



**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 6 May 2015  
commencing at 9.30am**

**The Council Chambers  
35 Bloomfield Street  
CLEVELAND QLD**

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The Mayor is the Chair of the General Meeting. The following Portfolios are included in the General Meeting and Council's nominated spokesperson for that portfolio as follows:

PORTFOLIO	SPOKESPERSON
1. Office of the CEO (including Internal Audit)	Cr Mark Edwards
2. Organisational Services (excluding Internal Audit and Emergency Management)	Mayor Karen Williams
3. City Planning and Assessment	Cr Julie Talty
4. Community & Cultural Services, Environment & Regulation	Cr Lance Hewlett
5. Infrastructure & Operations	Cr Paul Gleeson
6. Emergency Management	Cr Alan Beard

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## **1 DECLARATION OF OPENING**

On establishing there is a quorum, the Mayor will declare the meeting open.

### **Recognition of the Traditional Owners**

Council acknowledges the Quandamooka people who are the traditional custodians of the land on which we meet. Council also pays respect to their elders, past and present, and extend that respect to other indigenous Australians who are present.

## **2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**

Motion is required to approve leave of absence for any Councillor absent from today's meeting.

## **3 DEVOTIONAL SEGMENT**

Member of the Ministers' Fellowship will lead Council in a brief devotional segment.

## **4 RECOGNITION OF ACHIEVEMENT**

Mayor to present any recognition of achievement items.

## **5 RECEIPT AND CONFIRMATION OF MINUTES**

### **5.1 GENERAL MEETING MINUTES 22 APRIL 2015**

Motion is required to confirm the Minutes of the General Meeting of Council held on 22 April 2015.

## **6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES**

### **6.1 REQUEST FOR REPORT - PUBLIC VEHICLE ACCESS TO THE BASIN AT AMITY**

At the General Meeting of 25 February 2015 (Item 11.4.1 refers) Council resolved to defer this item so that further discussions can be held with the State Government regarding other alternatives to the proposed access route.

A report will be presented to a future General Meeting for consideration.

### **6.2 MAKING OF LOCAL LAWS – KOALA AREA MAPPING**

At the General Meeting of 22 April 2015 Council resolved as follows (as part of Item 11.2.2 'Making Local Laws' resolution):

4. To commit to an immediate review of koala area mapping and the requirements for dog owners in koala areas in response to community consultation during the local law making process.

An update on this Item will provided by the Chief Executive Officer at General Meeting.

### **6.3 NOTICE OF MOTION (CR EDWARDS) – FOOTPATH NAMING**

At the General Meeting of 22 April 2015 Council resolved that this item 'lie on the table'.

This item will be presented to a future General Meeting for consideration.

## **7 PUBLIC PARTICIPATION**

In accordance with s.42 Redland City Council Meetings – Standing Orders:

1. Council may by resolution set aside a maximum of 15 minutes to permit members of the public to address the local government on matters of public interest relating to local government. The time given to each member of the public for their address will not exceed 5 minutes and the maximum number of speakers will be decided by the Chairperson.
2. A member of the public wishing to attend and address a meeting may either:
  - (a) make a [Written Application](#) to address the meeting, which must be received by the Chief Executive Officer, no later than 4.30pm two days before the meeting; or
  - (b) make a request to the Chairperson at the commencement of the public participation period, when invited to do so by the Chairperson.
3. The right of any member of the public to address the local government is at the absolute discretion of Council. Priority will be given to persons who have made a written application to speak at a meeting, in accordance with Council's Meetings Standing Orders.
4. If any address or comment made by a member of the public addressing a meeting is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease their address.

5. Any person addressing a meeting will -
  - (a) unless they are incapacitated or it is otherwise unreasonable for them to do so, stand; and
  - (b) speak with decorum; and
  - (c) frame any remarks in respectful and courteous language.
6. If a person is considered by the local government, Mayor or Chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting. Failure to comply with a direction may be considered an act of disorder.

## 8 PETITIONS AND PRESENTATIONS

Councillors may present petitions or make presentations under this section.

## 9 MOTION TO ALTER THE ORDER OF BUSINESS

The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. Any motion to alter the order of business may be moved without notice.

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

Councillors are reminded of their responsibilities in relation to a Councillor's material personal interest and conflict of interest at a meeting (for full details see sections 172 and 173 of the *Local Government Act 2009*). In summary:

### **If a Councillor has a material personal interest in a matter before the meeting:**

*The Councillor must—*

- *inform the meeting of the Councillor's material personal interest in the matter; and*
- *leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.*

*The following information must be recorded in the minutes of the meeting, and on the local government's website—*

- *the name of the Councillor who has the material personal interest, or possible material personal interest, in a matter;*
- *the nature of the material personal interest, or possible material personal interest, as described by the Councillor.*

A Councillor has a **material personal interest** in the matter if any of the following persons stands to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting—

- (a) the Councillor;
- (b) a spouse of the Councillor;
- (c) a parent, child or sibling of the Councillor;
- (d) a partner of the Councillor;
- (e) an employer (other than a government entity) of the Councillor;
- (f) an entity (other than a government entity) of which the Councillor is a member;
- (g) another person prescribed under a regulation.

**If a Councillor has a conflict of interest (a *real conflict of interest*), or could reasonably be taken to have a conflict of interest (a *perceived conflict of interest*) in a matter before the meeting:**

*The Councillor must—*

- *deal with the real conflict of interest or perceived conflict of interest in a transparent and accountable way.*
- *Inform the meeting of—*
  - (a) *the Councillor's personal interests in the matter; and*
  - (b) *if the Councillor participates in the meeting in relation to the matter, how the Councillor intends to deal with the real or perceived conflict of interest.*

*The following must be recorded in the minutes of the meeting, and on the local government's website—*

- (a) *the name of the Councillor who has the real or perceived conflict of interest;*
- (b) *the nature of the personal interest, as described by the Councillor;*
- (c) *how the Councillor dealt with the real or perceived conflict of interest;*
- (d) *if the Councillor voted on the matter—how the Councillor voted on the matter;*
- (e) *how the majority of persons who were entitled to vote at the meeting voted on the matter.*

**A *conflict of interest* is a conflict between—**

- (a) *a Councillor's personal interests (including personal interests arising from the Councillor's relationships, for example); and*
- (b) *the public interest;*

*that might lead to a decision that is contrary to the public interest.*

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**11 REPORTS TO COUNCIL****11.1 PORTFOLIO 1 (CR MARK EDWARDS)****OFFICE OF CEO (INCLUDING INTERNAL AUDIT)****11.1.1 FINAL BUDGET REVIEW 2014-15**

**Objective Reference:** A170176  
Reports and Attachments (Archives)

**Attachment:** [Final Budget Review 2014-15 \(A170463\)](#)

**Authorising/Responsible Officer:**



**Linnet Batz**  
Chief Financial Officer

**Report Author:** Katharine McCarthy  
Budget and Systems Manager

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**PURPOSE**

This report outlines the budgeted financial position as at the end of February 2015. It also presents the revised budgeted position of Council including requested budget amendments for 2014-15 and identifies capital works requiring to be carried over to the 2015-16 financial year.

Attached to this report are the following details:

- Revised Key Performance Indicators (KPIs) for 2014-15,
- Revised 2014-15 Statement of Comprehensive Income,
- Revised 2014-15 Budgeted Statement of Cash Flows,
- Revised 2014-15 Budgeted Statement of Financial Position (Balance Sheet), and
- Revised 2014-15 Operating Statements, Capital Funding and Other Items.

It is proposed that Council resolve to adopt the revised budget for 2014-15 at Redland City Council (RCC) consolidated level. In addition to this and in accordance with the *Local Government Regulation 2012*, it is proposed that Council resolve to adopt the Redland Water and RedWaste financial statements that are presented in the attached documentation. The relevant pages are outlined within the Officer's Recommendation in this report.

**BACKGROUND**

This report presents a review of the 2014-15 revised budget. As part of Council's financial management framework, comprehensive budget reviews are undertaken across all groups within each department. The budget review usually builds on previous budget reviews and amends previous forecasts. It also includes new submissions based on previously unknown circumstances or information pertaining

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to the original budget submissions and identifies projects that will not be completed during the 2014-15 financial year for inclusion in the following year's budget.

Council previously revised the 2014-15 budget on 10 December 2014 to include budget adjustments for the first part of the year's service delivery.

## **ISSUES**

The proposed variations to the 2014-15 budget are outlined in the financial statements included in the attachment.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

This proposed budget review is in alignment with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

### **Risk Management**

Council reviews its budget regularly during the financial year. Council Officers conduct performance against budget analysis on a monthly basis and adjust permanent variances when applicable.

### **Financial**

This recommendation requires a change to the current year's revised budget and the accompanying attachments outline the major movements surrounding this review as well as the projected financial statements forecast to 30 June 2015.

This proposed budget review indicates that Council will move from a forecast operating deficit of \$4.72M to a surplus of \$8.67M. The cash forecast position for the end of 2014-15 has increased to \$74.20M due to the identified capital carryovers, increases in utility charges, reduction in operational goods and services expenditure and increases in developer contributions.

### **People**

The attached report updates the budget at an organisational level for 2014-15 following submissions from business areas. Specific impacts to people may result from the budget adjustments and will be worked through at a team, unit and group level in accordance with Council's policies and people strategy (when and if they arise).

### **Environmental**

The attached report updates the budget at an organisational level for 2014-15 following submissions from business areas. Specific impacts to the environment may result from the budget adjustments and will be worked through at a team, unit and group level in accordance with Council's policies and environmental framework (when and if they arise).

### **Social**

The attached report updates the budget at an entity level for 2014-15 following submissions from business areas. Specific impacts to people may result from the budget adjustments and will be worked through at a team, unit and group level in accordance with Council's policies and social framework (when and if they arise).

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## **Alignment with Council's Policy and Plans**

### **9. An efficient and effective organisation**

Council is well respected and seen as an excellent organisation which manages resources in an efficient and effective way

- 9.5 Ensure robust long term financial planning is in place to protect the financial sustainability of Council
- 9.7 Develop our procurement practices to increase value for money within an effective governance framework

## **CONSULTATION**

Group managers in consultation with the Executive Leadership Team (ELT) and finance officers undertook the development of this budget review. Councillors reviewed the budget amendments in a workshop held with ELT on 23 April 2015.

## **OPTIONS**

1. Council resolves to adopt the Revised Budget for 2014-15 at Redland City Council consolidated level which refers to the following (refer attachment):
  - a. RCC Statement of Comprehensive Income – page 3;
  - b. RCC Budgeted Statement of Cash Flows – page 4;
  - c. RCC Statement of Financial Position – page 5;
  - d. RCC Operating and Capital Funding Statement – page 6; and
  - e. To meet the requirements of the *Local Government Regulation 2012*, adopt the Redland Water and RedWaste Operating and Capital Funding Statements (pages 7 and 8).
2. Council resolves to not adopt the revised budget for 2014-15 as presented in the Officer's Recommendation.

## **OFFICER'S RECOMMENDATION**

**That Council resolves to adopt the Revised Budget for 2014-15 at Redland City Council consolidated level which refers to the following (refer attachment):**

- 1. RCC Statement of Comprehensive Income – page 3;**
- 2. RCC Budgeted Statement of Cash Flows – page 4;**
- 3. RCC Statement of Financial Position – page 5;**
- 4. RCC Operating and Capital Funding Statement – page 6; and**
- 5. To meet the requirements of the Local Government Regulation 2012, adopt the Redland Water and RedWaste Operating and Capital Funding Statements (pages 7 and 8).**



**Redland**  
CITY COUNCIL

**General Meeting  
6 May 2015**

## **Final Budget Review 2014/15**

Please note these budget financials are not a fully consolidated set of statements including Redland Investment Corporation (RIC). The investment in RIC is included but full consolidation has not occurred and will be addressed in the 2014-2015 EOY financials.

Financial Stability and Sustainability Ratios	Original Budget 2014/15	Revised Budget as per First Budget Review 2014/15	Proposed Final Budget Review 2014/15
<b>Level of dependence on General Rate Revenue</b> Threshold set < 37.5%	34.8%	32.4%	31.8%
<b>Ability to pay our bills - Current Ratio</b> Target between 1.1 and 4.1	2.94	2.88	3.26
<b>Ability to repay our debt - Debt Servicing Ratio (%)</b> Target less than or equal to 10%	3.52%	3.39%	3.35%
<b>Cash Balance \$M</b> Target greater than or equal to \$40m	49.157	59.298	74.197
<b>Cash Balances - cash capacity in months</b> Target 3 to 4 months	3.06	3.59	4.61
<b>Longer term financial stability - debt to asset ratio (%)</b> Target less than or equal to 10%	2.58%	2.46%	2.45%
<b>Operating Performance</b> Target greater than or equal to 20%	9.6%	8.7%	12.2%
<b>Operating Surplus Ratio</b> Target between 0% and 10%	-4.96%	-2.01%	3.65%
<b>Net Financial Liabilities**</b> Target less than 60%	14.23%	1.27%	-11.43%
<b>Interest Coverage Ratio</b> Target between 0% and 5%***	-0.23%	-0.21%	-0.27%
<b>Asset Sustainability Ratio</b> Target greater than 90%	39.68%	49.82%	38.48%
<b>Asset Consumption Ratio</b> Target between 40% and 80%	66.04%	66.87%	66.90%

Of note, the following targets are set to be achieved on average over the long term:

1. Operating Surplus Ratio
2. Net Financial Liabilities
3. Asset Sustainability Ratio

\*\* The net financial liabilities ratio exceeds the target range when current assets are greater than total liabilities (and the ratio is negative)

\*\*\* The interest coverage ratio exceeds the target range when interest revenue is greater than interest expense (and the ratio is negative)

	Original Budget (\$000s)	Current Revised Budget (\$000s)	Proposed Changes Final Budget Review (\$000s)	Proposed Revised Budget (\$000s)
<b>Recurrent revenue</b>				
Rates	81,366	81,366	-	81,366
Levies & utility charges	124,757	124,781	1,908	126,689
<i>Less: Pensioner Remissions &amp; Rebates</i>	(2,743)	(5,197)	(646)	(5,842)
Fees & charges	10,629	10,814	294	11,108
Operating grants & subsidies	3,983	11,975	273	12,248
Operating contributions & donations	260	260	287	547
Interest received	3,872	3,872	141	4,012
Other income	4,021	6,915	564	7,479
<b>Total recurrent revenue</b>	<b>226,144</b>	<b>234,786</b>	<b>2,821</b>	<b>237,607</b>
<b>Capital revenue</b>				
Grants, subsidies & contributions	15,050	14,724	3,862	18,586
Non-cash contributions	3,146	3,226	-	3,226
Increase/(decrease) in investment property	-	-	-	-
<b>Total capital revenue</b>	<b>18,196</b>	<b>17,949</b>	<b>3,862</b>	<b>21,812</b>
<b>TOTAL REVENUE</b>	<b>244,340</b>	<b>252,735</b>	<b>6,684</b>	<b>259,419</b>
<b>Recurrent expenses</b>				
Employee benefits	76,094	77,352	(428)	76,925
Goods and services	106,425	110,565	(11,391)	99,174
Finance costs	3,643	3,709	294	4,003
Depreciation and amortisation	51,209	47,878	956	48,834
<b>Total recurrent expenses</b>	<b>237,370</b>	<b>239,505</b>	<b>(10,569)</b>	<b>228,936</b>
<b>Capital expenses</b>				
(Gain)/Loss on disposal of non-current assets	(3,192)	(2,940)	2,098	(842)
<b>Total capital expenses</b>	<b>(3,192)</b>	<b>(2,940)</b>	<b>2,098</b>	<b>(842)</b>
<b>TOTAL EXPENSES</b>	<b>234,178</b>	<b>236,565</b>	<b>(8,471)</b>	<b>228,094</b>
<b>NET RESULT</b>	<b>10,161</b>	<b>16,170</b>	<b>15,155</b>	<b>31,325</b>
<b>Other Comprehensive Income/(Loss)</b>				
Increase/(decrease) in asset revaluation surplus	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>10,161</b>	<b>16,170</b>	<b>15,155</b>	<b>31,325</b>



## Redland City Council

### Statement of Cash Flows

Forecast for the year ending June 2015

	Original Budgeted Cash Flow 2014/15 (\$000s)	Revised Budget Adj. Cash Opening Bal from 2013/14* (\$000s)	Proposed Changes Final Budget Review (\$000s)	Proposed Revised Budget 2014/15 (\$000s)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Rates Charges (net)	78,623	76,169	(646)	75,523
Utility Charges	111,427	111,451	1,908	113,359
Fees & Charges	10,879	11,064	294	11,358
Grants & Subsidies	3,983	7,199	273	7,472
Contributions	260	260	287	547
Sale of Developed Land	-	-	-	-
Other Revenue	4,021	6,915	564	7,479
<b>Receipts from customers</b>	<b>209,192</b>	<b>213,058</b>	<b>2,681</b>	<b>215,739</b>
Employee Costs	(79,473)	(80,732)	428	(80,305)
Materials & Services	(109,237)	(113,403)	5,027	(108,376)
Other Expenses	(596)	(644)	(294)	(938)
<b>Payments to Suppliers and Employees</b>	<b>(189,306)</b>	<b>(194,779)</b>	<b>5,161</b>	<b>(189,618)</b>
Interest Received	3,872	3,872	141	4,012
Borrowing Costs	(3,362)	(3,380)	-	(3,380)
<b>Net Cash Outflow from Operating Activities</b>	<b>20,396</b>	<b>18,771</b>	<b>7,982</b>	<b>26,753</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Payments - Property, Plant & Equipment	(61,899)	(69,892)	5,950	(63,942)
Proceeds - Capital Subsidies & Grants and Contributions	15,050	14,724	3,862	18,586
Proceeds - Sales of Property, Plant & Equipment	4,049	4,049	(2,895)	1,154
<b>Net Cash Outflow from Investing Activities</b>	<b>(42,800)</b>	<b>(51,119)</b>	<b>6,917</b>	<b>(44,202)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Proceeds of Borrowings	-	-	-	-
Repayment of Borrowings	(4,589)	(4,589)	-	(4,589)
<b>Net Cash Inflow from Financing Activities</b>	<b>(4,589)</b>	<b>(4,589)</b>	<b>-</b>	<b>(4,589)</b>
<b>Net Increase / (Decrease) in Cash Held</b>	<b>(26,993)</b>	<b>(36,937)</b>	<b>14,899</b>	<b>(22,037)</b>
Cash at Beginning of Year	76,150	96,235		96,235
<b>Cash at End of Financial Year</b>	<b>49,157</b>	<b>59,298</b>	<b>14,899</b>	<b>74,197</b>

\*Note: This is based upon the QAO Audited Statements



# Redland City Council

## Statement of Financial Position Forecast for the year ending June 2015

	Closing Balance * 2013/14 (\$000s)	Actual Opening Balance * 2014/15 (\$000s)	Budgeted Movement 2014/15 (\$000s)	Final Budget Review Proposed Movements (\$000s)	Proposed Revised Budget 2014/15 (\$000s)
<b>CURRENT ASSETS</b>					
Cash & Investments	96,235	96,235	(36,937)	14,899	74,197
Accounts Receivable **	26,139	26,226	13,380	-	39,606
Inventories	845	845	-	-	845
Land Held for Resale	-	-	-	-	-
Prepaid Expenses	1,114	1,114	40	-	1,155
Assets - Held for Sale	354	354	-	8,903	9,257
<b>Total Current Assets</b>	<b>124,687</b>	<b>124,773</b>	<b>(23,517)</b>	<b>23,802</b>	<b>125,059</b>
<b>NON CURRENT ASSETS</b>					
Property, Plant and Equipment *	2,083,510	2,083,581	24,130	(15,012)	2,092,699
<b>Total Non Current Assets</b>	<b>2,083,510</b>	<b>2,083,581</b>	<b>24,130</b>	<b>(15,012)</b>	<b>2,092,699</b>
<b>TOTAL ASSETS</b>	<b>2,208,197</b>	<b>2,208,354</b>	<b>614</b>	<b>8,791</b>	<b>2,217,758</b>
<b>CURRENT LIABILITIES</b>					
Accounts Payable **	15,248	15,367	3,665	-	19,033
Current Employee Provisions	13,435	13,435	(3,942)	-	9,493
Current Loans	4,375	4,375	1,123	-	5,498
Current Landfill Rehabilitation Provisions	6,490	6,490	(6,490)	3,084	3,084
Other Liabilities	5,759	5,759	(4,476)	-	1,283
<b>Total Current Liabilities</b>	<b>45,307</b>	<b>45,427</b>	<b>(10,121)</b>	<b>3,084</b>	<b>38,390</b>
<b>NON CURRENT LIABILITIES</b>					
Non Current Loans	54,608	54,608	(5,712)	-	48,897
Non Current Employee Provisions	1,737	1,737	276	-	2,013
Non Current Landfill Rehabilitation Provisions	17,578	17,578	-	(9,448)	8,130
Other Liabilities	478	478	-	-	478
<b>Total Non Current Liabilities</b>	<b>74,402</b>	<b>74,402</b>	<b>(5,436)</b>	<b>(9,448)</b>	<b>59,517</b>
<b>TOTAL LIABILITIES</b>	<b>119,709</b>	<b>119,829</b>	<b>(15,557)</b>	<b>(6,364)</b>	<b>97,908</b>
<b>NET ASSETS</b>	<b>2,088,488</b>	<b>2,088,525</b>	<b>16,170</b>	<b>15,155</b>	<b>2,119,851</b>
<b>COMMUNITY EQUITY</b>					
Retained Earnings Account *	2,015,807	2,015,845	22,203	16,056	2,054,103
Cash Reserves	72,680	72,680	(6,032)	(901)	65,747
<b>TOTAL COMMUNITY EQUITY</b>	<b>2,088,488</b>	<b>2,088,525</b>	<b>16,170</b>	<b>15,155</b>	<b>2,119,851</b>

\* Note: The movement in the 2014/15 opening balance from the QAO 2013/14 Audited Statements is attributable to a realignment in rates for prior year corrections, recognition of assets not previously accounted or disposed, correction to amend liability identified as owing to QFS.

\*\* GST payable/receivable has been netted off and shown against Accounts Receivable in line with the Audited Statements

	Original Budget (\$000s)	Current Revised Budget (\$000s)	Proposed Changes Final Budget Review (\$000s)	Proposed Revised Budget (\$000s)
<b>REVENUE</b>				
Rates Charges	81,366	81,366	-	81,366
Levies & Utility Charges	124,757	124,781	1,908	126,689
<i>Less: Pensioner Remissions &amp; Rebates</i>	(2,743)	(5,197)	(646)	(5,842)
Fees & Charges	10,629	10,814	294	11,108
Operating Grants & Subsidies	3,983	11,975	273	12,248
Operating Contributions & Donations	260	260	287	547
Interest External	3,872	3,872	141	4,012
Other Revenue	4,021	6,915	564	7,479
<b>Total Revenue</b>	<b>226,144</b>	<b>234,786</b>	<b>2,821</b>	<b>237,607</b>
<b>EXPENSES</b>				
Employee Costs	76,094	77,352	(428)	76,925
Goods & Services	107,098	111,238	(11,391)	99,847
Finance Costs Other	281	329	294	623
Other Expenditure	315	315	-	315
Net Internal Costs	(988)	(988)	-	(988)
<b>Total Expenses</b>	<b>182,799</b>	<b>188,247</b>	<b>(11,525)</b>	<b>176,722</b>
<b>Earnings before Interest, Tax and Depreciation (EBITD)</b>	<b>43,345</b>	<b>46,539</b>	<b>14,346</b>	<b>60,885</b>
Interest expense	3,362	3,380	-	3,380
Depreciation	51,209	47,878	956	48,834
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>(11,226)</b>	<b>(4,719)</b>	<b>13,390</b>	<b>8,671</b>

## Redland City Council

### Capital Funding Statement

Forecast for the year ending 30 June 2015

	Original Budget (\$000s)	Current Revised Budget (\$000s)	Proposed Changes Final Budget Review (\$000s)	Proposed Revised Budget (\$000s)
<b>PROPOSED SOURCES OF CAPITAL FUNDING</b>				
Capital Contributions & Donations	6,188	8,008	4,747	12,756
Capital Grants & Subsidies	8,862	6,715	(885)	5,830
Proceeds on Disposal of Non-Current Assets	4,049	4,049	(2,895)	1,154
Capital Transfers (to) From Reserves	4,602	6,029	(327)	5,703
Non-Cash Contributions	3,146	3,226	-	3,226
New Loans	-	-	-	-
Funding from General Revenue	42,787	49,679	(6,591)	43,088
<b>Total Sources of Capital Funding</b>	<b>69,633</b>	<b>77,706</b>	<b>(5,950)</b>	<b>71,756</b>
<b>PROPOSED APPLICATION OF CAPITAL FUNDS</b>				
Contributed Assets	3,146	3,226	-	3,226
Capitalised Goods & Services	56,263	64,378	(5,731)	58,646
Capitalised Employee Costs	5,636	5,514	(219)	5,295
Loan Redemption	4,589	4,589	-	4,589
<b>Total Application of Capital Funds</b>	<b>69,633</b>	<b>77,706</b>	<b>(5,950)</b>	<b>71,756</b>
<b>OTHER BUDGETED ITEMS</b>				
Tftrs to Constrained Operating Reserves	(13,124)	(12,996)	(5,069)	(18,065)
Tftrs from Constrained Operating Reserves	12,180	13,000	6,297	19,296
WDV of Assets Disposed	(857)	(1,109)	797	(311)
Tax and Dividends	-	-	-	-
Internal Capital Structure Financing	-	-	-	-





## Redland Water

### Operating Statement

Forecast for the year ending 30 June 2015

	Original Budget (\$000s)	Current Revised Budget (\$000s)	Proposed Changes Final Budget Review (\$000s)	Proposed Revised Budget (\$000s)
<b>REVENUE</b>				
Rates Charges	-	-	-	-
Levies & Utility Charges	92,426	92,426	1,796	94,222
<i>Less: Pensioner Remissions &amp; Rebates</i>	-	-	(602)	(602)
Fees & Charges	760	772	(442)	331
Operating Grants & Subsidies	-	-	-	-
Operating Contributions & Donations	-	-	-	-
Interest External	613	942	117	1,059
Other Revenue	907	913	558	1,472
<b>Total Revenue</b>	<b>94,706</b>	<b>95,054</b>	<b>1,427</b>	<b>96,482</b>
<b>EXPENSES</b>				
Employee Costs	7,688	7,688	18	7,707
Goods & Services	39,032	38,832	(159)	38,673
Finance Costs Other	-	-	-	-
Other Expenditure	-	-	-	-
Net Internal Costs	2,436	2,436	-	2,436
<b>Total Expenses</b>	<b>49,157</b>	<b>48,957</b>	<b>(141)</b>	<b>48,816</b>
<b>Earnings before Interest, Tax and Depreciation (EBITD)</b>	<b>45,550</b>	<b>46,098</b>	<b>1,568</b>	<b>47,666</b>
Interest expense	-	-	-	-
Depreciation	16,987	16,551	34	16,585
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>28,562</b>	<b>29,546</b>	<b>1,534</b>	<b>31,080</b>

## Redland Water

### Capital Funding Statement

Forecast for the year ending 30 June 2015

	Original Budget (\$000s)	Current Revised Budget (\$000s)	Proposed Changes Final Budget Review (\$000s)	Proposed Revised Budget (\$000s)
<b>PROPOSED SOURCES OF CAPITAL FUNDING</b>				
Capital Contributions & Donations	3,500	3,500	3,697	7,197
Capital Grants & Subsidies	-	-	-	-
Proceeds on Disposal of Non-Current Assets	-	-	-	-
Capital Transfers (to) From Reserves	234	660	(2,780)	(2,120)
Non-Cash Contributions	3,066	3,066	-	3,066
New Loans	-	-	-	-
Funding from General Revenue	10,048	11,105	(662)	10,443
<b>Total Sources of Capital Funding</b>	<b>16,848</b>	<b>18,331</b>	<b>255</b>	<b>18,587</b>
<b>PROPOSED APPLICATION OF CAPITAL FUNDS</b>				
Contributed Assets	3,066	3,066	-	3,066
Capitalised Goods & Services	13,383	14,667	255	14,922
Capitalised Employee Costs	399	599	-	599
Loan Redemption	-	-	-	-
<b>Total Application of Capital Funds</b>	<b>16,848</b>	<b>18,331</b>	<b>255</b>	<b>18,587</b>
<b>OTHER BUDGETED ITEMS</b>				
Tfrs to Constrained Operating Reserves	-	-	(4,819)	(4,819)
Tfrs from Constrained Operating Reserves	-	-	-	-
WDV of Assets Disposed	-	-	-	-
Tax and Dividends	8,197	8,516	1,104	9,620
Internal Capital Structure Financing	21,681	21,681	-	21,681

## RedWaste

### Operating Statement

Forecast for the year ending 30 June 2015

	Original Budget (\$000s)	Current Revised Budget (\$000s)	Proposed Changes Final Budget Review (\$000s)	Proposed Revised Budget (\$000s)
<b>REVENUE</b>				
Rates Charges	-	-	-	-
Levies & Utility Charges	18,797	18,821	112	18,934
<i>Less: Pensioner Remissions &amp; Rebates</i>	-	(2,454)	(44)	(2,497)
Fees & Charges	323	196	45	241
Operating Grants & Subsidies	-	-	-	-
Operating Contributions & Donations	-	-	-	-
Interest External	142	142	23	165
Other Revenue	704	3,499	8	3,507
<b>Total Revenue</b>	<b>19,967</b>	<b>20,205</b>	<b>145</b>	<b>20,350</b>
<b>EXPENSES</b>				
Employee Costs	992	1,309	(34)	1,275
Goods & Services	16,531	15,022	(99)	14,923
Finance Costs Other	0	1	(17)	(16)
Other Expenditure	-	-	-	-
Net Internal Costs	(1,323)	(1,312)	-	(1,312)
<b>Total Expenses</b>	<b>16,200</b>	<b>15,020</b>	<b>(150)</b>	<b>14,871</b>
<b>Earnings before Interest, Tax and Depreciation (EBITD)</b>	<b>3,767</b>	<b>5,184</b>	<b>295</b>	<b>5,479</b>
Interest expense	42	42	-	42
Depreciation	556	545	(4)	541
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>3,169</b>	<b>4,597</b>	<b>299</b>	<b>4,896</b>

## RedWaste

### Capital Funding Statement


Forecast for the year ending 30 June 2015

	Original Budget (\$000s)	Current Revised Budget (\$000s)	Proposed Changes Final Budget Review (\$000s)	Proposed Revised Budget (\$000s)
<b>PROPOSED SOURCES OF CAPITAL FUNDING</b>				
Capital Contributions & Donations	-	-	-	-
Capital Grants & Subsidies	-	-	-	-
Proceeds on Disposal of Non-Current Assets	-	-	-	-
Capital Transfers (to) From Reserves	513	10	-	10
Non-Cash Contributions	-	-	-	-
New Loans	-	-	-	-
Funding from General Revenue	69	1,095	(400)	695
<b>Total Sources of Capital Funding</b>	<b>582</b>	<b>1,105</b>	<b>(400)</b>	<b>705</b>
<b>PROPOSED APPLICATION OF CAPITAL FUNDS</b>				
Contributed Assets	-	-	-	-
Capitalised Goods & Services	513	1,037	(400)	637
Capitalised Employee Costs	-	-	-	-
Loan Redemption	69	69	-	69
<b>Total Application of Capital Funds</b>	<b>582</b>	<b>1,105</b>	<b>(400)</b>	<b>705</b>
<b>OTHER BUDGETED ITEMS</b>				
Tfrs to Constrained Operating Reserves	(997)	(997)	-	(997)
Tfrs from Constrained Operating Reserves	-	-	4,114	4,114
WDV of Assets Disposed	-	-	-	-
Tax and Dividends	1,851	2,496	457	2,953
Internal Capital Structure Financing	313	313	-	313

**11.2 PORTFOLIO 2 (MAYOR KAREN WILLIAMS)****ORGANISATIONAL SERVICES (EXCLUDING INTERNAL AUDIT AND EMERGENCY MANAGEMENT)****11.2.1 OPERATIONAL PLAN QUARTERLY PERFORMANCE MARCH REPORT**

**Objective Reference:** A170296  
Reports and Attachments (Archives)

**Attachment:** [Operational Plan Quarterly Performance Report March 2015](#)

**Authorising Officer:**   
Nick Clarke  
General Manager Organisational Services

**Responsible Officer:** Luke Wallace  
Group Manager Corporate Governance

**Report Author:** Jo Jones  
Planning & Performance Project Manager

**PURPOSE**

The purpose of this report is to provide a progress report against the Operational Plan 2014/15 for the third quarter from 1 January to 31 March, 2015. This report is the third report for the Operational Plan 2014/15.

**BACKGROUND**

The *Local Government Act 2009* (the Act) requires Council to adopt an Operational Plan each year. The Operational Plan 2014/15 forms an important part of Council's strategic planning and sets out the work Council planned to deliver towards achievement of the Corporate Plan 2010-2015.

The Act also requires the Chief Executive Officer to present a written assessment of the Council's progress towards implementing the annual operational plan at meetings of Council, at least quarterly.

**ISSUES**

The attached report provides a progress report against the Operational Plan 2014/15 for the third quarter, from 1 January to 31 March, 2015. The report provides a status update for each project, together with a comment outlining progress for the quarter.

It also provides an update on projects which were carried forward from the Operational Plan 2013/14, as they were not completed as at 30 June, 2014.

The information in the report has been provided by the responsible departments for each project.

Projects	Number
Completed	10
On track	27
Monitor	6
Concern	2
Cancelled	1
<b>Total</b>	<b>46</b>

The project to 'develop strategic and heritage master plans for NSI cemeteries in partnership with the community' was originally adopted as part of the Operational Plan 2012/2013. This project has been carried over and as part of Council's normal procedure, continues to be monitored as part of the quarterly reporting until completion.

Although there has been a great deal of progress in this area, since the project was agreed as part of the operational plan, there have been significant changes in terms of budget, scope and direction. This means that the project, as originally worded, will not be completed and has been marked as cancelled. Heritage Plans were completed for Dunwich cemetery and additional work related to the indigenous cultural heritage at the cemetery is ongoing, in consultation with relevant parties.

Although the project is marked as 'cancelled', it is to be noted that this is the result of significant change in the original scope (2012/13). It is not appropriate to continue to report against this narrow scope. Council will continue to working with key stakeholders to resolve long term issues related to the NSI cemetery and future cemetery provision.

It is proposed that the project as originally drafted be removed from future quarterly reports and significant developments be brought back to Council and relevant stakeholders.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Council's Operational Plan 2014/15 is an important statutory plan which sets out Council's plans to deliver the Corporate Plan 2010-2015 to achieve the vision, outcomes and goals of the Redlands 2020 Community Plan. The Operational Plan 2014/15 includes a wide range of projects which directly contribute to the delivery of Council's agreed outcomes. Tracking progress against this plan provides a useful assessment of Council's performance in delivering against its plans.

The Local Government Regulation 2012 (section 174) states that "*the chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals not more than 3 months*". Under the same section of the regulation, Council is allowed to amend the plan at any time before the end of the financial year.

### **Risk Management**

The risk of not delivering against Council's operational plan is that Council does not achieve the commitments set out in the longer term corporate and community plans. Each project would have associated risks which would be managed by the relevant area of Council.

**Financial**

The Operational Plan 2014/15 is funded from the annual budget.

**People**

Projects listed in the Operational Plan 2015/15 are managed by the individual area in Council responsible for the project. The status and comments of projects in the attached report have been provided by the relevant officer for each project and compiled by Council's Corporate Governance Group. Although delivery of the plan itself is dependent on staff resources and some projects relate to people issues, there are no direct impacts on people resulting from this report.

**Environmental**

Some projects within the Operational Plan 2014/15 directly contribute to Council's environmental commitments. However, this report does not have any direct environmental impacts.

**Social**

Some projects within the Operational Plan 2014/15 directly contribute to Council's social commitment. However, this report does not have any direct social impacts.

**Alignment with Council's Policy and Plans**

Council's Operational Plan 2014/15 outlines planned activities and projects against the nine outcomes in the Corporate Plan 2010-2015. As such, it is a key planning document and consistent with both the Corporate Plan 2010-2015 and the Redlands Community Plan.

**CONSULTATION**

The Corporate Governance Group has prepared the attached report in consultation with relevant officers and managers within Council. The status and comments have been provided by the officers involved in delivering the particular projects within the Operational Plan 2014/15.

**OPTIONS**

1. That Council resolves to note the Quarterly Operational Plan Performance Report for March 2015.
2. That Council resolves to note the Quarterly Operational Plan Performance Report for March 2015, but requests additional information to be provided after the meeting.

**OFFICER'S RECOMMENDATION**

**That Council resolves to note the Quarterly Operational Plan Performance Report for March 2015.**



Redland City Council

# Operational Plan

## Quarterly Performance Report

March 2015



# Summary

Outcome	Complete	On Track	Monitor	Concern	Cancelled	Total
1 Healthy natural environment	1	0	1	1	0	3
2 Green living	2	1	0	0	0	3
3 Embracing the bay	0	2	0	1	0	3
4 Quandamooka Country	0	5	0	0	0	5
5 Wise planning and design	0	5	2	0	1	8
6 Supportive and vibrant economy	0	1	2	0	0	3
7 Strong and connected communities	3	7	1	0	0	11
8 Inclusive and ethical governance	0	2	1	0	0	3
9 An efficient and effective organisation	4	3	0	0	0	7
<b>Total:</b>	10	26	7	2	1	46

- On Track:** The project is progressing on time and on budget and is on track for delivery by 30 June, 2015.
- Monitor:** There are issues with timeframes and/or budget but it is still expected that with close monitoring the project can be delivered by 30 June.
- Concern:** There are significant delays or budget issues and it is unlikely that the project will be delivered by 30 June.

# 1. Healthy natural environment

## Strategies

- 1.1 Increase biodiversity by taking informed action to protect, enhance and manage our local ecosystems
- 1.2 Stop the decline in population of the koala and other species at risk through advocacy, protecting and restoring vital habitat and increasing community engagement and action
- 1.3 Protect our natural environment by restoring degraded landscapes, contaminated land and managing fire, pests and other hazards
- 1.4 Improve residents' understanding, respect and enjoyment of the local environment through stewardship and partnerships
- 1.5 Coordinate effective management of the conservation estate on all (private and public) lands in Redlands, through a combination of incentives and various tenure and management arrangements to restore, maintain and plant new habitat
- 1.6 Address the decline in the health of Redlands waterways and improve water quality, aquatic populations and their biodiversity

Project	Op Plan Ref	Lead	Status	Comment
S Return the open drains at Amity Point to functional purpose and reinstate current and desired levels of service for the community	3	City Infrastructure	Concern	Investigation works have been undertaken. Maintenance works undertaken where possible. Further project scoping required to fully assess extent of capital works and budget required. At this stage full project scope cannot be met by June 2015.
S Control the accelerated foreshore erosion and threat to landfill portion of the Tina Avenue Foreshore Park, Lamb Island	1	Water & Waste Infrastructure	Completed	Shoreline protection carried out. Refurbishment of landfill cover completed.
S Engineered landfill capping solution and rehabilitation of the approval area of Birkdale Landfill Remediation	2	Water & Waste Infrastructure	Monitor	Expecting 50% completion of stage 1 compared to original expectation of 90% of stage 1. Delays encountered with finalisation of project documentation



## 2. Green living

### Strategies

- 2.1 *Achieve sustainability through strong leadership and innovation, and by effective planning and managing our services, assets and resources*
- 2.2 *Promote, support and encourage commitment to green living in our community by improving residents' understanding of climate change and achieving greater water, energy and waste conservation and efficiency*
- 2.3 *Promote a 'go local' attitude towards working, socialising, shopping, playing and supporting local production of food*
- 2.4 *Provide and maintain safe and attractive routes for people to walk and cycle throughout the city and to connect to nearby regional centres*
- 2.5 *Achieve greater use of public transport by advocating for improved access to innovative and high quality services*
- 2.6 *Conserve energy and water, improve efficiency and reduce greenhouse gas emissions resulting from Council's energy consumption*
- 2.7 *Keep Redlands clean and green through programs that increase community participation in practical and positive local action to build a sense of ownership and an increasing pride in our city*
- 2.8 *Implement Council's waste management strategy by applying best practice principles in pricing, public awareness, resource management, recycling and recovery*
- 2.9 *Protect our community and the natural environment by managing environmental harm and nuisance caused by industry, business and development from past and present activities*

Project	Op Plan Ref	Lead	Status	Comment
S Promote public transport use through coordination of the Southern Moreton Bay Islands network integration with Translink, ongoing upgrades to bus stops across the city to improve disabled access and by commencing implementation of the Redlands Integrated Local Transport Plan Review	C/F	City Infrastructure	On Track	The Southern Morton Bay Island network integration continues on track as per the current agreement - this will be under review shortly as the agreement draws to a close. A Disability Discrimination Audit will shortly be underway for a city wide assessment of bus stops to support future renewal and works.
S Organise and conduct Redlands 'Good Gardening Expo' in partnership with the Redland Organic Growers Inc	4	Environment & Regulation	Completed	Completed Q1.
S Launch the 2014 RedSWAP program for primary schools in the Redlands	5	Water & Waste Operations	Completed	Completed Q2.

### 3. Embracing the bay

#### Strategies

- 3.1 *Address the social, cultural and economic needs of island communities by partnering with residents and other tiers of government to deliver infrastructure, facilities and services*
- 3.2 *Better manage our foreshores through coordinated planning with a special focus on resilience to the impacts of flooding and storm tides*
- 3.3 *Ensure the ongoing health of the bay by managing creeks, wetlands and storm water and by protecting natural areas surrounding the bay*
- 3.4 *Promote enjoyment of the bay by improving access for environmentally sensitive recreation activities, education, economic opportunities and ecotourism*
- 3.5 *Build partnerships with marine research, education institutions and the private sector to develop future research projects and education programs that will improve the health of the bay*
- 3.6 *Support management of the marine park and advocate for a new national park covering a substantial area of North Stradbroke Island*

Project	Op Plan Ref	Lead	Status	Comment
S Protect and manage foreshores through completion of a city wide coastal process study and development of a shoreline erosion management plan for Norfolk Beach, Coochiemudlo Island and Thorneside Esplanade	C/F	City Infrastructure	On Track	Prioritisation matrix has ranked known coastal hazards and provided draft list for review by the steering committee. Amity Point Shoreline Erosion Management Plan (SEMP) Reference Group has been established and is finalising a project brief to commission a consultant to undertake the SEMP project deliverables.
S Implement the land exchange program and use other mechanisms including zoning, land acquisition and voluntary transfers to achieve more sustainable land use on Southern Moreton Bay Islands (carried forward 2012/13)	C/F	Environment & Regulation	On Track	Project on track letters to be sent out early March to owners who are have not taken up initial offer. Continuing to work with Strategic Planning Unit on this combined project.
S Conduct effluent toxicity testing as part of the new licence requirements for Cleveland Waste Water Treatment Plant	6	Water & Waste Infrastructure	Concern	Environment Heritage Protection now require removal of chlorine from effluent going to creek. Feasibility work being undertaken internally and new submissions to be made for capital.

## 4. Quandamooka Country

### Strategies

- 4.1 *Improve community understanding and promote respect for the Quandamooka peoples' relationship with the land and waters of Redlands*
- 4.2 *Negotiate Council's rights and interests with respect to Native Title land with the Traditional Owners of the land through an Indigenous Land Use Agreement*
- 4.3 *Strengthen partnerships in natural and cultural resource management with local Aboriginal organisations, in particular management of the North Stradbroke Island holiday parks*
- 4.4 *Advocate for the application of Indigenous landscape values in state planning in line with DRO7 the SEQ Regional Plan and work with the local Aboriginal community to protect sites and landscapes of significance to their heritage and wellbeing*
- 4.5 *Work with local Traditional Owners and Elders and apply creative and educational techniques to improve employees', residents' and visitors' understanding of the heritage, achievements and aspirations of local Aboriginal people*
- 4.6 *Build on Council's partnership with local Aboriginal organisations to strengthen shared planning, service delivery, advocacy and decision making, using the Quandamooka Aboriginal Community Plan to guide our management of assets and services*
- 4.7 *Support the Quandamooka Forum in its negotiations with Queensland and Commonwealth Government*
- 4.8 *Acknowledge the living culture of local Aboriginal people by formally recognising Traditional Owners in Council ceremonies by observing cultural protocols, promoting traditional knowledge and increasing the profile of Aboriginal heritage through signage, cultural, tourism and community events*
- 4.9 *Work with Traditional Owners of North Stradbroke Island / Minjerribah to establish an Indigenous-focused knowledge centre in Dunwich to encourage local cultural and economic development opportunities and educate the wider community*

Project	Op Plan Ref	Lead	Status	Comment
S Support community understanding and educational awareness of the Quandamooka People and their relationship with the land	8	Communication, Engagement & Tourism	On Track	Articles in Our Redlands on artist Craig Tapp, Saltwater Murriss and Quandamooka Festival. Supporting Quandamooka Festival with graphic design and marketing plan.
S Partner with local Aboriginal organisations through participation in the Quandamooka Forum with State and Federal Government. Monitor and assist with the implementation of the Quandamooka Aboriginal Community Plan	11	Community & Cultural Services	On Track	Ongoing support provided to the Quandamooka Combined Aboriginal Forum member organisations and the Forum Executive. This is a community driven initiative and the first meeting for 2015 is planned for April.
S Work with Traditional Owners and Elders to raise awareness and improve community understanding of significant Aboriginal cultural activities	10	Corporate Governance	On Track	Information is shared with RCC staff raising the level of understanding of Aboriginal society and cultural values. The information is shared through email, team meetings and group presentations.

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## 4. Quandamooka Country

Project	Op Plan Ref	Lead	Status	Comment
S Provide coordination and governance over implementation of Council's Indigenous Land Use Agreement (ILUA) in partnership with the Quandamooka People	7	Corporate Governance	On Track	Progress is continuing to be made on a number of ILUA commitments and there is regular communication between RCC and QYAC on matters relating to the ILUA.
S Develop a Cultural Heritage policy and guideline in line with the draft Cultural Heritage Management Plan from QYAC	9	Corporate Governance	On Track	A Cultural Heritage meeting is scheduled for late April with nominated representatives from the relevant RCC groups. The preliminary meeting will identify key components needed to be considered in the Cultural Heritage Policy and Guideline.

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## 5. Wise planning and design

### Strategies

- 5.1 *Prepare and put in place a new planning scheme for the Redlands that reflects the aspirations and expectations outlined in the Community Plan and Corporate Plans, state interests, recognised in the SEQ Regional Plan and the legal obligations of the Sustainable Planning Act 2009*
- 5.2 *Manage population growth in a compact settlement pattern, having defined the sustainable carrying capacity of the city and limits to population growth*
- 5.3 *Advocate strongly to all levels of government about the impacts of an increased population on the city and the region's liveability and natural systems*
- 5.4 *Review Council's and the community's climate change preparedness, ensuring all risks are understood and plans are activated to deal with expected outcomes*
- 5.5 *Plan and develop a network of accessible centres that provide a wide range of retail, commercial and community services along with local employment opportunities*
- 5.6 *Manage the built environment in a way that creates accessible and user-friendly spaces and maintains our local character and identity, ensuring all new developments use high quality design that reflects our sub-tropical climate, promotes health, community, harmony and wellbeing*
- 5.7 *Support a sustainable future for rural areas by developing and implementing a rural strategy that recognises the city's heritage, economic, environmental and scenic values and promotes sustainable rural industries and activities*
- 5.8 *Plan and advocate to connect the city's communities with improved public transport including a road, ferry, cycling and walking network that provides safe and efficient movement within the city and the region and supports physical activity; and promote efficient and environmentally responsible private transport*
- 5.9 *Promote housing diversity, choice and affordability to address the city's current and future needs, incorporating medium density housing within and around the city's centres and transport nodes*
- 5.10 *Maintain the quality and liveability of residential areas and protect natural resources*
- 5.11 *Provide for 'place making' throughout the city through creative and inclusive master planning, local area planning, public art and heritage planning and precinct character planning processes to manage development at a local level*
- 5.12 *Plan, provide and advocate for essential physical and social infrastructure that supports community wellbeing, and manage Council's existing infrastructure assets to ensure current service standards are maintained or improved*
- 5.13 *Enhance the city's liveability and enable people to enjoy outdoor activities, social gatherings and community events through planning, providing and managing high quality parks and open spaces*

Project	Op Plan Ref	Lead	Status	Comment
S Undertake a structural investigation and report on the High Street Jetty, Russell Island	14	City Infrastructure	On Track	Consultant engaged and investigation is in progress. Project expected to be available in May 2015.
S Implement agreed recommendations from the Infrastructure Charges Review Project	15	City Planning & Assessment	On Track	Ongoing. Many of the action items are either ongoing or have future dates against them.

## 5. Wise planning and design

Project	Op Plan Ref	Lead	Status	Comment
§ Review Council's Priority Infrastructure Plan	17	City Planning & Assessment	On Track	Report for committee has been reviewed by Principal Advisor - Infrastructure Planning & Charges and sent to Group Manager - City Planning & Environment for review and approval.
§ Support 'place making' via a range of measures including: investigations of the Native Title 'land bank'; advocacy for a coordinated plan for North Stradbroke Island; review and incorporation of European cultural heritage into planning scheme; finalisation of local areas plans, structure plans and master plans and support local entrepreneurs delivering place making	C/F	City Planning & Assessment	Monitor	Support for 'place making' regarding North Stradbroke Island (NSI) land banks will be undertaken in conjunction with QYAC. The coordinated plan for NSI will be dependent on State Government direction, particularly in relation to mine closure and the implementation of the NSI Economic Transition Strategy. Supporting local entrepreneurial efforts around place making will be ongoing with support from across Council depending on the proposed activity.
§ Develop strategic and heritage master plans for North Stradbroke Island cemeteries in partnership with the Community (carried forward 2012/13)	C/F	City Spaces	Cancelled	This project is cancelled as a result of significant change to the original scope in 2012/2013. Council will continue working with key stakeholders to resolve long term issues related to the North Stradbroke Island cemetery and future cemetery provision. Significant developments will be brought back to Council and relevant stakeholders outside of the Operational Plan quarterly reports.
§ Develop a process for the implementation and monitoring of Long Term Asset Management Plan actions across Council. Commence monitoring and reporting for current Long Term Asset Management Plan actions.	16	Financial Services	On Track	Long Term Asset Management Plan currently being developed from the asset management plans. Improvement actions to be extracted from the Long Term Asset Management Plan for reporting.
§ Review the current planning scheme in accordance with council's statutory obligation under the Sustainable Planning Act 2009 (Div. 4 S.91(1)(a))	13	Planning Scheme Review	Monitor	Project awaits Ministerial sign off from State Government. Project delay could impact on public consultation phase running over into next financial year. This will require re-provisioning of budget.
§ Raise a main from Judy Holt closed landfill direct to a pump station, upgrade the pumps and electricals at pump station to support the increased volume	12	Water & Waste Infrastructure	On Track	Switchboard and commissioning to be carried out by end of April.

## 6. Supportive and vibrant economy

### Strategies

- 6.1 *Bolster the local economy and local employment by providing business support to local companies, promoting social enterprise and providing opportunities for creativity, diversity and entrepreneurial activity*
- 6.2 *Market the distinctive image of the Redlands by encouraging low impact businesses that are knowledge-based and creative to establish in the city*
- 6.3 *Promote significant redevelopment of Cleveland and Capalaba as principal regional activity centres delivering mixed-use centres that provide opportunities for economic investment and local employment*
- 6.4 *Bring new business to the Redlands by promoting the city as a sustainable business locale, promoting Redland's advantages and advocating for the relocation of a major state government department*
- 6.5 *Develop partnerships with TAFE and other education providers to promote more tertiary education courses in the Redlands and training that supports local business needs*
- 6.6 *Promote Redlands as a high quality tourism destination and encourage the development of sustainable nature-based, heritage and eco tourism*

Project	Op Plan Ref	Lead	Status	Comment
S Provide a significant stimulus for the revitalisation of the Cleveland CBD	18	Priority Development Area	On Track	Bloomfield Park construction has commenced and the project 'Renew Cleveland' is underway.
S Undertake an Expression of Interest process and a Request for Proposal process to identify a Preferred Development Partner for the Toondah Harbour Project	19	Priority Development Area	Monitor	Awaiting response from State Government
S Undertake an Expression of Interest process and a Request for Proposal process to identify a Preferred Development Partner for the Weinam Creek Project	20	Priority Development Area	Monitor	Awaiting response from State Government.

## 7. Strong and connected communities

### Strategies

- 7.1 Promote festivals, events and activities for people to come together, developing connections and networks to improve community spirit and enhance 'sense of place'
- 7.2 Provide access to quality services, facilities and information that meet the needs of all age groups and communities, especially disadvantaged and vulnerable people
- 7.3 Increase community safety, health and wellbeing by planning and delivering programs, services, partnerships, regulations and education
- 7.4 Increase the participation of people from all age groups and backgrounds in local heritage, the arts and cultural expression
- 7.5 Increase the physical activity participation of residents and deliver programs and incentives that strengthen opportunities for sport and recreation
- 7.6 Provide practical programs, support and guidance to the community sector in its delivery of highly valued support services and community projects
- 7.7 Increase children and young people's active participation in community life and support their social, cultural and physical development
- 7.8 Support the Ageing Well in the Redlands Program, to enable active participation in all aspects of community life
- 7.9 Actively participate in multi-agency forums to support the health and wellbeing of Indigenous residents of the Redlands and work with Aboriginal and Torres Strait Island communities in the Redlands to develop initiatives that respond to their aspirations
- 7.10 Minimise the impact of disasters by improving community preparedness and our capacity to respond effectively to support the community when disasters occur

Project	Op Plan Ref	Lead	Status	Comment
S Develop effective solutions to maintain the safety of sports field surfaces affected by landfill subsidence, until landfill remediation is complete at Judy Holt Sportsfields	23	City Spaces	On Track	Works on the oval are complete with some minor drainage works to be finalised in conjunction with field lighting project. There is an amount of soil remaining to be utilised on field surrounds to enhance field surface drainage. Approximately \$5,000 budget remaining to complete these works.
S Develop effective solutions to maintain the safety of sports field surfaces affected by landfill subsidence, until landfill remediation is completed at Duncan Road Baseball Fields	24	City Spaces	Completed	Completed Q1.
S Develop effective solutions to maintain the safety of sports field surfaces affected by landfill subsidence, until landfill remediation is completed at Victoria Point Sharks AFL Field	25	City Spaces	Completed	Completed Q2.



## 7. Strong and connected communities

Project	Op Plan Ref	Lead	Status	Comment
S Complete the audit of sporting fields under agreement to sporting organisations for lighting assets	26	City Spaces	Completed	Completed Q2.
S Conduct planning for the Surf Lifesaving Queensland Operations Hub and joint SES emergency response centre for Point Lookout, including Native Title and design relating to the establishment of a greenfield site located on East Coast Road	27	City Spaces	Monitor	Investigations continuing as to suitable site location.
S Complete outstanding maintenance items and provide a 10 year forecast of works for inclusion in the Asset and Services Management Plan for Redlands Performing Arts Centre	28	City Spaces	On Track	On track for completion by end of June 2015.
S Undertake business planning for cemeteries and report on outcomes	C/F	City Spaces	On Track	Executive Leadership Team Workshop regarding report outcomes was held on 13 April 2015.
S Provide access to quality services by implementing the recommendations from the community halls review (e.g. booking and promotional efficiency program)	C/F	City Spaces	On Track	Implementation of recommendations from Internal Audit continues to improve systems and process. New Venue Management System due for implementation by June 2015.
S Deliver a set of new contemporary local laws developed under the Queensland Government's model local laws framework	21	Corporate Governance	On Track	Second round of consultation complete, workshops held with Councillors, final report to Council on 22 April for adoption with commencement on 1 July 2015
S Deliver a new Corporate Plan for 2015-2020	22	Corporate Governance	On Track	Online survey conducted from December 2014 to January 2015. Also held meeting with community group in January 2015. Councillor workshop about finalising corporate priorities was held on 19 February 2015. Draft Corporate Plan approved at Council General Meeting 25 March 2015 for community consultation from 27 March to 24 April 2015.
S Improve the preparedness and safety of the Redlands community, particularly those most vulnerable, by developing and commencing implementation of a Redlands Community Resilience Program	C/F	Emergency Management	On Track	Recovery Plans are being developed and are on track for completion this financial year. Disaster Planning and Operations staff have undertaken community engagement at the Easter Festival and the North Stradbroke Island Seniors Expo.

## 8. Inclusive and ethical governance

### Strategies

- 8.1 *Embed the visions and goals of the Redlands 2030 Community Plan into our planning, operations and culture and develop effective reporting and monitoring arrangements to show how we are progressing on implementation of the Community Plan and this Corporate Plan*
- 8.2 *Provide accessible information through different media to let residents know about local issues and how to get involved in programs and make a positive contribution to their community*
- 8.3 *Establish and maintain effective partnerships with local, regional and national organisations and governments to deliver the visions and goals of the community*
- 8.4 *Deliver broad, rich and deep engagement that reaches residents of all ages, backgrounds and locations, enabling them to contribute their views about plans and decisions affecting them and developing community leadership*
- 8.5 *Be transparent and consistent in the way we manage the organisation, its risks and obligations and ensure we are delivering against our priorities*
- 8.6 *Implement a comprehensive enterprise approach to risk management across the organisation*
- 8.7 *Ensure Council resource allocation is sustainable and delivers on Council and community priorities*
- 8.8 *Provide clear information to citizens about how rates, fees and charges are set and how Council intends to finance the delivery of the Community Plan and Corporate Plan*

Project	Op Plan Ref	Lead	Status	Comment
§ Provide an online resource through a planning and development portal linked directly to Council's website	29	City Planning & Assessment	Monitor	Dates for workshop and committee meeting have been changed. The workshop date is now 28 April and the General Meeting is now 6 May 2015.
§ Redevelop the Redland City Council Website	30	Communication, Engagement & Tourism	On Track	Shortlisting continued in Q3 with the top three tenderers presenting on the 25 and 27 March at a forum for 50 staff who regularly use the website for their roles.
§ Conduct the Community Satisfaction Survey to identify community perceptions of Council's current performance and compare to previous results	31	Communication, Engagement & Tourism	On Track	Survey to be distributed and available for public release in April 2015.

## 9. An efficient and effective organisation

### Strategies

- 9.1 *Deliver excellent leadership throughout the organisation for the benefit of the community*
- 9.2 *Recruit and retain high quality staff and promote the organisation as an employer of choice*
- 9.3 *Actively promote diversity in the workforce and ensure flexibility is incorporated into work practices to support staff in achieving a healthy work/life balance*
- 9.4 *Provide a safe place for staff to work in and support the health and wellbeing of our people*
- 9.5 *Ensure robust long term financial planning is in place to protect the financial sustainability of Council*
- 9.6 *Implement long term asset management planning that supports innovation and sustainability of service delivery, taking into account the community's aspirations and capacity to pay for desired service levels*
- 9.7 *Develop our procurement practices to increase value for money within an effective governance framework*
- 9.8 *Work 'smarter' across departments, in multi-disciplinary teams to achieve continuous improvement and effective co-ordination*
- 9.9 *Manage security of and access to Council information*
- 9.10 *Use information management, mapping and communication technology to meet Council and community expectations*
- 9.11 *Develop and improve systems to support modern and flexible delivery of services*

Project	Op Plan Ref	Lead	Status	Comment
S Review Council's property portfolio and identify potential development projects, acquisition and disposal opportunities (carried forward 2012/13)	C/F	Environment & Regulation	On Track	Project on track with the continuing review of Council's property portfolio and identifying disposal opportunities.
S Conduct MySay staff surveys to collect and analyse employee data	32	Human Resources	Completed	Completed Q1.
S Completion of MyGoals performance agreement and appraisal by all employees	33	Human Resources	Completed	Completed Q1.

## 9. An efficient and effective organisation

Project	Op Plan Ref	Lead	Status	Comment
S Research, design and implement business strategies to reduce risks associated with workforce capacity, capability and flexibility	34	Human Resources	On Track	New Leadership Capability Framework developed and associated assessments inform development gaps in our leadership pipeline. This will lead to more tailored development programs. Continue to implement Corporate Development Program to improve capability based on MyGoals needs. Workforce Planning currently on hold pending outcome of 15/16 budget considerations.
S Establish a team of internal casual employees to backfill Council staff across multiple teams	35	Human Resources	Completed	Completed Q1.
S Implement recommendations from the administration/business support review (BSO review)	37	Human Resources	Completed	Completed Q1.
S Continued implementation of the Information Management Strategy	38	Information Management	On Track	The Business Intelligence and Data Warehouse project, Objective rollout (including Property & Rating integration, Windows 7 upgrade) are on schedule to be completed by end of June 2015. The Replacement Activity, Application Management and Information Management component of the City Plan 2015 are all on schedule.

**11.3 PORTFOLIO 3 (CR JULIE TALTY)****CITY PLANNING AND ASSESSMENT****11.3.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 & 3 DEVELOPMENT APPLICATIONS**

**Objective Reference:** A169225  
Reports and Attachments (Archives)

**Attachment:** [Decisions Made Under Delegated Authority 05.04.2015 to 18.04.2015](#)

**Authorising Officer:**



**Louise Rusan**  
General Manager Community and Customer Services

**Responsible Officer:** David Jeanes  
Group Manager City Planning and Assessment

**Report Author:** Debra Weeks  
Senior Business Support Officer

**PURPOSE**

The purpose of this report is for Council to note that the decisions listed below were made under delegated authority for Category 1, 2 and 3 development applications.

This information is provided for public interest.

**BACKGROUND**

At the General Meeting of 27 July, 2011, Council resolved that development assessments be classified into the following four Categories:

Category 1 – Minor Complying Code Assessments and Compliance Assessments and associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments and Compliance Assessments and Minor Impact Assessments;

Category 3 – Moderately Complex Code & Impact Assessments; and

Category 4 – Major and Significant Assessments.

The applications detailed in this report have been assessed under:-

- Category 1 criteria - defined as complying code and compliance assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature, including all accelerated applications.
- Category 2 criteria - defined as complying code assessable and compliance assessable applications, including operational works, and Impact Assessable applications without submissions of objection. Also includes a number of process related delegations, including issuing planning certificates, approval of

works on and off maintenance and the release of bonds, and all other delegations not otherwise listed.

- Category 3 criteria that are defined as applications of a moderately complex nature, generally mainstream impact assessable applications and code assessable applications of a higher level of complexity. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Both may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the Planning Scheme. Applications seeking approval of a plan of survey are included in this category. Applications can be referred to General Meeting for a decision.

#### **OFFICER'S RECOMMENDATION**

**That Council resolves to note this report.**

**Decisions Made Under Delegated Authority 05.04.2015 to 11.04.2015**

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
<b>Category 1</b>								
BWP002848	Design & Siting - Dwelling House	Category1	Casey Jackson Homes Pty Ltd	59 Douro Road, Wellington Point QLD 4160	Concurrence Agency Response	10/04/2015	Approved	1
BWP002834	Design & Siting- Carport	Category1	DBR Certification	71 Haggup Street, Cleveland QLD 4163	Concurrence Agency Response	9/04/2015	Approved	2
BWP002835	Design & Siting - Carport	Category1	The Certifier Pty Ltd	30 Bayshore Place, Cleveland QLD 4163	Concurrence Agency Response	9/04/2015	Approved	3
ROL005904	Standard Format: 1 into 2 Lots	Category1	Javica Property Solutions	10 Rosemary Street, Thornlands QLD 4164	Code Assessment	9/04/2015	Development Permit	4
MCU013329	Home Business	Category1	Bradley Gerard Goos Tanja Maria Goos	8-10 Gordon Road, Macleay Island QLD 4184	Code Assessment	7/04/2015	Development Permit	5
ROL005896	Standard format - 3 into 2	Category1	East Coast Surveys Pty Ltd	70 Charles Terrace, Macleay Island QLD 4184	Code Assessment	10/04/2015	Development Permit	5
BWP002841	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	26 Willis Close, Redland Bay QLD 4165	Concurrence Agency Response	7/04/2015	Approved	5
BWP002833	Design & Siting - Carport	Category1	The Certifier Pty Ltd	16 Creswick Place, Birkdale QLD 4159	Concurrence Agency Response	9/04/2015	Approved	8
OPW001809	Advertising Device	Category1	BP Australia Pty Ltd	65 Old Cleveland Road, Capalaba QLD 4157	Code Assessment	7/04/2015	Development Permit	9

**Decisions Made Under Delegated Authority 05.04.2015 to 11.04.2015**

**Category 2**

MC012237	Apartment Building x 28	Category2	Lago Constructions	143-147 Esplanade, Redland Bay QLD 4165	Code Assessment	8/04/2015	Extension to Relevant Period	5
MC009164	Combined MCU Rezoning (RA) & Standard Format Reconfiguration - 4 lots into 135 lots (over 3 stages 1A, 1B & 2)	Category2	G W Clegg & Company	1-27 Unwin Road, Redland Bay QLD 4165	Rezoning	7/04/2015	Permissible Change	6
ROL005860	Stage 2 - Standard Format Reconfiguration - 1 into 40 lots	Category2	Villa World Developments Pty Ltd	4-44 Muller Street, Redland Bay QLD 4165	Code Assessment	10/04/2015	Development Permit	6
OPW001816	Landscape Works - Mackenzie Aged care Project	Category2	Andrew Robert Frater	260 Old Cleveland Road East, Capalaba QLD 4157	Compliance Assessment	8/04/2015	Approved	9



**Decisions Made Under Delegated Authority 12.04.2015 to 18.04.2015**

<b>Application</b>	<b>Description</b>	<b>Category</b>	<b>Applicant</b>	<b>Property Address</b>	<b>Application Type</b>	<b>Decision Date</b>	<b>Decision</b>	<b>Division</b>
<b>Category 1</b>								
BWP002751	Design & Siting - Dwelling House	Category1	The Certifier Pty Ltd	33 Christina Street, Wellington Point QLD 4160	Concurrence Agency Response	15/04/2015	Approved	1
BWP002849	Design & Siting - Dwelling House	Category1	Casey Jackson Homes Pty Ltd	79 Waterville Drive, Thornlands QLD 4164	Concurrence Agency Response	13/04/2015	Approved	3
BWP002872	Design and Siting - Dwelling House	Category1	Casey Jackson Homes Pty Ltd	61 Waterville Drive, Thornlands QLD 4164	Concurrence Agency Response	17/04/2015	Approved	3
BWP002838	Design & Siting- Dwelling House	Category1	Javica Pty Ltd	12 Rosemary Street, Thornlands QLD 4164	Concurrence Agency Response	16/04/2015	Approved	4
BWP002861	Design & Siting- Carport	Category1	Fastrack Building Certification	281 Colburn Avenue, Victoria Point QLD 4165	Concurrence Agency Response	17/04/2015	Approved	4
BWP002863	Design & Siting- Dwelling House	Category1	Javica Pty Ltd	16 Kim Jon Court, Thornlands QLD 4164	Concurrence Agency Response	14/04/2015	Approved	4
MCU013438	Dwelling House - Other SMBI Residential	Category1	Diana Roslyn Keeffe	119 Beelong Street, Macleay Island QLD 4184	Code Assessment	16/04/2015	Development Permit	5
BWP002843	Design & Siting- Dwelling House	Category1	Dixon Homes Pty Ltd (Sherwood)	5 Brut Street, Mount Cotton QLD 4165	Concurrence Agency Response	13/04/2015	Approved	6
BWP002847	Design and Siting - Dwelling House	Category1	Terrence Glen Ford	19 Brut Street, Mount Cotton QLD 4165	Concurrence Agency Response	13/04/2015	Approved	6
BWP002853	Design & Siting - Dwelling House	Category1	Metricon Homes Qld	98 Balthazar Circuit, Mount Cotton QLD 4165	Concurrence Agency Response	15/04/2015	Approved	6

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
ROL005897	Standard Format - 1 into 2 lots	Category1	Clayton Lee McMahon	64 Randall Road, Birkdale QLD 4159	Code Assessment	16/04/2015	Development Permit	8
BWP002844	Design & Siting-Relatives Apartment	Category1	Building Certification Consultants Pty Ltd	2 Albert Court, Alexandra Hills QLD 4161	Concurrence Agency Response	13/04/2015	Approved	8
MCU013370	Home Business	Category1	Cavron Pty Ltd	49 Thorne Road, Birkdale QLD 4159	Code Assessment	17/04/2015	Development Permit	10
<b>Category 2</b>								
OPW001777	Operational Works - Civil - Apartment Building x64	Category2	Javica Investments Pty Ltd	209 Shore Street West, Cleveland QLD 4163	Compliance Assessment	13/04/2015	Compliance Certificate	2
ROL005815	Standard format: 1 into 15 lots	Category2	East Coast Surveys Pty Ltd	188-200 Waterloo Street, Cleveland QLD 4163	Code Assessment	15/04/2015	Development Permit	3
MC011933	Multiple Dwelling x 6	Category2	Ashcroft Architects Pty Ltd (Redland Bay) Philip Impey Architect	24 Boat Street, Victoria Point QLD 4165	Code Assessment	13/04/2015	Permissible Change	4
MC008936	Child Care Centre	Category2	Yorg Anton Amstutz Petrae Teresa McLean	172 High Central Road, Macleay Island QLD 4184	Impact Assessment	16/04/2015	Permissible Change	5
OPW001814	Operational Works - MCU013317 Multiple dwelling x 42 (Civil Only )	Category2	Projects And Designs Pty Ltd	144 Finucane Road, Alexandra Hills QLD 4161	Code Assessment	15/04/2015	Compliance Certificate	8
OPW001818	Operational Works (MC) Dual Occupancy (Landscaping only )	Category2	Gary Acworth	13 Howlett Road, Capalaba QLD 4157	Compliance Assessment	13/04/2015	Approved	9
<b>Category 3</b>								

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
MCU013260	Aged Person & Special Needs Facility	Category3	Clemwell Pty Ltd	174-180 Wellington Street, Ormiston QLD 4160	Impact Assessment	16/04/2015	Permissible Change	1
MCU013397	Telecommunication Facility	Category3	Kaw Consulting Pty Ltd	Ashwood Circuit Park, 1-7 Quarry Road, Birkdale QLD 4159	Impact Assessment	17/04/2015	Development Permit	10

**11.3.2 APPEALS LIST CURRENT AS AT 20 APRIL 2015**

**Objective Reference:** A169620  
Reports and Attachments (Archives)

**Authorising Officer:**



**Louise Rusan**

**General Manager Community & Customer Services**

**Responsible Officer:**

**David Jeanes**  
**Group Manager City Planning & Assessment**

**Report Author:**

**Chris Vize**  
**Service Manager Planning & Assessment**

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**PURPOSE**

The purpose of this report is for Council to note the current appeals.

**BACKGROUND**

Information on appeals may be found as follows:

**1. Planning and Environment Court**

- a) Information on current appeals and declarations with the Planning and Environment Court involving Redland City Council can be found at the District Court web site using the "Search civil files (eCourts) Party Search" service: <http://www.courts.qld.gov.au/esearching/party.asp>
- b) Judgements of the Planning and Environment Court can be viewed via the Supreme Court of Queensland Library web site under the Planning and Environment Court link: <http://www.sclqld.org.au/qjudgment/>

**2. Department of State Development, Infrastructure and Planning (SDIP)**

The DSDIP provides a Database of Appeals (<http://services.dip.qld.gov.au/appeals/>) that may be searched for past appeals and declarations heard by the Planning and Environment Court.

The database contains:

- A consolidated list of all appeals and declarations lodged in the Planning and Environment Courts across Queensland of which the Chief Executive has been notified.
- Information about the appeal or declaration, including the appeal number, name and year, the site address and local government.

**ISSUES**

<b>1.</b>	<b>File Number:</b>	Appeal 1963 of 2009 (MC010715)
	<b>Applicant:</b>	<b>JT George Nominees P/L</b>
	<b>Application Details:</b>	Preliminary Approval for MCU for neighbourhood centre, open space and residential uses (concept master plan). Cnr Taylor Rd & Woodlands Dve, Thornlands.
	<b>Appeal Details:</b>	Applicant appeal against refusal.
	<b>Current Status:</b>	The appellant has submitted amended plans that are considered a minor change to the application. Council and other parties are currently considering the amended plans. The matter has been adjourned to 29 April 2015.

<b>2.</b>	<b>File Number:</b>	Appeal 2675 of 2009. (MC010624)
	<b>Applicant:</b>	<b>L M Wigan</b>
	<b>Application Details:</b>	Material Change of Use for residential development (Res A & Res B) and preliminary approval for operational works. 84-122 Taylor Road, Thornlands.
	<b>Appeal Details:</b>	Applicant appeal against refusal.
	<b>Current Status:</b>	The appellant has submitted amended plans that are considered a minor change to the application. The matter has been adjourned to 6 May 2015.

<b>3.</b>	<b>File Number:</b>	Appeal 4521 of 2013 (MCU012995)
	<b>Applicant:</b>	<b>D Polzi and ML Polzi</b>
	<b>Application Details:</b>	Material Change of Use for a Landscape Supply Depot.
	<b>Appeal Details:</b>	Submitter appeal against development permit approval.
	<b>Current Status:</b>	Listed for review 4 June 2015.

<b>4.</b>	<b>File Number:</b>	Appeal 4802 of 2014 (OPW001288)
	<b>Applicant:</b>	<b>Birkdale Flowers Pty Ltd</b>
	<b>Application Details:</b>	Operational Works subsequent to reconfiguring a lot (1 into 28 lots).
	<b>Appeal Details:</b>	Originating application seeking enforcement orders for removal of encroachments upon adjoining land and compliance with relevant approvals.
	<b>Current Status:</b>	The parties attended a without prejudice mediation in March 2015 to discuss the matter. Listed for mention on 27 May 2015.

<b>5.</b>	<b>File Number:</b>	Appeals 178, 179, 180 & 181 of 2015 (ROL005722 – ROL005725 inclusive)
	<b>Applicant:</b>	<b>Villa World Development Pty Ltd</b>
	<b>Application Details:</b>	Reconfiguring a Lot - 1 into 37 lots (Stage 4), 1 into 32 lots (Stage 5), 1 into 32 lots (Stage 6) and 1 into 33 lots (Stage 7).
	<b>Appeal Details:</b>	Applicant appeals against refusal of request for Negotiated Infrastructure Charges Notices.
	<b>Current Status:</b>	Parties are to attend a without prejudice mediation in April 2015 to discuss the matter.

<b>6.</b>	<b>File Number:</b>	Appeal 702 of 2015 (MCU013304)
	<b>Applicant:</b>	<b>E De Graeve-Brennan and G De Graeve-Brennan</b>
	<b>Application Details:</b>	Material Change of Use for Multiple Dwelling (9 units) 578 & 580 Main Road, Wellington Point
	<b>Appeal Details:</b>	Submitter appeal against development approval.
	<b>Current Status:</b>	Appeal filed 23 February 2015.

<b>7.</b>	<b>File Number:</b>	Appeal 795 of 2015 (MCU013316)
	<b>Applicant:</b>	<b>James Tovey Wilson</b>
	<b>Application Details:</b>	Material Change of Use for Mixed Use – Tourist Accommodation (71 units), Apartment Building (28 units), Refreshment Establishment and Shop 18-20 Waterloo Street, Cleveland
	<b>Appeal Details:</b>	Submitter appeal against development approval.
	<b>Current Status:</b>	Appeal filed 27 February 2015.

<b>8.</b>	<b>File Number:</b>	Appeals 1610 & 1611 of 2015 (MCU011532)
	<b>Applicant:</b>	<b>Skyhope Developments</b>
	<b>Application Details:</b>	Material Change of Use for Apartment Building (271 Units) 54-58 Mount Cotton Road, Capalaba
	<b>Appeal Details:</b>	Applicant appeals against Infrastructure Charges Notice.
	<b>Current Status:</b>	Appeal filed 21 March 2015.

#### OFFICER'S RECOMMENDATION

That Council resolves to note this report.

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**11.3.3 EXTENSION OF RELEVANT PERIOD BIOMASS POWER PLANT - 70-96 HILLVIEW ROAD MT COTTON (MC008414)**

**Objective Reference:** A169965  
Reports and Attachments (Archives)

**Attachments:** [Attachment 1: Cleveland Power v Redland City Council](#)  
[Attachment 2: Biomass Mapping](#)

**Authorising Officer:**



**Louise Rusan**  
General Manager Community & Customer Services

**Responsible Officer:** David Jeanes  
Group Manager City Planning & Assessment

**Report Author:** Andrew Veres  
Senior Planner

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## PURPOSE

This Category 4 application is referred to the General Meeting for determination.

An approval by consent was granted by the Planning and Environment Court (P&E Court) on 7 November 2007 for the operation of a power plant fuelled by chicken litter on the subject site at 70-96 Hillview Road, Mount Cotton. The power plant comprises the power generator, chimney, dry fluid coolers, a large fuel storage hall and an associated carparking area. The burning of chicken waste supplied from poultry farms generates power which provides electricity to the adjoining Golden Cockerel processing plant and the electricity grid.

A previous request to extend the relevant period was refused by Council in 2011. The applicant appealed against Council's decision, and the appeal was upheld by the Court.

The applicant has now applied for a further 18 month extension to the relevant period. Given the assessment criteria in the *Sustainable Planning Act 2009* (SPA), the appeal process in 2011 and the reasons given in the Court Order to uphold the appeal against Council's refusal, it is recommended that the request be approved.

## BACKGROUND

### Original application

The original application was lodged on 18 June 2004 and involved a Material Change of Use for a "Bio-mass Power Plant" (Undefined Use) and an Environmentally Relevant Activity (ERA) #17 – Fuel Burning. ERA #17 for fuel burning was a non-devolved activity, meaning that this aspect of the proposal was required to be assessed entirely by the Environmental Protection Agency (EPA) (now Department of Environment and Heritage Protection DEHP).

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The development application was publicly notified on two separate occasions on August 2004 and May 2005. After this time, Council issued a number of informal information requests, which resulted in several responses from the applicant.

On 14 November 2006 Council received the Concurrence Agency Response from the EPA, approving the ERA #17 in full, subject to conditions.

On 20 March 2007 a development permit, subject to conditions, was granted by Council at a Development Assessment Committee meeting.

An appeal against Council's decision was filed on 2 May 2007 by a submitter to the application. Without prejudice negotiations and discussions took place throughout 2007 between the parties. A settlement was reached and the appeal was therefore dismissed by agreement of the parties. A Consent Order was issued by the P&E Court on 7 November 2007, which upheld the approval of the application, subject to conditions.

The application has been the subject of significant scrutiny both during and after the application process. This included a number of internal and external investigations of the processing of the development application.

#### **Previous request to extend the relevant period**

A previous request to extend the relevant period by 4 years was refused by Council in 2011.

The reasons for refusal can be summarised as follows:

- Inconsistency with current laws and policies;
- Proposal does not achieve revegetation requirements;
- Insufficient evidence that the approved design will meet noise level criteria;
- Insufficient evidence that the approved design will meet air quality criteria;
- Community's awareness of proposal has subsided over time and new grounds of submission would exist.

The applicant appealed Council's refusal to P & E Court. During the appeal a number of the above matters were addressed by the applicant via a permissible change request lodged with and approved by the Court. The changes ensured consistency in the approved plans, additional monitoring requirements to ensure compliance with air quality criteria and more certain restrictions on fuel throughput, specifically:

- The request involved an update of plan numbers and ensured that the information on the plans is consistent;
- Restriction of truck movements of 15 per day measured over a week (105 per week). [Note: The 2007 Council report refers to 12 truck for fuel delivery plus unknown waste disposal].
- Restriction of fuel throughput of chicken litter and sawdust of no more than 66,000 tonnes per year.
- Continuous monitoring of temperature and velocity at the stack exit.



The permissible change was approved on 28 February 2013 and the extension to the relevant period was then approved on 20 March 2013. Council decided not to oppose the extension in Court.

In summary, the reasons for upholding the appeal were:

1. Whilst Council had decided not to oppose the appeal the judge did not find this to be determinative. Rather, the judge concluded that if he could have taken the non-opposition of Council into account this would have reinforced the other bases for his decision in allowing the appeal.
2. The judge concluded that the development approval was consistent with current laws and policies and therefore complied with the test in s.388(1)(a) of SPA.
3. The provision in s.388(1) of SPA does not contemplate that any one of the four considerations is intended to prevail and it does not contemplate that a failure to comply with one of the criteria mandates refusal.
4. Whilst it is likely that submissions would be made for a new development application this request to extend the approval should not be refused because:
  - Such submissions would not result in any new issues not already raised by the more than 300 submissions on the original application.
  - The consistency of the approval with the planning documents would mean there must be a reasonable expectation from the community that a development of the kind approved may occur in the area.
  - There is little utility in forcing the developer to go through an impact assessment process to obtain a development approval that would be consistent with the existing development approval and which would be unlikely to provoke a submission raising new matters for consideration.

### **Current request to extend the relevant period**

The applicant has now applied for a further 18 month extension to the relevant period.

The applicant states that these Biomass Power Plants are well established in Europe and North America, but that they remain something of a novelty in Australia. That fact has contributed to the difficulties in obtaining funding in Australia to pursue the development approval, and funding has been sought offshore. It has been taking longer than expected to seek the relevant funding, hence this second request for an extension to the relevant period. The applicant states that they executed a funding agreement in February 2014, and access to the funds is now anticipated.

## **DEVELOPMENT PROPOSAL AND SITE DESCRIPTION**

### **Proposal**

The approved development involves the operation of a power plant fuelled by chicken litter in Hillview Road, Mount Cotton. The plant infrastructure will replace the existing large rectangular poultry growing shed on the north-eastern side of the site. The following summarises the development (the items in bold are the changes resulting from the permissible change approval in 2013):

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- the fuel to be burnt is primarily chicken litter (with other start up fuels being smaller quantities of sawdust and gas);
- the plant will have a throughput of **66 000** tonnes of chicken litter per annum;
- the sources of the fuel are local Darwalla operated poultry farms, however, dependent upon supply of litter sources may include competitor's farms and Darwalla operated farms outside the local area;
- the activity is proposed to operate continuously and will involve **continuous monitoring of temperature and velocity at stack exit**;
- **15 truck movements per day (105 per week)**;
- the fuel storage hall will be approximately 11 metres in height above existing ground level and 3000m<sup>2</sup> in area (60m x 50m);
- maximum litter storage will be 700 tonnes (4 days fuel) at any one time;
- the power generation / distribution and pollution control equipment / infrastructure occupies an area of approximately 2040 m<sup>2</sup> (60m x 34m) on the south-western side of the fuel storage hall. This plant area has a predominate height similar to the height of the fuel storage hall, with a chimney that extends to 30 metres in height;
- the approved plans indicate a rotating kiln, which burns at a temperature between 900°C and 1 200°C;
- the heat from the burner heats water to generate steam which drives a turbine;
- the turbine drives an alternator which produces the electricity that is released to the grid and the Golden Cockerel processing plant to the east of the site;
- the EPA conditions restrict the power generation to approximately 5 MW of electricity;
- emissions will be released to the air via a bag house filter, lime dosing system and a 30m high stack;
- waste ash will be collected, cooled and collected for reuse by licensed waste transporters; and
- the disposal of waste heat is proposed to be via a dry fluid cooling system (fans).

## Site

The subject site has been used for poultry farming for several decades and currently accommodates four poultry sheds, a residential dwelling and a mobile phone tower. The buildings and associated use areas are contained within the northern half of the site. A dam exists on the eastern side of the site and it is understood that the south-eastern portion of the site has been used for intermittent grazing activities. The south-western portion of the site is heavily vegetated, steeply sloped and contains the highest elevations on the site.

The existing poultry use area has been benched to facilitate the siting of the poultry sheds, and is accessed via a driveway that runs up the slope to the benched portion of the site. The site itself is accessed from Hillview Road, which is a sealed bitumen road that accesses a number of rural properties and intersects with Mount Cotton Road to the east.

## Surrounding Area

The surrounding area is predominantly rural in nature. The Golden Cockerel chicken processing plant is located to the direct east of the site, with another poultry farm on the northern side of Hillview Road. To the south of the site are a contractor's depot and the Barro Quarry. A number of small to medium size rural lots exist in the

locality, which are used for a mix of uses, varying from purely residential dwellings on large lots to hobby farms and conservation-style lots. To the far west of the site are large stretches of bushland, which dominate both sides of West Mount Cotton Road.

A park residential estate exists on the eastern side of Mount Cotton Road. Mount Cotton State School is located approximately 800 metres to the north-east of the site. The large Mount Cotton village residential estate exists to the south-east of the site on the eastern side of Mount Cotton Road. Further subdivision has occurred within the Mount Cotton village within 2-3 kilometres of the subject site, which has created approximately 220 additional residential lots between the lodgement of the original application and the initial extension of the relevant period assessment in 2011.

Since then, approximately 450 additional lots have been approved by survey plan. It should be noted that the majority of these lots had reconfiguration approval prior to 2007.

## ISSUES

### ***Sustainable Planning Act 2009***

This application has been made in accordance with Section 383 (Integrated Development Assessment System, IDAS) of the *Sustainable Planning Act 2009* (SPA) and constitutes a Request to Extend the Relevant Period.

Section 388(1) of SPA states that, in deciding the request, the assessment manager must only have regard to the following:

- (a) *the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule; and*
- (b) *the community's current awareness of the development approval; and*
- (c) *whether, if the request were refused—*
  - (i) *further rights to make a submission may be available for a further development application; and*
  - (ii) *the likely extent to which those rights may be exercised; and*
- (d) *the views of any concurrence agency for the approval given under section 385.*

The above points are discussed below.

In considering this request, Council as assessment manager is bound to consider case law relevant to the matter. In this regard the previous judgment on the request to extend the relevant period is critical.

### **Consistency of Approval with Current Laws and Policies**

- **SEQ Regional Plan 2009-2031**
-

The site is located within the Regional Landscape and Rural Production Area in the SEQ Regional Plan 2009-2031. Within this designation, “urban activities” are heavily discouraged and are required to demonstrate locational requirements and overriding need for the development in the public interest.

The definition of an “Urban Activity” under the Regional Plan Regulatory Provisions is:

*Urban activity means a residential, industrial, retail, or commercial activity. It does not include the following –*

- (a) *tourist activity;*
- (b) *sport and recreation activity;*
- (c) *community activity;*
- (d) *outdoor recreation;*
- (e) *forestry and primary industry activity or an activity reasonable associated with such a purpose for which the premises or surrounding area is used, for example the following –*
  - (i) *farm workers’ accommodation;*
  - (ii) *a mechanical repair workshop for farm machinery or vehicles;*
  - (iii) *vehicle storage associated with transporting forestry or primary industry produce or resources;*
  - (iv) *processing and packaging forestry or primary industry goods, including crushing and screening of extracted materials and wholesale nurseries.*
- (f) *an aeronautical facility;*
- (g) *an emergency services facility;*
- (h) *water cycle, waste management, telecommunications and **electricity infrastructure** [emphasis added];*
- (i) *a cemetery crematorium;*
- (j) *an animal boarding facility.*

It is considered that the proposal does fall under the umbrella of electricity infrastructure, and therefore does not constitute an “urban activity”. Therefore the use, originally lodged as an Undefined Use in 2004, is consistent with the SEQ Regional Plan.

- **State Planning Policies**

Stormwater – Stormwater was addressed at the time of the original application. The original approval acknowledged that detailed stormwater quality design would not be available until the works stage (compliance assessment stage).

Given the small ratio (approximately 20 percent) of roofed / paved structures to total undeveloped land area of the site, it is unlikely that the SPP trigger level will be exceeded. That however, will not be known for certain until the detailed design is done at the works stage, as the original approval indicated.

In any case, design according to the concentration parameters named at the time would still be acceptable, and would comply with the SPP.

- **State Planning Regulatory Provisions**

South East Queensland Koala Conservation State Planning Regulatory Provisions – The state provision for koalas came into effect in May 2010.

Table 6 of the SPRP is relevant to the assessment. The site is designated under the current SPRP as Medium Value Rehabilitation, Medium Value Bushland, High Value Rehabilitation and High Value Bushland. Table 6 Column 2 Item 2 applies. The actual location of the development is located within the Medium Value Rehabilitation designation. This requires removal of any non-juvenile koala habitat trees to be offset either by replanting or a monetary contribution under the Environmental Offsets Act 2014. Comparison of the proposal plan with current aerial photography demonstrates that no habitat trees will be impacted by the power plant, storage shed, access road or any other component. The proposal complies with the current SPRP.

- **Redlands Planning Scheme**

This section assesses the consistency of the approval against the current Redlands Planning Scheme (Version 7). Under this Scheme, the subject site is within the Rural Non-Urban Zone and the use is defined as High Impact Industry, which would be an Impact Assessable development, as was the case when the application was lodged in 2004 under the now superseded Planning Scheme.

#### Zoning and Overlay Intent

The general zoning and intent for this land is relatively unchanged from the 1988 Town Plan and the 1998 Strategic Plan through to the current Redlands Planning Scheme. In all planning documents, the zoning or designation is Rural Non-Urban, with the intention being to provide for agriculture and other rural uses, aligned uses that support the on-going operation of these rural uses and to protect the poultry industry and ensure its survival within Redland City. It is considered that as per previous assessment, the location of the proposed use, in close proximity to poultry farms is appropriate and compliments primary industrial activities.

Part of the site is zoned Conservation, in the south west corner. This land is unaffected by the Biomass powerplant in a physical manner. The same level of assessment applies in the RNU and CN zones. The Conservation zone overlaps with the Bushland Habitat designated area of the Habitat Protection Overlay. There is no proposed development within the Bushland Habitat area. Therefore the proposal complies with Specific Outcome S2.1(3) of the Habitat Protection Overlay Code.

The balance of the site, including the power plant location, is within the designated Enhancement Area. Specific Outcome S2.1(7) of the Habitat Protection Overlay Code is relevant and seeks enhancement planting of habitat trees at a minimum rate of one tree per 200m<sup>2</sup> of the Enhancement Area. It is estimated that the site contains some 950 habitat trees, fully over the area designated Bushland Habitat and partially over the Enhancement Area. The original approval incorporates conditions for a Vegetation Management Plan and an Environmental Management Plan (incorporating a Fauna Management Plan) that will ensure compliance with this specific outcome.

- **Infrastructure Contributions**

The previous approval was granted under the superseded *Integrated Planning Act 1997* and did not impose planning scheme policy infrastructure charges in the

conditions. However the applicant can now be issued an **infrastructure charge notice** in accordance with the statement below.

For extensions to the relevant period of existing development approvals, sub-sections 976B(4)to(6) of the SPA Transitional Provisions allow a local government to issue an infrastructure charges notice (pursuant to their respective resolution) that supersedes planning scheme policy infrastructure conditions applied under IPA. The purpose of these sub-sections is to ensure the provision to include extensions to relevant periods under sections 383 to 390 is captured. In particular, the test of consistency of the approval with the current laws and policies applying to the development, such as infrastructure contributions. This does not adversely affect rights or impose obligations retrospectively as the extension is effectively reissuing the approval under the current charging framework.

The proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provisions (adopted charges). The site is not connected to town water or the sewer system. The total charge applicable to this development is:

Redland Water: \$0.00  
 Redland City Council: \$44,160.00  
**Combined charge: \$44,160.00**

This charge has been calculated as follows in accordance with Council’s [Adopted Infrastructure Charges Resolution \(No. 2.1\) July 2014](#):

Redland Water – No Charge.

**Redland City Council**

Non-Residential Component ((2100m2 X \$70m2 High Impact Industry X 0.79 (RCC Split)) =	\$115,500.00
Stormwater Infrastructure 2100m2 X \$10/m2 Impervious Area =	\$21,000.00
Demand Credit ((4860m2 X \$20m2 High Impact Rural X 0.79 (RCC Split)) =	\$92,340.00
<b>Total Council Charge:</b>	<b>\$44,160.00</b>

**OFFSETS**

There are no offsets that apply under Chapter 8 Part 2 of the *Sustainable Planning Act 2009*.

**REFUNDS**

There are no refunds that apply under Chapter 8 Part 2 of the *Sustainable Planning Act 2009*.

- **Community Awareness and Potential Submissions**

Essentially, the community is very aware of the proposal, and if the Material Change of Use application were to be lodged again, it is likely that a large number of submissions would be received again, as was the case with the original application approved in 2007. Three hundred and thirty-three (333) submissions were received on the original development application. Three hundred and thirty-two (332) of these submissions were objections to the proposal.

However, during the appeal process in 2011, the Judge, in his decision to allow the appeal (ie allow an extension to the relevant period) made comments along the following lines in his Order:-

- The Order states that it is unlikely any new grounds of submission would be raised.
- The application was originally approved in accordance with the planning scheme, and there should be an expectation from new residents in the area along those lines.
- The Order states that there is little benefit in forcing the applicant to re-lodge essentially the same application, which for all intents and purposes is consistent with the existing development.

Given the interpretation by the Judge on Council's previous refusal of an extension to the relevant period, it is difficult to recommend another refusal.

The only extenuating circumstance is the number of additional lots registered since 2011, being over 400. However, it should be borne in mind that most of these lots had reconfiguration approval prior to 2007 and were zoned and designated accordingly for residential development since the 1990s.

In this regard previous the judgment passed in 2013 stated that the application was assessed and approved in accordance with the Planning Scheme and legislation, and that no new grounds of submission were foreseen.

- **Concurrence Agencies**

SARA (State Assessment Referral Agency) (via the Department of Main Roads and Transport and the Department of Environment and Heritage Protection) in their correspondence dated 16 April 2015 advised that no objection was raised to the request to extend the relevant period.

## **CONCLUSION**

In assessing this request, Council must consider Section 388(1) of the SPA as a whole. This approach is consistent with that taken by the P & E Court in deciding the previous extension request.

As discussed above, while it is almost certain that objecting submissions would be received if the application were re-lodged, it is considered that the submissions are unlikely to raise new issues not already considered as part of the original application and subsequent Court appeal. This is strengthened by the premise that there have

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been no significant changes to laws and policies that have a specific impact on this development. In this regard, and considering the Judgment in the previous extension request.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

*Sustainable Planning Act 2009*

### **Risk Management**

Not applicable.

### **Financial**

Potential court costs if request is refused.

### **People**

Not applicable.

### **Environmental**

Refer to assessment under **Issues** above.

### **Social**

Not applicable.

### **Alignment with Council's Policy and Plans**

Not applicable.

## **CONSULTATION**

- Councillor for Division 6;
- Service Manager, Planning Assessment;
- Group Manager, City Planning and Assessment;
- Senior Solicitor – General Counsel;

## **OPTIONS**

1. The request to extend the relevant period by 18 months be approved given the assessment outlined above.
2. The request to extend the relevant period by 18 months be refused.

## **OFFICER'S RECOMMENDATION**

**That Council resolves as follows:**

1. That an approval be issued for an 18 months extension to the relevant period for the approved Bio-mass Power Plant (Undefined Use) and ERA #17 on the land known as 70-96 Hillview Road Mount Cotton; and
2. That the relevant period therefore remains current up to and including 20 September 2016.



# PLANNING & ENVIRONMENT COURT OF QUEENSLAND

CITATION: *Cleveland Power P/L v Redland Shire Council* [2013] QPEC

PARTIES: **CLEVELAND POWER P/L ACN 101932272**  
**(Appellant)**

V

**REDLAND SHIRE COUNCIL**  
**(Respondent)**

FILE NO/S: 5192 of 2011

DIVISION: Planning and Environment

PROCEEDING: Appeal

ORIGINATING COURT: Brisbane

DELIVERED ON: 20 March 2013

DELIVERED AT: Brisbane

HEARING DATE: 8 March 2013

Written submissions 20 March 2013

JUDGE: Andrews SC DCJ

ORDER: **Judgment allowing the appeal and extending the relevant period of the development approval as per initialled draft.**

CATCHWORDS: PLANNING AND ENVIRONMENT – where Council refused a request to extend the period of a development approval – where developer appealed Council’s refusal – where Council no longer opposes an order extending the period of approval – whether the court should have regard to the matters in s 388(1) of the *Sustainable Planning Act 2009*

PLANNING AND ENVIRONMENT – where Council refused developer’s request to extend period of a development approval – where the approval is consistent with current laws and policies – where high level of community awareness of the development approval – where if the request were refused further rights to make a submission would be available for a further development application and would be exercised by members of the public – whether to extend the relevant period of the development approval

COUNSEL: M Williamson for the appellant

M Johnston for the respondent

SOLICITORS: Connor O’Meara for the appellant  
Norton Rose for the respondent

### **Issues**

- [1] Where Council has refused a developer’s request to extend the period of a development approval and the developer appeals against Council’s refusal this court determines the appeal. Council having withdrawn its opposition to the appeal the first issue is whether the court deciding the appeal should have regard to s 388(1) of the *Sustainable Planning Act 2009* (“SPA”). The second issue is whether the court should have regard to the fact that Council does not oppose the appeal. The third issue is whether it is appropriate to allow the appeal and extend the period of the development approval notwithstanding that further rights to make a submission would be available for a further development application and would be exercised by members of the public.

### **Background**

- [2] This is an appeal against Council’s decision to refuse a developer’s request to extend the relevant period of a development approval. The developer seeks final orders from the court allowing the appeal and extending the period of the development approval for two years from the date of judgment. The order is not opposed by Council.
- [3] The developer proposes to develop land at Mount Cotton with a bio-mass power plant. The land has the benefit of a development approval for a material change of use and a related environmental approval for Environmentally Relevant Activity No. 17.
- [4] The development application was impact assessable. More than 300 submissions were made by members of the community opposing the development. The development application was approved by the Council.
- [5] A submitter appeal was commenced in relation to the Council’s decision to grant the development approval. The appeal was resolved between the parties and the court made final orders in the submitter appeal on 7 November 2007. That order of 7 November 2007 is the development approval which is the subject of the developer’s request to extend the relevant period. The period was four years from 7 November 2007.
- [6] On 7 November 2011 the developer lodged a request with the Council under s 383 of SPA to extend the relevant period of the development approval. The Council refused. This is an appeal against that refusal.

- [7] In preparation for the appeal, experts in the fields of town planning, air quality and noise impacts prepared joint reports.
- [8] The development approval is consistent with Council’s current planning scheme and with the South East Queensland Regional Plan as at the time the approval was granted.
- [9] The noise and air quality experts recommended changes to the development approval to update the conditions imposed by the then Environmental Protection Agency to achieve greater certainty that the approval would be consistent with current laws and policies with respect to air quality emissions.
- [10] The Department of Environment and Heritage Protection includes the former Environmental Protection Agency. That Department agreed that the extension to the development period was appropriate.
- [11] The developer accepts that members of the public have maintained a “rage” against the proposal and that if the request were refused, further rights to make a submission would be available for a further development application and that members of the public would exercise those rights.

### **Statutory framework**

- [12] Section 383 of *SPA* provides that a person may apply to the assessment manager to extend a relevant period. In deciding the request, the assessment manager must have regard to s 388 of *SPA*.
- [13] Section 388(1) of *SPA* provides:  
**“388 Deciding request**
- (1) In deciding a request under section 383, the assessment manager must only have regard to—
- (a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule; and
  - (b) the community’s current awareness of the development approval; and
  - (c) whether, if the request were refused—
    - (i) further rights to make a submission may be available for a further development application; and
    - (ii) the likely extent to which those rights may be exercised; and

(d) the views of any concurrence agency for the approval given under section 385.”

**Issue 1: whether the court needs to consider s 388(1) of SPA**

- [14] Solicitors for developer appeared on a review day with a draft order with a provision for allowing the appeal and extending the period of the development approval. Counsel for the Council announced that the Council did not oppose the order but brought to the court’s attention some facts relevant to the matters set out in s 388(1) of SPA.
- [15] It was submitted by the solicitor for the developer that the matters in s 388(1) need not be established for the purpose of determining that the court has jurisdiction to make the order, that jurisdiction was not in issue, that because Council did not oppose the orders the court need not be concerned with s 388(1) of SPA and that the facts drawn to the attention of the court by counsel for the Council unnecessarily complicated a simple matter.
- [16] I accept that the factual matters set out in s 388(1) of SPA do not need to be satisfied in order for the court to have jurisdiction to hear the appeal. That feature is of no assistance in determining whether the court should consider s 388(1). I otherwise reject the two other submissions of the solicitor for the developer.
- [17] As I expressed concern in the face of the developer’s submissions the matter down to allow the developer to add to its submissions. Some hours later, Mr Williamson of counsel appeared on very short notice to supplement the submissions for the developer. He orally distinguished the concern courts must have with jurisdictional matters from the concern which the court should have with the matters in s 388(1). He echoed the submission of the solicitor for the developer that it was relevant that the Council did not oppose the application and added that the Council’s decision not to oppose the appeal should be given more weight as the Council acts to protect public rights. Perceiving that more assistance would be appreciated, Mr Williamson offered to supplement the oral submissions with written ones. They arrived today.

**Issue 2: The relevance of council not opposing**

- [18] While it seems sensible that a court should have regard to the fact that Council has changed its mind, I am unsure whether that is a matter which the court may consider. I note that according to the wording of s 388(1), an assessment manager deciding a request under s 383 of SPA “must only have regard to” the four matters set out in s 388(1). The court can have regard to the “views of any concurrence agency for the approval given under s 385”. There was no submission made that the Council was such a concurrence agency. Even if a failure to oppose an application could be regarded as the “views” of Council, I am not persuaded that it is a matter to which I may have regard. Fortunately, it does not affect the outcome as I propose for the reasons following, to allow the appeal. If I could take into account the non-opposition of council on the hypothesis that it is “a concurrence agency for the

approval given under section 385” it would have reinforced the other bases for my decision.

**Issue 3: Should the appeal be allowed where it is likely that numerous persons would make submissions to a fresh development application?**

- [19] The position taken by the Council in drawing to the court’s attention matters referred to in s 388(1)(c) of SPA was appropriate. The complication it introduced was appropriately introduced. The choice of its counsel to raise the complicating facts was performance of his duty performance to the court. Section 388(1)(c) makes relevant to the court’s function as assessment manager the likely extent to which rights to make a submission may be exercised. That part of the sub-section makes relevant the interests of potential submitters. They are not represented at the appeal. In an appeal where the facts show a likelihood that there would be numerous submitters in the event of a further development application the court should expect that this complication would be raised, at least by an officer of the court acting for Council.
- [20] The developer’s supplementary written submissions have been helpful.
- [21] I accept that the provision in s 388(1) of SPA does not contemplate that any one of the four considerations is intended to prevail and it does not contemplate that a failure to comply with one of the criteria mandates refusal.
- [22] I regard it as particularly significant that the development approval is consistent with current laws and policies. Because the public notification process for the development application attracted more than 300 submissions I accept the submission that any submission made in response to the development application, if remade, is unlikely to raise any new issue not already raised by submissions in the original application process.
- [23] I accept the submission that any new resident in the area having arrived after the public notice should have an expectation that development could proceed in the area in accordance with the planning scheme. The consistency of the development approval with the planning documents is important because there must therefore be a reasonable expectation on the part of the public that development of the kind approved may occur in the area.
- [24] I accept that the opposition to the proposal maintained by some members of the public is likely to be related to the acceptability of the “use” in the area and not based upon its consistency or otherwise with current laws and policies. I balance that against the fact that the approval, including its conditions, is consistent with current laws and policies.
- [25] I accept there would be little utility in forcing the developer to undergo an extensive impact assessment process for the purpose of obtaining a development approval that would be, for all intents and purposes, consistent with the existing development

approval and which would be unlikely to provoke a public submission that would raise any new issue for consideration.

- [26] It is appropriate that the appeal be allowed and that the relevant period of the development approval be extended for two years from the date of judgment.



## Locality Plan

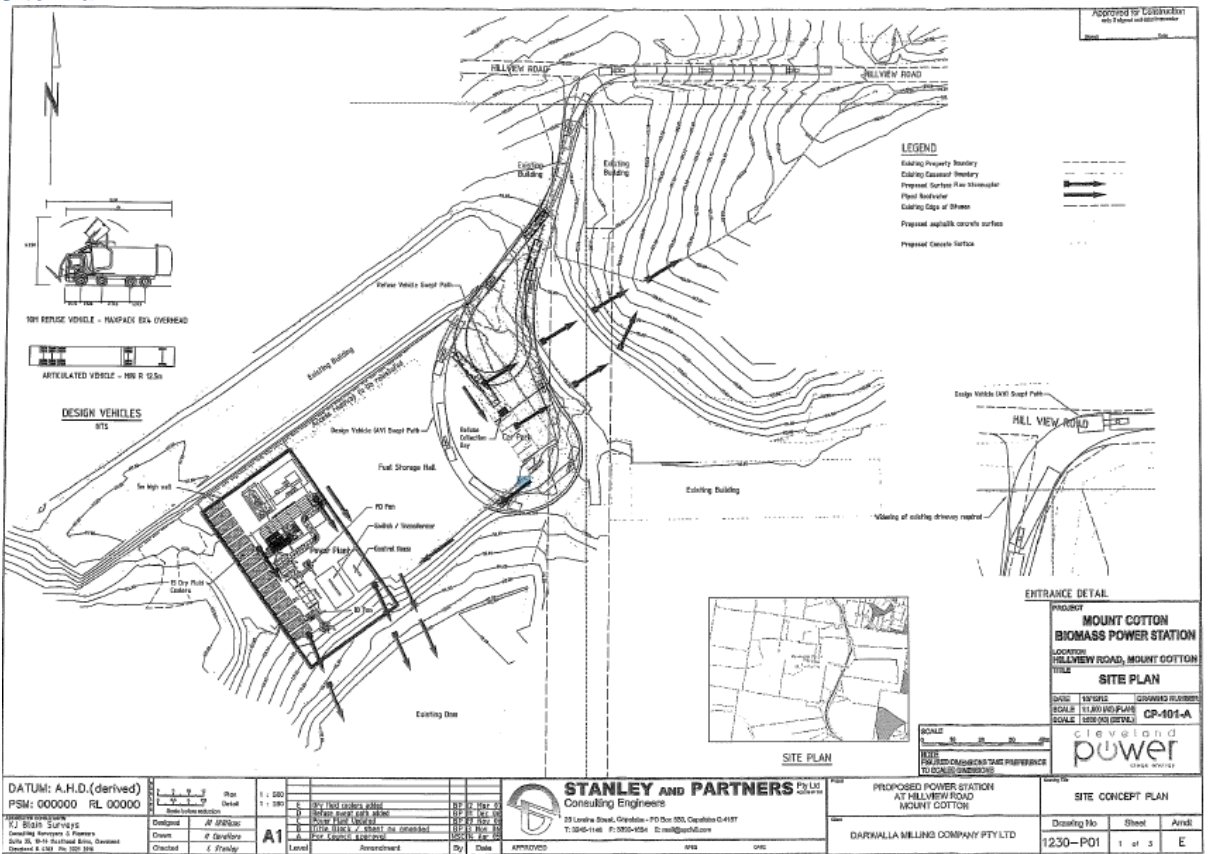


## Aerial Plan

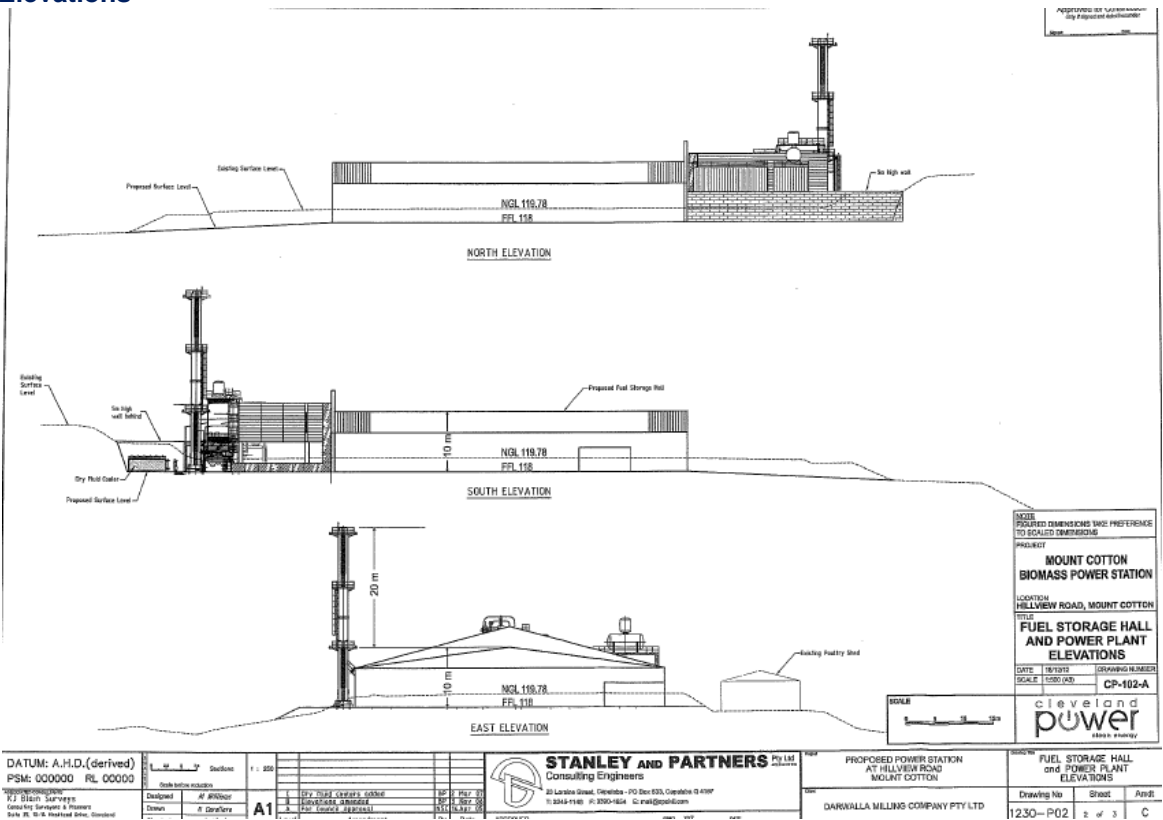




Site Plan




Elevations





**11.4 PORTFOLIO 4 (CR LANCE HEWLETT)****COMMUNITY & CULTURAL SERVICES, ENVIRONMENT & REGULATION****11.4.1 PROPOSED ENVIRONMENT CHARGE PROPERTY ACQUISITIONS**

<b>Objective Reference:</b>	<b>A158421</b> <b>Report and Attachments (Archives)</b>
<b>Attachments:</b>	<b>Confidential:</b> Environment Separate Charge Acquisition List Additions - March 2015 <b>Confidential:</b> Greenways Corridor Map
<b>Authorising Officer:</b>	 <b>Louise Rusan</b> <b>General Manager Community and Customer Services</b>
<b>Responsible Officer:</b>	<b>Gary Photinos</b> <b>Group Manager Environment &amp; Regulation</b>
<b>Report Author:</b>	<b>Candy Daunt</b> <b>Senior Advisor Environment</b>

**PURPOSE**

Council has been pursuing a strategy of protecting and restoring vital habitat using a number of tools. As part of that strategy Council regularly assesses properties for potential purchase using the Environment Separate Charge Acquisition funds to maintain our biodiversity and in particular strengthen wildlife corridors.

This report seeks endorsement for a number properties to be purchased using the Environment Separate Charge Acquisition funds.

That Council resolves to approve the acquisition of the additional properties as listed in the "Confidential Environment Separate Charge Acquisition List Additions - March 2015" using the funds held in the Environment Separate Charge Acquisition Capital Reserve fund.

**BACKGROUND**

- December 2013 - a report was presented to Council with a revised Acquisition List for very high priority properties and the balance of properties being placed on a watch list to be considered on a case by case basis. This was endorsed by Council on 20 December 2013.
- A number of properties that have been on our watch list have now come onto the market and are presented to Council to consider for acquisition.

**ISSUES****ENVIRONMENT CHARGE ACQUISITION AND MANAGEMENT POLICY POL 3077**

Council has approved a land acquisition program to support the Environment Charge Acquisitions and Management Policy to achieve the following objectives:

1. To protect environmentally significant properties through selective acquisition as part of the broader strategy of methods for protecting, maintaining and rehabilitating environmental values and biodiversity;
2. To manage environmentally significant properties for existing and future generations and to protect the environmental significance of the site in both the short term and long term; and
3. To protect and enhance koala habitat, both urban and rural, through selective acquisition and rehabilitation, and to facilitate effective and safe koala movement.

All identified properties nominated for acquisition in this report have been reviewed against the Confidential Greenways Corridor map.

### **LAND ASSESSMENT GUIDELINES FOR PROPOSED ACQUISITIONS USING ENVIRONMENTAL CHARGE ACQUISITION FUNDS**

Council has also adopted a guideline for rapid assessment of properties which become available for acquisition to be considered. This guideline allows for additional properties not previously assessed for acquisition to be proposed and added to the program. A large number of properties have been assessed with this guideline where property owners approach Council to have their land considered for acquisition.

In accordance all new properties have been assessed against the 15 criteria in the guidelines.

### **CONFIDENTIAL ENVIRONMENT SEPARATE CHARGE LAND ACQUISITION LIST ADDITIONS - MARCH 2015**

This confidential list provides an assessment of a number of properties that have been added to the acquisition list that have recently come onto the market. The assessment includes a general description of each property, an environmental assessment and planning description together with the necessary maps of the proposed properties. These properties have been assessed using the land assessment guidelines referred to above.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

Local Government under state legislation has a general environment duty and responsibility to protect and maintain significant vegetation and biodiversity.

#### **Risk Management**

The additional lands that have been listed in the attachment are located at key breaks in wildlife corridors, as shown in the Confidential Greenways Corridor Map attachment. If these blocks are retained in private ownership then there is an increased risk of degradation in wildlife corridors values and loss of koala habitat negatively, impacting upon wildlife movement.

#### **Financial**

Independent valuations will be obtained for costing purposes and provision has been made in the 2014/2105 financial year to acquire these properties. The Environmental Separate Charge funds will be used to meet the acquisition costs for the properties, and initial management works (such as pest management, remediation, fencing, signage, waste removal and track works), up to a value of 20% of the purchase price of the property.

## People

There are no staff implications. The existing continuous conservation estate is currently under active management by the City Spaces Group.

## Environmental

The attached Confidential Greenways Corridor map clearly illustrates the role of these properties in enhancing and strengthening existing wildlife corridors.

The proposed acquisition sites have important positive environmental values including proximity to an internationally listed Ramsar area. The sites also contain endangered regional ecosystems (12.5.2 and 12.1.1) and koala habitat identified in the Koala habitat mapping.

## Social

Strengthening corridor connections also allows for enhanced visitor experiences by enabling movement through in these areas.

## Alignment with Council's Policy and Plans

Should Council proceed with acquisition of the properties mentioned in confidential attachment it will promote the intent of the Corporate Plan Healthy Natural Environment theme and the objectives of the Council's Environment Charge Acquisitions and Management Policy.

## CONSULTATION

The following Council officers have been consulted in the preparation of this report and its attachments:

The Principal Property Consultant has provided information from the property owner/agent and history of previous informal negotiations. In addition, the Principal Property Consultant will source independent valuations for the properties.

The Environment and Education Unit has confirmed the environmental and corridor values associated with the properties.

The City Spaces Group has provided information regarding the contiguous conservation estate and site establishment works required.

The Strategic Planning Unit has provided advice on the current Redlands Planning Scheme as it applies to the identified sites.

## OPTIONS

1. That Council resolves to:
  - a. Acquire the properties identified in the Confidential Environment Separate Charge Acquisition List Additions - March 2015;
  - b. Delegate the Chief Executive Officer, *under s.257(1)(b) of the Local Government Act 2009*, to acquire these additional properties at "fair market value" and execute all associated documentation.
  - c. That the attachments to this report remain confidential.
2. That Council resolves not to acquire the properties identified in the Environment Separate Charge Acquisition List March 2015 (Attachment 1).

**OFFICER'S RECOMMENDATION**

That Council resolves to:

1. **Acquire the properties identified in the Confidential Environment Separate Charge Acquisition List Additions - March 2015;**
2. **Delegate the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, to acquire these additional properties at "fair market value" and execute all associated documentation; and**
3. **That the attachments to this report remain confidential.**

**12 MAYORAL MINUTE**

In accordance with s.35 *Redland City Council Meetings – Standing Orders*, the Mayor may put to the meeting a written motion called a 'Mayoral Minute', on any matter. Such motion may be put to the meeting without being seconded, may be put at that stage in the meeting considered appropriate by the Mayor and once passed becomes a resolution of Council.

**13 NOTICES OF MOTION TO REPEAL OR AMEND RESOLUTIONS**

In accordance with s.262 *Local Government Regulation 2012*.

**14 NOTICES OF MOTION**

In accordance with s.7(3) *Redland City Council Meetings – Standing Orders*.

**15 URGENT BUSINESS WITHOUT NOTICE**

A Councillor may bring forward an item of urgent business if the meeting resolves that the matter is urgent.

**16 CLOSED SESSION****16.1 INFRASTRUCTURE & OPERATIONS****16.1.1 RESOLUTION OF COUNCIL TO AWARD T-1715-14/15-WST WASTE COLLECTION AND RECYCLABLE MATERIAL RECOVERY SERVICES CONTRACTS**

**Objective Reference:** A167082  
Reports and Attachments (Archives)

**Authorising Officer:**



**Gary Soutar**  
General Manager Infrastructure and Operations

**Responsible Officer:**

**Kevin Mcguire**  
Group Manager Water and Waste Operations

**Report Author:**

**Robert Walford**  
Service Manager RedWaste

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**EXECUTIVE SUMMARY**

Council or Committee has a broad power under Section 275(1) of the *Local Government Regulation 2012* to close a meeting to the public where there are genuine reasons why the discussion on a matter should be kept confidential.

**OFFICER'S RECOMMENDATION**

**That the meeting be closed to the public to discuss this matter pursuant to Section 275(1) of the *Local Government Regulation 2012*.**

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

***(e) contracts proposed to be made by it (Council).***

**17 MEETING CLOSURE**

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