has no power to deal with the problem of unregistered vehicles left on roads within the City. The amendments to the Local Law, which are in accord with those operating in other local authorities are designed to provide an effective response to the problem.

Amendments to Penalty Unit Values

The penalty unit value for a number of provisions are amended to better reflect the relevance of the offence and allow Council to issue penalty infringement notices for breaches rather than have to take the matter directly to the Magistrates Court (i.e. reduce the value of the penalty unit value to 50 or less).

- Section 15 (Requirement to hold permit)
200 penalty units amended to 20 penalty units
- Sections 18 (Requirement to hold permit)
50 penalty units amended to 20 penalty units
- Sections 24 (Compliance notices)
100 penalty units amended to 50 penalty units
- Sections 30 (Nuisance to local government roads)
200 penalty units amended to 20 penalty units

Proposed Penalty Unit Values for New Provisions

- Section 30A - Washing, painting and maintenance of vehicles on a road
Maximum penalty 20 penalty units
- Section 33A Unattended Shopping trolleys
Maximum penalty 20 penalty units
- Section 33B Seizure of Shopping trolleys
Maximum penalty 50 penalty units
- Section 33C Parking unregistered vehicles on a road
50 penalty units amended to 20 penalty units

Anti-competitive Provisions

The local law contains no anti-competitive provisions and therefore a Public Interest Test is not required.

State Interest Check

As the amendment process relates to a local law, a State Interest Check is required.

External Engagement

A community engagement process will be conducted for the amendment local law as part of the amendment process.

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 short term financial implications are minor in relation to the amendment process. Costs are estimated at approximately \$1,000 which will be funded from the Infrastructure Planning Operational budget.

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 Assessment Services, Corporate Planning, Performance and Risk, Legal Services and King and Company Solicitors. All are in agreement with the proposed amendments to the local law.

Community engagement will be undertaken as part of the local law making process. This will include broad consultation with the wider community and consultation with specific stakeholders.

When the law is implemented, a proactive community awareness programme will also be conducted.

OPTIONS

PREFERRED

That Council resolve as follows:

1. That pursuant to section 866 of the *Local Government Act 1993* Council propose to make *Redland City Council Roads (Amendment) Local Law (No. 1) 2009*;
2. That Council refers the proposed amending local law to the Minister for Main Roads and Local Government for State Interest Checking; and

3. To delegate to the Chief Executive Officer its powers under section 867(7) of the *Local Government Act 1993* to agree to satisfy any conditions imposed by the Minister and proceed further in making the proposed amendment local law by consulting with the public about the proposed amendment local law.

ALTERNATIVE

That Council not amend the local law. If considering this option, it would be prudent for Council to meet its requirements at this time with regard to the Local Law Review 2080 – 2010. Council would need to make an appropriate resolution stating that there are no redundant provisions identified in the local law and subordinate local law.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. That pursuant to section 866 of the *Local Government Act 1993* Council propose to make Redland City Council Roads (Amendment) Local Law (No. 1) 2009;
2. That Council refers the proposed amending local law to the Minister for Main Roads and Local Government for State Interest Checking; and
3. To delegate to the Chief Executive Officer its powers under section 867(7) of the *Local Government Act 1993* to agree to satisfy any conditions imposed by the Minister and proceed further in making the proposed amendment local law by consulting with the public about the proposed amendment local law.

COMMITTEE RECOMMENDATION

That Council resolve as follows:

1. That pursuant to section 866 of the *Local Government Act 1993* Council propose to make Redland City Council Roads (Amendment) Local Law (No. 1) 2009;
2. That Council refers the proposed amending local law to the Minister for Main Roads and Local Government for State Interest Checking;
3. To review Local Law 15 to reflect penalties applied to shopping trolleys in Local Law 21;
4. To amend Roads (Amendment) Local Law (No. 1) 2009 33F (1) (c) to read:
“A period (which must be at least 3 days but not more than 14 days) for which the seized property is to be retained by the local government;”
5. To investigate other means for addressing abandoned/unregistered vehicles in council car parks including reserves; and

6. To delegate to the Chief Executive Officer its powers under section 867(7) of the Local Government Act 1993 to agree to satisfy any conditions imposed by the Minister and proceed further in making the proposed amendment local law by consulting with the public about the proposed amendment local law.

COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Henry

That the Committee Recommendation be adopted with the following amendments:

1. That Recommendation 4 be deleted and replaced with the following:

“That Council, in conjunction with and prior to the implementation of the amended Local Law 21 (Roads) develop a policy/guideline on the desirable upper limit retention periods for seized wheeled recreation devices, unattended shopping trolleys and unregistered vehicles”; and

2. That Recommendation 5 be deleted; and

3. To include an additional recommendation 6 to read as follows:

6. Develop guidelines in conjunction with Local Law 21 that deals specifically with shopping trolleys which reflects a maximum holding period of 5 days before disposal.

Therefore, Council resolves as follows:

1. That pursuant to section 866 of the *Local Government Act 1993* Council propose to make *Redland City Council Roads (Amendment) Local Law (No. 1) 2009 (as amended and attached)*;
2. That Council refers the proposed amending local law to the Minister for Main Roads and Local Government for State Interest Checking;
3. To review Local Law 15 to reflect penalties applied to shopping trolleys in Local Law 21;
4. That Council, in conjunction with and prior to the implementation of the amended Local Law 21 (Roads), develop a policy/guideline on the desirable upper limit retention periods for seized wheeled recreation devices, unattended shopping trolleys and unregistered vehicles;
5. To delegate to the Chief Executive Officer its powers under section 867(7) of the *Local Government Act 1993* to agree to satisfy any conditions imposed by the Minister and proceed further in making the proposed

amendment local law by consulting with the public about the proposed amendment local law; and

6. To develop guidelines in conjunction with Local Law 21 that deals specifically with shopping trolleys which reflects a maximum holding period of 5 days before disposal.

CARRIED (unanimously)

**12.1.3 SOUTH EAST QUEENSLAND NATURAL RESOURCE MANAGEMENT
PLAN 2009-2031 DRAFT RESPONSE**

Dataworks Filename: SEQ NRM Plan
Attachments: [SEQ NRM Plan V6](#)
Responsible Officer Name: Gary Photinos
Manager Environmental Management
Author Name: Dan Carter
Senior Advisor Natural Environment

EXECUTIVE SUMMARY

Draft South East Queensland Natural Resource Management Plan 2009 -2031 (SEQ NRM) has been prepared in partnership with members of South East Queensland Regional Coordination Group (SEQRCG) and released for public consultation. Comments are now being sought.

The SEQ NRM plan is a non statutory natural resource management plan for the region. It has been prepared from the need to develop targets for natural resource management following the introduction of the South East Queensland Regional Plan (SEQRP). The SEQRP identifies the need to manage the natural resources of the region. This documents attempts to bring together:

- coordinated set of targets,
- coordinated planning system,
- coordinated reporting, monitoring, evaluation and improvement; and
- coordinated arrangements for implementation.

The SEQ Council of Mayor's has decided that a coordinated submission be prepared for the draft SEQ NRM plan incorporating all member Council's issues. Submissions are required by the end of March 2009.

In order for Council to be in a position to formally endorse the comments on the draft SEQ NRM plan, it is proposed that Council delegate its authority to endorse the SEQ Council of Mayor's submission to the ensuring Planning and Policy Committee meeting in March 2009

PURPOSE

For Council to review current officer's feed back on SEQ NRM Plan along with general overview of comments from other councils in the region. It also provides opportunity for councillors to raise any additional comments or feedback on the plan. In addition, it is recommended that an ensuring Planning and Policy committee

meeting in March 2009 be delegated authority to consider the draft SEQ Council of Mayor's submission.

BACKGROUND

- Since the 1990's there have been numerous attempts created to establish a much needed single natural resource management strategy for South east Queensland.
- In early, 2006 South East Queensland Regional Plan 2005- 2026 (SEQ Regional Plan) was produced.
- In March 2006 Department of Infrastructure (DIP) invited the SEQRCG to take responsibility for Desirable Regional Outcome 4 – Natural Resources from the SEQ Regional Plan. This has seen the development the SEQ Natural Resources Management Database.
- In July 2006 the Queensland government worked closely with Healthy Waterways Partnership Secretariat to revise SEQ Healthy Waterways Strategy.
- Review of the Healthy Waterways strategy brought about the creation of targets for water quality within the region through expert panel and community discussions. It was identified that similar targets were required for other relevant sections under the SEQNRM plan.
- In July 2007 SEQRCG in partnership with SEQ Catchments Ltd set about developing the SEQNRM plan with to deliver specific deliverables (ie mapping and community round table discussions).
- In September 2007 a workshop was held to negotiate the first draft regional targets, attended by 100 sciences and planning experts from various fields of natural resource management. With targets set by the panel going out for public consultation between October and December 2007.
- In January 2008 Western Regional Organisation Committee (WESROC) and the Council of Mayors organised consultation timelines and discuss the targets based approach for the SEQNRM plan. This then formed the Local Government Consultation Group on which Redlands was represented.
- In April 2008 further refinement of the targets was undertaken following the consultation period. Review of SEQ Regional Plan was also being undertaken simultaneously. It was recognised that the targets being established were valuable for the review.
- In May 2008 the review of the SEQ Regional Plan was brought forward.
- In June 2008 the SEQRCG invited by DIP to coordinate major natural resource management issues to be considered in the review and to table a summary report at inaugural meeting of the CEO's committee NRM 17 July 2008.

- Late November 2008 DIP resolved to have the draft SEQNRM plan referred to within the SEQ Regional Plan.
- On the 4 of December 2008 the CEO's committee Natural Resource Management (NRM) gave support for the SEQ NRM plan to be provided for public consultation until end of March.
- On the 5 December 2008 the Council of Mayors (SEQ) endorsed that a single response to the Draft SEQ NRM Plan be prepared and signed off during the public consultation period in early 2009. Also noting as per committee responsibilities the Regional Plan and Growth Management Committee will take the lead on this with advice from the Environment and Sustainability Committee.

ISSUES

DRAFT SEQ NRM PLAN

The SEQ NRM plan is a non statutory natural resource management plan for the region which contributes to the sustainability framework promoted within the SEQ Regional Plan. With the rapid growth of the region the management of the regions natural resource is identified throughout the SEQ regional plan. This document aims at establishing the necessary targets for the management and protection of the natural resources. It draws upon the long history of community, traditional owner, scientific and government involvement in research, policy making, planning and on ground activities seeking to rehabilitate, conserve and manage the regions natural assets.

This plan does not provide the traditional implementation strategy or contain an extensive list of actions but rather is designed to connect together the wide range of existing plans, strategies and actions. The objective has been in coordinating the management and use of natural resources to enhance community, economic and environmental values.

A core element identified is a Common set of Regional Targets to 2031. The plan establishes measurable regional targets for the following:

- air and atmosphere,
- coastal and marine,
- community engagement,
- land resources,
- nature conservation areas,
- regional landscape resources,
- traditional owner resources,
- water resources.

It identifies the need for a coordinated planning system, coordinated reporting, coordinated monitoring, evaluation and improvement and coordinated institutional arrangements.

It should be noted that Council has already endorsed one of these targets when it adopted its Biodiversity Policy and Strategy in December 2008. It was in relation to the % of regional vegetation cover.

COUNCIL FEEDBACK ON THE DRAFT SEQ NRM PLAN

This document is a significant step in guiding councils on the targets required to be achieved to ensure appropriate management of our natural resources. This has been a long time coming and it is appreciated the work that SEQ catchments, other local councils and Council of Mayors to ensure this project has progressed to this stage.

The document provides council and other councils with targets for natural resource management that have been lacking. It also clearly identifies the need for a coordinated approach to achieving these targets across the region. The following response from officers is in relation to minor changes and better clarification of the roles and responsibilities for the implementation of the document.

As officers it is recommended that the targets set by the plan should be considered as a minimum where appropriate higher and stronger targets could be set by individual councils and state agencies. As previously stated this council has already adopted one of the regional targets established in this document. It is felt that an opportunity to highlight and strengthen the value of community links with the natural resources. This section could emphasise the link between community well being and the natural resources more significantly.

Its link with the SEQ RP is recognised together with its capacity to facilitate policy and positions within that document. Yet it should have links to other documents or identify the need to amend other strategies and documents to identify the targets established. It is noted that although this document is non-statutory the fact the SEQ RP recognises in some sections as policy which requires the implementation of this document.

It is intended that SEQ Natural Resource Management Regional target atlas 2031 be established, however it is still currently under development. This will provide spatial representation of the regional targets. With this a greater understanding of what these targets mean to Redlands can occur. This atlas will identify key priorities and key threatening processes to these areas, thereby allowing council to better review and manage the appropriate polices, planning scheme and on ground management to achieve these targets. A council officer will be a local government representative on the atlas working group.

The coordination and accountability role for achieving the NRM targets has not been identified in the plan. There is a need to recognise the roles of all agencies more clearly. Questions raised are who is responsible for;

- Core element 3 Coordinated reporting,
- Core element 4 Coordinated Monitoring, Evaluation and improvement and
- Core Element 5 Coordinated Institutional arrangements.

The current institutional arrangements for coordination of the delivering of the targets are complex and confusing, it would be appropriate to reduce the number of groups and committees to make the process and coordination as simple as possible. Lead agencies need to be identified for each natural resource management issue.

The repercussions/ consequences of not meeting these targets need to be identified for all parties. There are significant consequences for not achieving these targets for all residents within the region, state and internationally. Examples of these consequences; loss of biodiversity, further health issues from breathing poor air, food resources become scare etc.

It must be noted that Redlands has developed in the last few years its own State of the Environment reporting. This document does have synergies with the SEQ NRM plan however the targets establish in the NRM plan are not the only targets or objectives relevant to such an assessment. In these cases council should set higher or stronger target where appropriate.

COUNCIL OF MAYORS (SEQ) DRAFT SUBMISSION ON THE DRAFT SEQ NRM PLAN

A meeting was held on the 21st of January of the Local Government Consultation Group in which feedback from the other councils was provided by a range of councils within South East Queensland.

Key points identified as issues were:

- Commitment to establish an implementation working group required to be identified within the plan.
- Clarify who is responsible for implementing the plan.
- Key partners are identified for groups of targets.
- Further direction is required in relation to the influence of the plan on the SEQ RP.
- Although the plan identifies a framework is required to be developed for implementation of each target, it is recommended that this framework is establish for each group of targets instead.
- It is recommended that the introduction should include a descriptive snaphshot of the status of the regions natural assets based on the state of the region report.

- The need to have complete and adequate mapping of each target is required to allow decisions to be made on the how best method of reaching these targets.
- Implications of climate changes need to be given higher profile particularly in the initial sections of the NRM Plan.
- It is recommended that the entire document have an independent peer review to improve structure and flow of the document.
- Concept of liveability although addressed is not well defined or understood it is important this is clarified.

COUNCIL OF MAYORS SUBMISSION PROCESS

Council of Mayors (SEQ) on the 5th of December 2008 endorsed that a single response to the Draft SEQ NRM Plan be prepared and signed off during the public consultation period in early 2009.

To allow for response from all local councils and coordination of these responses there has been one meeting held on the 21 January with the Local Government consultation group which is convened by the Council of Mayors officers. On the 12 February another meeting will be held to finalise the Council of Mayors submission it is anticipated that on the 16 or 17 February a final version of the submission will be available for council to view.

It is intended that each council within South East Queensland makes a decision on the endorsement of the Council of Mayors submission on the draft SEQ NRM plan.

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

At this stage financial implications can not be assessed, as the SEQ NRM Atlas is produced greater understanding of the implications for council can be determined.

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 Draft SEQ NRM Plan was sent to the following:

- Land Use Planning;
- Community and Social Planning;
- Development Assessment;
- Infrastructure Planning;
- Parks and Conservation.

Responses were received from Community and Social Planning, Land use Planning and Development Assessment.

OPTIONS

PREFERRED

That Council resolve as follows:

1. That the SEQ Council of Mayor's submission on the Draft Southeast Queensland Natural Resource Management Plan be referred to the next Planning & Policy Committee meeting in March 2009; and
2. That the Planning & Policy Committee be delegated authority under section 472 of the *Local Government Act 1993* to determine this matter.

ALTERNATIVE

That Council resolve to delegate its authority to make a determination on the SEQ Council of Mayor's submission on the Draft Southeast Queensland Natural Resource Management Plan to the Mayor.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Ogilvie

Seconded by: Cr Elliott

That Council resolve as follows:

1. That the SEQ Council of Mayor's submission on the Draft Southeast Queensland Natural Resource Management Plan be referred to the next Planning & Policy Committee meeting in March 2009; and
2. That the Planning & Policy Committee be delegated authority under section 472 of the *Local Government Act 1993* to determine this matter.

CARRIED

12.1.4 CONSULTATION ON DRAFT RIGHT TO INFORMATION BILL AND INFORMATION PRIVACY BILL

Dataworks Filename: GOV - Acts

Attachments: [Information Privacy Bill Consultation Draft](#)
[Right to Information Bill Consultation Draft](#)
[Right to Information Explanatory Guide](#)
[Right to Information Regulation 2009 Consultation Draft](#)

Responsible Officer Name: Luke Wallace
Manager Corporate Planning Performance & Risk

Author Name: Grant Bennett
Service Manager Corporate Planning & Performance

EXECUTIVE SUMMARY

The State Government is seeking comments on the recently released drafts of the Right to Information Bill (RTI) and the Information Privacy Bill (IP). These Bills will replace the current Freedom of Information Act 1992 (FOI) and are the State's response to a review of FOI conducted in 2007/8.

The Bills make significant improvements to the access the community will have to information held by Council by reinforcing the principle that information held by Government will be publicly available as a matter of course, unless it should clearly be withheld in the public interest or to protect the privacy of individuals.

This new policy approach will have implications for Council's operations because we will need to gear our information management processes in a way that facilitates greater public access to Council information, whilst at the same time ensuring that privacy and public interest factors are properly considered.

PURPOSE

To inform Council of the changes to FOI and privacy requirements proposed to be introduced by the State Government, and to seek Council's endorsement of proposed feedback to be provided on the Bills.

BACKGROUND

The State Government initiated a review of Queensland's FOI regime in September 2007 that was conducted by an independent panel chaired by Dr David Solomon.

The review panel proposed a complete rethink of the framework for access to information in Queensland. The State has publicly accepted the majority of the review's recommendations.

The proposed new legislative framework includes:

- the proposed Right to Information Bill, with a clearly stated object of providing a right of access to information held by the government unless, on balance it is contrary to the public interest to be provided;
- the proposed Information Privacy Bill, to provide for privacy obligations in relation to the collection and handling of personal information and to provide for access and amendment rights for personal information held by government.

Council now has the opportunity to provide comments, ideas and suggestions about these two Bills.

This Council consistently receives 50 – 55 FOI applications each year. Of these, around 30% relate to the applicant's own personal information, and 70% relate to non-personal matters about Council's activities.

The most frequent type of personal affairs applications Council receives is from people who want to find out about complaints made about them by other parties – often seeking to find the names of the complainants.

Whilst information about the nature of complaints is released in these cases, the details of the complainants is exempt from release as it relates to another person's personal affairs and also because it may reveal details of a confidential source of information regarding possible breaches of Council's local Laws. Only in rare cases can the applicant demonstrate a public interest strong enough to override these privacy interests.

Appropriately, the new Bills maintain the current FOI Act's provisions in such situations.

The approach currently taken to FOI in this Council is that documents should be made available unless there is a demonstrable harm to the privacy interests of another party or, on balance, that it would be contrary to the public interest to release them: some definite harm could reasonably be expected to result.

The review panel noted that in some other agencies, the approach taken was more akin to providing documents only where they were obliged by the FOI Act to do so. This tends to be the practice when FOI is administered by legal staff as it is consistent with the adversarial approach inherent to traditional legal practices.

The vast majority of requests received by this Council under the current FOI Act result in the requested documents being provided to the applicants either in full or with some exempt material (most commonly other people's private information) being deleted. No application fee or processing charges apply to these applications. Very few applications are refused access outright, and this only occurs where there is a strong case for exemption or refusal.

Applicants who disagree with the FOI decision-maker's determination can seek an internal review and then an external review by the Information Commissioner. In recent years, very few of Council's decisions have been reviewed and in the only external review completed in the last 2 years, Council's decision to allow access to documents was fully upheld by the Commissioner.

ISSUES

1. New Model represents a change in approach

The new approach is being referred to as a "push" model compared to the current "pull" model where information is basically only made available on request. The intent of this new model is for government agencies to make as much information as possible accessible. However this raises some potentially significant implications for our information management systems and resources.

Guidelines have not yet been released by the government, however it could be that Council may need to categorise every document on creation/receipt as publicly available or not. The philosophy of the new Act is that the default setting would be "available". Implementation may therefore require systems changes and consume additional resources, although we will be unsure of the exact impact until the Bills are passed and guidelines are available.

Recommendation: That the Government be advised that Council supports the new legislative framework and approach proposed, but has some concerns about the potential costs of implementation. It will be suggested that further consultation on the details of implementation and a reasonable timeframe will be necessary if, for example, significant changes are required to our document management system as a result of the introduction of the new legislation.

2. Personal affairs and non-personal affairs now split

The new legislative framework will see all applications that relate purely to the applicant's own personal affairs being processed under the IP Bill.

Applications relating to non-personal affairs will come under the RTI Bill's provisions. Where an application is a mixture of both matters, the applicant will either have to split the application or modify it so that it falls into one category or the other.

3. Council decisions made in closed sessions

These Bills continue, as the FOI Act does currently, to override any other legislation and administrative decisions.

An important example relevant to this situation is where Council considers a matter in a closed session and receives a confidential report from officers. Despite Council

deciding under the relevant provisions of the *Local Government Act* or Integrated Planning Act that the matter be treated as confidential, any documents or meeting recordings on that matter will be subject to RTI applications and will be released unless they qualify for exemption under one of the RTI Bill's provisions.

The relevant public interest consideration in such cases is usually "deliberative process". This allows additional weight favouring non-disclosure of information that would disclose an opinion, advice or recommendation obtained, or a consultation or deliberation that has taken place in the course of or for the deliberative processes involved in the functions of government. The confidentiality of such information usually diminishes over time, meaning that whilst access may be refused now, it may be released at some time in the future.

Council therefore needs to be aware of this situation particularly when dealing with matters that, if released, would impact negatively on the public interest. A good practice would be to indicate in reports or decisions the type of harm that would be caused if the information were to be released, and the period of time (or event) after which the information could be safely released.

4. Coverage extended to GOC's

It is clear that entities such as those set up to implement the water reforms will be subject to the new Bills.

Although in the past Council has only had a few FOI applications relating to water, the complexities of the new structural arrangements may create controversy and concern in the community and this could result in greater numbers of FOI applications for those entities in future. They will need to have systems and processes to manage this in place quickly.

5. More clear grounds for exemption and better definition of the public interest

The Bills codify the exemption categories and public interest considerations in releasing documents much more clearly than the current FOI Act.

This will greatly assist applicants to understand what information might not be released and why, and will also assist decision-makers when they are processing applications. This is a positive initiative. The actual grounds for refusing access are discussed in more detail later in this report.

6. New procedures and shorter timeframes for receiving and deciding applications

There are new requirements for consulting with applicants to assist them make an application that conforms with the Act, however these simply reflect the proactive practices that are already in place in this Council.

New timeframes (for example 25 business days vs. 45 calendar days at present) slightly reduce response times, however with the new FOI processes introduced in this Council 2 years ago, these should not present difficulties. In practice, 90% of applications received by this Council are currently finalised within 2 weeks.

Where large complex applications are received, a helpful new provision in the Bill enables these timeframes to be extended by mutual agreement.

There is however concern about the requirement under the RTI Bill to issue a schedule of all classes of documents expected to be covered by every application. Although this is a practice adopted by a number of agencies at present, our experience is that it simply adds a further step into the process. It is really only relevant when dealing with the larger, more complex applications, which form less than 15% of the total number of applications received.

Recommendation: The requirement to issue a document schedule should only apply to those RTI applications where total processing charges exceed \$200. This would mean that it covers only the larger more complex applications that take more than around 6 hours to process and include \$60 in access charges.

7. Information available through other processes

The Bills retain the long-standing requirements that RTI cannot be used to access information when it is available through other existing processes.

For example, Council currently has a range of “searches” that allow the public to access information on properties and other matters for a set fee that covers costs. FOI or RTI, with an application fee of only \$38, cannot be used to circumvent these other processes even though they might cost considerably more to use.

8. Publication Scheme

Council will be required to implement a “publication scheme” setting out the classes of information that are available and the terms on which it is available, including any charges.

Typically, this will be on Council’s website, but it will require us to create and keep up to date a consolidated listing of all the different types of information we have available, whether free or by paying a charge, and the way that information can be accessed. This will be a considerable task to set up initially and will need to be carefully maintained in the future. The exact requirements are not yet known because the Minister has not yet released the guidelines referred to in the Bill that must be complied with.

9. Disclosure Log

Once non-personal information is released to an applicant, after 24 hours it may be published in a new “disclosure log”. It can then be accessed by other parties without any charge applying.

This is consistent with the principle that once a document is released to one person, it is then in the public domain. Note: Council cannot control how a document released to an applicant is used once it has been released.

Currently, where an FOI applicant is given access to a Council document, and where it is considered that the community might have some interest in the same document, it is usually placed on our website within a few days after being provided to the applicant.

10. Deemed decisions

The Bills include a provision that where a decision on an application is not made within the allowed timeframes, it will be treated as a deemed refusal and the applicant can then initiate the internal/external review process. A new “stick” requires the application fee to be refunded to the applicant in these cases.

11. Grounds on which access may be refused

These are very much the same as at present and include:

- *The document comprises exempt information under schedule 3.*

This includes Cabinet information, Executive Council information, information subject to legal professional privilege or which would be in contempt of Court, would found an action for breach of confidence, would reasonably be expected to prejudice an investigation of a breach of the law, would enable the existence or identity of a confidential source of info in relation to enforcement/administration of the law to be ascertained, would endanger a person’s life or physical safety, or would result in a person being seriously harassed or intimidated

- *Disclosure of the information would be contrary to the public interest.*

The factors favouring disclosure or non-disclosure are listed in schedule 4. Those favouring non-disclosure which must be given additional weight include disclosing deliberative processes of government, disclosing personal information, disclosing trade secrets or information about commercial or business affairs.

- *The document is otherwise available*

For example it can be accessed in a public library or on Council's website, or can be obtained through an existing process by applying to the Council and paying a fee.

- *The document is not able to be located or does not exist.*

12. Charges

The Government is seeking suggestions on options for a charging regime with the main proviso that it does not significantly increase costs for applicants.

The RTI Bill and regulations as they stand maintain the current charging regime which is as follows:

- *Personal affairs applications – under the IP Bill*
 - No application fee
 - No processing charges
 - Access charges at cost (20c per page for hard copies) but no charges if supplied on electronic media (ie CD's)
- *Non-personal affairs applications – under RTI Bill*
 - Application fee \$38
 - Processing (gathering information, reviewing and decision making) is free if time taken is less than 2 hours, but more than that is then \$5.80 per 15 minutes.
 - Access – at cost, but again no charge if supplied on electronic media.

Any charging regime needs to balance the costs of administering the access scheme against the principle that information needs to be accessible and that cost should not be a significant disincentive to applicants seeking information.

As can be seen above, applicants accessing their own private information held by Council pay only for access. Council's current policy is not to charge when processing and access costs total less than \$25 – it is not economical to make such small charges. The vast majority of such applicants are not charged anything for access.

Based on our recent experience, around 85% of our applicants incur no costs other than the application fee. Most Other Government agencies would no doubt have different experiences due to the nature of applications that they receive. Pensioners pay only the application fee and are exempt from processing charges. The larger applications that incur fees are most often lodged by corporations or the media and they are generally unconcerned about a few hundred dollars in fees for substantial amounts of information.

Managing the FOI process currently consumes nearly 1 FTE employee in total and requires resources including software, scanner and consumables. This is estimated to cost this Council around \$75,000 p.a. including employee and corporate on-costs.

Revenue from FOI fees and charges is budgeted at \$2000 this year. This means that only about 2.6% of the costs of the scheme are actually covered by those who directly benefit from this service. There is however a strong indirect benefit to the whole community of having readily available access to information and this is integral to maintaining a system of open and accountable government.

The current fee regime would need to be increased astronomically to create a position where a significant proportion of the cost of administering the scheme is recovered from applicants. This would be totally unacceptable from the community's perspective and would run counter to the principle of open government.

Recommendation: That Council advises the State that it supports the current charging regime and does not wish to propose any changes.

13. How access is given

This Council is recognised as having one of the most efficient and customer-oriented systems for managing FOI applications in the State. We use scanning technology extensively and special software to securely collate documents, edit exempt information where required, and we normally release documents to applicants in electronic file format (pdf) either via e-mail or saved securely to a CD. This saves paper and significant time for all concerned.

However, the RTI Bill continues with cumbersome provisions of the FOI Act that allow an applicant to largely dictate the format in which they want to get access to information. Whilst most applicants are cooperative, a percentage are not and the ability to demand information (eg a large number of A3 plans required in hard copy instead of digital file) is not conducive to agencies being able to run an efficient operation.

Given the fact demonstrated above that applicants pay such small charges and that the community bears 97.5% of the costs of the FOI scheme, Council and other agencies should have the right to provide documents in their preferred format, unless an applicant can show that they will not be able to reasonably access the information in that format.

Recommendation: That the provisions relating to how access is given be simplified and that they enable agencies to publish their preferred method or methods of providing access, with applicants having the onus of providing satisfactory reasons for being provided the information in another format. If such a request is unreasonable, agencies should be able to refuse access in that format and provide it in the agency's preferred format. Applicants should bear the full reasonable costs of providing the access via the alternative method that they request.

Council's RTI and Privacy Decision-Makers

The Bills provide for the CEO's of State Government agencies to delegate decision-making to other officers. However Councils must make a formal resolution to achieve the same delegation.

Given the separation of powers and the fact that this is clearly an administrative responsibility, it is difficult to understand why the Council's CEO cannot have the power to delegate decision making to an officer.

Recommendation: That the Government be asked to amend section 30(1)(b) to state that the principal officer of a local government may delegate decision-making to another officer of the local government.

14. Information privacy principles

The Government is seeking our views on whether the information privacy principles (IPPs) should apply to local government.

The IPPs are designed to ensure that personal information, when given to Council, is taken accurately, used in a professional and appropriate manner relevant to the operations of Council and that it will be stored securely.

Council currently abides by our Customer Charter when dealing with collection and security matters relating to personal information and has guidelines about the storage of documents.

Recommendation: That the Government be advised that Council does not consider that applying the IPPs would create significant issues relating to our collection, use, storage and disclosure of personal information.

15. Summary

The new RTI and IP Bills represent a significant and positive step forward in the approach to making information held by government agencies more readily available to the community.

This Council has already modernised its approach to FOI and as a result the new legislative framework does not represent a major shift in approach for us, although as noted in the report above a number of implementation issues remain unclear and some parts of the Bills could be improved.

RELATIONSHIP TO CORPORATE PLAN

The recommendation 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.

PLANNING SCHEME IMPLICATIONS

This matter does not impact on the Redlands Planning Scheme.

CONSULTATION

Information Management has been consulted and supports the recommendations and comments in this report.

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

Moved by: Cr Ogilvie
Seconded by: Cr Elliott

That Council resolve as follows:

- 1. To note the changes to the Freedom of Information regime that is reflected in the Right to Information and Information Privacy Bills as outlined in this report; and**
- 2. To authorise the Chief Executive Officer to provide feedback to the State Government in line with the recommendations detailed in this report.**

CARRIED

12.2 GENERAL BUSINESS

Moved by: Cr Boglary
Seconded by: Cr Dowling

That permission be granted for Cr Williams to bring forward an item of general business.

CARRIED

12.2.1 FLUORIDATION OF WATER SUPPLY

Moved by: Cr Williams
Seconded by: Cr Dowling

That Council write to the Queensland Premier requesting that a mandate on water fluoridation not occur without majority consensus.

Following discussion on the matter, Cr Williams withdrew the motion.

**COMMITTEE'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Ogilvie
Seconded by: Cr Elliott

That the general business item be noted.

CARRIED

13 FINANCE AND CORPORATE MANAGEMENT COMMITTEE 18/02/09 - RECEIPT AND ADOPTION OF REPORT

Moved by: Cr Hobson
Seconded by: Cr Elliott

That the Finance and Corporate Management Committee Report of 18 February 2009 be received.

CARRIED

13.1 OFFICE OF CEO

13.1.1 COUNCIL MEETING DATES - MARCH TO DECEMBER 2009

Dataworks Filename: GOV Council Meetings Dates & Information
Attachments: [Schedule of Meeting Dates](#)
Responsible Officer Name: Gary Stevenson
Chief Executive Officer
Author Name: Thorbjorg Dunn
Team Leader - Corporate Meetings & Registers

EXECUTIVE SUMMARY

On 17 December 2008, Council adopted a schedule of its Committee and Council meeting dates for January and February 2009. Council further resolved that the existing committee structure be reviewed by the end of June 2009.

In accordance with section 444 of the *Local Government Act 1993*, Council must meet at least once in each month. The 2008 Post-election meeting adopted a committee structure where each standing committee will meet regularly and report its deliberations to the monthly General Meetings of Council.

The attached meeting schedule has been prepared in accordance with the above requirements and includes a proposed change to the "Redland Water & Waste Committee" name to reflect the proposed change to the business unit's name to "Redland Water" (*refer report to Redland Water & Waste Committee meeting 17 February 2009*), to reflect the transfer of waste management services to Customer Services Department (Operations & Maintenance).

Council has the prerogative to amend this schedule, by resolution, at any time during the year.

PURPOSE

The purpose of this report is to recommend that Council resolve to rename the Redland Water & Waste Committee to be known as the Redland Water committee and adopt the attached meeting schedule, for the period March to December 2009, inclusive.

BACKGROUND

1. A report was presented to Council on 17 December 2008, recommending that a schedule of meeting dates for the existing committee structure be adopted, for January to December 2009, with a further recommendation that the committee structure be reviewed by June 2009;
2. At that meeting, Council resolved to adopt meeting dates and times for January and February 2009 only, and that the committee structure be reviewed by June 2009;
3. To comply with statutory requirements to hold monthly council meetings, it is proposed that Council adopt a meeting schedule from March to December 2009, in the existing committee structure. Council's decision to review the committee structure by the end of June 2009 remains as resolved on 17 December 2008;
4. A proposal to change the name of the Redland Water & Waste Business Unit to 'Redland Water', due to the transfer of waste management services to Customer Services Department, will be presented the next General Meeting (refer report to Redland Water & Waste Committee meeting 17 February 2009); therefore a further recommendation is presented to Council to rename the Redland Water & Waste Committee to reflect this name change.

ISSUES

Each year, Council adopts a schedule of meeting dates for holding its statutory committee and council meetings.

As outlined in the *Local Government Act 1993*, section 444, Council must meet at least once in each month. The attached meeting schedule has been prepared in accordance with this requirement and in accordance with the 2008 Post-election resolution that Council's committees meet and report its deliberations to the monthly General Meetings of Council.

The existing committee structure has been in place since approximately 2002. Council has requested that a review be undertaken on this structure and that a report be presented to Council in June 2009.

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

It is considered that there are no financial implications associated with the recommendation in this report.

CONSULTATION

Consultation was undertaken with Councillors and Executive Leadership Group.

OPTIONS

PREFERRED

That Council resolve as follows:

1. That the Redland Water & Waste Committee be renamed and adopted as 'Redland Water Committee'; and
2. That the attached Schedule of Meetings for the period March to December 2009, inclusive, be adopted, until further resolution in this matter.

ALTERNATIVE

That Council resolve not to adopt the attached Schedule of Meetings as presented.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Hobson
Seconded by: Cr Elliott

That Council resolve as follows:

1. **That the Redland Water & Waste Committee be renamed and adopted as 'Redland Water Committee'; and**
2. **That the attached Schedule of Meetings for the period March to December 2009, inclusive, be adopted, until further resolution in this matter.**

CARRIED

13.2 CORPORATE SERVICES

13.2.1 JANUARY 2009 - MONTHLY FINANCIAL REPORTS

Datworks Filename: FM Monthly Financial Reports to Committee
Attachment: [Financial/Projects Reports - January 2009](#)
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 January 2009 financial statement of accounts to Council and provide detailed analytical commentary. The revised budget figures in the attachment are following the Quarter 1 Budget Review.

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

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

Council's end of month operating financial result (Earnings Before Interest, Tax and Depreciation – EBITD) is ahead of budget by \$11.3 million, with operating expenditure favourable by \$11.5 million and operating revenue unfavourable by \$0.2 million.

The cash flow position for the year is below original forecast levels by \$2.8 million, although Council started the year with \$9.1 million more than was previously budgeted. The cash held is ahead of the target range of \$32 million to \$42 million at \$68.8 million.

PURPOSE

The purpose is to present the January 2009 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 Redland City and provide public accountability in financial management. For organisational effectiveness, it is important that Council receive and understand the monthly financial statements.

ISSUES

The following elements, shown in the attachments, comprise the End of Month Financial Reports for January 2009:

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 disappear once 30 June 2009 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)**, a **Community Benefit Fund Report (J)** and a **Fuel**

Consumption Report (K) 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 as at the end of January 2009 remains strong with EBITD of \$35.3 million (\$11.3 million ahead of budget). This result is due to total operating revenue of \$104.2 million (\$0.2 million behind budget) and total operating costs of \$68.9 million (favourable variance of \$11.5 million).

Operating Revenue

Rates and utility charges are favourable by \$25,000. Fees and charges are under budget by \$1.1 million due in part to the slowing of the market since the budget was adopted and the unfavourable variances may be timing variances at this stage apart from the \$477,000 given up at Q2 by Assessment Services and Corporate Services. Operating grants and subsidies is over budget by \$107,000, timing variances in the main although of particular note is the Federal Assistance Grant which is a permanent positive variance. Interest rates and surplus funds have been higher than anticipated, resulting in a \$234,000 variance in external interest although this variance is expected to reduce over the last five months of the financial year. Other revenue is favourable by \$0.5 million due in the main to high volumes in both water and wastewater recoverable works and SEQwater reimbursement \$132,000.

Operating Expenditure

Employee costs are under budget by \$1.4 million due to vacancies, goods and services is under budget by \$6.4 million, most of these goods and services underspends are deemed to be timing variances. Finance costs other is a credit amount due to the gain on market value from the sale of the bulk water assets to the State Government on 1 July 2009.

Capital Revenue

Capital contributions and donations are over budget by \$1.1 million due to budget splits in the main. The unfavourable variance of \$2 million in capital grants and subsidies is expected to disappear by the end of the financial year.

Capital Expenditure

Capitalised goods and services is under budget at the end of January by \$5.7 million, all actuals are expected to come in line with budgeted amounts by year-end at this

stage. Capitalised employee costs is under budget by \$0.7 million, all timing variances that are expected to disappear by 30 June 2009.

The investment of surplus funds for the month returned a weighted average rate of return of 5.13%, which is slightly ahead the UBS Bank Bill Index of 4.82%. These returns are reported on a monthly weighted average return and 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.

The cash balance exceeds the target range of \$32 million to \$42 million at the end of January 2009, at \$68.8 million which is equivalent to 6.3 months cash capacity. Council is intentionally maintaining a higher balance than target whilst it monitors the impact of the structural reforms to the water business.

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 January 2009 and explanations as presented in the attachments.

ALTERNATIVE

That Council requests additional information.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Hobson
Seconded by: Cr Elliott

That Council resolve to note the End of Month Financial Reports for January 2009 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; and a**
11. **Fuel Consumption Report.**

CARRIED

13.2.2 2008/2009 2ND QUARTER BUDGET REVIEW

Datworks Filename: FM Budget Review Committee Reports
Attachment: [Q2 Budget Review 2008/09](#)
Responsible Officer Name: Kerry Phillips
Manager - Financial Services
Author Name: Gavin Holdway
Service Manager - Budget, Financial Modelling
and Group Support

EXECUTIVE SUMMARY

This report outlines the budgeted financial position as at 31 December 2008 and provides a review and consideration of required and/or requested budget funds to Council's 2008/09 revised budget.

Attached to this report are the following details:

- Revised Key Performance Indicators (KPI's) for 2008/09;
- Revised 2008/09 Budgeted Statement of Cash Flows;
- Revised 2008/09 Budgeted Statement of Financial Position (Balance Sheet);
- Summary & Detailed listing of Budget Submissions;
- Revised 2008/09 Strategic Priority Financial Statements; and
- Revised 2008/09 Operating Statements, Capital Funding and Other Items.

It is proposed that Council resolve to adopt the revised budget for 2008/09 at Redland City Council (RCC) consolidated level. In addition to this and in accordance with Section 520 of the *Local Government Act 1993*, it is proposed that Council resolve to adopt the Redland Water & Waste financial statements that are presented in the attached documentation. The relevant pages are outlined within the Officer's Recommendation in this report.

PURPOSE

To address known budget expectations, significant forecast variances and consider budget review submissions.

BACKGROUND

This report presents a review of the 2008/09 revised budget as at 31 December 2008. As part of Council's financial management framework, comprehensive quarterly budget reviews are undertaken by all departments. The December budget usually focuses on making any corrections to adopted budget figures and

incorporating any new/changed programs or priorities for the financial year. Council previously revised the 2008/09 budget in November 2008 to include any Q1 submissions. (General Meeting held 28 November 2008, Item 13.2.2).

ISSUES

Budget review submissions have been categorised as:

- **New Projects** – Projects and initiatives proposed by officers that have not previously been approved by Council for any level of expenditure;
- **New Projects Councillor/Committee** – Projects and initiatives that have been referred by Councillors or Council/Committee meetings that have not received previous approval for any level of expenditure;
- **New Submissions** – Adjustments and variations to existing projects or services and revenue estimates that would affect Council's surplus/deficit or cash position;
- **Transfers** – Adjustments and variations to existing projects or services and revenue estimates that would not affect Council's surplus/deficit or cash position;

A total of 116 submissions have been included within this budget review, and a summary of these budget review submissions are provided in the attachments to this report.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

Overall the proposed budget review increases the forecast ending cash balance for the 2008/09 financial year by \$3.419 million, from \$70.263 million up to \$73.682 million. This favourable movement in forecast is primarily made up of the following:

Operational Revenue – Increase of \$0.702 million (favourable)

Primarily attributable to:

- Increase in the Federal Assistance Grant of \$0.240 million;
- Additional revenue for Storm Damage assistance to BCC – reimbursement of revenue totalling \$0.348 million;
- Increase in revenue from Council of Mayors - reimbursement of \$0.234 million;
- Additional cash contributions totalling \$0.138 million;

- Recovery of expenses from SEQWater & LinkWater of \$0.120 million;
- Offset by a decrease in fees and charges of \$0.477 million.

Operational Expenditure – Decrease of \$5.293m (favourable)

Primarily attributable to:

- The carry forward of work to 2009/10 associated with the Raby Bay Revetment Walls of \$1.035 million;
- Approximately \$4 million market value adjustment realised for compensation paid for bulk water assets

Capital Expenditure – Decrease of \$3.566 million (favourable)

Primarily attributable to:

- The carry forward of work to 2009/10 for the Waste Management Facility - \$3.290 million;
- The carry forward of work to 2009/10 for the Pt Lookout Hall extension - \$0.336 million;
- Thankful Rest Caravan Park upgrades totalling \$0.444 million, carried forward to 2009/10;
- Cleveland Library renovations amounting to \$0.213 million, carried forward to 2009/10;
- Offset by a variety of additional capital work totalling \$0.842 million (please refer to page 5 of the attachments for detail, this work is fully funded by federal government grants)

Capital Revenue – Decrease of \$2.082 million (unfavourable)

Primarily attributable to:

- Reduction in revenue recognised for developer contributions associated with Bulk Water \$2.076 million transferred to liability.

The above are only the major items impacting the cash movement, however, for a more detailed listing on the budget submissions, please refer to pages 5 to 13 within attached reports.

This proposed budget review still results in all key performance indicators being favourable against their respective targets. The increase in cash forecast for year

ending 2008/09 has strengthened Council's cash capacity in months from 5.7 months to 6.2 months. Additionally, with the deferral of some major operational expenditure to 2009/10 and with the realised market value adjustment for the compensation payment surrounding the bulk water assets that were transferred to State Government ownership in July 08, Council's operating performance is forecast stronger for year ending 2008/09, increasing from 15.8% to 19.1%.

Overall, the inclusion of the proposed budget submissions to the 2008/09 revised budget will not impact on Council's ability to make payments as they fall due.

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 possible amendments to the Redlands Planning Scheme.

CONSULTATION

All group managers in consultation with the Executive Leadership Group undertook the development of this budget review. Councillors reviewed the budget submissions with the Executive Leadership Group in a workshop held of Thursday, 5 February 2009.

OPTIONS

PREFERRED

That Council adopt the Revised Budget for 2008/09 at Redland City Council consolidated level, which refers to the following.

- a) RCC Budget Statement of Cash Flows – page 2 of attachments;
- b) RCC Budgeted Statement of Financial Position (Balance Sheet) – page 3 of attachments;
- c) RCC Operating and Capital Funding Statements – page 14 and 15 of the attachments.

To meet the requirements of Section 520 of the *Local Government Act 1993*, that Council resolve to adopt the Redland Water and Waste Operating and Capital Funding Statements – page 18 of the attached financial information.

ALTERNATIVE

That Council reject the proposed budget review.

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

Moved by: Cr Hobson
Seconded by: Cr Elliott

That Council resolve as follows:

- 1. To adopt the Revised Budget for 2008/09 at Redland City Council consolidated level, which refers to the following:**
 - a) **RCC Budget Statement of Cash Flows – page 2 of attachments;**
 - b) **RCC Budgeted Statement of Financial Position (Balance Sheet) – page 3 of attachments; and**
 - c) **RCC Operating and Capital Funding Statements – page 14 and 15 of the attachments.**
- 2. To meet the requirements of Section 520 of the *Local Government Act 1993*, that Council resolve to adopt the Redland Water and Waste Operating and Capital Funding Statements – page 18 of the attached financial information.**

CARRIED

13.3 CUSTOMER SERVICES

13.3.1 RESUMPTION FOR ROAD PURPOSES - QUARRY ROAD, BIRKDALE

Datworks Filename: 45467
Attachments: [Acquisition Sketch AC5-2-1 \(Rev B\)](#)
Responsible Officer Name: Jason Masters
Survey Services Manager
Author Name: Michelle Steel
Project Coordinator - Survey

EXECUTIVE SUMMARY

At the General Meeting of 26 November 2008, Council resolved that consideration of the matter of resumption of four land parcels in Whitehall Avenue, Birkdale be deferred until satisfactory consultation with all owners has been undertaken by Council.

Further consultation was held and following extensive on site meetings with Council staff and the affected property owners, other options were investigated. An alternate design was proposed which negated the need to acquire land from part of Lots 84, 85 and 86 on RP180851 and Lot 2 on SP184072. However, an acquisition of approximately 42m² is still required from Lot 194 on RP180851 to allow for appropriate sight distances as per Council design standards.

PURPOSE

1. That Council resolve to take no further action to acquire/resume part of properties described as Lot 84, 85 and 86 on RP180851 and Lot 2 on SP184072; and
2. That Council continue resumption action to acquire part of Lot 194 on RP180851 for road purposes as shown on drawing AC5-2-1 (Rev B) pursuant to Section 5(1)(b) of the *Acquisition of Land Act 1967*.

BACKGROUND

As part of the Transport Trunk Infrastructure Program, an upgrade to Quarry/Rickertt Road was identified as necessary to manage the increased traffic flow and estimated growth of the area over the next 20 years.

At the General Meeting of 28 May 2008, Council approved the resumption of part of Lots 84, 85, 86 and 194 on RP180851 and Lot 2 on SP184072 for road purposes. The matter of resumption of four land parcels in Whitehall Avenue, Birkdale was then deferred at the General Meeting of 26 November 2008 until satisfactory consultation with all owners had been undertaken by Council.

Following extensive on site meetings with Council staff and the affected property owners other options were investigated and as a result an alternate design negated the need to acquire land from part of Lots 84, 85 and 86 on RP180851 and part of Lot 2 on SP184072. The new design reduces the width to the footpath and service corridor while still maintaining compliance terms of the funding agreement.

Although the acquisitions from the Quarry Road frontage are no longer required, a 3 chord truncation of approximately 42m² will need to be acquired from part of Lot 194 on RP180851 to allow for safe sight distances as per Council design standards.

ISSUES

In order for the construction of the Quarry/Rickertt Road upgrade to be within Council standards, it is proposed to dedicate approximately 42m² from privately owned Lot 194 on RP180851 as road. The widened road will allow for safe sight distances for traffic, cyclists and pedestrians.

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 total costs associated with the proposed new road land action will be allocated from the 2008/09 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 property owners of Lots 84, 85, 86 and 194 on RP180851 and Lot 2 on SP184072, who will be notified of the outcome.

Consultation has occurred with the following Council officers who are all in agreement of the recommendation:

- Property Services Manager;
- Principal Engineer of Roads and Drainage;
- Manager Infrastructure Planning;
- Projects Coordinator, Project Management Services Unit; and

- Service Manager Project Management.

OPTIONS

PREFERRED

That Council resolve as follows:

1. To take no further action to acquire/resume part of the properties described as Lot 84, 85 and 86 on RP180851 and Lot 2 on SP184072;
2. To continue resumption action to acquire part of Lot 194 on RP180851 for road purposes pursuant to Section 5(1)(b) of the *Acquisition of Land Act 1967*; and
3. That the Chief Executive Officer be authorised to sign all documentation in relation to these matters.

ALTERNATIVE

That Council take no further action to resume the subject property, resulting in sight distances not being within current design and Council standards.

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Hobson
Seconded by: Cr Elliott

That Council resolve as follows:

1. **To take no further action to acquire/resume part of the properties described as Lot 84, 85 and 86 on RP180851 and Lot 2 on SP184072;**
2. **To continue resumption action to acquire part of Lot 194 on RP180851 for road purposes pursuant to Section 5(1)(b) of the *Acquisition of Land Act 1967*; and**
3. **That the Chief Executive Officer be authorised to sign all documentation in relation to these matters.**

CARRIED

13.3.2 WASTE MANAGEMENT MONTHLY BUSINESS UNIT REPORT - JANUARY 2009

Dataworks Filename: WM Finance & Corporate Management Committee

Attachments: [Waste Management Monthly Business Unit Report - January 2009](#)

Responsible Officer Name: John Frew
Acting Manager Operations & Maintenance

Author Name: Helen Griffith
Acting Senior Advisor Financial Management
Customer Services

EXECUTIVE SUMMARY

The Waste Management Council Business Unit report is presented to Council for noting. The report provides the business unit's performance for the month of January 2009 and covers financial and non-financial indicators for 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 Waste Management 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

Waste Management's performance plan identifies KPIs for which performance targets have been agreed with Council. Reporting is done each month through Council's Finance & Corporate Management Committee.

ISSUES

The report is provided to Council as a means of monitoring the performance of Waste Management for its waste activity.

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, waste services, roads, drainage and support the provision of transport and waterways infrastructure.

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:

- General Manager Customer Services;
- Acting Senior Advisor Financial Management Customer Services.

OPTIONS

PREFERRED

That Council resolve to accept the Waste Management Monthly Business Unit Report for January 2009, 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 Hobson
Seconded by: Cr Elliott

That Council resolve to accept the Waste Management Monthly Business Unit Report for January 2009, as presented in the attachment.

CARRIED

13.4 PLANNING AND POLICY

13.4.1 CORPORATE BALANCED SCORECARD REPORT – JANUARY 2009

Datworks Filename:	GOV Corporate BSC Monthly Reporting to Committee
Attachment:	<u>Balanced Scorecard Report – January 2009</u>
Responsible Officer Name:	Luke Wallace Manager Corporate Planning Performance & Risk
Author Name:	Benjamin Steel Project Coordinator Corporate Planning & Performance

EXECUTIVE SUMMARY

The monthly Corporate Balanced Scorecard report, as attached, provides a high level overview of Council's performance in key areas of business using the four Balanced Scorecard Perspectives – Financial, Customer, Internal/Business Processes and People & Learning.

This report is an important component of Council's performance management framework. The other main report provided to Council and the community is the quarterly Operational Plan Report that focuses on performance against each of the programs in the Corporate Plan.

The overall rating for January 2009 is Satisfactory, with a weighted score of 2.73.

PURPOSE

To provide Council with the Corporate Balanced Scorecard Report for the financial year to January 2009.

BACKGROUND

The report shows results against each KPI for the current month and the previous 12 months. Longer term trends and comparisons incorporating the same month last year are included to provide a better understanding of current performance levels.

A summary of this month's results is provided on page two of the report and shows the overall score for Redland City Council, including the rating (the small coloured indicator at the right hand side). An outstanding result is shown as green, above standard and satisfactory shown as yellow and an unsatisfactory result is shown as red. The overall rating for Council and for each perspective is determined by the relative weightings of the performance measures.

The subsequent pages of the report provide details of the performance measures in each perspective. The actual performance results each month are displayed as a graph, with the red and green lines showing the normal expected range for the measure. The red line represents the minimum satisfactory level and the green line represents the outstanding level. The rating for each measure is also shown as a green tick (outstanding), a yellow line (satisfactory and above standard) or a red cross (unsatisfactory).

Explanation of results is provided by the responsible manager in the commentary each month. Where a significant issue arises from the data that requires further explanation it will be provided in this covering report.

ISSUES

Most measures are performing well within the target range. Those measures performing outside the target range are:

- People & Learning Perspective (page 6)
 - Workplace Health & Safety Action Plan actions completed.
 - Lost Time Injury Frequency Rate (LTIFR)

Please see the comments provided by managers in the attached report (pages indicated above).

A higher number of workplace injuries over the last 12-18 months continues to be of concern. All injuries continue to be investigated as a matter of course and in the vast majority of cases the injuries have tended to be unavoidable. Despite that, Human Resources are continuing to prioritise catching up on incomplete Workplace Health & Safety Management Plan actions to ensure that preventative measures are in place wherever possible.

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

There are no implications for the Planning Scheme arising from this report.

CONSULTATION

The data and components in this 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 January 2009, as attached.

ALTERNATIVE

That Council resolve to note the Corporate Balanced Scorecard for January 2009 and request additional information.

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

Moved by: Cr Hobson
Seconded by: Cr Elliott

That Council resolve to note the Corporate Balanced Scorecard for the month of January 2009, as attached.

CARRIED

13.4.2 QUARTERLY OPERATIONAL PLAN REPORT FOR DECEMBER 2008

Dataworks Filename: GOV - Corporate Performance Reporting – Quarterly

Attachment: [December Quarterly Operational Plan](#)

Responsible Officer Name: Luke Wallace
Manager Corporate Planning Performance and Risk

Author Name: Grant Bennett
Service Manager, Corporate Planning and Performance

EXECUTIVE SUMMARY

The 2008-09 Operational Plan sets out the most significant projects and initiatives that Council decided to pursue this financial year towards achieving the long-term objectives in the Corporate Plan 2006-2010. Council approved this Operational Plan at a Special Meeting on 17 June 2008, prior to the approval of the Budget.

Regularly monitoring progress against this Operational Plan is an important element of Council's Corporate Governance process, and it is also a requirement of the *Local Government Act 1993*.

The attached report therefore shows the status of all projects in both practical and financial terms, and shows progress against performance targets for other measures.

PURPOSE

To ensure good corporate governance of the organisation by monitoring performance against Council's approved Operational Plan 2008-09.

BACKGROUND

The attached report provides information to Council on the progress in the second quarter of all projects, initiatives and performance indicators in the Operational Plan 2008-09.

For projects/initiatives, the report includes both financial information (where operational or capital funds have been specifically allocated) and practical information to give a more comprehensive picture of progress. Where no budget is shown, this indicates that the work involved is being done solely in-house by Council staff and/or the project is part of a larger program of work and therefore does not have discrete funds allocated to it. Practical progress of projects is rated against a status indicator, being one of the following: *Completed, On Track, Delayed, Not Commenced, Revised or Cancelled*.

For performance indicators, actual performance is shown as a blue dot on a graph where the red line (minimum satisfactory performance level) and the green line (outstanding performance level) show the planned or expected performance range.

In both cases, performance commentary is provided by the responsible officers to explain the progress achieved to date.

ISSUES

The Operational Plan 2008-09 includes some 118 performance measures. The attached report for the December quarter shows that the majority of projects/initiatives and performance measures are on track to meet the expected performance by the end of the year. It also shows that a select number are planned to commence in the later half of this financial year.

Although a number of Local Area Planning projects including the SE Thornlands structure plan, Kinross Road structure plan and the master plan for Cleveland Principal Activity area are currently on schedule, it is unlikely that they will meet their planned end of year completion stages. This is due to delays caused by slow or late State Government actions and by changes in direction by Council.

Some other projects and initiatives are tracking behind the planned schedule or are performing below expected targets; however the Managers responsible have not indicated any major concerns about progress at this stage. They have provided comments in the attached report which explain what has happened and the action being implemented to bring them back into line with plans where applicable.

Further discussion will only be included in this covering report when the responsible managers raise significant issues about performance results.

RELATIONSHIP TO CORPORATE PLAN

The recommendation primarily supports Council's strategic priority to provide to provide a clear organisational direction supported by the 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

There are no implications from the recommendations in this report that would require any amendments to the Redlands Planning Scheme.

CONSULTATION

The data and comments in the report were provided by the managers who are responsible for the projects and initiatives concerned and were compiled by the Corporate Planning, Performance and Risk Group.

OPTIONS**PREFERRED**

That Council resolve to note the Operational Plan Report for the 2008-09 December quarter, as attached.

ALTERNATIVE

That Council resolve to note the Operational Plan Report for the 2008-09 December quarter and request additional information.

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

Moved by: Cr Hobson
Seconded by: Cr Elliott

That Council resolve to note the Operational Plan Report for the 2008-09 December Quarter, as attached.

CARRIED

13.5 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:

13.5.1 Management of the North Stradbroke Island Holiday Parks

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

13.5.1 MANAGEMENT OF THE NORTH STRADBROKE ISLAND HOLIDAY PARKS

Dataworks Filename: CP Expression of Interest – Management of NSI Caravan Parks and Camping Grounds

Responsible Officer Name: Greg Jensen
Group Manager Customer and Community Services

Author Name: Michael Tait
Project Manager Customer and Community Services

EXECUTIVE SUMMARY

This item was discussed in Closed Session at today's General Meeting. Refer to Item 18.1.1 for Council's Resolution on this matter.

14 MAYORAL MINUTES

14.1 REDLANDS EASTER FAMILY FESTIVAL 2009

BACKGROUND

In accordance with Mayor's Community Fund Policy POL-2035 Council approval is required for all contributions at or exceeding \$5,000. Mayor's Community Fund Guideline GL-2035 states that any contribution of \$7,501 or more requires 3 written quotations. Due to the nature of the sponsorship this requirement is not realisable.

COUNCIL RESOLUTION

Moved by: Cr Hobson

That Council resolve to approve \$10,000 sponsorship to the Redlands Easter Family Festival 2009, excluding GST, to be allocated from the Mayor's Community Fund.

CARRIED

15 DIRECT TO COUNCIL REPORTS

15.1 PLANNING AND POLICY

15.1.1 MAJOR FILM PRODUCTION IN REDLAND CITY

Dataworks Filename: ED Business Sector Development – Film & Television

Responsible Officer Name: Alan Burgess
Manager Economic Development Group

Author Name: Alan Burgess
Manager Economic Development Group

EXECUTIVE SUMMARY

In 2007 Walden Media were seeking locations for the filming of the third film in the series "The Chronicles of Narnia": titled "The Voyage of the Dawn Treader". In December 2007 Council provided 'in principle' support for filming to be undertaken at either Wellington Point or Cleveland Point. Walden eventually chose a location in Mexico, however, due to difficulties with the location they are now re-considering locations throughout Australia and New Zealand.

20th Century Fox/Walden have indicated a preference for the Cleveland Point location. However, this would require some construction off shore and the temporary anchoring of a barge. EPA have provided 'in principle' approval for this to occur. The area would be required for a period of approximately 10-12 weeks, with shooting taking 3 weeks of that time.

Fox/Walden have provided assurances that any damage to the parks would be fully repaired on completion of the shooting. Public access to the location will be restricted, to varying degrees, for OH&S and security reasons for up to 12 weeks. Dates have not been finalised but it is most likely filming will occur somewhere between April and September 2009.

Pacific Film and Television Commission, and Fox/Walden are seeking approval for film production at Cleveland Point, and potentially other locations in the Redlands.

Given the magnitude of the production, potential benefits to the region and significant competition from other locations, early approval by Redland City Council is critical to securing the production for the region.

PURPOSE

The purpose of this report is to seek approval for the filming of "The Voyage of the Dawn Treader" in Redland City.

BACKGROUND

On 19 December 2007 Council resolved to provide 'in principle' support for the filming of third film in the series "The Chronicles of Narnia": titled "The Voyage of the Dawn Treader". After a failed attempt to work at a location in Mexico, Fox/Walden have been re-scouting locations in Australia and New Zealand.

The two previous films, "The lion the witch and the wardrobe" and "Prince Caspian" were shot in the Czech Republic, however, due to higher taxes in the Czech Republic Fox/Walden have been seeking other locations.

Council, in conjunction with the Pacific Film and Television Commission was involved with a Film industry location scouting familiarisation in September 2007. The Producer, Director and key staff viewed possible locations at Wellington Point and Cleveland Point.

The production has a large component of water activity, including the possible use of Wellington Point or Cleveland Point. A marine survey has been conducted by PFTC to provide exact details of the water depth in both these locations.

ISSUES

Fox has indicated a preference for the Cleveland Point location. However, this would require the construction of a temporary pier from the point, with a barge moored offshore. The "Dawn Treader" set, a 40m vessel, would be constructed on the barge. Depending on timing, the Wellington Point site may not be available due to works being undertaken.

Fox/Walden have provided assurances that any damage to the parks would be fully repaired on completion of the shooting, and some 'legacy' improvements to the park incorporated as part of the arrangement.

Public access to the site will be restricted, to varying degrees, for OH&S and security reasons for approximately 10-12 weeks. However, the shooting will only take around 3 weeks, there will be no night activity and filming will generally only take place on week days.

At this point in time it is believed filming will take place in June or July 2009 and the production would need access to key sites (preferred option being Cleveland Point) for pre-production, filming and wrap up. During this period sets will be designed and constructed, and all infrastructure required to facilitate filming would be made operational.

Whilst the final decision on the location has not yet been made, Pacific Film and Television Commission, on behalf of Fox and Walden Media, is seeking approval from Council for film production in the Redlands region, potentially including Cleveland Point or Wellington Point.

Whilst there would be some disruption to the use of the chosen site, these are considered to be a small price to pay compared to the potential benefits to the SEQ and Redland economy. In addition the film production company would put measures in place to minimise disruption and establish a good relationship with those most affected.

Given the magnitude of the production, potential benefits to the region and significant competition from other locations, a positive show of support from Redland City Council is critical to securing the production for the region.

The exact conditions of the approval are yet to be negotiated with Fox/Walden. As this is such a large project it is considered the usual council conditions and charges would not be appropriate. To ensure this negotiation can be successfully carried out in the most efficient manner it is considered that the CEO should be delegated authority to approve the details of the conditions of use.

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

There are no financial implications for approving this production.

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

A preliminary meeting was conducted, 17 February 2009, between Pacific Film and Television Commission, Council (Economic Development) and Fox/Walden's Location Manager. Council was provided a brief 18 February 2009 and provided verbal support for the activity. Development Assessment, Operations and Maintenance and Infrastructure Planning, EPA and Queensland Transport were all consulted during the original location scouting in 2007. No major objections to the production were raised, although details of the production were still only speculative.

OPTIONS**PREFERRED**

That Council resolve as follows:

1. To approve the filming of “The Voyage of the Dawn Treader” in Redland City, and
2. To delegate authority to the Chief Executive Officer to finalise the details of the conditions of the approval.

ALTERNATIVE

That Council not approve the filming of the “The Voyage of the Dawn Treader” in Redland City.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Williams
Seconded by: Cr Bowler

That Council resolve as follows:

1. **To approve the filming of “The Voyage of the Dawn Treader” in Redland City, and**
2. **To delegate authority to the Chief Executive Officer to finalise the details of the conditions of the approval.**

CARRIED

15.1.2 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM - STRATEGIC PROJECTS FUND

Datworks Filename: G&S Regional and Local Community Infrastructure Program – Strategic Projects Funds (RLCIP)

Responsible Officer Name: Roberta Bonnin
Manager Community and Social Planning

Author Name: Lacey Brown
Strategic Adviser Social Planning

EXECUTIVE SUMMARY

The Commonwealth Government announced that the Regional and Local Community Infrastructure Program (RLCIP) – Strategic Projects has extended to \$550 million in total and is reopened to submissions. Given that Councils are limited to one application, it is recommended that the original application supported by Council, at its General meeting of 17 December 2008, be revised to include reviewed project costings and resubmitted for consideration by Friday, 6 March 2009.

PURPOSE

To describe the criteria of the additional funding available under the RLCIP – Strategic Projects and to approve the project to be submitted.

BACKGROUND

On 18 November 2008, the Commonwealth Government announced that it is making available \$300 million to local government through the Regional and Local Community Infrastructure Program. This consisted of a:

- \$250 million allocation that would be proportionately allocated to local government (Redland City Council's allocation was \$842,000); and
- \$50 million Strategic Project fund that was subject to a competitive bid process.

The resolution at the General Meeting of Council 17 December 2008 was to submit an application for Regional Parks (3 Points Projects and Capalaba Regional Park). This was received by the Commonwealth by the deadline of 23 December 2008.

On the 13 February 2009, the Commonwealth Government announced that the RLCIP Strategic Project fund had been extended by an additional \$500 million (now \$550 million in total) and was reopened to submissions.

ISSUES

The Commonwealth Government will give local councils and shires the opportunity to submit new or revised applications for the RLCIP – Strategic Projects.

This program has been extremely popular with 344 submissions already received, seeking more than \$1.2 billion to build infrastructure and boost local economies.

Submission of new or revised applications must be by 4pm, Friday 6 March 2009 and the following options are available:

- Advise the Department that Council wishes to continue with the existing application;
- Withdraw existing application and submit a new application for a new project; or
- Revise the existing application and resubmit within the deadline.

Existing guidelines for the RLCIP – Strategic Projects will continue to apply. They include:

- Applications are limited only to local governments, and only one application per council;
- Projects must be designed and ready to commence construction within six months of signing a contract;
- Projects must be seeking a Commonwealth contribution of at least \$2 million;
- Councils are encouraged to contribute funds or secure partnership funds for projects.

The Commonwealth Government has also made reference in media statements regarding this new funding to meet the additional needs of local communities that have been affected by the Victoria bushfires and the Queensland floods and is consulting with Councils to determine options for assisting the rebuilding effort in those communities.

The iconic Regional Parks Project that is recommended provides the people of Redlands and greater south east Queensland with four high quality and regionally significant park destinations, which celebrate the cultural heritage of the Redlands, enrich lifestyle and support economic development.

Since Council is still limited to one application in total under the RLCIP – Strategic Projects fund, it is recommended that the Regional Parks project be revised to reflect increased scope of work and associated costings, and be resubmitted.

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. The economic development strategic priority to enhance employment participation and the community's standard of living through encouraging economic development opportunities also supports the funding allocation of this project.

FINANCIAL IMPLICATIONS

The funding allocation will allow opportunity for completion of a significant community infrastructure project.

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

Various consultation steps occurred for the purposes of nominating the preferred project and compiling this report and included:

- Managers and Senior Advisors from all groups within the Planning and Policy Group nominated projects that met the funding criteria;
- Officers from the Project Delivery Group commented on design and delivery of nominated projects;
- Presentation of tabled projects to the Executive Leadership Group;
- Workshopping of tabled projects with Councillors and ELG;
- Further meeting with Managers from Planning and Policy Group on recommendations to revise the original application to reflect increased scope of work and associated costings and to resubmit as allowed under the reopened fund.

OPTIONS

PREFERRED

That Council resolve to revise the Regional Parks Project application to reflect an increased scope of works and associated costings and resubmit the application to the Department of Infrastructure, Transport, Regional Development and Local Government by 4pm, 6 March 2009.

ALTERNATIVE

That Council resolve to retain the original Regional Parks Project application and advise the Department of Infrastructure, Transport, Regional Development and Local Government by 4pm, 6 March 2009.

Cr Henry left the Chamber at 5.11pm.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Elliott
Seconded by: Cr Williams

That Council resolve to revise the Regional Parks Project application to reflect an increased scope of works and associated costings and resubmit the application to the Department of Infrastructure, Transport, Regional Development and Local Government by 4pm, 6 March 2009.

CARRIED

15.2 CORPORATE SERVICES

15.2.1 WATER REFORM DELEGATIONS

Dataworks Filename: GOV WRAD RCC Steering Group
Responsible Officer Name: Ray Turner
General Manager Corporate Services
Author Name: Eleanor Bray
Manager Water Reform

EXECUTIVE SUMMARY

The South East Queensland Urban Water Reform Program will require council to respond to various issues in limited timeframes. It is proposed to delegate decision making authority for urgent water reform issues to future Planning and Policy Committee meetings.

PURPOSE

The purpose of this report is to recommend that Council delegate decision making authority to the future Planning and Policy Committee meetings for urgent water reform issues arising from South East Queensland Urban Water Reform Program.

BACKGROUND

The state government has commenced major water reforms in south-east Queensland (SEQ). These reforms include the separation and transition of local government water businesses into new vertically separated regional water businesses.

ISSUES

Consultation and decision making will be required by council on numerous key items arising from the water reform which may be subject to limited timeframes. The current council General Meeting schedule may not meet the timeframe requirements dictated by South East Queensland Urban Water Reform Program. It is therefore proposed to delegate decision making authority for urgent water reform issues to future Planning and Policy Committee meetings which meets on a more regular basis.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

There are no financial implications within this report.

PLANNING SCHEME IMPLICATIONS

There are no implications to the planning scheme within this report.

CONSULTATION

Consultation occurred with General Manager Redland Water & Waste and the Chief Executive Officer.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Bowler
Seconded by: Cr Townsend

That Council resolve to delegate decision making authority, for urgent water reform issues arising from the South East Queensland Urban Water Reform Program, to future Planning and Policy Committee meetings.

CARRIED

15.2.2 RETURNING OFFICER TO CONDUCT A LOCAL GOVERNMENT BY-ELECTION – EXPRESSIONS OF INTEREST

Dataworks Filename: FM Tendering - Supply Services

Responsible Officer Name: Andrew Ross
Manager Legal Services

Author Name: Gail Widrose
Contracts Manager

EXECUTIVE SUMMARY

In accordance with Section 273 (2) (b) of the *Local Government Act 1993*, the Chief Executive Officer invited Expressions of Interest by Public Notice to appoint a Returning Officer to conduct any Local Government By-election in Redland City Council, prior to the 2012 Quadrennial election, to elect eligible persons to the position of Councillor and/or Mayor.

This Expression of Interest was advertised in the Public Tender section of The Courier Mail on 10 January 2009, in the Bayside Bulletin on 13 January 2009 and in the Redland Times on 9 January 2009.

Four parties requested the Expression of Interest documents. Submissions closed on 3 February 2009 at 2:00pm. One submission was received by email from the Australian Election Company.

This submission received from the Australian Election Company was reviewed by the following Officers on 5 February 2009:

- Chief Executive Officer Gary Stevenson
- Manager Corp Acquisitions, Fleet & Facilities Brian Lewis
- Manager Legal Services Andrew Ross
- Supply Chain Manager Andy Blacklock
- Contracts Manager Gail Widrose

The submission received from the Australian Election Company provided the following options:

Option 1 – To Supply a Returning & Deputy Officer only	
Mayoral By-election	\$75,000.00
Divisional Councillor By-election	\$40,425.00
Option 2 – Conduct a full By-election (including funding, and supply of all resources, material and staff)	
Mayoral By-election	\$473,000.00
Divisional Councillor By-election	\$161,150.00

The Australian Election Company further indicated in their submission that they would work with Council and provide designated services or would be happy to negotiate any elements of the submission with Council.

Due to the flexible options offered, the submission received from the Australian Election Company was considered to be the most advantageous to Council.

PURPOSE

The purpose of this report is to recommend that the Chief Executive Officer be delegated authority to enter into a contract, accept, vary and discharge a contract with the Australian Election Company to conduct any Local Government By-election in Redland City Council prior to the 2012 Quadrennial elections.

BACKGROUND

Expressions of Interest were called to appoint a Returning Officer to conduct any By-election, prior to the 2012 Quadrennial election, to elect eligible persons to the position of Councillor and/or Mayor in accordance with Section 273 of the *Local Government Act 1993*.

The one (1) submission received from the Australian Election Company was evaluated in relation to the following categories:

Evaluation Criteria	Weighting
Experience	60%
Knowledge of Legislation	10%
References	10%
Price	20%

Australian Election Company's submission met all the above requirements and is considered to be the most advantageous offer for Council.

ISSUES

There were no issues.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

It is recommended that:

- A dedicated job number be created and a budget of \$161,150.00 + 10% contingency is allocated in the Q3 budget revision.
- In the event that a By-election occurs this financial year, resulting in a need to amend the allocated budget, that the following action is undertaken to address the amendment via the relevant process:
 - If there is a shortfall – request additional funds;
 - If there is a surplus – the surplus funds be carried forward to be allocated to any further by-elections that may be called leading up to the 2012 Quadrennial election.

The costs per By-election (exclusive of GST) are as follows:

Option 1 – To Supply a Returning & Deputy Officer only	
Mayoral By-election	\$75,000.00
Divisional Councillor By-election	\$40,425.00
Option 2 – Conduct a full By-election (including funding, and supply of all resources, material and staff)	
Mayoral By-election	\$473,000.00
Divisional Councillor By-election	\$161,150.00

CONSULTATION

Consultation has occurred with:

- | | |
|---|----------------|
| • Chief Executive Officer | Gary Stevenson |
| • Manager Corp Acquisitions, Fleet & Facilities | Brian Lewis |
| • Manager Legal Services | Andrew Ross |
| • Supply Chain Manager | Andy Blacklock |
| • Contracts Manager | Gail Widrose |

Cr Henry returned to the Chamber at 5.20pm.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Ogilvie
Seconded by: Cr Williams

That Council resolve that the Chief Executive be delegated authority to:

1. **Enter into a contract with the Australian Election Company to conduct any Local Government By-election in Redland City Council prior to the 2012 Quadrennial elections;**
2. **Make, vary and discharge the contract; and**

3. To sign all relevant documentation.

CARRIED

A division was called for.

Crs Townsend, Reimers, Elliott, Bowler, Williams, Henry, Ogilvie, Boglary and Hobson voted in the affirmative.

Crs Murray and Dowling voted in the negative.

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

15.3 CUSTOMER SERVICES

15.3.1 COUNCILLORS' CBF DIVISION 8 - PROVISION FOR PARK INFRASTRUCTURE

Datworks Filename: G&S Councillors' Community Benefit Fund
Responsible Officer Name: Neil Kesur
Services Manager Parks & Conservation
Author Name: Bill McDowell
Senior Advisor Urban Landscape

EXECUTIVE SUMMARY

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

This request is for a total amount of \$11,899.00 (GST exclusive) to be allocated for the provision of a play unit for Rosella Street Park, Wellington Point, within Division 8.

PURPOSE

The purpose of this report is to seek approval from Council for an allocation from the Division 8 portion of the CCBF for \$11,899.00 (GST exclusive). This funding will be used for the provision of a play unit for Rosella Street Park, Wellington Point.

BACKGROUND

An initial request was received from the residents adjacent to Rosella Street Park to have some improvements made to the park. Works on this upgrade were initiated based on replacing the existing play equipment utilising the resources of the Playground Replacement Fund managed by Parks and Conservation.

The Senior Advisor Urban Landscape advised the Division 8 Councillor of this project. The Divisional Councillor has since advised that an additional play unit would be desirable to extend the recreational activity for younger children in the park.

An on site inspection was organised with the Landscape Architect Open Space Planning and the Senior Advisor Urban Landscape to discuss the options available.

A project proposal with costs was prepared by the Senior Advisor Urban Landscape for the Councillor's consideration based on quotations for the supply and installation sought from the Project Delivery Group and Council suppliers.

PARK NAME	ITEM – Supply & Install	COST (\$'s) ex GST
Rosella Street Park	Supply & install Play Unit Model No.YS040024A	\$11,899.00
TOTAL		\$11,899.00

The above quotation was submitted to the Division 8 Councillor for approval and sufficient funds are available for this project to proceed.

ISSUES

Nil issues have been identified.

RELATIONSHIP TO CORPORATE PLAN

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

FINANCIAL IMPLICATIONS

The Division 8 Councillor supports this project and has sufficient funds to allocate an amount of \$11,899.00 (GST exclusive) from the Division 8 portion of the CCBF.

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

Following the initial on-site works being started, consultation with the Division 8 Councillor has been undertaken to discuss further improvements to the park.

An on site inspection was undertaken with the Landscape Architect Open Space Planning, Senior Advisor Urban Landscape and parks services officers to resolve location of park infrastructure.

The Senior Advisor Urban Landscape has consulted with the Landscape Architect Open Space Planning to confirm the outcomes of the consultation with the Division 8 Councillor following the outcome of the site inspection.

OPTIONS**PREFERRED**

That Council resolve to approve an allocation of \$11,899.00 (GST exclusive) from the Division 8 portion of the Councillors' Community Benefit Fund for the supply and installation of a play unit for Rosella Street Park, Wellington Point.

ALTERNATIVE

That Council not approve the allocation of \$11,899.00 (GST exclusive) for this project.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Reimers
Seconded by: Cr Ogilvie

That Council resolve to approve an allocation of \$11,899.00 (GST exclusive) from the Division 8 portion of the Councillors' Community Benefit Fund for the supply and installation of a play unit for Rosella Street Park, Wellington Point.

CARRIED

15.4 OFFICE OF CEO

15.4.1 SUPPORT FOR VICTIMS OF NATURAL DISASTERS

Dataworks Filename: GOV Committee – General Business
Attachments: [MAV Local Government Bushfire Recovery Fund](#)
Responsible Officer Name: Gary Stevenson
Chief Executive Officer
Author Name: Gary Stevenson
Chief Executive Officer

EXECUTIVE SUMMARY

Recently Southern States suffered unprecedented bushfires (mainly in Victoria) which resulted in the horrendous loss of life and property and in North Queensland vast areas of land and many communities have been subject to prolonged flooding.

PURPOSE

Council is requested to support victims of the Victorian Bushfires and the North Queensland floods with a financial donation.

BACKGROUND

In exceptional circumstances, it is considered appropriate that Council, on behalf of its community, supports the victims of natural disasters elsewhere. For example, Council provided immediate support for storm damage victims in South East Queensland with extensive deployment of labour and plant.

Council also made a financial contribution to support victims of the Tsunami in South East Asia.

Many Councils around Australia have pledged financial and other support and in South East Queensland financial contributions ranging from \$5,000.00 to \$200,000 have been made by Councils.

It is proposed that Council makes a financial contribution of \$20,000 (minimum) to the Victorian Bushfire Appeal (Red Cross) and \$10,000 (minimum) to the Premiers Flood Victims Appeal.

The Chief Executive Officer has also initiated a Payroll Deduction Scheme to encourage employees to make a financial contribution to Red Cross, and a number of staff initiatives have been approved to supplement this effort (eg Fundraising BBQ at South Street Depot).

In addition, the Chief Executive Officer has authorised voluntary deployment of staff (two staff via SES for floods and one staff for Wildlife Support Project).

At this stage requests have been limited but further deployment will be authorised if requested.

RELATIONSHIP TO CORPORATE PLAN

The proposal is consistent with the values and principles espoused in the Corporate Plan.

FINANCIAL IMPLICATIONS

The financial donations will be subject to Q3 budget revision.

PLANNING SCHEME IMPLICATIONS

Nil.

CONSULTATION

The Chief Executive Officer has conferred with Mayor and Councillors and has maintained network communication with Chief Executive Officers of Councils across Australia and New Zealand. Advice from LGAQ, ALGA and MAV has also been considered.

OPTIONS

PREFERRED

Council donates \$20,000 to Red Cross Bushfire Victims Appeal and \$10,000 to Premiers Flood Victims Appeal.

ALTERNATIVE

Council may wish to vary the quantum of the donations.

A further variation might be that instead of donating to Red Cross, Council could donate to the Municipal Association of Victoria Bushfire Recovery Fund (see attached).

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Bowler
Seconded by: Cr Townsend

That Council resolve to donate \$20,000 to the Red Cross Bushfire Victims Appeal and \$10,000 to the Premiers Flood Victims Appeal.

CARRIED

15.4.2 SMBI COMMUNITY ADVISORY COMMITTEE - NOMINATION AND APPOINTMENT PROCESS

Datworks Filename: LUP SMBI - General
Responsible Officer Name: Gary Stevenson
 Chief Executive Officer
Author Name: Gary Stevenson
 Chief Executive Officer

EXECUTIVE SUMMARY

As a fundamental element of the SMBI Strategic Framework, Council will establish an Advisory Committee under a robust and effective process.

PURPOSE

Council is requested to endorse the proposed process for calling nominations and appointing members to the SMBI Community Advisory Committee.

BACKGROUND

The process proposed for calling nominations and making appointments is as follows:

TASK	TIMING	COMMENT
Advertise and promote invitation for Nominations	Late Feb and early March	In accordance with Communications Plan
Nominations submitted by organisations and individuals including response to selection criteria	March	
Obtain quotes from Probity Auditors and appoint	Early March	CEO will undertake under advice from Internal Auditor
Close nominations	Mid to late March	
Collate and prepare report on nominations	Late March	This will be undertaken by officers with assistance of an independent person
Selection Panel reviews nominations and prepares recommendations for Council consideration	Early April	Selection Panel will comprise Councillors that are appointed by Council (no limitation on numbers) and will be overseen by Probity Auditor
Planning and Policy Committee will review recommendations	Mid to late	

TASK	TIMING	COMMENT
and refer to General Meeting of Council for final decision	April	
Announce appointments	Mid to late April	In accordance with Communications Plan

RELATIONSHIP TO CORPORATE PLAN

The proposal is consistent with the strategy contained in the Corporate Plan which states:

“Develop and Implement best practice community engagement standards.”

The proposal is also a fundamental element of the newly adopted SMBI Strategic Framework.

FINANCIAL IMPLICATIONS

Minor costs of advertising and engagement of a probity auditor can be accommodated in existing budgets.

PLANNING SCHEME IMPLICATIONS

The proposal has no specific implication for Redlands Planning Scheme.

CONSULTATION

The Chief Executive Officer consulted with the Mayor and Divisional Councillor.

OPTIONS

PREFERRED

Council endorses the proposed nomination and appointment process for the SMBI Community Advisory Committee.

ALTERNATIVE

Council either amends or rejects the proposal.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION (PART A)

Moved by: Cr Townsend

Seconded by: Cr Ogilvie

That Council resolve as follows:

- 1. To endorse the proposed nomination and appointment process for the SMBI Community Advisory Committee; and**

2. To appoint Councillors to the Selection Panel.**CARRIED**

A division was called for.

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

Crs Elliott and Williams voted in the negative.

COUNCIL RESOLUTION (PART B)

Moved by: Cr Ogilvie

Seconded by: Cr Bowler

That in respect to Resolution 2 above, that Council resolve to appoint Councillors H Murray, T Bowler, B Townsend and M Hobson to the SMBI Community Advisory Committee Selection Panel.

CARRIED

A division was called for.

Crs Townsend, Reimers, Murray, Bowler, Dowling, Ogilvie, Boglary and Hobson voted in the affirmative.

Crs Elliott, Henry and Williams voted in the negative.

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

16 URGENT BUSINESS WITHOUT NOTICE

Moved by: Cr Dowling
Seconded by: Cr Elliott

That permission be granted for Cr Williams to bring forward an item of Urgent Business.

16.1 FLUORIDATION OF WATER SUPPLY

Moved by: Cr Williams
Seconded by: Cr Henry

That Council resolve to write to the Premier Anna Bligh and the leader of the opposition Lawrence Springborg requesting, on behalf of Redlands' residents, that relevant democratic process occur before fluoridating Redlands' potable water supply.

CARRIED (Unanimously)

17 IN APPRECIATION

17.1 GENERAL MANAGER CORPORATE SERVICES

The Mayor, Chief Executive Officer and fellow Councillors took the opportunity to thank Mr Ray Turner, for his diligent service to Council over the past seven years in his role as General Manager Corporate Services. Mr Turner leaves Council shortly to take up a position with the Water Reform Water Distribution Entity.

17.2 CR DOWLING

The Mayor, Chief Executive Officer and fellow Councillors took the opportunity to thank Cr Dowling, for his contributions to Council over the past nine years in his role as Councillor Division 4. Cr Dowling will be campaigning as a Candidate for Redlands in the upcoming State Election.

18 CLOSED SESSION

Moved by: Cr Elliott
Seconded by: Cr Williams

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

18.1.1 Management of the North Stradbroke Island Holiday Parks; and 18.2.1 SMBI Communities Future Needs Campaign

The reason that is applicable in these instances 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

Moved by: Cr Henry
Seconded by: Cr Reimers

That the meeting be again opened to the public.

CARRIED

18.1 CUSTOMER SERVICES

18.1.1 MANAGEMENT OF THE NORTH STRADBROKE ISLAND HOLIDAY PARKS

Datworks Filename: CP Expression of Interest – Management of NSI Caravan Parks and Camping Grounds

Responsible Officer Name: Greg Jensen
Group Manager Customer and Community Services

Author Name: Michael Tait
Project Manager Customer and Community Services

EXECUTIVE SUMMARY

At the General Meeting held 27 August 2008 Council resolved to:

- Investigate alternate management options for the operations of the camping grounds;
-

- That it is in the public interest to call for **expressions of interest** for the management of the camping grounds on North Stradbroke Island prior to proceeding to tender; and
- That the budget allocation for the new employee position, "Holiday Parks Manager" is used to fund the expression of Interest, Tender and transition process.

The expression of interest was advertised on 7 November 2008.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. To endorse this report and proceed to a selective Tender Process with the companies recommended in the confidential report from Group Manager Customer and Community Services, dated 15 December 2008, for a Trustee Lease of the North Stradbroke Island Holiday Parks located at Amity Point, Adder Rock, Thankful Rest, Cylinder Beach and Bradbury's Beach;
2. That the Trustee Lease has a term of 30 years;
3. To continue to manage the Foreshore camping areas at Flinders Beach and Main Beach until such time as National Parks and Wildlife commence operations;
4. To cease all operations at Adam's Beach Holiday Park allowing storage van owners the option of moving to Bradbury's Beach or Thankful Rest Holiday Park;
5. To appoint a lease/contract manager to oversight the implementation of the lease, capital works program, lease and contract compliance, and complete the building compliance program commenced by Council relating to storage and long term residents' caravans; and
6. That this report be held "Commercial in Confidence" and information contained within both the report and attachments remain confidential.

COMMITTEE RECOMMENDATION

That the Officer's Recommendation in the confidential report relating to this matter, from Group Manager Customer and Community Services dated 15 December 2008, be adopted with the amendment to Recommendation 4 to remove the words "Thankful Rest".

COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Elliott

1. To endorse this report and proceed to a selective Tender Process with the companies recommended in the confidential report from Group Manager Customer and Community Services, dated 15 December 2008, for a Trustee Lease of the North Stradbroke Island Holiday Parks located at Amity Point, Adder Rock, Thankful Rest, Cylinder Beach and Bradbury's Beach;
2. That the Trustee Lease has a term of 30 years;
3. To continue to manage the Foreshore camping areas at Flinders Beach and Main Beach until such time as National Parks and Wildlife commence operations;
4. To cease all operations at Adam's Beach Holiday Park allowing storage van owners the option of moving to Bradbury's Beach Holiday Park;
5. To appoint a lease/contract manager to oversight the implementation of the lease, capital works program, lease and contract compliance, and complete the building compliance program commenced by Council relating to storage and long term residents' caravans; and
6. That this report be held "Commercial in Confidence" and information contained within both the report and attachments remain confidential.

CARRIED

A division was called for.

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

Crs Bowler and Ogilvie voted in the negative.

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

Cr Dowling declared a Conflict of Interest in this matter and left the Chamber at 6.03pm, prior to discussion and decision on this matter.

Cr Ogilvie declared a Conflict of Interest in this matter and left the Chamber at 6.03pm, prior to discussion and decision on this matter.

18.2 OFFICE OF CEO

18.2.1 SMBI COMMUNITIES FUTURE NEEDS CAMPAIGN

Datworks Filename: LUP SMBI - General
Responsible Officer Name: Gary Stevenson
Chief Executive Officer
Author Name: Gary Stevenson
Chief Executive Officer

EXECUTIVE SUMMARY

As a key component of the SMBI Strategic Framework, Council will lobby major parties and relevant candidates during the 2009 State Government Election to draw attention to the future needs of the Southern Moreton Bay Island communities. As such a structured, well considered campaign will be appropriate.

PURPOSE

Council is requested to endorse the campaign objectives, format and necessary resource allocation.

BACKGROUND

A campaign proposal is attached for consideration and is strictly confidential.

RELATIONSHIP TO CORPORATE PLAN

The activity is consistent with the strategy contained in the Corporate Plan which states:

“Develop and Implement an infrastructure plan position and a provision strategy for the Bay Islands to meet unique short and long term needs of Island Communities.”

The proposal is also a key element of the newly adopted SMBI Strategic Framework.

FINANCIAL IMPLICATIONS

There will be modest campaign costs that may require consideration in the Q3 budget revision. However, the more significant implication is the longer term capital contribution being sought from State Government.

PLANNING SCHEME IMPLICATIONS

In itself, the proposal has no specific implications for the Redlands Planning Scheme.

CONSULTATION

The Chief Executive Officer has drawn from previous submissions made to State Government and has conferred with the Mayor and Divisional Councillors on broader aspects.

OPTIONS**PREFERRED**

Council endorses the objectives, format and necessary resource allocation for the SMBI Communities Future Needs Campaign.

ALTERNATIVE

Council either amends or rejects the proposal.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Townsend
Seconded by: Cr Reimers

That Council resolve to endorse the objective, format and necessary resource allocation for the SMBI Communities Future Needs Campaign.

CARRIED

Crs Ogilvie and Dowling returned to the meeting.

19 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 6.20pm.

Signature of Chairperson: _____

Confirmation date: _____