



**Redland**  
CITY COUNCIL

# **AGENDA**

## **COORDINATION COMMITTEE MEETING**

**Wednesday, 6 November 2013  
commencing at 10.30am**

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

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The Mayor is the Chair of the Coordination Committee. Coordination Committee meetings comprise of *Portfolios* chaired by Council's nominated spokesperson for that portfolio as follows:

PORTFOLIO	SPOKESPERSON
1. Community & Environmental Health and Wellbeing; Animal Management; Compliance & Regulatory Services	Cr Wendy Boglary
2. Economic Development, Governance, Service Delivery, Regulations and Emergency Management	Mayor Karen Williams supported by the Deputy Mayor Alan Beard
3. Tourism and CBD Activation	Cr Craig Ogilvie
4. Commercial Enterprises (Water, Waste, RPAC, etc)	Cr Kim-Maree Hardman
5. Open Space, Sport and Recreation	Cr Lance Hewlett
6. Corporate Services	Cr Mark Edwards
7. Planning and Development	Cr Julie Talty
8. Infrastructure	Cr Murray Elliott
9. Environment; Waterways and Foreshores	Cr Paul Gleeson
10. Arts, Culture and Innovation	Cr Paul Bishop

## 1 DECLARATION OF OPENING

### Quorum:

6 councillors, including Chairperson (a majority of members)

## 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 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.*

#### **4 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.

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**5 PORTFOLIO 2 (MAYOR KAREN WILLIAMS)**  
(Supported by Deputy Mayor Cr Beard)

**ECONOMIC DEVELOPMENT, GOVERNANCE, SERVICE DELIVERY,  
REGULATIONS AND EMERGENCY MANAGEMENT**

**5.1 ORGANISATIONAL SERVICES**

**5.1.1 FREEDOM OF ENTRY TO THE CITY**

**Datworks Filename: CR War Memorials**

**Authorising/Responsible Officer:**



**Nick Clarke**  
**General Manager Organisational Services**

**Authors:**

**Trevor Green**  
**Principal Advisor Corporate and Democratic**  
**Governance**

**Tracy Walker**  
**Group Manager Communications**

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**PURPOSE**

For Council to resolve to offer Freedom of Entry to the City to the 395 Expeditionary Combat Support Wing of the Royal Australian Air Force (RAAF) Base Amberley.

**BACKGROUND**

**Redland City's Connection to the RAAF**

Redland City has had a proud connection with the war effort during the Second World War, in particular with the RAAF. This includes the following:

**Redland Bay**

During the Second World War, Redland Bay was used by the Royal Australian Air Force No. 40 Squadron, which operated Short S.25 Sunderland III aircraft (flying boats) between Australia and New Guinea.

The Redland Bay Hotel was commandeered for Officer Quarters during WW2.

In 1943, the US Army Signal Corps established a radio transmitter site at the Redland Bay Golf Course. They also established a second radio receiving site at Capalaba.

The Australian Women's Land Army established camps at Redland Bay, Birkdale and Victoria Point. The women worked at many local farms from Wellington Point to Cleveland.

**North Stradbroke Island**

The Australian Hospital Ship Centaur was torpedoed off Stradbroke Island on 14th May 1943, with 268 lives lost and 64 survivors.

Between 29 August 1943 and 15 April 1946, the No. 49 RAAF Radar was based at Point Lookout on Stradbroke Island. A US Army Early Warning Radar Unit was also based at Point Lookout.

### **Coochiemudlo Island**

In 1939 the 42nd and 43rd Water Transport Divisions of the Operating Company of the Royal Australian Engineers were stationed on Coochiemudlo Island for training to move personnel around New Guinea. Their camp was where the 9th hole of the Coochie Golf Club is now.

Redland City is also the home of many returned and currently serving servicemen and women. There is also increasing membership in the Redlands' Australian Defence Force Cadet Units.

### **History of Granting Freedom of Entry to a City**

During the eleventh and twelfth centuries, the walled cities of Europe trained soldiers for defensive measures and protection of the city, against bands of marauding, undisciplined armed men, many returning from the Crusades. Freedom to enter the city was granted only to friendly armies and was rigorously controlled by city leaders as a measure of precaution, rather than an act of grace. Granting of freedom of entry to a city provided benefits to both parties. Those in the armies gained access to shelter (particularly important in winter), food and supplies, while improving the city's defences and increasing the city's available workforce.

In modern times, the granting of 'Freedom of Entry' bestows no legal right or privilege on the recipient body as honoured, but it is accepted that the conferring is the most honourable distinction that a city may bestow on a contingent of the Australian Defence Forces.

A military or civilian unit accorded this privilege is granted the right of entry to the city "with bayonets fixed, colours flying and drums beating". This award is restricted to Australian military and civilian units which have, through their command, a significant attachment to the City. It is conferred in recognition of their achievement while on active service or overseas duty or as a mark of respect and gratitude for their efforts in the defence of Australia. Freedom of Entry to a city is celebrated with a ceremonial parade of the unit through the city streets and the presentation of a scroll.

As such, the origins of granting of 'Freedom of Entry' to a city and the colourful ceremony attached to the granting of entry by a city, have a much deeper historical significance than the modern ceremony may imply.

## **ISSUES**

### **Benefits of Granting Freedom of Entry**

Granting freedom of entry to the City to the 395 Expeditionary Combat Support Wing of the RAAF Base Amberley not only recognises the Support Wing, but also provides a number of benefits to the Redlands. By formally offering freedom of entry to the City to the 395 Expeditionary Combat Support Wing of the RAAF Base Amberley, this will further strengthen Redland City's connection and bond with the Australian Defence Force, in particular the RAAF in Queensland. Where such an honour has been granted in other cities, there is a greater participation of serving military

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personal at war memorial services, which in turn is appreciated and recognised through increased community involvement. This connection also extends into particularly practical areas. It is reported that the first armed forces present on the ground after the 2010 South East Queensland floods as part of the recovery phase, were the units which had had been given freedom of entry to those cities. There is also greater partnership between the units granted freedom of entry and the city's cadets units who also receive flow on benefits, including in this case greater access and support at the Amberley RAAF base.

Granting freedom of entry to the Wing in 2014 would also play a particularly important part in Redlands' acknowledgement and participation in the Centenary of the Commencement of World War One.

### **Preliminary Discussions and Consent**

Before preparing this report, officers have firstly conducted research into the connection between Redland City and the RAAF and secondly held unofficial preliminary discussions with 395 Expeditionary Combat Support Wing of the RAAF Base Amberley, to gauge their capacity to receive this honour and a potential date for the ceremony, should Council resolve to offer the Wing freedom of entry to the City.

The Group Captain commanding the Wing has advised:

*"This Wing is very proud to be invited to exercise the right of freedom of entry of entry to Redland City and is keen to reinvigorate the relationships between the Royal Australian Air Force and Redland City."*

Should Council resolve to offer freedom of entry to the City to the 395 Expeditionary Combat Support Wing, the most appropriate date for the ceremony would be Saturday 12<sup>th</sup> April 2014. Not only is this date agreeable to both parties, it would be an excellent lead-in to the Anzac Celebrations in the Redlands.

### **Freedom of Entry Ceremony**

The granting of entry ceremony is based upon strong traditions. In summary the Wing assembles at a particular point and then proceeds to march into the City. The Wing is first challenged by the Police Officer in Charge. From there the Wing marches past the City Chambers where they are inspected by the Mayor, before being presented with a ceremonial parchment. The Wing then marches to a designated point, before being discharged.

This ceremony would involve approximately 100 military personal plus representation from the Redland's Australian Defence Force Cadet Units. The Redlands community would be encouraged join the celebration and recognise the Wing by lining the parade route.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

There are no legislative requirements associated with this report.



## **Risk Management**

Overall there are minimal risk management issues associated with this report.

## **Financial**

As initial discussions commenced after the approval of the 2013/2014 budget, there has been no allocation of budget to this project. Should Council resolve to offer freedom of entry to the City to the Wing, this will necessitate a second quarter budget adjustment to cover both organising and conducting the ceremony.

It is proposed that a budget of \$20,000 will cover costs for the external event. This will include traffic management to close Middle Street, police hire for road closure and security around arms presence, hire of port-a-loos for expected crowd of 1000-plus, ceremonial items, contribution to an event at Redlands RSL, additional barriers to close off roads, advertising of road closures, SES payment, first aid, bin hire, advisory letters to local businesses and residents and staffing including mandatory overtime on weekend for Workplace Health and Safety, event coordinators, and staff who will set up and remove temporary fencing, manage car-parking and oversee clean-up.

Support will be sought from local businesses and associations to offset some of these costs.

Staffing costs to coordinate and manage the event and stakeholders will be in the range of \$15,000 to \$20,000. This includes developing plans for risk management, traffic management, noise management, emergency management, defence vehicle access, site maps, public liability, event management at Redlands RSL, seeking and managing partners, communication and liaison with RAAF, emergency services organisations, internal coordination of council officers across a range of departments, communicating with schools, cadets, local residents and businesses, and developing signage and collateral.

The staffing costs may be absorbed by reducing other services in the Communications Group.

## **People**

The Communications Group will run the event.

## **Environmental**

There are no environmental implications associated with this report.

## **Social**

Granting freedom of entry to the Wing in 2014 would play a particularly important part in Redlands' recognition and participation in the Centenary of the Commencement of World War One.

One of the aims of the event would be to make the ceremony and parade as inclusive as possible to all members of the community. This will be an important part of the planning and organising for the day.

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

Again, this would play a particularly important part in Redlands' recognition and participation in the Centenary of the Commencement of World War One.

**CONSULTATION**

Consultation has occurred with the Royal Australian Air Force, Queensland Police Service, Cleveland Returned & Services League, Corporate Communications and the Office of the Mayor.

**OPTIONS**

1. That Council resolve to offer Freedom of Entry to Redland City to the 395 Expeditionary Combat Support Wing of the RAAF Base Amberley.
2. That Council resolve not to offer Freedom of Entry to Redland City to the 395 Expeditionary Combat Support Wing of the RAAF Base Amberley.

**OFFICER'S RECOMMENDATION**

**That Council resolve to offer Freedom of Entry to Redland City to the 395 Expeditionary Combat Support Wing of the RAAF Base Amberley.**

## 5.1.2 REVIEW OF RIGHT TO INFORMATION ACT 2009 AND INFORMATION PRIVACY 2009

**Dataworks Filename:** GOV Acts

**Attachments:** [Appendix A - Review of the RTI Act](#)  
[Appendix B - Review of the IP Act](#)

**Authorising/Responsible Officer:**



**Nick Clarke**  
**General Manager Organisational Services**

**Author:**

**Jo Jones**  
**Services Manager Corporate Planning and Performance**

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### PURPOSE

The Department of Justice and Attorney General are carrying out a review of the *Right to Information Act 2009* (RTI Act) and the *Information Privacy Act 2009* (IP Act). The Department has requested responses to the review by 15 November 2013. The purpose of this report is to present Council's draft responses (attached as Appendices A and B to this report) and seek approval for their submission as Council's formal consultation response.

### BACKGROUND

The RTI Act and the IP Act were introduced in 2009, to replace the old *Freedom of Information Act 1992*. The IP Act protects personal information of individuals, through 11 privacy principles. The privacy principles set out how Council should collect, store, use and disclose personal information. The RTI Act, and Chapter 3 of the IP Act allow people to access documents held by Council.

Since the implementation of the legislation, a number of operational and policy questions have arisen. The review of the legislation allows Council to highlight issues related to the legislation. The Department of Justice and Attorney General has published two discussion papers, which include questions for Council to consider.

### ISSUES

In consultation with relevant officers, Corporate Governance has developed a draft response, based on experience with implementing both the RTI Act and the IP Act.

There are a number of challenges associated with access applications through the RTI Act and Chapter 3 of the IP Act. Council deals with applications for access to documents, processing the requests in accordance with legislative timeframes. The fees and charges under the RTI Act mean that Council is not able to recover all the costs incurred in processing applications. Many applications under the RTI Act are processed with only the \$41.90 application fee payable.

Although processing charges apply, this is only when the processing takes more than five hours. In addition, pensioners do not have to pay any processing fees.

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## **STRATEGIC IMPLICATIONS**

The purposes of the RTI Act and IP Act are to protect personal information and to allow the public access to documents held by Council. Council is committed to the principles of the legislation and has adopted an Information Privacy Policy and an Access to Information Policy, to assist Council with implementation of the legislation.

### **Legislative Requirements**

It is a legislative requirement under the RTI Act and IP Act that this review is carried out. Council is not under any obligation to respond, but the consultation represents an important opportunity to influence the development of this legislation.

### **Risk Management**

There are aspects of the legislative review which are relevant to risk management. The main risk management issue is the way Council deals with personal information because if there was a breach of privacy, Council could potentially be fined.

### **Financial**

The review provides the opportunity for Council to highlight the financial issues associated with the legislation, in particular the issues around the application fees and processing charges. Council does not recover the money spent on processing applications, as charges only apply after five hours processing and pensioners are not required to pay processing fees.

### **People**

Implementation of the RTI Act and IP Act is co-ordinated by Corporate Governance but requires involvement by employees across the organisation. All Councillors and employees of Council are required to provide documents for consideration as part of an application, if requested.

### **Environmental**

No direct environmental impacts from the legislative review.

### **Social**

The legislative review could potentially affect the way Council deals with personal information and could also affect how the public access documents held by Council.

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

Council's Information Privacy Policy (POL-3103) and Access to Information Policy (POL-3126) were developed in line with current legislation. When the outcome of the review is known, Council may need to review these policy documents to ensure they are consistent with any changes to the legislation.

## **CONSULTATION**

The draft response has been developed by Corporate Governance, in consultation with relevant areas of Council. The deadline for Council to submit its consultation response is 15 November 2013.

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**OPTIONS**

1. The Coordination Committee can recommend approval of the attached responses for submission to the Department of Justice and Attorney General as Council's response to the review of the RTI Act and IP Act.
2. The Coordination Committee can recommend approval of the attached responses, subject to wording changes agreed at the meeting, for submission to the Department of Justice and Attorney General as Council's response to the review of the RTI Act and IP Act.
3. The Coordination Committee can recommend that Councillors be invited to submit comments after the meeting and that approval of the final response be delegated to the General Manager Organisational Services. Once approved by General Manager Organisational Services, the response will be submitted to the Department of Justice and Attorney General as Council's formal response to the review of the RTI Act and IP Act.

**OFFICER'S RECOMMENDATION**

**That Council resolve to approve the attached response for submission to the Department of Justice and Attorney General no later than 15 November 2013, as Council's formal response to the review of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.**

### 5.1.3 QUARTERLY CORPORATE PERFORMANCE REPORT

**Datworks Filename:** GOV Corporate Performance Reporting

**Attachment:** [Quarter One Report](#)

**Authorising/Responsible Officer:**



**Nick Clarke**  
**General Manager Organisational Services**

**Author:**

**Jo Jones**  
**Services Manager Corporate Planning and Performance**

#### PURPOSE

The purpose of this report is to present Council and the community with an update of performance across a range of organisational functions for the year to date.

#### BACKGROUND

The *Local Government Act 2009* (LG Act) requires the CEO to present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of Council at least quarterly.

This report provides a progress report against the Operational Plan 2013/14 for the first quarter, from 1 July to 30 September 2013. The report provides a status update for each project, together with a comment outlining progress for the first quarter.

The information in the attached report has been provided by the Council officers responsible for the particular project. The report aims to provide information transparently and in accordance with the LG Act, Council's Corporate Plan 2010-2015 and

#### ISSUES

The attached report provides details about the implementation of the Operational Plan 2013/14. It also provides an update on 10 projects which were carried forward from the Operational Plan 2012/13 because they were not complete as at 30 June 2013.

#### *Status of projects*

The report includes the status of each project together with comments from the relevant area of Council.

Each project is categorised as follows:

<b>Completed</b>	the project has been fully completed
<b>On track</b>	The project is progressing on time and on budget and is on track for delivery by 30 June
<b>Monitor</b>	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
<b>Concern</b>	There are significant delays or budget issues and it is unlikely that the project will be delivered by 30 June
<b>Cancelled</b>	the project has been cancelled or is recommended for cancellation

### Summary

There are 50 projects in the Operational Plan 2013/14. A summary of the status of these projects is shown below:

Status	Carried forward 2012/13	Operational Plan 2013/14	Total
Completed	1	4	5
On track	7	41	48
Monitor	0	5	5
Concern	0	0	0
Cancelled	1	0	1
<b>Total</b>	<b>9</b>	<b>50</b>	<b>59</b>

Of the nine projects which were incomplete last year, one has been cancelled, one has been completed and the remaining seven are on track but will continue to be monitored.

The requirement for the annual Healthy Natural Environment Report is being re-evaluated. Therefore this project, which was a part of the Operational Plan 2012/13, will be removed from future quarterly reports. It is shown in the attached report as cancelled.

### *Changes to organisational structure*

Since the adoption of the operational plan in June, there have been several changes to the structure of the organisation. Some of the project leads have therefore changed from the Operational Plan 2013/14 which was adopted in June 2013. The Corporate Governance Group has updated the attached report to reflect the new structure.

## **STRATEGIC IMPLICATIONS**

Council's Operational Plan 2013/14 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 2030 Community Plan. The Operational Plan 2013/14 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.

### **Legislative Requirements**

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 2013/14 is funded from the annual budget.

**People**

Projects within the Operational Plan 2013/14 are managed by the appropriate area of Council. The status and comments in the attached report have been provided by the relevant officer and compiled by Council's Corporate Governance Group. Although the delivery of the plan itself is dependent on staff resources and some projects relate to people issues, there are not direct impacts on people issues resulting from this report.

The attached report does not reflect the changes made in the recent organisational restructure. Corporate Governance are working to update the performance reporting system to reflect the new structure. The next report for quarter one of 2013/14 will reflect the new departments and groups.

**Environmental**

Some projects within the Operational Plan 2013/14 directly contribute to Council's environmental commitments, in particular those related to Council's outcome 'Healthy Natural Environment'. However, this report does not have any direct environmental impacts.

**Social**

Some projects within the Operational Plan 2013/14 directly contribute to Council's social agenda, in particular those related to Council's outcome 'Strong and Connected Communities'. Almost all projects would have some degree of social impact but the progress report itself does not have any direct social impacts.

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

Council's Operational Plan 2013/14 outlines planned activities and projects against the nine outcomes in the Corporate Plan 2010-2015. Therefore, it is a key planning document and consistent with both the Corporate Plan 2010-2015 and the Redlands 2030 Community Plan.

**CONSULTATION**

The Corporate Governance Group has prepared the attached report in consultation with the 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 2013/14.

**OPTIONS**

1. That Council notes the quarterly corporate performance report.
2. That Council notes the quarterly corporate performance report but requests additional information to be provided after this meeting.

**OFFICER'S RECOMMENDATION**

**That Council resolve to note the quarterly corporate performance report.**



**5.1.4 COUNCIL MEETING REVIEW AND 2014 MEETING CALENDAR****Dataworks Filename:** L&E Local Law No.5 Meetings**Attachment:** [Meeting Calendar 2014](#)**Authorising/Responsible Officer:****Nick Clarke**  
**General Manager Organisational Services****Author:****Trevor Green**  
**Principal Advisor Corporate and Democratic Governance**

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**PURPOSE**

The purpose of this report is:

1. For Council to adopt a new meeting structure; and
2. For Council to adopt the 2014 Council Meeting calendar.

**BACKGROUND**Council Meeting Review

It is now approaching one year since Council restructured its meeting structure to conduct fortnightly General Meetings with a Coordination Committee being held during the General Meeting. Council also appointed a Cleveland CBD Revitalisation Committee to meet at least once every two months from February to December 2013 (at which time its ongoing need would be assessed).

In addition to the planned review of the Cleveland CBD Revitalisation Committee, a further review has been conducted regarding additional efficiency and effectiveness gains in Council's meeting structure.

Council Meeting Schedule 2014

The *Local Government Act 2009* requires Councils to at least once in each year, publish in a newspaper circulating generally in its area, a notice of the days and times when its meetings are to be held. Council also publishes this information at its customer service centres and on its website.

**ISSUES**Council Meeting Review

At the time of the previous review a number of further changes were made regarding:

- a review of reports presented to Council;
- opportunities to reduce "red tape" associated with decision making on routine operational matters;

- the general preference of Councillors to spend more time in their communities; and
- the general preference of Councillors to focus their Council meeting time on strategic matters, as opposed to routine operational matters that can be dealt with through policy, delegations, management prerogative, etc.

These changes have generally achieved the desired outcomes.

While it was decided to conduct a Coordination Committee during the General Meeting, there has been little value added to Council's decision making process by stopping the General Meeting to break into a committee meeting and then reconvening the General Meeting. On reflection, this process has added little to further debate and basically adds a level of red tape to the decision making process. It is considered that appropriate debate is available during a General Meeting to facilitate good decision making. As such it is recommended that Council amend its meeting structure to remove the Coordination Committee.

It is also now considered that with Council meeting every fortnight, there is adequate opportunity for matters relating to the revitalisation of the Cleveland CBD to be brought directly the General Meetings. This also means that these matters can be addressed in a quicker timeframe, than every two months.

To provide for more effective time management for both members of the community attending Council Meetings and Councillors, it is recommended to move the General Meetings forward, to commence at 9.30am.

#### Council Meeting Schedule 2014

The attached meeting schedule for 2014 has been developed in accordance with the recommendations of this report.

A review of Councillor portfolios will occur early in 2014.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The recommendations of this report are in accordance with the legislative requirements relating to the conduct of Council's meetings.

### **Risk Management**

Matters relating to risk management have been addressed in the report.

### **Financial**

There are no specific financial implications associated with this report.

### **People**

The more effective and efficient meeting structure will provide benefits to Council's Elected Representatives and those officers involved in Council's meetings.

**Environmental**

There are no specific environmental implications associated with this report.

**Social**

The more effective and efficient meeting structure will provide benefits to members of the community wishing to attend Council meetings.

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

This report aligns with Council's policies and plans and further reduces red tape associated with Council's meetings.

**CONSULTATION**

Consultation has occurred with Council's Elected Representatives, Executive Management Group and the Meetings and Registers Team.

**OPTIONS**

1. That Council resolve as follows:
  1. To appoint the following meeting structure, effective 1 January 2014:
    - a) That Council conducts fortnightly General Meetings (subject to school holidays);
    - b) That the General Meetings commence at 9.30am.
  2. That Council adopt the attached 2014 meeting calendar.
2. That Council amend the proposed meeting structure and/or 2014 meeting calendar.

**OFFICER'S RECOMMENDATION**

**That Council resolve as follows:**

1. **To appoint the following meeting structure, effective 1 January 2014:**
  - a) **That Council conducts fortnightly General Meetings (subject to school holidays);**
  - b) **That the General Meetings commence at 9.30am.**
2. **That Council adopt the attached 2014 meeting calendar.**

### 5.1.5 LOCAL LAWS

**Datworks Filename:** L&E Local Laws

**Attachments:**

[Local Law \(Repealing\) Local Law \(No 2\) 2013](#)

[LL1 \(Administration\) 2013 DRAFT](#)

[SLL1.1 \(Alteration or Improvement to Local Government Controlled Areas and Roads\) 2013 DRAFT](#)

[SLL1.2 \(Commercial Use of Local Government Areas and Roads\) 2013 DRAFT](#)

[SLL1.3 \(Establishment or Occupation of a Temporary Home\) 2013 DRAFT](#)

[SLL1.4 \(Installation of Advertising Devices\) 2013 DRAFT](#)

[SLL1.5 \(Keeping of Animals\) 2013 DRAFT](#)

[SLL1.8 \(Operation of Accommodation Parks\) 2013 DRAFT](#)

[SLL1.9 \(Operation of Cemeteries\) 2013 DRAFT](#)

[SLL1.10 \(Operation of Public Swimming Pools\) 2013 DRAFT](#)

[SLL1.12 \(Operation of Temporary Entertainment Events\) 2013 DRAFT](#)

[SLL1.13 \(Undertaking Regulated Activities Regarding Human Remains\) 2013 DRAFT](#)

[SLL1.14 \(Undertaking Regulated Activities on Local Government Controlled Areas & Roads\) 2013 DRAFT](#)

[SLL1.15 \(Carrying out Works on a Road or Interfering With a Roads or its Operation\) 2013 DRAFT](#)

[SLL1.16 \(Bringing or Driving a Motor Vehicle on to a Local Government Controlled Area\) 2013 DRAFT](#)

[SLL1.17 \(Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing\) 2013 DRAFT](#)

[SLL1.18 \(Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee\) 2013 DRAFT](#)

[LL2 \(Animal Management\) 2013 DRAFT](#)

[LL2 \(Animal Management - Register\) 2013 DRAFT](#)

[SLL2 \(Animal Management\) 2013 DRAFT](#)

[LL3 \(Community & Environmental Management\) 2013 DRAFT](#)

[SLL3 \(Community & Environmental Management\) 2013 DRAFT](#)

[LL4 \(Local Government Controlled Areas Facilities and Roads\) 2013 DRAFT](#)

[SLL4 \(Local Government Controlled Areas Facilities and Roads\) 2013 DRAFT](#)

[LL5 \(Parking\) 2013 DRAFT](#)

[SLL5 \(Parking\) 2013 DRAFT](#)

[LL7 \(Bathing Reserves\) 2013 DRAFT](#)

[SLL7 \(Bathing Reserves\) 2013 DRAFT](#)

**Responsible/Authorising Officer:**



**Nick Clarke**

**General Manager Organisational Services**

**Author:**

**Trevor Green**

**Principal Advisor Corporate and Democratic Governance**

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### PURPOSE

The purpose of this report is to initiate the local law making process for a new set of proposed Redland City Council Local and Subordinate Local Laws under the State Model Local Law framework.

### BACKGROUND

The State government has developed a set of model local laws, which it is encouraging Queensland local governments to adopt. Many Queensland Councils have now developed their local laws under the model local law framework. This is resulting in a more consistent approach to local laws and local law provisions throughout the State.

There are a number of advantages for Redland City Council to review its local laws and move to the model local law framework. Firstly the process provides for a review of all provisions of Council's local laws (other than vegetation management (see below)) to ensure that Council's laws are relevant, up to date and appropriate for the needs of Redland City. Secondly, the model local law framework provides a package of contemporary local laws that are:

1. Based on best practice,
2. More streamlined,
3. Principle based,
4. Reducing red tape and regulatory burden,
5. Consistent with state legislation, and
6. More flexible for accommodating future regulatory requirements of local governments.

Model Local Law 1 provides the administrative processes (authorised officers, enforcement processes, approvals, etc) for all of the laws. All matters relating to approvals are detailed in the subordinate local laws attached to Local Law 1. All other matters relating to activities are placed in the other local and subordinate local laws.

A model local law can be adopted by a local government without the need for a State Interest Check or public consultation. If altered in any way before adoption, the law ceases to be a model and is subject to the normal local law making processes.

While a local law sets the head of power and contains some provisions, most of the details (specific law provisions) are contained in the subordinate local law associated with the local law. The State has not produced model subordinate local laws, leaving each local government to draft their own individual subordinate local laws, based on the needs of the individual local government area. Subordinate local laws made under a model local law are subject to normal subordinate local law making requirements.

## **ISSUES**

A new suite of proposed Redland City Council local laws and subordinate local laws (attached) have been drafted under the State's model local law framework. While this is a new format for Council's laws and significant research was undertaken during drafting, the new laws are predominantly based on a transfer of Council's existing law provisions. As such, the majority of provisions remain unchanged.

The drafting of the proposed laws has been based on the following factors:

1. In accordance with the model local law framework developed and produced by the Queensland Government;
2. From feedback received from internal engagement processes;
3. With reference to existing provisions in Council's current local and subordinate laws;

4. With reference to a number of contemporary local laws under the model local law framework, as used by other Queensland local governments;
5. From advice received from the Department of Local Government and King and Co solicitors;
6. From evaluation of current Redland City Council local law reviews;
7. From review of enforcement activities and practicality issues associated with Redland City Council's current local laws;
8. A reduction of laws:
  - Local Laws from 23 to 7;
  - Subordinate Local Laws from 23 to 21;
9. A reduction in red tape (including an engagement process with the Redland City Chamber of Commerce); and
10. From feedback received from Councillor engagement processes.

This report is to present the draft laws for Council "to propose to make the draft laws" and initiate the process for making the laws in accordance with the requirements of the *Local Government Act 2009* and Council's adopted local law making process.

In developing the draft Redland City Council local laws some minor changes have been proposed to the standard model local laws produced by the State. As such, Council will need to refer these proposed amendments to the State government for a State Interest Check. After review by the State, Council will need to consider and approve any changes they require. From here, Council will then conduct community engagement on the proposed laws.

In summary the general process for making the laws is:

1. Council proposes to make the local laws and subordinate local laws (via resolution);
2. The local laws are referred to the State government for State Interest Checking of Council's proposed amendments to the model local laws;
3. Council considers and comes to agreement on any changes to the draft local laws required by the State government (via resolution);
4. Council conducts:
  - a. a community engagement process on the draft law; and
  - b. a public interest test on the draft laws under the national competition policy;
5. Council considers the results of the community engagement (all properly made submissions) and the results of the public interest test and Council resolves to:
  - a. make the laws as proposed, or
  - b. make the laws with minor amendments (resulting from the results of the community engagement process); or
  - c. make major amendments to the draft laws (resulting from the results of the community engagement process) and repeat steps 2-5 as appropriate.

6. At the time of making the new laws, Council repeals its existing laws (other than Law and Subordinate Local Law No. 6 (Protection of Vegetation) as detailed below).
7. Council provides public notification of the making of the laws.

As there is no model local law on vegetation protection, it is intended that Council retain the existing Local Law and Subordinate Local Law No. 6 (Protection of Vegetation) until the new planning scheme is adopted. At that time Council can decide on the most appropriate course of action with regard to this local law, (retain, amend or repeal) based on the provisions of the new planning scheme. To accommodate retention of the existing local law 6, for Council's purposes the State's Model Local Law No. 6 (Bathing Reserves) has been renumbered to be Local Law 7.

As advised above, at the same time as Council is running the process to make the new laws, Council will also be running the process of repealing all existing local and subordinate local laws, other than Local Law and Subordinate Local Law No. 6 (Protection of Vegetation).

As a number of the proposed local laws contain possible anti-competitive provisions as per the National Competition Policy, Public Interest Tests will be conducted on these laws concurrently with the community engagement process. The Public Interest Test Plans will be included in the report when Council considers the results of the State Interest Check.

Council's adopted local law making process includes a step to conduct community engagement during a specified public consultation period. At this time, Council accepts and considers every properly made submission it receives. This is a standard local law making procedure and appropriate for the process for making individual laws. In this instance, Council will be making a full suite of laws, with an expectant period of approximately 3-4 months between proposing to make the laws and the start of the public consultation period. This relates to a combination of the time period required for conducting the State Interest Check, Council's General Meeting's schedule and not starting the community engagement until after the Christmas period.

While Council will not actively invite submissions on the proposed laws until the specified consultation period is to begin, some members of the community may make submissions before this time. Rather than advising writers to resubmit their views during the specified official consultation period, it is recommended that, in this instance, any such correspondence be received and recorded as a submission towards this local law making process.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

This report is in accordance with the legislative requirements of the *Local Government Act 2009* and the *Local Government Regulation 2012*.

### **Risk Management**

The risks associated with making the new laws are managed by conducting the process in accordance with the legislative requirements of the *Local Government Act 2009*, *Local Government Regulation 2012* and Council's adopted practice for making

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local laws. Should Council not conduct the process in accordance with these requirements, the Minister for Local Government may suspend or revoke the local laws (section 38AB of the *Local Government Act 2009*).

### **Financial**

The main costs associated with the local law making process for the new laws will be in conducting the community engagement and public notification steps. Funding for the project has been included in the 2013/2014 Budget.

### **People**

Extensive internal consultation has occurred in drafting the proposed laws. This has included both the content of the laws and their implementation.

### **Environmental**

There are no direct environmental implications associated with this report. There are environmental implications associated with Council's local laws. The community will be asked to provide their views and feedback on any environmental issues associated with the proposed laws, when the community engagement step is undertaken.

### **Social**

While the new laws are predominantly based on a transfer of Council's existing law provisions, this process places all of Council's laws open for community review. As such, it is expected that our community will take an interest in the local laws for the City. In saying this, it is hoped that the community takes the opportunity during the community engagement step to provide their input and advice on the proposed laws.

It will be particularly important that Council manage the advice provided to the community on the process for making the laws. From the time Council proposes to make the laws, there will be a number of steps (see Issues above) before community feedback will be officially sought during the community engagement step.

It will also be particularly important that the community is aware that until Council completes the entire process, the draft laws do not come into effect. Until this time the proposed laws are exactly as explained, "only proposed".

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

The process for making the proposed laws and the associated recommendations of this report are in accordance with Council's adopted practice for making local laws. The process is also in keeping with Council's Corporate Plan Priority 8 Inclusive and Ethical Governance for deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council.

### **CONSULTATION**

In developing the proposed draft laws consultation has occurred with:

1. All internal areas of Council;
2. Elected representatives;
3. Department of Local Government;



4. King and Company Solicitors;
5. Redland City Chamber of Commerce; and
6. Other Queensland Councils which have adopted the State Model Local Laws.

In making the proposed draft laws consultation will include:

1. The State Government (State Interest Check);
2. Community engagement on the content of the laws;
3. Public Interest Test as per the National Competition Policy.

### **OPTIONS**

1. Initiate the local law making process for the laws, as attached.
2. Make amendments to the local laws and then initiate the local law making process for the laws as amended.
3. Postpone the local law making process at this time, while further review of the draft laws is conducted.
4. Cancel the project to develop new local laws for Redland City under the model local law framework and maintain Council's existing local laws.

### **OFFICER'S RECOMMENDATION**

That Council resolve to:

1. **Propose to make each proposed local law listed in schedule 1;**
2. **Propose to make each proposed subordinate local law listed in schedule 2;**
3. **Refer the proposed local laws to the State Government for State Interest Checking; and**
4. **For this process, accept any properly made submissions received before the commencement of the consultation period.**

#### **Schedule 1**

1. **Local Law (Repealing) Local Law (No. 2) 2013;**
2. **Local Law No. 1 (Administration) 2013;**
3. **Local Law No. 2 (Animal Management) 2013;**
4. **Local Law No. 3 (Community and Environmental Management) 2013;**
5. **Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013;**
6. **Local Law No. 5 (Parking) 2013; and**
7. **Local Law No. 7 (Bathing Reserves) 2013.**

**Schedule 2**

1. **Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2013;**
2. **Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2013;**
3. **Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2013;**
4. **Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2013;**
5. **Subordinate Local Law No. 1.5 (Keeping of Animals) 2013;**
6. **Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2013;**
7. **Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2013;**
8. **Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2013;**
9. **Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2013;**
10. **Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2013;**
11. **Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2013;**
12. **Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2013;**
13. **Subordinate Local Law No. 1.16 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2013;**
14. **Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2013;**
15. **Subordinate Local Law No. 1.18 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2013;**
16. **Subordinate Local Law No. 2 (Animal Management) 2013;**
17. **Subordinate Local Law No. 3 (Community and Environmental Management) 2013;**
18. **Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2013;**
19. **Subordinate Local Law No. 5 (Parking) 2013; and**
20. **Subordinate Local Law No. 7 (Bathing Reserves) 2013.**

## 5.1.6 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

Dataworks Filename: GOV Delegations – Council Officers

### Attachments:

[Animal Management Cats and Dogs Act 2008 Council to CEO](#)  
[Body Corporate and Community Management Accommodation Module Regulation 2008 Council to CEO](#)  
[Body Corporate and Community Management Commercial Module Regulation 2008 Council to CEO](#)  
[Body Corporate and Community Management Small Schemes Module Regulation 2008 Council to CEO](#)  
[Body Corporate and Community Management Standard Module Regulation 2008 Council to CEO](#)  
[Body Corporate and Community Management Act 1997 Council to CEO](#)  
[Building Act 1975 Council to CEO](#)  
[Coastal Protection and Management Act 1995 Council to CEO](#)  
[Disaster Management Act 2003 Council to CEO](#)  
[Environmental Protection Waste Management Regulation 2000 Council to CEO](#)  
[Environmental Protection Water Policy 2009 Council to CEO](#)  
[Environmental Protection Act 1994 Council to CEO](#)  
[Environmental Protection Regulation 2008 Council to CEO](#)  
[Fire and Rescue Service Act 1990 Council to CEO](#)  
[Food Act 2006 Council to CEO](#)  
[Food Production Safety Act 2000 Council to CEO](#)  
[Information Privacy Act 2009 Council to CEO](#)  
[Land Act 1994 Council to CEO](#)  
[Land Protection Pest and Stock Route Management Act 2002 Council to CEO](#)  
[Land Valuation Act 2010 Council to CEO](#)  
[Liquor Act 1992 Council to CEO](#)  
[Local Government Act 2009 Council to CEO](#)  
[Local Government Regulation 2012 Council to CEO](#)  
[Plumbing and Drainage Act 2002 Council to CEO](#)  
[Public Health Infection Control for Personal Appearance Services Act 2003 Council to CEO](#)  
[Public Health Act 2005 Council to CEO](#)  
[Public Health Regulations 2005 Council to CEO](#)  
[Public Interest Disclosure Act 2010 Register Council to CEO](#)  
[Queensland Reconstruction Authority Act 2011 Council to CEO](#)  
[Residential Services Accreditation Act 2002 Council to CEO](#)  
[Right to Information Act 2009 Council to CEO](#)  
[Standard Plumbing and Drainage Regulation 2003 Council to CEO](#)  
[State Penalties Enforcement Act 1999 Council to CEO](#)  
[Stock Act 1915 Council to CEO](#)  
[Summary Offences Act 2005 Council to CEO](#)  
[Summary Offences Regulation 2006 Council to CEO](#)  
[Survey and Mapping Infrastructure Act 2003 Council to CEO](#)  
[Sustainable Planning Act 2009 Council to CEO](#)  
[Sustainable Planning Regulation 2009 Council to CEO](#)  
[Tobacco and Other Smoking Products Act 1998 Council to CEO](#)  
[Transport Infrastructure Busway Regulation 2002 Council to CEO](#)  
[Transport Infrastructure Public Marine Facilities Regulation 2011 Council to CEO](#)  
[Transport Infrastructure Rail Regulation 2006 Council to CEO](#)  
[Transport Infrastructure Act 1994 Council to CEO](#)  
[Transport Operations Marine Pollution Act 1995 Council to CEO](#)  
[Transport Operations Marine Safety Act 1994 Council to CEO](#)  
[Transport Operations Road Use Management Act 1995 Council to CEO](#)  
[Trusts Act 1973 Council to CEO](#)  
[Waste Reduction and Recycling Act 2011 Council to CEO](#)  
[Water Act 2000 Council to CEO](#)  
[Water Fluoridation Act 2008 Council to CEO](#)  
[Water Supply Safety and Reliability Act 2008 Council to CEO](#)  
[Work Health and Safety Act 2011 Council to CEO](#)  
[Work Health and Safety Regulation 2011 Council to CEO](#)

[Workers Compensation and Rehabilitation Act 2003 Council to CEO](#)  
[Workers Compensation and Rehabilitation Regulation 2003 Council to CEO](#)  
[Local Law 1 Administration to CEO](#)  
[Local Law 2 Animal Management to CEO](#)  
[Local Law 3 Cemeteries to CEO](#)  
[Local Law 6 Protection of Vegetation to CEO](#)  
[Local Law 7 Camping Grounds to CEO](#)  
[Local Law 8 Swimming Pools to CEO](#)  
[Local Law 9 Entertainment Venues to CEO](#)  
[Local Law 10 Temporary Homes to CEO](#)  
[Local Law 11 Control of Signs to CEO](#)  
[Local Law 12 Rental Accommodation with Shared Facilities to CEO](#)  
[Local Law 13 Control of Pests to CEO](#)  
[Local Law 14 Jetties Ramps and Ferries to CEO](#)  
[Local Law 15 Parks and Reserves to CEO](#)  
[Local Law 16 Blasting Operations to CEO](#)  
[Local Law 17 Caravan Parks to CEO](#)  
[Local Law 18 Control of Nuisances to CEO](#)  
[Local Law 19 Regulated Parking to CEO](#)  
[Local Law 20 Commercial Use of Roads to CEO](#)  
[Local Law 21 Roads to CEO](#)  
[Local Law 22 Bathing Reserves to CEO](#)  
[Local Law 30 Parking of Heavy Vehicles in Residential Streets to CEO](#)

Responsible/ Authorising Officer:



**Nick Clarke**  
**General Manager Organisational Services**

Author:

**Trevor Green**  
**Principal Advisor Corporate and Democratic Governance**

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## **PURPOSE**

For Council to provide appropriate delegation to the Chief Executive Officer (CEO) for the legislative functions of Council.

## **BACKGROUND**

Councils are required to make thousands of operational decisions each year under both State legislation and Council's own local laws. These include for example, the issuing of permits, licences and approvals, etc. It would be extremely ineffective, inefficient and inconvenient for all of these decisions to have to be made via reports to Council meetings and Council resolutions.

Section 257 of the *Local Government Act 2009* (the Act) allows a local government to delegate a power under the Act or another Act, other than where an Act specifically states that the power must be exercised by Council resolution. Section 257 (1)(b) of the Act specifically provides for a power to be delegated to the CEO. Section 259 of the Act allows a CEO to on-delegate their powers to appropriately qualified officers, other than where the local government specifically directs that the power not be further delegated or it is a power to keep a register of interests.

In late 2012 the *Local Government Act 2009* was amended to require Councils to review delegations to the CEO annually. Through King and Company Solicitors, the Local Government Association of Queensland (LGAQ) has developed a complete list of all delegations under State laws which can be delegated to local government CEOs. This list is updated regularly. There are approximately 56 Acts and Regulations that relate to local governments (plus each of Council's local laws). Overall there are hundreds of matters requiring delegation to the CEO and then on-delegation to officers.

Council has made a commitment to red tape reduction and continual improvement in the effectiveness and efficiency of its operations.

## **ISSUES**

Delegations for Redland City Council have been made on a continual one-off basis, based on matters identified at a particular time and when new legislation is passed or legislation is amended. With the Act now requiring all delegations to the CEO to be reviewed annually, there is the opportunity to provide a new delegation framework for Council. Once this framework is in place, it will facilitate a much more efficient system for the annual review, as required by the Act. The new framework is based on a top down approach, rather than the bottom up approach, currently in place.

This report recommends that Council makes all delegations to the CEO, as listed by the LGAQ, through the one resolution. By doing so, this will ensure that Council's delegations are completely up to date in accordance with all legislation. This will then provide a base for all future annual reviews. Each review will then only need to be made from the LGAQ's updated listings for that year. As such, this report and the proposed framework not only ensures that Council's delegations are up to date today, but also facilitates ease of future reviews.

As the LGAQ delegation listing is extremely large, for Redland City Council's purposes, the most efficient process for establishing the new framework is considered to be for Council to provide the CEO with all delegations as listed by the LGAQ. While a small number of these matters may not be specifically relevant to the operations of Redland City Council, providing delegation on such matters has no relevance and has no effect on Council operations.

Upon Council resolving to provide the delegations to the CEO as attached to this report, the CEO will then on-delegate powers to appropriate officers to provide for the day to day operations of Council. Officers have been working on the appropriate assignment of the on-delegations for several months, so that the CEO can approve these immediately after Council's decision in this matter.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

This review and the recommendations of this report are in accordance with the legislative requirements relating to delegation of powers to the CEO and to review these delegations annually.

**Risk Management**

The top down approach for Council to make all delegations as listed by the LGAQ to the CEO will ensure that Council's delegations are completely up to date in accordance with all legislation. This will then also provide a base for all future annual reviews.

**Financial**

There are no specific financial implications associated with this report.

**People**

This review and report ensures that delegations to the CEO are up to date and the on-delegation of powers to appropriate officers provides for the day to day operations of Council.

**Environmental**

There are no specific environmental implications associated with this report.

**Social**

There are no specific social implications associated with this report.

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

This review and delegation process provides an important role in the operation of Council in accordance with Council's policies and plans.

**CONSULTATION**

In conducting this review and preparing this report, consultation has occurred with King and Company Solicitors, the Local Government Association of Queensland and all areas of Council.

**OPTIONS**

1. That Council resolve to delegate under section 257 (1)(b) of the Local Government Act 2009, all functions and powers as listed in the attachments to this report to the Chief Executive Officer.
2. That Council resolve not to delegate functions and powers as listed in the attachments to this report to the Chief Executive Officer.

**OFFICER'S RECOMMENDATION**

**That Council resolve to delegate under section 257 (1)(b) of the *Local Government Act 2009*, all functions and powers as listed in the attachments to this report, to the Chief Executive Officer.**

**5.1.7 2013-2014 REDLAND CITY DISASTER MANAGEMENT PLAN PART 2****Dataworks Filename:** CS Local Disaster Management Plan**Attachment:** [Redland City Disaster Management Plan \(Part 2 – The Islands of Moreton Bay\)](#)**Responsible Officer:****Nick Clarke**  
**General Manager Organisational Services****Author:****Mike Lollback**  
**Manager, Disaster Planning and Operations**

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**PURPOSE**

Section 57(1) of the *Disaster Management Act 2003* requires Council to prepare a Disaster Management Plan for the local government area. Council is required to review the plan “at least once a year.” On the 24 July 2013 Council approved Part 1 of the Redland City Disaster Management Plan.

Part 2 of the Plan is submitted for Council endorsement and establishes operational requirements for the community of the Islands of Moreton Bay within Redland City.

**BACKGROUND**

The current Redland City Disaster Management Plan Part 1 (2013) was endorsed by Council on the 24 July 2013. It was reviewed by the Queensland Police Service and Emergency Management Queensland on the 20 September 2012 and meets all statutory requirements.

In the report submitted to Council on the 24 July 2013 the following recommendation was made:

- 1. That Council notes that Part 2 of the Redland City Disaster Management Plan 2013-14 will be delivered on or before the 31 October 2013.**

Part 2 of the plan, The Islands of Moreton Bay fulfils that undertaking.

**ISSUES**

Part 1 of the Plan is designed to capture all areas of governance, administration and role description of the Redland City Local Disaster Management Group.

It is the second part of a four part document as follows:

PART 1 - Administration and Governance

PART 2 - The Islands of Moreton Bay

- The Southern Moreton Bay Islands
  - North Stradbroke Island
  - Coochiemudlo Island.
-

- PART 3 The Redland City Coastal Areas. (Divisions 1, 2, 3, 4, 5) and  
PART 4. The Redland City Hinterland. (Divisions 6, 7, 8 and 9)

Part 1 of the plan is designed to include all issues of governance, administration and risk ratings across the Redland City as required under the Queensland Local Disaster Management Guidelines (September 2012).

Part 1 addresses all aspects required in the Queensland Local Disaster Management Guidelines and maintains our statutory obligations as a council to ensure delivery of the plan.

Parts 2, 3 and 4 will be operationally and community focused. This plan, Part 2, focuses on the island communities and its content has been derived from a range of sources including the recent resilience planning and community engagement that has occurred. In accordance with the *Disaster Management Act 2003* this plan is submitted for council resolution and will require review and update at least once every 12 months.

This plan is designed to be read in conjunction with Part 1 of the Redland City Disaster Management Plan; however residents and visitors to the Islands may use it independently as a source of information that is specific to their community, its vulnerabilities and available services.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Section 57(1) of the *Disaster Management Act 2003* requires Council to prepare a Disaster Management Plan for the local government area. This plan will be read in conjunction with Part 1 and additional parts to fulfil our statutory obligation.

Section 59(2) of the *Disaster Management Act 2003* requires a review of any such plans “at least once a year”.

Council remains compliant with all its requirements under the *Disaster Management Act 2003*. This plan provides a sound information source specific to designated communities.

### **Risk Management**

The plan fulfils Council’s legislated obligations and provides a workable safety document for residents and visitors to the Redland City Islands of Moreton Bay.

### **Financial**

Section 60 of the *Disaster Management Act 2003* requires Council to ensure copies of the plan are available:

- a. At Council’s head office;
- b. On Council’s website; and
- c. At other places the Chief Executive Officer of the local government considers appropriate.



\$4,000 has been allocated to the graphic design and some limited printing of Part 2 of the plan. The preferred choice of distribution and future access is by electronic means.

### **People**

Part 2 of the Plan will provide a sound platform for community, preparedness, prevention, response and recovery during a disaster situation with specific focus on the Islands of Moreton Bay.

### **Environmental**

The plan provides a risk hazard matrix across the Moreton Bay Islands to assist in planning and preparedness for environmental incidents.

### **Social**

Part 2 of the Disaster Management Plan provides specific information on levels of alert and the required preparedness for individuals and communities across the various Moreton Bay Islands. It will further provide contemporary information specific to individual islands and service provision. Whilst it is designed to be read in conjunction with Part 1 of the Disaster Management Plan it is able to stand alone as a valuable resource for local community and visitors to the Islands of Moreton Bay.

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

This plan is consistent with principle 7.3 of Council's Operational Plan (2012) to "increase community safety, health and wellbeing by planning and delivering programs, services and partnerships"

### **CONSULTATION**

The plan was provided to all members of the Local Disaster Management Group (external to Council) members including:

- Queensland Police Service
- Emergency Management Queensland
- Queensland Fire and Rescue Service
- Department of Transport and Main Roads
- Queensland Ambulance Service
- Department of Communities, Child Safety and Disability Services
- Red Cross Australia
- SES, Redlands
- St John Ambulance
- Surf Life Saving Australia
- SEQ Water
- Energex
- Telstra

Internally, consultation took place with:

- Mayor, Redland City
- Deputy Mayor, Redland City
- Local Disaster Coordinator/General Manager, Organisational Services
- General Manager, Infrastructure and Operations
- Group Manager, Community and Cultural Services
- Group Manager, City Spaces
- Group Manager, Communications
- Group Manager, Distribution and Treatment
- Service Manager, Strengthening Communities
- Service Manager, WHS and Wellbeing.

## **OPTIONS**

### **Option One**

1. That Council approves part 2 of the Redland City Disaster Management Plan 2013-14; and
2. That Council notes that parts 3 and 4 of the Redland City Disaster Management Plan 2013-14 will be delivered on or before 30 April 2014.

### **Option Two**

That Council resolve not to accept the Officer's Recommendation.

## **OFFICER'S RECOMMENDATION**

**That Council resolve as follows:**

1. **That Council approves Part 2 of the Redland City Disaster Management Plan 2013-14; and**
2. **That Council notes that parts 3 and 4 of the Redland City Disaster Management Plan 2013-14 will be delivered on or before 30 April 2014.**

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**6 PORTFOLIO 7 (CR JULIE TALTY)**  
**PLANNING & DEVELOPMENT****6.1 COMMUNITY & CUSTOMER SERVICES****6.1.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 AND 3 DEVELOPMENT APPLICATIONS**

**Datworks Filename:** Reports to Coordination Committee - Portfolio 7  
Planning and Development

**Authorising Officer:**



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

**Responsible Officer:**

**David Jeanes**  
Group Manager, City Planning and Assessment

**Author:**

**Hayley Saharin**  
Business Support Officer

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**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 & associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments & 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 assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature.
  - 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.
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- 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 Development and Community Standards Committee for a decision.

### Category 1

1. Development Permit issued on 03 October, 2013 for a domestic driveway crossover at 46 Hampshire Crescent, Alexandra Hills. Ms L F Dewhurst. (OPW001538)
2. Development Permit issued on 03 October, 2013 for building works approval assessed against the Redlands Planning Scheme for domestic additions at 36 Moreton View Crescent, Thornlands. Building Code Approval Group Pty Ltd. (BWP001533)
3. Development Permit issued on 04 October, 2013 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 123 Avalon Road, Sheldon. Mr Peter H Nichols. (BWP001934)
4. A Notice agreeing to a change of approval was issued on 10 October, 2013 for a Reconfiguration of Lots (1 into 2 and access easement) & Operational Works at 33 Barron Road, Birkdale. Jaxl Holdings Pty Ltd. (ROL005680)
5. Development Permit issued on 01 October, 2013 for operational works for Vehicle Repair, Display and Sale Activity at 65-67 Shore Street West, Cleveland. MPN Consulting. (OPW001533)
6. Concurrence Agency Response issued on 02 October, 2013 for design and siting for a Domestic Additions at 11 North Haven Place, Wellington Point. Mrs Lisa Turner, Mr Darren Turner. (BWP001949)
7. Concurrence Agency Response issued on 03 October, 2013 for design and siting for a Dwelling House at 173 Shore Street North, Cleveland. Antech Constructions Pty Ltd. (BWP001950)
8. Concurrence Agency Response issued on 04 October, 2013 for design and siting for a Carport at 9 Spoonbill Street, Birkdale. Mr Daniel M Davies. (BWP001952)
9. Concurrence Agency Response issued on 04 October, 2013 for design and siting for a Secondary Dwelling at 1-5 Scotts Road, Macleay Island. Mr Barry E Williamson. (BWP001951)
10. Concurrence Agency Response issued on 08 October, 2013 for design and siting for a Dwelling House at 31 Colthouse Drive, Thornlands. Bartley Burns Certifiers & Planners. (BWP001954)
11. Concurrence Agency Response issued on 08 October, 2013 for design and siting for a Garage at 2 Mistrel Court, Ormiston. The Certifier Pty Ltd. (BWP001956)
12. Concurrence Agency Response issued on 08 October, 2013 for design and siting for a Dwelling House at 121-129 Bunker Road, Victoria Point. Bartley Burns Certifiers & Planners. (BWP001953)
13. Concurrence Agency Response issued on 08 October, 2013 for design and siting for a Dwelling House at 13 Springbrook Drive, Capalaba. Building Code Approval Group Pty Ltd. (BWP001955)

14. Concurrence Agency Response issued on 11 October, 2013 for design and siting for a Dwelling House at 14 Bibury Street, Wellington Point. Building Code Approval Group Pty Ltd. (BWP001955)
15. Concurrence Agency Response issued on 10 October, 2013 for design and siting for a Dwelling House at 72 Emperor Drive, Redland Bay. GMA Certification Group Pty Ltd. (BWP001957)
16. Concurrence Agency Response issued on 14 October, 2013 for design and siting for a Gatehouse and Rear Deck at 24 Voyagers Court, Cleveland. All Star Energy. (BWP001962)
17. Referral Agency Response issued on 15 October, 2013 for a Girl Guide Hut at 11 Point O'Halloran Road, Victoria Point. Girl Guides Association (Victoria Point). (BWP001958)
18. Concurrence Agency Response issued on 15 October, 2013 for design and siting for a Carport at 13 Albicore Drive, Thornlands. Building Code Approval Group Pty Ltd. (BWP001959)
19. A Notice agreeing to extend the relevant period of an existing development approval was issued on 14 October, 2013 for a material change of use for a 3 Storey Dwelling House at 50 Attunga Street, Macleay Island. Mr P S McCann, Mrs D A McCann. (MC010635)
20. A Notice agreeing to a change of a compliance certificate was issued on 14 October, 2013 for a Health Care Centre at 230 Finucane Road, Alexandra Hills. Mr F Rousson. (OPW001517)
21. Compliance Certificate issued on 14 October, 2013 in association with operational works for a Multiple Dwelling x 4 at 9 Homer Street, Cleveland. Structerre Consulting Engineers. (OPW001521)
22. Compliance Permit issued on 14 October, 2013 for a reconfiguration of lots (1 into 2 lots) at 66 Lancaster Circuit, Redland Bay. Sutgold Pty Ltd. (ROL005687)
23. Concurrence Agency Response issued on 15 October, 2013 for design and siting for a Dwelling House at 18-22 Nelson Road, Wellington Point. Casey Jackson Homes Pty Ltd. (BWP001984)
24. A Notice agreeing to extend the relevant period of an existing development approval was issued on 2 October, 2013 for operational works associated with a Reconfiguration of Lot at 630-636 Main Road and 8 Nelson Road, Wellington Point. G W Clegg & Company. (OPW001154)
25. Refusal issued on 08 October, 2013 for a material change of use to operate a home business at 31 Drevesen Avenue, Cleveland. Mr G M Wood. (MCU012971)

### **Category 2**

1. Development Permit issued on 01 October, 2013 for a material change of use to operate a home business at 174 Point O'Halloran Road, Victoria Point. Pets At Home Care. (MCU013122)
2. Development Permit issued on 02 October, 2013 for operational works for an advertising device at Cleveland Harbourside Centre (Coles) 100 Middle Street, Cleveland. Signmanager. (OPW001531)
3. Development Permit issued on 10 October, 2013 for a material change of use to operate a home business at 14 Moonlight Place, Capalaba. Mrs Louise A Roberts. (MCU013130)
4. Development Permit issued on 11 October, 2013 for operational works for a passenger terminal and prescribed tidal works at Weinam Creek New Car

- Compound, 9 Meissner Street, Redland Bay. Department Of Transport And Main Roads. (MCU013055)
5. Development Permit issued on 11 October, 2013 for reconfiguration of lots (2 into 3 lots) at 16 Matilda Street, Wellington Point. The Certifier Pty Ltd. (ROL005683)
  6. Development Permit issued on 11 October, 2013 for a material change of use for the purpose of a Combined Shops and Refreshment Establishment at Birkdale Fair Shopping Centre, 2-12 Mary Pleasant Drive, Birkdale. Dragon Vista Pty Ltd As Trustee C/- Storey & Castle Planning. (MCU013025)
  7. A Notice agreeing to a change of approval was issued on 14 October, 2013 for a Boundary Realignment Lot Reconfiguration – 2 into 2 at 55-57 Birkdale Road, Birkdale. Mr N T Richardson. (SB005488)
  8. A Notice agreeing to a change of approval was issued on 14 October, 2013 for a Service Station / Environmentally Relevant Activity at 65 Old Cleveland Road, Capalaba. BP Australia Pty Ltd. (MCU013100)
  9. A Notice agreeing to extend the relevant period of an existing development approval was issued on 15 October, 2013 for a material change of use for an Apartment Building at 29-31 Shore Street East, Cleveland. QPD Group Pty Ltd As Trustee C/- Nancy Somerville / Roy Somerville Surveys Pty Ltd (MC010218)

**Category 3**

1. Development Permit issued on 03 October, 2013 for a material change of use for the purpose of a Landscape Supply Depot at 696-708 Mount Cotton Road, Sheldon. Quin Enterprises Pty Ltd C/- Atha Vasdekis. (MCU012995)

**OFFICER'S RECOMMENDATION**

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

**6.1.2 APPEALS LIST - CURRENT AS AT 16 OCTOBER, 2013**

**Datworks Filename:** Reports to Coordination Committee -  
Portfolio 7 Planning and Development

**Authorising/Responsible Officer:**   
**Louise Rusan**  
**General Manager Community & Customer Services**

**Author:** **Chris Vize**  
**Senior Planner, Design and Coordination**

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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. Redland City Council**

The lodgement of an appeal is acknowledged with the Application details on the Councils "Planning and Development On Line - Development - Application Inquiry" site. Some Appeal documents will also be available (note: legal privilege applies to some documents). All judgements and settlements will be reflected in the Council Decision Notice documents:

<http://www.redland.qld.gov.au/PlanningandBuilding/PDOnline/Pages/default.aspx>

**3. 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>Hearing Date:</b>		Listed for review 23 October 2013.

<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>		Directions Order 1 March 2013 sets out dates for mediation and disclosure of documents.
<b>Hearing Date:</b>		Listed for review 23 October 2013.

<b>3.</b>	<b>File Number:</b>	Appeal 246 of 2013 (MCU012617)
<b>Applicant:</b>		<b>Lipoma Pty Ltd</b>
<b>Application Details:</b>		Material Change of Use for extension to Shopping Centre (Shop and Refreshment Establishment) 2-34 Bunker Road, Victoria Point
<b>Appeal Details:</b>		Applicant appeal against negotiated adopted infrastructure charges notice.
<b>Current Status:</b>		Without prejudice meeting held with appellant.
<b>Hearing Date:</b>		Listed for review 29 November 2013.



<b>4.</b>	<b>File Number:</b>	Appeal 2335 of 2013 (MCU012421)
<b>Applicant:</b>		<b>Barro Group Pty Ltd</b>
<b>Application Details:</b>		Material Change of Use for Extractive Industry and Environmentally Relevant Activities 8, 16 & 21 1513 & 1515-1521 Mount Cotton Road and 163-177 & 195 Gramzow Road, Mount Cotton
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		Development application called-in by the Minister.

<b>5.</b>	<b>File Number:</b>	Appeal 3442 of 2013 (S/3953/1)
<b>Applicant:</b>		<b>D Petersen</b>
<b>Application Details:</b>		Originating application P&E Appeal 1756 of 1998 and 1757 of 1998 – 12 Wisteria Street, Ormiston
<b>Appeal Details:</b>		To remove condition 33 of P&E Appeal 1756/98 and 1757/98 to allow removal of vegetation.
<b>Current Status:</b>		No action to date.
<b>Hearing Date:</b>		Listed for review 20 November 2013.

**OFFICER'S RECOMMENDATION**

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

**6.1.3 ROL005669 - RECONFIGURATON OF LOTS - 379-389 BOUNDARY ROAD, THORNLANDS****Dataworks Filename:** ROL005669**Attachment:** [ROL005669 Locality Maps and Site Plan](#)**Authorising Officer:****Louise Rusan  
General Manager Community & Customer  
Services****Responsible Officer:****David Jeanes  
Group Manager City Planning and Assessment****Author:****Janice Johnston  
Planning Officer**

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**PURPOSE**

This Category 4 application is referred to the Coordination Committee for determination given it is a significant development which has attracted public interest.

**EXECUTIVE SUMMARY**

Council has received an application seeking a Development Permit for Reconfiguration of Lots by Standard Format Plan (6 into 259 Lots over 6 Stages) & Material Change of Use (Dwelling Houses) at 376-386, 392 and 394 Boundary Road and 303-313, 315-327 and 345-357 Cleveland Redland Bay Road, Thornlands.

The site forms part of the wider South East Thornlands Structure Plan area (SETSPA). Various issues have been encountered developing this site and the surrounding area, most of which relate to access to relevant infrastructure such as regional stormwater facilities and the surrounding road network. These issues have been sufficiently resolved by the applicant, allowing development of this site to proceed. The proposal also provides an innovative, alternative housing product (small freehold lots). The proposed subdivision layout, which includes a wide variety of lots and potential housing products, is considered to be a good outcome for the site. The proposal is considered to achieve the overall intent of the SETSPA to provide an integrated urban community which includes a mix of housing densities and building types and delivers a density of development that makes efficient use of scarce developable land.

Agreement regarding appropriate infrastructure charges has been reached between the developer and Council.

The application has been assessed against the relevant provisions of the Redlands Planning Scheme and the proposed development is considered to comply with the scheme. It is therefore recommended that the application be granted a Development Permit subject to conditions.

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## **DEVELOPMENT PROPOSAL & SITE DESCRIPTION**

### **Proposal**

The application is for a 6 into 259 lots reconfiguration. Seven different lot types are proposed as follows:

<b>Lot Type</b>	<b>Typical Lot size</b>	<b>Approximate Lot Dimensions</b>	<b>Number of Lots</b>
Traditional	400-576	16/18m frontage 25/32m length	17
Premium Courtyard	400-576	16/18m frontage 25/32m length	26
Courtyard	350-512	14/16m frontage 25/32m length	61
Premium Villa	312.5-400	12.5m frontage 25/32m length	66
Villa	250-320m <sup>2</sup>	10m frontage 25/32m length	35
Premium Urban	150m <sup>2</sup>	10m frontage 15m length	36
Urban Allotment	125m <sup>2</sup> (minimum is 121m <sup>2</sup> due to corner truncation)	8.5m frontage 15m length	18

Each lot has access to a public road. The proposed subdivision layout provides a mix of lot types and frontage widths dispersed throughout the development site, to provide visual interest and variety in the streetscape. The smaller 'Urban' and 'Premium Urban' lot types have been grouped together in clusters and these have been located at the ends of housing blocks. The subdivision includes dedication of land for park, road reserve and acoustic buffer purposes. The proposal will be developed over six stages as follows:

- Stage 1 - 67 lots and access to Cleveland Redland Bay Road (CRBR);
- Stage 2 - 49 lots;
- Stage 3 - 37 lots and access to Boundary Road;
- Stage 4 - 54 lots;
- Stage 5 - 33 lots (the stage 5 area also includes 2 future lots which will be temporarily used for stormwater detention); and
- Stage 6 - 17 lots.

The application also involves an MCU component which approves building envelopes for future dwellings. Where the future dwellings comply with the envelope as set by the plan of development (POD) table, no further MCU application for a dwelling is needed. Where future dwellings do not comply with the POD, the Redlands Planning Scheme requirements will prevail (or the Queensland Development Code where the scheme does not regulate dwelling houses). The POD includes requirements for future dwelling houses including site coverage, setbacks, height, open space and car parking provision, number of bedrooms and garage setbacks, and the limits are different for each lot type. There are a variety of one and two storey house designs (Ausbuild off the plan designs) which will comply with the POD limits. Each of these Ausbuild house designs has a number of differing facades, rooflines, materials and colour schemes for future owners to choose from.

Access to the site is via the State controlled CRBR, with a temporary access to Boundary Road also permitted if other roads within the SETSPA, which connect this development site to the surrounding road network, have not been provided at the time this development is progressed. Pedestrian movement between the site and public areas has been provided for, with pedestrian links to both CRBR and Boundary Road as well as along the esplanade road to the north and new north-south collector street.

### **Site & Locality**

The site is located within the central portion of the SETSPA and is bounded by two State controlled roads, CRBR and Boundary Road. The site incorporates six allotments with a combined area of 178,351m<sup>2</sup>. The site is part of the wider SETSPA, which has recently been rezoned to allow for accommodation of a significant portion of the expected future population growth within Redland City. As such, the site forms part of an emerging residential community. The part of the site zoned for development is predominantly clear of vegetation. The current use of the site is for agricultural and hobby farming/rural residential living and contains a small number of dwellings and outbuildings. All existing structures will be removed from the development site prior to construction of the relevant stage in which it is located. One easement is located on the subject property (easement A on RP856222). Easement A provides a legal access point and servicing to the land locked 394 Boundary Road over 392 Boundary Road. A condition will require that Easement A is extinguished prior to this land being developed. The site surrounds the Finlandia Retirement Village.

### **APPLICATION ASSESSMENT**

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

The application has been made in accordance with the *Sustainable Planning Act 2009* Chapter 6 – Integrated Development Assessment System (IDAS) and constitutes an application for Reconfiguration of Lots and Material Change of Use under the Redlands Planning Scheme.

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

The site is located within the Urban Footprint in the SEQ Regional Plan 2009-2031.

## State Planning Policies & Regulatory Provisions

State Planning Policy / Regulatory Provision	Applicability to Application
SEQ Conservation SPRP Koala	The site is in the assessable area under the SEQ Koala Conservation SPRP and is within a Koala Broad-Hectare Area. The site is designated as Medium Value Rehabilitation. Division 3 of the SPRP applies. This division requires the development design to incorporate movement corridors and food species for koalas. There are no direct requirements for replanting. Schedule 2 acknowledges constraints from development such as subdivision design and its associated infrastructure and edge effects. The proposed layout does not obstruct fauna movement in itself, and it is recognised that any residential subdivision will have some level of impact on Koala movement. There SPRP requirements are considered to be met through proposed replanting (including habitat and food trees) in addition to movement corridors via street tree planting and the buffer planting to roadways.
SPRP (Adopted Charges)	Details of the charges applicable have been provided under the Infrastructure Charges heading of this report.
SPP 4/10 – Healthy Waters	The South-East Thornlands Structure Plan includes regional stormwater quality treatment facilities. The applicant has provided a Stormwater Management Plan that includes MUSIC modelling and addresses treatment of stormwater run-off, as required by the South East Thornlands Structure Plan. The MUSIC modelling demonstrates that the proposed treatment train is effective in removing pollutants.

## Redlands Planning Scheme

The application has been received and assessed under the Redlands Planning Scheme version 5.3. The subject site has multiple zonings including:

- Open Space;
- Community Purposes Sub Area CP7;
- Urban Residential;
- Urban Residential Sub Area UR1; and
- Medium Density Residential.

### Open Space Zoning

The part of the site zoned Open Space (OS) is to be dedicated to the State as part of the development approval. This area includes approximately 2.7ha of revegetation, 0.32ha of stormwater facilities and a 0.21ha park facility, with the dedicated area being approximately 3.2ha in total. The park component will include a playground, a shade structure/picnic setting and seating, and a grassed kick and throw lawn. A pedestrian pathway along the northern side of the esplanade road has been provided. Six rest stops with seating have been provided along the pathway that are proposed to include a bench seat, lighting and a rubbish bin at every second stop. Bollards will be constructed along the boundary of the OS area to restrict vehicle movement. The playground area will be filled to ensure it is above Q100.

A small number of off street parking bays have been provided along the northern side of the esplanade road for users of the park facilities. This is considered adequate given that the majority of users will walk to the facility. It is noted that parts of the new esplanade road reserve have been located within the OS zoned area however roads are exempt development in the zone. The road has been located to minimise the impact on and removal of existing vegetation.

A trunk local park facility is to be provided within the central precinct of the SETSPA. Although not intended to be located within this northern area of the central precinct, the proposed location is considered the most appropriate for the local park, given that it adjoins a large greenspace area and is close to a large number of freehold lots. The southern portion of this central precinct is likely to be developed with multiple dwellings which, unlike freehold lot developments, will include private communal open space areas. It is noted that the accessibility standard for a local park is 500-800m. With the park located in the proposed location, the entire central precinct is in walking distance (a maximum of 700m from other developable areas in this central precinct). Council's Priority Infrastructure Plan (PIP) indicates standard facilities and embellishments required for local parks. A condition of approval will require park facilities and embellishments to be determined and approved in line with the PIP.

Overall, the intent of the zone is considered to be achieved. The area is considered to provide a usable open space area with adequate facilities that meet community needs and expectations based on the population density and demographic structure expected in the area. The area provides opportunities for community interaction whilst supporting the retention and enhancement of habitat values. The location of the park facility allows for casual surveillance from the esplanade road.

### Community Purposes Zoning

The parts of the site zoned Community Purposes (CP) are within sub area CP7 (infrastructure) and are proposed to be used for road and landscaping/acoustic treatments in accordance with the zone and overlay code requirements. Through the assessment process, it has been agreed that the area of land zoned CP is greater in width than needed to provide for the intended infrastructure. This has resulted in some housing lots being located partially or fully within the CP zone. Refer to the South East Thornlands Overlay Code discussion below for further detail.

### Medium Density and Urban Residential Zoning

The remainder of the site is zoned Medium Density Residential (MDR), Urban Residential (UR) and Urban Residential sub-area UR1. The zonings of the land are reflected in the South-East Thornlands structure plan overlay code (precincts 2, 2a and 3). The proposed development has been assessed against the Medium Density and Urban Residential Zone Codes and is considered to comply. The most relevant parts of this assessment are discussed below.

Density - The development involves the creation of 259 lots plus parkland on a site with an area of 178,351m<sup>2</sup>. The zoned developable area (not including the OS and CP (road widening and acoustic screen buffer) zoned areas to be dedicated to Council) equates to approximately 133,300m<sup>2</sup> (13.3 ha). The breakdown in zoning and relevant density over the site is as follows:

Zone	Probable Solution	Area (approx m <sup>2</sup> )	Number of Lots (in compliance with probable solution)
CP (boulevard)	12-15 lots per hectare	9200m <sup>2</sup> (0.92ha)	11-14 lots
UR	12-15 lots per hectare	43,000m <sup>2</sup> (4.3ha)	52-64 lots
UR1	12-15 lots per hectare	65,400m <sup>2</sup> (6.54ha)	78-98 lots
MDR	1 dwelling unit per 200m <sup>2</sup>	15,700m <sup>2</sup> (1.57ha)	78 lots
<b>Total</b>		<b>133,300m<sup>2</sup></b>	<b>Between 219 and 254 lots</b>

It is noted that the zoned developable area has been expanded by use of the OS and CP zoned area (5m buffer instead of 10m buffer). This has resulted in a total developable area of approximately 140,000m<sup>2</sup>. Taking the additional area into consideration, the proposal is considered to meet the density requirements of the zone code and the specific outcomes which:

- in the UR zone, require a dwelling density which is compatible with the detached, low-rise character of the zone; and
- in the MDR zone, require a dwelling density which is compatible with medium density living while providing land for private and communal open space, resident and visitor parking, landscaping and maintenance of a residential streetscape

Further, it is noted that the UR zone code probable solutions indicate that a density of 1 dwelling unit per 400m<sup>2</sup> is appropriate if developing the land with multiple dwellings (whereas the probable solution for density for subdivisions is 12-15 lots per hectare). Based on the UR and UR1 zoned land area of 108,400m<sup>2</sup>, this would equate to 271 dwelling units over just this portion of the site, or 349 dwelling units when combined with the MDR zoned area.

Land Use - The proposal achieves the relevant overall outcomes of the zone to provide for residential development that provides for housing choice and affordability. The outcomes of the UR zone encourages predominantly low-rise (1-2 storey) detached housing, with the UR1 areas providing an increased range of residential uses (such as multiple dwellings and aged persons/special needs housing). The MDR zone overall outcomes encourage mid-rise (3.5 storey) housing, medium density living and maximisation of the supply of dwellings in close proximity to centres and public transport.

It is noted that the proposed building height and density of lots over the site does not change to take into consideration the change in zoning over the site (i.e. from Urban to Medium Density Residential). This is further discussed in the section of the report addressing the South East Thornlands overlay code. However, as a summary, it is considered that the site has been used to its full potential and that there would be no benefit in having a part of the site developed to a higher density and the other part of the site developed to a lesser density. A standard density of development across the entire site, which meets the intended density of the whole site, is considered an

acceptable solution. It is also recognised that it is difficult to achieve the higher density in the MDR zone. It is considered that the development as a whole meets the density and land use expectations of the zones.

Height - All future dwelling units will be one to two stories in height (maximum of 8.5m) which is in compliance with the height limits set in the relevant zones.

In relation to the use of the land for residential purposes, a Stage 1 Contaminated Land Report submitted with the application found lead on Lot 3, an asbestos fridge on Lot 4 and potential petrochemicals on Lots 1 and 6. The report recommends further investigation once the machinery/sheds/greenhouses are demolished and minor remediation and validation if necessary. Further investigation has been conditioned.

### Use Code

The proposed development has been assessed against the Dwelling House Code and is considered to generally comply. The most relevant parts of this assessment are discussed below.

The Material Change of Use component is proposed via the approval of a plan of development (POD) table, which outlines permitted setbacks, site coverage, open space area dimensions, number of bedrooms and parking requirements for each of the seven lot types. Notes on the POD plans also indicate height limits and include other requirements which dwellings will need to comply with. No subsequent planning approvals are required for dwelling construction to proceed, providing they are designed within the provisions set out in the POD and any relevant conditions of approval. Where the POD requirements and/or MCU conditions of approval are not met, then a planning approval or concurrence agency assessment through Council may be needed for future dwellings.

Each lot is intended to accommodate a dwelling from Ausbuild's fixed housing designs. The applicant has demonstrated, via provision of typical Ausbuild house designs, that a variety of house types are available which will meet the POD requirements. This presents the future buyers of each individual lot with choice of house design (including a mix of 1 and 2 storey designs), leading to variety in the streetscape. This is further ensured given that each house type can be developed with different facades, rooflines, porch designs, facade materials (weatherboard, sheeting, timber battens and select face brick finishes), colour schemes and window type and location. The finish of the buildings will be the purchaser's choice within the boundaries of the Ausbuild design selection criteria. This results in a diversified streetscape made up of personally selected dwellings by each purchaser varying architectural form and character.

Although some housing products are small, the internal layout provides a contemporary design with flexible open plan living areas. The typical housing designs presented indicate that dwellings have been designed to present positively to the streetscape by providing articulated and active facades and variation in building lines through recessed porch and entry areas and protruding balcony and patio features. Landscaping is also provided with these Ausbuild products to further enhance the streetscape. Additionally, the POD includes requirements for fencing height and transparency to assist in the dwellings addressing the street.



Setbacks – The POD includes setback requirements including built to boundary provisions in both the POD table and associated Notes. Setbacks proposed for Villa, Courtyard and Traditional allotments generally comply with those permitted under the Queensland Development Code (QDC), with setbacks being reduced where lots are smaller and/or narrower. All lots larger than a Villa allotment require stepping back of the upper floor to reduce the bulk of the building. Most setbacks on Villa, Urban and Premium Urban lots are less than QDC provisions, however are required for the housing product to be provided. This building product, being an alternative to multiple dwellings and standard detached houses, is unable to achieve standard setbacks given the lot size. It is noted that these smaller lots make up approximately 34% of the total lots. They provide an alternative housing product which will suit a portion of the market without having a negative impact on the surrounding area.

The POD notes allow built to boundary walls to extend to 15m which is longer than that allowed under the QDC (9m), however, the POD plans include built to boundary designations on all lots so that each dwelling has a maximum of a built to boundary wall on one side and a standard setback on the other. This will assist in assuring there is access down one side of the house for movement of bins and ventilation. Solar provisions are met through allotment orientation and building design. Building designs will ensure that solar access to living and open space areas are maximised where possible. Each dwelling will meet a minimum 6 star energy rating. The lot layout is in a grid system, allowing each allotment to have casual surveillance to the street frontage.

Site Cover and Open Space - The POD allows site coverage ranging from 55 to 72.5%, with site coverage increasing as the lot size decreases. The larger allotments permit a site cover of 55%, whilst the mid-sized product is 60-65% and allotments less than or equal to 150m<sup>2</sup> have a permitted site cover of 72.5%. The Dwelling House Code indicates that development is to be appropriately sized and located on the site. All housing products will provide areas for parking, servicing and recreation (open space), however, the size and extent of the house and recreation area will vary to suit a wider range of buyers. The housing product proposed on the lots of 150m<sup>2</sup> or less have been proposed as an alternative to multiple dwelling living, providing a freehold housing option which is low maintenance. The minimum size of the open space areas required is included in the POD and ranges from 15m<sup>2</sup> (for the smallest lots), to 50-70m<sup>2</sup> (for the medium sized lots) and to 80m<sup>2</sup> (for the largest lots). It is noted that the multiple dwelling code (which is the most similar housing product in the planning scheme to the urban and premium urban lots) requires a minimum 25m<sup>2</sup> open space area at ground level as a probable solution. It is considered that not all households require or want large outdoor open space area, and the smaller lots provide an alternative housing product. The South-East Thornlands area will include a district park and three local parks within its boundaries once developed, as well as large areas of greenspace, which will be in close proximity to all residents.

Access and Parking – The RPS requires 2 spaces per dwelling. A minimum of two parking spaces (which can be in tandem) are required for each of the lots under the POD. On the smallest lots, a tandem space of 4.9m in length (minimum length for an uncovered space under the Queensland Development Code) has been provided. Setbacks to garages have been specified for all lots and it is noted that house setbacks are less than garage setbacks to assist in reducing dominance of the garage. Additionally, the POD indicates that double garages on Villa allotments or smaller, are only permitted where the house is two storey and where the upper storey

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projects over the garage for a minimum of one metre. All other lots have frontages greater than 12.5m, therefore there will be sufficient width and articulation in the building to detract away from the garage door. Frontages of 10m also allow a car to be parked on the street without impeding access to the residential driveway.

Service Facilities - Onsite waste collection is provided with an internal road network allowing the waste collection vehicle to service wheelie bins from independent dwelling units. Bin bays will be required for servicing those dwelling units without direct frontage to the main circulation driveways.

### Overlays

The subject site is affected by the following overlays:

**Acid Sulfate Soils Overlay** – The development site is between 5 and 20 metres AHD. No excavation below 5 metres AHD is proposed within the development site, therefore complying with the self assessable criteria of the code. Any acid sulphate soil issues related to servicing the development will be addressed at the operational works stage.

**Bushfire Hazard Overlay** – The majority of the land zoned Open Space is designated as a medium bushfire hazard area. The proposal includes an esplanade road between the developed lots and the hazard area which will act as a buffer and reduce the bushfire risk.

**Flood Storm and Drainage Constrained Land Overlay** – There is a flood prone area located within the northern Open Space zoned portion of the site, which also covers some small areas of the adjoining Urban Residential zoned land. The applicant has undertaken a flood study to ground truth the extent of the flood prone land. The study indicates that post development, all internal roads, access roads and lots have been located above Q100 and no worsening for adjoining properties can be achieved. Council's engineers have reviewed the study and confirm that sufficient detail has been provided for the ROL stage to allow approval. Further detailed design will occur as part of operational works approval.

**Waterways Wetlands and Moreton Bay Overlay** – A natural drainage line (creek) is located within the open space zoned area which is to be dedicated as parkland. All development is located outside of the designated area and the surrounding area will be rehabilitated and revegetated. Stormwater quality has been sufficiently addressed for the proposed development.

**Habitat Protection Overlay** – The parts of the site zoned open space have been designated as bushland habitat and enhancement corridor under this overlay. This land will predominantly be rehabilitated with offset planting required under the SET overlay code and dedicated as parkland. The placement of the proposed esplanade road has been designed in such a way as to ensure minimal removal of vegetation. It is recognised that the removal of some vegetation along the fringe of the open space zone will occur. However those species that trigger offset planting (i.e. koala habitat trees) will be replanted in the OS zoned area. To maximise tree retention along this edge, a number of trees have been identified for on-Site inspection and advice by an arborist prior to the final determination of retention / removal status. Detailed Vegetation and Rehabilitation Management Plans will be provided for the operational works assessment process.

**Road and Rail Noise Impacts Overlay** - The site sits between two state controlled roads, both of which include road noise buffer areas affecting the property. An acoustic report was prepared and lodged in response to the information request which recommends construction of a 2 to 2.9m high acoustic barrier along the Cleveland Redland Bay and Boundary Road frontages (behind a 5m landscaped/earth mound area), returning along the side boundaries for a short distance. At the entry point from CRBR, the applicant has demonstrated that the return height can be lowered and fence length shortened by assessing the noise levels achieved in conjunction with fencing and construction of a typical low-set residence (as the structure provides a noise barrier for private open space areas).

From a noise mitigation perspective, Council's Health and Environment team have reviewed the acoustic report provided and confirm that it is acceptable. Conditions of approval have been included to require implementation of the recommendations of the provided report.

From an amenity perspective, Specific Outcome S1.2 of the overlay code states that acoustic fencing should only be considered an option where the following cannot be implemented:

- siting of development to minimise the noise impact through distance, layout and orientation;
- design and construction techniques; and
- soft engineering measures, such as vegetated buffers and vegetated earth mounds.

Although fencing is not a preferred option, it is agreed that the most effective option for the site will be a combination of acoustic fences, design/construction techniques and vegetated buffers/earth mounds given the location of the site next to a heavily trafficked road and the need to provide a moderate density of dwellings within the structure plan area. The likelihood that the developments would require acoustic fencing to mitigate noise was understood at the time the structure plan was developed, and the landscaping/acoustic zone was included to assist in shielding views of the fence from public areas.

Specific Outcome S1.3 (1b) requires that noise attenuation measures are to be integrated with the streetscape and landscape setting. The fence is considered to be effectively screened from the street via an earth mound and 5m wide landscaping strip (incorporating trees, shrubs and understory plantings). Overlapped fencing has been provided to allow for pedestrian access points, with the fencing partially opaque to allow visibility for pedestrian safety. Some of the fence returns are 2.9m in height. It is expected that these can either be lowered or removed following further development on adjacent properties. If not, then when adjacent properties are developed, further frontage landscaping will be proposed which will assist in shielding the view of the fence.

**South-East Thornlands (SET) Overlay** - The overlay mapping reflects the zoning of the site. The UR zoned area is within Precinct 2, the UR1 zoned area is within Precinct 2a, the MDR zoned area is within Precinct 3 and the OS zoned area is within Precinct 4d. The overlay code also provides detail as to the intended use of the CP zoned areas. In particular:

- The 50m wide CP7 zoning through the middle of the site is to be for construction of a new collector street (non-trunk); and
- The 10m wide CP7 zoning along the frontages of the site to state controlled roads is to be for road widening/landscaping/acoustic treatments. These works are to be done by the applicant and the land dedicated to Council.

Development of residential lots within the CP zoned areas is considered acceptable as long as a collector street is provided within the central area (to complete the movement network) and sufficient screening is provided to acoustic fencing to achieve the intent of this buffer. It is noted that an overall outcome of the SETSPA is to deliver a density of development that makes efficient use of scarce developable land. Development of the CP zoned areas not required for road reserve or landscaping buffers is considered to assist in achieving this intended outcome.

The proposal is considered to be generally in accordance with the SET Overlay code as set out below:

Land Use - Precincts 2, 2a and 3 support housing with the overall outcomes of the code stating that:

- Precinct 2 is to provide a low-rise detached dwellings on individual lots of varying size;
- Sub-precinct 2a is to provide a transition from mid-rise medium density residential to urban residential housing forms; and
- Precinct 3 is to provide for a range of medium density residential uses that are predominantly of a mid-rise built form.

Rather than segregating development over the site by zoning/precinct boundaries, the applicant has designed the subdivision to provide for a mix of lot sizes over the whole site. The lots are to be developed with low rise (one to two storey) dwelling units. The subdivision meets the intended density of development (over the developable area) and provides a mix of housing types. It is expected that a large number of multiple dwelling units will be constructed within the SETSPA, so this proposal, which includes small freehold lots, provides an alternative housing product to what is expected to be the predominant housing type available in the area. In order for the higher density zoned land not to result in townhouse developments, surrounded by walls held on community title, an alternative approach was taken that shares the densities across the whole land holding, which has netted a similar yield to that intended by the various zones. The proposal is considered to provide a good mix of lot sizes and potential building types with differing setbacks to provide for variety and an interesting streetscape, therefore complying with the overall outcomes of the overlay code.

The majority of Sub-Precinct 4d will be rehabilitated and dedicated to Council in order to achieve Specific Outcome S1.6.

Koalas – The development is considered to achieve Specific Outcome S1.5 which requires the development to maintain koala linkages and allow koalas to traverse the landscape. This will be achieved through offset planting and rehabilitation within the OS zoned area, as well as street tree planting.

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The applicant has proposed an acoustic fence along Boundary and Cleveland Redland Bay Roads. The provision of climbable poles for koalas will be conditioned, which allows movement both ways over the acoustic fence. This is considered the most appropriate option as it allows koala movement out of backyards (where there are potentially domestic animals that may injure them), or alternatively, away from the road. S2.6 indicates that state controlled road corridors are to be designed with fauna exclusion fencing and fauna crossings. Fauna crossings will be provided when the Department of Transport and Main Roads (DTMR) designs and upgrades the roads. As this has not been done, the provision of exclusion fencing is not considered desirable as it will direct koalas to the busy entry/exit points of a development, rather than a fauna crossing.

S1.5 (1b-ix) requires that, where development unavoidably results in the loss of koala habitat trees, offset planting is carried out at the rate of one tree for every one metre of tree height removed. The applicant has indicated that offset trees will be provided on site within the parkland/OS zoned area.

Movement Network – The code indicates two new roads through the subject site. A 50m wide boulevard road running north-south through the centre of the site and an esplanade collector street adjacent to the OS zoned land. There are no access points to the external road network available to this central precinct via the subject site. Two of the three access points to the central precinct are located further south (extension of Beveridge Road between CRBR and Boundary Road) and the other, a left in left out access point on CBRB, is located within the property to the north and sits adjacent to a similar left in left out arrangement on the opposite side of CRBR. None of the properties which include access points are expected to be developed prior to stage 1 of this development.

As such, in order to allow this development to proceed, Council has indicated that a staggered intersection layout will be acceptable as long as it can safely operate in conjunction with the intersection design providing access to the SETSPA on the opposite side of CRBR.

In addition to the above, a recent approval over land on the eastern side of CRBR (Heritage Properties) includes the access point to this part of the CRBR. This is intended by the structure plan to include a left in left out intersection with CRBR. As part of the approval, the first 50 lots have been approved with a left in left out and right in configuration (interim), however, beyond those 50 lots, a signalised intersection is required.

The applicant has provided a number of options for the access to CRBR depending on where construction of the Heritage approval is up to. If Ausbuild develop first, then Option 1 will be constructed. If Heritage have started to construct their interim solution, Option 2 will be constructed. If Heritage have started to construct their ultimate solution, Option 3 will be constructed. Conditions of approval have been provided to allow for this. Depending on which development starts first, the following developer will need to reconstruct the road works they trigger, however the applicant for this development has demonstrated that there is a solution for all scenarios (un-commenced, interim and ultimate intersection layout of the Heritage Properties development). Pedestrian movement across the CRBR via median refuge (options 1 and 2) and signals (option 3) have been provided. Council's engineer has reviewed the intersection layouts from a traffic perspective and supports the proposal. It is also noted that the DTMR have approved the proposal.

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The proposed design can act as a permanent solution for the intersection, but does not compromise the ultimate solution (as per the SETSP) being implemented in the future.

During pre-lodgement discussions, the DTMR indicated that a secondary vehicle access point is required once a certain number of lots is reached, in order to prevent saturation of the single intersection. As the Beveridge Road extension is not available at this time and is not expected to be available in the near future, a temporary access to Boundary Road has been agreed to. It is proposed that this will be provided prior to the commencement of the use of Stage 3, after the first 116 lots of stages 1 and 2 are approved for occupation. Once the Beveridge Road extension is constructed, this temporary access can be closed. Landscaping plan SK24 indicates that following decommission of the temporary access, line markings will be removed and bollards constructed to close the access to all vehicles other than emergency vehicles.

Access via public road to the rear and side of the Finlandia site has been provided. Road access has also been provided to the two lots in private ownership fronting Boundary Road to allow these lots to be developed in the future. Access to the north and south has been provided with stub roads.

In terms of road widths, the following has been provided:

- all access places/streets have been provided with two x 3m wide lanes and a 15m road reserve (in accordance with the planning scheme standard);
- the North-South boulevard road has been constructed as a collector street and provided with a 20m reserve and two x 3.5m wide lanes (in accordance with a residential collector street - type B);
- the new esplanade road has been constructed as a collector street and provided with a 14m reserve and two x 3.5m wide lanes and indented parking bays with a width of 2.5m (it is noted the road reserve here has been reduced as it is an esplanade road fronting open space and only provides services on one side). Where the road meets CRBR, the road reserve is widened and incorporates median islands at the intersection; and
- shared driveways have been provided with a 3.5m shared lane within a 9m reserve.

Specific Outcome S2.3 requires esplanade treatments to be provided for roads adjoining public open space. This has been proposed.

Specific Outcome S2.6 (1e) requires a 2.5m wide shared use path (on street) along Redland Bay Road which has been proposed for CRBR. This will also be required for Boundary Road.

Specific Outcomes S2.7 and 2.8 require physical and visual breaks in frontage fencing to allow for pedestrian and cyclist permeability. Sufficient pedestrian and cyclist permeability has been provided through the site.

Land Use Conflict Mitigation – As indicated in the assessment against the road and rail noise overlay, the acoustic fencing proposed is acceptable both from an amenity and noise mitigation perspective. Pedestrian access has been provided to the surrounding road network.

Infrastructure Network - Specific Outcome S4.1 requires the development to be serviced by reticulated water, sewerage and stormwater management systems. The development is considered to comply with the specific outcome and is able to be adequately serviced. Details of servicing are as follows:

Water - Water reticulation to the development shall connect to the existing 375mm diameter main in the CRBR reserve and the existing 150mm diameter main in the Boundary Road reserve. Water main sizes shall be determined by a Water Network Analysis undertaken at the Operational Works stage.

Stormwater – refer to the details below in relation to compliance with the stormwater code.

Sewer – The ultimate sewer solution for the SETSPA is a new gravity sewer and pump station, which is currently being built by Council. The applicant has proposed to connect into the trunk infrastructure in two locations. Stages 1 to 4 will be connected via gravity sewer which crosses CRBR and connects into the sewer reticulation system in the approved Court approved subdivision on the opposite side (in line with the expected layout of the subdivision). If this sewer has not been constructed, then Ausbuild will construct the sewer back to the sewerage pumping station located in the far eastern section of the SETSPA. Stages 5 and 6 will connect into the newly constructed sewer located within the CRBR reserve. The sewer through these stages will also be extended to the west to service the upstream catchment.

Specific Outcome S4.2 requires the incorporation of measures to reduce reticulated water usage and minimise wastewater production. The current Stormwater Management Plan does not include a requirement to provide rainwater tank with re-use options. In terms of water efficiency, the State Government has recently removed the requirement to install mandatory rainwater tanks in new buildings (through amendments of the Queensland Development Code), indicating that the costs associated with mandated rainwater tanks for new houses generally outweighs the overall benefit to the community. Therefore, following the State Government advice, it is not considered appropriate to require rainwater tank provision for water efficiency purposes. Dwelling owners will have the ability to add rainwater tanks in the future if they wish. S4.2 also indicates that the measures which integrate water supply, wastewater and stormwater will assist in protecting waterway health by improving stormwater quality and reducing site run off. It is considered that the exclusion of rainwater tanks will not result in reduced water quality as the proposed stormwater treatment facility will be designed to meet relevant standards

Telecommunications, electricity and lighting will be conditioned to meet S4.3 to S4.4.

#### Other Codes and Policies

The application has been assessed against the following codes:

Code	Assessment/Comments
Access and Parking Code	Assessment of the number of parking spaces is undertaken as part of the Dwelling House Use Code review above.
Development Near Underground Infrastructure Code	There is no existing underground utility infrastructure within the site. The self assessable criteria will apply to the MCU conditions.
Domestic Driveway Crossover Code	A condition will require compliance for each individual lot.
Erosion Prevention and Sediment Control Code	Detailed assessment of this issue will occur as part of operational works.
Excavation and Fill Code	<p>Stages 1 to 4 fall in a northerly direction and stages 5 and 6 fall to the south. Concept earthworks plans have been provided for the development. The majority of retaining walls are less than one metre in height. In stage 5, there is a pad level change between adjoining lots of more than 2.5m. The retaining walls here have been stepped to reduce the bulk and visual impact of the wall from the low side of the block. The walls are located at the ends of longer blocks, allowing for screening of the walls by the future lot owners.</p> <p>There are no significant changes in level between stages 3 and 4 and the approved adjoining multiple dwelling development (MCU012923).</p>
Infrastructure Works Code	Infrastructure is to be provided in accordance with the relevant provisions and in the location identified in the SET overlay code. Each lot will be provided with a separate connection to relevant infrastructure.
Landscape Code	The proposal generally complies and will be subject to operational works approval.
Stormwater Management Code	<p>The South-East Thornlands Structure Plan envisaged two trunk regional stormwater quality treatment facilities (bio-retention basins A1 and A2) for treatment of stormwater from Stages 1, 2, as well as the northern block which is still to be developed and part of Finlandia Retirement Village. These basins are located within the bounds of the undeveloped property to the north. Similarly, stormwater from stages 5 and 6 is intended to be directed to a regional wetland located in the southern portion of the central precinct, in land which is yet to be developed. As a result, alternative solutions have been proposed.</p> <p>Stages 1 to 4 will be serviced by a piped stormwater drainage system discharging through gross pollutant traps to two detention/bioretenion basins located in the northern OS zoned area. These basins, which have a detention volume of 840m<sup>3</sup> and 750m<sup>3</sup>, will then discharge to the existing waterway. The basins are to be located above the Q100 flood line.</p> <p>Stages 5 and 6 which fall to the south will be serviced by a piped stormwater drainage system that will discharge to a bioretention swale (southern boundary) and a temporary detention/bioretenion basin (430m<sup>3</sup> detention volume) located in the south-west corner of stage 5. Stormwater run off is detained from these stages so that the developed land creates a no worsening impact on the downstream property. This facility will be decommissioned in the future, when the regional facility is provided, allowing for the construction of the final two lots, numbers 258 and 259.</p> <p>The SWMP demonstrates that the detention basins are sufficient in size to control</p>



Code	Assessment/Comments
	the post development flow ensuring no-worsening to adjoining properties. Additionally, the modelling provided demonstrates that the treatment train provided will adequately treat the identified pollutants to the required levels.

In addition to the above, the proposal has been assessed against the reconfiguration code. It is noted that the minimum lot size supported by probable solutions of the reconfiguration code is 350m<sup>2</sup>. The proposal includes lots with a minimum size of 121m<sup>2</sup>. As indicated previously, the development provides an alternative housing product to multiple dwellings and standard small freehold lots. This housing product (small freehold lots less than 350m<sup>2</sup>) is an increasingly popular housing option in metropolitan areas, providing a lower maintenance option when compared to a standard freehold lot, without the body corporate management of a multiple dwelling. The mix of lot sizes proposed is considered to provide housing choice which will suit a variety of consumer needs, whilst using land efficiently. It is considered that the proposed lots and respective dwellings will present an attractive and varied streetscape in this newly developing area, maintain a quality lifestyle and meet the requirements of people with different housing needs. As a greenfield site, the location is considered suitable for the provision of an innovative housing product, given that it is a changing streetscape and newly developing area.

Given the dimensions of the small lots less than 250m<sup>2</sup> in size (Premium Urban and Urban allotments), these have been clustered together in groups of six and located at the end of blocks. Generally, small lots are to be distributed throughout the development, however, given the end product proposed, it is considered that these lots are more appropriately located in clusters where the design of the building and site coverage permitted will be consistent with the adjoining properties.

In summary, the development is considered to meet the overall outcomes of the reconfiguration code which seek the formation of safe, convenient and attractive neighbourhoods which meet the diverse and changing needs of the community. The lots created satisfy population growth whilst ensuring the lot size is suitable for the local landscape setting and expected built form. All lots can be adequately serviced. The road network provides a high level of accessibility, act as a separator from flood and bushfire hazards and maximise road frontage to open space areas.

### **INFRASTRUCTURE CHARGES**

A confidential report regarding infrastructure charging for the development was presented to the Coordination Committee of 5 June 2013 and the recommendation was adopted. The developer has agreed to sign an Infrastructure Agreement to allow for payment of the charges as per the resolution of Council.

### **STATE REFERRAL AGENCIES**

- **Department of Transport and Main Roads (Concurrence)**

The Department of Transport and Main Roads (DTMR) provided a referral agency response dated 19 September 2013. The Department indicated no objection to the proposed development subject to referral agency conditions in regards to access, noise attenuation and other measures to reduce the impact on the surrounding state

controlled roads. The Department's referral response, including conditions, will be attached to Council's Decision Notice.

### **PUBLIC CONSULTATION**

The proposed development is impact assessable and required public notification. The application was publicly notified for 15 business days from 6 August 2013 to 28 August 2013. A notice of compliance for public notification was received on 30 August 2013. During this time, 56 properly made submissions and 13 not properly made submissions were received.

### **Submissions**

There were 56 properly made submissions received in relation to the application during the notification period. The matters raised within these submissions are outlined below:

<b>1.</b>	<p><b>Issue</b></p> <p>The housing density is spread over the whole development footprint. Highest density should be concentrated in the MDR precinct rather than having small blocks of 122 square metres directly beside the creek corridor. This will result in more pollution of creeks. The MDR area was chosen for its lack of vegetation, being old farm land and because of its proximity to the Victoria Point shopping precinct. Medium density has been excluded completely and the entire site has been covered in housing lots - this was not the diversity the SETSP was formed or approved by State review on. The proposed development does not provide a gradual transition - this will impact on the adjoining MDR zoned land to the southern boundary of stages 5 and 6 (given it will result in an inconsistent density transition and incompatible built form with the attached medium density development which is supported by the scheme on the adjoining property).</p>
	<p><b>Officer's Comment</b></p> <p>The quality of stormwater discharged from the development site will need to achieve the same level of treatment no matter what the design. Additionally, the site coverage and ratio of total roof and pavement to total pervious natural ground surface is likely to be similar within both the Urban Residential and Medium Density zoned areas if the development was segregated. Locating higher density development further up a catchment rather than close to the outlet, does not change the quality of the water being discharged. This is only achieved through stormwater quality treatment devices. It is considered that this type of development does provide diversity in housing choice – Refer to item 2 for further discussion. Council officers do not have a concern with the interface between stages 5 and 6 with the potential attached multiple dwelling product to the adjoining southern boundary. It is noted that the proposed development layout has a road along the majority of this boundary and also includes a cluster of smaller lots (150m<sup>2</sup> and below) adjoining this area.</p>

<b>2.</b>	<b>Issue</b>  The proposed housing (7 types of lot sizes) does not include a mix of housing as described in the SETSP.
	<b>Officer's Comment</b>  It is expected that a large number of townhouses will be constructed within the SETSPA. This proposal provides for standard size lots, as well as small freeholds lots of a size which has not been previously proposed within the Redland City Council area. This is considered to provide a mix of housing. In particular, when compared with what the site could be developed with if the planning scheme probable solutions were strictly followed (a mix of standard sized lots and multiple dwellings), the proposal is considered to provide more variety that that encouraged through probable solutions of the planning scheme. Furthermore, buyer choice regarding house design, in terms of number of stories, facade treatments, rooflines, colours and building materials, will promote further variety in the streetscape than that which would be normally achieved if a developer proposed multiple dwellings or constructed the dwellings without buyer involvement in the design process.

<b>3.</b>	<b>Issue</b>  Privacy and noise issues on homes on 400-600m. This issue will undoubtedly come into play with lot sizes down to 122m.
	<b>Officer's Comment</b>  The potential for noise and privacy issues is increased with smaller lots, however, this can be minimised through housing design. The issues will also be limited to the clusters of these smaller lots, hence buyers can make a decision as to whether or not this type of lifestyle appeals to them. The location and proximity of the proposed dwellings on the smallest allotments is similar to that encountered within a multiple dwelling development, so living in close proximity to others is something which occurs every day in medium density zoned areas. Just as not every household wants to live on a 122m block, likewise, not every household wants to live on a larger block with the additional maintenance which comes with it. There is a market for the small blocks and it provides a housing product which is missing from the current market.

<b>4.</b>	<p><b>Issue</b></p> <p>The blocks are too small and should be no less than 800m<sup>2</sup>. Another submission indicates that blocks should be cut into 6000m<sup>2</sup> to provide habitat and protect wildlife from dogs.</p>
	<p><b>Officer's Comment</b></p> <p>The SETSPA has been identified as an area of land where significant population growth is to be accommodated and thus supports a density of development which is greater than lots over 800m<sup>2</sup>. The applicant has supplied sufficient detail, including example house designs for each lot type, to demonstrate that the lots are capable of supporting a residential dwelling. It is also recognised that houses on smaller freehold lots have been constructed and successfully occupied in other metropolitan areas across Australia. Larger lots of 6000m<sup>2</sup> potentially provide more habitat, however edge effects from human activity reduce wildlife use unless lots are already well vegetated. That is not the case on this site. Larger lots provide no guarantee of protection from domestic animals.</p>

<b>5.</b>	<p><b>Issue</b></p> <p>Failure of the proposal to honour the SETSP which was a result of many years of planning and community input including - Community purposes corridor being ignored. The 50m wide multi-purpose corridor was included in the structure plan in response to many submissions concerned about the difficulties fauna (including koalas) would have traversing the developed area. The corridor is meant to provide connectivity between the two protected green areas. The boulevard also was wide enough to grow and protect large trees and provided visual relief to the endless sea of roofs. It was also good for people and a heart to the development. Residents were advised that the Community Purposes designation of the Boulevard was the strongest protection of the central corridor and giving it a dual purpose was the best way of ensuring it remained in perpetuity. If Council allows it to be removed it is a gross betrayal of the community and the hundreds of people who worked to soften the worst impacts of the Structure Plan.</p>
	<p><b>Officer's Comment</b></p> <p>The boulevard road is zoned community purposes (infrastructure) and is not covered by the habitat protection overlay. It is agreed that a 50m wide planted boulevard would provide an inviting area for both people and fauna. However, it is noted that other overall outcomes of the SETSPA indicate that development should deliver a density that makes efficient use of scarce developable land. Significant areas of the SETSPA are constrained by overlays (such as flood prone or habitat protection) whereas the land within the boulevard zone is generally unconstrained and able to be developed. Further, it is noted that the green area to the south of this central precinct is designated as greenspace due to it being flood prone land and does not support an existing corridor of vegetation.</p>

<b>6.</b>	<b>Issue</b>  <p>Specific outcomes regarding Koalas have been totally ignored. In land use precinct 2, 2a and 3, the specific outcomes require the maintenance of Koala habitat linkages and incorporation of koala sensitive development. S1.5 is totally ignored for example, 'retaining koala habitat trees as well as clusters and significant other trees which provide valuable landscape and environmental features'. There is not one tree protected in precincts 2 and 2a. There are at least three extremely significant trees in the development footprint (two old growth scribbly gums of advanced maturity and the other a large Eucalyptus seeana, all three are reported as having fauna use by the number of scratches, are in good health and one has hollows which means its age is 100 years plus. These trees are grouped close together suggesting that any sensible design process could have protected them without the loss of many lots. These trees are vital to the local koala population as shown by the study carried out by the University of Queensland researchers for Council in 2010. This study shows a female koala (with young) using both the significant trees and the plantation trees (koala food trees planted by a previous owner in the early 1990's).</p>
	<b>Officer's Comment</b>  <p>There are recognised issues with maintaining vegetation within developed areas and urban subdivisions are generally unable to support a sufficient number of habitat trees to for a truly viable corridor. As indicated above, an overall outcome of the SETSPA indicates that development should deliver a density that makes efficient use of scarce developable land. Trees maintained on development sites are often removed at a later stage as a result of damage during construction. Alternatively, future house owners living near substantial trees request that they be removed due to the potential of limbs dropping and causing damage or harm. Further to this, domestic dogs and cats on lots result in additional hazards to Koalas and other fauna accessing these retained trees surrounded by development. The ability to retain trees in the middle of lots, especially in an area where development is to be encouraged, is difficult. It is considered that koala habitat linkages have still been maintained (the greenspace portion of the site) and development allows Koala movement through the landscape via street tree planting and planting within the vegetated acoustic fence buffer. It is also noted that if the site was developed in a way which included individual, private multiple dwelling developments over the majority of the land, there would be further impediments to Koala movement given a lack of road connections (with associated street trees) throughout the site. Further, it is noted that the structure plan did anticipate tree removal as Specific Outcome S1.5 (b)(ix) requires offset planting.</p>

<b>7.</b>	<p><b>Issue</b></p> <p>There is no mention in the proposal of agreements made with the DTMR about the necessity to incorporate fauna exclusion fencing and fauna crossings (S2.6 (1 (a and b))). These must be in place before development begins to mitigate the disturbance caused by removal of habitat forcing koalas and other fauna on to busy arterial roads. Given newly planted trees will take 10+ years to mature, koalas will starve to death. The koala's vulnerable classification must be upheld.</p> <p><b>Officer's Comment</b></p> <p>Map 2 of the SETSPA indicates recommended fauna crossing locations, none of which are located within the frontage of the site to the adjoining state controlled roads. Fauna crossings are not trunk infrastructure and Council does not have the legislative ability to require the developer to provide these crossings (S2.6 indicates that DTMR should design their road to incorporate crossings, it does not specify that this should be done as part of development approvals). In relation to fauna exclusion fencing, although this is a specific outcome (S2.6-1a) where located adjoining CRBR or Boundary Road, it is noted that another specific outcome (S1.5 - 1b - vi) indicates that koala friendly fencing should be used except where koala exclusion fencing is the only practical way of safeguarding koalas. Unfortunately, the movements of koalas cannot be completely predicted or controlled. If exclusion fencing was placed along roads, then koalas may be trapped within housing lots and fall prey to domestic animals. Hence, climbing poles have been conditioned to allow koala movement both ways over acoustic fencing bordering CRBR and Boundary Road. This will allow koalas to move away from the major roads or alternatively, escape residential lots where there are other hazards and move into the vegetated buffer area along CRBR and Boundary Road to reach parkland areas. It is also noted that Specific Outcome 2.6 relates to state controlled roads. These roads are existing and neither the developer nor Council has control over their design through this application. Specific Outcome 2.6 (b) may be achieved if these roads are upgraded in the future by the relevant state department.</p> <p>Further, an external consultancy provided a report to Council in 2009 that included all known koala/road traffic statistics for the years 1997 to 2008 for Redland City. A comprehensive plot of all known incident locations was provided, with an accuracy of some 50 to 100 metres. The plot indicated some 20 incidents each in the vicinity of the creek crossings of both Boundary and Cleveland-Redland Bay Roads at the north-east of the subject site, and at the roundabout junction of the two roads to the south-east. The total number of incidents on both roads adjacent to the development site itself is 3 over the same period. There is very little koala habitat vegetation on or opposite the site in the vicinity of both these roads, while denser habitat is apparent on one or both sides of the roads where the incident rate is high. This is expected as koalas will constantly move back and forth roads where habitat vegetation is present. Although there were 3 recorded strikes over the study period, fencing to protect koalas from traffic is considered a lower priority than at the other nearby sites where traffic strikes are much more common. There does not appear to be a high incidence of koalas crossing directly to or from the subject site itself. However, the threat from dogs in the proposed subdivision is more likely to be significant.</p>
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<b>8.</b>	<b>Issue</b>  The esplanade intrudes on the greenspace (4d) which must not be permitted as it will cause the unnecessary removal of an estimated 20 koala food trees which are vital to the local koala population. The proposal does not comply with S2.3 which states that no part of the road pavement is to be constructed within the Greenspace precinct and roads are to be designed to ensure minimum disturbance to existing native vegetation.
	<b>Officer's Comment</b>  Roads are exempt development both within the SETSTP and the Open Space zone. It is therefore difficult to enforce the developer to stay out of this area with road infrastructure. A review of the tree retention plans indicate that only a small number of trees will be removed. Additionally, some of these trees are non native (approximately four umbrella Chinese trees and a camphor laurel).

<b>9.</b>	<b>Issue</b>  The developer has agreed to plant 5688 offset trees and 546 indicative offset trees in the ecological corridor however the available open space area is only between 6000-7000 square metres. This density of planting (1 tree per square metre) is impossible. Offsets should include exclusion fencing and underpasses/overpass to mitigate koala fatalities caused by loss of existing habitat. Koalas need familiar trees to survive in the area and they will not survive if trees are removed - they will die in their attempts to find another area before the newly planted trees grow. Planting elsewhere is not an acceptable solution as this will not benefit koalas living in the area that will be negatively affected by the development.
	<b>Officer's Comment</b>  Conditions of approval will require planting of trees (where they can be accommodated on site) or alternatively, payment of a monetary offset to Council. Council will then be able to use the funds to plant recipient sites within the SETSPA and surrounding areas. Details of the exact number of replacement trees and potential replanting location and density will be supplied as part of operational works. The Habitat Protection overlay code indicates where wildlife corridors should be strengthened and this will occur as part of the development.

<b>10.</b>	<p><b>Issue</b></p> <p>Impact on wildlife. The proposal will result in the eradication of the local wallaby numbers as well as koalas. The proposal causes a significant loss of koala habitat, with the removal of hundreds of koala food trees which is in direct conflict with the objectives of the Redlands Koala Policy and Implementation Strategy 2008 which states "To provide a new vision and to meet community expectations to stop the rapid continuing decline of koalas by 2011 and take immediate action to recover the existing population to more than 5000 koalas in the Koala Coast by 2014". The application indicates that there is no need for a flora and fauna assessment at this time as the Tree Retention Plan covers the issues. This totally ignores the presence of other fauna besides koalas: the substantial swamp wallaby population and the myriad of birds that use the site. Small mammals have been found in neighbouring properties and are likely to be in the path of the development. Additionally, lizards and insects and native plants will be impacted. A flora and fauna assessment should be undertaken prior to approval.</p>
	<p><b>Officer's Comment</b></p> <p>The presence of a range of wildlife species is acknowledged. Loss of habitat and dislocation of species are likewise acknowledged given the zoning of the site. Any urban residential development on a greenfield site will disturb a large range of species. A detailed study of existing flora and fauna is not likely to reveal the presence of species that have gone un-noticed. The development generally proposes residential development within land proposed for residential use. Improvements will be made to wildlife habitat within the greenspace area through rehabilitation.</p>

<b>11.</b>	<p><b>Issue</b></p> <p>There are no covenants to protect the landscape.</p>
	<p><b>Officer's Comment</b></p> <p>There is no requirement within the planning scheme for covenants to be provided. Greenspace areas are to be rehabilitated and dedicated to the State to ensure long term protection.</p>

<b>12.</b>	<p><b>Issue</b></p> <p>Use of fill in the greenspace 4d in order to bring the playground facilities above flood line - this is unacceptable in a greenspace area and the playground should be located in an area above flood level.</p>
	<p><b>Officer's Comment</b></p> <p>The playground is located in a predominantly cleared area. The tree retention plan indicates that all trees located adjacent to this area can be retained.</p>



<b>13.</b>	<p><b>Issue</b></p> <p>The greenspace area (precinct 4d) has been used for stormwater infrastructure directly against the Structure Plans Infrastructure and Services Strategy - Integrated Water Management Strategy which states that stormwater infrastructure is to be located outside of the greenspace network. Even more unforgivable is the koala food tree loss that this will entail, possibly as many as 25 in the eastern detention basin and up to 8 in the western one, all of which should be protected by the greenspace designation.</p>
	<p><b>Officer's Comment</b></p> <p>Overall Outcome 5.14.7 2(d)(i)(d) requires that all stormwater infrastructure is designed and located to the greatest extent practicable outside the Greenspace Network unless identified as part of a regional solution in Part 10 – Priority Infrastructure Plan. The nominated location for stormwater treatment in the PIP is in private land which is not part of the development application. Consequently, the alternative treatment areas in greenspace Precinct 4d in the north-west of the site were proposed. It is noted that the regional solution in the PIP was proposed partially in the open space area and partially within the residential zoned area.</p>

<b>14.</b>	<p><b>Issue</b></p> <p>The stormwater plan does not make it clear where stormwater actually flows. The present situation is that the outflow from the largest dam in the adjoining property flows straight into the farm dam on the proposal site. Given that this outflow will not change as it is in the neighbouring property, it is unclear where this flow (which can be huge after some of the rain events we have had in the last few years) will go if the small dam is filled and covered with the esplanade road. Concerns raised that this will erode the fill, be redirected into the bushland making new channels and causing further loss of trees. With the increase in stormwater runoff from the developed property, it cannot but fail to degrade the existing bush.</p>
	<p><b>Officer's Comment</b></p> <p>As indicated in the submitted stormwater management plan, the impervious area of the site will increase due to the existing site consisting largely of open space and the developed site consisting of significant roof areas. The requirements of Redland City Council, specifically Redland Planning Scheme, stipulate that existing levels of stormwater discharge are to be maintained from the proposed development site. The stormwater plan demonstrates that the ultimate stormwater drainage system will attenuate all design storms up to and include a Q100 storm. The overland flow paths have been designed to cater for Q100 storm events and all external catchments will bypass the site. Three on-site detention basins will be incorporated within the bio-retention areas, multiple iterations were undertaken during the design process to optimise basin size whilst complying with Council and Queensland Urban Drainage Manual requirements.</p>

<b>15.</b>	<p><b>Issue</b></p> <p>The application does not provide sufficient demonstration of stormwater management measures. The SWMP prepared by Lambert and Rehbein demonstrates that the volume of stormwater onto adjoining land is reduced to pre-developed flow rates. However, the details provided are not sufficient to assess if the discharge will be concentrated onto adjoining properties. Overland flow and stormwater management - it appears that the proposal unlawfully directs overland flow into the property to the north on CRBR without this owner's consent. In terms of discharge to the south, prior to approval, it needs to be determined that there is no concentration of flows onto the southern site (which may lead to increased erosion, detrimental impacts on existing structures and functionality of the site, and/or increased risk of siltation of existing dams). Additionally, an assessment against the 'lawful point of discharge test' as per clause 3.4.1 of QUDM should be undertaken.</p> <p><b>Officer's Comment</b></p> <p>As part of the application, the applicant has demonstrated that there is no worsening of the natural flow of surface water to the downstream property and that there is no increased flow as a result of the development. Council's engineering officers have assessed the submitted stormwater management plan and have indicated that it meets requirements in relation to lawful point of discharge.</p>
<b>16.</b>	<p><b>Issue</b></p> <p>Development rights and future development outcomes of lot 5 (to the north) have been compromised and there have been no reasonable steps taken to include lot 5 in the application. If the proposed access arrangements are considered appropriate to support the ultimate development on the subject land, than there is no reason why these arrangements cannot be maintained as the longer term arrangement. The cost of providing a collector street through lot 5 and a new intersection is not a reasonable cost imposition on the development of this lot. The costs of these works should be incurred by the owners of the subject land.</p> <p><b>Officer's Comment</b></p> <p>It is considered that reasonable attempts to include lot 5 have been made. Council is not privy to all details in relation to discussions between private landholders and developers. However, although not required, it is understood that the owner of this lot has been contacted by Ausbuild, but that these discussions have not resulted in lot 5 being sold (either in full or partially to allow for road construction) to Ausbuild. Council officers have also undertaken discussions with the land owner of lot 5 to further encourage discussion with Ausbuild as it may assist in reducing the costs of developing lot 5. Despite this, it is recognised that the Ausbuild development does not preclude the intersection as intended by the SETSPA. A decision on what intersection and road treatment is suitable for lot 5 will be made at the time that lot is subject to a development application. This may not occur for 20 years or more and therefore could be outside of the timeframe of the existing planning scheme and DTMR road plans.</p>

<b>17. Issue</b>	<p>With capping of infrastructure charges, it is presumed that infrastructure costs will be foisted on ratepayers. The infrastructure costs to be paid by ratepayers (roads, intersection upgrades, sewer and water) must be made clear and made public before Council votes on the proposal. For example, it does not appear sustainable to pump sewerage all the way to Cleveland Treatment Plant. The community should not have to pay for a development they do not want that benefits only developers.</p>
	<p><b>Officer's Comment</b></p> <p>Studies undertaken as part of the structure plan process identified that wastewater treatment facilities at Victoria Point are unable to accept the additional wastewater created by development within the SETSPA. Infrastructure to send wastewater to Cleveland is currently under construction and a decision to build this infrastructure has been made separate to this application and therefore is not relevant to this application. The recommendation of a confidential report regarding appropriate infrastructure charges to apply to the development was adopted at the General Meeting of 5 June 2013. This report considered the financial impact on ratepayers. It is noted that Council will obtain a higher rate return from the proposed freehold lots than it would for multiple dwelling type developments.</p>

<b>18. Issue</b>	<p>Temporary access points have not been planned for within the SETSP. This application does not have access to the proposed permanent access points and therefore should not be allowed to proceed. Other landholders in the area would not be granted temporary individual access points and nor should this application.</p>
	<p><b>Officer's Comment</b></p> <p>Council officers have supported temporary access points as no other options are available which would allow development in the area. The fragmented land ownership within the SETSPA has caused difficulties in developing the area, however it is not considered reasonable to restrict development until adjoining property owners are ready to develop, when temporary access points can be delivered which meet traffic standards and do not pose additional risk to road user safety. Other landholders requests to have temporary access points will be considered at the time they are made. In the past, these requests have not been supported as the SETSPA was not advanced. It should be noted that in developing the site layout and access/exit proposals, significant on-going consultation was undertaken with Council and DTMR officers. The focus of these discussions and assessment was oriented to develop a traffic layout/design that caters for the development traffic in the first instance, and is consistent, to the extent possible, with the structure plan, without compromising the ability to achieve the Structure Plan in the longer term.</p>

<b>19.</b>	<b>Issue</b> <p>The application states that the main access on CRBR is a permanent access however we have been told this would be viewed as temporary access and the 15m road stub to the north would be made 18m wide to be able to become the intended 4 way intersection as planned for. It would seem highly likely that there will be nothing temporary about this access. To have some traffic exit left out of the newly developed area only to immediately slow down to turn right to enter the district parks seems like a dangerous arrangement that is not needed (the logical and safer signalised intersection should be provided). Right turn lanes will be quickly overloaded if sporting or social groups arrive at the same time which is likely. Lights are needed.</p>
	<b>Officer's Comment</b> <p>The CRBR access is 'temporary', however it has been designed with 3 options which allow it to operate as a permanent facility. A stub road has been provided to the lot to the north to allow development of this site and the intersection to be provided in the intended position. It is further noted that the SETSPA does not require a four way intersection, but rather two left in left out intersections. Therefore the proposal to have a staggered left in left out layout is not too far removed from the SETSPA intent. By providing a stub road, this will not preclude a future intersection being constructed in line with the location of the SETSPA and potentially, future signalisation of this intersection if needed in the long term. An assessment of traffic movements has been undertaken and the proposal has been approved by DTMR (as a concurrence agency).</p>

<b>20.</b>	<b>Issue</b> <p>The removal of temporary access points is a cost that must not be passed onto rate payers after this development is done and the developer has moved on. Money would have to be held in trust for future upgrades and integration into the permanent access points and the future upgrade of CRBR as DTMR have no plans to upgrade the road until 2021. The design does not cater to a 4 lane road and is premature in its planning.</p>
	<b>Officer's Comment</b> <p>Conditions of approval require that the works and costs of removal of temporary access points will be borne by the developer.</p>

<b>21.</b>	<b>Issue</b>
	<p>The approved development to the east (CRBR) will be required to install a 4 lane, 4 way signalised intersection. Three traffic experts, including Council and DTMR's own experts agreed that a four way signalised intersection adjacent to the district park was a superior outcome than two offset left in left out intersections proposed in the SETSP. This eastern development has to signalise their 'interim' intersection at the 50th lot due to the condition of the road and traffic volume, regardless of any other planned development in the area. This proposal has 116 lots before they even propose a second 'temporary' access point onto Boundary Road which has already been widened to 4 lanes and would be more capable of coping with extra traffic. The design of the CRBR intersection must incorporate a u-turn facility to service traffic from the eastern approved development intersection as there is no u-turn facility at Beveridge road and all north bound traffic from the eastern side development would have to go to Boundary Road roundabout to perform a u-turn, placing further demand on an already overcrowded round-a-bout and road. An intersection with a u-turn however would restrict and interfere with driveways opposite the site. An intersection without a u-turn will create traffic chaos. Therefore the application should be refused. The proposed access arrangements (CRBR) prevent right turns from the existing houses on the opposite side of the road from the development. This will reduce safety and amenity of the occupiers of this allotment as it places their lives at greater risk.</p>
	<b>Officer's Comment</b>
	<p>The approved development to the east does not require a 4 way intersection, it only requires signalisation in and out of that approved development. This is not what is required in Councils planning scheme (two left in left out intersections). The proposed intersection designs demonstrate that a staggered intersection that meets legislative traffic requirements can be achieved no matter what stage the approved development to the east is at. As the owner of the road, DTMR have approved the designs. Right turns can be incorporated into the intersection designs via breaks in the line marking. Further, stage 1 of the approved development on the eastern side of CRBR will include a public road up to the individual properties fronting CRBR, allowing a second access point to this site which can eventually exit at the signals.</p>

<b>22.</b>	<b>Issue</b>  S2.6 (d) states that three new road intersections are planned for not four.
	<b>Officer's Comment</b>  The additional intersection (Boundary Road) is temporary only and will be decommissioned by the developer once the other intersections and public roads become available for use. Likewise, if the northern intersection on CRBR becomes available in the future, decommissioning of the temporary access on CRBR may occur which again will result in only 3 intersections as intended by the SETSPA.

<b>23.</b>	<b>Issue</b>  DTMR have recently upgraded 3 intersections to 4 lane signalised intersections, due to the poor condition of CRBR and the traffic volume that already exists. This had to be done because the road is over capacity and they do not have the funds to upgrade the entire section of road to 4 lanes, leaving an approximate 800m of road as 2 lanes on which this application wants to put another un-signalised intersection. This should be upgraded before this development is approved.
	<b>Officer's Comment</b>  CRBR is a state controlled road. The DTMR has reviewed and approved the proposal.

<b>24.</b>	<b>Issue</b>  The 5m landscape buffer is simply the minimum land needed for road widening to complete the double lane section of CRBR. This will result in a low quality streetscape with minimum landscaping or visual relief.
	<b>Officer's Comment</b>  The CP zoning is of a width to accommodate road widening of CRBR (approximately 15m in width) in addition to up to 10m of landscaping buffer in front of the acoustic fence. The 5m wide landscaping buffer as proposed is considered to meet the intent of the overlay code to screen the acoustic fence. The developer has maintained the road widening requirement of DTMR in addition to 5m of landscaping.

25.	<p><b>Issue</b></p> <p>Pedestrian access via Dinwoodie road lights to the park is a 1.3km walk and forms a u shape - children would not use this as they can see the park across the road, thus creating a dangerous situation. Additionally, this is flood prone land and unusable after heavy rain.</p> <hr/> <p><b>Officer's Comment</b></p> <p>Pedestrian movement across CRBR has been assisted via provision of median refuges (options 1 and 2) or signals (option 3). The SETSPA did not intend a signalised intersection in this northern location and therefore pedestrian refuges is all that would have been provided if the two left in left out facilities were provided (in accordance with the structure plan). The signalisation has been required as part of an appeal and is not a requirement of the planning scheme.</p>
26.	<p><b>Issue</b></p> <p>The statutory process to prepare the SET Structure Plan included extensive community consultation and State Government review and endorsement. It is therefore inappropriate to allow development outcomes that are inconsistent with the SET Structure Plan, given the potential for significant detrimental environmental, economic and social impacts.</p> <hr/> <p><b>Officer's Comment</b></p> <p>The SETSPA, like all codes within the Redlands Planning Scheme, has undergone State review and is a performance based code. Non compliance with probable solutions or specific outcomes does not mean that a development cannot be supported. It is considered that a performance based development solution, which meets the overall outcomes and intent of the planning scheme provisions, has been proposed by the developer. Given this, Council officers are recommending approval. It is also noted that a code assessable application over this land could be proposed which would be very similar in layout to the impact assessable application proposed.</p>
27.	<p><b>Issue</b></p> <p>The applicant has failed to advertise the development application in accordance with the requirements of the Sustainable Planning Act. Stage 4a (road) forms part of the development application, but the land this is over (lot 14) was not included in the public notification documents</p> <hr/> <p><b>Officer's Comment</b></p> <p>No development is occurring on Lot 14 and therefore it is not necessary to include it in the application. A condition of approval will be included which states that stages 5 and 6 cannot proceed until access is available.</p>

The following submissions all relate to the use of the land for residential development and the density of development that the area should support. These issues are not relevant to the proposed application, as the decision to use the area for residential development, and the appropriate density, was decided during the structure planning process:

- No public transport to support the development. The housing density is more appropriate to inner Brisbane or at least somewhere within walking distance of a transport node (which is far more than a bus service using already crowded roads). The occupants of such high density housing are likely, when taking into account social demographics, to rely heavily on public transport to reach their place of work in Brisbane or elsewhere. At present, buses to Brisbane are often overcrowded by the time they reach this area and hence such a high density development would place further strain on the current under provisioned public transport system in the area.
- Noise from traffic on CRBR and Boundary Road will increase.
- The development is completely out of character with the surrounding area and the natural and community values that many of the residents of the Redlands are here for. The development disregards the plans on which residents have relied on in moving to the area. Cheap housing will attract undesirable people into the area. Bored young people will overuse the remnant patch of bushland with nothing to stop them accessing the neighbouring wildlife-friendly fenced properties. Fires, vandalism and habitat disturbance will result. Many landowners move to the Redlands to enjoy a more rural lifestyle and developments such as this further erode the lifestyle choices that the ratepayers have made. Loss of green habitat which offers a buffer for noise, produces oxygen we all breathe and in which we enjoy recreationally, is going to have a negative impact on the environment for existing residents in the area who choose to live in the area (currently designated for low density housing on acreage). This high density residential housing is inappropriate in an area earmarked by its own Special Planning Intent as protected for its environmental and social value.
- The infrastructure is poor and it will only make things worse. This application will bring a significant number of new residents into the area which is already struggling infrastructure wise and will further overload the roads and public transport systems, water plants, and sewerage treatment plants. This area was not earmarked for high density housing in the Strategic Plan so one would not expect that the Council has sufficient infrastructure in place to accommodate such a high density development. Our local hospital is already stretched to the limit and parking there is near impossible
- The valuable farming land should not be carved up and used for housing developments. The Council has a responsibility to ensure that the residents of its City can feed themselves.
- Traffic - At peak hour, the congestion from Cleveland through Victoria Point and beyond is critical. This application will make things worse. Traffic increase will be catastrophic. Many small allotments often attract investors where the property ends up in the rental market with up to four adults living at the one address. The real figure of extra cars per day could then be 1036. With a school in such close



proximity, the increased traffic particularly during building will increase danger to children. Poor infrastructure and high number of rental properties will result in a fall in property valuations and the area as a whole. (Note - The statement that small lots will attract investors and result in four adults living at the one address is a blanket statement which is not supported by any studies. It is likely that a wide variety of users will occupy the dwellings, both home owners and renters, and equally, it is likely that each of the seven house types will be occupied by a wide variety of occupiers in terms of number of people and age of people.)

### **Delegations**

As there will be significant benefit in Council making a formal decision (resolution) on this matter without delay, it is recommended that the Committee use delegated authority for formal decision making on this matter, in accordance with Section 257 of the *Local Government Act 2009* and Council's resolution of the Post Election Meeting 17 May 2012 (Item 7). The significant benefit relates to meeting statutory timeframes.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

In accordance with the Sustainable Planning Act, the impact assessable application has been assessed against the Redlands Planning Scheme and other relevant legislation. The decision is due on 6 November 2013.

### **Risk Management**

The applicant any/or any properly made submitters will be able to appeal the decision made by Council.

### **Financial**

If refused, there is potential that an appeal will be lodged.

### **People**

Nil implications.

### **Environmental**

The site is predominantly zoned for development as proposed. Environmental impacts have been addressed as part of the assessment report and minimised by the design and conditions of approval.

### **Social**

A reasonable number of submissions were received during the assessment period. The grounds of submissions have been addressed in this report and it is considered that the proposal is consistent with the intent of the site and warrants approval.

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

The proposal and recommendation is considered to align with Council's policies and plans.

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## CONSULTATION

The Planning Assessment Team has consulted with other assessment teams where appropriate. A copy of the original proposal was provided to Councillor Hardman. Internal Council officers provided technical advice to assist with assessment of the application.

## OPTIONS

1. That Council resolve to adopt the officer's recommendation.
2. That Council resolve to refuse the application. Grounds of refusal would need to be established.

## OFFICER'S RECOMMENDATION

That Council resolve that a Development Permit be issued for Reconfiguration of Lots by Standard Format Plan (6 into 259 Lots over 6 Stages) & Material Change of Use (Dwelling Houses) on land described as Lots 1 and 2 on RP154341, Lot 3 and 4 on RP856222, Lot 6 on RP14839 and Lot 21 on SP216148, and situated at 376-386, 392 and 394 Boundary Road and 303-313, 315-327 and 345-357 Cleveland Redland Bay Road, Thornlands, subject to the following conditions:

### SECTION 1 - PERMIT TO WHICH THE FOLLOWING CONDITIONS RELATE:

#### DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOTS BY STANDARD FORMAT PLAN - 6 into 259 Lots over 6 Stages

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>
1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.	
<u>Approved Plans and Documents</u>	
2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.	Prior to Council approval of the Survey Plan for each stage.

Plan/Document Title	Reference Number	Prepared By	Date
Reconfiguration of Lot Plan	ASB22-ROL 1a RevA	PLACE Design Group	17.06.2013
ROL Lot Calculation Plan	ASB22-ROL 2g RevA	PLACE Design Group	17.06.2013
Land Dedication Plan	ASB22-LDP RevA	PLACE Design Group	17.06.2013
Waste Management & Parking Plan (as amended by Council)	ASB22-WMP RevA	PLACE Design Group	17.06.2013
ROL Staging Plan	ASB22-ROL 2 RevA	PLACE Design Group	17.06.2013
Reconfiguration of Lot Plan – Stage 1	ASB22-ROL 2a RevA	PLACE Design Group	17.06.2013
Reconfiguration of Lot Plan – Stage 2	ASB22-ROL 2b RevA	PLACE Design Group	17.06.2013

Reconfiguration of Lot Plan – Stage 3	ASB22-ROL 2c RevA	PLACE Design Group	17.06.2013
Reconfiguration of Lot Plan – Stage 4	ASB22-ROL 2d RevA	PLACE Design Group	17.06.2013
Reconfiguration of Lot Plan – Stage 5	ASB22-ROL 2e RevA	PLACE Design Group	17.06.2013
Reconfiguration of Lot Plan – Stage 6	ASB22-ROL 2f RevA	PLACE Design Group	17.06.2013
Landscape Masterplan and Design Intent. Issue B - to Support ROL Application Note – SK15, SK16 and SK17 have been amended by Council	ASB31	PLACE Design Group	10 July 2013
Assessment & Control of Road Traffic Noise Intrusion	11-268.R05	Acoustics RB	21 June 2013
Resolution of Barrier Arrangement for Lots 1-3, 10 and 11	11-268.R06	Acoustics RB	30 June 2013
Tree Retention Plans	SHV01_TRP_001 to 008 (Revision P2)	PLACE Design Group	9 July 2013
Stormwater Management Plan	B12431ER001 Rev1	Lambert & Rehbein	1 August 2013
Traffic Impact Assessment	B11441TR001	Lambert & Rehbein	24 June 2013
Civil Engineering Infrastructure Report  Note – Approved plans 7878 (B, C, E and F) are Issue ‘1’ which were amended in August 2013. Approved plan 7878 (A) is issue ‘2’ and was amended on September 2013. All other plans have not been amended.	7878 Infrastructure Report 130621	Sheehy & Partners Pty Ltd	21 June 2013
SET Central Flood Assessment Report	J2861-01-v02	Water Technology	June 2013
ROL Staging Plan With PSMs	ASB22-ROL 2 RevA-A	PLACE Design Group (amended by Council)	17.06.2013

Table 1: Approved Plans and Documents.

3. Submit to Council a Survey Plan for Compliance Certificate approval, in accordance with the approved plans, following compliance with all relevant conditions and requirements of this approval.	Prior to expiry of the relevant period for the approved development for each stage.
4. Comply with the infrastructure agreement relating to the land.	Prior to Council approval of the Survey Plan for each stage.

<b><u>Existing Structures</u></b>	
5. Demolish or relocate/remove or obtain the relevant approvals for all existing structures on site, including all slabs and footings, in accordance with the approved plan(s) and cap all services prior to demolition commencing.	Prior to Council approval of the Survey Plan for relevant stages.
6. Remove any existing fences and/or incidental works that straddle the new boundaries, or alter to realign with the new property boundaries or to be wholly contained within one of the new properties.	Prior to Council approval of the Survey Plan for each stage.
<b><u>Utility Services</u></b>	
7. Relocate any services (eg water, sewer, electricity, telecommunications and roofwater) that are not wholly located within the lots that are being serviced.	Prior to Council approval of the Survey Plan for each stage.
8. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid in accordance with the terms of any cost estimate provided to perform the works.	At the time the works occur, or prior to Council approval of the Survey Plan for each stage, whichever is the sooner.
9. Design and install underground electricity and telecommunication conduits to service lots 1 to 259 in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works code, South East Thornlands Structure Plan Overlay Code (S4.3) and Planning Scheme Policy 9 – Infrastructure Works. Provide Council with written confirmation of the service provider agreements to the supply of electricity and telecommunication services.	Prior to Council approval of the Survey Plan for each stage.
<b><u>Land Dedication and Design</u></b>	
10. Dedicate land to the State as shown on Land Dedication Plan (Plan Reference: ASB22-LDP Rev A) as part of the relevant stage, for the following purposes: <ul style="list-style-type: none"> <li>a) Park/open space (including areas marked for stormwater management);</li> <li>b) Road.</li> </ul>	Prior to Council approval of the Survey Plan for the relevant stage.
11. Grant easements for the following and submit the relevant easement documentation to Council for approval. Once approved by Council, register the easements on the property title. <ul style="list-style-type: none"> <li>a) Stormwater drainage easements in favour of the upstream lots where the proposed stormwater reticulation systems serve more than 2 lots and/or the reticulation system(s) are QUDM Level III.</li> <li>b) Sewerage purposes, in favour of Redland City Council and Redland Water, over sewerage rising mains, any gravity sewer located on private property and for access to sewer, from a front boundary to a rear boundary, where a sewer maintenance structure is located in any private lot;</li> <li>c) Water supply purposes, in favour of Redland Water, over water mains where located in private property or open space.</li> <li>d) Access, construction and maintenance of utility services over proposed Lots, where necessary, and identified on approved operational works detailed design drawings, in</li> </ul>	As part of the request for compliance assessment of the Survey Plan for each stage.

<p>favour of Redland City Council, Redland Water and other utility operators and their agents; or for access purposes prior to road dedications on adjoining land.</p> <p>e) Turning areas for refuse service vehicle turn-around, where such area is located over private property, or subsequent stages, in favour of Redland City Council and its agents.</p> <p>f) Access, and maintenance purposes, in favour of Council, for detention basin (Area C), as described in approved Stormwater Management Plan, ref B12431ER001REV1, by Lambert &amp; Rehbein, dated 01/08/2013.</p>	
<p>12. Extinguish easement A on RP856222.</p>	<p>Prior to Council approval of the Survey Plan (Stage 3)</p>
<p><b><u>Split Valuation</u></b></p>	
<p>13. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is \$31.85 per allotment (2013/2014 Financial Year). The amount of contribution must be paid at the rate applicable at the time of payment. A Split Valuation Fee is required for each allotment contained on the Plan(s) of Survey, including balance lots.</p>	<p>Prior to Council approval of the Survey Plan for each stage.</p>
<p><b><u>Access and Roadworks</u></b></p>	
<p>14. Design all roads in accordance with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design, unless otherwise stated as part of a specific condition of this approval.</p>	<p>Prior to Council approval of the Survey Plan for each stage.</p>
<p>15. Provide traffic calming consistent with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design. Traffic calming design must not affect the intended drainage function of the road.</p>	<p>Prior to Council approval of the Survey Plan for each stage.</p>
<p>16. Construct a minimum 2.5m wide concrete shared use path along the frontage of the site to Boundary Road and Cleveland Redland Bay Road in accordance with the Redlands Planning Scheme.</p>	<p>Prior to Council approval of the Survey Plan for Stage 1 (Cleveland Redland Bay Road) and Stage 3 (Boundary Road).</p>
<p>14. Construct concrete footpaths in accordance with the Circulation Plan (SK22), provided in the approved Landscape Masterplan and Design Intent prepared by PLACE Design Group (ASB31 dated 10 July 2013).</p>	<p>Prior to Council approval of the Survey Plan for the relevant stage.</p>
<p>17. Remove all redundant vehicle crossovers and reinstate kerb and channel, road pavement, service and footpaths as specified in accordance with the standards in the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to Council approval of the Survey Plan for each stage.</p>
<p>18. Submit to Council, and gain approval for, a road naming plan, in accordance with Council's road naming guidelines, detailing specific road names and designations for all existing and proposed new public roads within the site. Use original road names on all new roads to avoid duplication of any existing road</p>	<p>Prior to preparing your Survey Plan for each stage.</p>

names in the City.	
<p>19. Construct the Cleveland Redland Bay Road access to the development in accordance with the conditions outlined in the attached Department of Transport and Main Roads conditions.</p> <p>Notwithstanding the above, prior to the lodgement of any operational works applications; should Council or the Developer be able to facilitate the construction of the primary access to the development in the ultimate location (as identified in the South East Thornlands Structure Plan); then the Option 1 interim intersection design is to be relocated to the ultimate intersection location and constructed generally in accordance with the intersection design by Lambert &amp; Rehbein (Drawing Number B10033-SK-023 Rev C). In the event that the ultimate location for the subject access becomes available and the access to the approved development to the east is underway or completed the form of the subject intersection will be a four way signalised intersection.</p>	Prior to Council approval of the Survey Plan for stage 1.
<p>20. Construct the temporary secondary access (Boundary Road) to the development in accordance with the identified location on the approved Plan of Reconfiguration. The secondary access is to be constructed generally in accordance with the left in / left out intersection arrangement as designed by Lambert &amp; Rehbein Drg. No. B11441-SK-01 Rev B and presented in the approved Traffic Impact Assessment Report (B11441TR001 dated 24 June, 2013).</p>	Prior to Council approval of the Survey Plan for stage 3.
<p>21. Provide for minimum 14.0m wide road reserve for the Northern Collector Street (esplanade road adjoining green space), which has a minimum 4.0m wide inner verge, a 7.0m wide carriageway (lip to lip) and 3.0m wide outer verge (adjoining the open space) in accordance with the Redlands Planning Scheme Schedule 6 – Movement Network and Road Design. Provide indented car parking bays to the outside of the esplanade road as shown on the Sheehy &amp; Partners Plan No. 7878-J Area B Services Layout Plan.</p>	Prior to Council approval of the Survey Plan for the relevant stage.
<p>22. Provide for minimum 20.0m wide road reserve and a minimum 7.0m wide carriageway (lip to lip) for the boulevard road (north-south collector street) in accordance with the Redlands Planning Scheme Schedule 6 – Movement Network and Road Design.</p>	Prior to Council approval of the Survey Plan for the relevant stage.
<p>23. Provide minimum 15.0m wide road reserve and a minimum 6.0m wide carriageway (lip to lip) for all roads designated as Access Place or Access Street in accordance with the Redlands Planning Scheme Schedule 6 – Movement Network and Road Design.</p>	Prior to Council approval of the Survey Plan for the relevant stage.
<p>24. Stages 5 and 6 are not to occur until lawful access to a constructed road is available.</p>	Prior to construction commencing for Stages 5 or 6.
<b>Stormwater Management</b>	
<p>25. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to:</p> <ul style="list-style-type: none"> <li>• A lawful point of discharge being detention basins for areas A, B, and C; and</li> <li>• In accordance with the approved concept Stormwater Management Plan, prepared by Lambert &amp; Rehbein, dated 1st August 2013, Job Ref - B12431ER001REV1.</li> </ul>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner, for each stage.</p> <p>Ongoing condition.</p>
<p>26. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater</p>	Prior to on maintenance or

<p>Management, so as to not cause an actionable nuisance to adjoining properties.</p>	<p>Council approval of the Survey Plan, whichever is the sooner, for each stage.</p> <p>Ongoing condition.</p>
<p>27. Submit to Council, and receive Operational Works approval for, a stormwater assessment that is generally in accordance with the 'Proposed South East Thornlands (SET) Central Residential Development, Boundary Road and Cleveland Redland Bay Road, Redlands – Stormwater Management Plan', prepared by Lambert &amp; Rehbein dated 1 August 2013 (Ref: B12431ER001 Rev1), and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and the following:</p> <ul style="list-style-type: none"> <li>• Identify how and when each stormwater detention and treatment device (and treatment sub-system) will be built, relative to each of Stages 1 to 6. Where two or more stages share a stormwater sub-system, design and construct the sub-system together with the first operational works stage to be constructed. Prevent excessive siltation of permanent bioretention sub-systems by treating stormwater with temporary basins and either isolating the permanent basins during bulk earthworks, or delaying their construction until bulk earthworks for all related stages is completed.</li> <li>• In Areas A, B and C, install GPT models that include oil separation into their performance.</li> <li>• For the two bio retention gardens in Catchments A and B, include all-weather off-road vehicle access for maintenance in the design. All parts of the system including cleanout points, GPT, inlet, outlet, weir, soil media, and underdrains must be accessible off road within the open space area. Access must be prevented for unauthorised vehicles.</li> <li>• For the bio retention garden and bio retention swale in Catchments C and C1 respectively, include illustration and description of how all-weather access to both entire devices for maintenance vehicles can be achieved without unacceptable access restrictions for adjacent residential lots and through traffic.</li> <li>• Provide the estimated capital cost of a stormwater quality treatment system, a long term (post-plan sealing period) maintenance schedule, and estimate long term maintenance costs based on current values.</li> <li>• Provide coordinates to enable accurate plotting of treatment devices on Council systems, using the RCC coordinate system.</li> <li>• Incorporation of an onsite Stormwater Detention Volume of a minimum of 2,020m<sup>3</sup>. The detailed designs must incorporate engineering solutions that guarantee detention system availability for subsequent storm events.</li> <li>• Details of how the bio retention garden and bio retention swale in Catchments C and C1 will be decommissioned (works to be done and costs to be borne by the developer) and the catchments connected to the regional facility, once it is provided, to allow for the construction of allotment numbers 258 and 259.</li> </ul>	<p>As part of the application for Operational Works for Stage 1.</p>

<b><u>Waste Management</u></b>	
<p>28. Provide bin service bays for placement of waste and recycling bins for the purpose of emptying bins only (not for storage of bins) to serve proposed Lots 65, 66, 67, 92, 93, 94, 117, 118, 216, 217, 235, 236, 241, 246, 247, 248, 258 and 259. Locate the bays as indicated on the approved 'Waste Management and Parking Plan' (as amended by Council to required bin bays for lots 117 and 118 to be relocated). Construct each bin bay of stamped concrete in accordance with the following:</p> <ul style="list-style-type: none"> <li>• 2m long x 1m wide on the road frontage adjacent to each lot.</li> <li>• Located so that the length is parallel to the road edge without impeding any swale drainage or existing/proposed driveway.</li> <li>• Marked 'bin service bay' in letters of 200mm height.</li> </ul>	<p>Prior to Council approval of the Survey Plan for the relevant stage.</p>
<b><u>Water and Wastewater</u></b>	
<p>29. Provide a water network analysis and design, establishing the sizes of water reticulation required within the development and the broader Structure Plan area.</p>	<p>As part of the application for Operational Works.</p>
<p>30. Connect all lots to the existing reticulated sewerage and reticulated water systems. Submit to Council for approval an application for Operational Works showing the proposed works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner, for each stage.</p>
<p>31. Construct sewerage reticulation from the development site through Lots 501, 502 and 503 on SP245363, to the existing Sewerage Pumping Station within Lot 1 on RP59490. Submit to Council for approval an application for Operational Works showing the works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, for Stage 1.</p>
<p>32. Provide a copy of the agreement negotiated with the owner of Lots 501, 502 and 503 on SP245363, for the construction of the sewer gravity through these lots up to the existing sewer Manhole upstream of the pumping station.</p>	<p>As part of the application for Operational Works.</p>
<b><u>Excavation and Fill</u></b>	
<p>33. Apply to Council and obtain Operational Works approval for earthworks associated with the reconfiguration. Design and construct all retaining structures in accordance with Australian Standard 4678-2002 Earth-retaining Structures, in particular the minimum 60 year design life requirements. Ensure that all lots, roads, park facilities and stormwater detention basins are above Q100.</p>	<p>As part of the application for Operational Works.</p>
<b><u>Sediment and Erosion Control</u></b>	
<p>34. Install erosion and sediment control measures to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works, Chapter 4 and the Institute of Engineers' Erosion and Sediment Control Guidelines.</p>	<p>Prior to commencement of civil works, earthworks and construction phases of the development.</p>
<b><u>Survey Control Information</u></b>	
<p>35. Submit Survey Plan(s) that include connections to at least two separate corners from two RCC control marks with a valid Department of Natural Resources and Mines Order or RCC</p>	<p>As part of the request for compliance assessment of the</p>



<p>Accuracy. These must be shown on the face of the Survey Plan(s) within the Reference Mark or Permanent Survey Mark tables. List the mark number and coordinate in the cover letter.</p>	<p>Survey Plan for each stage.</p>
<p>36. Survey and present all asset infrastructure in accordance with the Redlands Planning Scheme Part 11 Policy 9 – Infrastructure Works. The horizontal datum for all work must be Redland City Council Coordinates (RCC) and the vertical datum must be Australian Height Datum (AHD).</p>	<p>As part of the request for compliance assessment of the Survey Plan for each stage.</p>
<p>37. Place seven (7) new Permanent Survey Marks (one in each stage) in the approximate locations as indicated on the approved annotated sketch titled ‘ROL Staging Plan with PSMs’, Sheet Number ASB22-ROL 2, Rev A-A. The exact locations are to be determined by the developer’s survey consultant, with the sites being secure from works and suitable for GPS observations. PSMs placed shall be a standard brass plaque set in concrete to a minimum depth of 600mm. Each PSM placed is to be levelled to a minimum 4th Order standard.</p>	<p>Prior to Council approval of the Survey Plan for each stage.</p>
<p>38. Supply a Permanent Survey Mark (PSM) Sketch with the Survey Plan for any new PSMs placed. Include the following on the PSM Sketch:</p> <p>the mark’s AHD Reduced Level;</p> <p>the datum origin mark number; and</p> <p>the datum RL adopted.</p> <p>Comply with the requirements of the <i>Survey and Mapping Infrastructure Act 2003</i>.</p>	<p>As part of the request for compliance assessment of the Survey Plan for each stage.</p>
<p><b><u>Environmental Management</u></b></p>	
<p>39. Provide details of the location and design of wooden fence panels or climbable poles to allow movement of Koalas, both ways between private properties and the road verge, over the acoustic fences constructed as part of the development. Incorporate a horizontal wooden beam or plank of at least 20cm width along the top of each fence for its entire length.</p>	<p>As part of the application for Operational Works.</p>
<p><b><u>Landscaping Works</u></b></p>	
<p>40. Submit a Landscape Plan, prepared in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works Chapters 2, 10 and 11, to Council for Operational Works approval. Include the following items in addition to the requirements of the Policy:</p> <ol style="list-style-type: none"> <li>a) Designs that are generally in accordance with the approved Landscape Masterplan and Design Intent prepared by PLACE Design Group (ASB31 dated 10 July 2013).</li> <li>b) Details of street tree planting in accordance with the Landscape Code with species selected from Schedule 9 of the Redlands Planning Scheme, unless otherwise approved as part of the Operational Works approval.</li> <li>c) Details of treatment and embellishments to the recreation area of the open space. The standard of facilities and embellishments must be consistent with that required for a the Local Park in Section 10.5.6 of the Priority Infrastructure Plan.</li> <li>d) Details of all rehabilitation planting to the open space area.</li> </ol>	<p>As part of the application for Operational Works.</p>

<p>e) Details of the location and species of proposed koala habitat tree planting.</p> <p>f) Details of replanting within and adjacent to the proposed bio-retention basins, identifying the planting zones that correlate with the intent of Council greenspace. Areas immediately adjacent to the battered edges of the basin are solely to be densely planted with grasses, sedges and rushes, to maintain an open view to the basin. All batters are to be vegetated.</p> <p>g) Details of bollards provided along all roads that adjoin parkland, plus one metal slide rail in the vicinity of each bio-retention basin and the open space area to allow access for maintenance vehicles.</p> <p>h) A plan showing the tree protection zones (TPZs) around existing trees identified for retention on the approved plans provided in the approved Tree Retention Plans prepared by PLACE Design Group. The TPZs must be determined in accordance with Australian Standard A.S.4970-2009 – Protection of Trees on Development Sites.</p> <p>i) Details of replanting of a minimum three (3) metres wide band of native local groundcover vegetation, including herbs, grasses and tussocks, within the 5m buffer area to be dedicated to Council along the length of the property boundary to Cleveland Redland Bay Road and Boundary Road. Planting is to achieve a minimum of 2 plants per square metre, taking into account existing native vegetation.</p>	
<p>41. Submit to Council for Operational Works approval a Parks Maintenance Plan (PMP) identifying how all landscaping will be maintained for the entire On-Maintenance period (minimum 12 months). The Plan must be prepared in accordance with the following work sections in the AUS-SPEC Urban and Open Spaces package:</p> <ul style="list-style-type: none"> <li>• Classification No. TG401 – Guide to Parks and Recreation Areas Maintenance Management Model and Documentation;</li> <li>• Classification No. TG402 – Guide to Adapting Asset Delivery Documentation to Parks and Recreation Areas Maintenance; and</li> <li>• Classification No. 0164 – Parks and Recreation Area Management Plan.</li> </ul>	<p>As part of the application for Operational Works.</p>
<p>42. Remove all weed species, as identified in Part B of Council's Pest Management Plan 2012-2016, including the areas to be dedicated as public parkland.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner for each stage including park dedication.</p>
<p>43. Submit to Council for Operational Works approval, an arborist report in relation to the retention of trees as identified in the approved Tree Retention Plans prepared by PLACE Design Group, prepared by a qualified arborist who is a member of the Australian Arborist Association or equivalent professional organisation. The arborist report must address the following:</p>	<p>As part of the application for Operational Works.</p>

<ul style="list-style-type: none"> <li>• Impacts of any required amendments to the proposed development on existing native trees identified to be retained on the approved Tree Retention Plans prepared by Place Design Group Pty Ltd, with particular attention to any amendments to the size and design of the proposed bio-retention basins that are specified within the Stormwater Management Plan to be submitted as part of operational works;</li> <li>• Liaison with arborist and civil engineer to determine if levels of cut or fill exceed the tolerance of trees that are intended to be retained.</li> <li>• Details related to construction and post construction protection and maintenance of trees to be retained in accordance with AS4970-2009 ‘Protection of Trees on Development Sites’ and any pruning to be in accordance with Australian Standard AS4373:2007 “Pruning of Amenity Trees”;</li> <li>• The tree assessment must be considered in accordance with Australian Standard AS4970-2009 “Protection of Trees on Development Sites”.</li> </ul>	
<p>44. Confirm details of koala habitat trees to be removed and locate offset trees to be planted, in accordance with the approved Landscape Masterplan and Design Intent and Tree Retention Plans. Replace all koala habitat trees to be removed at a rate of one (1) tree for every one (1) metre of tree height removed, by either:</p> <ul style="list-style-type: none"> <li>• replanting the applicable number of koala habitat trees; or</li> <li>• paying an equivalent Koala tree off-set monetary contribution prior to plan signing to Council (as per the Council’s schedule of fees and charges which is current at the time of payment, or, as agreed by Council in writing); or</li> <li>• implementing a combination of both planting and payment of the contribution that is to be equivalent to the total number of trees to be replaced.</li> </ul> <p>Where replanting is proposed, as part of operational works and compliance:</p> <ul style="list-style-type: none"> <li>• confirm details to Council of the recipient sites located within Lot 2 RP 154341 and Lot 6 RP 14839, to be dedicated as open space to Council on completion of the development. Replant Koala habitat trees only on approved recipient sites; and</li> <li>• Provide details of the location, species, soil and mulch treatment with a maintenance plan for the trees to achieve non-juvenile koala habitat tree status, where replanting is proposed.</li> </ul>	<p>As part of the application for Operational Works</p>
<p><b>Acoustics</b></p>	
<p>45. Construct acoustic barriers in accordance with recommendations in section 8 of the acoustic assessment titled ‘Proposed Residential Development. South-East Thornlands Central. Cleveland-Redland Bay Road and Boundary Road, Thornlands. Assessment and Control of Road Traffic Noise Intrusion’, Report No. 11-268.R05, dated 21 June 2013, and section 6 of the addendum (Resolution of Barrier Arrangement for Lots 1-3, 10 and 11) reference: 11-268.R06, dated 30 June 2013.</p>	<p>Prior to Council approval of the Survey Plan for stages 1, 3 and 5.</p>

<p>Construct the acoustic barrier to achieve a minimum standard that attains a superficial mass of not less than 12.5kg/m<sup>2</sup> and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in the approved acoustic assessment (Report No. 11-268.R05 and section 6 of the addendum reference: 11-268.R06).</p> <p>The barriers must be constructed in accordance with Redland Planning Scheme Policy 5 - Environmental Emissions.</p>	
<p>46. Provide plans and specifications detailing the design and construction of the noise barriers. Ensure this is certified by a suitably qualified acoustic consultant indicating that the noise barrier achieves the requirements of:</p> <ul style="list-style-type: none"> <li>• this decision notice (including Council and Department of Transport and Main Roads conditions);</li> <li>• the acoustic assessment 'Proposed Residential Development. South-East Thornlands Central. Cleveland-Redland Bay Road and Boundary Road, Thornlands. Assessment and Control of Road Traffic Noise Intrusion', Report No. 11-268.R05, dated 21 June 2013;</li> <li>• section 6 of the addendum (Resolution of Barrier Arrangement for Lots 1-3, 10 and 11) reference: 11-268.R06, dated 30 June 2013; and</li> <li>• Redland Planning Scheme Policy 5 - Environmental Emissions.</li> </ul>	<p>As a part of the application for Operational Works.</p>
<p>47. Submit post construction certification for the acoustic barrier to Council. The certification must be provided by a suitably qualified acoustic consultant and must demonstrate that the conditions of this development approval relating to noise are achieved and (where not otherwise specified) confirm that the predicted noise levels in the acoustic assessment 'Proposed Residential Development. South-East Thornlands Central. Cleveland-Redland Bay Road and Boundary Road, Thornlands. Assessment and Control of Road Traffic Noise Intrusion', Report No. 11-268.R05, dated 21 June 2013, and section 6 of the addendum (Resolution of Barrier Arrangement for Lots 1-3, 10 and 11) reference: 11-268.R06, dated 30 June 2013, have been achieved.</p>	<p>Prior to Council approval of the Survey Plan for stages 1, 3 and 5.</p>
<p><b><u>Contaminated Land Assessment</u></b></p>	
<p>48. Submit further investigations including a Stage 2 Detailed Site Investigation and Stage 3 Health and Environmental Assessment and Determination of Remediation Plan to Council. Provide a Stage 4 Implementation of Remediation Plan and Validation Sampling plan where remediation of the site is required.</p>	<p>As a part of the application for Operational Works.</p>
<p><b><u>ADDITIONAL DEVELOPMENT PERMITS AND COMPLIANCE PERMITS</u></b></p>	
<p>The following further Development Permits and/or Compliance Permits are necessary to allow the development to be carried out. Please be aware that details of any further approvals, other than a Development Permit or Compliance Permit, are provided in the 'Advice' section of this decision.</p> <ul style="list-style-type: none"> <li>• Building works – demolition: <ul style="list-style-type: none"> <li>- Provide evidence to Council that a Demolition Permit has been issued for structures that are required to be removed and/or demolished from the site in association with this development. Referral Agency Assessment through Redland City Council is required to undertake the removal works.</li> </ul> </li> <li>• Operational Works approval is required for the following works as detailed in the conditions of this approval:</li> </ul>	

- Earthworks and site works;
- Stormwater drainage and management;
- Water supply and reticulation;
- Sewerage supply and reticulation;
- Road and footpath works;
- Sediment and erosion control;
- Landscaping works;
- Electricity reticulation and street lighting;
- Acoustic barriers; and
- Contaminated land assessment.

## **SECTION 2 - PERMIT TO WHICH THE FOLLOWING CONDITIONS RELATE:**

### **DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – DWELLING HOUSES**

<b><u>ASSESSMENT MANAGER CONDITIONS</u></b>	<b><u>TIMING</u></b>
1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.	
<b><u>Approved Plans and Documents</u></b>	
2. Undertake the development in accordance with the approved plans and documents referred to in Table 2, subject to the conditions of this approval and any notations by Council on the plans.	Prior to the use commencing and ongoing.

Plan/Document Title	Reference Number	Prepared By	Date
Plan of Development – Stage 1 (as amended by Council)	ASB22-POD ST1 RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 1a	ASB22-POD ST1a RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 1b	ASB22-POD ST1b RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 1c	ASB22-POD ST1c RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 2 (as amended by Council)	ASB22-POD ST2 RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 2a	ASB22-POD ST2a RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 2b	ASB22-POD ST2b RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 3 (as amended by Council)	ASB22-POD ST3 RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 3a	ASB22-POD ST3a RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 3b	ASB22-POD ST3b RevA	PLACE Group Design	17.06.2013
Plan of Development – Stage 4 (as amended by Council)	ASB22-POD ST4 RevA	PLACE Group Design	17.06.2013

Plan of Development – Stage 4a	ASB22-POD RevA	ST4a	PLACE Group	Design	17.06.2013
Plan of Development – Stage 4b	ASB22-POD RevA	ST4b	PLACE Group	Design	17.06.2013
Plan of Development – Stage 5 (as amended by Council)	ASB22-POD ST5 RevA		PLACE Group	Design	17.06.2013
Plan of Development – Stage 5a	ASB22-POD RevA	ST5a	PLACE Group	Design	17.06.2013
Plan of Development – Stage 6 (as amended by Council)	ASB22-POD ST6 RevA		PLACE Group	Design	17.06.2013
Plan of Development – Stage 6a	ASB22-POD RevA	ST6a	PLACE Group	Design	17.06.2013

Table 1: Approved Plans and Documents

<b><u>Commencement of Works</u></b>	
3. Do not commence building and/or plumbing and drainage works for any Dwelling House, authorised by this Development Permit, until the Survey Plan for the proposed lot has been endorsed by Council and issued with a dealing number by the Department of Natural Resources and Mines.	Prior to site works commencing for each individual lot.
<b><u>Design</u></b>	
Ensure all development for dwelling houses complies with the approved plan of development listed in Table 1: Approved Plans and Documents.	Prior to site works commencing for each individual lot and ongoing.
4. Locate, design and install outdoor lighting, where required, to minimise the potential for light spillage to cause nuisance to neighbours.	Prior to the use commencing and ongoing.
5. Incorporate acoustic attenuation into the development as specified in the acoustic report titled 'Proposed Residential Development. South-East Thornlands Central. Cleveland-Redland Bay Road and Boundary Road, Thornlands. Assessment and Control of Road Traffic Noise Intrusion', Report No. 11-268.R05, dated 21 June 2013, prepared by Acoustics RB Pty Ltd.	Prior to the use commencing and ongoing
<b><u>Construction</u></b>	
6. Install erosion and sediment control measures prior to commencement of the civil works, earthworks and construction phases of the development to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9, Chapter 4 Erosion Prevention and Sediment Control and the Institute of Engineers' Erosion and Sediment Control Guidelines.	Prior to site works commencing.
7. Undertake any required excavation and fill works in accordance with the following: <ul style="list-style-type: none"> <li>a) Design retaining walls/structures to have a minimum design life of 60 years and to be in accordance with Australian Standard 4678:2002 – Earth Retaining Structures (as amended).</li> <li>b) Undertake compaction in accordance with Australian Standard 3798:2007 – Guidelines on earthworks for commercial and residential developments (as amended) and Australian Standard 2870:2011 – Residential Slabs and Footings (as</li> </ul>	During construction.

amended).	
c) Comply with the relevant requirements of the Building Regulations 2006 (as amended) where involving gradients or embankments.	
8. Provide temporary drainage during the building construction phase such that discharge from all constructed roofs and paved areas is disposed of to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM) Section 3.02 'Lawful Point of Discharge'. Maintain the temporary system for the duration of the building works.	During construction.
9. Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.	Prior to the use commencing.
10. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid at the time the works occur in accordance with the terms of any cost estimate provided to perform the works, or prior to plumbing final or the use commencing, whichever is the sooner.	At the time of works occurring.
<b><u>Services and Infrastructure</u></b>	
11. Construct the driveway crossover in accordance with Council's Standard Drawing No. R-RSC-2 where kerb and channel exists. Locate the driveway crossover so that there is no removal or damage to existing street trees.	Prior to the use commencing.
12. Provide a refuse storage area on site that is screened from view and located a minimum of 6m from the front property boundary, for the storage of a minimum of two (2) waste collection bins (one waste bin and one recycle bin).	Prior to the use commencing and ongoing.
13. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to: <ul style="list-style-type: none"> <li>• A lawful point of discharge.</li> </ul>	Prior to the use commencing and ongoing.
14. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.	Prior to the use commencing and ongoing.
<b><u>Development Near Underground Infrastructure</u></b>	
15. Comply with section 8.5.4 of the Development Near Underground Infrastructure Code of the Redlands Planning Scheme.	Prior to the use commencing and ongoing.

#### **ADDITIONAL DEVELOPMENT PERMITS AND COMPLIANCE PERMITS**

The following further Development Permits and/or Compliance Permits are necessary to allow the development to be carried out. Please be aware that details of any further approvals, other than a Development Permit or Compliance Permit, are provided in the 'Advice' section of this decision.

- Building Works approval.

#### **SECTION 3 - REFERRAL AGENCY CONDITIONS**

- Queensland Department of Transport and Main Roads (DTMR)

Refer to the attached correspondence from the DTMR dated 19 September 2013 (DTMR reference TMR13-006748).

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**SECTION 4 - ASSESSMENT MANAGER ADVICE**

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- **Other Approvals**

Please be aware that other approvals may be required for your development. This includes, but is not limited to, the following:

- Plumbing and drainage works.
- Road Opening Permit – for any works proposed within an existing road reserve.
- Advertising device/sign licence.

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- **Infrastructure Charges**

Infrastructure charges apply to the development and are levied by way of an Infrastructure Agreement (as attached).

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- **Live Connections**

Redland Water is responsible for all live water and wastewater connections. It is recommended that contact be made with Redland Water to arrange live works associated with the development. Further information can be obtained from Redland Water on 1300 015 561.

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- **Bushfire Hazard**

Council's Bushfire Hazard Overlay identifies part of the site as a medium bushfire hazard. Further advice on this matter should be sought from a building certifier.

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- **Performance Bonding**

Security bonds may be required in accordance with the Redlands Planning Scheme Policy 3 Chapter 4 – Security Bonding. Bond amounts are determined as part of an Operational Works approvals and will be required to be paid prior to the pre-start meeting or the development works commencing, whichever is the sooner.

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- **Sea Level Rise**

The Queensland Coastal Plan (QCP) commenced on 3 February 2012. The QCP predicts sea level rise in the future. The projections in the QCP should be taken into account in the planning and development of the site in order to protect the safety of people and property. Further to this, the State Government has published the Draft Coastal Protection State Planning Regulatory Provision. This planning instrument took effect on 26 April 2013 and suspends the operation of the QCP relevant to development assessment.

Development Permits issued by Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on sea level rise. Independent advice about this issue should be sought.

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- **Hours of Construction**

Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.

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- **Survey and As-constructed Information**

Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:

- a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
  - b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
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- c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
- d) Permanent Survey Mark sketch plan copies.

This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.

Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

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- **Services Installation**

It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

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- **Fire Ants**

Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website [www.daff.qld.gov.au](http://www.daff.qld.gov.au)

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- **Cultural Heritage**

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.

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- **Environment Protection and Biodiversity Conservation Act**

Under the Commonwealth Government's Environment Protection and Biodiversity Conservation Act (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as vulnerable under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at [www.ea.gov.au/epbc](http://www.ea.gov.au/epbc)

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.

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**7 PORTFOLIO 8 (CR MURRAY ELLIOTT)**  
**INFRASTRUCTURE****7.1 INFRASTRUCTURE & OPERATIONS****7.1.1 COUNCIL POLICY ON THE DEFERRED PAYMENT OF INFRASTRUCTURE CHARGES****Datworks Filename: RTT: Budgeting - IPU Developer Contributions****Authorising Officer:****Gary Soutar**  
**General Manager Infrastructure and Operations****Responsible Officer:****Murray Erbs**  
**Group Manager City Infrastructure****Author:****Giles Tyler**  
**Senior Advisor Infrastructure Projects**

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**PURPOSE**

The purpose of this report is to seek Council's support for an initiative to further stimulate the local development industry by formalising a process for the deferral of infrastructure charge payments applying to residential reconfiguration and multiple dwellings under community management schemes.

**BACKGROUND**

Infrastructure charges can be levied in relation to reconfiguration of a lot (ROL), material change of use (MCU) or building works (BW) development approvals. The timing for payment of these charges is set by the Sustainable Planning Act (SPA):

- for reconfiguring a lot, before survey plan sealing;
- for building work, before the certificate of classification is issued; or
- for a material change of use, before the change happens (plumbing final approval in the case of Redland City Council (RCC)).

The MCU plumbing final trigger for payment normally applies to multiple dwelling developments as the buildings are commonly constructed on the proposed community management scheme lots before the scheme is registered.

A growing number of industry enquiries about the potential for deferring infrastructure charges payments, as well as State Government reform proposals in relation to moving the ROL payment trigger to settlement of lot, suggest that it is timely for Council to consider its policy position on the issue.

At the State level, the option of mandating deferred payment was initially raised by the Infrastructure Charges Taskforce (2011). Deferred payment was proposed as a way of easing the financial burden on industry during the initial phases of residential development projects. Subsequently, the State consulted with local governments and industry on the issue, culminating in a draft report that recognised some benefits but also potential limitations, including:

- ensuring security of payment;
- delays by way of payment disputes at settlement;
- impacts on local government cash flow;
- administrative load on local government; and
- overall costs versus benefits.

The idea was also taken up by the Infrastructure Planning & Charges Framework Review Discussion Paper (June 2013). Again it was highlighted that there were a number of impediments to implementing a deferred payment mechanism to settlement including the complexity associated with amending conveyancing and land titling laws in Queensland. Because of these issues and difficulty introducing a statewide approach, it is considered unlikely that the State Government will mandate deferment of ROL charges to settlement.

In response to the State's Infrastructure Planning and Charges Framework Review Discussion Paper (June 2013), Council submitted that any introduction of a deferred payment mechanism should be wholly at the discretion of local government.

### **INFRASTRUCTURE CHARGE RECOVERY**

Perhaps the most significant risk to local government in providing for deferral is recovery of payment. Security by way of a bank guarantee or other financial instrument is the most logical and common practice to guarantee payment and address potential developer insolvency post plumbing final (MCU multiple dwellings) or plan sealing (ROL).

However, in certain circumstances this security makes development financing problematic and costly. Financial institutions can be unwilling to finance the charges of development where they are decoupled from the development process or, alternatively, require a risk premium for securities such as bank guarantees. However, this may not be the case for all proposals. Consequently, on balance it is considered that financial benefits can be realised by the industry in secured deferred payments. A policy to offer deferral would also support Council's other development incentives such as;

- Cleveland CBD Incentives package;
- bonding of uncompleted works for up to 6 months to allow plan sealing for selected residential development; and
- fast tracked and streamlined development assessment services.

One other risk factor is the scale of development. It is considered that smaller developments are likely to carry more risk for Council and it is recommended that a threshold of minimum 10 lots per project and 10 lots per stage be included for any deferral initiative.

### **INFRASTRUCTURE AGREEMENTS**

Under the Sustainable Planning Act (SPA) an agreement may provide for:

- payment of the charge at a different time or by instalments;
-

- supplying infrastructure or providing land in fee simple in place of paying all or part of the charge; or
- supplying alternative infrastructure to that in the notice but which delivers the same level of service.

Consequently, any decision to defer charges will require a developer to enter into an infrastructure agreement. An agreement for deferred payment may also include associated infrastructure charge offsets for dedicated land and works, including refunding terms for unused offsets.

## **ISSUES**

Council needs to consider a number of questions in relation to its position on deferred payment:

- are there sufficient industry benefits to warrant deferral?
- what sunset provision is required?
- what security is appropriate to minimise risk?
- should indexation apply until payment?
- what administrative burden and budget management burden will Council accept?
- which type of development should the deferral apply to?
- how is a deferred charge to be apportioned (by stage, by each property at settlement, or other)?
- how are donated asset offsets applied through a deferred payment mechanism with incremental payments?

These questions are addressed through the following potential deferral mechanisms.

### **Option 1: Payment by instalments**

This option envisages part payment at plumbing final or plan sealing with residual payments made by instalment over a set period. Payments would be secured by way of a bonded bank guarantee.

#### ***Advantages***

- less financial impact on developer up front; and
- adds flexibility to payment process.

#### ***Disadvantages***

- complexity in accounting for instalments associated with staged development;
- Council security requirements for instalments are likely to negate developer savings for partial payment amounts;
- significant change to Council's systems (time and cost) in:
  - getting appropriate security;
  - calling on security if required/debt collection;
  - recording and reporting;

- holding costs are carried by Council; and
- potential impacts on the development approval/infrastructure agreement process due to negotiation of instalment and security terms and conditions.

### **Option 2: Payment at issue of title**

This option shifts the payment trigger from plumbing final or plan sealing to issue of title. The developer would be required to present proof of payment (receipt) to the titles office in order to obtain titles on the reconfigured lots.

#### ***Advantages***

- low implementation costs;
- moves payment closer to the receipt of income for developers; and
- Council does not require any additional security.

#### ***Disadvantages***

- very marginal shift of timing/savings to developer; and
- new process would need to be developed by Department of Environment and Resource Management for land title processing.

### **Option 3: Payment at settlement by the developer**

This option shifts payment of infrastructure charges by the developer from plumbing final (MCU) or plan sealing (ROL) to settlement. Council's security position would be by infrastructure agreement with payment by the developer prior to actual settlement. Settlement could not occur until payment was made in full, so that liability for payment could not be transferred to the buyer. A 12-month sunset clause for any unpaid amounts could apply to ensure there is no indefinite outstanding liability to Council. Multiple changes to legislation would be required if Council's security were to come from actual settlement proceeds.

The key practical impediments to deferring infrastructure charges to settlement are the flow-on effects for the finance industry from Council's security instrument taking first ranking priority over any other encumbrance. It is likely that any additional costs associated with this would be passed onto the homebuyer.

There would also be major changes required to conveyancing processes and practices where security comes from settlement proceeds. Payment would effectively be by individual lot creating a complex and significant administrative burden.

Other key considerations include:

- potential delays to settlements due to any payment disputes, potentially having a further cost impact;
  - councils need to be party to settlement to ensure title did not transfer until payment had been received in full;
  - additional administrative load, primarily on Council, in both the short and longer term to ensure full payment is received; and
-

- impacts on the timing of unused offset refunds and assigning credits to the land.

***Advantages***

- assist developer cashflow towards the end of the project;
- savings may get passed on to home buyers; and
- no unexpected early payment imposts.

***Disadvantages***

- Council would require appropriate security;
- Council revenues become difficult to forecast, with potential impacts on capital works programs;
- high administration costs for all parties: Council, developers, financiers, conveyancers, titles office. Most costs likely to be passed on to buyers to the detriment of housing affordability;
- there are times when there are multiple parties to settlement e.g. “Builders terms” options contracts, with the developer not being a party to the transaction with the end home buyer. This further complicates the security of payment issues; and
- political risks at both Council and State level if settlements are delayed.

**Option 4: Charges deferred up to 3 months after plan sealing**

This options envisages one lump sum payment (per stage where applicable) to be made by the developer within 3 months after plan sealing. This would be managed through an infrastructure agreement and subject to appropriate security. There would need to be a cap on the deferral period of 12 months per development project to ensure prompt payment of charges.

The key effect of this option is to move payment from plumbing approval to after plan sealing for multiple dwelling developments under community management schemes. It also has the broader benefit of moving payment to after plan sealing for conventional reconfigurations and allow the opportunity for developers to receive sales proceeds by the time deferred payment is due, while also accounting for any potential settlement delays.

***Advantages***

- applies to residential development, both community title and conventional lots;
- relative certainty of payment amount and timing for all parties;
- Council doesn't need to monitor settlement;
- relative simplicity in understanding and consistency;
- developers are likely to have received settlement proceeds by the time payment is due; and
- provides for delays in settlement; and
- is not dependent upon the sale of all or part of the development project.

***Disadvantages***

- decouples payment for the infrastructure charge from the development process increases the risk of banks not extending required funding or factoring increased risk into the funding cost;
- Council revenues become more difficult to forecast, with potential impacts on capital works programs;
- impacts on the timing of unused offset refunds and assigning credits to the land; and
- additional administrative load for Council;

**DEFERRED PAYMENT IN PRACTICE**

By way of example, Gold Coast City Council (GCCC) offers the opportunity for developers who are facing 'extenuating circumstances' to seek the deferral of their infrastructure charges by entering into an infrastructure agreement. GCCC has not attempted to limit what constitutes 'extenuating circumstances' by defining the term. Each request is considered on its merits by Council.

The GCCC deferral period is capped at 24 months and the repayment arrangement can be negotiated through the infrastructure agreement. Developers seeking deferral are required to provide documented financial evidence of extenuating circumstances and security by way of a bank guarantee or other financial instrument to minimise Council's risk. All costs associated with the drafting and administration of infrastructure agreements are required to be borne by the developer. The initiative includes infrastructure charges for 100% of transport, stormwater and recreation networks.

Logan City Council (LCC) also provides for deferred payment of infrastructure contributions for selected residential development for up to 6 months, or upon the sale of all or part of the development project, subject to payment of a bank guarantee security bond equal to 1.15 times the value of the infrastructure contributions. Each application is also subject to a risk assessment to ensure it satisfies certain criteria. Council reserves the right to determine each application on its merits. An applicant's proven capacity and past performance on completion of works is considered when undertaking each risk analysis.

**CONCLUSION**

In summary, the perceived benefits to development could well outweigh potential cost impacts under Option 4. This may not be the case for all proposals as sourcing security will have a lot to do with the rate of return and underwriting of each development project. Nevertheless, it would be reasonable for Council to offer the opportunity for appropriately secured deferred payment in keeping with the practice of other local governments and Council's own commitment to Redlands' business and investment objectives. Nevertheless, this should be seen as a short term incentive, 2 years being considered practical with a review at the end of that period to test its value to the local industry.

To minimise Council's exposure from smaller high risk development, a minimum 10-lot project and minimum 8 lots per stage excluding common property, is proposed as part of any deferral initiative.

The necessary application procedures and processes to enable deferred payment under Option 4 would include:

1. a standard application form;
2. Infrastructure Agreement template; and
3. risk assessment checklist to ensure suitable development projects satisfy the following criteria:
  - a. is a residential reconfiguration or multiple dwelling community title scheme of a minimum of 10 lots as a project or, where in stages, a minimum 8 lots per stage excluding common property;
  - b. an appropriate form of security is provided;
  - c. the applicant has a proven capacity and past performance for completion of works; and
  - d. fees have been paid.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Infrastructure agreements provide for developers and Council to vary the legislative payment triggers for infrastructure charges.

### **Risk Management**

Requiring an appropriate security instrument (bank guarantee) and the need for an infrastructure agreement that statutorily runs with the land, substantially minimises the risk of default and the need to seek recovery from homebuyers.

### **Financial**

Deferred payments can provide cashflow certainty to the development industry, while local governments are generally able to manage the deferred cash flow adequately where subject to appropriate security of payment requirement. There is potentially some added cost, risk and complexity involved in ensuring appropriate security associated with instalments or deferral to after plan sealing, which needs to be balanced against facilitating development in the city. However, the majority of this cost and risk is with the developer where security is guaranteed and this cost may be significantly outweighed by the benefits of payment after most project costs have been paid and a positive cash flow is being received. On the other hand, Council's time, cost and human resource operating expenses would primarily include:

- Accounting for infrastructure payments and registering in a database of payments and settlements;
- Process training; and
- Administration of applications, risk checklists, fees, agreements and security instruments.

Once systems were established, it is not considered that this burden would be onerous or resource hungry. At a minimum, it is suggested that an administrative fee apply for each application to recover the initial processing and inception costs of Council.



The incentive may represent a potential challenge for accrual accounting and ageing debt. However, it is considered that appropriate budgeting mechanisms can be put in place with the use of minimal Financial Services resources to account for this revenue where received over multiple financial years.

The recommended option avoids or minimises the key financial risks associated with deferring payment by:

- Providing cash flow certainty to Council with use of security and a sunset provision, which minimises the impact on reserve budgeting and programming capital works;
- Minimising the complexity of calculating land/works offsets or credits by requiring lump sum payment rather than on the settlement of individual lots; and
- Including the ability to apply indexation to payments.

### **People**

Some additional administrative burden is recognised with any of the options and a proposed administrative fee (\$350) would be consistent with Council's bonding fee requirements and GCCC's levy. The cost of preparing the infrastructure agreement will be at the developer's expense.

### **Environmental**

Environmental impacts associated with this request are considered to be low risk.

### **Social**

Social impacts associated with this request are considered to be low.

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

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

Facilitating development in a financially responsible way supports Council's commitment to 'Redlands – Open for Business and Investment' and the incentives underpinning that initiative.

### **CONSULTATION**

The Infrastructure Portfolio Councillor, Cr Murray Elliott has been consulted and supports the report being tabled.

The CFO and Legal Services have been consulted.

The Group Manager City Planning & Assessment is co-responsible for this report.

### **OPTIONS**

1. That Council resolve to adopt the officer's recommendation.
2. That Council resolve not to offer deferred payment of infrastructure charges on the grounds that the costs associated with the financially prudent requirement for security and administrative impost will outweigh the benefits to the local residential development industry.

**OFFICER'S RECOMMENDATION**

That Council resolve as follows:

1. To introduce a temporary infrastructure charge deferred payment mechanism for an inclusive period of 2 years from adoption date and subject to the following principles:
  - a. Council reserves the right to determine each deferral application on its merits;
  - b. applies only to conventional residential reconfiguration and multiple dwelling community title schemes that have not already received survey plan endorsement by Council;
  - c. applies only to a minimum of 10 lots as a project or, where in stages, a minimum 8 lots per stage excluding common property;
  - d. applies to all trunk network infrastructure charges including water supply and wastewater under Council's Adopted Infrastructure Charges Resolution as amended from time to time;
  - e. requires Council and the applicant to enter into an infrastructure agreement wholly at the applicant's cost to provide for the deferral and manage security terms and conditions;
  - f. appropriate security of payment safeguards are in place to ensure there isn't an additional financial risk to the community;
  - g. the capacity to apply indexation to the charge to reflect the time value of money is inherent in the agreements;
  - h. confirmation that the payment remains the responsibility of the developer (not the purchaser); and
  - i. payment (per stage where applicable) to be made by the developer within 3 months after plan sealing and subject to a 12-month sunset provision for any unpaid amounts per development project;
  - j. the increased administrative requirements to be addressed through a one off \$350 fee; and
2. To delegate to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, the authority to exercise Council's powers to enter into deferred payment infrastructure agreements where satisfying the principles, pursuant to section 257 of the *Local Government Act 2009*.

### 7.1.2 MACLEAY ISLAND - DEVELOPMENT SCENARIOS FOR NEW MARINE FACILITIES

**Datworks Filename:** RTT: Maintenance – Marine Landing Facilities – Macleay Island

**Attachments:** [Site Plan MHWS Option \(41900/C-09\)](#)  
[Site Plan - LAT Option Ultimate](#)  
[Artist Impression of Development Options](#)  
[Council Report – Proposal to Acquire](#)  
[Development Approval to Construct the Proposed Boat Ramp](#)

**Authorising Officer:**



**Gary Soutar**  
**General Manager Infrastructure & Operations**

**Responsible Officer:**

**Murray Erbs**  
**Manager City Infrastructure**

**Author:**

**Tim Mitchell**  
**Planner Infrastructure Projects**

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### PURPOSE

The purpose of this report is to outline the development options available to Council for the delivery of a public recreational boat ramp and associated parking facilities on Macleay Island (the project). The location of the project is 14-22 Russell Terrace, Macleay Island (project site) and is adjacent to the existing boat ramp, ferry terminal and car parking facilities. An overview of each development option will be provided and supporting material relevant to this report has been attached as appendices.

Construction of this project will provide the Macleay Island community with an all-tide boat ramp solely for recreational boaters, increase parking availability for commuters using the ferry services by reconfiguring the existing car park and separating users (commuters and boaters) and permanently resolve the asbestos contamination on the project site.

This report will recommend that Council resolve to select a preferred development option which will be detailed further in this report, namely Option 1 – Mean High Water Springs (MHWS) Development or Option 2 – Lowest Astronomical Tide (LAT) Development.

Alternatively Council may seek to reject each development proposal and continue with ongoing management actions at the project site.

### BACKGROUND

The proposed project is the construction of a new recreational boat ramp and associated parking facilities on Macleay Island however confirmation is sought in relation to the size of the development footprint. The distinction of each development option is the use of the tidal foreshore area at the project site, being utilised as a

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queuing beach retaining its natural function or reclaiming the area to be used as additional space for parking facilities.

Each development option available to Council will be outlined in terms of key features, benefits and risks, the development options are defined as:

- Development option #1 – Mean High Water Springs (MHWS);
- Development option #2 – Lowest Astronomical Tide (LAT).

In addition to selecting a preferred development option, Council will be required to obtain a works development permit to undertake filling of the project site for the purpose of mitigating the presence of asbestos. The need for a separate application is a result of negotiations with the Department of Agriculture, Fisheries and Forestry (Fisheries), and the scope of the operational works will be determined by which preferred development option Council elects. The operational works application will consist of extension of the sea wall and selective filling/capping of land.

### **Development Option #1 – MHWS**

The key features of the MHWS development are:

- Extension of the existing sea wall along MHWS. The sea wall will be extended along the southern boundary of the Council owned land.
- Filling of the site behind the sea wall entombing the asbestos presence. It is also proposed that landscaping will be implemented as an additional management action, where filling is not appropriate.
- Establishing a queuing beach within the tidal area, adjacent to the new recreational boat ramp, to cover the asbestos and allow the area to be suitable and safe for recreational boaters.
- Stairs from the capped area above the sea wall to allow access to the queuing beach.

### *Benefits*

- This development option is programmed into the CAPEX and allocated a budget of \$6.5M for design and construction of the sea wall, capping, ramp and carpark. Redland City Council (RCC) also has a funding arrangement (deed of agreement (DOA)) with Transport and Main Roads (TMR) for the recreational boat ramp.
- This development option will prevent further project delays by having to prepare and submit an entire new application seeking land use approval for a recreational boat ramp and associated parking facilities. The estimate for this option is based on construction in 2015/2016.
- The MHWS development option is the current proposal Council officers have been progressing and the basis of negotiations with Fisheries. This option is subject to an existing development application, which is currently paused in the Decision Making stage.

- It will provide a permanent solution for mitigating the presence of asbestos within the project site and allow future use of the foreshore area. This development option also complies with recommendations in the Parsons Brinckerhoff Pty Ltd Asbestos Management Plan completed in September 2011 and a SIMTARS report completed in January 2011.
- Future expansion of this development can occur, reclaiming to LAT, which allows Council to provide necessary community infrastructure while planning for possible upgrades in line with budget availability.

#### *Risks*

- Community dissatisfaction that the development footprint does not extend to LAT, providing more space for commuter parking for the ferry terminal. Further information provided in *Strategic Implications – People* section.
- There will be higher maintenance costs associated with this development option in comparison to development option #2 (LAT). The higher maintenance costs are due to the ongoing management of the queuing beach, which is approximately \$4,500 annually. NB: the queuing beach maintenance cost is dependent on final design and size.
- Boat ramp is approximately 22m in length and anecdotally it is considered that a shorter boat ramp will reduce potential safety concerns for loading and unloading of recreational boats.

#### **Development Option # 2 – LAT**

The key features of the LAT development option are:

- Extending the sea wall along the LAT.
- Reclamation of the Moreton Bay Marine Park (tidal area) and capping of the extent of land behind the sea wall, which will effectively entomb the asbestos. This option represents an 'ultimate development' scenario of the site, by reclaiming all of the tidal area for increasing the amount of car parking available to commuters using the ferry service.
- Re-design of the recreational boat ramp to a shorter length than MHWS development option. The boat ramp length will be reduced as a result of deeper water being closer to the sea wall. However, it will require the addition of a floating pontoon in lieu of the establishment of a queuing beach.

#### *Benefits*

- Increased development footprint which will accommodate a greater number of parking spaces for commuters using the water transport service.
- This development option also provides a permanent solution to the presence of asbestos while reducing management/maintenance costs that will be required for development option 1 (MHWS) in relation to the size of a queuing beach.
- Recreational boat ramp will be reduced in length, due to shorter distance required to reach deeper water (appropriate launching depth).

- Represents an ultimate development scenario on the Macleay Island foreshore.

#### *Risks*

- There are higher construction costs as a result of constructing the sea wall along LAT and the extent of fill required to reclaim the tidal area as well as the project site and the need for a floating pontoon.
- Representations to State Government departments have not been undertaken for this development option. The position of State is currently unknown and it is possible that this option would not be supported by State Government departments.
- This development option will result in an entirely new development application to be prepared and submitted for assessment. Additional studies and reports would also be required to address the additional impacts of this development (i.e. hydrologic/coastal process assessment).
- Project delivery timeframes will be delayed further in order to obtain necessary development permits and construction. The estimate for this option is based on construction in 2016/2017.
- The current funding agreement between Council and TMR would need to be renegotiated and Council runs the risk of losing the funding altogether (letter from Transport Minister attached). This option will require the securing of additional budget and re-programming of CAPEX.

#### **Operational works (OW) for entombment of asbestos**

In addition to the above development options, an operational works development permit will be sought for the extension of the sea wall and selective filling of the project site, for the purpose of mitigating the asbestos contamination. The process of lodging an OW application prior to finalising the existing development application is a result of negotiations that have been undertaken with Fisheries. Fisheries advised that the removal of marine plants for the purpose of a car park is in contradiction with their policies and guidelines and as such is not supported. However, Fisheries have since advised that they would support an application for the removal of marine plants for the purpose of resolving an asbestos contamination.

The operational works application will include detailed design for extension of the sea wall, fill required and hydrological assessment. The scope and cost of this development is dependent on the preferred development option and estimates have been provided in the financial section.

#### **ISSUES**

The key issues that will be resolved through the delivery of either the MHWS or LAT development option are:

1. There is safety issue at the current marine facility at Macleay Island, where commercial operators, recreational boaters and commuters using the water transport services all compete for space. Construction of new marine facilities will also relieve an existing safety issue between commercial operators and recreational boaters competing for use at the current and only all-tide ramp at Macleay Island. There will also be a separation between residents utilising the marine transport services and recreational boaters by

the creation of an additional access point onto Russell Terrace through to High Central Road.

2. The delivery of this project will also mitigate the presence of asbestos throughout the project site by way of constructing a recreational boat ramp and associated car parking facilities. Construction of either development option will effectively entomb the asbestos, thereby eliminating any risk within the project site.
3. Increase the amount of public parking spaces at the existing ferry terminal, through the reconfiguration of the car park and removal of spaces dedicated to boat trailer units (to be moved to the adjacent site as part of the proposed development).

## STRATEGIC IMPLICATIONS

### Legislative Requirements

A development application was lodged with RCC on 21 September, 2009 by Worley Parsons on behalf of RCC's Infrastructure Planning Group. The development application is for the extension of the existing public car park and establishment of a new all-tide recreational boat ramp (proposed development) on Macleay Island. This development is currently paused in the Decision Making stage for the purpose of undertaking negotiations with a referral agency, which in this case is the Fisheries part of the Department of Agriculture, Fisheries and Forestry.

Due to the location, nature and type of project being proposed, several development permits are required prior to construction. Council's City Planning & Assessment Group will be the assessment manager, who will assess the application against the provisions of the Redlands Planning Scheme. State Government departments will also be triggered as referral agencies, and will assess the proposal against their legislative responsibilities, guidelines and policies, within their jurisdictions. The development permits that are required for each component of the proposed development to allow construction are:

Development feature	Permit required
Car Park	Material Change of Use Removal of marine plants Operational works Approval for clearing vegetation
Boat Ramp & Sea wall	Tidal works, including reclamation Marine Parks Permit Approval for works within a Coastal Management District
Asbestos capping	Operational works – filling Approval for clearing vegetation Removal of marine plants Approval for works within a Coastal Management District

## Risk Management

The 2 primary risks that will be managed through the construction of this project are:

- separating the competing users for the single all-tide boat ramp and parking facilities; and
- managing the presence of asbestos on the project site.

The key objective of the project is to resolve a recognised safety issue that currently exists at the single all-tide boat ramp and parking facilities at Macleay Island. The safety issue is the competition of a limited amount of space between commercial operators, recreational boaters and ferry passengers. In line with the proposed development, separating the recreational boaters from the commercial operators and ferry terminal would significantly reduce the safety issues and provide much needed public infrastructure to the Macleay Island community.

A key outcome of delivering the project will be mitigating the presence of asbestos across the project site. Asbestos on Council-owned land is an identified risk that Council needs to address in a permanent solution. At present, Council implemented a temporary measure by installing a security fence around the boundary of the site to restrict public access.

An Asbestos Management Plan was prepared, by Parsons Brinckerhoff Pty Ltd (PB Pty Ltd), for the project site which concluded that the most suitable method in addressing the asbestos contamination is to undertake filling of the site, above high water mark, effectively entombing the asbestos.

Three asbestos reports/management plans have been prepared over the project site, 2 by Simtars in 2009 and January 2011 respectively and the latest report by PB Pty Ltd in September 2011. Each report recommends filling the site as the most suitable option, however the first report (Simtars 2009) recommends filling be undertaken to LAT, to entomb asbestos in the tidal area. The second report (Simtars 2011) recommends filling to the Highest Astronomical Tide (HAT) line and notes the low risk presented regarding the presence of asbestos in the tidal area (due to the moist environment).

The work completed by PB Pty Ltd included an Environmental Site Assessment (ESA) and Asbestos in Soils Management Plan (ASMP). The ESA involved a detailed site inspection to identify and collect potential asbestos presence, a peer review of the existing and laboratory testing of samples to delineate and quantify the presence of asbestos on the project site. The ESA concluded that there were 2 locations within the site that exceeded adopted assessment criteria.

The ASMP subsequently outlines possible management actions, assesses each action within a matrix and recommends a preferred management action. The preferred management action in this instance is capping the site to the MHWS line and establishing a queuing beach in the tidal area. The low risk of asbestos within the tidal area, due to the moist nature of the tidal area, was also noted in this project.



## Financial

Pursuing the MHWS development option will not require any change to the CAPEX program as funds for design and construction have already been allocated to job numbers 41900 – Macleay Island Ramp Carpark (\$3.4M), 42287 – Macleay Island Boat Ramp (\$860k) and 40371 – Russell Terrace Sea Wall & Asbestos Capping (\$2.2M construct). Council's Project Delivery Group has prepared a cost estimate for each development option. The estimated cost for the delivery of each option is:

- LAT development option = \$11.6M (2016/2017 construction estimate); and
- MHWS development option = \$6.6M (2015/2016 construction estimate).

It should be noted that the estimates are not based on detailed design. Conditions that may be imposed through the development permitting process could impose further costs. In addition, the LAT option could incur a further inflationary expense due to the extended approvals period and possible later construction timeframe past 2016/2017.

This project is a joint initiative between RCC and State Government's TMR. TMR and RCC have a DOA which includes the allocation of funding for the design and construction of the project. A DOA has been formalised between RCC and TMR. The DOA outlines TMR's contribution to funding the design and construction of the project being \$445,000. The current DOA is based on the existing development application which reflects the MHWS development option. If the alternative LAT development option is preferred, then re-negotiations will need to be undertaken and there is a risk that the funding will be withdrawn.

It is considered that pursuing the current development (MHWS) will likely result in development permits acquired mid 2014; with construction estimated to be completed in the 2015/16 financial year. If the LAT option is pursued, a new development application process will need to be started and this will result in construction being delayed until 2016/2017, thus escalating the construction costs.

## People

There is a significant amount of interest from the Macleay Island community in relation to the proposed development. In particular, during the public notification phase (November 2010 to February 2011) of the current development application, submissions were received from members of community advising that a larger development footprint would be preferred (the LAT development option). The main focus for this option is to provide greater parking spaces within the foreshore area and entombment of asbestos within the tidal area. It is also important to note that other residents on Macleay Island have expressed satisfaction with the current proposal and are eager for the project to be delivered.

## Environmental

Construction will result in the unavoidable loss to the existing environmental conditions at the site. However, due to the nature of the project (public infrastructure), a lack of alternative locations and existing issues with the project, the benefits of the project far outweigh the initial environmental loss.

## Social

There is a recognised shortfall in available recreational boating facilities on Macleay Island in addition to a serious safety issue with competing users at the current facility. This project will provide much needed community infrastructure (recreation boat ramp and parking facilities) to the Macleay Island community.

### Alignment with Council's Policy and Plans

#### 3. Embracing the bay

The benefits of the unique ecosystems, visual beauty, spiritual nourishment and coastal lifestyle provided by the islands, beaches, foreshores and water catchments of Moreton Bay will be valued, protected and celebrated.

- 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

#### 5. Wise planning and design

We will carefully manage population pressures and use land sustainably while advocating and taking steps to determine limits of growth and carrying capacity on a local and national basis, recognising environmental sensitivities and the distinctive character, heritage and atmosphere of local communities. A well-planned network of urban, rural and bushland areas and responsive infrastructure and transport systems will support strong, healthy communities.

- 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

## CONSULTATION

Consultation has occurred with the Divisional Councillor, City Planning & Assessment, Project Delivery Group and Legal Services.

## OPTIONS

1. Implement 'Mean High Water Springs' (MHWS) by preparing an operational works development application to mitigate the asbestos contamination and continuing to progress the current MCU application to construct a sea wall along MHWS; or
2. Implement 'Lowest Astronomical Tide' (LAT) by preparing an operational works development application to mitigate the asbestos contamination; withdraw the current MCU application to construct a sea wall along MHWS and prepare a new application based on the sea wall being extended along LAT.

## OFFICER'S RECOMMENDATION

**That Council resolve to implement 'Mean High Water Springs' (MHWS) by preparing an operational works development application to mitigate the asbestos contamination and continuing to progress the current MCU application to construct a sea wall along MHWS.**

**8 CLOSED SESSION****8.1 COMMUNITY & CUSTOMER SERVICES****PORTFOLIO 7 (CR JULIE TALTY)****PLANNING & DEVELOPMENT****8.1.1 WITHOUT PREJUDICE REPORT - ORIGINATING APPLICATION TO THE P&E COURT - APPEALS 1756 AND 1757 OF 1998 AT 12 WISTERIA STREET, ORMISTON****Datworks Filename: S/3953/1****Authorising/Responsible Officer:****Louise Rusan  
General Manager Community & Customer  
Services****Author:****Chris Vize  
Senior Planner, Design & Coordination**

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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 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:**

*(f) starting or defending legal proceedings involving it.*

**PORTFOLIO 10 (CR PAUL BISHOP)****ARTS, CULTURE AND INNOVATION****8.1.2 SPONSORSHIP APPLICATION - REDLANDS EASTER FAMILY FESTIVAL 2014**

**Datworks Filename:** CR SPONSORSHIP- OUTGOING

**Authorising Officer:**



**Gary Soutar**  
General Manager, Infrastructure & Operations

**Responsible Officer:**

**Tracey Walker**  
Group Manager Communications

**Author:**

**Jacqui Jumisic**  
Community Grants Coordinator

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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 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:**

*(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

**9 MEETING CLOSURE**