



Redland
CITY COUNCIL

MINUTES

GENERAL MEETING

Wednesday, 13 March 2013

The Council Chambers
35 Bloomfield Street
CLEVELAND QLD

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1 DECLARATION OF OPENING

The Mayor declared the meeting open at 10.30am and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meets.

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

2 DEVOTIONAL SEGMENT

Pastor Peter Grieve, from C3 Church Bayside, led Council in a brief devotional segment.

3 RECOGNITION OF ACHIEVEMENT

Nil

4 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

MEMBERS PRESENT:

Cr K Williams	Mayor
Cr A Beard	Deputy Mayor & Councillor Division 8
Cr W Boglary	Councillor Division 1
Cr C Ogilvie	Councillor Division 2
Cr K Hardman	Councillor Division 3
Cr L Hewlett	Councillor Division 4
Cr M Edwards	Councillor Division 5
Cr J Talty	Councillor Division 6
Cr M Elliott	Councillor Division 7
Cr P Gleeson	Councillor Division 9
Cr P Bishop	Councillor Division 10

EXECUTIVE LEADERSHIP GROUP:

Mr B Lyon	Chief Executive Officer
Mr N Clarke	General Manager Governance
Mr G Photinos	Acting General Manager Environment Planning & Development
Mr M Drydale	General Manager Corporate Services
Mrs L Rusan	General Manager City Services
Mr G Soutar	General Manager Redland Water and RedWaste

MINUTES:

Mrs E Striplin	Corporate Meetings & Registers Officer
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5 RECEIPT AND CONFIRMATION OF MINUTES**5.1 GENERAL MEETING MINUTES 27 FEBRUARY 2013****COUNCIL RESOLUTION**

Moved by: Cr P Gleeson

Seconded by: Cr J Talty

That the minutes of the General Meeting of Council held on 27 February 2013 be confirmed

[General Meeting Minutes 27 February 2013](#)

CARRIED 11/0

6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES

There were no matters outstanding from previous meetings.

7 PUBLIC PARTICIPATION

Nil

8 PETITIONS AND PRESENTATIONS

Nil

9 MOTION TO ALTER THE ORDER OF BUSINESS**9.1 MOTION TO ACCEPT LATE ITEM****COUNCIL RESOLUTION**

Moved by: Cr M Elliott

Seconded by: Cr M Edwards

That a late item - *Red Tape Reduction and Other Reform Proposals for Regulation of Liquor and Gaming Discussion Paper* - be accepted and discussed as the last item of business.

CARRIED 11/0

10 DECLARATION OF MATERIAL PERSONAL INTEREST OR CONFLICT OF INTEREST ON ANY ITEMS OF BUSINESS

Nil

11 MOTION TO ADJOURN GENERAL MEETING AT 10.36 AM**COUNCIL RESOLUTION**

Moved by: Cr M Edwards

Seconded by: Cr P Bishop

That the meeting be adjourned to enable the conduct of the Coordination Committee meeting.

CARRIED 11/0

12 MOTION TO RECONVENE GENERAL MEETING AT 10.45AM**COUNCIL RESOLUTION**

Moved by: Cr M Elliott
Seconded by: Cr P Bishop

That the General Meeting be reconvened.

CARRIED 11/0

13 ADOPTION OF COMMITTEE MEETING REPORT & RECOMMENDATIONS**13.1 COORDINATION COMMITTEE MEETING – 13 MARCH 2013****COUNCIL RESOLUTION**

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

That the Report and Recommendations of the Coordination Committee meeting held 13 March 2013 be adopted.

[Minutes Coordination Committee 13 March 2013](#)

CARRIED 11/0

14 ITEM DEFERRED FROM GENERAL MEETING 27 FEBRUARY 2013**14.1 CLEVELAND CBD REVITALISATION SPECIAL COMMITTEE****14.1.1 CLEVELAND CBD INCENTIVES PACKAGE COMMUNICATION PLAN**

Dataworks Filename: ED Planning – Cleveland CBD - Proposed Work Program
LUP Projects – Cleveland CBD Project

Attachment: [Cleveland CBD Incentives Package Communication Plan 6 Feb 2013](#)

Responsible Officer: Nick Clarke
General Manager Governance

Author: Kristen Banks
Senior Adviser Corporate Communications

PURPOSE

The draft *Cleveland CBD Incentives Package Communication Plan* identifies a range of tactics that will be implemented to create public and media awareness about the package.

BACKGROUND

On 22 October 2012, Redland City Mayor Karen Williams announced via media release a financial and regulatory incentives package aimed at kick-starting development of the Cleveland CBD.

The media release included information that the package will commence in March 2013 and operate until June 2015. This was phase one of communications.

This Communication Plan outlines phases two and three to engage stakeholders and the community from February 2013 until June 2013.

ISSUES

Key issues are included in the Communication Plan.

STRATEGIC IMPLICATIONS

The *Cleveland CBD Incentives Package Communication Plan* will be implemented to promote investment redevelopment and new development in Redland City.

It is targeted beyond the Redlands to south east Queensland.

Legislative Requirements

There are no applicable legislative requirements.

Risk Management

Confidentiality of potential announcements is a risk. The key issues section of the Communication Plan outlines risks.

Financial

The budget source for this Communication Plan is yet to be determined.

The budget to implement this Communication Plan – inclusive of financial resources and human resources outlined in the Communication Plan – is \$99,550 including GST.

The financial resources component (collateral, advertising, catering, venue hire) is \$75,000 while the human resources component (0.5 Level 6 until 30 June 2013) is \$15,500. This is exclusive of GST.

Staffing resources after this date will be considered subject to the outcomes of the *Communications Review Project Plan* that identifies the need for additional resources and is to be presented to Council for consideration.

People

A part-time (0.5) Communications Adviser (Level 6) will be required until 30 June 2013 to implement this Communication Plan.

Environmental

Key issues including potential environmental impacts are included in the Communication Plan.

Social

The Communication Plan supports redevelopment of the Cleveland CBD, which would deliver significant social benefits to Redland City, including providing a civic, commercial and cultural hub with good access to public transport as well as having the potential to significantly boost the local economy, create jobs and provide significant residential accommodation.

Alignment with Council's Policy and Plans

The Communication Plan supports the *Cleveland Masterplan, Redlands Community Plan 2030, Economic Development Strategy* and *Redland Planning Scheme*.

CONSULTATION

Consultation for this Communication Plan has occurred with the Principal Advisor Strategic Economic Development, General Manager Governance and the Office of the Mayor.

OPTIONS

1. Approve the Communication Plan
2. Amend the Communication Plan

OFFICER'S RECOMMENDATION

That Council resolve to approve the *Cleveland CBD Incentives Communication Plan*.

COMMITTEE RECOMMENDATION

The Committee notes the progress made toward finalising a Cleveland CBD Incentives Communication Plan.

COUNCIL RESOLUTION OF 27 FEBRUARY 2013

Moved by: Cr C Ogilvie
Seconded by: Cr P Gleeson

That Council defers consideration of the Cleveland CBD Incentives Communication Plan to allow further consideration of its content by Councillors.

CARRIED 7/3

Crs Hewlett, Beard and Williams voted against the Council resolution.

Cr Elliott was not present when this motion was put.

COUNCIL RESOLUTION

Moved by: Cr C Ogilvie
Seconded by: Cr P Bishop

That Council resolve to approve the *Cleveland CBD Incentives Communication Plan*.

CARRIED 11/0

15 MAYORAL MINUTES

Nil

16 NOTICES OF MOTION TO REPEAL OR AMEND RESOLUTIONS

Nil

17 NOTICES OF MOTION**17.1 NOTICE OF MOTION – CR OGILVIE****17.1.1 CLEVELAND CBD SHORT TERM MICRO INVESTMENTS**

In accordance with notice given on 5 March 2013, Cr Ogilvie moved as follows:

COUNCIL RESOLUTION

Moved by: Cr C Ogilvie

Seconded by: Cr P Bishop

1. That a report be prepared, including costing and financial implications, for the consideration of the Cleveland CBD Revitalisation Special Committee detailing immediate short-term micro investments in the revitalisation of Cleveland CBD; and
2. That these investments could include but are not limited to:
 - a) Enhanced pedestrian connectivity to the Redland Performing Arts Centre;
 - b) Provision of free Wi-Fi in the CBD;
 - c) Refurbishment of the CBD street furniture;
 - d) Project funding for CBD place-making projects like 'Cleveland Buzz'; and
 - e) Completion of missing links in the Cleveland CBD streetscape

LOST 3/8

Crs Hardman, Hewlett, Edwards, Elliott, Talty, Beard, Gleeson and Williams voted against the Council Resolution.

17.2 NOTICE OF MOTION – CR BOGLARY

17.2.1 CLEVELAND CBD COMMITTEE MEMBERSHIP

In accordance with notice given on 5 March 2013, Cr Boglary moved as follows:

COUNCIL RESOLUTION

Moved by: Cr W Boglary

Seconded by: Cr P Gleeson

That Council resolve to:

1. Change the membership of the Cleveland CBD Revitalisation Committee to 9;
2. Appoint the following additional members to the Cleveland CBD Revitalisation Special Committee:
 - Cr Wendy Boglary
 - Cr Paul Bishop
 - Cr Paul Gleeson
 - Cr Lance Hewlett
3. Amend the quorum of that committee to 7; and
4. Amend the Committee's Charter to reflect these changes.

AMENDMENT MOTION

Moved by: Cr W Boglary

Seconded by: Cr P Bishop

That Council resolve to:

1. That the membership of the Cleveland CBD Revitalisation Committee be amended to 7;
2. That the following additional members be appointed to the Cleveland CBD Revitalisation Special Committee:
 - Cr Wendy Boglary
 - Cr Paul Bishop
3. That Point 3 be deleted.

On being put to the vote the amendment was **CARRIED 10/1**

Cr Beard voted against the Amendment Motion.

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

That Council resolve to:

1. Change the membership of the Cleveland CBD Revitalisation Committee to 7;
2. Appoint the following additional members to the Cleveland CBD Revitalisation Special Committee:
 - Cr Wendy Boglary
 - Cr Paul Bishop

3. Amend the Committee's Charter to reflect these changes.

LOST 4/7

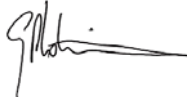
Crs Hardman, Hewlett, Edwards, Elliott, Talty, Beard and Williams voted against the Council Resolution.

18 LATE ITEM**18.1 ENVIRONMENT PLANNING & DEVELOPMENT****18.1.1 RED TAPE REDUCTION AND OTHER REFORM PROPOSALS FOR
REGULATION OF LIQUOR AND GAMING DISCUSSION PAPER**

Datworks Filename: LUP EP&D Community Standards - Reports
to Committee

Attachment: [Letter to JAG Discussion Paper Red Tape
Reduction](#)

Responsible/Approval Officer:



Gary Photinos
**Acting General Manager Environment
Planning & Development**

Author: **Jen Gisler**
Service Manager Health & Environment

PURPOSE

The purpose of this report is to present to Council a submission that has been prepared by officers of the Health and Environment Unit in response to the Queensland Government review of liquor and gaming regulation for red tape reduction.

SUMMARY

The Department of Justice and Attorney-General recently released discussion paper 'Red Tape Reduction and Other Reform Proposals for Regulation of Liquor and Gaming'. The purpose of this review is to facilitate the state government's commitment to "building a four pillar economy". A number of the proposals contained within the Consultation draft discussion paper have impacts for Council. Submissions are due by 15 March 2013.

BACKGROUND

It is proposed that Council respond to the Department of Justice and Attorney-General's recently released discussion paper on 'Red Tape Reduction and Other Reform Proposals for Regulation of Liquor and Gaming' as there are potential impacts for local government in the proposed reforms.

The discussion paper 'Red Tape Reduction and Other Reform Proposals for Regulation of Liquor and Gaming' seeks feedback on potential measures, which, if implemented, would reduce the regulatory burden associated with liquor and gaming arrangements.

The liquor and gaming industries have raised concerns in relation to red tape in the regulation of these industries. The government has identified the need to ensure the regulatory environment is conducive to growth and innovation, and states that one of the aims of this reform is to shift the regulatory pendulum away from prescription and inflexible regulation.

However, given the environment of cost shifting and devolvement of legislative responsibilities to local government it is recommended that Council examine and respond to any legislative review that may result in the further devolution of responsibility to local government – particularly in relation to liquor licensed venues.

ISSUES

The attached submission focuses on the regulation of the liquor industry as it is the part of the review that has the impacts for local government. The gaming industry regulation is more in relation to avoiding corruption in the operations of a gaming activity, which is not a local government role.

As this is a comprehensive discussion paper on the strengths and weaknesses of the State's current liquor, gaming and regulatory arrangements and processes comments are limited to those areas which may impact local government.

As such this report focuses on:

Item 1.9 Reducing state imposed event costs

Item 2.5 Noise controls over liquor licensed premises

Item 2.6 Providing local governments with a greater say in licensing decisions

Item 1.9 Reducing State imposed event costs

The reform policy objective is to reduce State-imposed event costs by revising the event management plan guidelines and considering the removal of some of the requirements for conducting major events involving the supply of liquor.

There is support for the policy objective to remove any unnecessary regulatory restriction to promote industry growth, whilst continuing to minimise harm and adverse effects on public/patron safety.

However, there is not enough detail in the discussion paper about what requirements would be removed. There are concerns that the proposal to reduce State-imposed event costs by revising the event management plan guidelines and potentially removing some of the requirements for conducting major events involving the supply of liquor could lead to drop in the standard of liquor licensed events in the Redlands.

Events involving the supply of liquor require significant planning and consideration of health, safety and amenity. The costs imposed on industry to ensure thorough event planning are minor in comparison to the potential for negative community outcomes if events are not well planned.

Item 2.5 Noise Controls over liquor licensed premises

It is proposed that noise restrictions under the Liquor Act and the enforcement of noise restrictions be reviewed. Because a review is proposed, no options are put forth.

- The policy objective to ensure that venues are able to offer live entertainment to patrons, whilst ensuring that impacts on local residents are minimised is supported.

- Although options are not put forth, the paper acknowledges that noise from liquor licensed premises is currently regulated under the *Liquor Act 1992* and *Liquor Regulation 2002* and enforced by Office of Liquor and Gaming Regulation inspectors and police officers.
- The discussion points ask who the appropriate body to deal with noise complaints is and local government is listed as an option. There is concern that this opportunity might be used to further devolve State government work to local governments e.g. noise monitoring from licensed premises.
- The regulation of noise from Liquor Licensed venues poses an unacceptable resource and financial burden on Council.
- The Office of Liquor and Gaming Regulation currently have the power to close a licensed premises if they are in breach of their conditions, this would not be the case for local governments only responsible for the regulation of noise. Council would be left with inadequate enforcement tools at our disposal to reactively respond to community and business concerns. This does not reflect best practice regulation.
- Therefore it is recommended that if local governments are required to take on a compliance role with respect to noise from licensed premises that there would need to be specific resource allocation dedicated to the task of noise complaints. Should devolution of noise compliance responsibility occur then devolution of licensing responsibility should also occur so that there is a source of revenue to fund compliance. This is not currently considered as an option by the paper, however recommends that Councils can either deal with noise from Licensed venues through development conditions or the Planning Scheme.
- It is also noted that the discussion paper states that noise complaints for premises other than licensed premises is already undertaken by local government, inferring it is a simplification of process to combine all noise complaint issues with the one entity. However, it is important to distinguish that it would not simply be an extension of Council's existing noise complaint processes should licensed premises become Council's responsibility.
- Council has limited responsibility for managing noise impacts for specific types of noise. The head of power for these responsibilities is generally the *Environmental Protection Act 1994* for noise from regulated devices such as lawn mowers, air conditioning units, swimming pool pumps and building work, and noise from domestic animals under Council's Local Law. Clearly, the extension of noise management into premises already licensed by the Office of Liquor and Gaming Regulation is an unacceptable duplication.
- The number of complaints associated with licensed premises will be significantly more given the nature of licensed premises is for the purpose of attracting patrons and providing entertainment, which inherently has associated noise. In addition, licensed premises are generally operating at peak noise levels after-hours.
- Noise monitoring for licensed premises would usually be undertaken during the later hours of the night and very early hours of the morning.

- Council officers do not have the required level of expertise to undertake the complex nature of noise monitoring for entertainment noise and analysis necessary for liquor licensed premises.
- An individual acoustic report can cost approximately \$5000 for an investigation of this nature or higher where multiple sources are present on the one site. It is unlikely that Council will be able to access adequate cost recovery mechanisms to investigate matters of this nature.
- There is also a suggestion that local governments can control licensed premises through issuing relevant conditions on development approvals. This seems a poor option given the legal difficulty associated with placing reasonable and relevant licensing conditions on a use of premises. Additionally, the vast majority of licensed premises operate as existing uses or as self-assessable development.
- Therefore it is recommended that noise restrictions under the *Liquor Act 1992* and the enforcement of noise restrictions continue to be managed by Office of Liquor and Gaming Regulation and the police.

Item 2.6 Providing local governments with a greater say in licensing decisions

The government is considering introducing a legislative amendment to ensure that the decision maker gives weight to local government comments or objections. The amendment will also prescribe the appropriate grounds for local government objection, taking into consideration social and economic objective of the legislation.

- There is support for the policy objective to allow local governments a greater say in licensing decisions, consistent with local government being in a better position to judge the best interests of their local community, but are seeking advice from Council as to whether this is appropriate.
- Under the current process local governments are routinely consulted on significant liquor and gaming licensing applications but there is no obligation for the decision-maker to give any particular weight to the view of local government.
- An amendment to the legislation is supported to ensure that the decision maker gives weight to local government comments or objections. As a result, Council will have to ensure that that our support or objection to any liquor and/or gaming licence application is consistent with Redlands Planning Scheme.

STRATEGIC IMPLICATIONS

Legislative Requirements

Legislative implications can only be anticipated at this stage as full details have not been provided in the discussion paper.

Risk Management

A submission is considered warranted given the environment of cost shifting and devolvement of legislative responsibilities to local government from the State Government may eventuate.

Financial – and People Implications

It is unlikely that Council will be provided with access to a revenue stream to fund the significant additional workload, additional staff and specialised training associated with responding to community concerns about noise from licensed premises.

Environmental

Environmental implications relate to the nuisances associated with the reform process

Social

Significant social implications across a broad spectrum of issues have been identified in the discussion paper which would be applicable to our community.

Alignment with Council's Policy and Plans

The implications of any reforms as proposed in the discussion paper will need to be assessed against Council's policy position on core business responsibilities.

CONSULTATION

Officers have consulted with:

- Service Manager Development Compliance
- Group Manager Sustainable Assessment
- Group Manager Community Standards
- Group Manager City Planning and Environment
- General Manager Environment Planning and Development

OPTIONS

1. That Council endorses a submission, as attached, to be made on the discussion "Red tape reduction and other reform proposals for regulation of liquor and gaming"
2. That Council takes a watching brief on the matter at this stage and provide a response at a later date.

OFFICER'S RECOMMENDATION

That Council resolve to make a submission, as attached, in response to the discussion paper "Red Tape Reduction and other Reform Proposals for Regulation of Liquor and Gaming".

COUNCIL RESOLUTION

Moved by: Cr M Elliott
Seconded by: Cr W Boglary

That Council resolve to:

1. **Make a submission, as attached, in response to the discussion paper "Red Tape Reduction and other Reform Proposals for Regulation of Liquor and Gaming"; and**

2. Request that the State Government continue to consult and update Local Government with any further proposals for change.

CARRIED 11/0

19 URGENT BUSINESS WITHOUT NOTICE

Nil

20 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 11.09 am.

Signature of Chairperson: _____

Confirmation date: _____