



Redland
CITY COUNCIL

AGENDA

COORDINATION COMMITTEE MEETING

**Wednesday, 9 October 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.

5 PORTFOLIO 1 (CR WENDY BOGLARY)
**COMMUNITY & ENVIRONMENTAL HEALTH & WELLBEING; ANIMAL
MANAGEMENT; COMPLIANCE & REGULATORY SERVICES**

5.1 COMMUNITY & CUSTOMER SERVICES

5.1.1 CONTINUATION OF CAT REGISTRATION IN THE REDLANDS

Datworks Filename: Legislation-Animal Management (Cats and Dogs)
Act 2008

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

Responsible Officer: **Gary Photinos**
Manager Environment and Regulation Group

Author: **Donna Wilson**
Service Manager Compliance

PURPOSE

That Council resolves to continue cat registration using the transitional provisions of the *Agriculture and Forestry Legislation Amendment Act 2013* which amends the *Animal Management (Cats and Dogs) Act 2008*.

BACKGROUND

The State Government has passed legislation which removes the mandatory requirements to register cats.

Councils have until 21st October 2013 in which to resolve that they are a declared local government for the purposes of continuing cat registration.

ISSUES

Legislative Changes

The State Government has repealed sections of the Animal Management (Cats and Dogs) Act 2008 relating to cat registration. It is intended that despite the repeal of cat registration requirements under the Act, local governments will have the choice of enacting local laws requiring cat registration pursuant to the local law making power conferred under section 28 of the Local Government Act 2009.

This is intended as a transitional provision to bridge the period between the repeal of cat registration provisions in state legislation and the enactment of local laws by Council. The operation of this transitional provision is limited to one year after commencement, until the declared local government makes a local law about cat registration, or until a declared local government passes another resolution that it is no longer a declared local government (which ever happens earlier).

It is expected that one year will provide adequate time to develop model local laws for cat registration for local governments electing to continue with cat registration requirements beyond this transitional period.

Councils have until the 21st October 2013 in which to resolve that they are a declared local government for the purposes of continuing cat registration.

The Corporate Governance Group will shortly be submitting a suite of local laws to Council for consideration which includes cat registration; however the local law making process for these proposed laws will take several months to complete.

Cat Registration in Redlands

Since the introduction of cat registration in Redlands (July 2009), 4668 cats have been registered.

Current registration fees are:

3-6 month old cat	\$38.10
3-6 month old cat (micro chipped)	\$27.80
De-sexed cat	\$38.10
De-sexed cat (micro chipped)	\$27.80
Entire cat over 6 months	\$72.10
Entire cat over 6 months (micro chipped)	\$61.80

The number of cats impounded in Council's animal shelter in 2012/2013 was 363.

Cat Registration in South East Queensland

Local Governments in South East Queensland are currently determining their position on this matter.

To date, both Logan and Ipswich City Council's have passed resolutions to retain cat registration. The status of other Councils is not known at this time.

Guiding Principles for Animal Management

The following principles underpin actions with regard to dogs and cats:

- The belief that pets contribute to our quality of life.
- A requirement to balance the needs of those who own pets and those who do not.
- To value responsible pet ownership.
- Proactive animal management and education.
- Ensuring the environment is protected from the negative impacts of dogs and cats.
- Council playing a leadership role in animal management.

Overpopulation

When cat registration was first introduced in 2009, RSPCA spokesman Michael Beatty says his organisation puts down more than 12,000 cats a year and that cat registration is only the first step toward reducing that number.

Having a high number of cats de-sexed, micro chipped and registered goes some way to managing overpopulation.

The stray and feral cat populations in Redlands is unknown , and it is only estimated that a large number of 'owned' cats remain unregistered and many more 'unowned' cats reside in urban and bush land areas. Most "stray" cats are not lost, but simply have no owner or part owners of cats — "I don't own the cat, I only feed it". No responsible owner is looking for them so they continue to survive in neighbourhoods by residents feeding them to prevent starvation. In so doing enable the cats to breed which exacerbates the problem.

STRATEGIC IMPLICATIONS

Legislative Requirements

The State Government has repealed sections of the *Animal Management (Cats and Dogs) Act 2008* relating to cat registration. The Council's Corporate Governance Group will shortly be submitting a suite of local laws to Council for consideration, including cat registration.

By Council making resolutions under the transitional provisions to be a declared local government, it can continue to register cats until local laws are in place.

Risk Management

Continuing cat registration has the opportunity to provide an ongoing customer service to cat owners where their animals have been impounded or lost to be reunited through the cat registration. The risk of not continuing is that the human and social capital invested to date will be lost. Overpopulation of cats in the City will contribute to the cost shifting to other parts of the community through the need to impound, complaint investigation, housing in the animal shelter and euthanasia.

Financial

Cat registration currently raises \$112,000 in revenue, which enables Officers to respond to complaints relating to cats, as well as administer the registration database.

Council's refund policy applies to cat and dog registrations, and it should be noted that to discontinue cat registrations, may result in pro rata refunds being applied for the balance of a registration period for cats if the refund exceeds \$25.00. Council's cat registration fee ranges from \$27.80 for a desexed, micro chipped cat to \$72.10 for an entire cat that is not micro chipped.

People

There are no staff resources issues associated with continuing or discontinuing with cat registration. At the commencement of cat registration, no additional resources were sourced, as it was determined that the administration of cat registration would be absorbed within the existing administration functions allocated to dog registration.

Environmental

In addition to the nuisance value created by stray cats, there is a significant environment issue with killing fauna associated with straying cats.

Social

Council deals with approximately 130 complaints associated with cats each year and most complaints relate to cats straying onto neighbouring properties and creating a nuisance, and attacking wildlife.

Alignment with Council's Policy and Plans

Continuation of cat registration contributes to the corporate plan strategies of protecting our natural environment by managing fire, pests, and other hazards as well as increasing community safety, health and wellbeing by regulation and education.

CONSULTATION

Councillors considered the issue of continuing cat registration at their workshop on Tuesday 17th September and supported the matter to be presented to Council for consideration.

Consultation has also been undertaken with the Local Government Association of Queensland.

The Corporate Governance Unit has provided technical and background information to prepare this report.

OPTIONS

- 1) That Council resolve to be a declared local government so that it can continue to register cats until such time as local law has been made about cat registration.
- 2) That Council resolve to:
 - a) Not make a resolution under the transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013) of the Animal Management (Cats and Dogs) Act 2008 at this time and
 - b) Allow cat registration process to lapse until such time as local law about cat registration is made.
- 3) That Council resolves to take
 - a) No further action under the transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013) of the Animal Management (Cats and Dogs) Act 2008; and
 - b) Not make a local law about cat registration.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. **That it is a declared local government for chapter 10, part 4 (*Transitional Provisions for Agriculture and Forestry Legislation Amendment Act 2013*) of the *Animal Management (Cats and Dogs) Act 2008*; and**

2. Pursuant to section 226(2) of the *Animal Management (Cats and Dogs) Act 2008* that the following provisions, and any former provision mentioned in the provisions, or necessary to give effect to the provisions, continue to apply in Council's local government area as if the provisions had not been amended by the *Agriculture and Forestry Legislation Amendment Act 2013*:
- (a) Former chapter 3 of the *Animal Management (Cats and Dogs) Act 2008*; and
 - (b) Former sections 177 to 179 and 203 of the *Animal Management (Cats and Dogs) Act 2008*.

6 PORTFOLIO 5 (CR LANCE HEWLETT)
OPEN SPACE, SPORT AND RECREATION**6.1 COMMUNITY & CUSTOMER SERVICES****6.1.1 NEW LEASE TO CAPALABA COMMUNITY CENTRE INC****Dataworks Filename:** L.300344**Attachment:** [Locality Plan](#)**Authorising/Responsible Officer:** 
Louise Rusan
General Manager Community & Customer Services**Author:** **Lawrence Camilleri**
Senior Property Officer

PURPOSE

Council and the Department of Communities are joint owners of land and premises known as the Capalaba Community Centre situated at 29 Loraine Street, Capalaba.

One of the tenants, Redland Community Centre Inc, has requested a new lease as their previous lease expired.

The purpose of this report is to recommend that Council agrees to a new lease to Redland Community Centre Inc.

BACKGROUND

Council resolved on 28 February 1996 to enter into a partnership with the State Government to construct a community facility at 29 Loraine Street, Capalaba.

In return for its financial contribution towards the project, Council acquired a 35% interest in the property.

Since the centre was opened in 1998, various not for profit organisations have leased parts of the centre including Lifeline, Redland Community Childcare Centre Inc and Redland Community Centre Inc. Each time a lease renewal becomes due the Department of Communities negotiates with the tenant and prepares the lease documents for co-signing by Council. A Council resolution is then obtained for the Chief Executive Officer to execute the lease.

The Department of Communities has negotiated a new lease to Redlands Community Centre Inc to 30 September 2015.

A new lease will allow Redlands Community Centre Inc to continue providing counselling, family and individual support services etc for the Redland area.

The portion of the premises which Redland Community Centre Inc have been occupying i.e. part of the ground and first floors and part of the land is not changing.

ISSUES

The proposed term of the lease corresponds with the term of the Service Agreement entered into between the Department of Communities and Redland Community Centre Inc.

Council is not involved in the selection of tenants, negotiating renewal of leases, monitoring lease compliance, contributing to maintenance costs, rates, etc.

STRATEGIC IMPLICATIONS

This recommendation is consistent with Council's policy of renewing leases to community not for profit organisations.

Legislative Requirements

This recommendation complies with all legislative requirements including the *Local Government Regulation 2012* and Council Policy POL 3071 – Leasing of Council Land and Facilities which both support leases to community not for profit organisations.

Risk Management

The proposed lease contains conditions which satisfy Council's risk management requirements. Council insures the building to the extent of 35% of its total value.

Financial

Council will not incur costs in preparing and registering the lease as these costs are met by the Department of Communities and/or the lessee.

Environmental

No environmental issues have been identified.

Social

Renewal of the lease will allow Redlands Community Centre Inc to continue providing counselling, family and individual support services etc for the Redland area.

Alignment with Council's Policy and Plans

The renewal of the lease aligns with Council's policy POL 3071 - Leasing of Council Land and Facilities which supports community and sporting bodies in their relative areas.

CONSULTATION

The Senior Property Officer Facility Services has consulted with the Manager Community & Cultural Services and the Property Services Manager.

OPTIONS

Option One

That Council resolve to:

1. Agree to a new lease to Redlands Community Centre Inc at 29 Loraine Street, Capalaba described as part of Lot 10 SP101323 with a lease term to 30

September 2015 on terms and conditions satisfactory to the Chief Executive Officer;

2. Delegate authority to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to make, vary, discharge and sign all documents related to this matter.

Option Two

That Council refuse a new lease to Redlands Community Centre Inc.

OFFICER'S RECOMMENDATION

That Council resolve to:

1. **Agree to a new lease to Redlands Community Centre Inc at 29 Loraine Street, Capalaba described as part of Lot 10 SP101323 with a lease term to 30 September 2015 on terms and conditions satisfactory to the Chief Executive Officer; and**
2. **Delegate authority to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to make, vary, discharge and sign all documents related to this matter.**

7 PORTFOLIO 6 (CR MARK EDWARDS)
CORPORATE SERVICES**7.1 ORGANISATIONAL SERVICES****7.1.1 REPORT OF THE AUDIT COMMITTEE MEETING****Dataworks Filename:** GOV Audit Committee**Attachment:** [Minutes Audit Committee - 9 September 2013](#)**Responsible/Authorising Officer:** 
Nick Clarke
General Manager Organisational Services**Author:** **Siggy Covill**
Group Manager Internal Audit

PURPOSE

The purpose of this report is to present the minutes of the Audit Committee meeting on 9 September 2013 to Council for adoption in accordance with Section 211 of the *Local Government Regulation 2012*.

BACKGROUND

The primary objective of the Audit Committee is to assist Council in fulfilling its corporate governance role and oversight of financial measurement and reporting responsibilities imposed under the *Local Government Act 2009*, the *Financial Accountability Act 2009* and other relevant legislation.

To fulfil this objective and in order to enhance the ability of Councillors to discharge their legal responsibility, it is necessary that a written report is presented to Council as soon as practicable after a meeting of the Audit Committee about the matters reviewed at the meeting and the committee's recommendations about these matters.

ISSUES

Please refer to the attached Minutes of the Audit Committee meeting held on 9 September 2013.

STRATEGIC IMPLICATIONS**Legislative Requirements**

Requirements from the *Local Government Act 2009*, the *Local Government Regulation 2012* and the *Financial Accountability Act 2009* have been taken into account during the preparation of this report.

Risk Management

There are no opportunities or risks for Council resulting from this report.

Financial

There are no financial implications impacting Council as a result of this report.

People

There are no implications on people as a result of this report.

Environmental

There are no environmental implications resulting from this report.

Social

There are no social implications as a result of this report.

Alignment with Council's Policy and Plans**Relationship to Corporate Plan: 8. Inclusive and ethical governance**

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals

8.5 Be transparent and consistent in the way we manage the organisation, its risks and obligations and ensure we are delivering against our priorities.

CONSULTATION

The Audit Committee minutes are presented for confirmation as a true and accurate record of proceedings at its next meeting.

OPTIONS

1. That Council accept this report, which summarises the issues discussed at the Audit Committee meeting of 9 September 2013.
2. That Council accept this report and requests additional information, or
3. That Council not accept this report and request an alternative method of reporting.

OFFICER'S RECOMMENDATION

That Council resolve to accept this report, which summarises the issues discussed at the Audit Committee meeting of 9 September 2013.

7.2 OFFICE OF CEO

7.2.1 REVIEW OF RESERVES 2013/2014

Datworks Filename: FM Corporate Budget

Attachment: [Review of Reserves 2013/2014](#)

Authorising Officer:



Nick Clarke
Acting Chief Executive Officer

Responsible Officer:

Gavin Holdway
Chief Financial Officer

Author:

Deborah Corbett-Hall
Service Manager Business and Commercial Finance

PURPOSE

The purpose of this report is to provide a summary of a review of constrained reserves and includes a proposal to reduce the current number of reserves by 17, from 43 to 26.

Council is presently further considering another 2 reserves *Redland Art Gallery Contributions and Donations* and *Contributions to Car Parking* reserves for retention or closure.

The reduction will move funds from constrained monies to unconstrained (for 10 reserves) and also reduce recording and reporting requirements on a monthly, quarterly and annual basis (for 7 reserves).

BACKGROUND

Financial Services conducted a review of cash constrained reserves in April and May 2013. A report was tabled to Council proposing the reduction of reserves from the 43 held in 12/13 to 26, based on the following factors

- Date the reserve was last utilised;
- Balance held in the reserve as at 30 April 2013; and
- Consolidation of canal and lake reserves from 10 to the former 3.

Council requested a workshop to deliberate the purpose and retention of all forty three reserves held in the 13/14 financial year (SMBI Translink Reserve was a new reserve in 13/14). During the workshop, Council decided to:

- Close 12 reserves and transfer the funds to retained earnings for general (unconstrained) use;
- Close 7 reserves and consolidate their balances into 3 existing reserves; and
- Investigate and finalise a decision on 2 reserves that resulted in a split decision during the workshop (*Redland Art Gallery Contributions and Donations* and *Contributions to Car Parking* reserves).

Following the workshop the Corporate Financial Reporting Team reconsidered the consequences of closing 2 reserves: *Parks reserve* and *Tree Planting reserve*. Specifically, it was considered that the transparency will be lost over the associated developer contributions and end of year notes in the financial statements for contributions. The notes to the accounts are compiled using information from these developer contribution reserves. Officers therefore propose that Council considers retaining these two reserves for transparency and legislative reporting purposes.

Following the workshop, Group Manager of Communication and Cultural Services also requested Corporate Financial Reporting and Taxation and Treasury teams to consider the Deductible Gift Recipient Status of the Redland Art Gallery and the related Australian Taxation Office (ATO) imposed requirement to record gift monies received by the Gallery separately from the general finances of Council. Accordingly, it was determined that at the present time, it was necessary to maintain this reserve in order for the ATO requirements to be met. The Corporate Financial Reporting Team will consider alternative options and re-present the options for this reserve as necessary in due course.

ISSUES

1. The current number of reserves is generating increased reporting and reconciliation requirements on a monthly, quarterly and annual basis;
2. The requirement to constrain some cash for particular purposes may no longer be required for reserves that have not been utilised in recent times or hold small balances that do not warrant a reserve being reconciled and reported against on a monthly basis; and
3. The current number of canal and lake reserves complicates management reporting and financial reporting and could be better presented to the associations whilst retaining the same level of transparency and information.

STRATEGIC IMPLICATIONS

1. The Queensland Audit Office (QAO) and Department of Local Government, Community Recovery and Resilience (DLGCRR) are advocating Councils demonstrate all reserves are cash backed and furthermore advocate the closure of all reserves; and
2. Funds should be available for full community use and not unnecessarily constrained for specific purposes if the purpose is no longer relevant to Council.

Legislative Requirements

The Local Government Act 2009 and Local Government Regulation 2012 no longer prescribe requirements for operating reserves.

However, Council finance officers believe it is good practice to be as transparent as possible with community monies and maintain the concept of reserves for specific purposes. Financial Services will continue to provide a summary report in the monthly financial reports outlining the opening balances, transfers to and from and closing balances for each reserve.

Risk Management

Financial Services considers the following factors underpin the decision to review and reduce the number of constrained cash reserves held beyond the 13/14 financial year:

- Council will demonstrate to the community it is only constraining cash for recent and necessary (legislative, statutory or other) reasons;
- Reserve reporting, analysis, reconciliations and transfers will be reduced on a monthly, quarterly and annual basis;
- Council's constrained cash as a percentage of cash balances will reduce and funds will be available for community use; and
- With respect to the consolidation of canal and lake reserves, the community will still receive the same information, albeit succinctly in 3 reserves as opposed to 10.

Financial

This report recommends a staged approach to closing the 17 reserves, taking into consideration the adopted budget and its utilisation of the reserves in 13/14. The following proposal is made to effect Council's decision at the workshop on 27 August 2013:

- Effective 30 September 2013 close the reserves that are budgeted to be inactive during 13/14 – transferring the funds into retained earnings;
- Effective 30 June 2014 consolidate the 10 canal and lake reserves into 3;
- Effective 30 June 2014 close the remaining reserves, following their utilisation in the 13/14 financial year in accordance with the adopted budget or subsequent reviews.

This staged approach will ensure all 13/14 budgeted transfers to and from reserves will remain for transparency to the community and comparability against Council's adopted budget.

People

Nil impact expected as the purpose of the attached report is to provide a summary of the recent review of cash reserves.

Environmental

Nil impact expected as the purpose of the attached report is to provide a summary of the recent review of cash reserves.

Social

Nil impact expected as the purpose of the attached report is to provide a summary of the recent review of cash reserves.

Alignment with Council's Policy and Plans

This report has a relationship with the following items of the Corporate Plan:

9. An efficient and effective organisation

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

- 9.5 Ensure robust long term financial planning is in place to protect the financial sustainability of Council

CONSULTATION

Finance Officers and the Chief Financial Officer have discussed the reserve recording and reporting with representatives of the QAO and DLGCR. Councillors have received reserve balances in the Monthly Financial Reports since December 2012 and also discussed the canal and lake reserve consolidation during a budget workshop on 21 May 2013. A full review was conducted by Council on 27 August 2013 involving officers from the business responsible for drawing on the reserves, members of the Executive Leadership Group and Corporate Finance officers.

OPTIONS

1. That Council resolve to:

Close the 10 reserves outlined on the attached document during or at the end of the 13/14 financial year and transfer the funds to retained earnings for utilisation on all Council jobs and projects;

Retain the Park and Tree Planting reserves for transparency purposes and ease of financial reporting at the end of each financial year (contributions from developers);

Retain the Redland Art Gallery Commissions and Donations reserve in order to ensure ATO imposed 'Deductible Gift Recipient' status requirements are not affected;

Consolidate the 10 canal and lake reserves into 3:

	1	2	3
	Raby Bay Canal Reserve	Aquatic Paradise Canal Reserve	Sovereign Waters Lake Reserve
Current Special Charge	Raby Bay Tidal Works CTS	Aquatic Paradise Marina	
Current Special Charge	Raby Bay Tidal Works Non-CTS		
Current Special Charge	Raby Bay Marina		
Current Maintenance General Revenue	Raby Bay Maintenance Reserve	Aquatic Paradise Maintenance Reserve	Sovereign Waters Maintenance Reserve
Previous Special Charge	Raby Bay Canal	Aquatic Paradise Canal	Sovereign Waters Levy

Finalise a decision on Contributions to Car Parking reserve as discussed at the Council Workshop in August.

2. That Council resolve to retain the current 43 constrained reserves.

OFFICER'S RECOMMENDATION

That Council resolve to:

1. **Close the 10 reserves outlined in the attached document during or at the end of the 13/14 financial year and transfer the balances to retained earnings for utilisation on all council jobs and projects;**
2. **Retain the park and tree planting reserves for transparency purposes and ease of financial reporting at the end of each financial year (contributions from developers);**

3. Retain the Redland Art Gallery Commissions and Donations reserve in order to ensure ATO imposed 'Deductible Gift Recipient' status requirements are not affected;
4. Consolidate the 10 canal and lake reserves into 3; and

	1	2	3
	Raby Bay Canal Reserve	Aquatic Paradise Canal Reserve	Sovereign Waters Lake Reserve
Current Special Charge	Raby Bay Tidal Works CTS	Aquatic Paradise Marina	
Current Special Charge	Raby Bay Tidal Works Non-CTS		
Current Special Charge	Raby Bay Marina		
Current Maintenance General Revenue	Raby Bay Maintenance Reserve	Aquatic Paradise Maintenance Reserve	Sovereign Waters Maintenance Reserve
Previous Special Charge	Raby Bay Canal	Aquatic Paradise Canal	Sovereign Waters Levy

5. Finalise a decision on Contributions to Car Parking reserve as discussed at the Council Workshop in August.

7.3 INFRASTRUCTURE & OPERATIONS

7.3.1 SOLE PROVIDER ARRANGEMENT FOR THE FLEXIBLE CONCRETE JOINTS (FOOTPATHS) FLEXIBLE HINGED AROUND ROOT ZONES

Datworks Filename: RTT Design & Construction - Footpaths

Authorising Officer:



Brad Salton
Acting General Manager Infrastructure & Operations

Responsible Officer:

Murray Erbs
Group Manager City Infrastructure

Author:

Rick Watson
Technical Officer Quality Systems

PURPOSE

To seek approval from Council to deem Tripstop Pty Ltd as a sole supplier under Section 235 **Other exceptions** (a) of the *Local Government Regulation 2012*, namely that;

“A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if—

(a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available.”

BACKGROUND

Since 2007 Redland City Council (RCC) has been successfully using a concrete joint product called TripStop (patented 2001293503). This product creates a hinged-like joint between the concrete joints in concrete footpaths by controlling vertical separation and minimising the step displacement between the two adjoining concrete slabs.

Tripstop allows for the concrete path to be lifted 50mm by tree roots or ground deformation and keep within Australian Standard AS:3727 for stepping deformation to plus or minus 5mm which, if exceeded, can create potential trip hazards for pedestrians and other users of pathways throughout the city.

The product allows for the pathway to remain structurally sound and serviceable for a longer period of time than would be expected by the use of a standard construction joint configuration known in the industry as either an (expansion joint) or key way joint (Connelly joint).

There are a number of ways which are currently utilised to intervene or ‘make safe’ these deformations; one is to infill deformation and make an **asphalt ramp** – a short-term solution to make the site safe until one of the options below can be undertaken and the asphalt is not aesthetically pleasing.

Grinding of the raised section of the trip hazard – medium term solution that can only be repeated a limited number of times.

Replacement of section of path with new concrete – longer term solution, though the path will generally lift again due to tree roots etc.

Benefits of using Tripstop

Benefits are that ratepayers should in the long term see a trend in the reduction in the percentage of person/s falling and sustaining injury due to a tripping hazard, which potentially should reduce the amount of claims made to council.

Increase of life expectancy of the asset due to reduced maintenance intervention.

This product is recyclable and only requires hand tools to cut and fit. It can be ordered to size and has the manufacturer's guarantee of serviceability.

ISSUES

There have been no issues with the current supplier, Tripstop Pty Ltd, or with the use of their product which is providing excellent results to date.

STRATEGIC IMPLICATIONS

The Strategic Planning Group was consulted and it is considered that the outcome of recommendations in this report will have no implications on the Redlands Planning Scheme.

Legislative Requirements

There are no legal impediments into entering this sole provider arrangement under section 235 of the *Local Government Regulations 2012* which allows councils to enter into these types of arrangements. There are no ongoing financial costs other than purchasing the product.

The relevant standard is *Australian Standard AS3727 (1993) Guide for Residential Pavements to Support Foot and Bicycle Traffic*

Financial

Over the last 2 years, the City Infrastructure Group through its Roads Drainage & Marine unit has funded this purchase on an average of \$15,148 per year from the Concrete Path Trip Hazards activity, JN 30202.

There is no contract between the parties, there is no financial impediment short or long term to this type of sole provider purchasing arrangement, and Council maintains the ability to enter into other arrangements if new technologies emerge over the sole provider period.

People

Staff will now be able to order product directly from the supplier without having to get 3 quotes for other products that are not fit for purpose. This will also reduce risk to all people who use concrete pathways in the Redlands.

Environmental

No environmental implications – the product is fully manufactured out of PVC (Poly Vinyl Carbonate) and is recyclable.

Social

Potentially a safer environment for concrete footpath users.

Alignment with Council's Policy and Plans

The recommendation primarily supports Council's vision for:

5. Wise planning and design

- 5.8 Plan and advocate to connect the city's communities with improved public transport including a road, ferry, cycling and walking network that provides safe and efficient movement within the city and the region and supports physical activity; and promote efficient and environmentally responsible private transport
- 5.13 Enhance the city's liveability and enable people to enjoy outdoor activities, social gatherings and community events through planning, providing and managing high quality parks and open spaces.

7. Strong and connected communities

- 7.3 Increase community safety, health and wellbeing by planning and delivering programs, services, partnerships, regulations and education

9. An efficient and effective organisation

- 9.6 Implement long term asset management planning that supports innovation and sustainability of service delivery, taking into account the community's aspirations and capacity to pay for desired service levels
- 9.7 Develop our procurement practices to increase value for money within an effective governance framework

It is considered that the outcome of recommendations in this report will have no implications to the Redland Planning Scheme. This product is intended for internal use *however it is recommended that this be looked at in further detail as part of future amendments to Council standard drawings R-RCC- 5 Concrete Paths and shared use paths which is the reference document which currently addresses issues of stepping displacement by means of Connelly joints type 2.

Brisbane City Council (BCC) use Tripstop in their concrete paths and is specified in BCC UMS 526 Provision for tree roots under concrete footpaths.

CONSULTATION

- Service Manager, RDM for budget forecasts for maintenance on pathways;
- Service Manager Risk & Liability about injury claims and the legal liabilities incurred by RCC over the previous 5 years from March 2007 to March 2013;
- Concrete Institute of Australia was consulted as to other products that may be available for this type of usage;
- Standard drawing will be referenced in the near future in the new City Planning Manual currently being compiled by consultants working under the direction of Principal Engineer City Infrastructure;

- Patent holders of this product, TripStop Pty Ltd, to confirm sole Australian supplier, product guarantees and pricing 2013.

OPTIONS

1. That Council resolve to award sole supplier status to TripStop Pty Ltd in accordance with section 235(a) of the *Local Government) Regulations 2012*, because
 - (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available, and*
that this be effective immediately until 30 June 2014.
2. That Council resolve not to adopt the officer's recommendation.

OFFICER'S RECOMMENDATION

That Council resolve as follows:

1. **To award sole supplier status to TripStop Pty Ltd in accordance with section 235(a) of the *Local Government) Regulations 2012*, because**
 - a. *the local government resolves it is satisfied that there is only 1 supplier who is reasonably available, and***
2. **That this be effective immediately until 30 June 2014.**

8 PORTFOLIO 7 (CR JULIE TALTY)
PLANNING & DEVELOPMENT**8.1 COMMUNITY & CUSTOMER SERVICES****8.1.1 INFRASTRUCTURE OFFSET REPORT - 19 COMO STREET, ORMISTON
QLD 4130 - ROL005541****Datworks Filename:** Application: ROL005541**Responsible/Authorising Officer:****Louise Rusan
General Manager Community & Customer
Services****Author:****Ken Burmeister
Planning Officer, City Planning and
Assessment**

PURPOSE

This report seeks approval from Council to fund offsets from constrained reserves for trunk infrastructure, being construction of a cycleway/pathway between Como and Counihan streets and dedication of a 1,320m² parcel of land zoned Open Space in Counihan Street, Ormiston.

BACKGROUND

Jacuna Pty Ltd and Mr. Matthew Woodhead have completed a subdivision of land at 19 Como St, Ormiston. The development application was impact assessable and received a number of properly made submissions. The approval was granted subject to conditions.

The conditions require land dedication (659m²) for, and construction of, a trunk pathway (89m), between Como and Counihan streets on land zoned Urban Residential. An additional requirement included dedication of a portion of the site (1,320m²) with frontage to Raby Bay. This area is zoned Open Space and provides for the extension of the existing Counihan Street foreshore park.

These works and land are identified in the approval as trunk infrastructure, in accordance with Council's then Adopted Infrastructure Charges Resolution 9 October 2012 Item No. 2.1. Council has approved the Operational Works, and the development has been completed with future Council assets being accepted 'on maintenance'.

A condition of the approval provided for the developer to enter into an Infrastructure Agreement for offset payments for the works. The developer elected to construct the footpath and resolve the offsets at a later date, without this agreement.

The developer has paid the necessary infrastructure contributions in full in order to have the survey plan approved and the lots registered.

ISSUES

The total costs are mainly funded by contributions from the development, with the balance to be funded from other budgets. The planning justification for the infrastructure is that it:

- Is consistent with the Redland Planning Scheme zoning of the site, and
- The pathway and open space lot contribute to environmental and community recreation policy objectives.

The total cost of the trunk infrastructure being provided by this development is less than the total developer contributions for the development. However, the value of the trunk infrastructure provided for the open space and cycleway networks, exceeds the allocations for these individual networks. Consequently, the difference is funded from the relevant constrained reserves.

In not entering into an Infrastructure Agreement prior to commencing works the applicant took a commercial risk that Council might not agree to the final costs of constructing the footpath. The provisions of an Infrastructure Agreement generally require obtaining competitive quotations allowing Council to ensure that the work is done at a fair cost to the community.

Council's Property officer advises that an acceptable land valuation has been provided for the land to be dedicated. The applicant's costs for the pathway works have been checked against current Council and commercial contract rates and an agreed cost to construct has been reached.

STRATEGIC IMPLICATIONS

Legislative Requirements

Section 648K and 649 of the Sustainable Planning Act provides a head of power for Council to impose a condition requiring trunk infrastructure to be provided as a condition of a development approval. The relevant costs for the infrastructure that can reasonably be apportioned to other development are to be credited by the local government (an offset) against the development's adopted infrastructure charges. Section 660 provides the foundation for Infrastructure Agreements.

In this case the value of the infrastructure provided is less than the total contribution for the development, as such an infrastructure agreement is not strictly required where the value of the infrastructure is agreed by both parties. The offset can be a credit towards the infrastructure charges to be paid, or be paid as a refund.

Currently no process for cross crediting between network reserves within the contribution being paid by the developer, as such the balance must be paid from constrained reserves.

Risk Management

There is limited or no risk to the community or Council.

Financial

Council has received claims for costs for land dedication and construction of the footpath as shown in Table 1.

Table 1 – Claimed amounts for land dedication and works

Description	Cost
Land valuation for trunk Open Space zoned lot (1,320m ²)	\$10,000
Land valuation for Urban Residential zoned land for trunk footpath (659m ²)	\$170,000
Cost to construct 89m footpath	\$26,942.31
Total claim	\$206,942.31

Note that land valuation for the open space lot is significantly less due to there being little capability to develop that land vs. the opportunity to develop the land associated with the footpath.

The total amount to be refunded will be \$206,942.31 (ex GST).

The total contribution for the development (11 additional lots) is \$308,000. This amount is apportioned for open space and cycleways as shown in Table 2:

Table 2 – Allocated network funding for contribution for 11 residential lots

Network	Percentage of total contribution	Total amount from this development
Open Space	37%	\$113,960
Cycleways	6.9%	\$21,252
Total	43.9%	\$135,212

The difference between the contribution from the development for the relevant networks and actual cost is \$71,730.31 (ex GST). The offset and refund is recommended to be funded from the following constrained reserves as below:

1. Parks Reserve - \$180,000.00; and
2. Cycling Trunk Infrastructure Reserve - \$26,942.31.

People

Not applicable.

Environmental

Not applicable.

Social

Not applicable.

Alignment with Council's Policy and Plans

This infrastructure agreement supports "Wise planning and design" in the corporate plan by pursuing the following strategies:

5.10 through the maintenance of “quality and liveability of residential areas”, and
5.12 through the provision of “essential physical ... infrastructure”.

There are no planning scheme implications.

CONSULTATION

- City Infrastructure Group
- Service Manager Strategic Finance
- Group Manager City Spaces

OPTIONS

1. That Council resolve to allocate the funds to provide the infrastructure from the Parks Reserve and Cycling Trunk Infrastructure Reserve and refund \$206,942.31 (ex GST) to the developer for the trunk infrastructure conditioned in ROL005541.
2. That Council resolve not to refund the cost of the trunk infrastructure.

OFFICER’S RECOMMENDATION

That Council resolve to allocate the funds to provide the infrastructure from the Parks Reserve Fund and Cycling Trunk Infrastructure Reserve Fund and refund \$206,942.31 (ex GST) to the developer for the trunk infrastructure conditioned in ROL005541.

8.1.2 PUBLISHING SUBMISSIONS ON COUNCIL'S WEBSITE

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 & Assessment

Author:

Antonella D'Alonzo
Planning Officer

PURPOSE

The purpose of this report is to establish clear guidelines for publishing submissions received in relation to publicly notified development applications on Council's website via the Planning and Development (PD) Online system.

The *Sustainable Planning Act 2009* (SPA) provides discretionary powers in respect to the publishing of certain documents on Council's website. The aim of this report is to clearly define Council's approach in respect to publishing submissions on line and in doing so aim to remove any potential ambiguity in the interpretation of the provisions of the SPA and the *Information Privacy Act 2009* (IP Act).

BACKGROUND

The Council uses the PD Online system to meet its requirements under s.736 (Publishing particular information about development applications) of SPA. This requires Council to publish documents on its website for the purposes of public scrutiny of planning applications. Documents were first published on PD Online in March 2007.

On 1 July 2010 the provisions of the *Information Privacy Act 2009* began to apply to local government. Amendments to the SPA were necessary to ensure that publication on Council websites of material containing personal information conformed to the requirements under the IP Act. Amendments to SPA were introduced as part of the *Building and Other Legislation Amendment Bill (No. 2) 2010* and the *Sustainable Planning Regulation 2009* (SPR) was also amended and came into effect on 8 October 2010.

During the period between 1 June 2010 and 8 October 2010, documents were not published on Council's PD Online. Since 8 October 2010 Council has published documents on its website in accordance with the provisions of the SPA, including personal information.

Users of PD online must agree to the terms and conditions of use detailed in a disclaimer which appears when accessing the system. The terms and conditions of use include the Council's Privacy and Collection Notices as required by the IP Act.

The PD Online process has greatly reduced resources required to maintain a hard copy of development application files for public scrutiny, as well as reducing the volume of general enquiries from the public.

ISSUES

Council has received a small number of complaints from submitters to development applications. The complaints relate to the publication of personal information on PD Online and alleged breaches of the IP Act.

Public submissions are received in respect of any publicly notified application. A submission is considered a 'properly made submission' if it complies with the definition criteria as set out in Schedule 3 the SPA. In accordance with s.305(3) of the SPA, Council may accept a submission that is not properly made.

In accordance with the provisions of the SPA, properly made submissions, and those not properly made but accepted by Council, *may* be published on the website and Council *may* remove personal details before publishing these documents.

S.728(1) of the SPA requires certain documents to be made available for *inspection and purchase* until the application is lapsed, withdrawn or if the application is decided, until the applicant's appeal period ends. The list of documents includes properly made submissions.

S.736(2) of the SPA, provides local governments with discretionary power so that they *may* publish certain information and documents prescribed under a regulation on its website. Schedule 25A of the SPR identifies both properly made and not properly made submissions accepted by Council as documents which Council *may* publish on its website under s.736(2). Information and documents which local governments *must* publish on its website are detailed in s.736(1).

S.728(4) of the SPA, states that the assessment manager *may* remove the name, address and signature of each submitter who made a submission before making the submission available for inspection and purchase. This would involve redaction, which is essentially a process of adapting documents by obscuring or removing sensitive information for publication or release. S.736(5) also allows a local government to not publish information if the local government is reasonably satisfied that this contains sensitive security information.

The IP Act governs the disclosure of personal information, such as the name, address and signature of a submitter. S.4 of the IP Act provides that if a law allows access to be given to a document which contains personal information, then the information may be released pursuant to *Information Privacy Principle (IPP) 11 (1)(d)*. The principle states that personal information may be disclosed where the disclosure is authorised or required by law. The SPA requires Council to make available for inspection and purchase any properly made submission, and states that Council may publish submissions online (with or without first removing personal details).

Furthermore, exception 11(1)(a) notes that disclosure will not breach the IPP 11.1 if the person the information is about has been told in a valid IPP 2 notice, or is otherwise likely to know that that kind of disclosure is commonly made. The disclaimer on PD online serves to provide the required notice. Users must "accept" the terms and conditions of use before accessing and viewing information on line. The Council's Factsheets on 'Making a submission about a development application'

and “PD online – viewing development applications” have been revised to clearly detail Council’s practice of disclosing information and publishing submissions (including personal information) on its website.

Should Council resolve to publish submissions online, either wholly or in part, it is recommended that this be subject to the Group Manager, City Planning and Assessment, being delegated the power to agree to removal of a submission if it is determined that it contains sensitive security information, in accordance with s.736(5) of the SPA, or is agreed to upon request from the submitter.

STRATEGIC IMPLICATIONS

Legislative Requirements

A resolution relating to the publication of submissions will ensure that Council is complying with the SPA and IP Act.

Risk Management

By adopting a resolution and clearly establishing guidelines, the risk of confusion and uncertainty as to whether submissions will be published on Council’s website will be removed.

The fact that Redland City Council publishes submissions, including personal information contained within those submissions, on its website, will be detailed in a factsheet and in the disclaimer displayed online and thus become commonly known.

Financial

There are no financial implications associated with this report.

People

There will be no resource implications if it is resolved to continue the existing practice of publishing submissions on Council’s website.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Alignment with Council's Policy and Plans

Together with Council’s legislative duty, albeit a discretionary one, the publication of submissions online reflects and is aligned with Council’s values to be an ethical and transparent organisation ensuring inclusive and ethical governance.

CONSULTATION

Relevant officers within Council were consulted on the subject, including General Counsel, Business & Systems Team Leader, Information Management and Corporate Planning, Performance and Risk.

OPTIONS

1. That Council publish on Council’s website all submissions (both properly made and those not properly made but accepted by Council) in their entirety.

2. Publish on Council's website properly made submissions only, in their entirety.
3. Not publish any submission received on Council's website.

This option is not recommended due to the inherent lack of transparency contrary to the intent of the SPA and represents a reduced service to the public.

4. Redact sensitive information (phone numbers, signatures) contained in all submissions prior to publishing them on Council's website.
5. Redact sensitive information (phone numbers, signatures) contained in all properly made submissions only prior to publishing them on Council's website.

Option 3 and 4 are not recommended as it is a timely and inevitably more costly process and less transparent.

OFFICER'S RECOMMENDATION

That Council resolve to:

1. **Publish, in accordance with s.736(2) of the *Sustainable Planning Act 2009*, on its website all submissions (both properly made and those not properly made but accepted by Council), in their entirety; and**
2. **Delegate to the Chief Executive Officer the authority, under s.257(1)(b) of the *Local Government Act 2009*, to determine not to publish a submission which contains sensitive security information, in accordance with s.736(5) of the *Sustainable Planning Act 2009*.**

8.1.3 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 AND 3 DEVELOPMENT APPLICATIONS

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

Authorising/Responsible Officer:



Louise Rusan
General Manager Community & Customer Services

Author:

Kerri Lee
Business Support Officer, Development Assessment

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.
- 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. Concurrence Agency Response issued on 16 September, 2013 for design and siting for a dwelling at 27-31 King Street, Thornlands. Javica Pty Ltd. (BWP001924)
2. Concurrence Agency Response issued on 16 September, 2013 for design and siting for a dwelling house at 27-31 King Street, Thornlands. Javica Pty Ltd. (BWP001927)
3. Concurrence Agency Response issued on 13 September, 2013 for design and siting for a dwelling house at 27-31 King Street, Thornlands. Javica Pty Ltd. (BWP001923)
4. Concurrence Agency Response issued on 13 September, 2013 for design and siting for a dwelling house at 36 Poloni Place, Wellington Point. Metricon Homes Qld. (BWP001919)
5. Concurrence Agency Response issued on 16 September, 2013 for design and siting for a dwelling house at 19 Girraween Crescent, Capalaba. Building Certification Group. (BWP001922)
6. Concurrence Agency Response issued on 13 September, 2013 for design and siting for a dwelling house at 6 Fulbeck Place, Wellington Point. Building Code Approval Group Pty Ltd. (BWP001921)
7. Concurrence Agency Response issued on 2 September, 2013 for design and siting for a dwelling house at 1 Aquila Street, Redland Bay. Coral Homes (Qld) Pty Ltd. (BWP001904)
8. Concurrence Agency Response issued on 6 September, 2013 for design and siting for a dwelling house at 9 Wilson Esplanade, Victoria Point. Antech Constructions Pty Ltd. (BWP001912)
9. Concurrence Agency Response issued on 10 September, 2013 for design and siting for a dwelling house at 44 Hardy Road, Birkdale. Mrs Cathryn Gough and Mr Brendan Gough. (BWP001913)
10. Concurrence Agency Response issued on 29 August, 2013 for design and siting for a secondary dwelling at 12 Marina Street, Alexandra Hills. Ms Delyse S. Andrews. (BWP001902)
11. Concurrence Agency Response issued on 11 September, 2013 for design and siting for a domestic outbuilding at 78 Hanover Drive, Alexandra Hills. Mr Stephen J. Mobbs. (BWP001916)
12. Concurrence Agency Response issued on 9 September, 2013 for design and siting for a domestic outbuilding at 2-4 Orme Drive, Russell Island. Mr Bret D. Worcester. (BWP001909)
13. Concurrence Agency Response issued on 30 August, 2013 for design and siting for a shed at 1 Patersonia Place, Birkdale. The Certifier Pty Ltd. (BWP001903)

14. Concurrence Agency Response issued on 12 September, 2013 for design and siting for a roofed patio at 4 Merinda Crescent, Point Lookout. Mr Joseph T. Caruso. (BWP001914)
15. Concurrence Agency Response issued on 4 September, 2013 for design and siting for a carport at 4 Minetta Street, Victoria Point. The Certifier Pty Ltd. (BWP001908)
16. Concurrence Agency Response issued on 10 September, 2013 for design and siting for a carport at 71 Dorsal Drive, Birkdale. Mr Desmond T. Ashcroft and Mrs Jocelyn A. Ashcroft. (BWP001910)
17. Concurrence Agency Response issued on 4 September, 2013 for design and siting for a carport at 12 Bee Street, Ormiston. Fastrack Building Certification. (BWP001906)
18. Concurrence Agency Response issued on 4 September, 2013 for design and siting for a carport and storage at 523-525 Main Road, Wellington Point. The Certifier Pty Ltd. (BWP001918)
19. Concurrence Agency Response issued on 10 September, 2013 for design and siting for a gatehouse at 21 Captains Court, Cleveland. Mr George S. Ramsay. (BWP001920)
20. Concurrence Agency Response issued on 6 September, 2013 for design and siting for an extension at 63 Carlingford Drive, Thornlands. Building Code Approval Group Pty Ltd. (BWP001911)
21. Concurrence Agency Response issued on 4 September, 2013 for design and siting for a relaxation at 42 Plymouth Court, Cleveland. Anthony Parisi As Trustee and Complete Building Certification. (BWP001905)
22. Concurrence Agency Response issued on 3 September, 2013 for design and siting for a fence greater than 2m in height at 105 Habitat Drive, Redland Bay. The Certifier Pty Ltd. (BWP001907)
23. Concurrence Agency Response issued on 12 September, 2013 for a dwelling house at 87 Cavell Street, Birkdale. Caloundra Building Approvals Pty Ltd and Renom Pty Ltd As Trustee. (BWP001930)
24. Development Permit issued on 17 September, 2013 for a material change of use to operate a home business at 6 Amethyst Street, Alexandra Hills. Ms Melinda A. Masonwells. (MCU013126)
25. Development Permit issued on 13 September, 2013 for a material change of use for a dwelling house at 52 Main Road, Wellington Point. Haimes Homes. (MCU013119)
26. Development Permit issued on 2 September, 2013 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 10 Gatumba Street, North Stradbroke Island. Mr D.R. Inger and Mrs R.S. Inger. (BWP001885)
27. Development Permit issued on 29 August, 2013 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 34-36 Nanette Court, Alexandra Hills. Mr D.C. Griffin and Mrs K.L. Griffin. (BWP001840)
28. Development Permit issued on 30 August, 2013 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at

- 56-60 Giles Road, Redland Bay. Mr R.W. Barrett and Mrs R.G. Barrett. (BWP001882)
29. Development Permit issued on 2 September, 2013 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 41 Bigoon Road, Point Lookout. The Certifier Pty Ltd. (BWP001891)
 30. Development Permit issued on 3 September, 2013 for building works approval assessed against the Redlands Planning Scheme for a domestic outbuilding at 4 Katrina Court, Cleveland. DBR Building Certification. (BWP001875)
 31. Development Permit issued on 10 September, 2013 for operational works for an advertising device at Capalaba Shopping, 8/189-201 Old Cleveland Road, Capalaba. United Discount Chemist (Capalaba). (OPW001465)
 32. Development Permit issued on 29 August, 2013 for operational works for an advertising device at 71 Cambridge Drive, Alexandra Hills. Blau Holdings Pty Ltd As Trustee, Rakio Pty Ltd As Trustee. (OPW001451)
 33. Development Permit issued on 13 September, 2013 for reconfiguration of lots (one into two lots) at 52 Main Road, Wellington Point. Haimes Homes. (ROL005678)
 34. Development Permit issued on 12 September, 2013 for reconfiguration (realignment of boundaries) at 56-58 Douro Road, Wellington Point. Bartley Burns Certifiers and Planners. (ROL005677)
 35. Development Permit issued on 3 September for reconfiguration of lots (one into two lots) at 87 Channel Street, Cleveland. Mr M.J. Walton. (ROL005668)
 36. Development Permit issued on 13 September, 2013 for operational works for reconfiguring a lot (one into two residential lots) at 185 Long Street, Cleveland. DRW Consulting. (OPW001501)
 37. Development Permit issued on 12 September, 2013 for operational works for reconfiguring a lot (one into two lots) at 1 Maree Place, Redland Bay. Harridan Pty Ltd (Loganholme) and ETS Group. (OPW001527)
 38. Development Permit issued on 5 September, 2013 for operational works for reconfiguring a lot (three into three lot boundary realignment) at 61 Birkdale Road, Birkdale. Structerre Consulting Engineers. (OPW001497)
 39. Development Permit issued on 12 September, 2013 for operational works for prescribed tidal works (boat ramp) at Unit 3/18 Mainsail Street, Birkdale. The Jetty Specialist. (OPW001505)
 40. Development Permit issued on 30 August, 2013 for operational works for prescribed tidal works (pontoon) at 33 Piermont Place, Cleveland. Mr T.J.C. White and Mrs P.J. White. (OPW001524)
 41. Development Permit issued on 13 September, 2013 for operational works for excavation and fill at 67-85 Kinross Road, Thornlands. Corgold Pty Ltd As Trustee. (OPW001525)
 42. Compliance Permit issued on 29 August, 2013 for internal and external civil works in association with combined operational and landscaping works for a health care centre at 230 Finucane Road, Alexandra Hills. Felix Rousson and Hunt Michel and Partners. (OPW001517)
 43. Compliance Permit issued on 2 September, 2013 for internal and external civil works in association with combined operational and landscaping works for a

- multiple dwelling x 5 at 38 Wentworth Drive, Capalaba. Jaxl Holdings Pty Ltd As Trustee. (OPW001491)
44. Compliance Permit issued on 17 September, 2013 for internal and external civil works in association with combined operational and landscaping works for a multiple dwelling x 4 at 33 Quentin Street, Capalaba. Mark Andrew Waller. (OPW001503)
 45. Compliance Certificate issued on 11 September, 2013 in association with landscaping works for a dual occupancy at 31-39A (Lot 1) King Street, Thornlands. Landmark Building and Development (Qld) Pty Ltd and The Certifier Pty Ltd. (OPW001529)

CATEGORY 2

1. Development Permit issued on 2 September, 2013 for a material change of use for a dwelling house at 26 O'Connell Parade, Wellington Point. Oceanview Construction. (MCU013124)
2. Development Permit issued on 10 September, 2013 for a material change of use for a dwelling house at 88 Glendale Road (3 Peyton Avenue), Russell Island. Mrs J. McElroy. (MCU013072)
3. Development Permit issued on 9 September, 2013 for a material change of use for a dwelling house at 9 Patterson Street, Russell Island. Applied Building Approvals. (MCU013115)
4. Development Permit issued on 30 August, 2013 for a material change of use to operate a home business at 68 Wentworth Drive, Capalaba. Mrs L. Outram. (MCU013114)
5. Development Permit issued on 28 August, 2013 for a material change of use for a shop (extension) at 5 Stradbroke Place, Dunwich. Bartley Burns Certifiers and Planners. (MCU013105)
6. Development Permit issued on 17 September, 2013 for a material change of use to construct a dual occupancy at 31-39A King Street, Thornlands (proposed lot 37). Bartley Burns Certifiers and Planners. (MCU013092)
7. Development Permit issued on 29 August, 2013 for a material change of use for the purpose of outdoor dining at Poinciana Vista, 8/107-113 Queen Street, Cleveland. Ltl Enterprise Pty Ltd. (MCU013091)
8. Development Permit issued on 30 August, 2013 for reconfiguration of lots (one into two lots) at 13 Pine Terrace, Redland Bay. Mrs R.J. Fiteni-Souter. (ROL005672)
9. Development Permit issued on 3 September, 2013 for reconfiguration of lots (one into two lots) at 203 Queen Street, Cleveland. Statcorp Pty Ltd. (ROL005676)
10. Development Permit issued on 17 September, 2013 for reconfiguration of lots (one into two lots) at 1 Balsam Street, Redland Bay. Mr J.A.S. Broadbent and Mrs A.L. Broadbent. (ROL005679)
11. Negotiated Decision Notice issued on 29 August, 2013 to vary an existing approval for a reconfiguration at 1-5 Heffernan Road, Alexandra Hills. Charter Keck Cramer. (ROL005630)

12. A Notice agreeing to a change of approval was issued on 30 August, 2013 for a reconfiguration of lots at 12 Kefford Street, Wellington Point. Bartley Burns Certifiers and Planners. (ROL005612)
13. A Notice agreeing to a change of approval was issued on 29 August, 2013 for an education establishment (Faith Lutheran College Redlands) at 1-15 Beveridge Road, Thornlands. Faith Lutheran College, Redlands. (MC009289)
14. A Notice agreeing to a change compliance certificate was issued on 2 September, 2013 for landscaping works for a multiple dwelling (x 43 – 4 stages) at 95-97 Mount Cotton Road, Capalaba. Bindor Development Pty Ltd. (OPW001445)

CATEGORY 3


1. Development Permit issued on 30 August, 2013 for a material change of use for the purpose of an outdoor recreation facility at 93-131 Benfer Road, Victoria Point. Redland City Council – City Spaces. (MCU013077)
2. Development Permit issued on 2 September, 2013 for reconfiguration of lots (two into thirty five lots) at 124 & 132 Finucane Road, Alexandra Hills. G.W. Clegg and Company. (ROL005629)
3. A Notice agreeing to a change of approval was issued on 12 September, 2013 for a reconfiguration of lots at 108-116 Bunker Road, 2-10 and 12-14 Colbet Place, Victoria Point. G.W. Clegg and Company. (SB005313)

OFFICER'S RECOMMENDATION

That Council resolve to note this report.

8.1.4 APPEALS LIST - CURRENT AS AT 18 SEPTEMBER, 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**
Acting Service Manager, Operations Works

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.

1.	File Number:	Appeal 1963 of 2009 (MC010715)
Applicant:		JT George Nominees P/L
Application Details:		Preliminary Approval for MCU for neighbourhood centre, open space and residential uses (concept master plan). Cnr Taylor Rd & Woodlands Dve, Thornlands.
Appeal Details:		Applicant appeal against refusal.
Hearing Date:		Adjourned for further review 23 October 2013.

2.	File Number:	Appeal 2675 of 2009. (MC010624)
Applicant:		L M Wigan
Application Details:		Material Change of Use for residential development (Res A & Res B) and preliminary approval for operational works 84-122 Taylor Road, Thornlands
Appeal Details:		Applicant appeal against refusal.
Current Status:		Directions Order 1 March 2013 sets out dates for mediation and disclosure of documents.
Hearing Date:		Listed for review 23 October 2013.

3.	File Number:	Appeal 246 of 2013 (MCU012617)
Applicant:		Lipoma Pty Ltd
Application Details:		Material Change of Use for extension to Shopping Centre (Shop and Refreshment Establishment) 2-34 Bunker Road, Victoria Point
Appeal Details:		Applicant appeal against negotiated adopted infrastructure charges notice.
Current Status:		Without prejudice meeting held with appellant.
Hearing Date:		Listed for review 9 October 2013.

4.	File Number:	Appeal 2335 of 2013 (MCU012421)
Applicant:		Barro Group Pty Ltd
Application Details:		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
Appeal Details:		Applicant appeal against refusal.
Current Status:		No action to date.
Hearing Date:		Not yet listed.

5.	File Number:	Appeal 3442 of 2013 (S/3953/1)
Applicant:		Dirk Petersen
Application Details:		Originating application P&E Appeal 1756 of 1998 and 1757 of 1998 – 12 Wisteria Street, Ormiston
Appeal Details:		To remove condition 33 of P&E Appeal 1756/98 and 1757/98 to allow removal of vegetation.
Current Status:		No action to date.
Hearing Date:		Listed for review 2 October 2013

6.	File Number:	Appeal 3558/2013 (SB005474)
Applicant:		John & Cintia May
Application Details:		Originating application P&E Appeal 1326 of 2011 for Reconfiguration of Lots at 11 Rachow Street, Thornlands.
Appeal Details:		To amend condition 1 of the judgement for P&E Appeal 1326/11 to remove the requirement for retention of the farm dam.
Current Status:		Pre-request response notice sent to Appellant 26/08/2013.
Hearing Date:		Court order issued on 20 September 2013 approving changes.

OFFICER'S RECOMMENDATION

That Council resolve to note this report.

8.1.5 DUAL OCCUPANCY AT 13 EDINBURGH STREET, VICTORIA POINT**Dataworks Filename:** MCU012828**Attachment:** [Plans and Elevations](#)**Authorising/Responsible Officer:****Louise Rusan
General Manager Community & Customer
Services****Author:****Eskinder Ukubamichael
Acting Senior Planner, Planning
Assessment****PURPOSE**

Application Type	Code Assessment
Proposed Use	Dual Occupancy
Property Description	Lot 14 on RP64488
Location	13 Edinburgh Street Victoria Point QLD 4165
Land Area	1222.0 Square Metres
Zoning	UR - Urban Residential
Designated Community Infrastructure Overlays	Not Applicable Acid Sulfate Soils Overlay Flood Storm and Drainage Constrained Land Overlay
SEQ Regional Plan 2009-2031 - Land Use Category	Urban Footprint
No. of Public Submissions	Not Applicable
Applicant	Mr T Barker
Land Owner	Mr A J Barker, Mr D A Barker, Mr W J Barker, Mr N R Barker
Properly Made Date	30/04/2012
Start Decision Stage	22/08/2012
Statutory Decision Date	10/10/2013
Application Coordinator	Eskinder Ukubamichael
Manager	Andrew Veres
Officer's Recommendation	Development Permit

This Category 4 application is referred to Coordination Committee for determination at the request of the divisional Councillor.

EXECUTIVE SUMMARY

Council has received an application seeking a Development Permit for a Material Change of Use (Code Assessment) for a Dual Occupancy on an allotment zoned Urban Residential, on land at 13 Edinburgh Street, Victoria Point.

The proposal consists of an existing single storey dwelling unit and a new two storey detached dwelling unit on a 1222m² allotment.

The application was made in accordance with the *Sustainable Planning Act 2009* and did not require public consultation. The proposal required referral to an advice agency.

Key Issues with the application are:

- Finished floor levels;
- Development over a sewer line; and
- Land dedication for cycleway.

The application has been assessed against the relevant sections of the Redlands Planning Scheme (RPS).

The proposal generally complies with the RPS. The use is appropriate in the zone. Issues in relation to floor levels and building over a sewer line have been addressed in the report and conditions are proposed to ensure that the dwelling units function effectively in this regard.

Land dedication to accommodate a future cycleway in accordance with the Priority Infrastructure Plan (PIP) is recommended by condition.

It is recommended that the application be granted a **Development Permit**, subject to conditions. The applicant will be required to obtain a number of additional permits prior to construction of the development.

PLANNING HISTORY

No relevant planning history.

DEVELOPMENT PROPOSAL & SITE DESCRIPTION

	Unit 1 (existing)	Unit 2
Storeys:	1	2
Maximum Height above Ground Level:	Approximately 4.5 metres	8.4 metres
Site Cover:	393.2m ² over 1222m ² 32.1% (total)	393.2m ² over 1222m ² 32.1% (total)
Design Features:	Internally there are three bedrooms, living/dining room, bathroom and laundry. A verandah on back side of the existing dwelling house, raised on stumps.	Internally there are three bedrooms, meals/lounge room, bathroom and laundry. An entry porch and decks are included on the design of the dwelling. Raised on steel posts.
Car Parking Provision:	A double garage on the ground level of the dwelling.	A double carport is proposed which has been integrated into the dwelling design.
External Construction Materials:	Weatherboard house on stumps with the roof being metal sheets.	A mixture of fibre cement, plywood and galvanised sheet steel wall cladding with corrugated sheet for roofing.
Front setback:	7.2m to Outer Most Projection (OMP).	3.5m to Outer Most Projection (OMP).
Side boundary setbacks:	Side from north-west = 1.5m to the OMP.	Side from south-east = 4.0m to OMP
Rear boundary setback:	More than 8.0m	More than 8.0m

Proposal

The proposal is for development of a second detached two storey dwelling (Unit 2) besides an existing dwelling house (Unit 1), on an allotment with an area of 1222m². The specific details of the proposal are as follows:

Site & Locality

The site has frontage of approximately 37m to Edinburgh Street. The site is improved by a single storey dwelling house and a shed. The land slopes from west (2.8m AHD) to east (1.37m AHD). The lot backs on to the shore line of Moreton Bay. The lot has mature vegetation predominantly along frontage off the site. A sewer pipe exists along the shore line boundary of the lot.

Adjacent and nearby allotments are zoned Urban Residential

- North-eastern side – Urban Residential lots predominantly with single and two storey dwelling houses.
- North-eastern side – Urban Residential lots predominantly with single and two storey dwelling houses.
- East side – Moreton Bay
- South side – Urban Residential lots predominantly with single and two storey dwelling houses.

CONSULTATION

Councillor

Copies of the original proposal were provided to the Councillor for Division 4 on 27 April 2012.

Engineering Assessment

Council's Engineering Assessment Team has assessed the proposed development and considered it satisfactory.

Environmental Assessment

Council's Environmental Assessment Team has assessed the proposed development and considered it satisfactory.

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 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 Koala Conservation SPRP	The site is classified as 'Medium Other'. No habitat trees are being removed. The layout does not present any significant barrier to koala movement, and therefore complies with Division 6 of the SPRP, Column 2 Item 3. No conditions are required.
SPRP (Adopted Charges)	The development is subject to infrastructure charges in accordance with the SPRP (adopted charges) and Council's adopted resolution. Details of the charges applicable have been provided under the Infrastructure Charges heading of this report.

Redlands Planning Scheme

The application has been received and assessed under the Redlands Planning Scheme version 4.

Zone Code

The subject lot is zoned Urban Residential. The proposed development has been assessed against the provisions of the Urban Residential Zone Code, and is considered to comply with the code as follows:

- Uses and Other Development – The proposal for a dual occupancy is consistent with intended development within the zone.
- Built Form and Density – The proposed and existing dwelling with an approximate height of 8.4m and 4.5m respectively are within the probable solution height of 8.5 metres. The proposed site coverage of 32.1% is less than the 50% nominated in the probable solution. The density of the development is in accordance with the intended 1 dwelling unit per 400m² of site area.
- Amenity – The proposal has been sited to ensure solar access is available to the dwelling units and is not restricted to adjoining sites. A sufficient private open space area, which is accessible to the living area of the dwelling units, has been provided. It is not considered that the proposal will cause a nuisance in relation to air quality, noise, lighting or traffic movements, as it is expected that these will be compatible with that experienced in a residential environment.
- Environment – Existing trees are a 50/50 mix of natives & exotics. No trees are to be removed. An arborist report confirms that retained trees adjacent to the proposed dwelling are exotics. Conditions relating to excavation and fill, erosion prevention, sediment control, and landscaping species are recommended.
- Infrastructure – It is considered that the site should be able to be serviced by reticulated water and sewer, road access, energy, telecommunications and waste and recycling collection services. The nominated point of stormwater discharge is to kerb and channel on Edinburgh Street.

Specific Outcome S5.4 (1) (b) seeks that uses provide and upgrade pedestrian and cycle paths. The lot is on an alignment identified in the current (PIP) as a trunk cycleway connection for the Moreton Bay Cycleway (P59 Victoria Point to north Redland Bay). This connection is identified as a 3.0m wide concrete path.

The dwelling house is proposed 4.0m from the eastern boundary. A 4.0m wide land dedication will form part of the conditions. It is recommended, by condition, that the proposed dwelling is moved 1.0m toward the front boundary in order to provide separation between the dwelling house and the future cycleway.

Use Code

The proposal for a Dual Occupancy has been assessed against the Dual Occupancy Code. The proposed development is considered to comply with the code as follows:

- Location/Site Size and Density – The proposal is located on land intended for residential purposes and is sufficient in size to provide for the needs of this housing type.
- Site Layout and Building Design – The proposal is within the 8.5 and 2 storey nominated building height. The site coverage is within the 50% provision. Side and rear setbacks comply with the probable solutions. It is considered that the dwellings have been appropriately sited to ensure sufficient solar access is available to the development and that solar access has not been restricted to adjoining sites.
- Probable Solution P3 seeks that the building is setback 6 metres from the front boundary. The proposal includes a setback of 3.5m from the front boundary for the new dwelling, proposed to be further reduced to 2.5m by way of condition as noted above. The proposal is considered to meet the specific outcome as the proposed dwelling is located at the end of a cul-de-sac and therefore has no impact upon the rhythm of the streetscape in this regard. The dwelling contributes to an attractive streetscape and the building contains variation in design.
- Visual Privacy – Appropriate conditions will be in place to achieve privacy between dwelling units.
- Acoustic Amenity – It is expected that the proposed residential use will not have a negative impact on the amenity of the area.
- Access and Parking – One covered car parking space is provided for each unit.
- Landscaping – Existing vegetation along the front boundary is maintained and more than 15% of the site is planted/grassed.
- Open Space Design– An area of sufficient size, dimensions and slope is available on site for open space purposes. The area has sufficient solar access, being located on the northern side of the dwelling, and is directly accessible from the main living area.
- Safety and Security – The use is designed to present the front door and a habitable room window to the street.
- Service Facilities – Sufficient facilities has been provided for on-site or have been required as conditions of approval. There is sufficient area at the back of the lot that could be used for clothes drying area, bin storage and locating a storage domestic outbuilding.

Overlays

The subject lot is affected by the following overlays:

Assessable Codes	Officers comment	Conditioned	Complies
Acid Sulphate Soils Overlay	The site is below 5 metres AHD elevation where acid sulphate investigation is considered. In this case the dwelling is on stumps and soil disturbance is well below the statutory 100m ³ action level. No conditions are required.	N/A	Yes
Flood Storm and Drainage Constrained Land Overlay	The FFL for the proposed dwelling unit is 3.5m AHD and the pad level is 2.4m AHD. The proposal meets the specific outcomes of the code.	N/A	Yes

Other Codes and Policies

The subject lot is affected by the following codes:

Assessable Codes	Comments	Conditioned	Complies
Development Near Underground Infrastructure	Council will replace a 375mm UPVC class SN12 sewer pipe from sewer Manhole number 30/2, maximo asset number 47269; to Manhole number 30/1, maximo asset number 47270 before construction of the dwelling house.	Yes	Yes
Domestic Driveway Crossover Code	Requirements of this code will form a condition of approval.	Yes	Yes
Erosion Prevention and Sediment Control	Only minimal construction activities required for the proposed development.	Yes	Yes
Infrastructure Works Code	All necessary provisions for infrastructures will be available.	N/A	Yes
Stormwater Management Code	Storm water will be diverted to the kerb on the street.	Yes	Yes
Landscape Code	Requirements of this code will form a condition of approval.	Yes	Yes

Priority Infrastructure Plan

Priority Infrastructure Plan	Applicability to Application
Priority Infrastructure Plan	<p>This property is on an alignment identified in the current PIP as a trunk cycleway connection for the Moreton Bay Cycleway (P59 Victoria Point to north Redland Bay).</p> <p>The purpose of the priority infrastructure plan is to:</p> <ul style="list-style-type: none"> • integrate and coordinate land use planning and infrastructure planning; • ensure that trunk infrastructure is planned and provided in an efficient and orderly manner. <p>This cycleway connection is identified as a 3.0m wide concrete path. A land dedication/acquisition of 4m set-back from the bay side property boundary is required.</p> <p>Alternative options to the land dedication have been considered but this option provides certainty that the cycleway can be delivered and which achieves public access to the foreshore.</p> <p>The proposed dedication will complete a link between Church Street and Edinburgh Street and provide for access for the wider locality.</p>

INFRASTRUCTURE CHARGES

The proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provision (adopted charges). The total Redland City Council infrastructure charge applicable to this development is **\$28,000**.

This charge has been calculated as follows in accordance with Council's [Adopted Infrastructure Charges Resolution \(amendment 1.3\) July 2012](#):

Two (2) Units X \$28,000 – \$28,000 (100% credit for existing single dwelling)
=\$28,000

STATE REFERRAL AGENCIES

- **Department of Environment and Resource Management (Advice)**

The Department of Environment and Resource Management (DERM), now the Department of Environment and Heritage Protection (DEHP), provided an advice agency response dated 22 May 2012. The Department advised:

- Protection of the adjacent wetland if high ecological values are present - (High values are not mapped for this location).
- Maintenance of water quality – (This is considered achieved with respect to the scale of development).
- Maintenance of habitat and biodiversity values. DERM recommend a development envelope or setback of 50m minimum to the development for an urban area – (A development envelope on a 1222m² lot with a dual occupancy leaves little room for significant conservation activity. The lot contains an existing dwelling within 15m of the wetland. The suggested setback cannot be achieved, and would serve little purpose in any case).

PUBLIC CONSULTATION

The proposed development is Code assessable and did not require public notification.

STRATEGIC IMPLICATIONS

Legislative Requirements

In accordance with the Sustainable Planning Act, the code assessable application has been assessed against the Redlands Planning Scheme and the decision is due on 10 October 2013.

Risk Management

If the decision is not made, to refuse or approve the proposal on or before 10 October 2013, the applicant may issue a deemed approval notice to Council.

Financial

Nil financial implications if approved. If refused, there is a potential that an appeal will be lodged.

People

Maintain and enhance safe public access to the foreshore for the benefit of the whole community.

Environmental

Nil implications.

Social

Nil implications. Code assessable.

Alignment with Council's Policy and Plans

The proposal and recommendation is considered to align with Council's policies and plans. This property is on an alignment identified in the current Priority Infrastructure Plan (PIP) as a trunk cycleway connection for the Moreton Bay Cycleway (P59 Victoria Point to north Redland Bay).

CONCLUSION

The proposed Dual Occupancy has been assessed against the Redlands Planning Scheme. Issues in relation to finished floor level, development over a sewer line and land dedication for cycleway link have been addressed in the assessment and report and conditions are proposed. The proposal is considered compliant with the scheme. It is therefore recommended that the proposal be granted a **Development Permit**, subject to conditions.

OPTIONS

1. That Council resolve to adopt the officer's recommendation.
2. That Council resolve not to adopt the officer's recommendation.

OFFICER'S RECOMMENDATION

That Council resolve that the application for material change of use for the purpose of a Dual Occupancy on the land known as 13 Edinburgh Street Victoria Point QLD 4165 described as Lot 14 on RP64488 be approved and a development permit be granted subject to the following conditions:

A. ASSESSMENT MANAGER CONDITIONS

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>
1. Comply with all conditions of this approval, at no cost to Council except condition 20, 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 the use commencing. Ongoing condition.

Plan/Document Name	Reference/Drawing Number	Prepared By	Date received by the Council
Site "as amended in red"	SK1A – 1 (dated Jan 13)	Robert Hepburn Design	05 February 2013
Ground Floor Plan	SK2B (dated Jan 13)	Robert Hepburn Design	05 February 2013
First Floor Plan	SK3b (dated Jan 13)	Robert Hepburn Design	05 February 2013
Roof Plan	SK4 (dated Jan 13)	Robert Hepburn Design	05 February 2013
SW and NW Elevations	SK5A (June 12)	Robert Hepburn Design	23 August 2012
NE Elevations	SK6 (dated March 12)	Robert Hepburn Design	23 August 2012
Site Plan and Foundation Detail	Drawing No. S1.02 (P2 dated 20.06.13)	Robert Bird Group	29 June 2013
Landscape Master Plan	Dwg No. LSI 01200801 (Issue A dated March 2012)	Byrns Lardner	23 August 2012
Understorey Planting Plan	Dwg No. LSI 201200802 (Issue A dated March 2012)	Byrns Lardner	23 August 2012

Table 1: Approved Plans and Documents

<u>Land Dedication and Design</u>	
3. Dedicate land to Council as shown on site plan SK1A – 1 (dated Jan 13), for the following purposes: a) Cycleway. <i>Notes: The value of the land will be subject to offset and refund of infrastructure contributions.</i>	Prior to the use commencing.

<i>Council will be responsible for the future construction of the cycleway in the area of dedicated land.</i>	
Design	
4. Locate the proposed dwelling 2.5m from the front boundary.	Prior to the use commencing. Ongoing condition.
5. 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. Ongoing condition.
6. Comply with the following requirements where it is proposed that habitable room windows will be within a distance of 6m, and within an angle of 45 degrees, and directly adjacent to habitable rooms of neighbouring dwelling units: a) For windows to the ground floor, screened by a minimum 1.5m high boundary fence; or b) Provide sill heights a minimum of 1.5m above floor level; or c) Provide fixed translucent, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level; or d) Provide fixed external screens that are: i) Solid translucent screens; or ii) Perforated panels or trellises that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable; and iii) Offset a minimum of 300mm from the wall of the building.	Prior to the use commencing.
Landscaping	
7. Ensure that landscaping for the development is generally in accordance with the Landscape Master Plan by Byrns Lardner, Issue A, Dwg No. LSI 201200801, March 2012 and Understorey Planting Plan by Byrns Lardner, Issue A, Dwg No. LSI 201200802, March 2012, subject to the following: • Plant the front landscape strip at an average density of one plant per square metre, comprising a mix of trees, shrubs and groundcovers. Within this mix, plant at least two tree species. <i>Advice: Suggested plant spacing – groundcovers at 600mm-1.0m, shrubs at 2.0-2.5m, trees at 5.0m.</i> • Provide organic mulch to all garden bed areas at a minimum depth of 100mm. • Arrange with Council for the following inspections to be carried	Prior to the use commencing. Ongoing condition.

<p>out at the following stages:</p> <ul style="list-style-type: none"> ○ Compliance inspection – on completion of landscaping works required by this approval and its conditions. The development must pass the Compliance inspection before the use commences. 	
<p>8. Ensure that fencing adjoining Moreton Bay is less than 1.2m high and at least 60% transparent.</p>	
Construction	
<p>9. Install and maintain a Tree Protection Zone (TPZ) around each existing tree that is identified for retention on the approved plans. The TPZ must be designed and installed in accordance with Australian Standard AS4970-2009: Protection of Trees on Development Sites.</p>	<p>Prior to site works commencing.</p>
<p>10. Undertake any corrective pruning to existing trees that are identified for retention on the approved plans in accordance with Australian Standard AS4373:2007: Pruning of Amenity Trees.</p>	<p>During site works.</p>
<p>11. 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.</p>	<p>Prior to site works commencing.</p>
<p>12. Undertake any required excavation and fill works in accordance with the following:</p> <ul style="list-style-type: none"> • 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). • 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 amended). • Comply with the relevant requirements of the Building Regulations 2006 (as amended) where involving gradients or embankments. 	<p>During construction.</p>
<p>13. 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.</p>	<p>During construction.</p>
<p>14. Rectify any damage done to the road verge during construction, including topsoiling and re-turfing.</p>	<p>Prior to the use commencing.</p>

<p>15. 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 with the exception of costs related to condition 20. 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.</p>	<p>At the time of works occurring.</p>
Flood and Storm Tide	
<p>16. Any proposed fill must leave a clear path free of obstruction to allow for stormwater overland flow and for sea water to drain back to the sea after the water has reached a peak. No ponded areas are to be formed as a result of the fill and no stormwater is to be directed to adjoining lots.</p>	<p>Prior to the use commencing.</p>
Services and Infrastructure	
<p>17. Construct the driveway crossover in accordance with Council's Standard Drawing No. R-RSC-2 where kerb and channel exists or R-RSC-16 where a roadway table drain exists.</p> <p>Locate the driveway so that there is no removal or damage to existing street trees.</p>	<p>Prior to the use commencing.</p>
<p>18. Connect the development to external reticulated sewer, external reticulated water and underground electricity supply.</p>	<p>Prior to the use commencing.</p>
<p>19. 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"> • A lawful point of discharge kerb and channel on Edinburgh Street. 	<p>Prior to the use commencing and ongoing.</p>
<p>20. Contact Council (Redland Water and Waste) to replace a 375mm UPVC class SN12 sewer pipe from sewer Manhole number 30/2, maximo asset number 47269; to Manhole number 30/1, maximo asset number 47270 before construction of the dwelling house. Council will bear full costs of works required to replace the sewer.</p>	<p>Prior to site works commencing.</p>
<p>21. 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.</p>	<p>Prior to the use commencing and ongoing.</p>
<p>22. Comply with the Water Sensitive Urban Design (WSUD) Deemed to Comply Solutions for South East Queensland.</p>	<p>Prior to the use commencing and ongoing.</p>
<p>23. Provide a refuse storage area on site, for each dwelling unit 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 per dwelling (ie one waste bin and one recycle bin for each dwelling).</p>	<p>Prior to the use commencing and ongoing.</p>

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.

ASSESSMENT MANAGER ADVICE

- **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.

-
- **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.

-
- **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.

-
- **Street Trees**
Contact Council's Parks and Conservation team prior to any pruning being carried out on existing street trees.

-
- **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 8 October 2012 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.

-
- **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.
 - 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*.

- **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.

- **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

- **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.

8.1.6 MAJOR AND MINOR AMENDMENTS TO THE REDLANDS PLANNING SCHEME

Datworks Filename: Consolidated Major Amendment Package 01/2013
Minor Amendment Package 02/2013

Attachments: [Consolidated Major Amendment 01/2013](#)
[Minor Amendment Package 02/2013](#)

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

Author: Nastassja Lazarus
Strategic Planner – Strategic Planning

PURPOSE

The purpose of this report is to seek Council's approval to:

1. Adopt the recommendations contained in Attachment 1: Consolidated Major Amendment Package 01/2013;
2. Submit the Consolidated Major Amendment Package 01/2013 to the Department of State Development, Infrastructure and Planning for State Interest review and Ministerial approval to publicly notify the amendment package pursuant to the Sustainable Planning Act 2009;
3. Proceed to amend the Redlands Planning Scheme in line with the recommendations contained in Attachment 2: Minor Amendment Package 02/2013 pursuant to the Sustainable Planning Act 2009 and set a commencement date of 28 October 2013 for the minor amendments;
4. Not proceed with earlier major amendment packages (Major Amendment Packages 2A and 3A) and advise the Minister for State Development, Infrastructure and Planning in writing of this decision.

BACKGROUND

The majority of the amendments contained in the Consolidated Major Amendment Package 01/2013, as referenced in Attachment 1, have previously been adopted by Council as part of the earlier 2A and 3A Major Amendment Packages. The background to both of these major amendments packages is briefly outlined below.

1. Major Amendment Package 2A

- On 28 July 2010 Council at its General Meeting, adopted Amendment Package 2A for first State Interest Review.
 - On 18 Nov 2010 the State Government provided comments regarding Council's proposed amendment package.
 - On 27 June 2012 Council responded to the State comments and resubmitted the Major Amendment Package 2A for Ministerial approval to publicly notify the
-

amendments in accordance with *Statutory Guideline 01/12: Making and Amending Local Planning Instruments* (now superseded).

- On 18 November 2012 Statutory Guideline 02/12: Making and Amending Local Planning Instruments (Statutory Guideline 02/12) came into effect significantly changing the definitions of 'minor' and 'major' amendments providing greater scope for amendments to be deemed minor by Council.
- On 10 December 2012 Council received approval from the Minister to publicly notify Major Amendment Package 2A subject to conditions prior to proceeding to public notification.
- Major Amendment Package 2A was reviewed against the new Statutory Guideline and split into 'minor' and 'major' amendments.
- On 27 February 2013 Council formally adopted the 'minor' amendments identified from Major Amendment Package 2A in line with the new Statutory Guideline. These 'minor amendments' were incorporated into Version 5.2 of the Planning Scheme effective 15 April 2013.

2. Major Amendment Package 3A

- On 19 December 2012 Council endorsed and submitted Major Amendment Package 3A for State Interest Review and approval to publicly notify the amendments.
- On 22 April 2013 Council received a number of written comments from the State in response to the submitted Major amendment package 3A. The State sought a written response to its comments to be sent prior to further consideration of the amendment package.
- The State Interest Review comments have subsequently been reviewed and as a result a number of changes are proposed to the 3A Major amendment package.

ISSUES

1. Consolidated Amendment Package 01/2013

Both the major amendments packages previously adopted by Council (Major Amendment Packages 2A and 3A) and at various stages in the amendment process, are recommended to be consolidated into a single set of amendments. Consolidating the major amendment packages provides a number of benefits over continuing to progress with two separate packages. Key benefits include:

- substantial simplification of the amendment process;
- reducing statutory public notification obligations and associated resourcing and financial costs;
- providing a further opportunity to review the amendment packages in light of the changes made to the State Government Statutory Guideline for amending a planning scheme to confirm the scope of 'major' and 'minor' amendments; and
- reviewing the amendment packages to ensure consistency and relevance given the length of time that has elapsed since the 2A Amendment Package was originally endorsed for first State Interest Review in July 2010.

In addition, a small number of additional 'major' amendments have been identified since endorsement of Amendment Package 3A in December 2012. Adopting a

consolidated package allows these additional amendments to be included immediately rather than through a later round of amendments.

Based on the benefits outlined above it is recommended that the 2A and 3A Major Amendment Packages be consolidated into one single amendment package to be submitted to the Minister for State Interest Review and approval to publicly notify the package.

The components that make up the proposed Consolidated Major Amendment Package 01/2013 are outlined below.

1.1. Major Amendment Package 2A

The Major Amendment Package 2A has not changed from the amendments presented and adopted by Council on 27 June 2012, with the exception of the following:

- a. The removal of amendments that Council determined to be minor on 27 February 2013;
- b. The removal of amendments identified by a further review as meeting the minor definition of the latest State Government Statutory Guideline for amending a planning scheme (these minor amendments are discussed in section 2 of this report);
- c. The removal of proposed amendments to the self-assessment provisions for a domestic driveway crossover. At present, the Planning Scheme allows for one driveway crossover for each street frontage of premises as a self-assessable acceptable solution. Major Amendment Package 2A proposed to amend the Planning Scheme to restrict domestic crossovers to one per premises as a self-assessable acceptable solution. The rationale for this amendment was to ensure traffic and public transport operational impacts of development that proposes more than one domestic crossover per premises is considered by Council. On review, this amendment is recommended to not proceed for the following reasons:
 - the amendment will not address potential adverse impacts on traffic and public transport operations from a single domestic driveway crossover as it will only trigger assessment if two crossovers are proposed;
 - Council already considers traffic and public transport operational impacts of all domestic driveway crossovers outside of the Planning Scheme through permits for driveways administered by City Infrastructure.

As part of the Planning Scheme review, the need to regulate domestic driveway crossovers through the Planning Scheme will be reviewed recognising there may be a more efficient regulation option available through the existing permitting system.

- d. The removal of proposed amendments to increase car parking rates for apartments and multiple dwellings. This amendment is recommended for deferral pending technical investigations and review as part of the Planning Scheme review process. This proposed amendment to increase car parking rates has no supporting technical evidence. Similarly, no assessment has been undertaken of the potential impacts the proposed changes would have on the economic feasibility of apartment and multiple dwelling developments.

- e. The removal of the Southern Redland Bay Investigation Area/Zone: Council resolved to delete all references to the Southern Redland Bay Investigation Area/Zone from the Planning Scheme through resolutions to adopt Major Amendment Package 2A (28 July 2010 and 27 June 2012) and the Minor Amendment Package (27 February 2013). The Major amendment 2A originally contained amendments to both the mapping and RPS text to reflect the removal of the Southern Moreton Bay Investigation Area from the 2009-2031 SEQ Regional Plan. However, in response to the release of the Statutory Guideline for making and amending planning schemes in November 2012 it was resolved to split the proposed amendment regarding the Southern Redland Bay Investigation Area/Zone, into a minor and major component. The proposed changes to the zone maps and overlay maps were retained as a major amendment to the RPS while amendments to the RPS document were deemed as minor changes.

The proposed amendments to the Southern Redland Bay Investigation Area/Zone were proposed to bring the Planning Scheme into alignment with the SEQ Regional Plan. Both the SEQ Regional Plan 2009-2031 and the *Sustainable Planning Act 2009* require that the Planning Scheme be amended to align with the current SEQ Regional Plan which no longer shows the subject area as an Investigation Area. However there is no timing obligation placed on Council to make such changes and to date the Minister has not directed Council to make this amendment in accordance with the Ministerial powers provided by s.29 of the *Sustainable Planning Act 2009*. Regardless of whether the proposed amendments proceed, the SEQ Regional Plan prevails over any inconsistency with the current provisions of the Planning Scheme as per s.26(3) of the *Sustainable Planning Act 2009*.

The Minor Amendment Package that became effective on 15 April 2013 did not action the minor amendments relating to the Investigation Zone/Area. Prior to commencement of the Amendment Package a notice was placed in the Bayside Bulletin on 26 March 2013 that identified the removal of references to the Investigation Area/Zone. This notice was subsequently amended on 9 April 2013 through a correction notice in the Bayside Bulletin that stated that the removal of the Southern Redland Bay Investigation Area/Zone should not have been included in the amendments, as this matter has been deferred pending further Council consideration.

Recognising reviews of both the Planning Scheme and the SEQ Regional Plan have commenced it is recommended that all amendments relating to the Investigation Area/Zone be deferred pending the outcomes of both reviews. This position is consistent with the Public Notice issued on 9 April 2013.

- f. The removal of the proposed Schedule 13 – Special Facilities. This amendment proposed to include a new schedule into the Planning Scheme of certain lots that were zoned Special Facilities in the 1988 Town Planning Scheme to recognise the existing lawful uses that occur on these lots are protected. It is recommended that this amendment be removed as it is unnecessary to list such lots and uses as the *Sustainable Planning Act 2009* protects all existing lawful uses in the City regardless of the schedule. Inclusion of the proposed schedule may also create confusion recognising that all existing lawful uses in the City are protected not just the uses that were listed in the proposed schedule.

1.2. Major Amendment Package 3A

This package was approved by Council for first State Interest review on 19 December 2012. The State Agency comments in response to the Amendment Package 3A were subsequently received in April 2013. These comments have been reviewed and proposed changes made to the amendment package where necessary to respond to these comments. The proposed changes are detailed below:

- a. The Canals and Lakeside Structures overlay (CLSO) code has been substantially changed to respond to State Agency comments. Key changes include:
 - removal of the 2.0kPa loading and standard engineering drawings from the overlay code. These building and engineering standards are now included as extrinsic material for guidance purposes only. This change responds to the State Agency comment that the Planning Scheme can only regulate design and siting of a dwelling and associated structures and not how it is built;
 - removal of all references to tidal works, pontoon and jetties to avoid duplication and potential conflict with *the Coastal Protection and Management Regulation 2003*;
 - amending the definition of “revetment wall” in the overlay code and “revetment wall” in Part 9 – Schedule – Dictionary – Administrative terms of the Redlands Planning Scheme to align with the *Coastal Protection and Management Regulation 2003* definition for revetment wall; and
 - amending the table of assessment within the CLSO code to trigger development within 9m of a revetment wall elevating such development from self-assessment to code assessment. This will allow Council to require that any development within 9m of the revetment wall is supported by a report by a RPEQ [Registered Professional Engineer Queensland] that demonstrates the proposed development will not impact on the structural integrity of the revetment wall.

- b. The State Interest Review of Major Amendment Package 3A identified that parts of the proposed amendments to the Bushfire Hazard Overlay were in conflict with the Building Code of Australia (BCA). The code has been reviewed and amended to remove provisions covered by the BCA. As part of the review, dwelling houses and domestic additions have also been removed from the tables of assessment. As a result dwelling houses and domestic additions will become exempt from the overlay.

The reason for this change is that land identified within the Medium and High Bushfire Hazard and Southern Moreton Bay Islands Bushfire Hazard areas have been designated by Council as bushfire prone areas for the purposes of the Building Regulation 2006 (section 12) and the BCA under Council resolution dated 4 August 2010. This designation requires all dwelling houses and domestic additions located within a hazard area to be built in accordance with the Australian Standard for buildings in bushfire designated areas. The overlay has also been amended to clarify reconfiguration design requirements.

2. Minor Amendment Package 02/2013

This report recommends Council resolve to adopt Minor Amendment Package 02/2013 that consists of the following:

- a. Amendments that were previously part of Major Amendment Packages 2A and 3A that have been determined through a further review to meet the definition of a minor amendment under the State Government's Statutory Guideline for amending a planning scheme. For example:
- amendments to the zoning of land on the Southern Moreton Bay Islands;
 - amendments to the Service Station Use Code;
 - amendments to the Access and Parking Schedule;
 - amendments to the Excavation and Fill Other Development Code; and
 - amendments to the Movement Network and Road Design Schedule.

(Refer to attachment 2 for details of the above proposed amendments)

- b. Amendments to reflect approved reconfiguration applications since February 2013;
- c. Amendments to the zoning of 126-128 Link Road, Victoria Point (Young Men's Christian Association) from Open Space to Community Purposes Sub-Area CP2. The proposed change in the zone of the subject property ensures the zoning better aligns with the development permit issued on the site in 1973 for a family recreation and social centre and additional development of the site since 1973. The amendment will also be consistent with the Community Purposes zone of the adjoining school site,

The proposed amendment will also allow the landowner to potentially pursue a development application on part of the site. Currently, the Koala State Planning Regulatory Provision (SPRP) prohibits the lodgement of a development application for an urban use in the Open Space zone. However, the site is primarily cleared and is designated as having only low koala habitat values in the mapping supporting the Koala SPRP. It should be noted that while changing the zone will provide the applicant with an opportunity to lodge a Material Change of Use development application for an urban use, such an application would be impact assessable requiring public advertising and opportunity for the public to lodge submissions.

- d. Amendments to the self-assessable acceptable solutions of the Home Business use code to support client visitations (no client visits are currently supported as a self-assessable acceptable solution) subject to the following:
- up to 8 separate client visits per day with no more than 2 client visits at one time and no greater than 40 client visitations per week;
 - one visitor car parking space is provided on-site but not within the front setback;
 - home business client visits are between 8am to 6 pm Monday to Friday and 8am to 4pm on Saturday.
- e. Amendments to the table of assessment in the Medium Density Residential zone to support home business as a self-assessable use across the Medium Density Residential Zone (including all sub-areas) if a proposal can meet the acceptable solutions of the Home Business Use code.

The existing Medium Density Residential zone table of assessment unduly elevates a home business to impact assessment unless the use is proposed to occur within a limited number of sub-areas of the zone and within a dwelling unit approved under the current Planning Scheme. This was not the original intent as reflected in the public notification version of the Redlands Planning Scheme. The proposed amendment will correct this error in the Scheme.

- f. Amendments to the table of assessment for the Flood Prone, Storm Tide and Drainage Constrained Land, Habitat Protection and Landslide Hazard Overlays to reintroduce private swimming pools and domestic additions as assessable development against the overlay. This proposed amendment ensures that Council will be able to regulate these forms of other development where proposed within an area identified as subject to flooding, habitat and landslide.

To support the above amendments, it is necessary to reintroduce domestic additions within the administrative definitions of the Planning Scheme;

- g. Amendment to the zoning of 862 German Church Road, Redland Bay from Conservation Sub-Area CN2 to Open Space. This proposed amendment will better align with the purpose for which the site was acquired. It should be noted that the Council resolution made at the 5 June 2013 General Meeting sought to rezone the site to Community Purposes as part of the Planning Scheme review process. That amendment can be implemented at a later date.

STRATEGIC IMPLICATIONS

Legislative Requirements

The proposed amendments will be undertaken pursuant to the *Sustainable Planning Act 2009*.

Risk Management

The risk of not making the proposed amendments to the Planning Scheme is that Council policy directives to simplify planning provisions, remove redundant or cumbersome planning processes and remove low risk activities from planning control will not be implemented.

In addition, there is a financial risk to Council in not adopting the Canals and Lakeside Structures Overlay as the overlay is intended to ensure development does not impact on the structural integrity of revetment walls that are Council owned and managed.

Financial

The public notification and consultation required for the proposed amendments to the Planning Scheme will be funded as part of the operating budget of the City Planning and Assessment Group.

People

The staff resourcing required to make the proposed amendments to the Planning Scheme will be primarily drawn from the Strategic Planning Team of the City Planning and Assessment Group.

Environmental

Elements of the proposed amendments to the Redlands Planning Scheme contribute to Council's environmental commitments. In particular, the minor amendment package recommends that lots acquired by Council for conservation purposes on the Southern Moreton Bay Islands be included within the Conservation Sub-Area CN1 to ensure the long-term protection of these lots.

Social

Elements of the proposed amendments will simplify planning provisions, remove redundant or cumbersome planning processes and remove low risk activities from planning control reducing red tape and costs to the community.

Alignment with Council's Policy and Plans

The proposed amendments align with the Wise Planning and Design goals contained in the *Redlands 2030 Community Plan* and with Council's policy to reduce process and improve efficiencies in the Redlands Planning Scheme.

CONSULTATION

The proposed amendments have been developed alongside regular consultation with:

- Queensland State Government, DSDIP and various other Government Agencies as part of the State Interest Review processes;
- City Infrastructure Group; and
- City Planning and Assessment Group.

Councillors have been consulted on the 2A and 3A Major Amendment Packages through the previous adoption processes for each.

The Consolidated Major Amendment Package if endorsed will require public exhibition providing opportunity for public comment in accordance with the *Sustainable Planning Act 2009*.

OPTIONS

Option One

That Council resolve to:

1. Adopt the recommendations contained in Attachment 1: Major Amendment Package 01/2013;
2. Submit the Consolidated Major Amendment Package 01/2013 to the Department of State Development, Infrastructure and Planning for State Interest review and Ministerial approval to publicly notify the amendment package pursuant to the *Sustainable Planning Act 2009*;
3. Proceed to amend the Redlands Planning Scheme in line with the recommendations contained in Attachment 2: Minor Amendment Package 02/2013 pursuant to the *Sustainable Planning Act 2009* and set a commencement date of 28 October 2013 for the minor amendments;

4. Not proceed with earlier amendment packages (Major Amendment Packages 2A and 3A) and advise the Minister for State Development, Infrastructure and Planning in writing of this decision.

Option Two

That Council resolve to not proceed with all or part of the amendment packages at this time.


OFFICER'S RECOMMENDATION

That Council resolve to:

1. **Adopt the recommendations contained in Attachment 1 - Major Amendment Package 01/2013;**
2. **Submit the Consolidated Major Amendment Package 01/2013 to the Department of State Development, Infrastructure and Planning for State Interest review and Ministerial approval to publicly notify the amendment package pursuant to the *Sustainable Planning Act 2009*;**
3. **Proceed to amend the Redlands Planning Scheme in line with the recommendations contained in Attachment 2 - Minor Amendment Package 02/2013 pursuant to the *Sustainable Planning Act 2009* and set a commencement date of 28 October 2013 for the minor amendments; and**
4. **Not proceed with earlier amendment packages (Major Amendment Packages 2A and 3A) and advise the Minister for State Development, Infrastructure and Planning in writing of this decision.**

8.1.7 PROPOSAL TO PREPARE NEW PLANNING SCHEME

Datworks Filename: LUP Redlands Planning Scheme 2015

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

Author: **Kim Kerwin**
Project Manager - Planning Scheme Review

PURPOSE

The purpose of this report is to seek a Council resolution to prepare a new planning scheme.

BACKGROUND

Council commenced preliminary work towards preparation of a new planning scheme in late 2011 with the development of a project plan to guide development of the new scheme. The project plan identified the need for further policy development to inform the scheme preparation including an operational review and gap analysis, completed in July 2012.

That report identified certain areas where further investigation was required to update and refine Council's policy position on land use issues. The report further noted the requirement for the planning scheme to be drafted using the standard planning scheme provisions made under the *Sustainable Planning Act 2009* (SPA) that provide a consistent format and structure for local government planning schemes across Queensland. A significant body of research and background studies was commissioned to inform development of a draft strategic framework to guide scheme drafting.

Council is separately considering a consolidated major amendment package to the current planning scheme which will address outstanding strategic policy matters that should not be delayed until the new scheme's completion in 2015.

ISSUES

The process for making a planning scheme commences with a resolution of Council to propose to prepare a new scheme, following which Council must provide a written statement to the minister advising of the decision and requesting an outline of the State Planning Interests relevant to the making of the planning scheme, including confirmation of the relevant state interests.

Following receipt of this written statement, the minister must consider the State Planning Interests (SPIs) and their relevance to the planning scheme, consult with relevant state agencies and write to Council advising of each SPI relevant to the making of the planning scheme, including a description of the state interests expressed in a contextually relevant way for the planning scheme.

As part of the project governance arrangements, Council established a Redlands Planning Scheme State Government Reference Group which has been meeting

since June 2012. Through this forum, the state has expressed concern that Council has not yet made a resolution to prepare a planning scheme.

This step is critical for Council to quantify state interests in the planning scheme before commencing drafting. The state has set itself an indicative time frame of 40 business days to respond. The timing of this report aims to secure the minister's written response by December 2013.

STRATEGIC IMPLICATIONS

Legislative Requirements

Section 91 of the *Sustainable Planning Act 2009* requires each local government to complete a review of its planning scheme within 10 years after the planning scheme was originally made. Council has determined that a new planning scheme is required and has allocated budget and resources to deliver the project.

Statutory Guideline 02/12 *making and amending local planning instruments* sets out the minimum requirements which must be followed by a local government for making or amending a local planning instrument. The guideline also outlines the participation of state agencies in the process. This report addresses the requirements of the guideline.

Risk Management

There are attendant risks in commencing scheme drafting during a period of state planning reform. The following reform agenda elements present a potential risk to the project until the content is confirmed:

- Finalising and introducing a single State Planning Policy (addressing State matters in a planning scheme);
- Unresolved outcomes from the reviewing infrastructure provisions;
- Finalising the common planning scheme drafting format under the Queensland Planning Provisions (QPP); and
- A new Planning for Development Act.

The state is also reviewing the SEQ Regional Plan, due for completion in late 2014.

The risk of not resolving to prepare a planning scheme is that the process for scheme preparation is delayed and the project milestones are not able to be delivered in accordance with the project plan and Council's Operational Plan. This would delay Council achieving its vision for the planning scheme to help the city fulfil its role within the South East Queensland region by:

- Facilitating housing projects and job creation;
- Managing Moreton Bay and the city's islands;
- Protecting core koala habitat and populations; and
- Conserving the unique attributes that distinguish the Redlands.

Financial

Council has allocated budget to the planning scheme review project over three (3) financial years.

People

Council has appointed a dedicated project manager to lead and manage the review of the planning scheme.

Environmental

The minister's response will articulate environmental state planning interests in the planning scheme enabling these matters to be appropriately addressed.

Social

The planning scheme will translate the vision of Council into planning provisions which reduce red tape and facilitate housing projects and job creation for the future growth of the city.

Alignment with Council's Policy and Plans

The planning scheme review project will deliver strategy 5.1 of Council's Corporate Plan, reflecting alignment with the Redlands 2030 community plan. The project task is required to progress Action #20 in Council's 2013-14 Operational Plan: Prepare a new planning scheme compliant with the *Sustainable Planning Act 2009* for first state interest review.

CONSULTATION

The Project Management Plan for the Redland Planning Scheme Review has been reviewed in consultation with internal stakeholders. The plan did not formally identify the step outlined in section 92 of the *Sustainable Planning Act 2009*, requiring Council, by resolution, to propose to prepare a new scheme. Following consultation with the Department of State Development, Infrastructure and Planning, this report has been prepared to seek a Council resolution to formally commence the scheme preparation process and confirm state planning interests in the Redland Planning Scheme.

OPTIONS

1. That in accordance with section 92(a) of the *Sustainable Planning Act 2009*, Council resolve to propose to prepare a new planning scheme.
2. That Council defer its decision to commence preparation of a new planning scheme until the new planning act commences in 2014.

OFFICER'S RECOMMENDATION

That Council resolve, in accordance with Section 92(a) of the *Sustainable Planning Act 2009*, to propose to prepare a new planning scheme.

9 PORTFOLIO 8 (CR MURRAY ELLIOTT)
INFRASTRUCTURE**9.1 INFRASTRUCTURE & OPERATIONS****9.1.1 ROAD NAMING - UNNAMED ROAD OFF WEST MT COTTON ROAD, MT COTTON****Dataworks Filename:** RTT: Naming – Roads**Attachment:** [Map - Proposed New Road Names](#)**Authorising Officer:****Bradley Salton**
Acting General Manager Infrastructure & Operations**Responsible Officer:** **Murray Erbs**
Group Manager City Infrastructure**Author:** **Wal Lloyd**
Adviser Traffic Investigation

PURPOSE

The purpose of this report is to name two unnamed road reserves off West Mount Cotton Road at Mount Cotton to facilitate safe and efficient access for residents, visitors and service operators and assist in property identification.

The two names proposed are Holzapfel Road and Billiau Road.

BACKGROUND

The Councillor for Division 6 on behalf of residents of unnamed road reserves off West Mount Cotton Road at Mount Cotton, requested that the road reserves be named to clarify access to properties and assist in property identification. The request initially was sent to Planning Assessment who forwarded it to City Infrastructure to be dealt with under the relevant "Assessment for Street Naming and Renaming" guideline documents.

The first road reserve branches eastward off West Mount Cotton Road approximately 400metres north of Talty Road, and is bordered on both sides by property owned by the Holzapfel family. Where that first road reserve terminates at a T-intersection, the continuing road reserve (running north-south) is bordered by Holzapfel property on the western side and Billiau property on the eastern side and at its northern end provides the access to the Billiau property.

The Councillor for Division 6 has proposed naming the two road reserves as Holzapfel Road and Billiau Road respectively, in recognition of the Holzapfel and Billiau families' longstanding history in the region and contributions to the community.

ISSUES

The Holzapfel and Billiau family representatives from the properties abutting the road reserves were consulted in person at a meeting at the Billiau property. The residents were very pleased with the proposal and gave unqualified written support.

The road reserve proposed to be named as Holzapfel Road currently does not provide formal access to any property.

Where the road reserve proposed to be named as Billiau Road runs to the north, it is gated just north of the Billiau property access driveway, being closed to general vehicular traffic, and no change is envisaged to this closure. To the south, this road reserve terminates at the boundary between the Billiau property and the neighbouring property which fronts West Mount Cotton Road addressed as number 523-533. The access to that neighbouring property is currently gained from the end of the unnamed road reserve.

The residents from number 523-533 have been given the option of choosing a new number addressed to the new road name or maintaining their existing property number addressed to West Mount Cotton Road. At this time they have given support to the proposed road naming but have chosen to maintain their existing West Mount Cotton Road street address.

Under Guideline Document GL-3012-001 "Assessment for Street Naming and Renaming" the criteria for naming the two road reserves is met under section 1.4 which states "Street names should be sourced to promote local identity based on elements including ... local history ...and people of significance".

STRATEGIC IMPLICATIONS

There are no strategic implications for Council.

Legislative Requirements

There are no legislative requirements associated with this proposal.

Risk Management

This request is considered to be low risk.

Financial

Should the proposed naming of the roads be approved then the estimated cost for new street name signs is approximately \$500. These costs could be met from existing budget.

If the proposal is approved, the street number for the Billiau property would change.

The Guideline Document GL-3012-001 "Assessment for Street Naming and Renaming" indicates circumstances under which Council may consider certain compensation payments being made to property owners, such as for mail redirection costs for six months and replacement street numbers.

The cost implications would be minimal and could be absorbed in the existing 2013-14 budget.

People

The road naming will have a positive impact upon the local residents, visitors and service operators by significantly improving the safety and efficiency of access and assisting in property identification, and providing recognition of the local identities.

Environmental

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

Social

Social impacts associated with this proposal include clarification to the community of the currently unnamed sections of road, enhancement to property identification, and contributing to the community with the formal recognition of local identities.

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. The road naming supports community well-being and manages Council's existing infrastructure assets to ensure service standards are maintained or improved.

CONSULTATION

1. The Councillor for Division 6, Cr Julie Talty, who initiated the road naming request on behalf of local residents, has been consulted and supports the proposal as presented in this report;
2. The Portfolio 8 (Infrastructure) Spokesperson, Cr Murray Elliott has been consulted and supports the proposal;
3. Spatial Data Management has been consulted and supports the proposal;
4. Planning Assessment has been consulted and supports the proposal;
5. Owners/residents of the properties abutting the road reserves have all been consulted and support the proposal.

OPTIONS

Option 1

1. Name the unnamed road reserve which branches eastward off West Mount Cotton Road approximately 400metres north of Talty Road at Mount Cotton, as Holzapfel Road;
2. Name the unnamed road reserve which runs in a north-south direction north of Talty Road at Mount Cotton, as Billiau Road; and
3. Advise the owners of properties abutting the two road reserves of this decision in writing.

Option 2

1. Not support the proposed naming of the two unnamed road reserves at Mount Cotton; and
2. Advise the owners of properties abutting the two road reserves of this decision in writing.

OFFICER'S RECOMMENDATION

That Council resolve to:

1. Name the unnamed road reserve which branches eastward off West Mount Cotton Road approximately 400metres north of Talty Road at Mount Cotton, as Holzapfel Road;
2. Name the unnamed road reserve which runs in a north-south direction north of Talty Road at Mount Cotton, as Billiau Road; and
3. Advise the owners of properties abutting the two road reserves of this decision in writing.

10 CLOSED SESSION**10.1 COMMUNITY & CUSTOMER SERVICES****PORTFOLIO 7 (CR JULIE TALTY)
PLANNING & DEVELOPMENT****10.1.1 APPEALS 1963 AND 2675 OF 2009 157-195 & 197 WOODLANDS DRIVE
AND 84-122 TAYLOR ROAD, THORNLANDS****Dataworks Filename: MC010624 & MC010715****Responsible/Authorising Officer:****Louise Rusan
General Manager Community & Customer
Services****Author:****Chris Vize
Acting Service Manager, Operations Works**

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."

10.2 ORGANISATIONAL SERVICES

PORTFOLIO 2 (MAYOR CR WILLIAMS (Supported by Cr Alan Beard) ECONOMIC DEVELOPMENT, GOVERNANCE, SERVICE DELIVERY, REGULATIONS AND EMERGENCY MANAGEMENT

10.2.1 WEINAM CREEK PRIORITY DEVELOPMENT AREA STRATEGIC LAND ACQUISITION

Datworks Filename: LUP Priority Development Area – Weinam Creek

Responsible/Authorising Officer: 
Nick Clarke
General Manager Organisational Services

Authors: Douglas Hunt
Principal Adviser Economic Development
Scott Hutchison
Principal Adviser Priority Development Areas

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.*

11 MEETING CLOSURE