



**Redland**  
CITY COUNCIL

# **AGENDA**

## **COORDINATION COMMITTEE MEETING**

**Wednesday, 23 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.

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

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

**5.1 ORGANISATIONAL SERVICES**

**5.1.1 FRAUD AND CORRUPTION PREVENTION POLICY AND FRAMEWORK**

**Dataworks Filename:** GOV Fraud & Corruption Prevention

**Attachments:** [POL-3060 Fraud and Corruption Prevention Policy](#)  
[GL-3060-001 Fraud and Corruption Prevention Framework](#)

**Authorising/Responsible Officer:**



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

**Author:**

**Siggy Covill**  
**Group Manager Internal Audit**

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**PURPOSE**

The purpose of this report is to seek approval for recommended changes to Council's Fraud and Corruption Prevention Policy - POL-3060; and note the proposed changes to the supporting Fraud and Corruption Prevention Framework - GL-3060-001.

**BACKGROUND**

As a result of the introduction of the Australian Standard AS 8001-2008 *Fraud and Corruption Control* and the more recent Queensland Audit Office Report to Parliament 9: 2012-13 *Fraud Risk Management*, the Fraud and Corruption Prevention Policy and former Fraud and Corruption Prevention Guideline were revised to incorporate any changes and recommendations made.

**ISSUES**

Minor changes have been made to the Fraud and Corruption Prevention Policy, however, the Fraud and Corruption Prevention Guideline has been completely revised and renamed to encompass a full strategic framework for Council's approach to fraud and corruption prevention, incorporating the ten fraud and corruption prevention elements as per the Crime and Misconduct Commission's *Fraud and corruption control guidelines for best practice*.

The ten fraud and corruption prevention elements proposed by the Crime and Misconduct Commission are:

1. Agency-wide integrated policy
2. Risk assessment
3. Internal controls
4. Internal reporting

5. External reporting
6. Public interest disclosures
7. Investigations
8. Code of conduct
9. Staff education and awareness
10. Client and community awareness

These elements have all been included in the framework for Redland City Council. Each element is covered separately, but the importance of an integrated response is emphasised. To produce the most effective outcomes, a fraud and corruption prevention programme must be holistically planned and executed, must carry the full support of management, and must be universally promoted and accepted.

The individual elements have been included in the current year's Internal Audit Plan for the year to enable a staged implementation process. A number of the elements have already been reviewed and implemented, however, the remaining elements are: the individual fraud and corruption risk assessments (2.), the resulting internal controls review (3.), staff education and awareness (9.) and client and community awareness (10.). Internal Audit will work with the various managers and staff across Council to finalise the implementation of these elements within the next three to six months.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Requirements from the *Public Interest Disclosure Act 2010* and *Crime and Misconduct Act 2001* have been considered during the preparation of this report.

### **Risk Management**

Identifying and analysing Council's key fraud and corruption risks within the business units will allow implementation of internal controls to sufficiently minimise the specific risks.

### **Financial**

There are no financial implications resulting from this report. The time and effort spent on implementing a strong fraud and corruption prevention framework may in time reduce or prevent the impacts of actual fraud or corruption committed within Council.

### **People**

Through training, all staff should have adequate knowledge of what fraud and corruption constitutes and should have a raised awareness of the correct channels available to report any potential fraudulent or corrupt act.

### **Environmental**

There are no environmental implications resulting from this report.

### **Social**

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

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**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**

Consultation was undertaken with the internal and external Audit Committee members, the Chief Executive Officer and Executive Leadership Group.

**OPTIONS**

1. That Council accepts this report, which summarises the changes to the revised Fraud and Corruption Prevention policy and guideline.
2. That Council defers consideration of this matter.
3. That Council not accept this report and requests further changes.

**OFFICER'S RECOMMENDATION**


That Council resolve to:

1. **Approve the changes to the Fraud and Corruption Prevention Policy (POL-3060) as attached; and**
2. **Note the changes to the Fraud and Corruption Prevention Framework (GL-3060-001) as attached.**



### 5.1.2 REVIEW OF FINANCIAL DELEGATION TO THE CHIEF EXECUTIVE OFFICER

**Dataworks Filename:** GOV Delegations – Council Officers

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

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

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#### PURPOSE

To increase the financial delegation to the Chief Executive Officer.

#### BACKGROUND

Section 257 of the *Local Government Act 2009* (the Act) allows a local government to delegate a power under the Act or another Act, (other than where an act specifically states that the power must be exercised by Council resolution). Similar provisions were in place under previous legislation. Delegation to a Chief Executive Officer (CEO) supports the efficient and effective operation of a local government.

The financial delegation limit to the CEO was set at \$500,000 by Council in October 2002 (Item 8.1.1 - General Meeting 30 October 2002). This delegation limit has not been reviewed and has remained unchanged for 11 years, other than a small number of specific delegations relating to matters of operational importance (e.g. recurrent monthly payments for water and electricity). Administrative amendments were made to the delegation in 2004 and 2007.

Sub-section 257(4) of the Act creates a new requirement that all delegations to the CEO are to be reviewed annually by the local government. Officers are currently conducting this review internally. The financial delegation to the CEO is the first report to Council for consideration from this review. A subsequent report will be presented which relates to all other delegations.

#### ISSUES

Council has made a commitment to red tape reduction and continual improvement in the effectiveness and efficiency of its operations. Increasing the financial delegation to Council's CEO is in line with this commitment. The CEO will continue to provide financial delegations to selected Council employees (under Section 259(1) of the Act) consistent with the needs of the business and driving further efficiencies.

Council's annual budget is first approved by Council and then all expenditure must be in accordance with the approved budget. As such, a financial delegation only allows the CEO authority for expenditure in accordance with Council's approved direction.

It is now common practice for local government CEOs to be provided with financial delegations ranging from \$2,000,000 to unlimited.

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Expenditure under a financial delegation is then also controlled through legislation and internal frameworks including policies, guidelines and procedures. These include:

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Public Sector Ethics Act 1994*
- *Public Interest Disclosure Act 2010*
- *Crime and Misconduct Act 2001*
- Proposed - Fraud and Corruption Prevention Policy and Guideline
- Delegated Power and the Appointment of Statutory Authorised Persons and Administrative Authorised Officers Policy and Guideline
- Corporate Procurement Policy
- Purchasing Goods and Services for Council Guideline
- Employee Code of Conduct
- Internal and External financial audits

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

This report is in accordance with relevant legislative requirements.

### **Risk Management**

Risks associated with providing this financial delegation to the CEO are mitigated via associated legislative requirements.

### **Financial**

Providing this delegation will make Council's financial operations more effective and efficient.

### **People**

Providing this delegation will make a more effective and efficient system for officers involved in Council's financial operations.

### **Environmental**

There are no specific environmental implications associated with this report.

### **Social**

There are no specific social implications associated with this report.

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

Use of this financial delegation is required to meet with Council's policies and plans.

## CONSULTATION

In preparing this report, Consultation has occurred with other South-East Queensland Councils, the Chief Executive Officer, Financial Services, Legal Services and Internal Audit groups.

## OPTIONS

1. That Council resolve as follows:
  1. Under Section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, power to authorise expenditure on behalf of Council up to \$2,000,000, if the expenditure is:
    - a. In accordance with all legislative requirements;
    - b. In accordance with all policy requirements; and
    - c. Is funded from Council's approved annual budget.
  2. To repeal the Council resolution of 30 October 2002 (Item 8.1.1) as amended.
2. That Council resolve to amend the financial delegation limit provided to the Chief Executive Officer as recommended in this report and/or the conditions of such delegation.
3. That Council resolve not to amend the financial delegation limit provided to the Chief Executive Officer.

## OFFICER'S RECOMMENDATION

**That Council resolve as follows:**

1. **Under Section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, power to authorise expenditure on behalf of Council up to \$2,000,000, if the expenditure is:**
  - a. In accordance with all legislative requirements;**
  - b. In accordance with all policy requirements; and**
  - c. Is funded from Council's approved annual budget.**
2. **To repeal the Council resolution of 30 October 2002 (Item 8.1.1) as amended.**

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**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****Datworks Filename:** L.300344**Attachment:** [Locality Plan](#)**Authorising/Responsible Officer:**   
**Louise Rusan**  
**General Manager Community & Customer Services****Author:** **Lawrence Camilleri**  
**Senior Property Officer**

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**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.

### **COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION GENERAL MEETING 9 OCTOBER 2013**

**Moved by:** Cr L Hewlett

**Seconded by:** Cr M Elliott

**That Council resolve to defer this item to the next Coordination Committee meeting.**

**CARRIED 9/0**

Crs Hardman and Gleeson were absent from the meeting.

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**7 PORTFOLIO 6 (CR MARK EDWARDS)**  
**CORPORATE SERVICES****7.1 OFFICE OF CEO****7.1.1 SEPTEMBER 2013 MONTHLY FINANCIAL REPORTS****Datworks Filename:** FM Monthly Financial Reports to Committee**Attachment:** [Monthly Financial Performance Report September 2013](#)**Authorising Officer:****Bill Lyon**  
**Chief Executive Officer****Responsible Officer:****Gavin Holdway**  
**Chief Financial Officer****Author:****Deborah Corbett-Hall**  
**Corporate Finance Manager**

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**PURPOSE**

The purpose is to present the September 2013 Monthly Financial Performance Report to Council and explain the content and analysis of the report. Section 204(2) of the *Local Government Regulation 2012* requires the Chief Executive Officer of a local government to present statements of its accounts to the local government on a monthly basis.

**BACKGROUND**

The Corporate Plan contains a strategic priority to support the organisation's capacity to deliver services to the community by building a skilled, motivated and continually learning workforce, ensuring assets and finances are well managed, corporate knowledge is captured and used to best advantage, and that services are marketed and communicated effectively.

Since the commencement of the financial year, Council conducted a carryover review, analysing the capital projects that straddled across the two financial years. The budget has been updated by a Council resolution and included in this period, explaining the difference between the original and revised budget for 2013/2014.

**ISSUES*****Interim Opening Balances***

Certification of Council's 2012/2013 annual financial statements are subject to the review and audit of The Queensland Audit Office (QAO) in September, October and November 2013. Until last year's statements are finalised and certified, the opening balances on the 2013/2014 Statement of Financial Position are subject to change, as per previous years. Council is finalising working with QAO auditors to ensure the 2012/2013 statements are completed and certified as efficiently as possible. Of particular note, due to the implications of the returning water operations and the

required consistency between the annual financial statements of Gold Coast City Council, Logan City Council and Redland City Council with respect to the accounting treatments; the 2013/2014 opening balances may be subject to change until November 2013's monthly financial reports.

### **STRATEGIC IMPLICATIONS**

Council annually adopts key financial stability and sustainability ratios as part of its annual operation plan and budget.

All adopted 2013/2014 Key Financial Stability and Sustainability Ratios (listed as below) were either achieved or favourably exceeded by Council as at the end of September 2013, noting the opening balances on the Statement of Financial Position are prior to the end of year accounts finalisation:

- Level of dependence on general rate revenue;
- Ability to pay our bills – current ratio;
- Ability to repay our debt – debt servicing ratio;
- Cash balance;
- Cash balances – cash capacity in months (favourably exceeded);
- Longer term financial stability – debt to asset ratio;
- Net financial liabilities;
- Interest cover ratio;
- Asset consumption ratio;
- Operating performance; and
- Operating surplus ratio.

### **Legislative Requirements**

Section 204(2) of the Local Government Regulation 2012 requires the Chief Executive Officer to present the financial report to a monthly meeting. The September 2013 financials are presented in accordance with the legislative requirement although movement on the opening balances in the Statement of Financial Position is anticipated over the coming weeks as the organisation finalises the 2012/2013 accounts in accordance with the Australian Accounting Standards.

### **Risk Management**

September 2013 revenues and expenditures have been noted by the Executive Leadership Group and relevant officers who can provide further clarification and advise around actual to budget variances.

The September 2013 financial reports provide an indication of financial outcomes at the end of the first quarter and trends have started to emerge whereby officers can provide further clarification and advice around actual to budget variances. The 2013/2014 first quarter budget review will look to address any issues around these variances.

The budget presented in the attached report includes the recently adopted carryover budget review position which identified approximately \$6.6M of capital works to be carried over from 2012/2013.



**Financial**

There are no direct financial impacts to Council resulting from this report; however it provides an indication of financial outcomes at the end of September 2013.

**People**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

**Environmental**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

**Social**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

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

This report has a relationship with the following items of the 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

8.7 Ensure Council resource allocation is sustainable and delivers on Council and community priorities; and

8.8 Provide clear information to citizens about how rates, fees and charges are set and how Council intends to finance the delivery of the Community Plan and Corporate Plan.

**CONSULTATION**

Consultation has taken place amongst Council departmental officers, Financial Services Group Officers and the Executive Leadership Group.

**OPTIONS**

1. Council resolve to note the End of Month Financial Reports for September 2013 and explanations as presented in the attached Monthly Financial Performance Report.
2. Council request additional information.

**OFFICER'S RECOMMENDATION**

**That Council resolve to note the End of Month Financial Reports for September 2013 and explanations as presented in the attached Monthly Financial Performance Report.**

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**8 PORTFOLIO 7 (CR JULIE TALTY)**  
**PLANNING & DEVELOPMENT****8.1 COMMUNITY & CUSTOMER SERVICES****8.1.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 AND 3 DEVELOPMENT APPLICATIONS**

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

**Authorising/Responsible Officer:**



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

**Author:**

**Kerri Lee**  
**Business Support Officer, Development**  
**Assessment**

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**PURPOSE**

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

This information is provided for public interest.

**BACKGROUND**

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

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

Category 2 – Complying Code Assessments & Minor Impact Assessments;  
Category 3 – Moderately Complex Code & Impact Assessments; and  
Category 4 – Major and Significant Assessments.

The applications detailed in this report have been assessed under:

- Category 1 criteria - defined as complying code assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature.
- Category 2 criteria - defined as complying code assessable and compliance assessable applications, including operational works, and Impact Assessable applications without submissions of objection. Also includes a number of process related delegations, including issuing planning certificates, approval of works on and off maintenance and the release of bonds, and all other delegations not otherwise listed.

- 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 19 September, 2013 for design and siting for a dwelling house at 27-31 King Street, Thornlands. Javica Pty Ltd. (BWP001935)
2. Concurrence Agency Response issued on 19 September, 2013 for design and siting for a dwelling house at 655 Old Cleveland Road East, Wellington Point. Mr Craig A Marlow, Mrs Kathryn E Marlow and Cribbs Carpentry Services. (BWP001933)
3. Concurrence Agency Response issued on 19 September, 2013 for design and siting for a dwelling house at 4 Beard Place, Wellington Point. The Certifier Pty Ltd. (BWP001925)
4. Concurrence Agency Response issued on 26 September, 2013 for design and siting for a dwelling house at 15 Springbrook Drive, Capalaba. Platinum Building Approvals. (BWP001943)
5. Concurrence Agency Response issued on 27 September, 2013 for design and siting for a dwelling house at 27 Allan Day Drive, Wellington Point. Mr Gavin P Moore and Mrs Kimberly M Moore. (BWP001939)
6. Concurrence Agency Response issued on 30 September, 2013 for design and siting for a dwelling house at 1 Mann Place, Wellington Point. Bartley Burns Certifiers & Planners. (BWP001946)
7. Concurrence Agency Response issued on 18 September, 2013 for design and siting for a dwelling house at 31 Magnetic Place, Redland Bay. Begbie Bentham Pty Ltd. (BWP001936)
8. Concurrence Agency Response issued on 18 September, 2013 for design and siting for a domestic outbuilding at 10 Finuge Court, Victoria Point. Bartley Burns Certifiers & Planners. (BWP001932)
9. Concurrence Agency Response issued on 24 September, 2013 for design and siting for a domestic outbuilding at 5 Village Drive, Mount Cotton. Mrs Christine Sewell. (BWP001917)
10. Concurrence Agency Response issued on 23 September, 2013 for design and siting for additions at 8 Mala Crescent, Birkdale. Bartley Burns Certifiers & Planners. (BWP001931)
11. Concurrence Agency Response issued on 20 September, 2013 for design and siting for a patio / carport / shed at 3 Salisbury Street, Redland Bay. Mr Wayne S Callcott. (BWP001928)

12. Concurrence Agency Response issued on 30 September, 2013 for design and siting for a shade sail carport at 39 High View Drive, Cleveland. Mr Michael P Steele. (BWP001940)
13. Concurrence Agency Response issued on 24 September, 2013 for design and siting for a shed at 179 Main Road, Wellington Point. Mr Bruce T Appleton. (BWP001938)
14. Concurrence Agency Response issued on 25 September, 2013 for design and siting for a shed at 12 Buenavista Avenue, Thornlands. Building Code Approval Group Pty Ltd. (BWP001937)
15. Concurrence Agency Response issued on 25 September, 2013 for a dwelling house at 53 Cassandra Avenue, Russell Island. Mr David A Thatcher. (BWP001947)
16. Development Permit issued on 18 September, 2013 for operational works for an advertising device at 71 Redland Bay Road, Capalaba. ABC School Supplies Pty Ltd. (OPW001523)
17. A Notice agreeing to a change of approval was issued on 20 September, 2013 for a reconfiguration of land at 12 Kefford Street, Wellington Point. Bartley Burns Certifiers and Planners. (OPW001339)
18. Concurrence Agency Response issued on 1 October, 2013 for design and siting for a dwelling house at 40 Riesling Street, Thornlands. Certifiers Queensland Pty Ltd. (BWP001948)
19. Concurrence Agency Response issued on 1 October, 2013 for design and siting for a garage at 20 Voyagers Court, Cleveland. Mr Geoffrey R Haddock and Mrs Sandra G L Haddock. (BWP001944)
20. Concurrence Agency Response issued on 1 October, 2013 for design and siting for carports and entry at 17 Cleveland Terrace, Ormiston. Applied Building Approvals. (BWP001945)
21. Development Permit issued on 26 September, 2013 for operational works for an advertising device at 1/150 Redland Bay Road, Capalaba. Stardot Properties Pty Ltd As Trustee. (OPW001528)
22. Development Permit issued on 25 September, 2013 for operational works for reconfiguring a lot (one into two lots) at 19 Mergowie Drive, Cleveland. Cain Consulting Engineers. (OPW001530)
23. Compliance Permit issued on 24 September, 2013 for a reconfiguration of lots (one into two lots) and associated operational works at 33 Baron Road, Birkdale. Jaxl Holdings Pty Ltd. (ROL005680)
24. A Notice agreeing to a change of approval was issued on 30 September, 2013 for a domestic outbuilding at 37 Parkwood Drive, Capalaba. Mr M.J. Turnham and Mrs S.P. Turnham. (BWP001877)
25. Negotiated Decision Notice issued on 30 September, 2013 to vary an existing development approval for operational works for an advertising device at 1/150 Redland Bay Road, Capalaba. Stardot Properties Pty Ltd As Trustee. (OPW001432)
26. Negotiated Decision Notice issued on 25 September, 2013 to vary an existing approval for a reconfiguration at 232 Shore Street North, Cleveland. Harridan Pty Ltd (Loganholme). (ROL005652)

**Category 2**

1. Development Permit issued on 18 September, 2013 for a material change of use for a child care centre at 11-15 Nicholas Street, Russell Island. Mr J.G. Clissold. (MCU012933)
2. Development Permit issued on 18 September, 2013 for a material change of use to construct a dual occupancy at 31-39A King Street, Thornlands. Bartley Burns Certifiers and Planners. (MCU013090)
3. Development Permit issued on 25 September, 2013 for a material change of use for a dwelling house at 488-508 Serpentine Creek Road, Redland Bay. The Certifier Pty Ltd. (MCU013120)
4. Development Permit issued on 27 September, 2013 for a material change of use to construct a multiple dwelling (x 5) at 72 Keith Street, Capalaba. South Moreton Developments Pty Ltd As Trustee. (MCU013084)
5. Development Permit issued on 25 September, 2013 for reconfiguration of lots (one into three lots) at 91-93 Kinross Road, Thornlands. Villa World Developments Pty Ltd. (ROL005674)
6. Development Permit issued on 24 September, 2013 for reconfiguration of lots (one into two lots) at 3 Willard Road, Capalaba. Jaxl Holdings Pty Ltd. (ROL005673)
7. Development Permit issued on 24 September, 2013 for reconfiguration of lots (one into two lots) at 89 Kinross Road, Thornlands. Villa World Developments Pty Ltd. (ROL005675)
8. A Notice agreeing to extend the relevant period of an existing development approval was issued on 26 September, 2013 for a material change of use for a tourist accommodation at 217 and 219 Middle Street, Cleveland. Barbara Pollard. (MC011621)
9. A Notice agreeing to a change of approval was issued on 27 September, 2013 for an environmentally relevant activity (vehicle depot) at 10-12 Smith Street, Capalaba. Veolia Transport Brisbane Pty Ltd and Transdev Queensland Pty Ltd. (MC013116)
10. A Notice agreeing to a change of approval was issued on 1 October, 2013 for a dwelling house at 21 and 1/21 Ballow Street, Amity. Pengold Pty Ltd. (MCU012950)

**Category 3**

1. Development Permit issued on 27 September, 2013 for a material change of use for an apartment building (30 units) and multiple dwellings (12 units) at 211 Middle Street and 21-23 Passage Street, Cleveland. Middle Street Properties No. 1 Pty Ltd As Trustee. (MCU012013)

**OFFICER'S RECOMMENDATION**

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

**8.1.2 APPEALS LIST - CURRENT AS AT 1 OCTOBER, 2013**

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

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

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

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**PURPOSE**

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

**BACKGROUND**

Information on appeals may be found as follows:

**1. Planning and Environment Court**

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

**2. Redland City Council**

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

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

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

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

The database contains:

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

## ISSUES

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

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

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


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

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

**OFFICER'S RECOMMENDATION**

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



**8.1.3 RECONFIGURATION OF LOTS - 19 BURBANK ROAD, BIRKDALE QLD  
4159****Dataworks Filename:** ROL005667**Attachment:** [Locality Map, Site Plan and Aerial Photo](#)**Authorising Officer:**   
**Louise Rusan**  
**General Manager Community & Customer  
Services****Responsible Officer:** **David Jeanes**  
**Group Manager City Planning and Assessment****Author:** **Scott Pearson**  
**Planning Officer**

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**PURPOSE**

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

Council has received an application seeking a Standard Format Reconfiguration (3 into 36 Lots & Park) on land at 19 Burbank Road & Carinyan Drive, Birkdale.

The application has been assessed against the relevant provisions of the Redlands Planning Scheme. The following issues have been addressed through the assessment:

- Reduced setbacks for proposed lots;
- Intersection treatments, increased traffic and the road reserve width of Sailfish Avenue; and
- Stormwater management (dam retention);

Overall, the proposed development is considered to comply with the provisions of the Redlands Planning Scheme. The Application did not require any referrals or public notification. It is therefore recommended that the application be issued a Development Permit subject to conditions identified in the Officer's Recommendation.

**BACKGROUND**

The site was the subject of an approval for a Preliminary Approval for a Material Change of Use which altered the zoning on parts of the land to include it within the Urban Residential Zone (Council Ref: MC008637). The approval was issued by Court Order on the 2 September 2009

The site has an area of 36,207m<sup>2</sup> consisting of two access restriction strips (38m<sup>2</sup>) and one large semi-rural allotment (36,169m<sup>2</sup>). The site is currently improved by a single dwelling and shed located in corner of Burbank Road and Carinyan Drive with two dams generally located on the centre and northern portion of the lot. The vegetation is limited to the perimeter of the dams with sporadic trees linking the two.

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The northern dam represents the lowest point in the slope of the land at RL 17m AHD with the central dam at RL 19m AHD.

The site is located on the southern side of Burbank Street to the east of Carinyan Drive. The majority of the site is included in the Urban Residential zone and the Open Space Zone, which is generally located in the centre of the property. The Open Space zone has a lineal shape from north to south and adjoins an existing park to the east. The two access restriction strips are included in Community Purpose Zone, Sub Area 7.

The surrounding area is included in the Urban Residential zone with an Open Space Zone linking the site to a greater network of open space to the north across Burbank Road and to the south in Vedson Street. Land to the south east of the site is included in the Urban Residential, Subarea 1 zone. The overall character is generally consistent with that expected in an Urban Residential area with detached housing.

The application is for a two staged development for a three (3) into 36 lot reconfiguration that will result in the creation of:

Stage 1 –

- 1 large corner allotment having an area of 1450m<sup>2</sup>. The frontage width along Carinyan Drive measures 46.5 metres and 24.6 along Burbank Road; and
- The applicant has indicated the existing dwelling and shed are to be retained on proposed lot 1 in Stage 1.

Stage 2 –

- 29 standard lots ranging in size from 450m<sup>2</sup> to 702m<sup>2</sup>, with frontages that range in width from 10m to 23.5m;
- 2 lots small lots having a size of 405m<sup>2</sup> and 415m<sup>2</sup> with a frontage width of 15 metres and 16.6 metres;
- 4 internal allotments ranging in size from 915m<sup>2</sup> to 1165m<sup>2</sup> gaining access to the relevant street via reciprocal access easement;
- 1 parkland lot with an area of 1,052ha;
- Building Envelopes are proposed on all 35 allotments in Stage 2;
- Widening of Carinyan Drive; and
- A 120m extension to Vedson Street and an extension to Sailfish Avenue.

## ISSUES

### ***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 Reconfiguring a Lot 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 within a Priority Koala Assessable Development Area designated as Low Value Rehabilitation Habitat Values under the SEQ Koala Conservation SPRP. As the site is not included in the high value or medium value designation, in this instance there are no requirements under the SPRP.
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 assessed under the Redlands Planning Scheme version 5.3, effective on the 14 June 2013. The following Codes are considered relevant.

#### Community Purpose Zone Code

The Community Purpose zone is located over lots 901 on RP911519 and Lot 905 on SP110597 having a total land area of 38m<sup>2</sup>. The area is located along the site's western boundary abutting Carinyan Drive. The land included in the zone is proposed to be utilised within a 4 metre road widening and as such the development in the zone is for the purpose of public use road. The use is exempt development within the zone and is considered to comply with the expectations of zone.

#### Open Space Zone Code

The applicant proposes to dedicate the land mapped within the Open Space zone as reflected in the previous Court decision. The open space will be landscaped and utilised for stormwater management and will not include residential development within this zone. Hence, the proposal is consistent with the intent of the zone.

#### Urban Residential Zone Code

This application proposes new allotments within the UR zoned land previously approved by the Court and in accordance with the current RPS mapping. The proposed use is therefore consistent with that expected in the zone.

#### Reconfiguration Code

This proposal is considered to be a major reconfiguration as it creates an extension to Vedson Street and the proposal introduces:

- 2 small Lots;
- 4 internal lots;
- 29 standard allotments, and
- 1 park.

Each new allotment has an area compliant with the relevant provisions in Table 1 which states:

Lot Type	Minimum Lot Area Range	Minimum Frontage/Width
Small	350-449m <sup>2</sup> (for major and medium reconfigurations)	10 metres
Standard	450-700m <sup>2</sup>	15 metres
Internal	800m <sup>2</sup> excluding access way; or 700m <sup>2</sup> excluding access way and have having a boundary greater than 15 metres adjoining the Open Space Zone.	Street front lot – 18 metres including any truncation; Access way – <ul style="list-style-type: none"> <li>• one internal lot – 4.5 metres</li> <li>• two internal lots – 6 metres</li> </ul>

Overall, the allotments are generally rectangular in shape to facilitate energy efficient design and promote positive solar climatic response opportunities. The subdivision layout includes 4 internal allotments identified as proposed lot 16, 17, 31 and 32, which comply with the minimum lot sizes. The proposal provides reciprocal access easements shared between two allotments. Designated waste collection areas are noted on the engineering plans. This will also accommodate the existing 3 dwelling houses which are currently serviced in Burbank Street.

The proposal provides 5% of the new allotments as small lots, which are identified on the Site Plan as proposed lots 19 and 23. Both lots are accessed along the northern extension of Vedson Street and overlook the road towards the parkland. The road configuration is bound by the existing network and the boundary of the Open Space zone. Further development of any proposed allotment is not possible under the current version of the Redlands Planning Scheme.

The proposal includes building envelopes across all lots created in Stage 2. The building envelopes apply to future building work for dwelling houses and provide alternative solutions resulting in 3 metre front setbacks to each allotment (except Lots 14, 15, 16, 17, 31 and 32) and side & rear setbacks that allow a 600mm eave within the boundary clearance. Specific Outcome S4 states that reconfigurations involving building envelopes are to be of a size that is able to contain all aspects of the development including buildings and structures. The lots will contain future dwellings that are subject to assessment against the Queensland Development Code (QDC). In this instance, the proposed building envelopes are considered to comply with the Performance Criteria in the QDC as follows:

- The QDC (MP1.1 for lots less than 450m<sup>2</sup>) allows setbacks to a minimum of 3m where fronting an Access Place or Access Street. The proposed building envelopes on Lots 19 & 23 front the Vedson Street extension, which is considered to be an Access Street and therefore the reduced setback complies with this provision;
- The QDC (MP1.2 for lots greater than 450m<sup>2</sup>) A1(a)(ii) states that where there are existing detached dwellings on both adjoining lots and at least one of the dwellings is setback 3m, then the new front setback can be a minimum 3 metres. Given the QDC anticipates setbacks less than 6m in emerging streetscapes, the minimum front setback of 3m is considered acceptable in this instance;
- Proposed lots 14 & 15 include a greater 4.5m front setback to create a transition between the site and existing dwellings to the south. The proposal is considered to comply with Performance Criteria P1 as the proposed setbacks provide a transition from the existing dwellings on adjoining lots, the proposed building envelopes will still facilitate an acceptable streetscape and will not impact on adjoining neighbours; and
- The inclusion of eaves within the side boundary clearances will have no significant impact on light, ventilation or privacy of the adjoining properties. The clearance distance between the dwelling and the boundary (to the bulk of the building) will therefore be in accordance with QDC.

Given the proposed building envelopes are considered to comply with the Performance Criteria under the relevant sections of the QDC, the proposal adequately addresses Specific Outcome S4 and therefore complies with the Reconfiguration Code.

#### Habitat Protection Overlay Code

The site has two designations applicable under the Habitat Protection Overlay. There is an Enhancement Corridor designation which runs from the north of the site through the middle and attaches to a small area to the south-eastern corner of the site which is designated as Enhancement Link. Environmental values were considered in the appeal by the relevant experts and the urban residential zone reflects the outcome of that assessment. However, the overlay mapping does not reflect the previous court decision. Overall, the proposal is consistent with the court decision and therefore is acceptable.

#### Waterways, Wetlands and Moreton Bay

The overlay maps the two existing dams and a natural drainage line. The proposal retains the dams and the surrounding native vegetation where possible and therefore complies with the Code.

#### Flood Storm and Drainage Constrained Land Overlay

The site is subject to flooding with an area generally surrounding the existing dams being included in the flood prone area. The new allotments can achieve levels free from inundation and therefore comply with the Code.

### Development Near Underground Infrastructure Code

Future dwellings will have to comply with the self-assessable criteria of the code or approval will be required. The proposed layout is acceptable and complies with the code.

### Erosion Prevention and Sediment Control

The development can comply with the detailed designs including an Erosion and Sediment Control Plan to be submitted at the operational works stage. The applicant has provided a Geotechnical Report to assist in the preparation of the further documents.

### Excavation and Fill Code

The proposal requires excavation and filling across the site and retaining walls over 1 metre in height have been proposed. A condition in relation to the stepping of retaining walls over 1 metre is included in the condition package and future works will be subject to further detailed design assessment at the operational works stage. Consequently, the proposal meets Specific Outcome S1 of the Excavation and Filling Code.

### Infrastructure Works Code

The proposal can achieve adequate services to each allotment with compliance subject to detailed design assessment through the operational works stage.

Burbank Road in the north eastern corner of the site will be reconfigured to accommodate 5 new allotments. The driveway width is retained with additional parking spaces provided adjacent to the pathway. The bin collection area will also be reconfigured to better accommodate the existing and new allotments.

The minimum road width sought in the Redlands Planning Scheme is 15 metres. The extension of Vedson Street from the southern boundary north into the site achieves a compliant 15 metre road verge. However, Sailfish Avenue is proposed to end with a road width of 13 metres. Specific Outcome S7 states that roads are to have a sufficient reserve width to accommodate all necessary services. The proposed road accommodates all necessary infrastructure, can accommodate the waste collection vehicle and contains 3 parking spaces. Hence, the reduced road reserve is considered appropriate in this instance.

Specific Outcome S7 also requires reconfigurations that create new roads or require upgrading of a public road to maintain or improve the safe and efficient operation of roads. Access to and from the development is likely to be split via several roads including:

- Carinyan Drive to the west;
- Burbank Road to the north;
- Sailfish Avenue to the east; and
- Vedson Street, which ultimately connects with Carinyan Drive and the Old Cleveland Road East intersection to the south.

Carinyan Drive is an Access Street, but due to the level of traffic it accommodates a condition has been included to increase the pavement width to 7m to ensure it operates efficiently. No other upgrades are required as the other surrounding roads, being Vedson Street, Burbank Road and Sailfish Avenue are all at least Local Access Street capable of handling up to 1000 vehicle movements per day. Furthermore, engineering advice has been provided confirming that the intersections of Carinyan Drive / Old Cleveland Road East and Burbank Road / Birkdale Road are capable of handling the additional traffic generated by the subdivision without the need for intersection upgrades. Consequently, the lots created by the proposed development are not expected to have a significant increase on the existing surrounding road network and therefore comply with S7.

Specific Outcome S8 requires pedestrian and cycle path infrastructure to be provided. Council's Priority Infrastructure Plan Map T6 Cycleway Trunk Network identifies Burbank Road as a Future Network – off road path. Consequently, provision of this path has been included as a condition of approval.

#### Stormwater Management Code

The applicant has provided an updated Site Based Stormwater Management Plan. The proposal meets the specific outcomes of the code and has been conditioned accordingly. To ensure compliance with S1.1(j) a specific condition (Condition 1 plans amended in red) has been included to provide a turnaround area at the end of the indicative pavement adjacent to proposed lot 27. This is required so that a maintenance truck (MRV) can enter and exit the area safely to maintain the bio-basin.

#### **INFRASTRUCTURE CHARGES**

The proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provisions (adopted charges). The total Redland City Council infrastructure charge applicable to this development is **\$924,000**

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

The Adopted Infrastructure Charges have been calculated as followings:

36 lots X \$28,000 (charge rate) – \$28,000 (credit for 1 existing lot) = \$924,000

Note: Lot 901 on RP911519 & Lot 905 on SP110597 do not attract applicable credits as they are not of an adequate size to facilitate lawful development.

#### **STATE REFERRAL AGENCIES**

The application did not trigger any referral requirements.

#### **STRATEGIC IMPLICATIONS**

##### **Legislative Requirements**

In accordance with the Sustainable Planning Act, this code assessable application has been assessed against the Redlands Planning Scheme and other relevant legislation. The decision is due on 31 October 2013.

**Risk Management**

The applicant will be able to appeal the decision made by Council.

**Financial**

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

**People**

Nil implications.

**Environmental**

The site is predominantly zoned for development as proposed. Environmental impacts have been addressed as part of the previous court approval and are reflected in the current zoning.

**Social**

No submissions were received. The proposal is consistent with the intent of the site and warrants approval.

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

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

**CONSULTATION**

The Planning Assessment Team has consulted with other assessment teams where appropriate. A copy of the original proposal was provided to Councillor Alan Beard. The Councillor asked for the determination to be made by committee due to public interest in the proposal.

**Engineering Assessment**

Council's engineer has assessed the application and considers the development to comply with the Redlands Planning Scheme with further details to be assessed at the operational works stage.

**Environmental Assessment**

Council's environmental officer has assessed the application and advises that the proposed development achieves compliance with the storm water objectives utilising one bio retention basin and swale. This is discussed later in this report.

**Landscaping Assessment**

Council's landscaping officer has assessed the application and the development can comply with further details to be assessed at the operational works stage.

**Health and Environment Assessment**

Council's Health and Environment officer has assessed the applicant's submission of a Stage 1 Contamination Assessment, prepared by Geo Environmental Consultants Pty Ltd, which concluded that the site would be suitable for residential development. Further information is required at the operational works stage.



## CONCLUSION

The new allotments are included in the Urban Residential Zone and are affected by a number of overlays, which were addressed as part of the previous court approval. The applicant has addressed issues of traffic, storm water and building envelopes. Overall, the proposal is considered to comply with the provisions of the Redlands Planning Scheme. Having due regard to the applicant's proposal, the supporting material submitted and the information noted above, it is recommended that a Development Permit be issued subject to conditions.

## OPTIONS

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

## OFFICER'S RECOMMENDATION

**That Council resolve that a Development Permit Approval be issued for Stage 1 & 2 – Standard Format Reconfiguration (3 into 36 Lots & Park) on land described as Lot 213 on S312736, Lot 901 on RP911519 and Lot 905 on SP110597 and situated at 19 Burbank Road & Carinyan Drive, Birkdale, subject to the following conditions:**

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

Plan/Document Title	Reference Number	Prepared By	Date
Reconfiguration Plan	01 Rev D – Amended in Red	JFP Consultants	13/09/2013
Development Envelope Plan	03 Rev D	JFP Consultants	13/09/2013

Engineering Concept – Proposed Preliminary Earthworks	PEW01 Rev D	JFP Consultants	03/06/2013
Engineering Concept – Preliminary Sewer Layout Plan	PS01 Rev A	JFP Consultants	03/06/2013
Engineering Concept – Parking & Refuse Collection Sheet 1 of 3	PRC01 Rev B	JFP Consultants	03/06/2013
Engineering Concept – Parking & Refuse Collection Sheet 2 of 3	PRC02 Rev B	JFP Consultants	03/06/2013
Engineering Concept – Parking & Refuse Collection Sheet 3 of 3	PRC03 Rev B	JFP Consultants	03/06/2013
Contaminated Site Assessment	Ref No. 6071/22	GeoEnvironmental Consultants	August, 2013
Landscape Intent Plan	LC01 Rev E	JFP Consultants	28/09/2013
Landscape Intent Plan – Concept Rehabilitation Plan	LC02 Rev E	JFP Consultants	28/09/2013
Landscape Intent Planting Palette	LC03 Rev	JFP Consultants	28/09/2013
Geotechnical Assessment of Existing Pond Structures	Project No. 13-15348	Soil Surveys	July, 2013
Site Based Stormwater Management Plan	B3369 Rev B	JFP Consultants	August, 2013

Table 1: Approved Plans and Documents

3. Submit to Council a Survey Plan for Compliance Certificate approval, in accordance with the approved plans, following compliance with all relevant conditions and requirements of this approval.	Prior to expiry of the relevant period for the approved development.
<b><u>Site Contamination</u></b>	
4. Remediate the site in accordance with the recommendation of the GeoEnvironmental Assessment of Existing Pond Structures 13-15348 dated July, 2013.	Prior to site works commencing.
5. Submit a final site validation report to Council including a copy of the Department of Environment and Heritage Protection disposal permit and disposal site's receipt of the material. All remediation works must be undertaken with appropriate sediment and erosion controls in place to prevent transport of contaminated soil from the site that may cause environmental harm.	Prior to site works commencing.

<b><u>Existing Structures</u></b>	
6. Remove the existing septic connection and obtain the relevant approvals, to cap all services prior to disconnection commencing.	Prior to Council approval of the Survey Plan.
7. Remove any existing fences and/or incidental works that straddle the new boundaries, or alter to realign with the new property boundaries or to be wholly contained within one of the new properties.	Prior to Council approval of the Survey Plan.
<b><u>Utility Services</u></b>	
8. Relocate any services (eg water, sewer, electricity, telecommunications and roofwater) that are not wholly located within the lots that are being serviced.	Prior to Council approval of the Survey Plan.
9. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid in accordance with the terms of any cost estimate provided to perform the works.	At the time the works occur, or prior to Council approval of the Survey Plan, whichever is the sooner.
10. Design and install underground electricity and telecommunication conduits to service all lots in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works code and Planning Scheme Policy 9 – Infrastructure Works. Provide Council with written confirmation of the service provider agreements to the supply of electricity and telecommunication services.	Prior to Council approval of the Survey Plan.
<b><u>Land Dedication and Design</u></b>	
11. Dedicate land to the Department of Natural Resources and Mines (the State) with Council as trustee for the following purposes: <ul style="list-style-type: none"> <li>a) Park/open space; and</li> <li>b) Road.</li> </ul>	Prior to Council approval of the Survey Plan for each Stage.
12. Provide a truncation to the access way of internal Lot 32 of 1m x 5m x 1 chord and for Lot 28 a 3m x 3m x 1 Chord truncation.	As part of the request for compliance assessment of the Survey Plan.
13. Grant easements for the following and submit the relevant easement documentation to Council for approval: <ul style="list-style-type: none"> <li>a) Drainage and/or access purposes, as required to preserve the rights of upstream properties;</li> <li>b) Stormwater drainage purposes along the entire eastern boundary of Lot 36 in favour of Redland City Council; and</li> <li>c) Reciprocal easement rights for the purposes of vehicle, pedestrian and services over proposed Lots 16 &amp; 17 and Lots 31 &amp; 32.</li> </ul>	As part of the request for compliance assessment of the Survey Plan.
<b>Once approved by Council, register the easements on the property</b>	

title.	
<b><u>Split Valuation</u></b>	
14. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is \$31.85 per allotment (2013/2014 Financial Year). The amount of contribution must be paid at the rate applicable at the time of payment. A Split Valuation Fee is required for each allotment contained on the Plan(s) of Survey, including balance lots.	Prior to Council approval of the Survey Plan.
<b><u>Access and Roadworks</u></b>	
15. Design and construct all roads in accordance with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design, unless otherwise stated as part of a specific condition of this approval.	Prior to Council approval of the Survey Plan.
16. Provide the following road pavements widths, as per the approved engineering plans: <ul style="list-style-type: none"> <li>• Carinyan Drive – minimum 7.0 metre wide pavement; and</li> <li>• Sailfish Avenue and Burbank Road – minimum 6.0 metre wide pavement.</li> </ul>	As part of the application for Operational Works.
17. Submit to Council, and receive Operational Works approval for a turn-around area in front of Proposed Lot 26/27 as per the approved site plan amended in red, to allow an MRV to enter and exit in a forward gear consistent with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design	As part of the application for Operational Works.
18. Provide traffic calming consistent with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design.	Prior to Council approval of the Survey Plan.
19. Construct a minimum 1.5m wide concrete shared use path along the Carinyan Drive frontage of the site between the existing paths at Burbank Road and Stratus Street in accordance with the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design.	Prior to Council approval of the Survey Plan.
20. Construct “shared use zone” signage within Burbank Road between Honeygem Place and the proposed turn-around area adjacent to Lot 32 in accordance with the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design and AusROADs standards.	Prior to Council approval of the Survey Plan.
21. Construct a minimum 3.0m wide concrete driveway to service proposed lots 16/17, 28, 29, 30 and 31/32 in accordance with the Redlands Planning Scheme Reconfiguration Code.	Prior to Council approval of the Survey Plan.

<b><u>Stormwater Management</u></b>	
22. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to a lawful point of discharge.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.  Ongoing condition.
23. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.  Ongoing condition.
24. Submit to Council, and receive Operational Works approval for, a stormwater assessment that is generally in accordance with the Site Based Stormwater Management Plan B3369 – Revision B by JFP Consultants dated August 2013 and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, including the following: <ul style="list-style-type: none"> <li>Submit detailed plans and cross sections of the proposed stormwater systems; including the proposed swale, bio retention basin and weirs associated with the existing dams onsite. The proposed swale and bioretention are to be designed in accordance with the Water Sensitive Urban Design – Technical Design Guidelines for South East Queensland. Designs are to include the Design Assessment Checklists (as outlined in the Water By Design Technical Guidelines) for each facility to be used on site.</li> </ul>	As part of the application for Operational Works.
25. Submit to Council, and receive Operational Works approval for, the augmentation works proposed for the existing dams. The works are to be generally in accordance with the Site Based Stormwater Management Plan prepared by JFP. Provide fencing details to generally accord with the approved Landscape Plans.	As part of the application for Operational Works.
26. Provide approved safety fencing on public land where water retaining bodies are proposed to retain more than 300mm deep water.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.
<b><u>Waste Management</u></b>	
27. Provide bin service bays for placement of waste and recycling bins for the purpose of emptying bins only (not for storage of bins) to serve proposed Lots 16-17 and proposed Lots 28-32 including the existing dwellings at 24, 26 & 28 Burbank Road. Construct each bin bay of stamped concrete in accordance with	Prior to Council approval of the Survey Plan.

<p>the following:</p> <ul style="list-style-type: none"> <li>• 2m long x 1m wide on the road frontage adjacent to each lot;</li> <li>• Located so that the length is parallel to the road edge without impeding any swale drainage or existing/proposed driveway; and</li> <li>• Marked 'bin service bay' in letters of 200mm height.</li> </ul>	
<b><u>Water and Wastewater</u></b>	
<p>28. Connect all lots to the existing reticulated sewerage and reticulated water systems. Submit to Council for approval an application for Operational Works showing the proposed works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>29. Remove any redundant sewerage connections within the site or servicing the development and provide documentary evidence to Council or its delegate that this has occurred.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>30. Reconnect the existing dwelling to new sewerage and/or water connections and services and locate all private plumbing and drainage associated with the dwelling wholly within the lot.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<b><u>Excavation and Fill</u></b>	
<p>31. Demonstrate that the structural integrity of the existing dams is maintained by providing written evidence by a qualified and capable person, RPEQ qualified.</p>	<p>Prior to the park/open space being dedicated to Council.</p>
<p>32. Apply to Council and obtain Operational Works approval for earthworks associated with the reconfiguration. Design and construct all retaining structures in accordance with Australian Standard 4678-2002 Earth-retaining Structures, in particular the minimum 60 year design life requirements.</p>	<p>As part of the application for Operational Works.</p>
<p>33. Step retaining walls over 1 metre in height with the exception of the retaining wall for the stormwater detention basin along the northern side boundary of proposed lots 2 &amp; 27.</p>	<p>Ongoing.</p>
<b><u>Sediment and Erosion Control</u></b>	
<p>34. Install erosion and sediment control measures to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works, Chapter 4 and the Institute of Engineers' Erosion and Sediment Control Guidelines.</p>	<p>Prior to commencement of civil works, earthworks and construction phases of the development.</p>
<b><u>Survey Control Information</u></b>	
<p>35. Submit Survey Plan(s) that include connections to at least two separate corners from two RCC control marks with a valid Department of Natural Resources and Mines Order or RCC Accuracy. These must be shown on the face of the Survey Plan(s) within the Reference Mark or Permanent Survey Mark tables. List the mark number and coordinate in the cover letter.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>

<p>36. Survey and present all asset infrastructure in accordance with the Redlands Planning Scheme Part 11 Policy 9 – Infrastructure Works. The horizontal datum for all work must be Redland City Council Coordinates (RCC) and the vertical datum must be Australian Height Datum (AHD).</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>37. Ensure Permanent Survey Marks (PSMs) are provided ea by placing a new PSM located in the new road reserve generally between Proposed Lots 23 and 24. The site mark area will be secure from works, suitable from GPS observations, placed in brass plaque set in concrete to a minimum depth of 600mm. The PSM is to be levelled to a minimum 4<sup>th</sup> Order standard.</p> <p>Supply a Permanent Survey Mark (PSM) Sketch with the Survey Plan for any new PSMs placed. Include the following on the PSM Sketch:</p> <p>the mark's AHD Reduced Level;</p> <p>the datum origin mark number; and</p> <p>the datum RL adopted.</p> <p>Comply with the requirements of the <i>Survey and Mapping Infrastructure Act 2003</i>.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p><u>Landscaping Works</u></p>	
<p>38. Submit a Landscape Plan, prepared in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works Chapters 2, 10 and 11, to Council for Operational Works approval. Include the following items in addition to the requirements of the Policy:</p> <ol style="list-style-type: none"> <li>a) Designs that are generally in accordance with the Landscape Intent Plan, Landscape Intent Plan – Concept Rehabilitation Plan and Landscape Intent Planting Palette by JFP Urban Consultants.</li> <li>b) Details of street tree planting in accordance with the Landscape Code with species selected from Schedule 9 of the Redlands Planning Scheme, unless otherwise approved as part of the Operational Works approval.</li> <li>c) Details of treatment and embellishments to the recreation area of the open space. The standard of treatment must be consistent with the Local/Conservation level in Section 9.10.7 of Planning Scheme Policy 9, Chapter 10.</li> <li>d) Details of all rehabilitation planting to the open space area.</li> <li>e) Details of all Bio-Retention Basins and/or swales.</li> <li>f) Details of pedestrian pathways through park and road reserve areas.</li> <li>g) Details of a 3.0m fire break to all residential allotments abutting land dedicated for parkland.</li> </ol>	<p>As part of the application for Operational Works.</p>

<p>h) Details of bollards provided along all roads that adjoin parkland, plus metal slide rails in the vicinity of the Bio-Basin and Park/Conservation areas to allow access for maintenance vehicles.</p> <p>i) Construct a minimum 2m wide pedestrian path connection with a minimum Q2 flood immunity between the northern end of Vedson Street and the existing path in Burbank Road in accordance with the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design.</p>	
<p>39. Submit to Council for Operational Works approval a Parks Maintenance Plan (PMP) identifying how all landscaping will be maintained for the entire On-Maintenance period (minimum 12 months). The Plan must be prepared in accordance with the following work sections in the AUS-SPEC Urban and Open Spaces package:</p> <ul style="list-style-type: none"> <li>• Classification No. TG401 – Guide to Parks and Recreation Areas Maintenance Management Model and Documentation;</li> <li>• Classification No. TG402 – Guide to Adapting Asset Delivery Documentation to Parks and Recreation Areas Maintenance; and</li> <li>• Classification No. 0164 – Parks and Recreation Area Management Plan.</li> </ul>	<p>As part of the application for Operational Works.</p>
<p>40. Remove all weed species, as identified in Part B of Council's Pest Management Plan 2012-2016.</p>	<p>Prior to Council approval of the Survey Plan.</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.

- Operational Works approval is required for the following works as detailed in the conditions of this approval:
  - Road works,
  - Stormwater drainage and management,
  - Excavation and filling works,
  - Water supply and reticulation,
  - Sewerage supply and reticulation,
  - Communications, electricity reticulation and street lighting,
  - Sediment and erosion control,



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- Landscaping works.

#### **ASSESSMENT MANAGER ADVICE**

- **Infrastructure Charges**

Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.

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- **Live Connections**

Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.

Further information can be obtained from Redland Water on 1300 015 561.

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- **Other Approvals**

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

- Capping of Sewer – for demolition of existing septic system on site.
- Road Opening Permit – for any works proposed within an existing road reserve.

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- **Sea Level Rise**

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

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

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- **Hours of Construction**

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

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- **Performance Bonding**

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

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- **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*.

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- **Services Installation**

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

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- **Fire Ants**

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

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- **Cultural Heritage**

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

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- **Fauna Protection**

It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.

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- **Environment Protection and Biodiversity Conservation Act**

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

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

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**8.1.4 PRIORITY DEVELOPMENT AREAS – PLAN SEALING DELEGATIONS****Datworks Filename:** ED Planning – Priority Development Areas**Attachment:** [Attachment 1 - Section 104 Instrument of Delegation](#)**Authorising Officer:****Louise Rusan  
General Manager Community & Customer  
Services****Responsible Officer:****David Jeanes  
Group Manager City Planning and Assessment****Author:****Chris Vize  
Senior Planner Design & Coordination**

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**PURPOSE**

The purpose of this report is to seek delegation of certain responsibilities under the Economic Development Act to the Chief Executive Officer (CEO).

**BACKGROUND**

On 21 July 2013 Toondah Harbour and Weinam Creek were officially declared as Priority Development Areas (PDA) by the State Government. All PDAs are administered under the *Economic Development Act 2012* (ED Act), with relevant powers under this Act vested in the Minister for Economic Development Queensland (MEDQ).

Pursuant to Section 169(1)(h) of the ED Act, MEDQ has delegated to Redland City Council its responsibilities for acceptance and assessment of PDA development applications and carrying out enforcement actions relevant to the Planning and Environment (P&E) Court. The powers were delegated to the CEO as part of a committee resolution on 21 August 2013.

MEDQ has identified that one additional power under the ED Act is required to be delegated to Council. This relates to the power for Council to accept and decide requests for compliance assessment for plans of subdivision.

**ISSUES**Delegations

Section 169(1) of the ED Act states that:

*“MEDQ may delegate any of its functions or powers under this Act to...*

*...(h) a local government...”*

MEDQ has issued Council with an additional Instrument of Delegation specifically for Section 104 of the ED Act. This allows Council to assess a plan of subdivision as if compliance assessment under the Sustainable Planning Act 2009 were required for

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it. In effect, it allows Council to seal the plans for lot reconfiguration for land within the Priority Development Areas.

Section 169(4) of the ED Act states that:

*“A local government may sub-delegate a function or power of MEDQ delegated to it under subsection (1) to an appropriately qualified employee of the local government.”*

Section 257 of the Local Government (LG) Act states that:

*“A local government may, by resolution, delegate a power under this Act or another Act to...*

*(b) the chief executive officer...”*

The Act does not allow the powers to be delegated by resolution to individual employees of the Council. This must, instead, be done through an instrument of delegation, signed by the CEO, delegating responsibilities to the relevant qualified officer(s). This sub-delegation power is provided for in Section 259 of the LG Act.

This report recommends that the functions and powers under Section 104 of the ED Act be delegated to the CEO of Council to allow further sub-delegation of relevant powers to appropriately qualified officers of Council.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The purpose of this report is to ensure that Council meets its legislative requirements in relation to the processing of PDA applications under the ED Act.

### **Risk Management**

Delegating responsibilities for development application decision-making involves a level of risk tolerance. It is considered appropriate to delegate these powers to the CEO to decide the relevant sub-delegations to suitably qualified officers of Council.

### **Financial**

Nil.

### **People**

The assessment of PDA applications will primarily involve officers from City Planning and Assessment.

### **Environmental**

Nil.

### **Social**

Nil.

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

Nil.

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**CONSULTATION**

The following Groups, Units and officers were consulted in the preparation of this report:

- Planning Assessment Unit
- Principal Advisor PDAs

**OPTIONS**

1. That Council resolve to delegate all functions and powers listed in the Instrument of Delegation at Attachment 1 to the Chief Executive Officer in accordance with Section 169(4) of the Economic Development Act 2012 and Section 257 of the Local Government Act 2009.
2. That Council resolve to not adopt the recommendation.

**OFFICER'S RECOMMENDATION**

**That Council resolve to delegate all functions and powers listed in the Instrument of Delegation at Attachment 1 to the Chief Executive Officer in accordance with Section 169(4) of the *Economic Development Act 2012* and Section 257 of the *Local Government Act 2009*.**

**9 CLOSED SESSION****9.1 OFFICE OF CEO****PORTFOLIO 6 (CR MARK EDWARDS)  
CORPORATE SERVICES****9.1.1 REMUNERATION POLICY (POL-3019)**

**Datworks Filename:** HRM/HRM Payroll/Senior Managers  
Remuneration Strategy

**Authorising/Responsible Officer:**



**Bill Lyon**  
Chief Executive Officer

**Author:**

**Eleanor Noonan**  
Head of Human Resources

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**EXECUTIVE SUMMARY**

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

**OFFICER RECOMMENDATION**

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

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

***(b) Industrial matters affecting employees***

**10 MEETING CLOSURE**