

Redland
CITY COUNCIL

MINUTES

SPECIAL MEETING

Wednesday, 23 June 2010

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

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1 DECLARATION OF OPENING

The Deputy Mayor declared the meeting open at 3.33pm.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

PRESENT:

Members:

Cr M Elliott	Deputy Mayor and Councillor Division 7
Cr W Boglary	Councillor Division 1
Cr D Henry	Councillor Division 3
Cr J Burns	Councillor Division 4
Cr B Townsend	Councillor Division 5
Cr T Bowler	Councillor Division 6
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 G Soutar	General Manager Redland Water
Mr N Clarke	General Manager Governance
Mr M Drydale	General Manager Corporate Services
Mrs T Averay	General Manager Development & Community Standards
Mr M Hyde	General Manager Customer Services

Minutes:

Mrs T Dunn	Governance Department
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APOLOGIES:

Cr M Hobson PSM	Mayor
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ABSENT:

Cr C Ogilvie	Councillor Division 2
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3 DECLARATION OF INTEREST

The Deputy Mayor reminded Councillors of their obligations under sections 244 and 246A of the *Local Government Act 1993*.

4 DIRECT TO COUNCIL REPORTS

4.1 DEVELOPMENT & COMMUNITY STANDARDS

4.1.1 ALLCONNEX WATER DEVELOPMENT ASSESSMENT / LAND USE PLANNING PARTNERSHIP AGREEMENT

Datworks Filename: GOV WRAD – WB3 Development Assessment & Land Use Planning

Attachment [Partnering Agreement Instruments of Delegation](#)

Responsible Officer Name: Toni Averay
General Manager Development & Community Standards

Author Name: Tony King
Manager Water Reform

EXECUTIVE SUMMARY

Under the *South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Act 2010* (the Act), from 1 July 2010 Allconnex Water assumes responsibility for the provision of water and wastewater services in the Gold Coast, Logan and Redland areas when the DA/LUP process changes fundamentally.

It became apparent early in the water reform process that not all South East Queensland Councils' Water Businesses would be ready to move to the Utility Model from 1 July 2010. Therefore, the Act provides for a transition period of three years (1 July 2010 to 30 June 2013) during which a Delegated Assessment Model will apply.

To enable finalisation prior to the Allconnex Water Go-Live on 1 July 2010, a Council resolution is required to authorise the Chief Executive Officer to execute a DA/LUP Partnering Agreement and finalise an Instrument of Delegation with Allconnex Water.

PURPOSE

The purpose of this report is to seek authorisation for the Chief Executive Officer to execute the Development Assessment and Land Use Planning (DA/LUP) Partnering Agreement and finalise an Instrument of Delegation with Allconnex Water.

BACKGROUND

Under the *South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Act 2010* (the Act), from 1 July 2010 Allconnex Water assumes responsibility for the provision of water and wastewater services in the Gold Coast, Logan and Redland areas when the DA/LUP process changes fundamentally.

ISSUES

Currently, the assessments of water and wastewater components of a development application are assessed internally within Councils as shown in Figure 1:

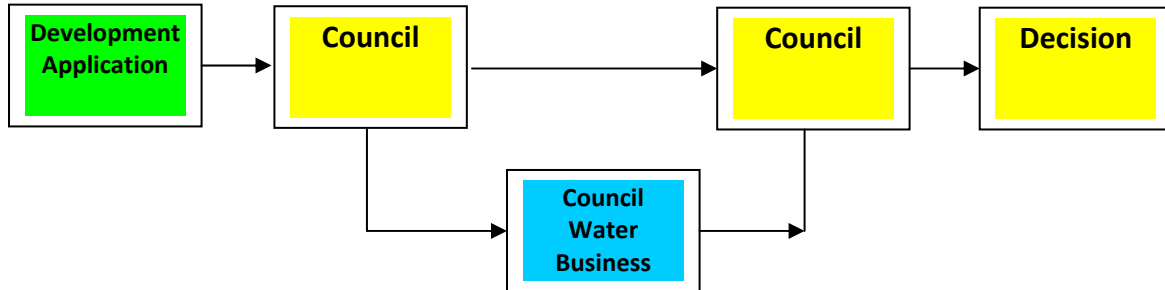


Figure 1. Depiction of the current development assessment process

Future Process

As part of the water reform process, water and wastewater assessment is moving toward a Utility Model as depicted in Figure 2. Under a Utility Model, the applicant will apply directly to the water distributor-retailer for relevant approvals (Figure 2):

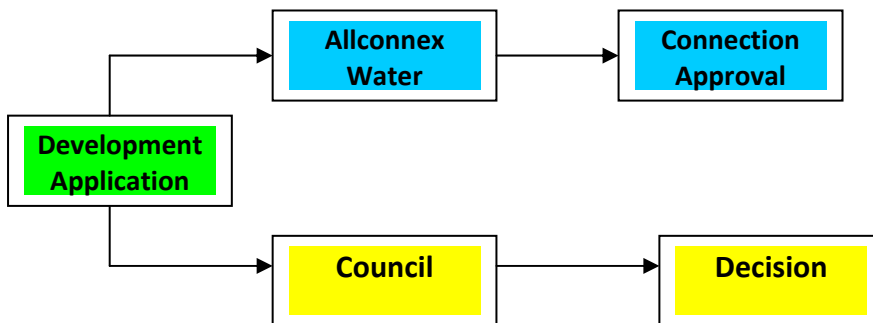


Figure 2. Depiction of the Utility Model development assessment process

Transition Process

It became apparent early in the water reform process that not all South East Queensland Councils' Water Businesses would be ready to move to the Utility Model from 1 July 2010. Therefore, the Act provides for a transition period of three years (1 July 2010 to 30 June 2013) during which a Delegated Assessment Model will apply. This model is depicted in Figure 3:

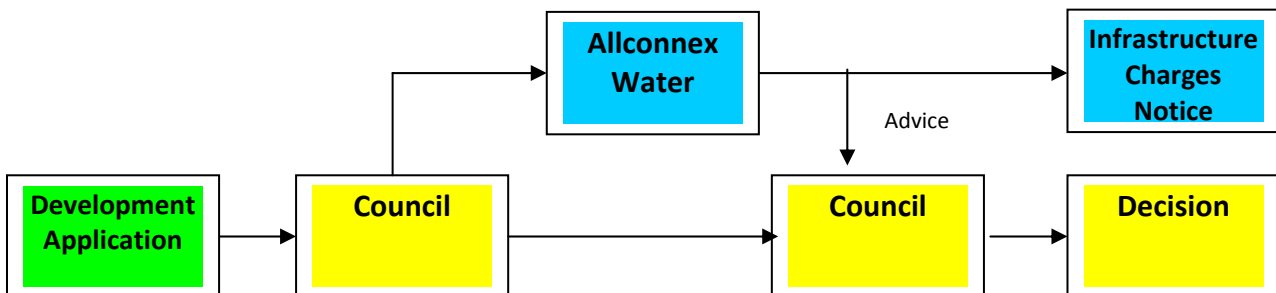


Figure 3. Depiction of the Delegated Assessment Model process

Under the Act, Allconnex Water will have the functions of a concurrence agency to impose conditions on a development approval or to direct a development application to be refused with respect to the supply of water and wastewater distribution services. Whilst the Act provides the distributor-retailer with concurrence agency functions for the transition period, it provides for the distributor-retailer to delegate some functions back to the Participating Councils. There will be both mandatory and discretionary delegations including the following:

- Mandatory Delegation of:
 - the concurrence agency function in relation to development assessment affecting Allconnex Water's services in its geographical area; and
 - compliance assessment in relation to development involving a connection to, or construction of water infrastructure, if the development may affect the safety or efficiency of the water infrastructure.
- Discretionary (or non-mandatory) Delegation of:
 - matters relating to infrastructure planning and funding; and
 - its obligations as a service provider relating to approving connections to, or disconnections from, its water infrastructure network.

Allconnex Water and its Participating Council representatives have discussed the delegations at length and have agreed:

- Allconnex Water will not delegate matters relating to infrastructure planning and funding,
- to set out each party's rights and obligations in a Partnering Agreement and Instrument of Delegation, and
- for three years, Councils must undertake development assessment and concurrence agency functions on behalf of Allconnex Water as the new entity increases its capability and transitions to become a Utility.

Under the Delegated Assessment Model, development applications, including requirements for water and wastewater services, will still need to be submitted to Councils. The Council will consult with and consider Allconnex Water's advice when making decisions on the water and wastewater components of an application. The overall timeframes to complete an assessment will be no longer than under the current arrangements. The intention is that the transition period will minimise the change impacts on the development industry while allowing time for the water distributor-retailers to develop and implement the requisite planning, systems, processes and communication needs of the Utility Model.

Partnering Agreement

The draft Partnering Agreement is at Attachment 1. It sets out in detail the obligations of both Allconnex Water and the Participating Councils with respect to:

- dispute resolution,
- land use and water infrastructure planning,

- development assessment,
- connections assessment,
- plumbing and drainage assessment,
- water infrastructure contribution assessment, and
- planning appeals.

Instrument of Delegation

The draft Instrument of Delegation is at Attachment 2. It delegates the mandatory and non-mandatory functions to the Participating Councils and makes compliance with the terms of the Partnering Agreement a condition of the exercise of the delegation.

Risks

The risks to Participating Councils during the transition period include:

- that disputes could arise within Participating Councils,
- that disputes could arise between Participating Councils and Allconnex Water,
- that decisions made by one Council may adversely impact on another Participating Councils area, and
- the development industry may become confused about the process to be followed.

To mitigate these risks:

- dispute resolution processes have been outlined in the Partnering Agreement (Attachment 1), and
- an external and internal communications plan will be implemented to minimise any confusion either among developers or within Councils.

Statutory Matters

The South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Act 2010 amends a number of other Acts relevant to the water reform. These include the:

- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009,*
- *Water Act 2000,*
- *Water Supply (Safety and Reliability) Act 2008,*
- *Sustainable Planning Act 2009 (SPA) and the Sustainable Planning Regulation 2009,*
- *Plumbing and Drainage Act 2002 and the Standard Plumbing and Drainage Regulation 2003,*
- *Transport Infrastructure Act 1994,*
- *Community Ambulance Cover Act 2003,*
- *Environmental Protection Act 1994, and*
- *Public Service Act 2008.*

Timing

The Partnering Agreement and Instrument of Delegation are required to be in place by 30 June 2010.

Conclusion

To enable finalisation prior to the Allconnex Water Go-Live on 1 July 2010, a Council resolution is required to authorise the Chief Executive Officer to execute the DA/LUP Partnering Agreement and finalise the Instrument of Delegation with Allconnex Water.

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

No financial implications.

CONSULTATION

The following groups were consulted in the formulation of the DA/LUP Partnering Agreement and Instrument of Delegation (attachment 1 and 2):

- Water Business Three Establishment Group (3 x Council CEOs)
- Allconnex Water Board and CEO
- DA/LUP Reference Group (nominated key officers from each Council)
- DA/LUP Managers from each Council
- Legal representatives from each Council
- Legal representatives from Allconnex Water
- Operational service owners for the listed services

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Bowler
Seconded by: Cr Murray

That Council resolve to authorise the Chief Executive Officer to execute the DA/LUP Partnering Agreement and finalise the Instrument of Delegation with Allconnex Water.

CARRIED

4.2 PLANNING & POLICY

4.2.1 SUSTAINABLE RESOURCES FROM WASTE PLAN 2010-2020

Datworks Filename:	WM Strategy
Attachments:	<u>Sustainable Resources from Waste Plan 2010-2020 Implementation Plan Year 1-5 - 2010-2015</u>
Responsible Officer Name:	David Elliott Manager Infrastructure Planning
Author Name:	Paula Kemplay Senior Advisor Waste Planning

EXECUTIVE SUMMARY

The draft Sustainable Resources from Waste Plan 2010-2020, as attached, sets the resource and waste direction for Council over the next 10 years using a range of sustainability initiatives. Public consultation has occurred on this draft and the feedback is summarised in this report. Amendments were made following consultation as outlined in this report.

This report recommends the adoption of the final draft of the Sustainable Resources from Waste Plan 2010-2020 and the associated implementation plan.

PURPOSE

To present the draft Sustainable Resources from Waste Plan 2010-2020 and implementation plan to Council for adoption. Following adoption it will be lodged with the Department of Environment and Resource Management (DERM).

BACKGROUND

At the General Meeting of 26 August 2009, Council resolved to “*work in partnership with a consultant to prepare a waste management strategy for the City in order to plan service and infrastructure requirements for the next 10 years and comply with the Queensland Environmental Protection (Waste Management) Policy 2000 and in accord with Local Government Act provisions.*”

At the General Meeting of 16 December 2009, Council resolved to note the draft Sustainable Resources Future (Waste Management Strategic Plan) and refer the draft to a Councillor workshop for further discussion, prior to its issue for public consultation purposes in February and March 2010.

ISSUES

Public consultation was undertaken with the assistance of corporate communications and the Community Engagement Advisor. A summary strategy document was prepared and circulated via libraries and customer service centres and distributed via

the transfer stations and Councillor networks. Adverts were placed in local papers and also sent to registered participants via the community network group. A total of 35 surveys were received. Feedback from the public consultation period, which ran from 24 February to 29 March 2010, can be summarised as follows:

A significant number of respondents (77%) were aware or highly aware of the waste management challenges faced by Council. 94% of respondents would participate, or participate enthusiastically, in a whole of community response to meet waste reduction targets, particularly if Council offered more support and education to householders about home processing of organics. Further, 83% of respondents either support, or strongly support, Council developing its own local site for processing green organics waste and selling the products back to the community.

The elements of the strategy that were supported were the whole of community approach, the support for increased recycling and decreased waste to landfill with targets of 70% recycled by 2025 being suggested. There was strong support for the focus on organics and recognition that a variety of approaches are required, including home processing, and mulching, composting and green energy solutions.

There was also support for the partnerships approach and creation of jobs. In terms of what should be different there was commentary on education needing to be more practical and targeted, more effort on upstream supply chain to minimise waste, smaller bins, cost incentives for providing worm farms and no cost to residents to implement, concern about illegal tipping from a user pays system and recognising that some people create waste from time to time so a voucher or bulky kerbside collection should be provided.

When asked to comment on what the waste system will look like in 2020 the following comments were provided.

- Businesses will use more sustainable packaging which will be compostible. Community gardens/composting facilities will be available and co-exist alongside major parks/increased links within community with food production.
- People will be recycling as much as possible/reduced throwaway attitude/materials efficiency/ not carting trucks to Ipswich/.
- Reduction in plastics use and all waste able to be re-used.
- Low waste economy operates simply and is embedded at householder level, more education to people and co-operation from community/ focus on dealing with consumption and businesses trading waste and clustering together to maximise inputs and outputs.

Respondents were asked to suggest methods of achieving vision and suggestions ranged from increased education, more research, running trials, improving communication with all community members and incentives and actions.

In order to get more detailed dialogue and discussion of priority areas a waste focus group was established and advertised in the same process as described for the survey. A total of 11 participants took part in the half day event on the 13th April. The key outcomes are listed as follows:

Placing a value on waste is seen as an essential step in the new era of waste management. One method of placing a value on waste is to price its generation and disposal. Pricing is a key mechanism for shaping future waste management.

Waste has multiple values including but going beyond economic value. Community and Council initiatives should promote the social, cultural, environmental and economic value of waste including social enterprise development around waste, gardening and use of waste in land rehabilitation and localisation of waste management.

Waste diversion should generate a return for ratepayers, businesses and community organisations. Achieving this return will involve identifying a **range of existing and new revenue streams** and investing in facilitation of these across the City. Trials of these initiatives can be established through Council working with and building on existing community and business initiatives.

One major driver which would produce more localised, value-creating waste management in the future was proposed. **Any reduction in the availability or affordability of petrol** will have a major impact because of the high reliance on transportation inherent current waste management arrangements.

People need to be informed about costs of waste disposal and their likely increase into the future. Council needs to consult and build ownership of the whole waste problem within its local communities. **Setting targets for the new waste era** is important.

Provision of appropriate infrastructure in the appropriate places to make waste diversion convenient is essential. Council needs to establish a network of local hubs of appropriate infrastructure for green waste and recyclables, as well as for related activities such as community education for food production, community gardens, and maintenance and use of compostibles.

Social enterprise around waste diversion would be a primary ingredient in this localisation of sustainable waste management. Localisation would build on the village model of community life and culture, and emphasis would be on waste management being an integral part of local community life. Branding of the community-based hubs for waste diversion would highlight the social enterprise nature of the approach and build a profile for this new way of thinking within the community.

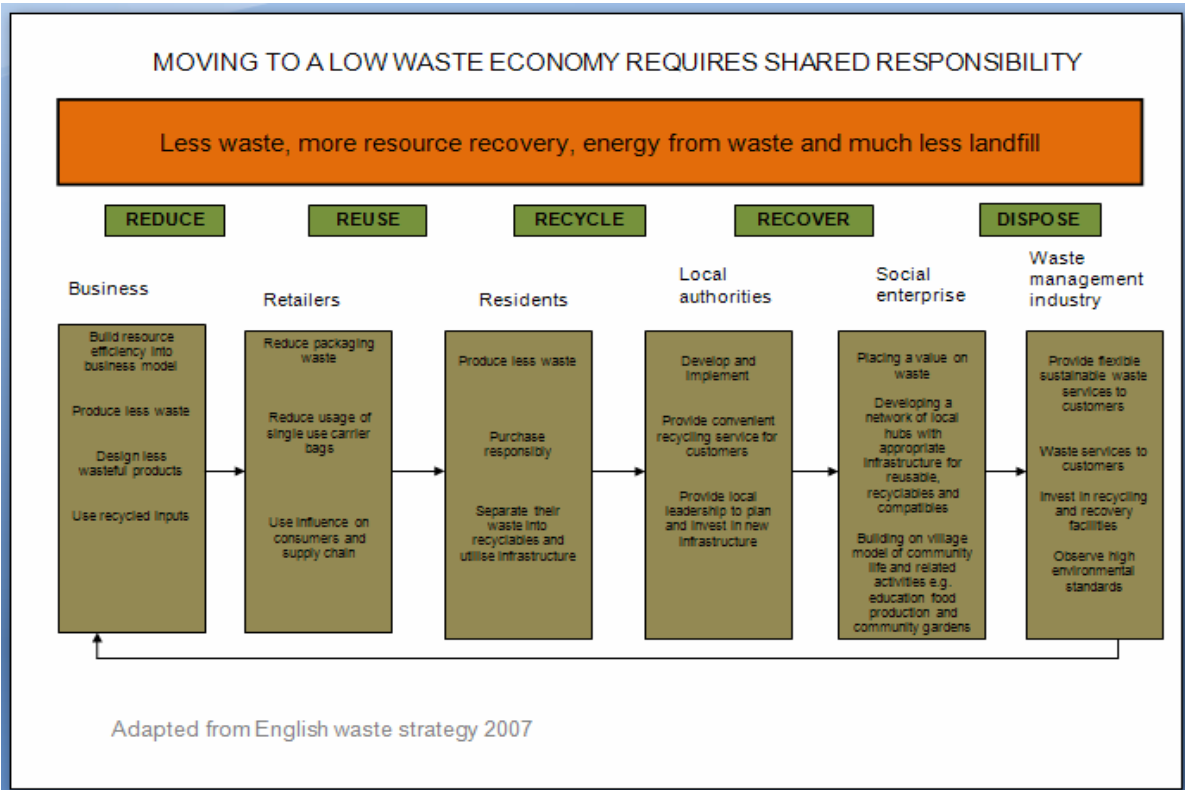
Strategy review

The strategy reflects the key principles of the Commonwealth National Waste Policy and the expected Queensland Waste Strategy, plus Council's own sustainability policies. It sets the resource and waste direction for Council over the next 10 years and will be reviewed regularly given that external policy drivers are likely to influence

the strategy in that timeframe. Some re-formatting has occurred from the earlier draft to highlight the key objectives and action areas.

Key features are as follows:

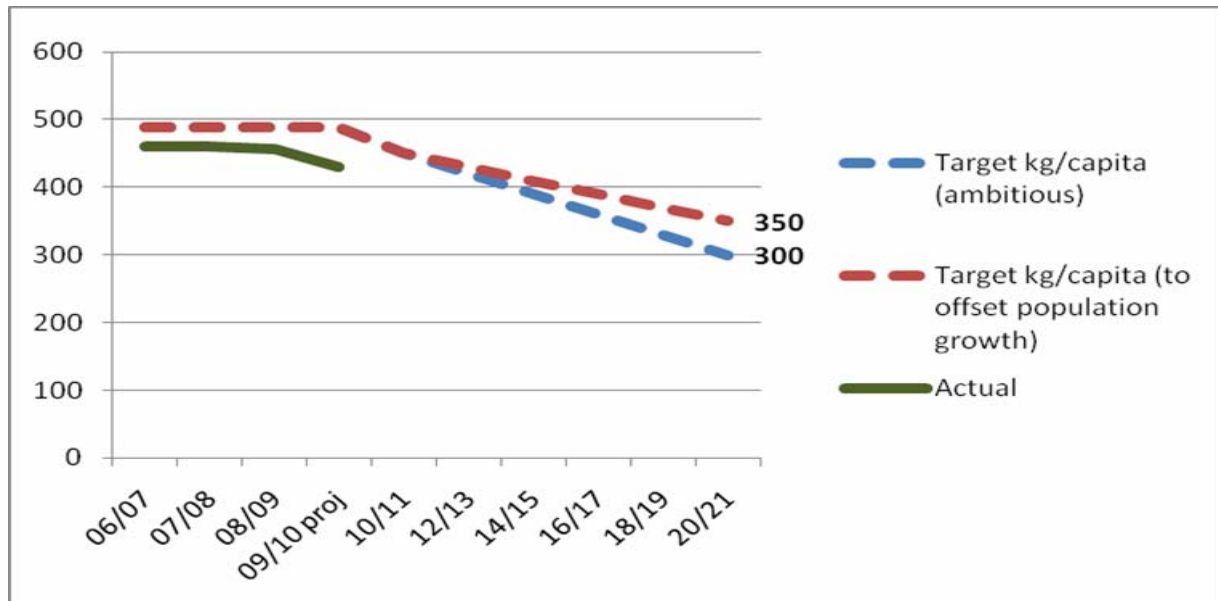
- Change in nomenclature from Sustainable Resources Future to Sustainable Resources from Waste Plan to focus on a specific area of resource management.
- A vision to be a whole of community strategy interfacing resource and waste practices across corporate and community plans to contribute to long term sustainable living outcomes. Specifically the greater use of social enterprises has been included in the model below, adapted from the English waste strategy based on consultation to date.



Also more detail on interface with existing Council sustainable policies has been included.

- Use of Redlands Planning Scheme to enable greater recovery of construction and demolition waste;- no changes.
- A focus on options to increase the diversion of organics from landfill to prepare the Community for a future low carbon economy with options to utilise green fields (composting) or green energy solutions. Actions strengthened to trial new systems relating to organics management.

- Focus on development of new local markets to meet sustainability criteria, including a review of Council's procurement activities and investigation of partnerships with agriculture No change.
- Greater focus on assisting business and industry to minimise their waste to landfill. No change.
- Creating opportunities for community organisations to reuse resources. Strengthened action to review and investigate social enterprise pilot programs.
- Investigation of new opportunities for the islands to become more self sufficient in managing their waste and reduce transport emissions. Remains a high priority for the island residents and ties into the projects for organics and social enterprise.
- Investment in new upgraded infrastructure to increase materials efficiency and assist in diverting more material away from landfill plus reducing costs of transporting and disposing of waste. No change.
- Maximise the life of the existing landfills. No change.
- Participation in regional and sub-regional projects to enhance resource recovery and other infrastructure. No change.
- A reliance on external landfills in the short-term (once Birkdale and Giles Road landfills close) with watching briefs on the viability of alternative waste technologies into the medium and longer term. No change.
- Inclusion of the existing litter strategy to provide a more integrated planning approach. This is a high priority item based on internal consultation.
- Inclusion of education and engagement programs. No change.
- Options to set targets for waste minimisation by 2020 and key performance indicators during the life of the plan. This was an area of discussion that did not reach any conclusions. It is suggested that Council set a preliminary reduction target of 350 kg/capita by 2020 to offset population increases over the next 10 years and actively review this topic pending potential further target options which may occur at a State level (see graph below). The path to achieving this target is set as a straight line however depending on the effectiveness of incentives and timing there may be a lag at the start which gains momentum over time.



Implementation plan

A five year implementation plan has been developed to provide a clear “line of sight” from the strategy to action on the ground. Key actions are documented including further engagement with the local community on the vision and objectives of the Strategy and reference to the trial incentives programme developed by Council for 2010/11 to assist the community reduce it’s waste.

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

Specific actions and incentives will be costed as part of the budget adoption process during the year they are programmed to occur.

CONSULTATION

The following consultation has occurred during the drafting of the strategy:

- Officer Feedback – Sept 2009;
- Councillor’s Workshop – Oct 2009;
- Business Forum – Nov 2009;
- Surveys – Nov 2009;
- Online Questionnaire & forum – Oct & Nov 2009;
- Draft Strategy Documents to Council– Dec 2009;
- SMBICAC - Dec 2009;

- Councillor Workshop–Feb 2010;
- Public Consultation – Feb – Mar 2010;
- Waste focus group April 2010.

OPTIONS

PREFERRED

That Council resolve to:

1. Adopt the attached draft Sustainable Resources from Waste Plan 2010-2020 and submit to the Department of Environment and Resource Management (DERM); and
2. Adopt the attached Sustainable Resources from Waste Implementation Plan 2010-2015.

ALTERNATIVE

That Council resolve to:

1. Not adopt the draft Sustainable Resources from Waste Plan 2010-2020 and implementation plan as attached; and
2. Advise on amendments required to the Plan.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr Bowler
Seconded by: Cr Henry

That Council resolve to:

1. **Adopt the attached draft Sustainable Resources from Waste Plan 2010-2020 and submit to the Department of Environment and Resource Management (DERM); and**
2. **Adopt the attached Sustainable Resources from Waste Implementation Plan 2010-2015.**

CARRIED

A division was called.

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

Crs Williams and Burns voted in the negative.

(Crs Hobson and Ogilvie were absent from the meeting).

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

5 MEETING CLOSURE

There being no further business the Deputy Mayor declared the meeting closed at 3.35pm.

Signature of Chairperson: _____

Confirmation date: _____