



REPORT

Coordination Committee Meeting

Tuesday 9 April 2019
commencing at 10.38am

Strathpine Chambers
220 Gympie Road, Strathpine

ENDORSED GM20190409

Membership = 13
Mayor and all Councillors

Quorum = 7

CHAIRPERSON'S REPORT

The recommendations contained within this report of the Coordination Committee meeting held 9 April 2019 are recommended to the Council for adoption.

COUNCILLOR ALLAN SUTHERLAND (MAYOR)
CHAIRPERSON
COORDINATION COMMITTEE

Adoption Extract from General Meeting – 9 April 2019 (Page 19/555)

**12.1 Coordination Committee Meeting - 9 April 2019
(Pages 19/559 - 19/646)**

RESOLUTION

Moved by Cr Adrian Raedel

Seconded by Cr Matt Constance

CARRIED 11/0

That the report and recommendations of the Coordination Committee meeting held 9 April 2019 be adopted.

LIST OF ITEMS

1 GOVERNANCE SESSION (Cr A Sutherland, Mayor)

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2 PLANNING & DEVELOPMENT SESSION (Cr M Gillam)

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3 CORPORATE SERVICES SESSION (Cr M Constance)

4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr A Sutherland, Mayor)

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ITEM 4.4 615
REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND
COMMUNITY SPACE DEVELOPMENT - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 4.5 625
BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 4.6 630
TENDER - GROUNDS MAINTENANCE SERVICES - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

5 PARKS, RECREATION & SPORT SESSION (Cr K Winchester)

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COMMITTEE RECOMMENDATION

REPORT DETAIL

6 LIFESTYLE & AMENITY SESSION (Cr D Sims)

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION (Cr P Flannery)

8 REGIONAL INNOVATION (Cr D Grimwade)

CLOSED SESSION (Confidential items)

OPEN SESSION

ITEM C.1 – CONFIDENTIAL 643
PROPOSED AMENDMENT TO MBRC PLANNING SCHEME - NOTICE TO THE CHIEF
EXECUTIVE UNDER SECTION 18(2) OF THE PLANNING ACT 2016 - REGIONAL

COMMITTEE RECOMMENDATION

ITEM C.2 – CONFIDENTIAL 644
ANIMAL ATTACK - COMMENCEMENT OF PROSECUTION - DECEPTION BAY - DIVISION
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COMMITTEE RECOMMENDATION

9 GENERAL BUSINESS

ITEM 9.1 645
PENINSULA CRICKET CLUB - DIVISION 6

COMMITTEE RECOMMENDATION

ITEM 9.2 645
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COMMITTEE RECOMMENDATION

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ITEM 9.3 **645**
PONTOON LEASES - REGIONAL
COMMITTEE RECOMMENDATION

ITEM 9.4 **646**
EXHIBITION OPENING - REDCLIFFE ART SOCIETY - EXHIBITION OF EXCELLENCE
2019

CLOSURE

ATTENDANCE & APOLOGIES

Attendance:

Committee Members:

Cr Allan Sutherland (Mayor) (Chairperson)
Cr Brooke Savige
Cr Peter Flannery
Cr Julie Greer
Cr James Houghton
Cr Koliana Winchester
Cr Denise Sims
Cr Mick Gillam
Cr Mike Charlton (Deputy Mayor)
Cr Matthew Constance
Cr Darren Grimwade
Cr Adrian Raedel

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning & Economic Development	(Mr Mike Pickering)
Manager Integrated Transport Planning & Design	(Mr Syd Jerram)
Manager Development Services	(Ms Kate Isles)
Principal Planner	(Mr Glen Hammill)
Manager Strategic Planning	(Mr David Hood)
Team Leader Strategic Planning & Economic Development	(Ms Lauren Fishburn)
Meeting Support	(Hayley Kenzler)

Apologies:

Cr Adam Hain

The Mayor is the Chairperson of the Coordination Committee.

Coordination Committee meetings comprise of Sessions chaired by Council's nominated Spokesperson for that portfolio, as follows:

Session	Spokesperson
1 Governance	Cr Allan Sutherland (Mayor)
2 Planning & Development	Cr Mick Gillam
3 Corporate Services	Cr Matt Constance
4 Asset Construction & Maintenance	Cr Adam Hain
5 Parks, Recreation & Sport	Cr Koliana Winchester
6 Lifestyle & Amenity	Cr Denise Sims
7 Economic Development, Events & Tourism	Cr Peter Flannery
8 Regional Innovation	Cr Darren Grimwade
9 General Business	Cr Allan Sutherland (Mayor)

1 GOVERNANCE SESSION

(Cr A Sutherland, Mayor)

ITEM 1.1

2019 BIO INTERNATIONAL CONVENTION - REGIONAL

Meeting / Session: 7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM
Reference: A18406454 : 4 April 2019
Responsible Officer: JO'K, Manager Strategy and Engagement (CEO Strategy & Engagement)

Executive Summary

It is understood that the Queensland Government is leading a Trade Mission to the 2019 BIO International Convention which is to be held from 3 - 6 June 2019 in Philadelphia, Pennsylvania. A delegation including representation from Trade and Investment Queensland, Queensland local governments and Queensland Mayors is currently being finalised by the Queensland Government to support the Trade Mission.

It is expected that Premier Anastacia Palaszczuk MP will invite Queensland councils to again be part of the Queensland Government's Trade Mission.

Life Sciences Queensland have advised that it is likely that convention access for the Mayor and one officer will be complimentary. There are a number of economic and trade opportunities with the USA including universities to partner with the University of Sunshine Coast (USC) and other investment opportunities at the Petrie Mill site as well as new biotechnology opportunities.

This report seeks approval for the Mayor and the Manager Strategy & Engagement to travel to the USA to participate in the Queensland Government's 2019 BIO Trade Mission.

COMMITTEE RECOMMENDATION

Moved by Cr Koliانا Winchester

Seconded by Cr Julie Greer

CARRIED 12/0

That the Mayor and the Manager Strategy and Engagement be authorised to travel to the USA to participate in the Queensland Government's 2019 BIO Trade Mission.

ITEM 1.1 2019 BIO INTERNATIONAL CONVENTION - REGIONAL - A18406454 (Cont.)

OFFICER'S RECOMMENDATION

That the Mayor and the Manager of Strategy and Engagement be authorised to travel to the USA to participate in the Queensland Government's 2019 BIO Trade Mission.

REPORT DETAIL

1. Background

It is understood that the Queensland Government is leading a Trade Mission to the 2019 BIO International Convention which is to be held from 3 - 6 June 2019 in Philadelphia, Pennsylvania. A delegation including representation from Trade and Investment Queensland, Queensland local governments and Queensland Mayors is currently being finalised by the Queensland Government to support the Trade Mission.

It is expected that Premier Anastacia Palaszczuk MP will invite Queensland councils to again be part of the Queensland Government's Trade Mission. A number of conversations have occurred with various State officers regarding state and local government participation in the 2019 BIO Convention to continue to promote Queensland, and the Moreton Bay Region to develop further jobs by harnessing science, research and innovation.

2. Explanation of Item

It is proposed the Mayor and the Manager Strategy & Engagement participate in the Queensland Government's 2019 BIO Trade Mission by attending the BIO International Convention in Philadelphia which will be held from 3 - 6 June 2019.

BIO attracts more than 16,000 biotechnology and medical leaders from 76 countries who come together for one week to discover new opportunities and promising partnerships for their regions. This event covers a wide spectrum of life science and application areas including drug discovery, biomanufacturing, genomics, biofuels, nanotechnology and cell therapy.

Queensland has been a regular participant at the BIO conventions for over 20 years. More than a third of BIO convention attendees are from outside of the USA, and Australia ranks in the top 10 international delegations. In recent years, delegations of senior business, academic and research interests from Queensland have attended the convention. BIO convention participation has been an integral part of the Queensland Government's international marketing and promotion of Queensland's biotechnology and life sciences industry.

Attending BIO would be an excellent opportunity for the Council to support the Queensland Government in garnering international interest in our region and identify opportunities to expand bio medical and research opportunities in the Moreton Bay Region particularly as the Petrie Mill site expands.

3. Strategic Implications

3.1 Legislative/Legal Implications

Section 188 of the Local Government Regulation 2012 states:

Overseas travel

1. The annual report for a financial year must contain the following information about any overseas travel made by a councillor or local government employee in an official capacity during the financial year –
 - (i) for a councillor – the name of the councillor;
 - (ii) for a local government employee – the name of, and position held by, the local government employee;
 - (iii) the destination of the overseas travel;
 - (iv) the purpose of the overseas travel;
 - (v) the cost of the overseas travel;
2. The annual report may also contain any other information about the overseas travel the local government considers relevant.

ITEM 1.1 2019 BIO INTERNATIONAL CONVENTION - REGIONAL - A18406454 (Cont.)

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.
Creating Opportunities: Local jobs for residents - an innovative and thriving economy.

3.3 Policy Implications

Council approval of this travel will be consistent with Council's current Policy No: 2150-089: Professional Development.

3.4 Risk Management Implications

There are no direct risk management implications arising from this report.

3.5 Delegated Authority Implications

There are no direct policy implication arising from this report.

3.6 Financial Implications

Funds are available in the Budget.

3.7 Economic Benefit

Participation in the Queensland Government's Trade Mission will increase the international visibility for the Moreton Bay Region.

3.8 Environmental Implications

There are no direct environmental implications arising from this report.

3.9 Social Implications

The Mill at Moreton Bay is a transformational project that seeks to increase higher education participation and completion rates, create new jobs and economic benefit for our region. It also presents ongoing opportunities for medical research trials in our region to improve health outcomes for our population. Participation in the Queensland Government's 2019 BIO Trade Mission will also increase the international visibility the Moreton Bay Region.

3.10 Consultation / Communication

As per section 188 of the Local Government Regulation 2012, the annual report for a financial year will contain information about any overseas travel made by a councillor or local government employee in an official capacity during the financial year.

ATTENDANCE

Mr Syd Jerram attended the meeting at 10.40am for Item 2.1.

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

**ITEM 2.1
SPECIALISED TRANSPORT MODELLING SERVICES - REGIONAL**

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A18384403 : 29 March 2019
Responsible Officer: SJ, Manager Integrated Transport Planning (ECM-IP Integrated Transport Planning & Design)

Executive Summary

Council currently requires specialised transport planning services, specifically in the VISUM model platform, to assist with a range of modelling tasks and projects being managed by Infrastructure Planning (IP) and Planning and Economic Development (PED).

The VISUM platform is a highly specialised transport model platform that is utilised by both Council and the Department of Transport and Main Roads (TMR) to model and plan our respective network developments. Due to the specialised nature of the model, there are a limited number of consultancies in Australia that have the requisite skills and capacity to provide these services. Arup Pty Ltd (Arup) has the technical knowledge and an in-depth background relating to Council's transport models, and subsequently it is recommended that Arup be engaged to provide the specialised services in house for Council.

Specifically, this report recommends that Council contract Arup to provide a resource that would sit internally within IP, in the Integrated Transport Planning department, for up to five days per week, with an average of three days.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Julie Greer

CARRIED 11/0

Cr Julie Greer had briefly retired from the meeting and was not present when the vote was taken

- 1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to invite quotes or tenders for the services.**
- 2. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the contract with Arup Pty Ltd for the provision of specialised transport modelling services and any required variations of the contract on the Council's behalf, as described in this report.**

ITEM 2.1 SPECIALISED TRANSPORT MODELLING SERVICES - REGIONAL - A18384403 : 29 March 2019 (Cont.)

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to invite quotes or tenders for the services.
2. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the contract with Arup Pty Ltd for the provision of specialised transport modelling services and any required variations of the contract on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

The VISUM platform is a highly specialised transport modelling platform, with only six consultancies in Australia capable of providing these modelling services. Currently four of the six have been engaged by development (variation) applicants and therefore have a conflict of interest in being able to provide this service to Council. The fifth company is currently engaged by TMR full time to undertake the development of a joint TMR/MBRC new strategic transport model.

Arup has been assisting Council with transport modelling and analyses on different engagements since 2011 and has a detailed knowledge of Council's transport network and future developments. This will alleviate any requirement for them to be brought up to speed on the different projects and project requirements that this engagement would be required to assist on.

2. Explanation of Item

Current market conditions have created significant national demand for transport modelling expertise leading to a shortage of transport modellers. MBRC has been unsuccessful in appointing the services of senior transport modellers following several recruitment campaigns. This report recommends that the Council contract Arup to provide a resource that would sit internally within Council for up to five days per week, with an average of three days per week. This would enable Council to ensure ongoing management and development of the transport models, whilst a suitably qualified internal resource is obtained. This is considered to be the most practical and efficient way to ensure work associated with transport modelling projects can be undertaken within required timeframes, some of which are statutory.

Specifically, the engagement would allow Council to:

- a) Ensure the ongoing management of Council's transport models and in doing so upskill/ train existing staff in use of these models;
- b) Respond to any technical enquiries from applicants who are currently undertaking traffic impact assessment of proposed developments in Council's models;
- c) Prepare models and model outputs for use in planning appeals and in working with the nominated traffic experts;
- d) Liaise with TMR on the ongoing audits of updated models received by current applications as part of its response to both SARA and MBRC information requests; and
- e) Any other project work (eg. 4-step VISUM platform required to progress LGIP-2) that requires this specialised technical knowledge.

Due to the limited number of consultancies with the required technical skills and the conflicts of interest with other consultancies who are currently undertaking modelling work for applicants, it is considered that it would be impractical or disadvantageous to seek additional quotes for the work.

ITEM 2.1 SPECIALISED TRANSPORT MODELLING SERVICES - REGIONAL - A18384403 : 29 March 2019 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

Under the Local Government Regulation 2012, the Council must seek quotes prior to entering into a contract for services expected to be worth between \$15,000 and \$200,000. This general requirement is subject to a number of limited exceptions.

Section 235(b) of the Local Government Regulation 2012 provides that Council can enter into a contractual arrangement without firstly seeking quotes if it resolves that, because of the specialised or confidential nature of the services sought, it would be impractical or disadvantageous to invite quotes or tenders.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications

Given the work already undertaken, the extensive experience and knowledge acquired conducting this work and no conflict of interest with any current development applications, it would not be advantageous for MBRC to go to the market to complete this work.

3.4 Risk Management Implications

Council's transport models and the future audit of applicant's models are confidential. Introducing a new consultant into the process would increase Council's exposure to:

- a confidential matter being released;
- a conflict of interest with a consultancy who is engaged on work associated with development applications; and
- delay the works as the new consultancy comes up to speed with the project.

3.5 Delegated Authority Implications

No delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Operational expenditure will be drawn from the Strategic Planning and Economic Development department, who have an allocation of \$200,000 for transport modelling that can be utilised for the modelling services, as required.

3.7 Economic Benefit

No economic benefit arising as a direct result of this report.

3.8 Environmental Implications

No environmental implications arising as a direct result of this report.

3.9 Social Implications

No social implications arising as a direct result of this report.

3.10 Consultation / Communication

Consultation on the matter has been undertaken with the Manager Development Services and the Acting Manager Strategic Planning and Economic Development and is endorsed by both departments.

ATTENDANCE

Mr Syd Jerram left the meeting at 10.43am after consideration on Item 2.1.

Mr Glenn Hammill attended the meeting at 10.44am for Item 2.2.

Ms Kate Isles attended the meeting at 10.44am for Items 2.2 and 2.3.

ITEM 2.2

MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2

APPLICANT: DL & ASSOCIATES PTY LTD

OWNER: AUGUSTA ELC PTY LTD

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A18212535 : 2 April 2019 – Refer Supporting Information A18362414, A18365615, A18365597 & A18365563
Responsible Officer: JL / GH, Principal Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	DL and Associates Pty Ltd
Lodgement Date:	5 October 2018
Properly Made Date:	18 October 2018
Confirmation Notice Date:	19 October 2018
Information Request Date:	Not applicable
Info Response Received Date:	Not applicable
Public Notification Dates:	Commenced 9 November 2018 Concluded 30 November 2018
No. of Submissions:	Properly Made: 26
Decision Due Date:	10 April 2019
Prelodgement Meeting Held:	Yes (PRE/4580 and PRE/4685)

PROPERTY DETAILS	
Division:	2
Property Address:	54-66 Old Bay Road, Deception Bay
RP Description	Lot 32 on SP152335
Land Area:	1.638ha
Property Owner	Augusta Elc Pty Ltd

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme
Planning Locality / Zone	General Residential Zone, Suburban Neighbourhood Precinct
Level of Assessment:	Impact Assessment

The proposal is for a Material Change of Use -Development Permit for a Child Care Centre. The proposed building is situated with the southern half of the subject site. It features:

- A 175-child, single storey centre, broadly comprising of an entry lobby, staff area and two activity room ‘wings’ oriented toward a centralised playscape area, and toward the rear (east) of the building;
- A total use area of 2663m² (including the childcare centre building and playscape);
- A Gross Floor Area of 1035m² for the building;
- Setbacks as follows:
 - A 13.7m building setback to Old Bay Road
 - A 65.3m setback to the mapped waterway buffer along the eastern boundary of the site
 - Setbacks to the southern boundary (adjacent to the sporting field land) of 2.25m and 4.75m;

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

- A building height of 3.6m to the lobby ceiling, with a feature awning above (the overall height is 5.3 metres at the highest point);
- The playscape area of 1628m²;
- A total impervious area of 3645m² (includes roofed areas and car park maneuvering)
- 57 car parking spaces;
- 8 bicycle parking spaces; and
- In ground stormwater treatment device to the rear of the site.

The site is heavily vegetated however the vegetation is not protected nor classified under state mapping or the MBRC Planning Scheme. Despite the initial vegetation clearing plans indicating removal of trees in the northern half of the site (some 359 trees), the proposed extent of clearing is limited to the development footprint of the proposed Child Care Centre. Approximately 102 trees would be removed. The recommendations of this report include a condition of development requiring the submission of an amended Tree Retention Plan permitting the removal of the trees within the development footprint and the retention of trees within the drainage corridor to the east.

The application was publicly advertised with twenty-six (26) properly made submissions received. A number of those submissions related to clearing of vegetation across the whole site. With no proposal to remove vegetation in the northern half of the site, the proposed development in the southern half of the site for a Child Care Centre is considered to accord with the intent of the MBRC Planning Scheme. The proposed Child Care Centre is recommended to be approved subject to conditions.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Brooke Savige

CARRIED 12/0

That the Officer's Recommendation be adopted as detailed in the report.

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Child Care Centre at 54-66 Old Bay Road, Deception Bay, described as Lot 32 on SP152335, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	A-103 (Y)	Whiteroom Architects	25-03-2019
Ground Floor Plan	A-201 (Y)	Whiteroom Architects	25-03-2019
Ground Floor Plan (Macro)	A-202 (Y)	Whiteroom Architects	25-03-2019
Roof Plan	A-211 (Y)	Whiteroom Architects	25-03-2019
West & North Elevations	A-301 (Y)	Whiteroom Architects	25-03-2019
East & South Elevations	A-302 (Y)	Whiteroom Architects	25-03-2019
Sections 1	A-401 (Y)	Whiteroom Architects	25-03-2019
Sections 2	A-402 (Y)	Whiteroom Architects	25-03-2019
Noise Assessment Report	4645 R2	Noise Measurement Services	27 September 2018
Traffic Impact Assessment	18154	Rytenskild Traffic Engineering	24 September 2018
Response to Public Submissions Proposed Child Care Centre	18154	Rytenskild Traffic Engineering	21 January 2019

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Tree Retention Plans and schedules	S50374_TRP_001 to 012	S5 Environmental	28-09-2018
Natural Hazard Bushfire Assessment	S50374ER002	S5 Environmental	20-08-2018
Landscape Intent Plan	18024-LI-01	The Landscape Group	14-09-2018
Site Based Stormwater Management Plan	J6010	Storm Water Consulting	19 Sept 2018

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
2	Amended Plan and Documents Required	
A	Submit amended Tree Retention Plans incorporating the following: <ul style="list-style-type: none"> Clearing of non-juvenile habitat trees limited only to that area within Child Care Centre's development footprint (including car park areas); 	Prior to any approval of Building Works, or prior to any works involving the removal of

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	<ul style="list-style-type: none"> The balance area to the north of the childcare centre as not part of this application; Existing native vegetation to the east of the carpark to be retained; and No changes to trees outside the subject site. 	vegetation, whichever occurs first.
B	Submit an amended Bushfire Hazard Assessment and Management Plan, for approval by Council's delegate, incorporating the following: <ul style="list-style-type: none"> Retention of the vegetation in accordance with sub-condition 'A' above. Management and mitigation measures that only rely on non-juvenile tree clearing within the development footprint of the Child Care Centre. 	Prior to any approval of Building Works, or prior to any works involving the removal of vegetation, whichever occurs first.
C	Obtain approval from Council for the amended plans required above in accordance with (A) & (B) above.	Prior to any approval of Building Works, or prior to any works involving the removal of vegetation, whichever occurs first.
D	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) and document(s) will form part of the approval.	Prior to the commencement of use and to be maintained at all times.
3	Limitation on number of children	
	Limit the number of children attending the centre to a maximum of one hundred and seventy-five (175) at any one time.	To be maintained at all times.
4	On-Site Car Spaces	
A	Provide car parking spaces as generally shown on the approved plans.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to commencement of use and to be maintained at all times.
5	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of eight (8) bicycles. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use and to be maintained.
6	Colours, Materials and Finishes	
A	Submit a schedule of colours, materials and finishes that achieves the following;	Prior to any approval of Building Works.

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	<ol style="list-style-type: none"> 1. breaks up the frontage walls as generally depicted on the submitted elevations / perspectives; 2. utilises natural tones and colours. 	
B	Obtain approval from Council for the schedule in accordance with (A) above.	Prior to any approval of Building Works.
C	Implement the approved schedule of colours materials and finishes.	Prior to commencement of use and to be maintained at all times.
7	Electrical Transformer	
	<p>Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following:</p> <ol style="list-style-type: none"> 1. A combination of screening device and landscaping; 2. The screening device is constructed of durable, weather resistant materials; and 3. Is integrated with the design of the development and positively contributes to the streetscape. <p>Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with provision made for maintenance access through the site.</p> <p>Note: The use of barbed wire or metal prongs is not permitted</p>	Prior to the commencement of the use and to be maintained at all times.
8	Acoustic Attenuation Measures	
A	<p>Provide the following acoustic attenuation measures as specified in the Noise Assessment Report by Noise Measurement Services:</p> <ol style="list-style-type: none"> 1. An acoustic barrier. 2. Acoustic building treatments. 3. Limit the use of outdoor play areas to between 7am and 6pm only. 4. Limit deliveries to between 7am and 6pm only. 	Prior to the commencement of the use and to be maintained at all times.
B	Provide certification from a suitably qualified person that conditions A1 and A2 above have been implemented in accordance with the Noise Assessment Report by Noise Measurement Services.	Prior to the commencement of the use.
9	Waste Management Plan	
A	<p>Implement the waste management arrangements identified on the approved plan.</p> <p>Note: This development will use 1.1 m³ bins serviced at the kerbside of Old Bay Road.</p>	Prior to commencement of use and to be maintained at all times.
B	Construct a hardstand path that includes a pram ramp at the roadside gutter to allow the manoeuvring of refuse bins from the bin enclosure to the refuse collection vehicle.	Prior to commencement of use and to be maintained at all times.

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
C	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	At all times.
D	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
10	External Lighting	
A	Install external lighting in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
11	Pedestrian Lighting	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
12	Front Fencing	
	Ensure that any front fencing is constructed to no less than 50% transparency and a maximum height of 1.2 metres.	Prior to commencement of the use and to be maintained at all times.
13	Fencing along Park Boundary	
	Except for the solid fencing required by the approved Noise Assessment Report, provide semi-transparent fencing along the common boundary with the adjacent park to enable passive surveillance of public areas. The semi-transparent fencing is to have a minimum height of 1.5 metres and a maximum height of 2 metres and a minimum 50% transparency.	Prior to commencement of use.
14	Landscaping	
A	Provide landscaping on site generally in accordance with Planning Scheme Policy - Integrated Design Appendix D - Landscaping.	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use.
C	Maintain the landscaping.	At all times.
15	Vehicle Encroachment	

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use.
16	Screening of Loading Facilities / Plant Areas	
	Screen Refuse Storage and other Outdoor Storage Facilities on the site from direct view from any adjoining road or public space.	Prior to commencement of use.
17	Water and/or Sewerage	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied. 	Prior to commencement of use.
18	Fibre Ready Telecommunications – Single	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ol style="list-style-type: none"> 1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and 2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO. 	Prior to commencement of use.
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done. Note: A template for certification is available from council for the purpose of this condition.	Prior to commencement of use.
19	Electricity	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has or will be constructed to the site.	Prior to commencement of use.
B	Provide an underground electricity supply connection to the development.	Prior to commencement of use.
C	Provide underground electricity along a portion of the site's Old Bay Road frontage from the overhead pole opposite Brentwood Court in a south-easterly direction for the remainder of the site frontage, including the frontage of the approved Child Care	Prior to the commencement of use.

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	Centre, and up to (as minimum) the alignment of the site's common boundary with the adjacent sports ground.	
D	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: <ol style="list-style-type: none"> 1. Any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and 2. Any electricity connections and infrastructure made redundant by the development is removed with the land reinstated. 	Prior to commencement of use.
20	Vegetation Management and Tree Retention Plan	
A	Submit an amended Vegetation Management and Tree Retention Plan prepared by a suitably qualified person and include scaled plans and supporting documentation that provides for the following: <ol style="list-style-type: none"> 1. Clearing of vegetation only within the approved Child Care Centre footprint and car park; 2. Retention of all native trees within the waterway corridor at the east of the carpark area; 3. Balance area to the north of the childcare centre shown as "not part of this application". 4. Control measures, maintenance procedures and monitoring programs; and 5. Measures to ensure site works do not impact upon the health and vitality of trees in the adjoining Progress Park Sports Ground (i.e. Australian Standard 4970:2009). 	Prior to works commencing on site.
B	Obtain approval from Council for the Vegetation Management and Tree Retention Plan in accordance with (A) above.	Prior to works commencing on site.
C	Carry out works in accordance with the approved Vegetation Management and Tree Retention Plan.	Prior to the commencement of use.
21	Extent of Vegetation Clearing	
A	Clearing of native vegetation must be limited to that which is necessary for development of the Child Care Centre and its associated car parking area (within the footprint of the development); and	Prior to and during site works and to be maintained.
B	Clearing of native vegetation as part of this approval must not occur within the remainder of the site outside the footprint of the child care centre and its car parking area or on adjoining land including the adjacent sportsground.	Prior to and during site works and to be maintained.
22	Disposal of Cleared Vegetation	
	Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility. Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	At all times.

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
23	Temporary Exclusion Fencing	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling. Clearing is to be undertaken in accordance with AS 4970-2009 Protection of Trees on Development Sites.	During site works.
24	Management of Wildlife	
A	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	Prior to and during site works.
B	Provide an activity report, to be completed by the supervising Fauna Spotter Catcher, including: <ol style="list-style-type: none"> 1. The number and species of any animals observed during clearing; 2. The actions taken to deal with observed animals; 3. The number of any animals that were required to be relocated; 4. The release site for any relocated animals; 5. The number (if any) of animals injured during clearing; 6. The treatment provided; 7. The outcome of any treatment; and 8. The location of the treatment. 	Within fourteen (14) days of completion of clearing.
25	No Net Loss of Fauna Habitat	
	Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree, development will provide replacement fauna nesting boxes at the following rate: <ol style="list-style-type: none"> 1. One (1) nest box for every hollow removed; or 2. Where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m height, three (3) nest boxes are required for every habitat tree removed; or 3. Provide a fauna nest box strategy for approval by Council's delegate, and consequent installation of next boxes. 	Prior to the commencement of use.
26	Ecological Restoration Plan Required	
A	Submit to Council for approval an Ecological Restoration Plan. The plan must be prepared by a suitably qualified person and in accordance with Planning Scheme Policy - Environmental Areas and Corridors, for the north-eastern portion of the site covered by the land within the mapped Medium Hazard Area on the Flood Hazard Overlay and/or the Riparian and Wetlands Corridor Overlays.	Prior to site works commencing.
B	Implement the requirements of the approved plan.	During site works, prior to the commencement of use and to be maintained.

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ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
DEVELOPMENT ENGINEERING		
27	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
28	Alterations and Relocation of Existing Services	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to commencement of use.
29	Amended Stormwater Management Plan Required	
A	<p>Submit to Council for approval an amended Stormwater Management Plan that addresses the following:</p> <p>Stormwater Quantity Include a defined stormwater layout plan showing the proposed internal minor stormwater system and overland flow paths.</p> <p>Stormwater Quality Review the MUSIC modelling and the sizing of the proposal and address the following issue:</p> <ul style="list-style-type: none"> i. For any Stormsack not in line with the SEPL cartridge filter system, all pollutant removal efficiencies other than for gross pollutants should be set to zero. <p>Review and provide a stormwater layout plan, that details the proposed stormwater quality improvement devices with the following information reflected:</p> <ul style="list-style-type: none"> i. The location of the Swale with details; ii. The locations and the number of SPEL Stormsacks and the size of inlet pits; and iii. The type (EMC 45L) and number of SPEL filter cartridges. 	Prior to commencement of works.
B	Implement the requirements of the approved Stormwater Management Plan.	Prior to the commencement of use and to be maintained.
30	Erosion and Sediment Control	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion	Prior to commencement of works and to be maintained current at all

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	Control Association Australasia (IECA) Best Practice and Sediment Control document.	times during construction.
31	Driveway Crossover	
A	Construct a driveway crossover to the proposed development in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051.	Prior to commencement of use.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
32	Existing Driveway Crossover	
	Remove completely all redundant driveway crossovers fronting the development site on Old Bay Road. Reinststate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use.
33	Existing School Zone Signage	
	Obtain approval from TMR for the proposed location, and subsequent removal and relocation of the existing School zone signage and then undertake the approved works. Note: School zone signage is governed by the Department of Transport and Main Roads.	Prior to commencement of use.
34	Access, Internal Roadways, Parking and Servicing Areas	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
35	Minimum Flood Planning Level	
	<ul style="list-style-type: none"> Design and construct the habitable floor level to at least the Council adopted Flood Planning Level (FPL). The FPL for this site at the time of approval is 4.3m AHD inclusive of 300mm freeboard. A flood depth of 300mm in the carpark is permitted provided an absolute minimum level of 3.70m is achieved within the car-park. 	Prior to commencement of use.
36	Building Below the Flood Planning Level	

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	<p>Construct building works below the Council adopted Flood Planning Level (FPL) from materials with a high-water resistance and ensure that essential electrical services are located above the FPL. The FPL for this site at the time of approval is 4.3m AHD.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at www.hpw.qld.gov.au. 2. An essential electrical service includes services defined as utilities in Mandatory Part 3.5 – Construction of buildings in flood hazard areas of the Queensland Development Code 	Prior to commencement of use.

ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice</p>

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

ADVICES	
	issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.

B. That the following information be included in the Decision Notice.

Decision Notice information

	Details to Insert
Application Type	Material Change of Use- Development Permit for Child Care Centre
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	<ul style="list-style-type: none"> Building Works – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were 26 properly made submissions about this application.

REPORT DETAIL

1. Background

On 25 June 2018 a prelodgement meeting PRE/4580 was held in relation to the childcare use and potential balance lot subdivision. The proposal was generally supported - noting the flood hazard requirements to be addressed. Car parking and access were also noted as issues at this meeting, along with flooding. This meeting highlighted that the application would be Impact assessable.

On the 27 August 2018 a prelodgement meeting PRE/4685 was held further discussing the application. The issue of the balance lot and the flood hazard overlay (reconfiguring a lot code) became prominent. Since the proposal no longer involved the dedication of the whole flood hazard area the creation of a lot that had a balance area in the flood hazard area was problematic. Hence the current application has removed the reconfiguration of a lot aspect and is focused on the Material Change of Use - Childcare Centre.

As part of the initial plans provided with the Child Care Centre application, a tree retention plan was provided, which inferred clearing of a large segment of the northern tip of the subject site (northern half) where no development is proposed at this stage. That plan has been withdrawn by the applicant, although the majority of the submissions received refer to the clearing of vegetation at the northern corner of the site and therefore there was an apparent confusion over what works were proposed at the time of public notification. To remove any doubt, the only vegetation clearing contemplated by this assessment is that necessitated to establish the proposed child care centre in the southern portion of the site.

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

On 25 March 2019, the applicant gave notice of a Minor Change under section 25 of the Development Assessment Rules (and s52 of the *Planning Act 2016*). The nature of the changes are as follows:

- A reduction in the number of child places from 200 to 175;
- A revised Gross Floor Area of building footprint to be now total 1,035m²;
- An increase in two (2) car parking spaces to now total fifty-seven (57) spaces;
- An increased outdoor play area (playscape) to now total 1,628m².

The changes to the original application (as submitted) have been assessed and do not result in substantially different development. Accordingly, the proposed changes meet the definition of a Minor Change under the *Planning Act 2016* and does not affect the development assessment process.

2. Explanation of Item

2.1 Description of the Site and Surrounds

The subject site is located on the southern corner of Old Bay Road and Thompson Street, at a round-about intersection that results in an almost hair-pin shaped allotment. The site is heavily vegetated and native fauna have been witnessed on site by submitters to the application. The site falls gently from RL6 in the southern corner (at the Old Bay Road frontage) to RL3.5 in the eastern portion of the site where the land is subject to flood hazard. Overland flow drainage is located adjacent to the immediate east. Even so, the property is within the Suburban Neighbourhood Precinct of the General Residential Zone. Surrounding land uses of note include a sporting ground (to the immediate south) and Deception Bay North State School (diagonally opposite).

Directions	Planning Scheme Zone	Current Land Use
North	Rural Zone	Rural properties on the opposite side of Thompson Street
South	Recreation and Open Space Zone, General Residential Zone beyond	Progress Park Sports Ground, a state primary school to the southwest
East	Recreation and Open Space Zone, General Residential Zone beyond	Stormwater drainage, and residential dwelling houses beyond
West	General Residential Zone (Suburban Neighbourhood)	Residential dwelling houses

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes Assessment Benchmarks that the application must be carried out against, which are additional or alternative to the Assessment Benchmarks contained in Council's Planning Scheme.

These Assessment Benchmarks are prescribed as being contained in:

- the South East Queensland Regional Plan and Part E of the State Planning Policy; and
- Schedule 10 of the Regulation.

Applicable Assessment Benchmarks:	Nil
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> • Urban Footprint
Koala Habitat Designation:	Nil

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

2.2.1 State Planning Policy

A new State Planning Policy came into effect on 3 July 2017 and is not currently integrated into the MBRC Planning Scheme. The following assessment benchmarks are to be applied to the assessment of development applications until the State interests have been appropriately integrated into Council's planning scheme. Assessment against the SPP assessment benchmarks is as follows:

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from <ul style="list-style-type: none"> (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilization of nutrients and sediments. (2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2) (3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply. Refer also to the assessment comments made by Development Engineering.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: <ul style="list-style-type: none"> (1) Development other than that assessed against (1) above, avoids 	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

	<p>natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>proposal has been determined to comply. Refer also to the assessment comments made by Development Engineering in relation to the Flood Hazard Overlay.</p>
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.2.2 *South East Queensland Regional Plan*

The site is located in the Urban Footprint designation. The development proposal is for an urban activity in the Urban Footprint, and there are no requirements in the State Planning Regulatory Provisions applicable to the development proposal.

2.2.3 *Schedule 10 of the Regulation – Koala Habitat (not applicable)*

The site is not located in a Priority Koala Assessable Development Area or Koala Assessable Development Area. Moreover, the site is identified as low value rehabilitation. This outline is provided for information purposes. The habitat designations (or lack thereof) means that an assessment against the regulation is not applicable despite the extent of vegetation found on the site. Assessment and response to the site’s vegetation value is limited to the Moreton Bay Regional Council (MBRC) Planning Scheme only.

2.3 Assessment Against Local Categorising Instrument - Moreton Bay Regional Council Planning Scheme

An assessment against the relevant parts of the planning scheme is set out below.

2.3.1 *Strategic Framework*

The proposal is generally consistent with the Strategic Framework. Given the proposal achieves the Overall Outcomes of the relevant codes an assessment against the Strategic Framework is not required by the development proposal.

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

2.3.2 Assessment of Applicable Codes

Code Compliance Summary

The assessment below identifies how the development proposal achieves the assessment benchmarks and where the development proposal;

- (a) proposes an alternative 'Example' satisfying or not satisfying the corresponding Performance Outcome; and
- (b) proposes an outcome where no 'Example' is stated in the code and the proposed outcome does not satisfy the corresponding Performance Outcome.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO15, PO16, PO67
Overlay Codes		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO10

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.3.3.

2.3.3 Performance Outcome Assessment

Performance Outcome	Example
General Residential Zone Code - Suburban Neighbourhood Precinct	
<p>PO15</p> <p>a. Development ensures that the biodiversity quality and integrity of habitats is not adversely impacted upon but maintained and protected.</p> <p>b. Development does not result in the net loss of fauna habitat. Where development does result in the loss of a habitat tree, development will provide replacement fauna nesting boxes at the following rate of 1 nest box for every hollow removed. Where hollows have not yet formed in trees > 80cm in diameter at 1.3m height, 3 nest boxes are required for every habitat tree removed.</p> <p>c. Development does not result in soil erosion or land degradation or leave land exposed for an unreasonable period of time but is rehabilitated in a timely manner</p>	<p>No example provided.</p>

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
<p>The application was originally lodged with an Operational Works - Vegetation clearing component which proposed to clear the majority of vegetation on site, with the exception of vegetation within the medium risk flood hazard area along the eastern boundary. That component of the application was subsequently removed in the absence of a purpose for the vegetation clearing on the northern balance of the subject site.</p> <p>The proposed vegetation removal is generally limited to a part of the site that has been previously disturbed, in and around the location of the existing Dwelling house and associated outbuildings. It should be noted that the vegetation on site is not mapped under any legislation including the MBRC Planning Scheme, State Planning Policy (including Koala Regulation) or Vegetation Management Act. A Child Care Centre is a contemplated use within the Overall Outcomes for the Suburban Neighbourhood Precinct, particularly in locations that are serviced by public transport and/or make efficient use of the location where several community services are clustered. Given the surroundings, the subject site is an ideal location for a Child Care Centre. Even so, a number of trees required to be removed are classified as habitat trees under the MBRC Planning Scheme and accordingly the habitat values of these trees are required to be reciprocated with nest boxes. Conditions are recommended accordingly.</p> <p>It is also recommended that conditions be imposed to the north-eastern portion of the site, covered by the Riparian & Wetlands and the Flood Hazard Overlays from ongoing vegetation clearing in future, so as to advance the Performance Outcome's requirement to ensure <i>that the biodiversity quality and integrity of habitats is not adversely impacted upon but maintained and protected</i>. That area is to be the focus of nest box and vegetation rehabilitation.</p> <p>This is considered to be a balanced approach to the assessment of development on the site in that an ideal location for the clustering of community services is supported, while identified habitat values are maintained and protected within the site in general accordance with PO15.</p>	
<p>PO16 <i>Where the site adjoins or is opposite to a Park⁽⁵⁷⁾, foreshore or Humpybong Reserve all existing overhead power lines are to be undergrounded for the full frontage of the site.</i></p>	<p><i>No example provided.</i></p>
<i>Performance Outcome Assessment</i>	
<p>The undergrounding works stipulated in PO16 are relevant given that the subject site is immediately adjacent to <i>Progress Park Sports Ground</i>. Although, only the southern portion of the site is to be developed, with vegetation in the north-eastern portion of the site to be rehabilitated and the north-western portion to remain undeveloped at present. It is considered reasonable therefore, to only require undergrounding of electricity along the section of Old Bay Road that the Child Care Centre will front directly.</p> <p>It is recommended that conditions require underground electricity from the overhead pole opposite Brentwood Court in a south-easterly direction for the remainder of the site frontage, up to the alignment of the common boundary with the adjacent park (i.e. the southern end of the frontage).</p>	
<p>PO67</p>	<p>E67.1</p>

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Performance Outcome	Example
<p>The number of car parking spaces is managed to:</p> <ul style="list-style-type: none"> a. avoid significant impacts on the safety and efficiency of the road network; b. avoid an oversupply of car parking spaces; c. avoid the visual impact of large areas of open car parking from road frontages and public areas; d. promote active and public transport options; e. promote innovative solutions, including on-street parking and shared parking areas. <p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p>	<p>Car parking is provided in accordance with Schedule 7 - Car parking.</p> <p>Note - The above rates exclude car parking spaces for people with a disability required by Disability Discrimination Act 1992 or the relevant disability discrimination legislation and standards.</p> <p>E67.2</p> <p>All car parking areas are designed and constructed in accordance with Australian Standard AS2890.1</p>
<p>Example E67.1 suggests that car parking is provided at a rate identified within Schedule 7 of the Moreton Bay Regional Council Planning Scheme, being 7 spaces per 100m² of GFA. Accordingly, for a Child care centre with a GFA of 1035m², the suggested car parking rate is 73 spaces.</p> <p>The application proposes a performance solution against Example 67.1 of providing a total of 57 spaces (including 1 PWD space). The alternative car parking provision is intended to accommodate twenty (20) spaces for staff, thirty-seven (37) spaces for visitors (including 1 PWD space), in addition to one (1) loading bay. The alternative car parking rate for a centre comprising 175 children and an estimated twenty (20) staff would therefore comprise one (1) car parking space per staff member and one (1) visitor space per every 4.72 children.</p> <p>The proposed alternative car parking rate, based on number of children and staff, provides for a more accurate assessment of actual parking demand of a centre, as opposed to calculation based on Gross Floor area which can vary between centres. In addition, it is noted that the proposed car parking exceeds that of other Child care centres approved within the region which have typically been a minimum of one (1) space per staff member and one (1) space per five (5) children enrolled.</p> <p>The proposal complies with Performance Outcome PO67 as the proposed car parking arrangements:</p> <ul style="list-style-type: none"> a. provide sufficient onsite car spaces that would meet anticipated employee and visitor parking demand and therefore would avoid impacts on the safety and efficiency of the road network; b. would not result in an oversupply of car parking spaces. The proposed parking provision is anticipated to meet demand without an oversupply of car parking; c. avoid the visual dominance of car parking when viewed from the street frontage, noting the majority of car parking is provided to the side or behind the building. Car parking proposed within the front setback does not adjoin the street and will be located behind landscaping; 	

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Performance Outcome	Example
<p>d. promote active and public transport options. The layout of the car park ahas been designed to facilitate pedestrian connections from the street frontage t the entrance of the building. In addition, an existing bus stop is located approximately 120m from the site.</p> <p>e. the proposal will not compromise the promotion of innovative solutions, including on-street parking and shared parking areas.</p> <p>It is recommended the performance solution be accepted in this instance.</p>	

Flood Hazard Overlay Code	
<p>PO10 <i>Development maintains personal safety at all times, such that:</i></p> <ul style="list-style-type: none"> a. <i>a vulnerable land use (flood and coastal) is not located in the High risk flood hazard area or Medium risk flood hazard area;</i> b. <i>new buildings are not located in the High risk flood hazard area included in the Limited development zone;</i> c. <i>a residential accommodation building is located in the following:</i> <ul style="list-style-type: none"> i. <i>Balance flood planning area;</i> <i>or</i> ii. <i>the Medium risk area where located in the Medium risk storm tide inundation area of the Coastal hazard overlay or Balance coastal planning area of the Coastal hazard overlay ;</i> d. <i>evacuation capability from the development or other premises is not hindered or made more complicated and there is no significant additional burden placed on emergency services personnel;</i> e. <i>the isolation of persons in the Defined Flood Event is avoided.</i> 	<p>No example provided</p>
Performance Outcome Assessment	
<p>The rear car park aisle and a small portion of the spaces stemming from it are within the Medium Risk layer of the Flood Hazard Overlay. These car parks service a vulnerable use, although the vulnerable use is not within the flood hazard and is clearly accessible for evacuation to Old Bay Road in the designated flood event.</p> <p>Site analysis of the existing contours determined that the rear car park could be constructed, at grade without the need to raise the aisle through earthworks. The 1 in 100 year flow could still progress unimpeded and the depth of that flow at the car park aisle would be at a safe level, below 300mm. Therefore, if any cars were left unattended or evacuated during the 1 in 100 year event, an acceptably safe egress is possible.</p>	

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Performance Outcome	Example
<p>The use, and all vehicles associated with it is therefore capable of evacuation and without significant additional burden on emergency services. The proposal achieves PO10.</p> <p>Please refer also to the Development Engineering comments within this report.</p>	

2.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 8 commencing on 14 August 2018(CR).

2.4.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated as shown in the Infrastructure Charges Notice attached to this report taking into consideration any applicable credits or offsets.

2.4.2 Levied Charge Credit

In accordance with section 14 of the CR, a credit exists for the development based on the credit being the greater of the following amounts:

(a) Payment of previous charges or contributions

There is no record of a previous charge or contribution having been made in relation to the land in accordance with section 14 of the CR. Accordingly, the credit available under this option is \$0.00.

(b) Lawful use of land

There is currently a lawful land use taking place on the premises. A dwelling house currently exists and will be replaced by the development. Accordingly, the credit available under this option is \$17,215.35, based on the proportional split stated in Table 3 of the CR.

(c) Other development able to occur without a development permit

There is no other development able to be lawfully carried out without a development permit (including a development permit for Building Works). Accordingly, the credit available under this option is \$0.00.

(d) The adopted charge for a residential lot (applied equally to non-residential development)

The credit available under this option is \$17,215.35 based on the proportional split stated in Table 3 of the CR.

2.4.3 Levied Charge Offset or Refund

The sited is not affected by a Trunk Infrastructure requirement and therefore there is no offset or refund applicable to the development proposal.

2.4.4 Additional Trunk Infrastructure Costs

In accordance with section 130 of the *Planning Act 2016*, an additional payment condition may be imposed if the proposed development;

- (a) generates infrastructure demand of more than what is required to service the type or scale of future development assumed in the LGIP; or
- (b) requires new trunk infrastructure earlier than when identified in the LGIP; or
- (c) is for premises located completely or partly outside the Priority Infrastructure Area; and

The development will impose additional trunk infrastructure costs on Council after taking into account the levied charge and any trunk infrastructure provided, or to be provided by the development.

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In this instance, having assessed the proposed development, it does not warrant the imposition of an additional payment condition.

2.5 Recording of particular approvals on the MBRC Planning Scheme
Not Applicable in this instance.

2.6 Referrals

2.6.1 *Council Referrals*

2.6.1.1 Development Engineering

Acid Sulfate Soils:

The site is mapped within the Acid Sulfate Soils Overlays, at or below 5m AHD and the land above 5m AHD and below 20m AHD categories. The majority of the proposed works are to occur within the 5m-20m AHD, with filling and excavation to be limited to excavation for footings and filling to provide flat pad levels, therefore it is considered the development will not trigger further assessment against this overlay.

Traffic, Access & Parking:

A Traffic Impact Assessment by Rytenskiid Traffic Engineering dated 24 September 2018, and follow-up response to public submissions dated 21st January 2019 has demonstrated satisfactory compliance with the planning scheme and Australian Standards AS2890.1.

The applicant has not addressed the relocation of an existing School Zone advisory signage, as a consequence it will be conditioned that the applicant obtain approval from TMR for the proposed location and subsequent removal and relocation of the existing School zone signage.

Stormwater / Flooding:

The applicant has provided a Site Based Stormwater Management Plan by Storm Water Consulting dated 19th September 2018 which demonstrates that the proposal meets the requirements of the planning scheme. Some minor aspects of the report require amending and will be subject to a condition to incorporate these amendments. These minor aspects do not impact on the decision.

It is noted that part of the property lies within Council's Flood Planning Area. The north eastern portion of the site is included in the Medium Risk Flood Hazard area. The design ensures that the Child Care Centre building and play space remains outside of the Medium Flood Hazard area and will achieve flood immunity. A small part of the proposed car park area towards the rear north eastern side of the development has a minor encroachment into the Medium Risk Flood Hazard Area, with minor inundation limited to no more than 300mm in a 1% AEP flood event. The carpark will be constructed at grade with no obstructions within the Flood Hazard Overlay (Medium Risk Area).

From an engineering perspective, the application could be approved subject to conditions.

2.6.1.2 Environmental Health

Acoustic amenity:

A Noise Assessment Report by Noise Management Services has been provided in support of the development application. The report has evaluated noise impact to and from the development in accordance with the MBRC Planning scheme policy - noise. Appropriate noise sources were identified and where necessary measures to ameliorate the impacts have been recommended.

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The measures include basic building treatments, construction of a 2 metre high acoustic barrier along a portion of the southern boundary, limiting use of the outdoor play areas to between 7am and 6pm only and restricting deliveries and waste collection to between 7am and 6pm only. It is noted waste collection will involve a refuse vehicle stopping at the kerb with bins wheeled to the back of the truck for servicing. Due to potential conflicts with the restricted speed zone associated with the adjacent school it is not appropriate to restrict refuse collection to these times. It is not anticipated this will have a significant acoustic impact.

Waste management:

A plan shows the nominated bin storage enclosure located adjacent to the car parking area within the front setback. The enclosure appears adequately dimensioned to accommodate 2 x 1.1m³ bins and contained within a screen corral. A hardstand path will be required from the enclosure to a location where bins will be serviced. The arrangements appear broadly acceptable and as a consequence conditions are recommended accordingly.

2.6.1.3 Environmental Planning

The subject site does not feature on the MBRC Planning Scheme Environmental Areas Overlay Map or the SEQ Koala Habitat Mapping. As such, the environmental assessment is limited to the General Residential Zone Code, where not located in an overlay map. PO15 of the code requires the development to ensure that the biodiversity quality and integrity of habitats is not adversely impacted upon but maintained and protected. PO36 of the code requires that the clearing of vegetation is limited to the area of infrastructure works, building areas and other necessary areas for the works. The applicant should therefore retain all the veg outside the development footprint. There is no need for Council to consider clearing in the balance of the site. Accordingly, conditions have been recommended above in this report.

2.6.2 Referral Agencies

2.6.2.1 Concurrence Agencies - Department of Infrastructure, Local Government and Planning

There were no Concurrence Agencies involved in assessing this development application.

2.6.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.6.2.3 Third Party Agencies

There were no Third Party Agencies involved in assessing this application.

2.7 Public Consultation

2.7.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 7 November 2018.
- (b) The development application was advertised in the Redcliffe & Bayside Herald on 8 November 2018.
- (c) A notice in the prescribed form was posted on the relevant land on 8 November 2018 and maintained for a period of more than 15 business days until 30 November 2018.

2.7.2 Submissions Received

Council received the following types of submissions in respect to this development application.

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Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		26
	Petition		
Not Properly Made	Letter, Email, Fax		1 (withdrawn)
	Petition		
Total			27

The matters raised within the submission(s) are outlined below:

Assessment of Submissions
<p>Clearing Vegetation/Loss of Habitat</p> <ul style="list-style-type: none"> The proposal seeks to clear 80% of the site, some 359 native trees (including 238 Koala food and habitat trees) from a total of 472 trees on the site. The area is included in an area of environmental value - priority species habitat for Koalas and is included within the green infrastructure network. The development site is abundant with native trees that provide important habitat to wildlife including Koalas and cockatoos. Native animal colonies include Koalas, wood ducks, native birds, reptiles and green tree frogs. Koalas have been seen on this site and clearing the vegetation will ruin their habitat. I do not wish for koala habitat to be destroyed on Old Bay Road for an unnecessary development. There is still a thriving koala population on this area of land and they use this as a corridor to other areas and are regularly seen in the trees of the school grounds. The cutting down of the large gum trees in this area will substantially reduce the food available to the koala population. Koala's regularly cross Thompson Road and utilise the site. Koalas are dying at an alarming rate in and around Deception Bay Road. The proposed clearing will have an unacceptable and negative impact on the streetscape and will be an eyesore. This block is highly valued for its nearly pristine stand of trees and the scenic serenity it brings to the community. There is a significant waterway running through this block and it must be protected. The sheer extent of tree removal increases climate change in the community. The site provides an effective, safe habitat and movement corridor for wildlife. A loss of ecological connectivity will occur as a result of the development. The Green Infrastructure Network is located directly adjoining the site. The green network has not been incorporated into the design of the development. The proposal fails to preserve the ongoing supply of existing ecosystems to the community and does not conserve biodiversity values. The site (being an adjacent lot and not protected in perpetuity) should be protected, rehabilitated where necessary and habitats enhanced for priority species. The applicant's ecological report recommends that native vegetation (ie mature eucalypts) and habitat should not be cleared except for where necessary. This recommendation has not been followed in the proposed plans and clearing far exceeds the development footprint. The proposal does not propose to rehabilitate the site apart from the small buffer alongside Little Burpengary Creek. The site is mapped as having MLES waterway buffer or a Value Offset Area MLES wetland buffer along the eastern side (waterway corridor). However, there is strong

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<p>Assessment of Submissions</p> <p>evidence that the mapped MLES should cover the whole site due to the presence of threatened fauna species. An environmental offset shall be required in accordance with the environmental offset requirements identified in Planning scheme policy - Environmental areas. This has not been proposed by the proponent.</p>
<p>Discussion</p> <p>The application was originally lodged with an Operational Works - Vegetation clearing component which proposed to clear the majority of vegetation on site, with the exception of vegetation within the medium risk flood hazard area along the eastern boundary (adjacent to Thompson Street. A total of 359 trees were shown to be cleared on the Tree Retention Plan. The Operational Works - Vegetation Clearing component of the application was subsequently removed in the absence of a purpose for the clearing on the balance of the land.</p> <p>The proposed extent of clearing is now limited to the to the 'development footprint' associated with the Material Change of Use component for the Child care centre and approximately 102 trees would be required to be removed. The recommendations of this report include a condition of development requiring the submission of an amended Tree Retention Plan, showing only the removal of trees within the development footprint, the retention of the existing native vegetation within the waterway corridor to the east of the site.</p> <p>The proposed vegetation removal is generally limited to a part of the site that has been previously disturbed, in and around the location of the existing Dwelling house and associated outbuildings. It should be noted that the vegetation on site is not mapped under any legislation including the MBRC Planning Scheme, State Planning Policy (including Koala Regulation) or Vegetation Management Act. A number of trees required to be removed are classified as habitat trees under the MBRC Planning Scheme and accordingly the habitat values of these trees are required to be offset. Accordingly, the recommendations of this report include a condition of development requiring the applicant to submit a fauna nest box strategy for approval. Further, the recommendations will require the developer to submit a Vegetation Rehabilitation Plan for the area to the east of the development footprint adjoining the existing stormwater corridor.</p> <p>It is noted that while vegetation exists on site, there are no State or local environmental mapping layers that exist to acknowledge the long-term retention of any vegetation on the site. The planning provisions applicable to this assessment, as expressed through the planning scheme, therefore identify the policy direction for the site to be for suburban neighbourhood residential development. A Child Care Centre is a contemplated use within the Overall Outcomes for the Suburban Neighbourhood Precinct, particularly in locations that are serviced by public transport and/or make efficient use of the location where several community services are clustered. The location of the site is logical for the proposed Child Care Centre use from the perspective that it is opposite a primary school and adjacent to a sports ground.</p> <p>It is imperative to note that the planning scheme does not depend on overlay mapping alone to regulate and protect environmental values. Performance Outcome PO15 of the General Residential Zone Code has been written to capture clearing of habitat trees <u>not</u> located within the Environmental Areas Overlay Map. It requires that <i>development does not result in the net loss of fauna habitat</i>.</p> <p>The Overall Outcomes of the Zone Code also state that development within areas of environmental value adopt a <i>least risk least impact approach</i>, which includes impact on environmental values and protecting species habitat. Given that there are ecological values are evident on site and submissions received from the community identify the existing vegetation contributes to local amenity, it is considered appropriate to seek balanced planning approach to the site's development as a Child Care Centre in the southern portion of the site</p>

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<p>Assessment of Submissions</p>
<p>(as currently proposed) and retention of the significant vegetation (within the mapped waterway corridor) along the eastern boundary.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue: Access, Traffic and Parking</p>
<ul style="list-style-type: none"> • Currently traffic is a problem around the Deception Bay North State School in the mornings. The new 200 place childcare will increase traffic, congestion and noise. • Staff and visitors will park outside the centre on Old Bay Road) competing with school traffic in morning and afternoon peak periods. • Traffic from the Old Bay Road and Thompson Street roundabout will not be visible from the proposed driveway of the Child care centre, compromising safety. • The Old Bay Road roundabout and current road layout is somewhat messy and confusing already due to large number of queuing cars waiting for school children. The road and streetscape will ultimately be negatively impacted by more visual pollution if the development proceeds • Cars associated with existing school traffic park across my driveway • Slight lines from residents' driveways to oncoming traffic are obscured by cars parked on the street. Accidents have occurred. • Pedestrians and cyclists currently compete with cars that park on the footpath because of Old Bay Road not being wide enough for parked cars and ongoing traffic. Many of these pedestrians and cyclists are of primary school age due to adjacent school. • The applicants traffic assessment report fails to provide any analysis on the traffic content and user type of pedestrians and cyclists from the two nearby primary schools. • The applicant is required to provide an access driveway of at least 12.0 metres in length to avoid potential queuing issues. The existing access driveway has not been designed in accordance with AS2890.1 • Current planning indicates that future road widening may occur adjoining Old Bay Road. The applicant has failed to provide for the future road widening. • Applicant has not considered the impact of the proposed development on the operation of Old Bay Road / Thompson Rd / Waroo Drive roundabout. The applicant has failed to demonstrate (via method such as SIDRA) that the proposal does not result in unacceptable impacts on the capacity and safety of the external road network. • The applicant has failed to consider this when evacuating 200 small children during a flood event. Parents will have no means of accessing the site by car. The evacuation of 200 children will unduly burden disaster management during a significant flood event.
<p>Discussion</p>
<p>Concern was raised over the existing problems with carparking associated with the school in Old Bay Road. It was noted that parents and teachers of the school parking in the adjoining streets and block driveways as well as causing safety hazards in the street.</p> <p>On 25 March 2019, a Minor Change was made to the application to reduce the number of children from 200 to 175 and to increase the number of car parking spaces from 55 to 57. Example E67.1 suggests that car parking is provided at a rate identified within Schedule 7 of the Moreton Bay Regional Council Planning Scheme, being 7 spaces per 100m² of GFA. Accordingly, for a Child care centre with a GFA of 1035m², the suggested car parking rate is 73 spaces. The application proposes a performance solution against Example 67.1 of the General residential zone code by providing a total of 57 spaces (including 1 PWD space).</p>

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Assessment of Submissions
<p>The alternative car parking provision is intended to accommodate twenty (20) spaces for staff, thirty-seven (37) spaces for visitors (including 1 PWD space), in addition to one (1) loading bay. The alternative car parking rate for a centre comprising 175 children and an estimated twenty (20) staff would therefore comprise one (1) car parking space per staff member and one (1) visitor space per every 4.72 children. As discussed in section 2.3 of this report, appropriate car parking is provided and the proposal complies with Performance Outcome PO67.</p> <p>Council engineers have assessed the proposed access and manoeuvring area to ensure compliance with relevant Australian Standards.</p> <p>Further, Council engineers have assessed the traffic modelling having regard to the proposal and determined it will not have an adverse impact on traffic or the safety of pedestrians or cyclists. The access intersection with Old Bay Road will perform satisfactorily. The modelling has indicated that the projected 95th percentile queue length for right-turning vehicles into the site will be less than one vehicle and will have no impact on the operation of Old Bay Road.</p> <p>This is not sufficient grounds for refusal of the application.</p>
Compliance with the Planning Scheme and other relevant legislation
<ul style="list-style-type: none"> • The proposal is inconsistent with: <ul style="list-style-type: none"> ○ The Strategic Framework of the MBRC Planning Scheme. ○ The general residential zone (Suburban neighbourhood precinct) within the MBRC Planning Scheme; ○ The Coast and riverlands Place type; ○ The Flood hazard overlay code; ○ MBRC Planning Scheme Policy - Bushfire prone areas; ○ MBRC Planning Scheme Policy - Flood hazard, Coastal hazard and Overland flow; ○ MBRC Planning Scheme Policy - Integrated Transport; ○ MBRC Planning Scheme Policy - Noise; ○ MBRC Planning Scheme Policy - Stormwater management; ○ MBRC Planning Scheme Policy - Waste • The proposal is inconsistent with: <ul style="list-style-type: none"> ○ Environmental Protection and Biodiversity Conservation Act 1999 referral guidelines for the vulnerable Koala; ○ Nature conservation Act 1992; ○ Planning Act 2016; ○ State Planning Policy (2017) State interest - Natural hazards: Guidance on Flood, Bushfire and landslide hazard; ○ Australian standards (AS3959-2009) Construction of buildings in bushfire-prone areas
Discussion
<p>Concern was raised in most of the submissions specifically relating to the sightings of koalas and the potential loss of habitat, should the development proceed. It was noted in the submissions received that there are several other native species such as owls and cockatoos seen in the area as well.</p> <p>The submissions also noted specific koala protection legislation being:</p> <ul style="list-style-type: none"> • The Environmental Protection and Biodiversity Conservation Act 1999 (Federal Legislation) • Nature Conservation Act 1992 • Planning Act 2016

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Assessment of Submissions

It is noted that the key mapping triggers for this legislation are not present and it is noted that the proposed development site is not identified or mapped within the State Planning Regulatory Provisions - Assessable Development Area Koala Habitat Values. The site is also mapped within the urban footprint and the area of the site is relatively small (less than 2ha), and accordingly these pieces of legislation do not apply in this instance. It is also noted that a reduced number of trees are to be removed as noted above.

A detailed Ecological Assessment by s5 Environmental was submitted with the application. This report investigated the ecological values, features and functionality of the site in the context of the local and regional areas well as considering the applicable ecological constraints. It is noted that the site is not mapped as essential habitat or regulated vegetation under the vegetation management Act or Nature Conservation (Wildlife Management) Regulation 2006. The report recommends mitigation measures for loss of habitat including:

- Salvage hollows where practical;
- Strategic placement of logs in retained bushland where possible
- The loss of identified Native Habitat trees should be mitigated through the installation of nesting boxes at the rate of three boxes per tree, where trees have more than three hollows, one additional box per for every additional hollow is required, as prescribed in the MBRC Planning Scheme. These trees and specific nesting box requirements will be identified in the associated TRP

For the removal of vegetation within the site the following fauna management measures are recommended to required:

- A Queensland Government Qualified Fauna Spotter/Catcher must be commissioned to undertake fauna spotter/catching works during any clearing works;
- Any recovered fauna may be re-located into vegetation connected to the nearby conservation areas.
- Any injured fauna resulting from clearing works are to be handled only by the qualified Fauna Spotter/Catcher and taken to a veterinary clinic or registered wildlife carer.

It is noted that the proposed development footprint is outside of the area mapped as Local Environmental Significance. There is a portion at the rear of the site in the area shown as vegetation to be retained which is noted as MLES for Waterway Buffer and within the Medium flood hazard area. No vegetation removal is proposed within this portion of the site.

It is noted that Overall Outcome 'O' of the General residential zone code, Suburban neighbourhood precinct (as it applies to the Suburban Neighbourhood Precinct) provides that development within the precinct is to respond to environmental values, among other constraints. This enables Council to take a balanced approach to facilitating the Child Care Centre predominantly in the existing disturbed area of the site, while preserving the vegetated eastern portion of the site for ecological and amenity purposes.

This is not sufficient grounds for refusal of the application.

Environmental Constraints - Flooding/Bushfire

- We have lived in this area for 10+ years and have witnessed flooding on numerous occasions within the development site and surrounding streets.
- The development footprint encroaches into the medium flood area despite freely unencumbered available land outside the flood zone. The development of 9% of the total land area should not encroach into the flood area.

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<p>Assessment of Submissions</p> <ul style="list-style-type: none"> • The native vegetation located outside of the development footprint is only being cleared to reduce the bushfire hazard risk. • The proposed vulnerable use (Child care centre) is inappropriate given the environmental constraints of the property. • The proposed use of a childcare centre on the affected site does not adopt “a least risk approach”. The siting of the building / carpark footprint is located in the medium risk flood zone despite available land outside of this area. • The applicant has failed to provide an adequate bushfire risk assessment. • The natural bushfire hazard assessment in the application has utilised superseded - SPP Guidelines 1/03 Mitigating the Adverse Impact of Flood, Bushfire and Landslide 2003. The MBRC Planning Scheme Policy – Bushfire Prone Areas was prepared in accordance with the State Planning Policy which incorporates the State Interest Technical Manual – Natural Hazards, Risk and Resilience 2016. • The applicant’s bushfire technical report (refer: Table 1 p14) misrepresents the hazard score associated with the class of actual vegetation on site. The site retains a minimum at best “medium risk category” not a low risk category as concluded by the applicant. • The adjacent properties possess extremely high natural hazard characteristics – bushfire and flood. Old Bay road and Thompson streets near the site are in high flood areas (MBRC flood overlay map) and are often inundated. The proposed facility is not situated in an appropriate location for emergency purposes during and after natural disasters. The road network is severely affected during heavy rain periods with the proposed site regularly landlocked. • The Stormwater management plan has been produced utilising wrong GFA numbers on the development. • The Stormwater management plan has not considered the effects of the mass clearing of vegetation on the subject site (outside the development footprint) in its evaluation of the total water cycle management plan. • The entire proposal fails to recognise the subject property is located in the Coast and Riverlands Place Type. • An adequate level of service for road access should be maintained for visitors to the area to provide safe access in areas susceptible to flooding and for use in emergencies. It is not appropriate for the childcare centre to have car parking in a medium flood risk.
<p>Discussion</p> <p>The MBRC planning scheme reflects State Planning Policy (SPP) mapping. SPP mapping has been amended and only small part of the site is within the potential impact buffer, outside of the proposed development footprint. Furthermore, the site is in an urban zoning and would be connected to a reticulated water supply.</p> <p>The Strategic framework place type mapping is not relevant to the assessment, given that the Flood Hazard Overlay code outlines the hazard and the tolerances that could be supported surrounding that flood hazard.</p> <p>The submitters’ concerns regarding stormwater treatment based on the estimate hardstand or GFA have been addressed through Council’s assessment of the proposed Stormwater Management Plan.</p> <p>It is noted that a Child Care Centre is a vulnerable land use and under the Flood Hazard Overlay Code vulnerable land uses are not permitted within the Medium Hazard area. While the proposed Child Care Centre provides flood free evacuation capability from the buildings</p>

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

<p>Assessment of Submissions</p> <p>towards Old Bay Road, the proposed car park at the rear of the site is partially within the Medium Hazard. Despite this, the depth of flood water (approximately <300mm) would allow for the car parking area to remain trafficable in a flood event. The applicant's stormwater engineer has provided evidence outlining that no part of the car park or circulation aisle is more than 300mm inundated at the designated flood event and is therefore a tolerable risk. It is noted that no earthworks will be permitted within the medium risk flood hazard area.</p> <p>Conditions of development are recommended to ensure:</p> <ul style="list-style-type: none"> • No aspect of the Child care centre use is located within the mapped medium hazard area on site, except for a small portion of the car parking area; and • No filling is to occur within the Medium risk flood hazard, including within the car parking area. <p>This is not grounds for refusal of the application.</p>
<p>Noise</p> <ul style="list-style-type: none"> • The Applicant's Noise Report does not follow the guidelines in the PSP in particular: <ul style="list-style-type: none"> ○ the noise calculations are based on incorrect GFA of 784m² ○ the proposed plans do not identify the sleep rooms for babies. Correct calculations for sleep rooms were not determined ○ noise measurement period Thursday 9 August 2018 to Wed 15 August 2018 not representative of normal noise conditions for proposed development. ○ Using weekend noise measurement in average calculations is a misrepresentation ○ Using EKKA public holiday – 14 August 2018 in average calculations is a misrepresentation ○ Night time noise measurements do not apply to this development. The proposed childcare centre closing time is 7.00pm. Noise measurements after this time are irrelevant. ○ Report uses 35 dB(A) rather 30 dB(A) for sleep areas. This relies on the assumption that ○ MBRC Planning Scheme Policy - Noise takes precedence over State Environmental Protection (Noise) Policy 2008 ○ Report fails to calculate or mitigate Noise of cars/ car door slam/ child play from the future residential development proposed in Lot 2 on the site
<p>Discussion</p> <p>Council's Environmental Health Officer has assessed the noise report provided with the application and determined that the report, together with conditions associated with the operation of the Child Care Centre use, could effectively mitigate the noise impacts into the child sleep areas and out of the site on to residents. The suggested conditions are summarised as follows:</p> <ul style="list-style-type: none"> • A 2m high acoustic barrier is to be constructed along a portion of the southern property boundary • Provide for acoustic treatments to the building shell. • Limit the use of outdoor play areas to between 7am and 6pm only. • Limit deliveries to between 7am and 6pm only. <p>Additionally, the proposed child care centre is not likely to have a significant impact on the surrounding amenity, taking into consideration the context of surrounding school and recreational field noise already operational in the immediate vicinity.</p>

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

<p>Assessment of Submissions</p> <p>The noise calculations are based on the footprint of the building as opposed to the GFA. This is demonstrated in the modelled contours. With respect to road traffic noise impacting the centre, the unattended monitoring was considered adequate. It is noted the L10 18hr was measured over five (5) weekdays. Whilst one of those days was a public holiday it is not considered to have had a significant impact on the overall results.</p> <p>With respect to achieving the noise limit in babies sleep room specifically the assessment has sought to achieve the sleeping areas noise level limit for all internal areas. The chosen criteria for sleeping areas are considered adequate on the basis that it accords with the Planning Scheme Policy - Noise and the TMR document Development Affected by Environmental Emissions from Transport Policy.</p> <p>In addition, it is noted that a Minor Change to the development application was made on 25 March 2019, post public notification of the application. The proposal was amended to reduce the operating capacity of the Child care centre from 200 places to 175 places and amend the Gross Floor Area of the building to 1,035m².</p> <p>As such, noise impacts are not sufficient grounds for refusal of the Child Care Centre use.</p>
<p>Issue: Building design/Layout</p> <ul style="list-style-type: none"> • Clearing of the vegetation will create an eyesore on the streetscape on Old Bay Road. The natural environment will be lost forever and instead we will have to look at an ugly building and a large surrounding carpark on Old Bay Road. • The built form of the development reduces the sense of place and identity of the site. The site is well known for its rural like setting and abundance of native wildlife. • The development has not been designed to integrate with open space (adjoining lot is parkland) and the natural environment. • New development should be sympathetic to the existing character of the particular Suburban neighbourhood location. The proposal fails to achieve a design that fits in with the locality.
<p>Discussion</p> <p>Some submissions raised a concern over visual amenity and building design. These submissions simply stated that the building was 'ugly' without qualifying the specific concerns.</p> <p>Good design can be a subjective and in the case of this development proposal attention to creating an interesting façade with activation through circular windows and an awning over the entryway, along with trees and landscaping of the grounds and specifically the car parking areas. The circular windows are provided to add interest and activation the street and a modern building form also provides for the performance outcomes required for community buildings in the General residential - suburban neighbourhood precinct.</p> <p>In addition, consideration is given to the context of built form fronting Old Bay Road at the present time. The current level of amenity is influenced by the existing two storey brick dwelling on site, the neighbouring sports clubhouse (which backs to the street), the school buildings opposite and dwelling houses along Old Bay Road to the south. The proposed design of the Child Care Centre building does not diminish the visual amenity of the surrounding local area.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue: Need/Competition/Location</p> <ul style="list-style-type: none"> • There are multiple existing or approved Child care centres within 5 minutes of the site.

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

<p>Assessment of Submissions</p> <ul style="list-style-type: none"> • There is no need for this Child care centre. There is a Child care centre at Deception Bay Shopping centre is currently under construction. There are existing centres at the corner of Deception Bay Road/Lipscomb Road, Lipscomb Road/Mariner Boulevard and Buckley Road/Uhlmann Road. • The new economic activity proposed fails to provide diversified, broad-based local economic growth. The location of the site's proposed use is inappropriate given the level of local market saturation of childcare already in existence. • There is a broad range of existing and newly approved childcare centres servicing the local community. The massive scale of the proposal greatly affects demand/supply constraints. • The application proposes a community activity. Community facilities must only be provided where needed within the region. New community facilities must also be located adjacent to and within mixed use centres. • An independent Child care supply analysis prepared on behalf of a submitter concludes that that a significant oversupply will exist in 2019 due to an extra 43% (over 2018) of supply being made available by the opening of two new centres. These two developments will provide for an extra 228 places to an already balanced market. • The site is not suitable for establishing a new activity centre or neighbourhood hub. • The development will not provide for any new local jobs. Existing centres will close with many staff losing their jobs. • The proposed 200 place childcare centre is the largest capacity centre in the neighbourhood by a great margin. The average centre has approval for 88 places (page 12). The highest existing centre is 118 places. The development proposed alone would provide an additional 37% supply to the market • The negative effects on the community as a result of the proposed development far exceed any benefit that the new centre can bring to the community. • The applicant has not placed any regard to the viability of existing or approved future centres as a result of their application.
<p>Discussion</p> <p>A number of submissions raised the concern that there were already sufficient child care centres within the Deception Bay area to meet the current and projected demand for child care services in the foreseeable future. It was noted that there are other approved child care centres in the area.</p> <p>In support of their claims one submission also included a report entitled 'Childcare Supply Analysis - Deception Bay'. Given that the Child Care Centre land use is contemplated within Overall Outcome 'p' of the General Residential Zone Code (as it applies to the Suburban Neighbourhood Precinct), it is not appropriate to critique the overriding need of the proposed land use itself. The location of the proposed Child Care Centre offers advantages in travel for families with varying ages of children, particularly in scenarios where three activities could be accommodated by the one vehicle trip (school aged child pick-up / drop-off, child care pick-up / drop-off, and additional sports on the adjacent fields).</p> <p>The proposed land use is appropriate for the surrounding context of community activities. In addition it is noted that post the conclusion public notification, the applicant has made a minor change to the application (25 March 2019) to reduce the operating capacity of the centre from 200 children to 175.</p> <p>Additional competition of child care placements within a localised radius is not considered to be sufficient grounds for refusal of the application.</p>
<p>Waste Management</p>

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

<p>Assessment of Submissions</p> <ul style="list-style-type: none"> • The proposed bin storage location is visible from the street and is not adequately screened <ul style="list-style-type: none"> ○ Building perspective shows no screening of the bins ○ Bin placement on the street frontage of Old Bay Road creates an adverse visual impact ○ Bin placement on the street frontage of Old Bay Road creates an adverse odour impact to adjacent neighbours 20 metres away and pedestrians. (Childcare centres waste includes soiled disposable nappies and food scraps that create significant odour) ○ There is no provision for a signed designated parking area for HRV collection on Old Bay Road ○ No bin washing facilities have been identified that are <ul style="list-style-type: none"> ○ in close proximity to the bin storage area; ○ no tap or hose for bin washing identified ○ no approved sewerage connection identified ○ No waste management plan was provided to council for approval.
<p>Discussion</p> <p>It is noted that a Minor Change to the development application was made on 25 March 2019 and included an amended site plan which relocates the bin storage area to now be adjacent to the car parking area, as opposed to adjoining the street frontage. In addition, the bin storage area is now proposed within a screened corral.</p> <p>These not sufficient grounds to warrant refusal of the application.</p>
<p>Issue: Miscellaneous</p> <ul style="list-style-type: none"> • Erroneous building area calculations have been utilised. The supporting information states that a GFA is 784m². The correct GFA is in the range of 1,000 - 1,050m². shown on the plans; • This Child care centre will greatly devalue my property; • This decision should not be about money. • The proposed development does not provide for underground reticulated electricity. The applicant states that the cost is too much and should not be imposed despite acknowledging that the site adjoins parkland. Performance outcome 16 requires underground electricity along the full frontage of the site which includes both Old Bay Road and Thompson street. Note: MBRC previously applied this provision to childcare development application (2017/33921/V2L) at 108 Bells Pocket Road Strathpine.
<p>Discussion</p> <p>It is noted that a Minor Change to the development application was made on 25 March 2019. The amended proposal plans demonstrate a Gross Floor Area (GFA) of 1,035m² is proposed, which has been calculated in accordance with the administrative definition of Gross Floor Area as contained within Schedule 1 of the MBRC Planning Scheme.</p> <p>Matters such as property values and monetary influencers do not form part of Council's jurisdiction for assessment.</p> <p>Conditions are recommended requiring the undergrounding of existing electricity adjacent to the frontage of the proposed childcare centre building as well as the requirement for an underground electricity connection.</p> <p>These are not sufficient grounds for refusal of the application.</p>

ITEM 2.2 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2 - A18212535 (Cont.)

2.7.3 *Notice of Compliance*

The Notice of Compliance was received by Council on 3 December 2018. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.8 Other Matters
None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications

The applicant and submitters have appeal rights in accordance with the *Planning Act 2016*.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Regional Council planning provisions and relevant policies.

3.4 Risk Management Implications

Development occurs efficiently and effectively in the region in a manner that reduces potential risk implications to Council and the community.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

- a) In the event that an appeal is made to the Planning & Environment court against Council's decision, the Council will incur additional costs in defending its position.
- b) Infrastructure contributions are applicable and an Infrastructure Charges Notice will be issued.

3.7 Economic Benefit

Appropriate development supports the growing Moreton Bay region

3.8 Environmental Implications

New development contributes to sustainable management and protection of the natural environment in the region through compliance with the planning schemes policies and provisions.

3.9 Social Implications

Appropriately designed and located development contributes to diverse, vibrant and safe communities and facilities

3.10 Consultation / Communication

Refer to clause 2.7.

ATTENDANCE

Mr Glen Hammill left the meeting at 10.51am after consideration on Item 2.2.

ITEM 2.3
2019/20 FEES AND CHARGES SCHEDULE - PLANNING AND ECONOMIC
DEVELOPMENT - REGIONAL

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A18343640 : 20 March 2019 - **Refer Supporting Information A18346659**
Responsible Officer: SH, Divisional Project Coordinator (PED Directorate)

Executive Summary

The proposed Schedule of Fees and Charges for the 2019/20 financial year for the Planning and Economic Development Division is submitted for adoption.

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Brooke Savige

CARRIED 12/0

That the Schedule of Fees and Charges for the 2019/20 financial year for the Planning and Economic Development Division as tabled, be adopted.

ITEM 2.3 2019/20 FEES AND CHARGES SCHEDULE - PLANNING AND ECONOMIC DEVELOPMENT - REGIONAL
- A18343640 (Cont.)

OFFICER'S RECOMMENDATION

That the Schedule of Fees and Charges for the 2019/20 financial year for the Planning and Economic Development Division as tabled, be adopted.

REPORT DETAIL

1. Background

Council recently conducted a workshop to review the proposed fees and charges applicable to the 2019/20 financial year for the Planning and Economic Development Division. The outcome of that workshop is attached as supporting information #1. Note that pages 17-32 of supporting information #1 are the explanatory notes that support the Development Services 2019/20 Schedule of Fees and Charges, and is also the document that becomes publicly accessible on the Council's website.

It is prudent for Council to adopt its 2019/20 Schedule of Fees and Charges as early as possible to the start of the forthcoming financial year so that adequate communication to relevant stakeholders can be provided and that corporate systems can be updated.

2. Explanation of Item

The Schedule of Fees and Charges for 2019/20 represents all the 2019/20 Fees and Charges as they relate to the Planning and Economic Development Division to be presented for adoption.

Circumstances can arise during the financial year whereby certain fees and charges may require amending. If this eventuates a further report will be presented to Council with those proposed amendments.

The setting of separate fees and charges applies the user-pays philosophy to the services of the Council.

3. Strategic Implications

3.1 Legislative/Legal Implications

All cost recovery fees identified in the attached reports have been prepared in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications

There are no policy implications as a direct result of this report.

3.4 Risk Management Implications

Fees and charges revenue represents a sizeable portion of the Council's overall operating revenues and as such there is an element of risk associated with forecasting the expected revenue as many fees and charges are dependent on the level of economic activity and/or demand for Council services.

To mitigate this risk, a conservative approach is taken as to the expected levels of revenue anticipated in the context of the fee that is set.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Fees and charges represent a significant component of Council's operational revenues and feeds into Council's annual budget process.

*ITEM 2.3 2019/20 FEES AND CHARGES SCHEDULE - PLANNING AND ECONOMIC DEVELOPMENT - REGIONAL
- A18343640 (Cont.)*

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result of this report

3.8 Environmental Implications

There are no environmental implications arising as a direct result of this report.

3.9 Social Implications

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

3.10 Consultation / Communication

Council, Financial & Project Services Department

ATTENDANCE

Ms Kate Isles left the meeting at 10.52am after consideration on Item 2.3.

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr A Sutherland, Mayor)

ITEM 4.1

GRANT OF EASEMENTS TO UNITYWATER OVER COUNCIL LAND - ROTHWELL - DIVISION 5

Meeting / Session: 4 ASSET CONSTRUCTION AND MAINTENANCE
Reference: A18366610 : 26 March 2019 - **Refer Supporting Information A18366819**
Responsible Officer: ET, Property Officer (CES Property & Commercial Services)

Executive Summary

This report seeks Council's approval to grant two easements for sewerage purposes to Unitywater over Council-owned land described as Lot 102 on RP897453 and Lot 5 on SP291237.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Adrian Raedel

CARRIED 12/0

1. That the grant of Easement A in favour of Unitywater for sewerage purposes over Lot 102 on RP897453, as shown in Supporting Information #1 of this report, be approved on the terms outlined in this report.
2. That the grant of Easement B in favour of Unitywater for sewerage purposes over Lot 5 on SP291237, as shown in Supporting Information #1 of this report, be approved on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary to give effect to recommendations 1 and 2.

ITEM 4.1 GRANT OF EASEMENTS TO UNITYWATER OVER COUNCIL LAND - ROTHWELL - DIVISION 5 - A18366610 (Cont.)

OFFICER'S RECOMMENDATION

1. That the grant of Easement A in favour of Unitywater for sewerage purposes over Lot 102 on RP897453, as shown in Supporting Information #1 of this report, be approved on the terms outlined in this report.
2. That the grant of Easement B in favour of Unitywater for sewerage purposes over Lot 5 on SP291237, as shown in Supporting Information #1 of this report, be approved on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary to give effect to recommendations 1 and 2.

REPORT DETAIL

1. Background

On 31 October 2018, Unitywater approved sewerage infrastructure plans for a development at 159-217 Morris Road, Rothwell subject to conditions.

On 15 November 2018, Council approved a development application for Reconfiguring a Lot - Development Permit (6 into 175 lots) at 159-217 Morris Road, Rothwell (reference DA/35405/2017/VCHG/1).

The approved Unitywater plans required sewerage infrastructure to service the development at 159-217 Morris Road, Rothwell to be constructed through the adjoining Council park located at 17 Glanville Street, Rothwell [Lot 102 on RP897453] and 0 Morris Road, Rothwell [Lot 5 on SP291237] (the Council-owned Land). This infrastructure has now been constructed within the Council-owned Land.

Supporting Information #2 is an aerial image of the Council-owned Land and its surrounds.

2. Explanation of Item

Unitywater requires easements over their constructed sewerage infrastructure. The relevant documentation has now been prepared to create Easement A in Lot 102 on RP897453 and Easement B in Lot 5 on SP291237 as per supporting information #1.

The terms of Easement A and Easement B will be in accordance with the standard easement terms, previously agreed to by Council and Unitywater, and lodged with the Department of Natural Resources, Mines and Energy under Dealing Number 715221831.

3. Strategic Implications

3.1 Legislative/Legal Implications

Appropriate easement documentation will be prepared and lodged with the Titles Office.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications

There are no policy implications arising as a direct result of this report.

3.4 Risk Management Implications

There are no risk management implications arising as a direct result of this report.

3.5 Delegated Authority Implications

That the Chief Executive Officer be delegated authority to do all things necessary to give effect to Recommendations #1 and #2.

ITEM 4.1 GRANT OF EASEMENTS TO UNITYWATER OVER COUNCIL LAND - ROTHWELL - DIVISION 5 - A18366610 (Cont.)

3.6 Financial Implications

All costs associated with the preparation and lodgement of documents with the Titles Office will be borne by the applicant.

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result of this report.

3.8 Environmental Implications

There are no environmental implications arising as a direct result of this report.

3.9 Social Implications

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

3.10 Consultation / Communication

Development Services
ECM Engineering
Environmental Services
Integrated Traffic and Transport

ITEM 4.2

BUNYA - JAMES DRYSDALE RESERVE - BASEBALL FIELD CONSTRUCTION 1 - DIVISION 10

Meeting / Session: 4 Asset Construction and Maintenance
Reference: A18175073 : 3 April 2019 - Refer **Confidential Supporting Information A18175062**
Responsible Officer: BB, Manager Project Management (ECM Project Management)

Executive Summary

Tenders were invited for the 'Bunya - James Drysdale Reserve - Baseball Field Construction 1 (MBRC008032)' project. The tender closed on 6 March 2019, with four conforming tenders and one non-conforming tender received.

It is recommended that Council award the contract to Main Constructions Pty Ltd for the sum of \$2,558,644.50 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 12/0

That the tender for 'Bunya - James Drysdale Reserve - Baseball Field Construction 1 (MBRC008032)' project be awarded to Main Constructions Pty Ltd for the amount of \$2,558,644.50 (excluding GST).

- a) That the Council enters into an agreement with Main Constructions Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Main Constructions Pty Ltd for 'Bunya - James Drysdale Reserve - Baseball Field Construction 1 (MBRC008032)' and any required variations of the agreement on Council's behalf.

ITEM 4.2 BUNYA - JAMES DRYSDALE RESERVE - BASEBALL FIELD CONSTRUCTION 1 - DIVISION 10 - A18175073 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for 'Bunya - James Drysdale Reserve - Baseball Field Construction 1 (MBRC008032)' project be awarded to Main Constructions Pty Ltd for the amount of \$2,558,644.50 (excluding GST).

- a) That the Council enters into an agreement with Main Constructions Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Main Constructions Pty Ltd for 'Bunya - James Drysdale Reserve - Baseball Field Construction 1 (MBRC008032)' and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located at James Drysdale Reserve, Jinker Track, Bunya. Stage one works comprises the development of a reduced size senior baseball diamond including lighting, irrigation, dugouts, safety fencing, amenities building, stormwater drainage, temporary car parking and an access road. The purpose of this project is to provide additional baseball facilities to enable the relocation of junior baseball from the lower hockey fields. Bulk earthworks and the car park component of the project have been completed with construction of the field, lighting and ancillary infrastructure to be completed as part of this project.

Construction will be of 39 weeks' duration, including an allowance for wet weather. Works are scheduled to commence in April / May 2019 with completion by February 2020.

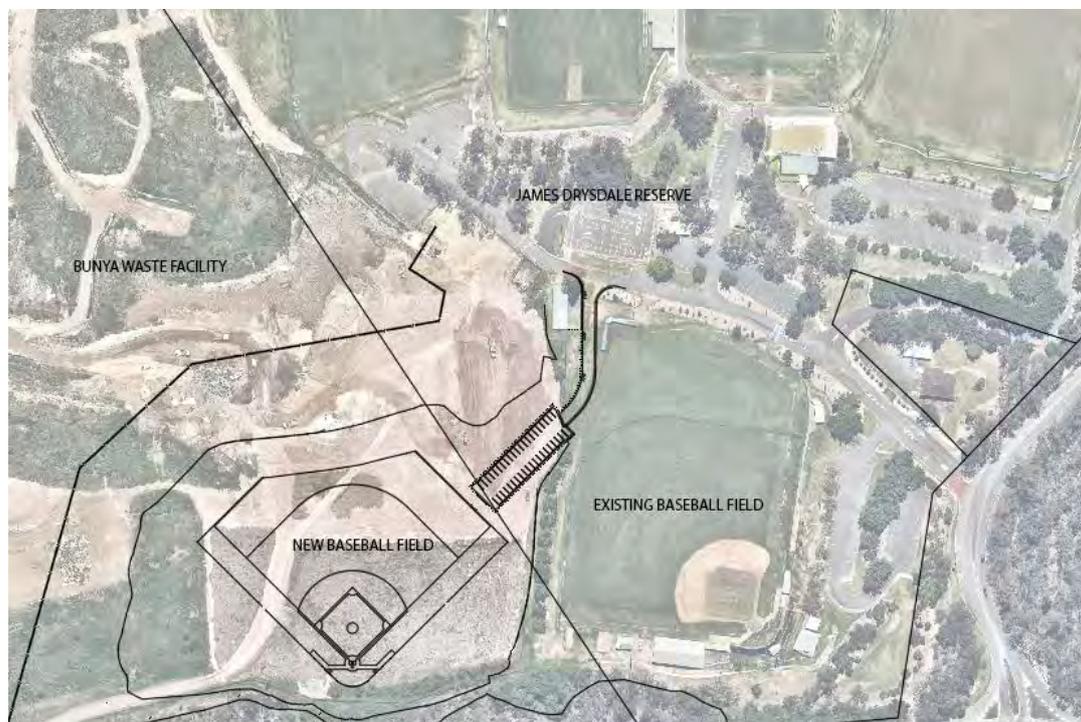


Figure 1: James Drysdale Reserve - baseball field construction

ITEM 4.2 BUNYA - JAMES DRYSDALE RESERVE - BASEBALL FIELD CONSTRUCTION 1 - DIVISION 10 - A18175073 (Cont.)

2. Explanation of Item

Tenders for the ‘*Bunya - James Drysdale Reserve - Baseball Field Construction 1 (MBRC008032)*’ project closed on 6 March 2019 with a total of four conforming tenders and one non-conforming tender received. The tenders were assessed by the assessment panel in accordance with Council’s Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Main Constructions Pty Ltd	99.98
2	Leaf Building Group Pty Ltd	93.18
3	Naric Pty Ltd	85.91
4	The Landscape Construction Company Pty Ltd	83.23
5	Holcim (Australia) Pty Ltd	Non-conforming

Main Constructions Pty Ltd (‘Main’) submitted a comprehensive tender and demonstrated their experience on projects of a similar scale and complexity. Main have undertaken a number projects for Moreton Bay Regional Council, such as the Rothwell - Nathan Road - Sporting Precinct Development 1, with a project value of \$6.5M (in progress) and recently have completed the Burpengary - Moreton Bay Central Sports Complex - Soccer Stage 1, with a project value of \$11.7M. At a tender clarification meeting on 18 March 2019, Main demonstrated their understanding and methodology to complete this project, including a detailed understanding of the site. The construction duration is 39 weeks which includes site mobilisation and an allowance for wet weather.

Leaf Building Group Pty Ltd (‘Leaf’) submitted a detailed tender and demonstrated their methodology and experience on a range of building projects. Leaf’s tendered construction program was 24 weeks’ duration including wet weather allowance. At a tender clarification meeting on 20 March 2019, Leaf demonstrated their understanding and methodology to complete this project. It is noted that Leaf would subcontract the civil component of the works.

Naric Pty Ltd (‘Naric’) submitted a comprehensive tender and demonstrated their methodology and experience on projects of a similar scale and complexity. Naric’s tendered construction program was 29 weeks duration with an allowance for wet weather. There were no additional benefits for the higher price.

The non-conforming tender did not provide the mandatory tender documentation.

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to value of work being greater than \$200,000, Council called a public tender for the work through the LG Tender system in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

ITEM 4.2 BUNYA - JAMES DRYSDALE RESERVE - BASEBALL FIELD CONSTRUCTION 1 - DIVISION 10 - A18175073 (Cont.)

3.3 Policy Implications

This project has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk has been assessed and the following issues identified. The manner in which the identified risks are to be managed is detailed below.

Financial Risks:

- a. A third-party review of financial status has been carried out and the successful tenderer was rated 'sound'.

Construction Risks:

- a. The recommended contractor will provide a detailed program of works, a staging plan, site specific traffic management, environmental management and safety plans. Work areas will be isolated to protect site personnel, the public, and to meet workplace health and safety requirements. This information will be assessed for appropriateness by Council's Project Manager.
- b. The contractor has demonstrated their understanding of constructability challenges and their technical capability to complete the works at this location.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Council currently has an allocation of \$636,517 in the 2018/19 FY Capital Projects Program, with \$2.175M in the draft 2019-20 Capital Projects Program for the project (total \$2,811,517).

Certification	\$ 15,000.00
Tender price (construction - main contract)	\$ 2,558,644.50
Contingency (7.5%)	\$ 191,898.34
QLeave (0.475%)	\$ 12,160.00

Total \$ 2,777,702.84

Estimated ongoing operational/maintenance costs \$26,500 per F/Y

The budget amount for this project is sufficient.

3.7 Economic Benefit

The expected outcome of the project is to increase capacity of the facility to meet the demands of growth and to enable the relocation of the club.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the successful tenderer, detailing the management of environmental matters affecting the project during construction.

ITEM 4.2 BUNYA - JAMES DRYSDALE RESERVE - BASEBALL FIELD CONSTRUCTION 1 - DIVISION 10 - A18175073 (Cont.)

3.9 Social Implications

This project will have positive social implications by providing extra sporting facilities and will promote sport and a healthy lifestyle to the community. Access to the existing facility will remain unchanged during construction.

3.10 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices, project signs, online website updates and updates to the Divisional Councillor which will be implemented once the tender is awarded. The Divisional Councillor has been consulted and is supportive of the project.

ITEM 4.3

TENDER - SPECIALISED SPORTS TURF MOWING SERVICES - DIVISIONS 2 AND 9

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18362203 : 26 March 2019 - Refer **Confidential** Supporting Information
A18263570
Responsible Officer: PR, Team Leader Parks Technical Services (ECM Asset Maintenance)

Executive Summary

Tenders were called for 'Specialised Sports Turf Mowing Services (MBRC008404)' to be undertaken at South Pine Sports Complex (SPSC) Brendale, Moreton Bay Central Sports Complex (MBCSC) Burpengary and Wolter Park Complex (WP) Albany Creek. Tenders closed on 4 March 2019, with five conforming and one non-conforming submissions received. The existing contract for these services will cease on 30 June 2019.

It is recommended that the tender for Specialised Sports Turf Mowing Services (MBRC008404) be awarded to Green Options Pty Ltd for the annual sum of \$247,169.75 (excluding GST). The contract will be for a period of two years, with the option to extend the contract by two x one-year periods, based upon satisfactory contractor performance.

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Koliانا Winchester

CARRIED 12/0

That the tender for Specialised Sports Turf Mowing Services (MBRC008404) be awarded to Green Options Pty Ltd for the annual amount of \$247,169.75 (excluding GST) for an initial period of two years, with the option to extend the contract by a further two x one-year periods, based upon satisfactory contractor performance.

- a) That the Council enters into an agreement with Green Options Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Green Options Pty Ltd for Specialised Sports Turf Mowing Services (MBRC008404) and any required variations of the agreement on Council's behalf.

ITEM 4.3 TENDER - SPECIALISED SPORTS TURF MOWING SERVICES - DIVISIONS 2 AND 9 - A18362203
(Cont.)

OFFICER'S RECOMMENDATION

That the tender for Specialised Sports Turf Mowing Services (MBRC008404) be awarded to Green Options Pty Ltd for the annual amount of \$247,169.75 (excluding GST) for an initial period of two years, with the option to extend the contract by a further two x one-year periods, based upon satisfactory contractor performance.

- a) That the Council enters into an agreement with Green Options Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Green Options Pty Ltd for Specialised Sports Turf Mowing Services (MBRC008404) and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The facilities at SPSC, MBCSC and WP have been designed and constructed to include elite playing surfaces which require specialised turf maintenance regimes to ensure the fields are maintained to the highest standard. The tender specifications have an emphasis on contractor ability to provide specialised turf maintenance machinery, improved contractor resourcing and qualifications and improved delivery practices.

The current contract for Grounds Maintenance - Regional Sports Facilities (MBRC) ends on 30 June 2019.

2. Explanation of Item

Tenders were called for 'Specialised Sports Turf Mowing Services (MBRC008404). Tenders closed on 4 March 2019, with five conforming and one non-conforming tenders received.

The contract encompasses the following maintenance cycles annually to maintain the aesthetic appearance and desired playing surfaces of these high-profile facilities.

South Pine Sports Complex:

- 85 cylinder mowing cycles to the one elite standard AFL field
- 45 rotary mowing cycles to all other fields (other than the above)
- 26 rotary mowing cycles to all surrounding turf area at the facility

Moreton Bay Central Sports Complex:

- 85 cylinder mowing cycles to the two elite standard AFL fields
- 26 rotary mowing cycles to all surrounding turf area at the facility

Wolter Park Complex, Albany Creek:

- 45 rotary mowing cycles to Senior Football field plus training area.
- 26 cycles of line trimming and edging around fields and field infrastructure.

Tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the mandatory selection criteria set out in the tender documentation.

ITEM 4.3 TENDER - SPECIALISED SPORTS TURF MOWING SERVICES - DIVISIONS 2 AND 9 - A18362203 (Cont.)

All tenderers and their final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Green Options Pty Ltd	99.59
2	Techni Gro Pty Ltd	98.15
3	Supagreen Lawn Programmes Pty Ltd	85.73
4	Solid Ground Landscaping Pty Ltd	77.05
5	Complete Turf Renovations	58.66
6	Landscape Solutions Maintenance Pty Ltd	Non-conforming

Green Options Pty Ltd's offer was deemed best overall value to Council due to their extensive sports field maintenance experience, proven history with MBRC and having fulfilled all the mandatory evaluation criteria. Green Options' submission was the lowest priced submission and received the highest evaluation score.

The tender submissions received from **Techni Gro Pty Ltd** and **Supagreen Lawn Programmes Pty Ltd** were comprehensive and clearly demonstrated the required level of knowledge and experience required to undertake the required works. The offers from these companies were the second and third lowest submissions received and scored accordingly.

Whilst the conforming offers submitted by the other tenderers were deemed suitable to undertake the specified works and met the criteria set out in the tender specification, these offers were not considered value for money and therefore received lower evaluation scores.

The non-conforming offer did not meet the criteria set out in the tender specification, in particular the standard of machinery required to undertake the works and the provision of qualification details for key personnel as requested in the specification.

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to the value of the work being greater than \$200,000, a competitive open tender process was undertaken. The tender was called in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications

This contract has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

This contract will ensure that the contractor's staff are suitably qualified and experienced to undertake these specialised services in accordance with MBRC specification and stakeholder expectation.

A third-party review of financial status has been undertaken on the recommended tenderer, with the company receiving a rating of 'sound'.

*ITEM 4.3 TENDER - SPECIALISED SPORTS TURF MOWING SERVICES - DIVISIONS 2 AND 9 - A18362203
(Cont.)*

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

This contract will be debited to job/project numbers 20439 101 and 20439 104 accordingly. The budget amount allocated for this contract is sufficient.

3.7 Economic Benefit

The effective management and maintenance of these high-profile sporting complexes and their subsequent presentation has a positive effect on the view people have of the sporting facilities of the region. The quality of sporting fields and their presentation has beneficial economic outcomes in terms of attracting state and national sporting events, creating investment in the region.

3.8 Environmental Implications

The successful tenderer is required to work under the provisions of the Agricultural Chemicals Distribution Control Act 1966 in the application of herbicides and the control of discharge of chemicals and other foreign materials into the groundwater and stormwater systems.

3.9 Social Implications

The ongoing maintenance of Council's open space network offers positive social implications in terms of regional and local recreation opportunities and fitness and wellbeing outcomes.

3.10 Consultation / Communication

Senior Procurement Officers from Financial Services and Technical Services - Asset Maintenance have been consulted during the assessment and tendering process.

ITEM 4.4

REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A17885447 : 1 April 2019 - Refer **Confidential Supporting Information A17885448**
Responsible Officer: DB, Senior Project Manager (ECM Project Management & Construction)

Executive Summary

Tenders were invited for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' project. The tender closed on 30 January 2019, with a total of eight conforming tenders and one non-conforming tender received.

The tender was also split into five portions comprising the primary contract, separable portion 1 (additional section of raised roof), separable portion 2 (services upgrade), separable portion 3 (select joinery – fittings) and separable portion 4 (landscape works).

It is recommended that Council award the primary contract for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' to LEAF Building Group Pty Ltd for the sum of \$3,100,738.71 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

It is recommended that Council award separable portion 1 (additional section of raised roof) for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' to LEAF Building Group Pty Ltd for the sum of \$264,448.53 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

It is recommended that Council award separable portion 2 (services upgrade) for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' to LEAF Building Group Pty Ltd for the sum of \$1,037,466.54 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

It is recommended that Council award separable portion 3 (joinery – fittings) for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' to LEAF Building Group Pty Ltd for the sum of \$54,326.09 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

It is recommended that Council award separable portion 4 (landscape works) for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' to LEAF Building Group Pty Ltd for the sum of \$22,278.47 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Koliana Winchester

CARRIED 12/0

1. That the tender for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Primary Contract) be awarded to LEAF Building Group Pty Ltd for the amount of \$3,100,738.71 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for the primary contract portion of the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' project and any required variations of the agreement on Council's behalf.
2. That the tender for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Separable Portion 1)' be awarded to LEAF Building Group Pty Ltd for the amount of \$264,448.53 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for Separable Portion 1 of the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' project and any required variations of the agreement on Council's behalf.
3. That the tender for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Separable Portion 2)' be awarded to LEAF Building Group Pty Ltd for the amount of \$1,037,466.54 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for Separable Portion 2 of the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' project and any required variations of the agreement on Council's behalf.
4. That the tender for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Separable Portion 3)' be awarded to LEAF Building Group Pty Ltd for the amount of \$54,326.09 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for Separable Portion 3 of the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' project and any required variations of the agreement on Council's behalf.
5. That the tender for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Separable Portion 4)' be awarded to LEAF Building Group Pty Ltd for the amount of \$22,278.47 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

- b) **That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for Separable Portion 4 of the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' project and any required variations of the agreement on Council's behalf.**

- 6. **That to allow the project to continue, Council commits to the draft 2019/20 Capital Projects budget project allocation of \$3,313,500 for the *Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development* project (106345).**

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the '*Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Primary Contract)*' be awarded to LEAF Building Group Pty Ltd for the amount of \$3,100,738.71 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for the primary contract portion of the '*Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)*' project and any required variations of the agreement on Council's behalf.
2. That the tender for the '*Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Separable Portion 1)*' be awarded to LEAF Building Group Pty Ltd for the amount of \$264,448.53 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for Separable Portion 1 of the '*Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)*' project and any required variations of the agreement on Council's behalf.
3. That the tender for the '*Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Separable Portion 2)*' be awarded to LEAF Building Group Pty Ltd for the amount of \$1,037,466.54 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for Separable Portion 2 of the '*Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)*' project and any required variations of the agreement on Council's behalf.
4. That the tender for the '*Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Separable Portion 3)*' be awarded to LEAF Building Group Pty Ltd for the amount of \$54,326.09 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for Separable Portion 3 of the '*Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)*' project and any required variations of the agreement on Council's behalf.

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

- 5. That the tender for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033 Separable Portion 4)' be awarded to LEAF Building Group Pty Ltd for the amount of \$22,278.47 (excluding GST).
 - a) That the Council enters into an agreement with LEAF Building Group Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LEAF Building Group Pty Ltd for Separable Portion 4 of the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' project and any required variations of the agreement on Council's behalf.
- 6. That to allow the project to continue, Council commits to the draft 2019/20 Capital Projects budget project allocation of \$3,313,500 for the Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development project (106345).

REPORT DETAIL

1. Background

The 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development' project is located at the Redcliffe Administration Centre, Irene Street, Redcliffe. The project scope is for the conversion and fit-out of the existing ground floor into the following spaces:

- Moreton Bay Regional Council - Customer Service (Tenancy 1 – area in green below)
- Redcliffe Art Gallery (Tenancy 1 – area in green below)
- Community Space 1 (Tenancy 2 – area in red below)
- Community Space 2 (Tenancy 3 – area in blue below)

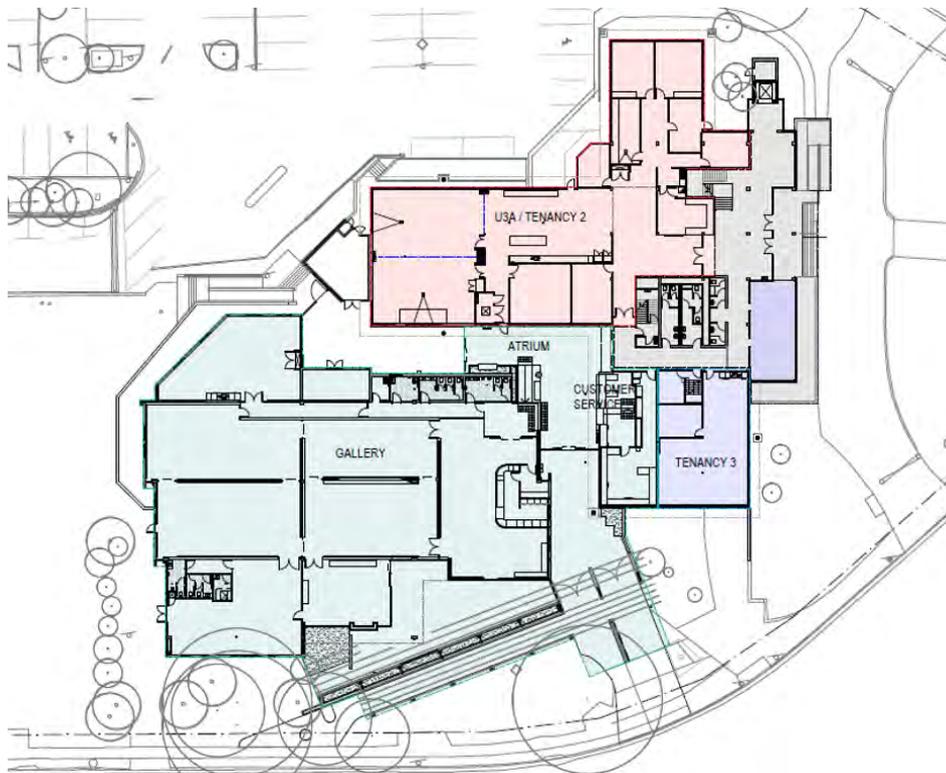


Figure 1: project scope

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

The refit ground floor space includes a new Council customer service counter with a hot desk area and storage. A 1000m² space for the Redcliffe Art Gallery will also consist of a gallery customer service counter, display areas, storage, curatorial space and amenities.

Council are currently in negotiations regarding a significant art collection. A separate workshop will be prepared regarding this collection.

In addition to the new customer service and gallery space, there will be two separate tenancies which are to be leased by the Redcliffe branch of the University of the Third Age and the Redcliffe Seniors Computer Club.



Figure 2: Artist's impression - entry

The tender was also split into five portions comprising the primary contract, separable portion 1 (additional section of raised roof), separable portion 2 (services upgrade), separable portion 3 (select joinery – fittings) and separable portion 4 (landscape works).

The main tender component was for the overall building refit for customer service, a gallery, and community space. The four separable portions are outlined below:

- Separable portion 1 included an additional section of raised roof over the gallery area as defined in Figure 4 below. This would include an additional 120m² of raised roof to allow an internal gallery ceiling of approximately 4 metres (the primary tender allows for 230m² of raised roof);
- Separable portion 2 included the renewal of aged building services that are nearing the end of lifecycle and upgrades due to recent compliance audits;
- Separable portion 3 included select joinery; and
- Separable portion 4 included minor landscape works.

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

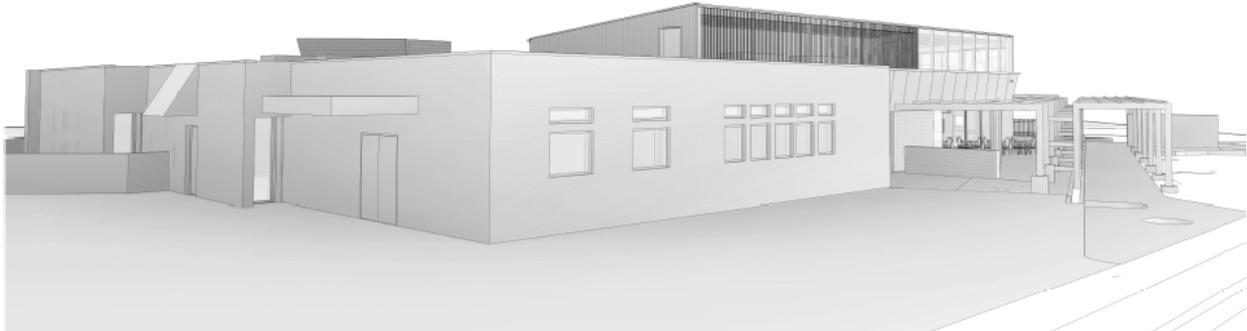


Figure 3: Artist's impression – roof extent as tendered in primary contract

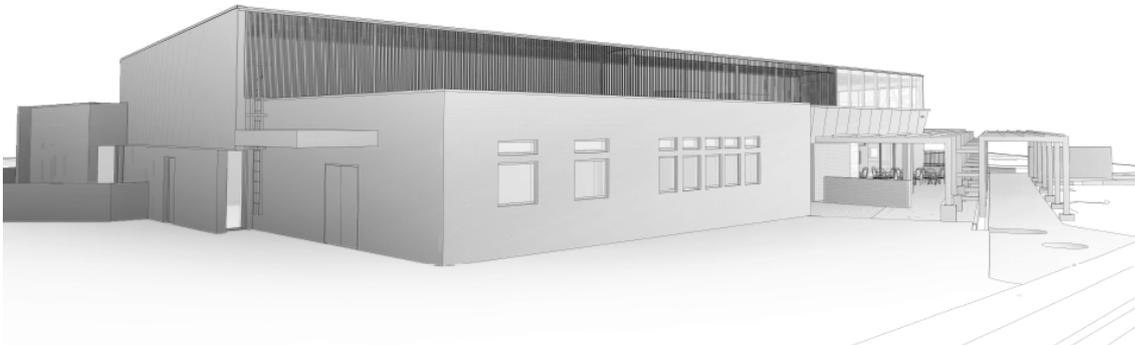


Figure 4: Artist's impression – roof extent inclusive of separable portion 1

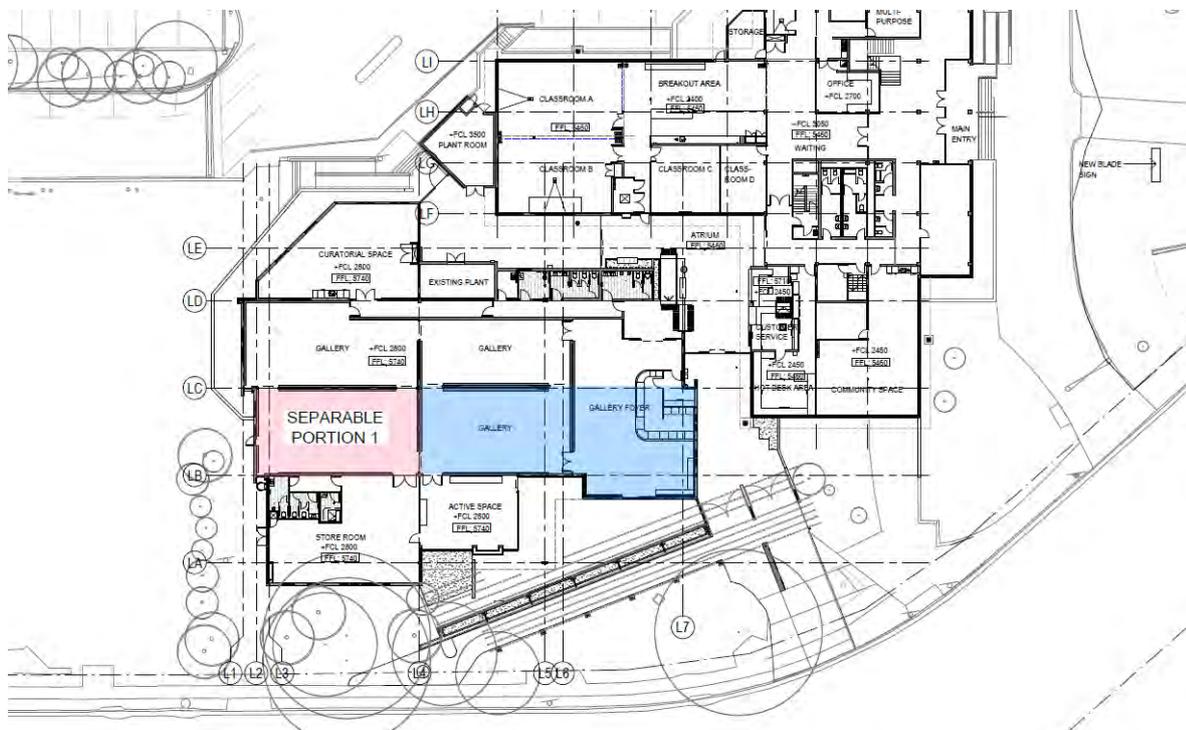


Figure 5: Plan of roof extent for separable portion 1

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

Works will be of 36 weeks' duration including an allowance for wet weather and are scheduled to commence in April / May 2019 with completion of the works by February 2020. Following completion of the contracted works, customer service and the tenants will be able to take possession of the allocated areas. The Galleries and Museums team will require a minimum of four weeks following completion of the contract to fit out the gallery space. Opening has been publicised as early 2020.

2. Explanation of Item

Tenders for the 'Redcliffe - Redcliffe Administration Centre Art Gallery and Community Space Development (MBRC008033)' project closed on 30 January 2019 with a total of eight conforming tenders and one non-conforming tender received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	LEAF Building Group Pty Ltd	100.00
2	arete Australia Pty Ltd	99.90
3	Lanskey Constructions Pty Ltd	98.83
4	Ri-con Contractors Pty Ltd	95.49
5	Premis Solutions Pty Ltd	95.40
6	Murphy Builders QLD	93.92
7	Main Constructions (Building) Pty Ltd	91.82
8	Quadric Pty Ltd	79.77
9	Mine Warehouse	Non-conforming

LEAF Building Group Pty Ltd (Leaf) submitted a comprehensive tender and demonstrated their experience on projects of a similar scale and complexity. Leaf has undertaken works for Moreton Bay Regional Council and other government organisations, e.g. Burpengary Regional Aquatic Leisure Centre Refurbishment, project value \$5.4M; Queensland Rail - Building 8 Refurbishment, project value \$1.28M. At a tender clarification meeting on 18 February 2019, Leaf demonstrated their understanding and methodology to complete this project, including staging requirements and management of the site. The construction duration is 36 weeks which includes site mobilisation and allowance of 63 days for wet weather.

arete Australia Pty Ltd (arete) submitted a comprehensive tender and demonstrated their methodology and experience on projects of a similar scale and complexity at a tender clarification meeting held on 18 February 2019. Arete's tendered construction program was 21.2 weeks' duration including wet weather allowance; however, there were no additional benefits for the higher price.

Lanskey Constructions Pty Ltd (Lanskey) submitted a comprehensive tender and demonstrated their methodology and experience on projects of a similar scale and complexity at a tender clarification meeting held on 19 February 2019. Lanskey's tendered construction program was 30 weeks' duration including wet weather allowance; however, there were no additional benefits for the higher price.

The non-conforming tender did not provide the mandatory tender documentation.

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to value of work being greater than \$200,000, Council called a public tender for the work through the LG Tender system in accordance with the *Local Government Act 2009*.

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - celebrating local arts, culture and community.

3.3 Policy Implications

This project has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

Financial Risk:

- a. A third-party review of financial status has been carried out and the successful tenderer was rated '*satisfactory*'.

Construction Risks:

- a. The recommended contractor will provide a detailed program of works, a staging plan, site specific traffic management, environmental management and safety plans. Work areas will be isolated to protect site personnel, the public, and to meet workplace health and safety requirements.
- b. The contractor has demonstrated their understanding of constructability challenges and their technical capability to complete the works at this location.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Council has allocated a total of \$5,489,010 for this project: with \$175,510 in the 2017-18 Capital Project Program (of which \$61,000 was re-provided to 2018/19), \$2,061,000 in the 2018-19 Capital Projects Program and \$3,313,500 has been allocated in the draft 2019-20 Capital Project Program budget 106345. All financial information below is excluding GST.

Planning (2017-18)	\$ 114,118.00
Design and Approvals (2018-19)	\$ 307,707.00
Tender price (Construction - Primary contract)	\$ 3,100,738.71
Tender price (Construction – Separable Portion 1)	\$ 264,448.53
Tender price (Construction – Separable Portion 2)	\$ 1,037,466.54
Tender price (Construction – Separable Portion 3)	\$ 54,326.09
Tender price (Construction – Separable Portion 4)	\$ 22,278.47
Gallery Furnishings (19-20)	\$ 140,000.00
Consultant Construction Inspections	\$ 25,000.00
Contingency (7.50%)	\$ 346,444.38
QLeave (0.475%)	\$ 21,941.48
	=====
Total Cost	\$ 5,434,469.20
	=====
Estimated ongoing operational/maintenance costs	\$ 105,000 per F/Y

The project budget is sufficient.

ITEM 4.4 REDCLIFFE - REDCLIFFE ADMINISTRATION CENTRE - ART GALLERY AND COMMUNITY SPACE DEVELOPMENT - REGIONAL - A17885447 (Cont.)

3.7 Economic Benefit

The project strengthens the Redcliffe cultural precinct, providing a new expanded gallery, efficient customer service space and community spaces, and bringing the existing building back to full utilisation.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the successful tenderer, detailing the management of environmental matters affecting the project during construction.

3.9 Social Implications

Access to the first floor of the facility will be maintained during construction for local councillors and staff. Council meetings will be held at either Strathpine or Caboolture for 2019 to limit the risk of disruption and due to the temporary relocation of customer service which will operate out of the Redcliffe Library.

3.10 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices, project signs, online updates, fortnightly updates to the Divisional Councillors and direct communication will be implemented once the tender is awarded.

**ITEM 4.5
BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2**

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18170959 : 7 February 2019 - Refer **Confidential** Supporting Information
A17934473
Responsible Officer: BB, Manager Project Management (ECM Project Management)

Executive Summary

Tenders were invited for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC008244)' project. The tender closed on 29 January 2019 with nine tenders received, seven of which were conforming.

It is recommended that Council award the contract to Gold Coast Barge Services Pty Ltd (alternative tender) for the sum of \$554,000 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr James Houghton

CARRIED 12/0

That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC008244)' be awarded to Gold Coast Barge Services Pty Ltd for the amount of \$554,000 (excluding GST).

- a) That the Council enters into an agreement with Gold Coast Barge Services Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Gold Coast Barge Services Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC008244)' and any required variations of the agreement on Council's behalf.

ITEM 4.5 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A18170959 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC008244)' be awarded to Gold Coast Barge Services Pty Ltd for the amount of \$554,000 (excluding GST).

- a) That the Council enters into an agreement with Gold Coast Barge Services Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Gold Coast Barge Services Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC008244)' and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located at Beachmere Lake, Biggs Avenue, Beachmere.

Works will include the addition of a new PVC sheet wall. The new PVC sheet wall will be constructed on the water side of the existing wall with the existing wall still in place. The top 0.5m of the existing wall will be removed and material backfilled to match the existing surface level and new wall.

Design is scheduled to commence in May 2019 and site construction works are expected to commence on-site in August 2019 and be completed by October 2019, over a seven-week construction period, which includes an allowance for wet weather.



Figure 1: Location of works

ITEM 4.5 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A18170959 (Cont.)

2. Explanation of Item

Tenders for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC008244)' project closed on 29 January 2019 with nine tenders received, seven of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Gold Coast Barge Services Pty Ltd (Alternative)	97.53
2	Gold Coast Barge Services Pty Ltd	95.86
3	Auzcon Pty Ltd	89.51
4	Auzcon Pty Ltd (Alternative)	87.67
5	Easy Retaining Solutions Pty Ltd	84.72
6	Ecospec Coastal & Marine	69.39
7	Rimlex Pty Ltd t/a Nabis Dredging	29.26
8	Easy Retaining Solutions Pty Ltd (Alternative)	Non-conforming
9	Minwarehouse	Non-conforming

Gold Coast Barge Services Pty Ltd (Alternative) submitted a comprehensive, well-presented tender. The alternative submission involves the installation of a PVC sheet wall with a fibre reinforced plastic cap. The benefits of this option include shorter construction period, increased longevity of the wall as the PVC wall has greater resilience in the salt water environment compared to reinforced concrete steel piles and less maintenance requirements in the long term.

A tender clarification meeting was held on 8 February 2019 at which Gold Coast Barge Services Pty Ltd demonstrated relevant experience, methodology and understanding of the project. Gold Coast Barge Services Pty Ltd have recently completed the Bongaree Bribie Gardens Canal Estate Maintenance Dredging (\$196,000) for Moreton Bay Regional Council. Gold Coast Barge Services Pty Ltd have recently completed similar works for Sunshine Coast Regional Council including construction of the Pelican Waters Revetment Wall (\$150,000), and the Etna Street Revetment Wall Construction (\$110,000) for Gold Coast City Council.

Gold Coast Barge Services Pty Ltd submitted a well-presented, comprehensive tender, demonstrating similar project experience; however, received a lower score due to higher maintenance costs and longer construction period due to casting panels on site.

Auzcon Pty Ltd submitted a well-presented, comprehensive tender, demonstrating relevant similar project experience; however, there were no additional benefits for the higher price.

The two non-conforming tenderers did not provide mandatory tender information.

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to the value of work being greater than \$200,000, Council called a public tender for the work through the LG Tender system in accordance with the *Local Government Act 2009*.

ITEM 4.5 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A18170959 (Cont.)

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications

This project has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk has been assessed and the following issues identified. The way in which the potential impact of these risks is minimised is detailed below.

Financial Risks:

A third-party review of financial status has been carried out and the successful tenderer was rated as 'sound'.

Construction Risks:

- a. The recommended contractor will provide a program of works, traffic management plan, safety management plan and environmental management plan as part of the contract to identify and detail how they will manage and mitigate project construction risks. This information will be assessed for appropriateness by Council's Project Manager.
- b. The recommended contractor has demonstrated their understanding of the project site and the need to manage the impact of works and safety for pedestrians, vehicles and adjacent private properties.
- c. The recommended contractor has programmed the works and allowed for appropriate resources to complete the project works efficiently.
- d. The recommended contractor has programmed the site works to be undertaken outside of the 'wet season' to minimise adverse impacts of inclement weather on construction.
- e. Regular testing of the water turbidity quality will be undertaken as noted in item 3.8 environmental implications.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Council has allocated a total of \$635,000 with \$35,000 in the 2018-19 FY Capital Projects Program and \$600,000.00 in the 2019-20 FY Capital Projects Program for this project, budget number 102106. All financials below are excluding GST.

Tender Design and Construct (MBRC008244)	\$ 554,000.00
Contingency (10%)	\$ 55,400.00
Q Leave (0.475%)	\$ 2,631.50

Total Project Cost	\$ 612,031.50
	=====

Estimated ongoing operational/maintenance costs is \$3,000.00 per annum.

The budget amount for this project is sufficient.

3.7 Economic Benefit

The project will provide a new wall with more durable materials that is suitable for the site, minimising maintenance requirements.

ITEM 4.5 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A18170959 (Cont.)

3.8 Environmental Implications

The contractor is required to submit a site specific Environmental Management Plan, which will be reviewed by council officers. The contractor will be required to manage sediment and erosion controls during construction and these measures will be audited and monitored by Council's project management staff. Environmental controls to be implemented include installation of sedimentation curtains around the current works area and relocated as the works progress, spill kits on-site and placed accordingly, water quality turbidity tests to be taken prior to the commencement of works and monitored throughout the works duration. The contractor will document and provide twice daily (morning and evening) environmental control inspections. Council officers will also complete and document twice daily environmental control inspections. Constant monitoring of weather forecast will be undertaken, and mitigation measures implemented. The outlet will be inspected and recorded to ensure flows are not restricted.

3.9 Social Implications

The replacement of the revetment wall will provide a more resilient, safer revetment wall which will enhance the amenity of the lake and surrounding park.

3.10 Consultation / Communication

A detailed communication plan has been prepared for the project. Project notices and signs will be distributed four weeks prior to construction commencement. A project specific link to the MBRC web page will be provided and updated twice per week for the project. Regular project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.

ITEM 4.6
TENDER - GROUNDS MAINTENANCE SERVICES - REGIONAL

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18354989 : 27 March 2019 - Refer **Confidential Supporting Information**
A18133901, A18133907, A18133912 & A18133915
Responsible Officer: TO, Team Leader - Assets (ECM Directorate)

Executive Summary

Tenders were called for Regional Grounds Maintenance Services (MBRC008251). The tender comprised four separable portions. Tenders closed on 28 February 2019, with submissions received from 14 companies for one or more of the separable portions.

It is recommended that the tender for *Regional Grounds Maintenance Services (MBRC008251)* be awarded as follows, as these offers represent the best overall value to Council.

Separable Portion 1 - That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 1 (Southern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *Skyline Landscape Services (QLD) Pty Ltd* for the annual amount of \$1,877,669.46 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.

Separable Portion 2 - That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 2 (Central Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *Southern Cross Facilities Services* for the annual amount of \$2,027,313.18 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.

Separable Portion 3 - That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 3 (Eastern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *Brisbane Commercial Lawn & Garden Care* for the annual amount of \$84,600.00 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.

Separable Portion 4 - That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 4 (Northern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *GLG Greenlife Group* for the annual amount of \$1,688,859.00 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Denise Sims

CARRIED 12/0

1. That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 1 (Southern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *Skyline Landscape Services (QLD) Pty Ltd* for the annual amount of \$1,877,669.46 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.
 - a) That the Council enters into an agreement with *Skyline Landscape Services (Qld) Pty Ltd* as described in this report.

ITEM 4.6 TENDER - GROUNDS MAINTENANCE SERVICES - REGIONAL - A18354989 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 1 (Southern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *Skyline Landscape Services (QLD) Pty Ltd* for the annual amount of \$1,877,669.46 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.
 - a) That the Council enters into an agreement with *Skyline Landscape Services (Qld) Pty Ltd* as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with *Skyline Landscape Services (Qld) Pty Ltd* for *Grounds Maintenance Services (MBRC008251) - Separable Portion 1 (Southern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* and any required variations of the agreement on Council's behalf.
2. That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 2 (Central Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *Southern Cross Facilities Services* for the annual amount of \$2,027,313.18 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.
 - a) That the Council enters into an agreement with *Southern Cross Facilities Services* as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with *Southern Cross Facilities Services* for *Grounds Maintenance Services (MBRC008251) - Separable Portion 2 (Central Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* and any required variations of the agreement on Council's behalf.
3. That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 3 (Eastern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *Brisbane Commercial Lawn & Garden Care* for the annual amount of \$84,600.00 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.
 - a) That the Council enters into an agreement with *Brisbane Commercial Lawn & Garden Care* as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with *Brisbane Commercial Lawn & Garden Care* for *Grounds Maintenance Services (MBRC008251) - Separable Portion 3 (Eastern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* and any required variations of the agreement on Council's behalf.
4. That the tender for *Grounds Maintenance Services (MBRC008251) - Separable Portion 4 (Northern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* be awarded to *GLG Greenlife Group* for the annual amount of \$1,688,859.00 (excluding GST) for an initial period of two years (1 July 2019 to 30 June 2021) with an option to extend by a further two x one-year periods, subject to satisfactory performance.
 - a) That the Council enters into an agreement with *GLG Greenlife Group* as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with *GLG Greenlife Group* for *Grounds Maintenance Services (MBRC008251) - Separable Portion 4 (Northern Zone) – Parks & Reserves, Urban Roads, Streetscape & Pathways* and any required variations of the agreement on Council's behalf.

ITEM 4.6 TENDER - GROUNDS MAINTENANCE SERVICES - REGIONAL - A18354989 (Cont.)

REPORT DETAIL

1. Background

Council currently undertake a large portion of its grounds maintenance operations across the region through contracted works. These contracts allow commercial opportunity within the region and enable an efficient and consistent standard of programmed works through the development of set maintenance areas and service frequencies across the region. The frequencies of maintenance within this contract have been set at 18 cycles per annum.

The current arrangement for regional grounds maintenance of parks, urban roadside, walkway mowing, and landscape maintenance is due to expire on 30 June 2019.

2. Explanation of Item

Tenders were called for Regional Grounds Maintenance Services (MBRC008251). Tenders closed on 28 February 2019, with submissions received from 14 companies for one or more of the separable portions. Tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the mandatory selection criteria set out in the tender documentation.

All tenders and the final weighting scores are tabled below (ranked from highest to lowest):

Separable Portion 1 (Southern Zone) – Parks and Reserves, Urban Roads, Streetscape and Pathways:

RANK	TENDERER	EVALUATION SCORE
1	Skyline Landscape Services (QLD)	98.88
2	Southern Cross Facilities Services	93.60
3	GLG GreenLife Group (Discount Offer)	93.32
4	GLG GreenLife Group	92.89
5	Jungle Busters Pty Ltd	90.79
6	Marsupial Landscape Services	88.28
7	Performance Mowing Pty Ltd	81.66
8	UDL M Pty Ltd	70.79
9	Wanday (QLD) Pty Ltd	70.29
10	Broad Acre Maintenance Pty Ltd	60.20

Skyline Landscape Services (QLD) - ('Skyline')- received the highest-ranking score for 'Separable Portion 1 (Southern Zone) – Parks and Reserves, Urban Roads, Streetscape and Pathways' based on the selection criteria, understanding of the project requirements, scope of works and resource capacity. Skyline's tender submission and reference checks demonstrated the required level of skill, knowledge, experience and qualifications held by their key staff and demonstrated their capacity to undertake the works required. Skyline's submission was the lowest priced offer and received the highest evaluation score.

The tender submissions from **Southern Cross Facilities Services** and **GLG Greenlife Group** addressed all aspects of the criteria outlined in the tender specification, demonstrated a clear understanding of the scope of works and that they have the resource capacity required to undertake the works. These offers were the second and third lowest priced submissions and received the second and third highest evaluation scores respectively for separable portion 1.

ITEM 4.6 TENDER - GROUNDS MAINTENANCE SERVICES - REGIONAL - A18354989 (Cont.)

The other five companies' submissions received for this separable portion were considered capable of undertaking the works as set out in tender specifications; however were not considered to provide the best value for Council.

Separable Portion 2 (Central Zone) – Parks and Reserves, Urban Roads, Streetscape and Pathways:

RANK	TENDERER	EVALUATION SCORE
1	Southern Cross Facilities Services	95.13
2	Skyline Landscape Services (QLD)	94.67
3	GLG GreenLife Group (Discount Offer)	93.32
4	GLG GreenLife Group	93.09
5	Jungle Busters Pty Ltd	92.64
6	Marsupial Landscape Services	88.42
7	Performance Mowing Pty Ltd	85.50
8	UDL M Pty Ltd	73.77
9	Broad Acre Maintenance Pty Ltd	60.20

Southern Cross Facilities Services ('SCFS') - received the highest-ranking score for 'Separable Portion 2 (Central Zone) – Parks and Reserves, Urban Roads, Streetscape and Pathways' based on the selection criteria. The submission from SCFS demonstrated the required level of experience in the type of work offered and a good understanding of the scope of works. Their submission and reference checks confirmed the required level of company experience and qualifications held by their key staff, and their capacity to undertake the works. The offer from SCFS for separable portion two was the second lowest price offer, however received the highest evaluation score.

The tender submission from **Skyline Landscape Services (Qld)** was comprehensive, and clearly demonstrated the required level of knowledge and experience required to undertake the required works. Skyline Landscape Services (Qld) received the second highest evaluation score.

GLG Greenlife Group was the lowest priced offer received; however, based on previous works, the panel did not have confidence in their ability to deliver quality services if awarded multiple portions. (GLG Greenlife Group are recommended to be awarded separable portion four of this contract, as they were the lowest priced offer and received the highest evaluation score for that portion of works).

The other five companies' submissions received for this portion of the contract were capable of undertaking the works as set out in tender specifications; however, were not considered to provide the best value for Council.

Separable Portion 3 (Eastern Zone) – Parks and Reserves, Urban Roads, Streetscape and Pathways:

RANK	TENDERER	EVALUATION SCORE
1	Brisbane Commercial Lawn & Garden Care	97.49
2	Elite Horticultural Pty Ltd	93.59
3	Skyline Landscape Services (QLD)	92.89
4	Jungle Busters Pty Ltd	92.85

ITEM 4.6 TENDER - GROUNDS MAINTENANCE SERVICES - REGIONAL - A18354989 (Cont.)

RANK	TENDERER	EVALUATION SCORE
5	Southern Cross Facilities Services	89.98
6	GLG GreenLife Group (Discount Offer)	87.82
7	GLG GreenLife Group	86.78
8	Marsupial Landscape Services	86.69
9	River City Garden & Lawn Pty Ltd	79.95
10	UDL M Pty Ltd	76.65
11	Performance Mowing Pty Ltd	74.73
12	Broad Acre Maintenance Pty Ltd	63.32
13	Tree ACQ Pty Ltd trading as MPTD	62.79
14	Broad Acre Employment Strategy Ltd	38.86

Brisbane Commercial Lawn & Garden Care - ('BCL&GC') - received the highest-ranking score for 'Separable Portion 3 (Eastern Zone) – Parks and Reserves, Urban Roads, Streetscape and Pathways' based on the selection criteria, understanding of the project requirements and resource capacity. BCL&GC's submission was comprehensive and demonstrated a clear level of understanding of the scope of work, highlighting a sound level of experience in the type of work tendered. BCL&GC's submission outlined their capacity and capability to undertake the works required. BCL&GC was the lowest priced offer and received the highest evaluation score and was deemed to be the best value offer to Council.

The tender submissions received from **Elite Horticultural Pty Ltd** and **Skyline Landscape Services (Qld)** were both comprehensive submissions, clearly demonstrating the required level of knowledge and experience to undertake the works arising from the tender. Elite Horticultural Pty Ltd received the second highest evaluation score with Skyline Landscape Services' (Qld) receiving the third.

The other ten companies' submissions received for this portion of the contract were capable of undertaking the works as set out in tender specifications; however, were not considered to provide the best value for Council.

Separable Portion 4 (Northern Zone) – Parks and Reserves, Urban Roads, Streetscape and Pathways:

RANK	TENDERER	EVALUATION SCORE
1	GLG GreenLife Group	94.60
2	GLG GreenLife Group (Discount Offer)	94.03
3	Skyline Landscape Services (QLD)	93.76
4	Marsupial Landscape Services	90.20
5	Jungle Busters Pty Ltd	87.50
6	UDL M Pty Ltd	71.77
7	Broad Acre Maintenance Pty Ltd	63.46

GLG Greenlife Group ('GLG') - received the highest-ranking score for 'Separable Portion 4 (Northern Zone) – Parks and Reserves, Urban Roads, Streetscape and Pathways' based on the selection criteria, understanding of the project requirements and scope of works. GLG's tender submission outlined the level of staff skills, knowledge, experience, qualifications and capacity to undertake the works for separable portion 4. The offer received from GLG was the lowest priced offer and received the highest evaluation score and was therefore deemed best value to Council.

ITEM 4.6 TENDER - GROUNDS MAINTENANCE SERVICES - REGIONAL - A18354989 (Cont.)

The submission received from **GLG Greenlife Group (Discount Offer)** contained a discount if they were successfully awarded multiple separable portions. This offer was taken into consideration and listed in the evaluation table as 'discount offer'. GLG currently undertake grounds maintenance for portions 1, 2 and 4 under the current grounds maintenance arrangement, which is due to expire in June 2019. Based on performance, the evaluation panel did not have confidence in GLG's ability to undertake multiple separable portions within this contract; therefore, the discount offer did not come into effect.

The offers from **Skyline Landscape Services (Qld)** and **Marsupial Landscape Services** were comprehensive tender submissions that clearly outlined their ability to deliver the required works. These offers were the third and fourth lowest offers received and received corresponding evaluation scores.

The other three companies' submissions received for this portion of the contract were capable of undertaking the works as set out in tender specifications; however, were not deemed best value for Council.

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to the value of the work being greater than \$200,000, a competitive open tender process was undertaken. The tender was called in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

These contracts have been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

This contract will ensure that contractor's staff are suitably qualified and experienced to undertake these specialised services in accordance with MBRC specification and stakeholder expectation.

A third-party review of financial status has been undertaken on the recommended tenderers. The outcome of these reviews is listed below.

- Separable Portion 1 - Skyline Landscape Services received a rating of 'sound' which has confirmed they have the capability and financial capacity to carry out the works in separable portion 1.
- Separable Portion 2 - SCC (SA) Pty Ltd. T/A Southern Cross Facilities Services received a rating of 'satisfactory' which has confirmed they have the capability and financial capacity to carry out the works in separable portion 2.
- Separable Portion 3 - Matt David James as Trustee for James Family Trust trading as Brisbane Commercial Lawn and Garden Care received a rating of 'satisfactory' which has confirmed they have the capability and financial capacity to carry out the works in separable portion 3.
- Separable Portion 4 - GLG GreenLife Group Pty Ltd received a rating of 'very strong' which has confirmed they have the capability and financial capacity to carry out the works in separable portion 4.

The successful contractors and staff will be required to comply with Council's WH&S requirements and undertake a formal induction process prior to commencing the ground works.

ITEM 4.6 TENDER - GROUNDS MAINTENANCE SERVICES - REGIONAL - A18354989 (Cont.)

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report..

3.6 Financial Implications

The annual cost of implementing the proposed tenders is \$5,678,441.64 which represents an annual increase of \$155,023 to Council based on current costs incurred annually for the same services.

3.7 Economic Benefit

The effective management and maintenance of parks, streetscapes, walkways and roadsides and their subsequent presentation has a definite effect on the perception that people have of the region. Past observation has shown successful tenderers procure resources and recruit staff from within our region.

3.8 Environmental Implications

The successful tenderer will be subject to the same State and Federal environmental legislation that regulates Council's parks maintenance activities.

3.9 Social Implications

The effective management and maintenance of parks and reserves across the region offers positive social implications in terms of regional and local recreational opportunities and fitness and wellbeing outcomes.

3.10 Consultation / Communication

Consultation for the delivery of this program has been undertaken with relevant officers, stakeholders, department managers and the procurement section of Council.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

ITEM 5.1

NEW LEASE - REDCLIFFE PENINSULA SURF LIFE SAVING CLUB INC - DIVISION 6

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A18345758 : 20 March 2019 - **Refer Supporting Information A18345757**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a new lease to Redcliffe Peninsula Surf Life Saving Club Inc. at Lot 1 Suttons Beach, Redcliffe (refer Supporting Information #1) to enable the construction of a new storage and training facility. The club has secured funding to undertake this project and intends to commence construction works at the earliest opportunity. The execution of this new lease will be required prior to the commencement of construction works.

COMMITTEE RECOMMENDATION

Moved by Cr James Houghton

Seconded by Cr Mick Gillam

CARRIED 12/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That subject to recommendations 3, 4 and 5, Redcliffe Peninsula Surf Life Saving Club Inc. be granted a lease over an area at Lot 1 Suttons Beach, Redcliffe (refer Supporting Information #1) for a period of ten years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of this lease be subject to Redcliffe Peninsula Surf Life Saving Club Inc. surrendering its existing lease at this location.
5. That the grant of this lease occurs prior to the Redcliffe Peninsula Surf Life Saving Club Inc. commencing construction works.
6. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.1 NEW LEASE - REDCLIFFE PENINSULA SURF LIFE SAVING CLUB INC - DIVISION 6 - A18345758
(Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That subject to recommendations 3, 4 and 5, Redcliffe Peninsula Surf Life Saving Club Inc. be granted a lease over an area at Lot 1 Suttons Beach, Redcliffe (refer Supporting Information #1) for a period of ten years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of this lease be subject to Redcliffe Peninsula Surf Life Saving Club Inc. surrendering its existing lease at this location.
5. That the grant of this lease occurs prior to the Redcliffe Peninsula Surf Life Saving Club Inc. commencing construction works.
6. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1 November 2000, the Redcliffe Peninsula Surf Life Saving Club Inc. has held a current lease with Council over a clubhouse and shed at Lot 1 Suttons Beach, Redcliffe (refer Supporting Information #1). The club has identified a need for a storage and training facility located at the club to support its activities.

In 2017, Redcliffe Peninsula Surf Life Saving Club Inc. commenced discussions with various State and Federal Government departments regarding funding opportunities for its project. Advice received by the club confirmed a requirement for an extended tenure period of 10 years to be provided by Council for its applications to be considered eligible. Accordingly, in December 2017, the club were advised by way of written correspondence that an extended lease term of 10 years would be provided to the club once project funding had been secured.

Community group tenants of Council facilities must submit an Improvement Works Application (IWA) to obtain Council approval for any improvements to the facility or site where they hold a lease, licence or permit. Council may approve, approve with conditions or refuse applications at its sole discretion.

2. Explanation of Item

The Redcliffe Peninsula Surf Life Saving Club Inc. has now secured sufficient funding to undertake the demolition of its current shed and construct its new storage and training facility. An IWA has been lodged with Council for these works, which are proposed to extend outside of the existing lease area (refer Supporting Information #1). This application has been assessed by Council's key stakeholder departments, with no objections received.

To enable Redcliffe Peninsula Surf Life Saving Club Inc. to proceed with its proposed project, Council would need to provide the group with a new lease over the area where the new storage and training facility is to be constructed. However, with consideration to the upcoming expiry of the organisation's existing lease (31 March 2020), it is proposed that the group surrender this lease and that Council enter into a new lease covering all areas of its current and future occupation (refer Supporting Information #1).

ITEM 5.1 NEW LEASE - REDCLIFFE PENINSULA SURF LIFE SAVING CLUB INC - DIVISION 6 - A18345758
(Cont.)

Accordingly, this report recommends that Council approve the provision of a lease, under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1. Further, it is recommended that the grant of this lease:

- be for a period of ten (10) years, with an annual rental commencing at \$1.00;
- be subject to the organisation surrendering its existing lease at this location; and
- be subject to all lease documentation being executed prior to the commencement of construction works.

3. Strategic Implications

3.1 Legislative/Legal Implications

The Council must comply with the *Local Government Act 2009* and Local Government Regulation 2012 when it disposes of valuable non-current assets. Resolving to rely on the exception provided under section 236(1)(b)(ii) of the Regulation will allow the Council to complete the disposal to a community organisation by means other than tender or auction.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications

There are no risk management implications arising as a direct result of this report.

3.5 Delegated Authority Implications

As per Officer's Recommendation 6 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

There are no financial implications arising as a direct result of this report.

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result of this report.

3.8 Environmental Implications

There are no environmental implications arising as a direct result of this report.

3.9 Social Implications

The issuing of a lease to Redcliffe Peninsula Surf Life Saving Club Inc. will provide the club with additional facilities to support its operations.

3.10 Consultation / Communication

Councillor Winchester (Division 6)
Relevant Council departments
Redcliffe Peninsula Surf Life Saving Club Inc.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION

(Cr D Grimwade)

No items for consideration.

CLOSED SESSION (Confidential items)

(Resolution the meeting be closed under s275 of the Local Government Regulation 2012)

CLOSED SESSION

COMMITTEE RECOMMENDATION

Moved by Cr James Houghton

Seconded by Cr Adrian Raedel

CARRIED 12/0

That Committee move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.2.

Members of the press and public gallery left the Chambers.
The closed session commenced at 11.07am.

ATTENDANCE

Mr David Hood and Ms Lauren Fishburn attended the meeting at 11.08am for Item C.1 and left at 11.20am.

OPEN SESSION

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Adrian Raedel

CARRIED 12/0

That Committee resume in open session and that the following recommendations be made.

The open session resumed at 11.20am.

ITEM C.1 – CONFIDENTIAL

PROPOSED AMENDMENT TO MBRC PLANNING SCHEME - NOTICE TO THE CHIEF EXECUTIVE UNDER SECTION 18(2) OF THE PLANNING ACT 2016 - REGIONAL

Meeting / Session: 2 Planning & Development (Cr M Gillam)

Reference: A18291086: 9 April 2019 - Refer Confidential Supporting Information
A18391976

Responsible Officer: LF, Team Leader Strategic Planning (PED Strategic Planning)

Basis of Confidentiality

Pursuant to section 275(1) of the Local Government Regulation 2012, clause (g), as the matter involves action to be taken by the Council under the *Planning Act 2016* (the Act).

Executive Summary

At its Coordination Committee Meeting on 13 December 2018, Council resolved to make an amendment to the MBRC Planning Scheme under section 18 of the Act.

The Act and the Ministers Guidelines and Rules prescribe the process for amending a planning scheme under section 18 of the Act. Since December 2018, the proposed amendment has been further discussed with the Department of State Development, Manufacturing, Infrastructure and Planning (the Department) and an informal briefing session held with State agencies.

Council is now required to provide notice to the Chief Executive under section 18(2) of the Act and include any relevant supporting information for consideration by the Chief Executive. This notice outlines the proposed tailored amendment process and other related matters. After the Chief Executive's consideration and response, Council will then need to resolve to provide the content of the scheme amendment to the State for State interest checks. At this time, Council will then undertake a public consultation process.

COMMITTEE RECOMMENDATION

Moved by Cr Denise Sims

Seconded by Cr Adrian Raedel

CARRIED 12/0

1. That the Chief Executive Officer be authorised to give notice of the proposed amendment to the Moreton Bay Regional Council Planning Scheme to the Chief Executive of the Department of State Development Manufacturing, Infrastructure and Planning under section 18(2) of the *Planning Act 2016* and provide relevant supporting information, as described in this report.
2. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, providing any information required by or otherwise liaising with the Chief Executive of the Department and with staff of the Department as required under section 18(3) of the *Planning Act 2016*.

ITEM C.2 – CONFIDENTIAL

**ANIMAL ATTACK - COMMENCEMENT OF PROSECUTION - DECEPTION BAY -
DIVISION 4**

Meeting / Session: 1 Governance (Cr A Sutherland, Mayor)

Reference: A18084155 : 17 January 2019

Responsible Officer: DM, Case Management & Compliance Coordinator (CES Regulatory Services)

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (f), as the matter involves starting or defending legal proceedings involving the Council.

Executive Summary

Council's approval is sought for the commencement of court action against the responsible person for a dog, involved in two serious dog attacks which occurred on 19 December 2018 and 3 January 2019 in Deception Bay.

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Julie Greer

CARRIED 12/0

1. That Council authorise the Chief Executive officer to commence appropriate prosecution proceedings against the responsible person for the offending dog as described in this confidential report, in relation to alleged offences under the *Animal Management (Cats and Dogs) Act 2008*.
2. That the prosecution proceedings described in recommendation 1 be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

9 GENERAL BUSINESS

ITEM 9.1 PENINSULA CRICKET CLUB - DIVISION 6 (KW)

Cr Koliana Winchester advised that Peninsula Cricket Club won both A & B grade grand finals held last weekend, defeating Gold Crest in both grades. Cr Winchester congratulated the club on their achievements.

COMMITTEE RECOMMENDATION

Moved by Cr Koliana Winchester

Seconded by Cr Darren Grimwade

CARRIED 12/0

That a Mayoral letter of congratulation be sent to the Peninsula Cricket Club on their recent Grand Final wins.

ITEM 9.2 DRAINAGE INVESTIGATION AREA - JOYNER SOUTH - DIVISION 8 (MG)

Cr Mick Gillam requested a future Council Workshop be held to discuss the initiation of a Drainage Investigation Area for the Joyner South Development region.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Denise Sims

CARRIED 12/0

That Council's Planning & Economic Development and Engineering Construction & Maintenance Divisions investigate and report to a future Council Workshop on a need and benefit on initiating a Drainage Investigation Area in the Joyner South Development region.

ITEM 9.3 PONTOON LEASES - REGIONAL (BS)

Cr Brooke Savige advised of resident concerns in relation to pontoon leases, in particular the Bribie Gardens Canal Estate. Cr Savige conveyed their difficulties in purchasing or selling property, and obtaining insurance over the pontoons, further noting that Ministerial sign-off on the pontoons is also required. Cr Savige requested a workshop to discuss the matter further.

COMMITTEE RECOMMENDATION

Moved by Cr Brooke Savige

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 12/0

That a Council Workshop be conducted regarding pontoon leases throughout the Moreton Bay Region.

9. General Business Cont'd

**ITEM 9.4
EXHIBITION OPENING - REDCLIFFE ART SOCIETY - EXHIBITION OF EXCELLENCE
2019**

Cr Allan Sutherland (Mayor) made mention of the Official Opening of Redcliffe Art Society's Exhibition of Excellence 2019, held on Saturday 6 April 2019 at the Redcliffe Art Gallery. The Mayor advised that the exhibition had celebrated the achievements of local artists for more than 30 years, and the 2019 event was very-well attended. The Mayor also said that a guest judge who had travelled from Sydney to attend the exhibition, highly commended the standard of artwork.

CLOSURE

There being no further business the Chairperson closed the meeting at 11.33am.