



# **AGENDA**

## **GENERAL MEETING**

**Wednesday 14 December 2022**  
commencing at 9.30am

Strathpine Chambers  
220 Gympie Road, Strathpine

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**COUNCILLOR:**

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 14 December 2022 commencing at 9.30am in Strathpine Chambers, 220 Gympie Road, Strathpine to give consideration to the matters listed on this agenda.

Greg Chemello  
Chief Executive Officer

8 December 2022

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

**Agenda for public distribution**

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

The Mayor to advise that the meeting will be live streamed and the video recording of the meeting will be available on the council's website.

Attendees must be aware that incidental capture of an image or sound of persons in the public gallery, may occur.

By remaining at the meeting attendees consent to being filmed and the possible use of their image and sound being published in the live streaming and recorded video of this meeting.

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### **1. ACKNOWLEDGEMENT OF COUNTRY**

Mayor, or nominee, to provide the Acknowledgement of Country.

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### **2. OPENING PRAYER / REFLECTION**

Mayor, or nominee, to provide the opening prayer / reflection for the meeting.

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### **3. ATTENDANCE & APOLOGIES**

#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)

#### **Apologies:**

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### **4. MEMORIALS OR CONDOLENCES**

Council to observe a moment's silence for residents who have passed away.

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### **5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

#### **General Meeting - 30 November 2022 (Pages 22/1777 - 22/1866)**

**RESOLUTION** that the minutes of the General Meeting held 30 November 2022, be confirmed.

***Attachment #1 Unconfirmed Minutes - General Meeting 30 November 2022***

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### **6. PRESENTATION OF PETITIONS**

*(Addressed to the Council and tabled by Councillors)*

Receipt of petitions addressed to the Council and tabled by Councillors.

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## 7. CORRESPONDENCE

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Receipt of correspondence addressed to the Council and tabled by the Chief Executive Officer, and Council responses to petitions tabled and community comment addresses (at the discretion of the CEO).

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## 8. COMMUNITY COMMENT

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Council resolved at its General Meeting held 30 November 2022 (MP. 22/1861), that the Community Comment session is permitted to occur as part of the proceedings on the last General Meeting of the Calendar year (being 14 December 2022).

In line with the above resolution, the following residents/ratepayers, having made the appropriate application, have been approved to participate in this session.

### **REMINDER TO PARTICIPANTS BY THE CHAIRPERSON**

*Participants are reminded that the approved speaker is allowed a maximum of 5 minutes to address the Council in line with the material provided to the Mayor/CEO prior to the meeting.*

*Speakers must act and speak with decorum and are also reminded that parliamentary privilege is not extended to comments made during a council meeting.*

*If the address is considered irrelevant, offensive, contrary to the Community Comment Session Policy or unduly long, the speaker will be required to cease.*

*Speakers must note that no debate will be entered into at the conclusion of the presentation, however the CEO may clarify any statement or view expressed by the speaker.*

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### **8.1. Community Comment: Christine West - Warner Investigation Area, Planning Scheme review and Moreton Bay Wildlife Hospital Foundation (65938713)**

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As approved by the Chief Executive Officer, Christine West has been invited to address the Council in respect of the Warner Investigation Area, Planning Scheme review and Moreton Bay Wildlife Hospital Foundation.

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## 9. NOTICES OF MOTION (Repeal or amendment of resolutions)

*(s262 of the Local Government Regulation 2012)*

Consideration of any notice of motion to repeal or amend a resolution of the Council which is to be given to each Councillor at least 5 days before the meeting at which the proposal is to be made.

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## 10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

*Conflicts of interest notified to the CEO where not specifically related to an item on this agenda*

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## 11. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)

*(as referred by the Chief Executive Officer)*

Consideration of officers' reports as referred by the Chief Executive Officer, to be conducted in Sessions.

The appointed Portfolio Councillor will facilitate the conduct of the respective session under the control of the Mayor as the Presiding Officer.

Session	Portfolio Councillors	
<b>1 Vibrant Communities</b>	Cr Y Barlow	Cr S Ruck
<b>2 Healthy Environments</b>	Cr C Tonks	Cr B Savige
<b>3 Well-planned Places</b>	Cr J Shipway (Deputy Mayor)	Cr M Booth
<b>4 Well-connected Places</b>	Cr A Hain	Cr M Gillam
<b>5 Progressive Economy</b>	Cr K Winchester	Cr T Latter
<b>6 Engaged Council</b>	Cr M Constance	Cr D Grimwade

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**1 VIBRANT COMMUNITIES SESSION**

**(Cr Y Barlow / Cr S Ruck)**

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**ITEM 1.1**

**COMMUNITY FACILITIES INTEREST FREE LOAN - PINE HILLS FOOTBALL CLUB INC.**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 65938043: 25 November 2022  
*Responsible Officer:* JB, Community Grants and Partnerships Team Leader (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council approval of a Community Facilities Interest Free Loan of \$50,000 (excl. GST) over 10 years for Pine Hills Football Club Inc. (the Club) for the upgrade of field lighting. This application has been received outside of the normal application round and as such requires Council's consideration at a General Meeting.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to support for a community organisation to improve existing community facilities within the Moreton Bay Region.

**OFFICER'S RECOMMENDATION**

1. That, under the provisions of Council's Community Facilities Interest Free Loans Policy, Council provides a \$50,000 (excl. GST) Community Facilities Interest Free Loan to Pine Hills Football Club Inc. of towards the upgrade of field lighting at James Drysdale Reserve, as described in this report.
2. That Council enter into an agreement with Pine Hills Football Club Inc. for the interest free loan referred to in Recommendation 1.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the interest free loan agreement on Council's behalf, as described in this report.

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**ITEM 1.1 COMMUNITY FACILITIES INTEREST FREE LOAN - PINE HILLS FOOTBALL CLUB INC. - 65938043**  
(Cont.)

## **REPORT DETAIL**

### **1. Background**

Pine Hills Football Club Inc. (the Club) operates under community lease and permit arrangements from Council facilities located at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (Division 10). The Club currently has over 800 members and in 2023 is expected to support 20 senior teams (comprising 13 Football Queensland senior men's and women's teams and a further seven over-35's men's teams).

Council will be undertaking significant works (field extension and fencing) on the Club's Field 3 throughout the majority of the 2023 football season. As such, the availability of sufficient field space to accommodate the club's activities and competitions during the 2023 season is set to be significantly challenged. Accordingly, the Club have identified the need to have Field 1 available for night matches from the start of 2023 to: manage competitions efficiently; meet the requirements of members; and to support the overall feasibility of Club operations into the future.

To enable Field 1 to be activated for night matches in the 2023 season, the Club will be required to undertake an urgent lighting upgrade to replace the existing non-LED lighting with brighter and more energy efficient LED lights. This upgrade is considered by the Club as essential for their ongoing successful operations and to cater for their growing membership. Further, it will also allow Field 1 to comply with Football Queensland match standards and provide greater ongoing flexibility for scheduling night matches. Without this upgrade, the Club have advised that they will be unable to provide sufficient playing capacity for night matches in 2023.

The Club have received consent from Council (via an Improvement Works Application (IWA) approval) to undertake the Field 1 lighting upgrade, however, are seeking Council's assistance to fund the project via a Community Facilities Interest Free Loan.

Under Council's Community Facilities Interest Free Loans Policy (No. 2150-098), eligible community organisations can apply for interest free loans of between \$15,000 and \$50,000 to develop new or upgrade existing community facilities. Repayment periods of up to 10 years may be provided.

Council calls for applications under the Community Facilities Interest Free Loans Program in July and February each financial year. Eligible applications are assessed by Council officers with consideration to four key assessment criteria:

- Demonstrated need for the project;
- Benefit to the Moreton Bay Region community;
- Value for money, for Council and the community; and
- Capacity of the applicant to successfully complete the project.

In addition, Council's Accounting Services Department undertake a financial health check on each applicant to ensure their capacity to repay the loan.

Unlike Council's grant programs (where there is a designated and limited budget), Community Facility Interest Free Loan applications do not compete against each other through the assessment process. Generally, applications can be approved if:

- The *applicant* meets the program eligibility criteria and can demonstrate financial capacity to repay the loan (as determined by Accounting Services department via a financial health check);
- The *project* meets the eligibility criteria and demonstrates sufficient alignment with the above-mentioned key assessment criteria; and
- The total value of outstanding interest free loans provided by Council to community organisations does not exceed the maximum allowable under the General Approval provide to Council by the Queensland Government under Part 7 Sections 60A and 60B of the *Statutory Bodies Financial Arrangements Act (1982)*, being \$2,000,000.

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**ITEM 1.1 COMMUNITY FACILITIES INTEREST FREE LOAN - PINE HILLS FOOTBALL CLUB INC. - 65938043**  
(Cont.)

## **2. Explanation of Item**

Due to delays in delivery timeframes associated with Council's field and fencing work at Field 3, the extent of the impact on Club operations during the 2023 season has only recently become apparent. Accordingly, the Club were unaware of the project requirements when the most recent round of Council's Community Facilities Interest Free Loan Program was open for applications (1 July - 10 August 2022).

Council has received a request from the Pine Hills Football Club Inc. to provide an 'out of round' interest free under the provisions of Council's Community Facilities Interest Free Loans program to enable the urgent upgrade of Field 1 lighting at James Drysdale Reserve. Specifically, the Club have requested a loan of \$50,000 (excl. GST) towards the total project costs of \$64,427, to be repaid over a 10 year period.

A completed application form has been received and assessed by Council officers from Council's Community Services, Sport and Recreation and Accounting Services departments, with the following outcomes:

- The applicant meets the eligibility criteria of Council's Community Facilities Interest Free Loans Policy and Guidelines;
- The project (Field 1 lighting upgrade) meets the eligibility criteria of Council's Community Facilities Interest Free Loans Policy and Guidelines and is considered meritorious with consideration to the four key assessment criteria;
- The applicant's financial health check has demonstrated that the Club is in a strong financial position and has the ability to repay the loan over the requested 10 year period, and meet the balance costs of the project (\$14,427); and
- The requested loan will not result in Council exceeding the maximum allowable value of outstanding interest free loans to community organisations under the General Approval provide to Council by the Queensland Government under Part 7 Sections 60A and 60B of the *Statutory Bodies Financial Arrangements Act (1982)*, being \$2,000,000.

Accordingly, it is recommended that the 'out of round' application from Pine Hills Football Club Inc. for a Community Facilities Interest Free Loan of \$50,000.00 (excl GST) be approved by Council, as detailed in this report.

## **3. Strategic Implications**

### **3.1 Legislative / Legal Implications**

Council's Interest Free Loans are administered in accordance with the *Local Government Act 2009* and *Statutory Bodies Financial Arrangements Act 1982*.

### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

### **3.3 Policy Implications**

The Community Facilities Interest Free Loan proposed in this report will be provided in accordance with Council's Community Facilities Interest Free Loan Policy (No.2150-098).

### **3.4 Risk Management Implications**

Provision of an interest free loan to the Pine Hills Football Club Inc. presents a financial risk to Council that the organisation may be unable to repay the loan. However, in accordance with Council's standard assessment processes, Council's Accounting Services department has completed a financial health check on the Club, the results of which have identified:

- The club is in a strong financial position; and
- The club has the ability to repay the loan over the requested 10 year repayment period.



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ITEM 1.1 COMMUNITY FACILITIES INTEREST FREE LOAN - PINE HILLS FOOTBALL CLUB INC. - 65938043  
(Cont.)

Accordingly, the level of risk is considered to be low and will be sufficiently mitigated by Council and the Club entering into the required Community Facilities Interest Free Loan agreement.

3.5 Delegated Authority Implications

As per Officer's Recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the interest free loan agreement on Council's behalf, as described in this report.

3.6 Financial Implications

This report recommends the provision of an interest free loan of \$50,000 (excl GST) to be repaid over a maximum period of 10 years, to Pine Hills Football Club Inc to support the proposed lighting upgrade of Field 1.

In accordance with the General Approval provide to Council by the Queensland Government under Part 7 Sections 60A and 60B of the *Statutory Bodies Financial Arrangements Act (1982)*, the total value of interest free loans provided by Council to community organisations must not exceed \$2,000,000.

As at 28 November 2022, the total value of outstanding interest free loans provided by Council to community organisations is \$590,000.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

The upgrade of lighting to Field 1 at James Drysdale Reserve will allow an active club to continue to offer competition level facilities and activities, during a period whereby it may otherwise need to cancel or reduce competitions.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Pine Hills Football Club Inc.  
Relevant Council departments

## ITEM 1.2

### MAYOR'S 2032 LEGACY WORKING GROUP AND 2032 INDOOR CENTRE UPDATE

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 65888201: 1 December 2022  
*Responsible Officer:* SJ, Principal Advocacy and Major Projects Advisor (CEO External Relations)

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#### Executive Summary

The Mayor's 2032 Legacy Working Group (the group) has convened three times since establishment in mid-2022. A summary of activities is presented in this report for noting.

The group is comprised of members from the sporting, community, social, accessibility, business and education sectors within Moreton Bay, and was established to advise on and promote practical, local legacy ideas in the context of the 2032 Olympic and Paralympic Games.

Initial group discussions show strong support for liveability legacy ideas that promote healthy, inclusive and sustainable lifestyles for Moreton Bay residents as part of the 2032 Games.

The group also recommended the Winton Boulder Opal be examined as part of the 2032 medal designs, which was noted in mid-2022 by the Premier and referred to the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games (BOCOG) for consideration.

Business case planning continues for Moreton Bay's 2032 Indoor Centre, which aims to leverage the future facility to maximise the legacy benefits generated for Moreton Bay.

This matter is brought to the attention of Council under the Vibrant Communities as it relates to identifying 2032 legacy opportunities, which will help support regional wellbeing and other services.

#### OFFICER'S RECOMMENDATION

1. That Council note the 2022 activities of the Mayor's 2032 Legacy Working Group.
2. That Council notes the update on the Moreton Bay 2032 Indoor Centre.

*ITEM 1.2 MAYOR'S 2032 LEGACY WORKING GROUP AND 2032 INDOOR CENTRE UPDATE - 65888201 (Cont.)*

## REPORT DETAIL

### 1. Background

At the General Meeting held 20 October 2021 (MP. 22/1547), Council resolved:

#### RESOLUTION

1. **That Council agrees to the formation of a Mayor's Olympic and Paralympic Legacy Working Group.**
2. **That Council notes that the Mayor's Olympic and Paralympic Legacy Working Group is a non-legislated group and is formed with the objectives, membership and terms outlined in this report.**

#### Composition

MBRC was the first Council to establish an official legacy working group. The Mayor has also been appointed as chair of the Council of Mayors SEQ (CoMSEQ) 2032 Legacy Working Group.

Both a targeted recruitment and Expression of Interest (EOI) process was conducted in late 2021 and early 2022. The group is currently comprised of:

- Mayor of Winton (Friendship City) Cr Gavin Baskett.
- Shane Newcombe, CEO, Moreton Bay Region Industry & Tourism (MBRIT)
- Craig Shim, Director, Alphacrane Intercultural Specialists
- Bronwen Knox, four-time Olympian and Australian Women's Water Polo Captain
- Blake Cochrane, Paralympic Swimmer
- Kelvin Patch, RDA Moreton Bay
- Samantha Ellis, Lauren Zeglio – University of the Sunshine Coast
- Joshua Pellicaan, Electrical apprentice (TAFE Bracken Ridge), Powerlink
- Chris Staines, CEO Encircle
- Kylie Burford, Community volunteer, Spiders Boxing Club and member of the Caboolture State High School Council as well as the Greater Caboolture Chamber of Commerce).
- Carl Wu, Brisbane North Chinese Association and Multicultural Queensland Social Network.

Tracey Jackson joined the group as a disability/accessibility representative however has since stepped down. A First Nations representative and additional education sector representatives are being explored.

All Councillors and State and Federal MPs are invited as observers with no proxies.

#### 2032 Indoor Centre

Council is continuing to explore additional legacy benefits for the future centre 'over and above' the baseline facility requirements for the 2032 Games, which is scheduled to host Olympic boxing with 7,000 temporary seats and a total capacity commensurate with 12 multi-use indoor courts.

Council's work to date has explored a range of legacy options and identified indoor entertainment, and high-performance sport, as specific options to explore in greater detail as part of the next phase of business case planning.

A strategy is also being developed to align Council's value drivers with potential future facility operators.

It is anticipated that these packages of work will be completed in early to mid-2023.

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ITEM 1.2 MAYOR'S 2032 LEGACY WORKING GROUP AND 2032 INDOOR CENTRE UPDATE - 65888201 (Cont.)

## 2. Explanation of Item

### Legacy themes

The following legacy themes, which are adapted from the CoMSEQ 2032 impact initiatives, are currently used by the group to discuss, identify and categorise various opportunities.

- **A Connected Region** – connectivity through world class transit and digital infrastructure that drives economic connectivity.
- **Australia's Most Liveable Region** – where residents enjoy healthy, inclusive and sustainable lifestyles.
- **A Thriving Regional Economy** – where residents, businesses and industry enjoy the benefits of a thriving, growing and diverse economy.
- **A Global Identity** – how the region will have an identity recognised around the world for its unique proposition.

### 2022 meetings

#### *Inaugural meeting*

The first group meeting was held on 27 May 2022 at Strathpine Council Chambers. Speakers included respective Olympic and Paralympic representatives Bronwen Knox and Blake Cochrane, and guest speaker Barton Green, CEO Committee for Brisbane, presenting on state-wide legacy opportunities for local councils and communities. Winton Mayor Gavin Baskett also provided a perspective on the 2032 opportunities from a Winton perspective, especially relating to tourism and building a regional profile.

Group members noted the range of regional and local opportunities that connected to the legacy themes.

- A Connected Region
  - Diversity, inclusion and an environment where youth can excel.
  - Jobs, infrastructure but also mental health and quality of life.
  - Applying lessons from previous Games to 2032.
  - The importance of logistics and technology solutions.
- Australia's Most Liveable Region
  - Families, youth and future pipeline of opportunity.
  - Games as a bridge between communities.
  - How the region can use diversity and inclusion to enhance facility access.
- A Thriving Regional Economy
  - Employment opportunities and regional identity.
  - Moving young people into lost trades.
- A Global Identity
  - Trade, investment and Moreton Bay's global presence.
  - Being 'international ready' as a region.
  - Specialised and targeted tourism: fishing, boating, natural environment, bayside lifestyle.

#### *27 September 2022*

The second meeting was held virtually from Winton, with most group members attending online. The meeting coincided with the Mayor, Deputy Mayor and Councillor Gillam's visit to the Winton Outback Festival taking place on the same weekend. Mayor Baskett extended on his remarks from the inaugural meeting, noting the importance of the Winton Festival in terms of tourism and economic growth, as well as outback experiences, local infrastructure opportunities and aspirations in the context of the 2032 Games. An overview of CoMSEQ's legacy planning work was also presented, with further information presented below.

#### *26 October 2022*

The final meeting of the year was held at Redcliffe Leagues Club, with presentations on the Redcliffe Leagues Club Masterplan, QShelter's 'Go for Gold' report on social housing, and an update by council officers on the Moreton Bay 2032 Indoor Centre.

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*ITEM 1.2 MAYOR'S 2032 LEGACY WORKING GROUP AND 2032 INDOOR CENTRE UPDATE - 65888201 (Cont.)*

Aspirations for 2023

The group will reconvene in early to mid-2023 and discuss the potential for a legacy plan for the region and associated infrastructure aspirations. Two meetings are scheduled for 2023, noting the group is able to convene on an 'as needed' basis.

The development of legacy initiatives and ideas at a SEQ and statewide level will also be further developed in 2023, which will need to correspond heavily with any local aspirations.

CoMSEQ has established a suite of early 'impact' and leveraging 2032 initiatives, which all SEQ councils are currently deliberating on. These relate to the following.

- Preventative Health Initiative
- Accessible Community Initiative
- Volunteer & Resilience Initiative
- Skill Development and Training Initiative
- Transport Connectivity Initiative
- Liveability Initiative
- Trade, Investment and Business Initiative
- Sport Infrastructure & Development Initiative
- Smart City Initiative
- Event Attraction Initiative.

The Queensland Government will also hold a State Symposium, comprised of over 400 attendees from various sectors, in February 2023. CoMSEQ and councils will be represented.

Both CoMSEQ and State legacy ideas will be leveraged and articulated in Council's local legacy planning and to amplify any Moreton Bay specific opportunities around leveraging the Games for regional benefit.

Importantly, legacy initiatives will be shaped by not only feasibility but leveragability, impact and priority.

### **3. Strategic Implications**

#### **3.1 Legislative / Legal Implications**

The Mayor's 2032 Legacy Working Group is a non-legislated group.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

Our Healthy Environments: 01 Our special natural areas and wildlife habitats are connected, protected and enhanced.

Our Well-planned Places: 05 We have well-planned centres and precincts that support our progressive local economy and identity.

Our Progressive Economy: 01 We have a thriving local economy that builds our business reputation and supports our investment credentials.

Our Engaged Council: 03 Our communities are engaged, heard and informed.

#### **3.3 Policy Implications**

Policy recommendations proposed or agreed by the Working Group are not binding on Council or MBRC Officers. Any adjustments to MBRC policy will be made using appropriate procedures.

#### **3.4 Risk Management Implications**

As the Working Group is a new body, with no legally valid or binding authority, Councillors on the Working Group may debate and make decisions in this forum that are not legally valid/binding.

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*ITEM 1.2 MAYOR'S 2032 LEGACY WORKING GROUP AND 2032 INDOOR CENTRE UPDATE - 65888201 (Cont.)*

3.5 Delegated Authority Implications

The Working Group is consultative and advisory in nature. It does not have authority to make decisions but will make recommendations to Council.

3.6 Financial Implications

All positions are voluntary so there is limited financial costs

3.7 Economic Benefit Implications

Working Group members from this sector will continue to have a connection to the Moreton Bay Region and bring particular expertise in the area of economic growth and development.

3.8 Environmental Implications

Working Group members from this sector will continue have a connection to the Moreton Bay Region and bring particular expertise in the areas of sustainability and other environmental legacy opportunities.

3.9 Social Implications

Working Group members from this sector will continue have a connection to the Moreton Bay Region and bring particular expertise in the areas of sustainability and other environmental legacy opportunities.

3.10 Human Rights Implications

The International Olympic Committee recognises 'legacy' as a key part of the 2032 Olympic and Paralympic Games, noting a specific objective of the Games is to deliver lasting benefits for people, and the considerable opportunity for the Games to change a community, a city, its image and its infrastructure.

3.11 Consultation / Communication

- Mayor, Peter Flannery
- Chief Executive Officer, Greg Chemello

**ITEM 1.3**

**DA/2021/5277 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (18 DWELLINGS) AT 18 PORTWOOD STREET, REDCLIFFE**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 65943094: 28 November 2022  
*Responsible Officer:* Dan Staley, Development Services (PL Development Services)

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**Executive Summary**

The purpose of this report is to seek a Council determination to a remission request from Bric Housing in accordance with *Council's Remission Policy 2150-015: Development Fees and Infrastructure Charges for Community Organisations and Charitable Groups (the Policy)*.

The request seeks the remission for the balance of the infrastructure charges being approximately \$70,159.51 (at the time of writing), in respect to an approved Material Change of Use - Development Permit for Multiple Dwelling (18 Dwellings) at 18 Portwood Street, Redcliffe, described as Lot 9 on RP30415. The proposed development seeks to establish community housing to address "the need to provide good quality accommodation, and tenancy sustainment support, for single people who are homeless or at risk of homelessness" (DA/2021/5277).

As Bric Housing has already received approval for a remission to the maximum of \$150,000 per application (inclusive of \$1500 of paid application fees and \$148,500 of applicable infrastructure charges), a further remission request can be considered under the criteria of the Policy by exception, subject to criteria and consideration by Council.

Bric Housing is a not-for-profit organisation and a registered charity that provides a valuable service in the form of community housing in South-East Queensland, and now the Moreton Bay community. The company's mission meets the "intent" of the Policy. It is therefore recommended that the remission request for the Bric Housing be approved.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as the provision of community housing supports at risk members of our communities.

**OFFICER'S RECOMMENDATION**

That having previously provided the maximum of \$150,000 under the Policy, Council approve a further remission for the Bric Housing for the balance of the infrastructure charges (i.e currently \$70,159.51) for an approved Material Change of Use - Development Permit for Multiple Dwelling (18 Dwellings) (Reference: DA/2021/5277).

ITEM 1.3 DA/2021/5277 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (18 DWELLINGS) AT 18 PORTWOOD STREET, REDCLIFFE - 65943094 (Cont.)

## REPORT DETAIL

### 1. Background

On 19 August 2022, the Mayor announced that he would like Council to support Community Housing Providers (CHP) by waiving infrastructure charges and fees beyond those outlined in the Policy on a case-by-case basis. Since that announcement, the Mayor and Council officers have met with at least eight CHPs. Waiving infrastructure charges is one of the limited ways Council can support other levels of government with the housing and homelessness crisis currently facing the nation. On 20 October 2022, the State Government announced it was doubling its Housing Investment Fund to \$2 billion. There is an opportunity to address this significant issue and attract some of this funding to Moreton Bay given the combination of these announcements.

The Council's Corporate Plan 2022 -2027 commits to following "Well Planned Region" goal:

*By 2033, our Moreton Bay will be a network of well-planned and connected places and spaces, enhancing lifestyle, accessibility and employment choices.*

In support of the "Well Planned Region" goal, the states the following, amongst others:

*Our communities have access to safe, affordable and diverse living choices.*

At Council's General Meeting held on 2 November 2022 (MP. 22/1656), Council resolved:

### RESOLUTION

**That Council notes the 'Housing Needs (Choice Diversity and Affordable Living) Investigation (Sep. 2022)' (HNI) by Gaskell Planning Consultants and SGS Economics and Planning as the region's most contemporary assessment of housing needs and land supply, replacing the 'Residential Land Supply Assessment Report 2017' and 'Housing Needs Assessment 2011'.**

In relation to affordability, the HNI found that:

- *Most new homes are being built in greenfield areas, without good access to public transport, shops and services.*
- *Approximately 35% of renting households are experiencing rental stress.*
- *13% of mortgaged households are experiencing mortgage stress.*
- *Most 3+ bedroom homes have at least two spare bedrooms.*

In response to the above findings, the following HNI recommends:

- 4a. Encourage new housing that supports affordable living, in well-serviced locations.*
- 4b. Support more diverse housing stock that is 'affordable by design'.*

Council has the authority to negotiate or waive development application fees and infrastructure charges as part of the development approval process. This method of cost reduction can assist in incentivising any targeted development in the region, which in turn boosts affordable housing opportunities.



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**ITEM 1.3 DA/2021/5277 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (18 DWELLINGS) AT 18 PORTWOOD STREET, REDCLIFFE - 65943094 (Cont.)**

A Briefing was conducted on 7 December 2022 for the purpose of sharing information and providing advice/views to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*A report to be brought to next week's Council General Meeting for consideration to endorse the request for remission of 100% of the development application fee and a reduction of the adopted charge by 100% for property at 18 Portwood Street, Redcliffe.*

## **2. Explanation of Item**

### **2.1 Proposal**

The approved Material change of use - Development Permit for Multiple Dwelling (18 Dwellings) and Building works - Development Permit for Multiple Dwelling (18 Dwellings) at 18 Portwood Street, Redcliffe, described as Lot 9 on RP30415 (Application Ref: DA/2021/5277) seeks to satisfy (in part) the need to provide good quality accommodation, and tenancy sustainment support, for single people who are homeless or at risk of homelessness.

Bric Housing lodged a remission request for application fees paid and infrastructure charges associated with the approved application on 26 May 2022. In response to the initial request Council officers approved the remission to the maximum of \$150,000 per application (inclusive of all fees and charges) on 1 September 2022 in accordance with the Policy.

The request seeks the remission for the balance of the infrastructure charges being approximately \$70,159.51 (at the time of writing) over and above the previous \$150,000 remission. Noting that infrastructure charges are subject to indexation over time and therefore may vary between the time of levying the charge and the time of payment of the charge.

### **2.2 Remission Policy**

The remission request for the balance of the infrastructure charges has been considered under the Policy. The Policy outlines "A remission of 100% for development application fees, infrastructure charges and building application fees can be approved to a maximum of \$150,000.00 per application (inclusive of all fees and charges) by the Chief Executive Officer or person acting in that capacity". Bric Housing has already received the benefit of a remission totalling \$150,000 (being \$1500 for paid application fees and \$148,500 for applicable infrastructure charges).

It is considered that Bric Housing provides a valuable service to its tenants and the wider Moreton Bay community and therefore meets the "intent" of the Policy. Furthermore, the Remission Policy states that "Council may consider, by exception, an application for remission, where there is a primary wide community benefit and where a strict application of the scheduled development application fees and charges could cause hardship and reduce valuable services to the community".

The further requested remission of infrastructure charges would support Bric Housing to continue to offer assistance to people who are homeless or at risk of homelessness.

It is therefore recommended that the remission request of the balance of the infrastructure charges being approximately \$70,159.51 (at the time of writing) be approved.

Given the potential for further requests of this nature, it is proposed that a specific policy dealing with the provision of assistance to organisations providing social and affordable housing in the region be developed and considered by Council. It is officers intent that this matter be brought forward for consideration in early 2023.

*ITEM 1.3 DA/2021/5277 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (18 DWELLINGS) AT 18 PORTWOOD STREET, REDCLIFFE - 65943094 (Cont.)*

**3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 02 Our communities are safe and resilient so that in times of adversity our people and places are supported.

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*ITEM 1.3 DA/2021/5277 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (18 DWELLINGS) AT 18 PORTWOOD STREET, REDCLIFFE - 65943094 (Cont.)*

3.3 Policy Implications

The remission request has been sought under Council's Remission: Development Fees and Infrastructure Charges Policy 2150-015.

3.4 Risk Management Implications

The decision regarding this remission request may have implications for future remission requests from other similar clubs in the region.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

Remissions of development application fees and infrastructure charges as per this request represents forgone revenue rather than a funding grant to eligible organisations. Infrastructure charges are an important revenue stream which is used to provide new and upgraded infrastructure to support new development. Remission of infrastructure charges is therefore a matter that requires careful consideration. The community benefit derived from this request for remission is considered to justify these financial implications.

3.7 Economic Benefit Implications

Community Housing Providers are eligible to access substantial funding from state and federal governments (\$2B) for the provision of social and affordable housing. In the event that CHPs access this funding, and are stimulated to provide those services in the region due to the infrastructure charges support from Council, the flow on economic benefit to the region in construction and operational expenditure is potentially significant.

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

The provision of community housing will support a sector of the community in need of housing assistance. Given the current housing crisis being experienced across South-East Queensland and beyond, this form of development will fulfill an important service to the community.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

The Mayor is aware of the receipt of this request which follows his meeting with many community housing providers recently.

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**ITEM 1.4**

**DA/2022/4040 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CLUB (EXTENSION) - BRIBIE ISLAND BOWLS CLUB 9-15 WELSBY PARADE BONGAREE 4507**

**Meeting / Session:** 1 VIBRANT COMMUNITIES  
**Reference:** 65824721: 11 November 2022 - **Refer Supporting Information 65824720, 65900335, 65900327 & 65900322**  
**Responsible Officer:** TMW, Coordinator Streamlined Assessment (PL Development Services)

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**Executive Summary**

The purpose of this report is to seek a Council determination to a remission request from the Bribie Island Bowls Club in accordance with *Council's Remission Policy 2150-015: Development Fees and Infrastructure Charges for Community Organisations and Charitable Groups*. The request seeks the remission of \$30,285.30 comprising \$7,800.00 of paid application fees and \$22,485.30 of applicable infrastructure charges, in respect to a recently approved Material Change of Use - Development Permit for Club (Extension) to increase the size of the bowls club (DA/2022/1859).

As the Bribie Island Bowls Club, although a not-for-profit organisation, holds both a gaming licence and a Community Club liquor licence. Council's *Remission Policy 2150-015: Development Fees and Infrastructure Charges for Community Organisations and Charitable Groups* states that the policy does not apply to organisations holding these licenses. The directive however further states;

*If the Application does not clearly fit the criteria (e.g. a non-profit sports club that sits under the umbrella of a large sports club with gaming machines/liquor licence) but it is considered that Council should consider the Application and make a final decision, the Application will be referred to Council for consideration.*

The Bribie Island Bowls Club is a not-for-profit Club that provides services to its members and the wider Bribie Island community. As such, this matter is being presented to Council for consideration and determination.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as the provision of a remission will assist the Bribie Island Bowls Club to provide enhanced services to the community.

**OFFICER'S RECOMMENDATION**

That a remission for the Bribie Island Bowls Club of \$30,285.30 comprising \$7,800 in development application fees and \$22,485.30 of infrastructure charges for an approved Material Change of Use - Development Permit for Club (Extension) (Reference: DA/2022/1859), be considered.

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ITEM 1.4 DA/2022/4040 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CLUB (EXTENSION) - BRIBIE ISLAND BOWLS CLUB 9-15 WELSBY PARADE BONGAREE 4507 - 65824721 (Cont.)

## REPORT DETAIL

### 1. Background

The current use of the Bowls Club was established in 1929. On the 11 April 2016, Council granted Preliminary Approval for Building Works for a deck to be added to the Club (DA/31477/2016/V6) and an application fee of \$1,000.00 was paid. It is noted that as the area was unenclosed, no infrastructure charges were applicable at that time.

The Material Change of Use - Development Permit for Club (Extension) was lodged on 20 May 2022. The Bribie Island Bowls Club paid an application fee of \$7,800. The application for Material Change of Use - Development Permit for Club (Extension) was approved on 19 September 2022.

The applicant now seeks a remission of the \$7,800 application fees paid and infrastructure charges associated with the approved application on 11 October 2022. The Club has requested a remission of fees paid and infrastructure charges payable.

The remissions request relates to a \$7,800 application fee paid at the time of lodgement of the application for Material Change of Use - Development Permit and an Infrastructure Charge of \$22,485.30 calculated based on an increase in Gross Floor Area (GFA) of 482m<sup>2</sup> at a charge rate of \$46.65 per m<sup>2</sup> under the *Adopted Infrastructure Charges Policy (Version 9)*.

### 2. Explanation of Item

#### 2.1 Proposal

The approved Material Change of Use - Development Permit for Club (Extension) (Application Ref: DA/2022/1859) involved the following alterations/improvements to the club;

- Internal refurbishment and changes to internal layout.
- Increase in Gross Floor Area (GFA) to the Club building along the eastern boundary of the existing building.
- Addition of external rear deck and creation of a bowler's lounge.
- Removal of a bowling green to provide for additional carparking and altered access.
- Construction of a new carparking area with 51 new parking spaces.
- Amendments to siting and orientation of the 3 remaining bowling greens.
- A new all-weather roofed area located over the bowling greens to provide all-weather use.
- Dedicated loading area and adjacent bin enclosure to replace on-street loading and servicing.

The purpose of the Club's development was to increase the level of availability for individuals and community groups to use the facilities and to enjoy the sport of bowls.

#### 2.2 Remission Policy

The remission request for a \$7,800 paid application fee and \$22,485.30 of outstanding infrastructure charges have been considered under *Council's Remission Policy 2150-015: Development Fees and Infrastructure Charges for Community Organisations and Charitable Groups*. The Policy outlines criteria to be met regarding not-for-profit status, evidence demonstrating no financial gain, and the provision of services that make a vital contribution to the Moreton Bay region. The Club although a not-for-profit organisation, holds both a gaming licence and a Community Club liquor licence. The policy states that the policy does not apply to organisations holding these licenses.

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**ITEM 1.4 DA/2022/4040 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CLUB (EXTENSION) - BRIBIE ISLAND BOWLS CLUB 9-15 WELSBY PARADE BONGAREE 4507 - 65824721 (Cont.)**

The Policy Directive however further states;

*If the Application does not clearly fit the criteria (e.g. a non-profit sports club that sits under the umbrella of a large sports club with gaming machines/liquor licence) but it is considered that Council should consider the Application and make a final decision, the Application will be referred to Council for consideration.*

The Bribie Island Bowls Club provides a range of community benefit through its support of other community groups and charities through financial and in-kind support. The requested remission of application fees and infrastructure charges would allow the club to continue to offer assistance to local community groups who benefit from their ongoing support.

This matter is being presented to Council for consideration and determination.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

3.3 Policy Implications

The remission request has been sought under Council's Remission Policy 2150-015

3.4 Risk Management Implications

The decision regarding this remission request may have implications for future remission requests from other similar clubs in the region.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Remissions of development application fees and infrastructure charges as per this request, represents forgone revenue rather than a funding grant to eligible organisations. Infrastructure charges are an important revenue stream which is used to provide new and upgraded infrastructure to support new development. Remission of infrastructure charges is therefore a matter that requires careful consideration. The community benefit derived from requests is a key consideration in determining such requests.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Refer to section 2.2 as to the social benefit derived by the proposal.

*ITEM 1.4 DA/2022/4040 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CLUB (EXTENSION) - BRIBIE ISLAND BOWLS CLUB 9-15 WELSBY PARADE BONGAREE 4507 - 65824721 (Cont.)*

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Division 1 Councillor has been advised of the remission request.

**SUPPORTING INFORMATION**

**Ref: [65824720](#), [65900335](#), [65900327](#) & [65900322](#)**

The following list of supporting information is provided for:

**ITEM 1.4**

**DA/2022/4040 - REMISSION OF APPLICATION FEES AND INFRASTRUCTURE CHARGES FOR MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CLUB (EXTENSION) - BRIBIE ISLAND BOWLS CLUB 9-15 WELSBY PARADE BONGAREE 4507**

***#1 Aerial***

***#2 Zoning Map***

***#3 Locality Plan***

***#4 GFA Plan***

***#5 Correspondence from Bribie Island Bowls Club***

***#6 Approved Plans***



## ITEM 1.5

### TENDER - BURPENGARY - MORETON BAY CENTRAL SPORTS COMPLEX - AFL FIELD 2 LIGHTING UPGRADE

Meeting / Session: 1 VIBRANT COMMUNITIES  
Reference: 65882384 : 2 December 2022 - Refer **Confidential** Supporting Information  
65658978  
Responsible Officer: MM, Project Manager (PAS Project Management)

#### Executive Summary

Tenders were called from Council's Prequalified Electrical Services including Data Cabling Panel for the '*Burpengary - Moreton Bay Central Sports Complex - AFL Field 2 Lighting Upgrade*' project. Tenders closed on 12 October 2022 (tender validity period of 120 days) with a total of three tender submissions received from two tenderers. One tenderer submitted two submissions - one that complied with the tender documents and one that proposed an alternative to the tender documents.

It is recommended that the tender for the '*Burpengary - Moreton Bay Central Sports Complex - AFL Field 2 Lighting Upgrade*' project be awarded to Electrical Services Queensland Pty Ltd, for the sum of \$180,748 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This project has received a contribution from AFL Qld in the amount of \$150,000.

This matter is brought to the attention of Council under the **Vibrant Communities Portfolio** as lighting is upgraded to a higher level with more efficiency using LED, adjustable at a lower level for training, and will deliver operational savings for the club.

The Local Preference Policy was not applied as the project was procured via Council's Electrical Services including Data Cabling panel arrangement with pre-qualified suppliers in line with Council's Procurement policy.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the Local Government Regulation 2012.

#### OFFICER'S RECOMMENDATION

1. That the tender for the '*Burpengary - Moreton Bay Central Sports Complex - AFL Field 2 Lighting Upgrade*' project be awarded to Electrical Services Queensland Pty Ltd, for the sum of \$180,748 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of an additional \$58,899 in funding for the project at the 2022/23 financial year quarter two review process.
3. That the Council enters into an agreement with Electrical Services Queensland Pty Ltd, as described in this report.
4. 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 Electrical Services Queensland Pty Ltd for the '*Burpengary - Moreton Bay Central Sports Complex - AFL Field 2 Lighting Upgrade*' project and any required variations of the agreement on Council's behalf.

**ITEM 1.5 TENDER - BURPENGARY - MORETON BAY CENTRAL SPORTS COMPLEX - AFL FIELD 2 LIGHTING UPGRADE - 65882384 (Cont.)**

## REPORT DETAIL

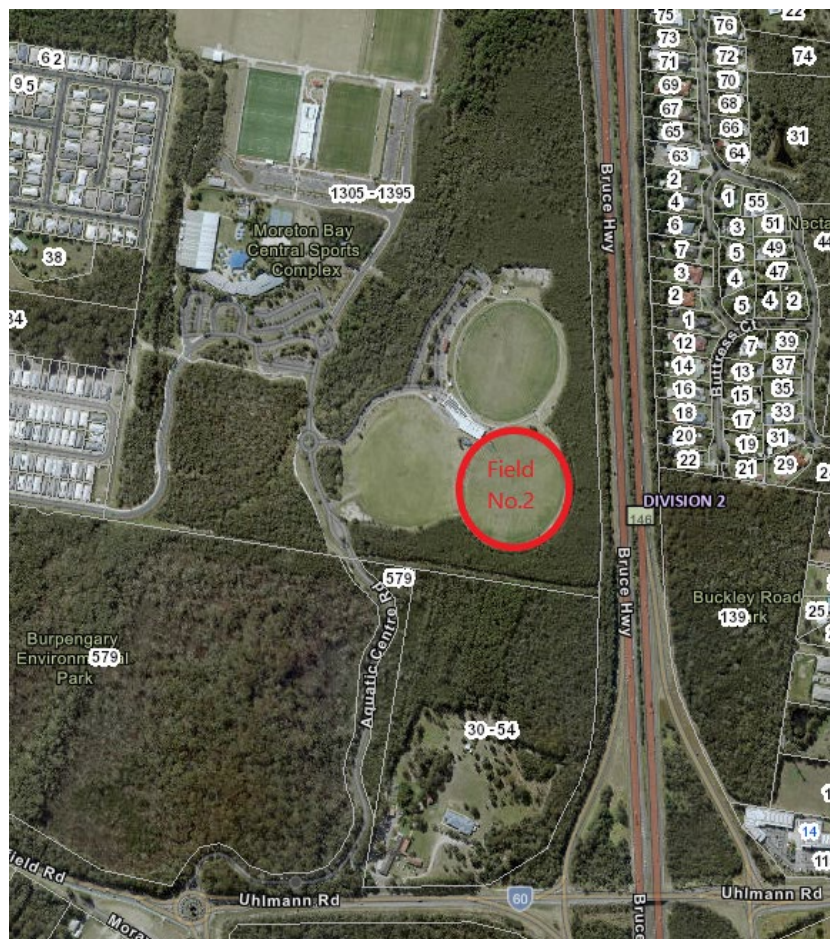
### 1. Background

The project is located at Moreton Bay Central Sports Complex, AFL field 2, Aquatic Centre Drive, Burpengary. The project scope includes the design and installation of an additional power meter for the AFL clubhouse and a LED lighting upgrade for the field lights to the AFL field 2. The additional power meter will allow ease of billing and venue administration. The existing 4 light poles are to be retained with new cabling and crossarms fitted.

The objective of the project is to improve the efficiency of field lights, reduce direct operational costs to the club, streamline billing and improve overall asset management at the facility.

The project is scheduled to take twelve weeks, which includes lead time for the supply of lamps and metering elements, time for Energex application approval and an allowance for wet weather. Construction is scheduled to commence late February/early March 2023. The Sport and Recreation team has made the club aware of the construction timeframe and the works taking approximately 2 weeks on-site.

A communication plan has been prepared for this project. Communication strategies include project notices issued 4 weeks prior to the commencement of works and projects signs displayed on site prior to construction. The stakeholders, including club members have been consulted regarding the project via Council's Sport and Recreation team during the past several months.



**Figure 1: (Moreton Bay Central Sports Complex, Burpengary) - Locality Plan**

**ITEM 1.5 TENDER - BURPENGARY - MORETON BAY CENTRAL SPORTS COMPLEX - AFL FIELD 2 LIGHTING UPGRADE - 65882384 (Cont.)**

**2. Explanation of Item**

Tenders were called from Council's Prequalified Electrical Services including Data Cabling Panel for the 'Burpengary - Moreton Bay Central Sports Complex - AFL Field 2 Lighting Upgrade' project, which closed on 12 October 2022, with a total of three tenders received, all 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. One tenderer submitted two submissions with one that complied with the tender documents and one that proposed an alternative the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Electrical Services Queensland Pty Ltd (alternative)	98.10
2	Electrical Services Queensland Pty Ltd	96.85
3	GAR Electrical Pty Ltd	76.72

**Electrical Services Queensland Pty Ltd (ALT) ('ESA')** - submitted a comprehensive tender. A tender clarification meeting was held on 18 November 2022, at which ESA demonstrated their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. ESA provided examples of relevant project experience, including Redcliffe Showgrounds Lighting Renewal (value \$180k); Caboolture Arboretum Lighting Replacement (valued \$245k); and Caboolture Showgrounds Field lighting and Switchboard Upgrades (valued \$161k), all for Moreton Bay Regional Council.

The evaluation panel considers the tender from ES to represent the best overall value for Council.

**Electrical Services Queensland Pty Ltd ('ES')** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

**GAR Electrical Services Pty Ltd ('GA')** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council sought quotations via Council's Prequalified Electrical Services including Data Cabling Panel (MBRC009521) for the work through (Vendor Panel / MBRC eTendering Portal), in accordance with the Local Government Act 2009.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular: Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

**3.3 Policy Implications**

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

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**ITEM 1.5 TENDER - BURPENGARY - MORETON BAY CENTRAL SPORTS COMPLEX - AFL FIELD 2 LIGHTING UPGRADE - 65882384 (Cont.)**

The Local Preference Policy was not applied as the project was procured via Council's Electrical Services including Data Cabling panel arrangement with pre-qualified suppliers in line with Council's Procurement policy.

**3.4 Risk Management Implications**

A Risk Management Plan has been prepared. The project risk has been assessed and the following issues identified, including the manner in which the possible impact of these risks are minimised is detailed below.

*Financial Risk:*

The recommended tenderer is prequalified on Council's Electrical Services including Data Cabling Panel (MBRC009521).

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, pedestrian and traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any impacts which would affect material supply chains and overall time delivery of the project works.
- d. The recommended tenderer has advised during the clarification meeting that they will initiate the application with Energex as soon as they received a Purchase Order from Council. Previously, Energex have taken between 2 - 3 months from the time of application to undertake their metering work which will work with the proposed timing of other works.
- e. To avoid delays onsite, works will not commence until the required electrical meters, lights and crossarms *and approval* have been received. The current lead time for both light fittings and meters is (5-6 weeks), which has been allowed for in the works commencement date and as part of the overall project delivery timeframe. Field 2 will be without power for approximately 2 weeks.
- f. The project is not impacted by any building and plumbing approvals.
- g. The project is not impacted by any internal Development Applications.
- h. It has been verified by Development Services that no Development Application is required for the project.
- i. As the existing light poles are 30m high it will be very important that the recommended tender provide the safety plan on how they will perform the task of changing crossarms and lights prior to works commencing. The recommended tenderer has performed similar upgrades to lights in the region. The recommended tenderer will deliver the safety management plan to Council in January 2023 prior to work commencing on site.

**3.5 Delegated Authority Implications**

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.49M, providing the expenditure has been provided for in Council's annual budget.

The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.

**ITEM 1.5 TENDER - BURPENGARY - MORETON BAY CENTRAL SPORTS COMPLEX - AFL FIELD 2 LIGHTING UPGRADE - 65882384 (Cont.)**

**3.6 Financial Implications**

Council has allocated an allocation of \$150,000 in the 2022/23 financial year's Capital Projects Program (CPP) for construction. AFL Queensland is providing \$150,000 in funding for this project. All financial information below is excluding GST.

Tender Price (Construction)	\$ 180,748
Contingency (10%)	\$ 18,075
Supervision / Administration Costs	\$ 9,037
QLeave (0.575%)	\$ 1,039
<b>Total Project Cost</b>	<b>\$ 208,899</b>
<b>Project Shortfall</b>	<b>\$ 58,899</b>
 AFL Qld contribution	 \$ 150,000
 <b>Net Project Cost</b>	 <b>\$ 58,899</b>

Estimated ongoing operational/maintenance costs \$ 1,267 per financial year

The budget amount for this project is insufficient. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$58,899 in the 2022/23 financial year quarter two review process.

**3.7 Economic Benefit Implications**

This project will upgrade sports field lighting and allow increased flexibility of light operation and reduced operational costs with more energy efficient LED lighting.

**3.8 Environmental Implications**

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by Project Management during the construction phase.

**3.9 Social Implications**

The lighting will provide an improved lighting standard with the ability to dim the lights to half capacity during training events.

**3.10 Human Rights Implications**

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

**3.11 Consultation / Communication**

External:

AFL Queensland

- Moreton Bay Lions Football Sports Club

Internal:

- Asset Management
- Procurement
- Sport and Recreation
- Buildings and Facilities (Planning, Building Operation & Maintenance)
- Parks and Recreation Planning

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**ITEM 1.6**

**TENDER - BRENDALE - GALLERY AND MUSEUM COLLECTION STORAGE AND WORKSHOP - FACILITY FIT OUT**

Meeting / Session: 1 VIBRANT COMMUNITIES  
Reference: 65705457 : 2 December 2022 - Refer **Confidential** Supporting Information  
65840044  
Responsible Officer: SC, Senior Project Manager (PAS Project Management)

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**Executive Summary**

Tenders were invited for the 'Brendale - Gallery and Museum Collection Storage and Workshop - Facility Fit Out (MBRC-RFT250)' project. Tenders closed on 9 November 2022 with a total of five tender submissions received, all of which were conforming.

It is recommended that the tender for the 'Brendale - Gallery and Museum Collection Storage and Workshop - Facility Fit Out (MBRC-RFT250)' project be awarded to Carfax Commercial Constructions Pty Ltd, for the sum of \$1,597,619 (excluding GST), as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio**, the fit-out of a gallery and museum storage facility will improve Council's capacity for storing and preserving its growing cultural collections.

That it be noted this project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012 (Qld)*.

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Brendale - Gallery and Museum Collection Storage and Workshop - Facility Fit Out (MBRC-RFT250)' project be awarded to Carfax Commercial Constructions Pty Ltd, for the sum of \$1,597,619 (excluding GST).
2. That to allow this project to proceed, and for Council to enter into the arrangement, Council commits to the provision of an additional \$669,113 in project allocation over the course of the project. It is projected that \$500,000 will be expended during the 2022/23 financial year, with \$1,381,105 expended during the 2023/24 financial year, with these changes in project allocation to be formalised at the 2022/23 financial year's quarter two financial review process.
3. That Council commits to the provision of \$1,381,105 to this project in its 2023/24 financial year's Capital Projects Program budget.
4. That the Council enters into an agreement with Carfax Commercial Constructions Pty Ltd, as described in this report.
5. 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 Carfax Commercial Constructions Pty Ltd, for the 'Brendale - Gallery and Museum Collection Storage and Workshop - Facility Fit Out (MBRC-RFT250)' project and any required variations of the agreement on Council's behalf.



**ITEM 1.6 TENDER - BRENDALDE - GALLERY AND MUSEUM COLLECTION STORAGE AND WORKSHOP - FACILITY FIT OUT - 65705457 (Cont.)**

**REPORT DETAIL**

**1. Background**

The project is located at a commercial building that is leased to Council (5 years), located at Brendale.

The project scope includes the internal fit-out of the building for the purpose of gallery and museum collection storage. Specifically, works include an internal fit-out of storage equipment and facilities that allow the gallery and museum items to be stored in a manner that accounts for potentially harmful factors such as humidity. In addition, the storage equipment, furniture and fixtures will be fitted out in such a way that they can be reused in potential future storage sites. The balance of the warehouse space will be used for office space and use of the existing compactus and shelving that will be relocated to the site for storage of items that do not require a climate-controlled environment.

The objective of the project is to provide a facility with the appropriate humidity, fire, smoke, dust, pest, lighting, and security controls meeting the National Standards for Australian Museums and Galleries.

Fit out works on site is scheduled to commence in June 2023, following lead times for insulated wall and ceiling panels (8 weeks), shelving system (16 weeks) mechanical HVAC equipment for the climate-controlled space (up to 26 weeks). The recommended tenderer has advised that on-site construction works are scheduled to take twelve weeks and can be progressed in a timely manner following receipt of the long lead time items. The recommended tenderers' construction duration includes a minimal allowance for wet weather due to most of the work being internal to the building.

A communication plan has been prepared for this project that will include fortnightly updates to project stakeholders. Project stakeholders have been consulted regarding the project through the design that includes design review meetings during the design process, and additional meetings as required including to discuss shelving requirements, climate control requirements, layout, and vehicle circulation within the warehouse.

**2. Explanation of Item**

Tenders were invited for the 'Brendale - Gallery and Museum Collection Storage and Workshop - Facility Fit Out (MBRC-RFT250)' project, which closed on 9 November 2022, with a total of 5 tenders received, all 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 (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Carfax Commercial Constructions Pty Ltd	98.73	106.23
2	Future Fitouts (QLD) Pty Ltd T/A Future Fitouts	98.01	105.51
3	National Projects QLD Pty Ltd	96.06	103.56
4	Kane Constructions (QLD) Pty Ltd	98.71	101.71
5	Mohsen Rahmanian T/A Sina Construction	71.07	71.07

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**ITEM 1.6 TENDER - BRENDAL - GALLERY AND MUSEUM COLLECTION STORAGE AND WORKSHOP - FACILITY FIT OUT - 65705457 (Cont.)**

**Carfax Commercial Constructions Pty Ltd ('CFAX')** - submitted a comprehensive tender. A tender clarification meeting was held on 17 November 2022, at which CFAX demonstrated their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. CFAX provided examples of relevant project experience, including the Hervey Bay Regional Gallery Upgrade (valued at \$1.8M); Gataker's Creative Space Upgrade (valued at \$1.1M) both for Fraser Coast Regional Council; and Walgett PCYC Construction (valued at \$6.1M) for PCYC.

CFAX provided the most relevant project experience and a sound methodology and construction strategy. The evaluation panel considers the tender from CFAX to represent the best overall value for Council.

The recommended tenderer operates in an adjacent local government area and is utilising 30%-49% of local supplier / goods and services in a local area commitment.

**Future Fitouts (QLD) Pty Ltd T/A Future Fitouts ('FF')** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, it did not represent the best overall value for Council.

**National Projects QLD Pty Ltd ('NP')** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, it did not represent the best overall value for Council.

All tender submissions exceeded the allocated budget for the project. The five received tender submissions are reflective of the current construction market which is experiencing product price increases, product supply issues, labour supply issues and labour price increases, all of which have resulted in increased project costs.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of work expected to be greater than \$200,000, Council called a public tender for the work through MBRC's eTendering Portal, in accordance with the Local Government Act 2009.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 03 Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures, and identities.

#### 3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

Tenders were considered against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

#### 3.4 Risk Management Implications

A Risk Management Plan has been prepared. The project risk has been assessed and the following issues identified, including the manner in which the possible impact of these risks are minimised is detailed below.

##### *Financial Risk:*

A third-party financial assessment has been carried out and the recommended tenderer was rated '*strong*'.



**ITEM 1.6 TENDER - BRENDAL - GALLERY AND MUSEUM COLLECTION STORAGE AND WORKSHOP - FACILITY FIT OUT - 65705457 (Cont.)**

**Construction Risks:**

- j. The recommended tenderer will provide a program of works, staging plans, traffic management plan safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- k. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- l. The procurement risks relating to this project have taken into consideration the long lead time items for three major elements (shelving, wall and ceiling panels, and HVAC equipment) of the project by delaying the start date on site to commence just ahead of the delivery of these long lead time items which in turn minimises the total time on site.
- m. To avoid delays onsite, works will not commence until the long lead time items of wall and ceiling insulated panels, shelving systems, and HVAC equipment have been confirmed. The current lead time for the insulated wall and ceiling panels is 8 weeks, 16 weeks for the shelving system and 26 weeks for the HVAC equipment. This has been allowed for in the works commencement date and as part of the overall project delivery timeframe.
- n. A building approval is required for the works and this will be provided by the Building Certifier upon award of tender and payment of QLeave.
- o. The project is not impacted by any internal Development Approvals.
- p. The project is not impacted by any external Development Approvals.
- q. The works will involve working at height and the recommended tenderer will provide appropriate safe work method statements to manage the risk, which will be reviewed and audited by Project Management.
- r. Council has provided the building owner with the proposed internal fit out plans for which approval in principle for the works has been provided by the building owner on 9 November 2022.

**3.5 Delegated Authority Implications**

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.49M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.*

**3.6 Financial Implications**

Council has allocated \$1,211,992 for the construction of this project in the 2022/23 financial year's Capital Projects Program (CPP). All financial information below is excluding GST.

Design (2022-23)	\$	103,940
Tender Price (Construction)	\$	1,597,619
Contingency (10%)	\$	159,762
Supervision / Administration Costs	\$	5,000
Construction Consultant Services	\$	5,000
QLeave (0.575%)	\$	9,784
<b>Project Cost</b>	<b>\$</b>	<b>1,881,105</b>
<b>Project Allocation</b>	<b>\$</b>	<b>1,211,992</b>
<b>Project Shortfall</b>	<b>\$</b>	<b>669,113</b>

Estimated ongoing operational/maintenance costs

\$45,000 per financial year

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*ITEM 1.6 TENDER - BRENDAL - GALLERY AND MUSEUM COLLECTION STORAGE AND WORKSHOP - FACILITY FIT OUT - 65705457 (Cont.)*

The budget amount for this project is insufficient. To allow this project to proceed, and for Council to enter into the arrangement, Council commits to the provision of an additional \$669,113 in project allocation over the course of the project. It is projected that \$500,00 will be expended during the 2022/23 financial year, with \$1,381,105 expended during the 2023/24 financial year, with these changes in project allocation to be formalised at the 2022/23 financial year's quarter two financial review process. Council commits to the provision of \$1,381,105 to this project in its 2023/24 financial year's Capital Projects Program budget.

3.7 Economic Benefit Implications

This project, inclusive of developing the climate-controlled space, will increase the capacity for Council to appropriately accommodate the growing art and museum pieces, maximising their life for the benefit for visitors to the Council's museums and galleries throughout the Moreton Bay Region.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by Project Management during the construction phase.

3.9 Social Implications

The completed project will provide a facility with an internal environment conducive to the appropriate storage of Council's growing gallery and museum pieces.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision that is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

External:

- External consultants including Wilson Architects, Building Certifier Australia, Turner & Town, Edge Consulting Engineers, and Multitech Solutions

Internal:

- Cultural Services
- Procurement

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## 2 HEALTHY ENVIRONMENTS SESSION

(Cr C Tonks / Cr B Savage)

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### ITEM 2.1 GREEN WASTE DISPOSAL LIMITS

*Meeting / Session:* 2 HEALTHY ENVIRONMENTS  
*Reference:* 65993908 : 14 December 2022  
*Responsible Officer:* MM, Manager Waste Services (PAS Waste Services)

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#### **Executive Summary**

Moreton Bay Regional Council currently offers free waste disposal for eligible residents and ratepayers of up to 3 tonnes/26 visits (whichever is reached first) for total domestic general waste, green waste, clean concrete and clean soil, per household, per financial year.

Due to the concerns raised by some residents with regards to green waste inclusion in these limits, this report seeks to temporarily cease charging for green waste to eligible residents and ratepayers exceeding the limits until a Policy review is undertaken and considered by Council during March/April 2023.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as it helps to deliver strategic objectives and strategies to these portfolios, including waste management.

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

That Council temporarily cease the application of charges for green waste (only) to eligible residents and ratepayers that exceed the 3 Tonnes/26 visit limits, under the Disposal of Waste Free of Charge Policy 2150-042, until Council considers this matter further at a future General Meeting in March/April 2023.

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ITEM 2.1 GREEN WASTE DISPOSAL LIMITS - 65993908 (Cont.)

## REPORT DETAIL

### 1. Background

At Council's General Meeting held on 3 March 2022 the Disposal of Waste Free of Charge Policy 2150-042 was endorsed (effective from 1 July 2022).

The policy provides for free waste disposal for eligible residents and ratepayers of up to 3 tonnes/26 visits (whichever is reached first) for total domestic general waste, green waste, clean concrete, clean soil, per household, per financial year

On 30 November 2022, Councillors acknowledged concerns raised and supported the submission of a report to the next General Meeting to consider temporarily pausing the application of charges for green waste only where residential waste limits (3Tonnes/26 visits) are exceeded.

### 2. Explanation of Item

Concerns have been raised by some residents with regards to green waste inclusion in the limits prescribed by the current policy. Between 1 July 2022 - 30 November 2022 (first five months with 3 Tonnes/26visits limits):

- **720** properties have reached the limits for free disposal
  - (1.88% of domestic users of waste facilities and 0.4% of households)
- **177** properties have reached or are over the half-way mark of 1.5T or 13 visits
  - (0.46% of domestic users of waste facilities and 0.1% of households)
- **38,187** domestic properties have transactions recorded, but have not reached the half-way mark of their limits
  - (21.4% of households visited a WMF - total households approx. 178,000)
- **301** properties have exceeded their limits without Green Waste included (0.17% of households)

This report seeks to temporarily cease charging for green waste to eligible residents and ratepayers exceeding the limits until Council considers this matter further at a future General Meeting in March/April 2023.

### 3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Healthy Environments: 05 We enable our materials and resources to be used cleverly and recycled to avoid waste and pollution.

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

Our Engaged Council: 03 Our communities are engaged, heard and informed.

3.3 Policy Implications

This matter has direct implications with Policy: 2150-042. Under this Policy, Eligible Residents or Eligible Ratepayers are allowed to dispose of up to 3 Tonnes or 26 loads (whichever is reached first) total domestic general waste, green waste, clean concrete, clean soil, per household, per financial year at no cost. Any waste in excess of the above is charged in accordance with Council's Fees and Charges schedule current at the time of disposal.

3.4 Risk Management Implications

Council considers this matter further at a future General Meeting in March/April 2023.

*ITEM 2.1 GREEN WASTE DISPOSAL LIMITS - 65993908 (Cont.)*

- 3.5 Delegated Authority Implications ☒ Nil identified
- 3.6 Financial Implications  
Council considers this matter further, including associated financial implications, at a future General Meeting in March/April 2023.
- 3.7 Economic Benefit Implications  
Introducing gate fees for domestic residents once Annual Limits are exceeded aligns Council's Waste Services pricing and cost recovery model with Federal, State and MBRC's landfill diversion targets, promoting circular economy outcomes for our region.
- 3.8 Environmental Implications ☒ Nil identified
- 3.9 Social Implications ☒ Nil identified
- 3.10 Human Rights Implications  
Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.
- 3.11 Consultation / Communication  
Councillors

### 3 WELL-PLANNED PLACES SESSION (Cr J Shipway (Deputy Mayor) / Cr M Booth)

#### ITEM 3.1

**DA/2021/5241 - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (7 INTO 195 LOTS PLUS DRAINAGE RESERVE, OPEN SPACE AND NEW ROAD) - 65, 75, 87, 89, 101, 105 AND 117 WARNER ROAD, WARNER**

**APPLICANT:** Ausbuild Development Corp Pty Ltd ACN 168 741 455

**OWNERS:** Henry C Ainsworth, Jeana Botha Tte, Meintjes Superannuation Pty Ltd Tte, Julie A Elms & Cameron K Elms, Ian G Ryan Tte & Rosemary G Ryan Tte, Eric D Whitlock, ADC Group No 8 Pty Ltd

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 65856252: 8 November 2022 – **Refer Supporting Information 65819865, 65856254, 65904346, 65904348, 64633056**  
*Responsible Officer:* WM, Principal Planner (PL Development Services)

#### Executive Summary

APPLICATION DETAILS	
<b>Applicant:</b>	Ausbuild Development Corp Pty Ltd ACN 168 741 455
<b>Lodgement Date:</b>	22 December 2021
<b>Properly Made Date:</b>	22 December 2021
<b>Confirmation Notice Date:</b>	13 January 2022
<b>Information Request Date:</b>	28 January 2022
<b>Info Response Received Date:</b>	26 April 2022
<b>Public Notification Dates:</b>	4 May 2022 to 16 June 2022
<b>No. of Submissions:</b>	Properly Made: 19 Not Properly Made: 1
<b>Decision Due Date:</b>	14 December 2022
<b>Prelodgement Meeting Held:</b>	No

PROPERTY DETAILS	
<b>Division:</b>	Division 9
<b>Property Address:</b>	65, 75, 87, 89, 101, 105 and 117 Warner Road, Warner
<b>RP Description</b>	Lot 2 RP 118172, Lot 5-7, 9 & 10 RP 79062 & Lot 2 SP 121774
<b>Land Area:</b>	39,530m <sup>2</sup>
<b>Property Owner</b>	Henry C Ainsworth, Jeana Botha Tte, Meintjes Superannuation Pty Ltd Tte, Julie A Elms & Cameron K Elms, Ian G Ryan Tte & Rosemary G Ryan Tte, Eric D Whitlock, ADC Group No 8 Pty Ltd

**ITEM 3.1 DA/2021/5241 - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LO - 65856252 (Cont.)**

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	Rural Residential Zone
<b>Level of Assessment:</b>	Impact, Inconsistent

This matter is brought to the attention of Council under the **Well-Planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a Well-planned region.

This matter is presented to the Council for decision as it involves a Variation to the Council's Planning Scheme and Council officers do not have delegation to decide these types of development applications.

Therefore, Council is the only entity authorised to decide the development application.

This development application seeks a Preliminary Approval for a Material Change of Use for Dwelling House, Home Based Business, Park, Sales Office and Utility Installation (including a Variation Request to vary the effect of the MBRC Planning Scheme 2016) and Reconfiguring a Lot - Development Permit for Subdivision (7 into 195 lots plus drainage reserve, open space and new road) at 65, 75, 87, 89, 101, 105 and 117 Warner Road, Warner (**Site**).

The application was publicly advertised for 30 business days from 4 May 2022 to 16 June 2022 with twenty (20) submissions received, nineteen (19) of which were properly made and one (1) not properly made. Of the nineteen (19) properly made submissions, twelve (12) were opposed to the development application while seven (7) were in support. Having assessed the development application and considered submissions made in respect to the development application, it is the recommendation of Council officers to approve the development application subject to conditions.

## OFFICER'S RECOMMENDATION

- A. That Council approve the development application for a Preliminary Approval for a Material Change of Use for Dwelling House, Home Based Business, Park, Sales Office and Utility Installation at 65, 75, 87, 89, 101, 105 and 117 Warner Road, Warner more accurately described as Lot 2 RP 118172, Lot 5-7, 9 & 10 RP 79062 & Lot 2 SP 121774, subject to the Conditions contained in Annexure A to this report.
- B. That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in Annexure B to this report.
- C. That Council approve the development application seeking a Development Permit for Reconfiguring a Lot (7 into 195 lots plus drainage reserve, open space and new road) at 65, 75, 87, 89, 101, 105 and 117 Warner Road, Warner more accurately described as Lot 2 RP 118172, Lot 5-7, 9 & 10 RP 79062 & Lot 2 SP 121774, subject to the Plans/Documents and Conditions contained in Annexure C to this report.
- D. That Council approve under section 3.6 of the MBRC Planning Scheme Policy - Flood Hazard, Coastal Hazard and Overland Flow, a Drainage Masterplan for 'Figure 8.2.2.13 - Warner' of the Flood Hazard Area Overlay Code at 65, 75, 87, 89, 101, 105 and 117 Warner Road, Warner more accurately described as Lot 2 RP 118172, Lot 5-7, 9 & 10 RP 79062 & Lot 2 SP 121774.
- E. That a Decision Notice be given to the applicant about the decisions made under Items A, B, C and D that is to include the information contained in Annexure E to this report; and to publish to the Council website the Council report for this approval as part of the statement of reasons.
- F. That once the development approval takes effect, that under section 89 of the *Planning Act 2016* the development is to be noted on the Moreton Bay Regional Council Planning Scheme due to the approval including a variation approval given under section 61 of the *Planning Act 2016*; and that a notice be given of the notation and the premises to which the note relates to the Chief Executive.

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ITEM 3.1 DA/2021/5241 - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LO - 65856252 (Cont.)

## REPORT DETAIL

### 1. Background

The site is zoned Rural Residential and is affected by the Rural residential lot sizes overlay map specifying that the site should not be subject to further rural residential reconfiguration. The Purpose of the Rural Residential zone code states at overall outcome 3.e. that *“Development does not fragment, pre-empt or compromise the potential for development in areas identified as potential future growth fronts for urban purposes beyond the life of the planning scheme”*. A note below this outcome then states; *“The potential future growth areas are shown on Overlay map - Rural residential lot sizes as having no further subdivision”*.

Therefore, the identification of the site on the Rural Residential Lot Size Overlay as no further reconfiguration is an indicator of the intent for the site as being a potential future growth area.

Section 3.13.4.4.1.9 of the Planning Scheme identifies the Warner Investigation Area (**WIA**), bounded by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the west as an area for further investigations to determine its development potential and future use. The majority of the area, in the vicinity of Warner Road and to the south, was expected by the planning scheme to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner. The Investigation Area is mapped on the Planning Scheme Strategic Framework Map.

As a result of this designation within the Planning Scheme, Council commenced a structure planning process with landowners in the WIA, Unitywater and the Department of Transport and Main Roads. It was subsequently concluded as a result of that work that subject to appropriate upgrading of the existing infrastructure networks, that parts of the area were suitable for urban residential development. A major amendment to the Planning Scheme was then commenced by the previous Council that would, inter alia, include land in the WIA (including the northern part of the Site) within the Emerging Community Zone (Transition Precinct). As a consequence of public consultation and community feedback on the draft amendment, the area to be included was reduced to that generally north of Conflagration Creek only. The Emerging Community Zone (Transition Precinct) would have identified the land as suitable for future urban development subject to infrastructure servicing limitations or site constraints.

On 14 December 2017, MBRC formally resolved to proceed with the major amendment to its Planning Scheme including the WIA amendments. The whole of the proposed major amendment to the Planning Scheme was refused by the State Government in October 2018. Relevantly, the letter of decision by the Minister to the Council makes no specific reference to the WIA but instead more broader matters.

As a result, and since then, MBRC has seen individual landowners lodge separate and concurrent development applications for residential uses on land contained in the WIA. Three variation applications are now approved; one via Appeal to the Planning and Environment Court after refusal by Council (**Ausbuild 1**), one via Council approval (**Ausbuild 2**) and the other's conditions of approval are still being negotiated (formerly CSR, now **AVID**). Of note, this application is similar to Ausbuild 2 as both applications were lodged over Rural Residential zoned land as opposed to Industry zoned land like Ausbuild 1, AVID and the yet to be decided Mordar application neighbouring AVID to the west.



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On 2 November 2022, Council decided to progress its draft Better Housing amendment to the current MBRC planning scheme by referring the draft amendment to the state government for its initial review. The draft amendment is subject to change during this time however relevantly, within it, it proposes to amend the Warner Investigation Area boundary to refine the Council's position on future urban growth and development in the area, in response to planning investigations and community consultation previously undertaken in 2017 as mentioned above. More specifically, the part of the Investigation Area located south of Conflagration Creek and Warner and Cooparoo Roads that contains pre-existing rural residential development, along with areas to the west containing matters of state environmental significance will be removed from the WIA. This proposal aligns with the draft amendment to the WIA.

A briefing was conducted on 8 November 2022 for the purpose of sharing information and providing advice/views to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*A report to be submitted to a General Meeting for Council's consideration of development application DA/2021/5241.*

**Proposal**

The application seeks primarily to vary the effect of the MBRC planning scheme by applying the General Residential zone - Next Generation Neighbourhood precinct, Environmental Management and Conservation Zone and the Recreation and Open Space zone to the site as shown below in Figure 1.



**Figure 1: Proposed zone map**

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The south eastern portion of the site is to remain zoned Rural Residential; however, the Rural Residential Lot Sizes overlay is proposed to be modified by not only removing it from applying to land north of Conflagration Creek but also changing it south of Conflagration Creek from 'No Further Reconfiguration' to be instead a Minimum Lot size of 6000m<sup>2</sup> consistent with the size of existing lots to the south (Figure 2).



**Figure 2: Rural Residential zone component**

In addition, the proposal, as discussed in more detail in section 3.3.2 of this report, seeks to also vary the effect of the following overlays:

- (i) Environmental Areas Overlay;
- (ii) Flood Hazard Overlay;
- (iii) Riparian and Wetlands Setbacks Overlay;
- (iv) Rural Residential Lot Sizes Overlay; and
- (v) Bushfire Hazard Overlay.

The proposal as discussed in section 3.3.2 of this report also seeks to amend Table 9.3.1.5 in the Dwelling House Code by proposing alternative side and rear boundary setbacks of future dwelling houses on the proposed lots.

The application also seeks a Preliminary Approval for a Material Change of Use for Dwelling House, Home Based Business, Park, Sales Office and Utility Installation. Dwelling Houses are proposed to be delivered in the General Residential Zone portion of the site at a density consistent with the Next Generation Neighbourhood Precinct at a density of 11.65 lots/ha which is at a lesser density than the Ausbuild 1 and Ausbuild 2 approvals on the northern side of Warner Road. The Park land use is proposed to be delivered in the proposed Recreation and Open Space Zone portion of the site.

The application in addition seeks a Development Permit for Reconfiguring a Lot - Development Permit for Subdivision (7 into 195 lots plus drainage reserve, open space and new road) (Figure 3). The subdivision is proposed in 5 stages.

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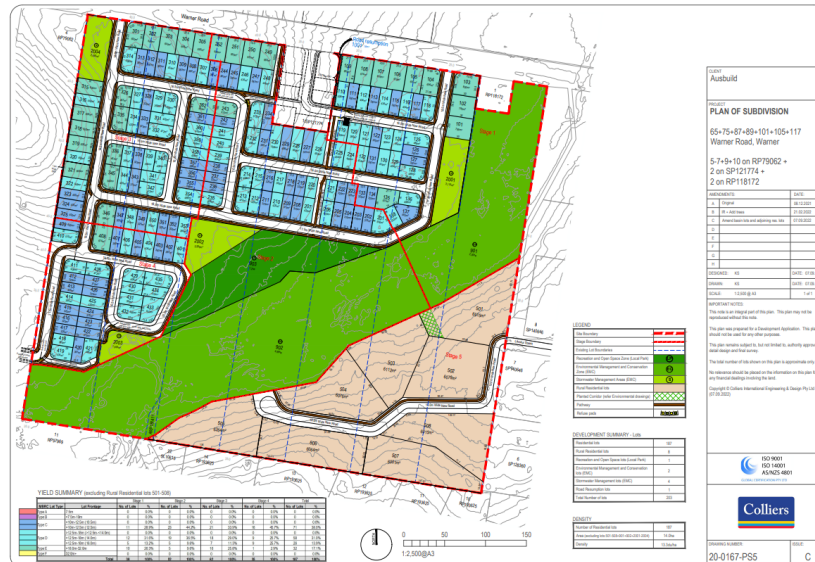


Figure 3: Plan of Subdivision

The subdivision is materially consistent with that which was approved as part of the two approvals north of Warner Road (Figure 4).

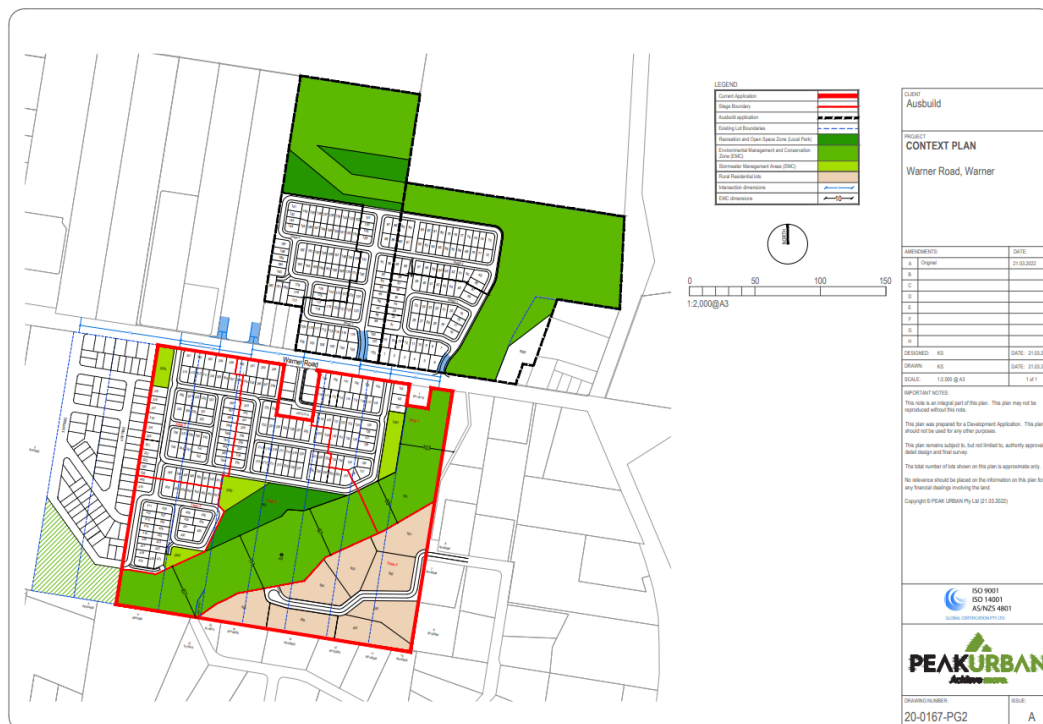


Figure 4: Context Plan

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## 2. Explanation of Item

### 2.1 Description of the Site and Surrounds

The Site is located within close proximity to a diverse range of land uses such as:

- Rural residential land uses to the south, east and west;
- Approved residential development at Lot 2 and 54 Warner Road, Warner (Ausbuild 1);
- Approved residential development at Lot 1 Warner Road, Warner (Ausbuild 2);
- Former extractive resources and sand blasting approximately 500m north (AVID and Mordard Investments sites respectively);
- Warner Lakes residential estates located approximately 1.5km to the north;
- The greater Brendale Industrial Area located approximately 1km to the north-east;
- The South Pine Sporting Complex and Wantima Country Club located to the south-east.

The Site is also located in proximity to transport infrastructure and services including:

- Strathpine Train Station is located approximately 3.5km to the north-east; and
- Eatons Hill State School and the Eatons Hill Woolworths are located approximately 2 km to the south; and
- Strathpine Retail/Commercial Area (Strathpine Centre) is located approximately 4km to the north-east.

Directions	Planning Scheme Zone	Current Land Use
North	Rural Residential & General Residential - Next Generation Neighbourhood Precinct;	Rural residential detached dwellings & • General residential - Dwelling Houses
South	Rural Residential	Rural residential detached dwellings
East	Rural Residential	Rural residential detached dwellings
West	Rural Residential	Rural residential detached dwellings

### 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.

<b>Applicable Assessment Benchmarks:</b>	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul> <p><u>From Schedule 10 of the Regulation:</u></p> <ul style="list-style-type: none"> <li>• Part 10: Koala Habitat Area – Schedule 10 of the <i>Planning Regulation 2017</i></li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>• Urban Footprint</li> </ul>
<b>Koala Habitat Designation:</b>	<ul style="list-style-type: none"> <li>• Priority Koala Assessable Development Area</li> </ul>

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### 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 - liveable 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	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> <li>(a) altered stormwater quality and hydrology</li> <li>(b) waste water</li> <li>(c) the creation or expansion of non-tidal artificial waterways</li> <li>(d) the release and mobilization of nutrients and sediments.</li> </ul> <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
Assessment benchmarks - natural hazards, risk and resilience		

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Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids 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>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) 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>(6) Risks to public safety and the environment from the location</p>	<p><u>Comment</u></p> <p>The site is within the High Potential Bushfire Intensity and Potential impact buffer for bushfire prone area. A Bushfire hazard assessment and management plan for the site has been provided. The report contains input parameters used and relevant maps.</p> <p>A review was undertaken with the following conclusions:</p> <p><u>Vegetation to the north:</u></p> <p>The Moreton Bay Planning Scheme Bushfire Hazard Overlay maps an area of medium potential bushfire intensity over Lot 6 and Lot 7, Warner Road, Brendale.</p> <p>The polygon of Medium potential bushfire intensity extends over Warner Road and over lands which are clear of vegetation.</p> <p>Further the polygon also extends over a driveway for 122 Warner Road (Lot 2 on RP905118) and a narrow corridor or patch of vegetation within Lot 1 on RP805118 is also covered by the medium potential bushfire intensity polygon.</p> <p>Both of these areas should not be mapped due to the lack of vegetation.</p> <p>Therefore, based on the location of the closest residential allotment in the layout plan, Lot 301, the closest area of hazardous vegetation and that which can be described as a medium potential bushfire intensity polygon is over 100 metres from the north-western corner of Lot 301.</p> <p><u>Vegetation to the south:</u></p>

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	<p>of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) 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>The vegetation to the south of the proposed development within 124 and 130 Eatons Crossing Road, and 3 Sally Court, Warner have over time, as shown in the historic aerial photography, been maintained in a cleared state with low tree cover.</p> <p><u>The vegetation to the east:</u> This area is predominantly clear of vegetation and is not mapped in either the MBRC Bushfire Hazard Overlay Mapping or the SPP bushfire hazard mapping as being hazardous vegetation. Our review of the land confirms this mapping to be correct.</p> <p><u>The vegetation to the west:</u> 127 Warner Road is clear of any hazardous vegetation.</p> <p>137 Warner Road contains a patch of regrowth vegetation in the south of this lot.</p> <p>141 and 149 Warner Road are both vegetated, and our assessment confirms both the VHC mapping and as such the status of the bushfire hazard. However, these two lots are at a higher elevation than the subject land and as such the slope relative to the development is an upslope that is the hazardous vegetation is up slope from the development.</p> <p>Based on the analysis and calculations, all the vegetation around the proposed development can be effectively described as an area of low potential (BAL-LOW) bushfire intensity.</p> <p>The development is compliant with this provision of the SPP.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		

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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, Part 10 of the Regulation – Koala Habitat Area

##### Koala Habitat Area

The site is located in a Koala Habitat Area. An assessment as to how the development satisfies the provisions in the Regulation has been undertaken, and the proposal is consistent.

### 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

In accordance with section 1.7.2 of the MBRC Planning Scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework.

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the MBRC Planning Scheme.

The Strategic Framework is based on a 20-year planning horizon and is based on Council's analysis of the issues and opportunities facing the region including State interests, the application of the *South East Queensland Regional Plan (SEQ Regional Plan)* provisions to the Region and Council's strategic direction for the future. Although each theme has its own section, the strategic framework is to be read in its entirety as the policy direction for the planning scheme. The vision for the Region is expressed through a series of twelve themes in the Strategic Framework based on the desired regional outcomes in the SEQ Regional Plan.

Section 3.14 of the Strategic Framework, specific to the Place Type Model states;

*It is intended where applications are made for impact assessment Council will use this section to assess such applications.*

The Site is predominantly located within the Rural Residential Place Type with a small portion within the Coast and Riverlands Place Type of the MBRC Planning Scheme while also being identified as an Investigation Area.

While an assessment against section 3.14 has been made, an assessment has also been made against those Strategic Outcomes applicable to the proposal and are discussed as follows:



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Strategic Outcome	Comply	Assessment
<b>Theme - Sustainability and Resilience</b>		
<p><i>Design and site development and infrastructure using sustainability and urban design principles to reflect the Region's subtropical climate, reinforce local character and achieve innovation and design excellence.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. All development, including buildings and infrastructure, will incorporate subtropical design principles, including orientation, siting and passive climate control, in the planning, design and delivery process to minimise land consumption and service costs and improve design of new development;</li> <li>2. The design and orientation of all buildings and allotments will take advantage of the Region's climate and reduce the use of energy, especially for cooling and heating, in accordance with sub-tropical design principles and climate smart initiatives;</li> <li>3. The level of water and energy consumption will be reduced by: <ol style="list-style-type: none"> <li>a. encouraging the use of climate smart initiatives;</li> <li>b. implementing the Moreton Bay Regional Council's Total Water Cycle Management Plan; and</li> <li>c. avoiding land use change and development that has adverse impacts on land, water and air quality and is associated with environment, health and safety concerns; and</li> </ol> </li> <li>4. Development outcomes are focused on creating multiple benefits to the community, the economy and the environment.</li> </ol>	Yes	<p>The proposal seeks a Preliminary Approval for a Material Change of Use for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation (including a Variation Request to the effect of the MBRC Planning Scheme 2016) and Reconfiguring a Lot - Development Permit for Subdivision (7 into 195 lots plus drainage reserve, open space and new road). Accordingly, there is no specific building design elements to the proposal submitted. However, the layout of the development and the proposed provision of infrastructure is consistent with the urban design principles and sustainability requirements articulated in the codes and policies in the MBRC Planning Scheme.</p> <p>The orientation of the lots is developed in a manner which takes advantage of the region's climate.</p> <p>The development outcomes will result in the delivery of affordable residential lots to help meet the housing needs of the community while also providing rehabilitated / revegetated land to the community for environmental purposes supported by the infrastructure necessary.</p>
<p><i>Greenhouse gas emissions are reduced from development, land management and other planning decisions in the region.</i></p> <p><u>Specific Outcomes</u></p>	Yes	<p>The proposed development reflects the principles of reducing greenhouse gas emissions by providing active transport infrastructure. Similarly, the proposal will designate 7.29ha as Environmental</p>

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> <li>1. Support relevant sustainable/ alternative energy strategies, policies and projects that assist in the production of a decentralised energy grid and support smart grid initiatives;</li> <li>2. Incorporate planning and design measures in development, land management and other planning decisions to reduce greenhouse gas emissions in accordance with climate smart design principles, Next Generation Planning handbook planning principles and smart growth principles;</li> <li>3. Reduce greenhouse gas emissions from transport fuel consumption by adopting patterns of urban development that reduce the need to travel and the distance travelled and by facilitating an increase in provision of active and public transport alternatives;</li> <li>4. Improve energy efficiency through siting, design, construction and use of demand management technologies to reduce greenhouse gas emissions from electricity use;</li> <li>5. Increase the local provision of renewable energy and low emission technology in appropriate locations;</li> <li>6. Increase stored carbon through the retention or planting of trees or other vegetation, and other land management practices that also provide sustainability and amenity outcomes; and</li> <li>7. Develop urban and peri-urban agriculture strategies, policies and projects that support local sustainable commercial and community food growing in the region to assist in reducing emissions and transport costs.</li> </ol>		Management and Conservation zone and 1.2ha of local recreation park.
<p><i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i></p> <p><u>Specific Outcomes</u></p>	Yes	<p>The two natural hazards applicable to the Site are bushfire and flooding, both overlay maps of which are proposed to be varied as part of this application.</p> <p>Significant variations to the Flood hazard and Bushfire Hazard Overlay maps are</p>

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> <li>Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;</li> <li>Respond to the risk from natural hazards, including projected changes in weather, by establishing adaptation strategies to minimise vulnerability to heatwaves and high temperatures, reduced and more variable rainfall, cyclones and severe winds, and severe storms and hail; and</li> <li>Recognise and respond to changes in urban climates due to land use conversion and urban heat island effect from increased development intensity.</li> </ol>		proposed with the development proposal based on a site-specific assessment in combination with the development of a Drainage Master Plan and Bushfire Hazard and Mitigation Plan for the Site. Site specific responses are proposed to minimise risks.
<p><i>Identify people, economic sectors and areas that are at risk due to oil supply vulnerability and increase their resilience to the effects of oil supply vulnerability.</i></p> <p><u>Specific Outcomes</u> Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by:</p> <ol style="list-style-type: none"> <li>Designing development to encourage walking, cycling and public transport use to access local shopping facilities and employment locations, and early provision of public transport services;</li> <li>ensuring transport infrastructure and service investment actively reduces oil dependence, particularly for trips that could be undertaken by public or active transport; and</li> <li>reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities.</li> </ol>	Yes	<p>The proposed development responds to oil supply vulnerability by providing active transport infrastructure and being located in an area in proximity to commercial and employment centres, schools and the like.</p> <p>The subject site is within 1km of a public transport route on South Pine Road.</p>
<p><i>The adverse effects of development on land, air quality and noise levels are avoided in the first instance, mitigated and</i></p>	Yes	Substantial areas of land are proposed to be transferred to the Council with the development proposal.

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Strategic Outcome	Comply	Assessment
<p><i>managed to within acceptable levels and environmental harm is avoided.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Development minimises the adverse effects of land degradation;</li> <li>2. In areas where land degradation has occurred, the land is restored to a healthy, self-sustainable and stable condition;</li> <li>3. Development does not lead to adverse impacts on air quality by contamination; and</li> <li>4. Development does not lead to environmental harm or nuisance through unacceptable levels of noise.</li> </ol>		<p>Given the proposed use, being primarily residential allotments, no Noise Impact Assessment was required as it is expected that noise pollution as a result of the proposal would be low and consistent with the amenity of the area.</p>
<b>Theme - Natural Environment and Landscape</b>		
<p><i>Biodiversity and associated ecosystem services of the Moreton Bay Region will be protected, managed and enhanced, and resilience of ecosystems (including sub-tidal ecosystems) to the impacts of changing weather patterns and other environmental challenges will be maximised.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. The Region's current network of protected areas will be conserved and expanded to achieve viable representations of all the Region's currently identified and future regional ecosystems to ensure biodiversity resilience and ongoing provision of ecosystem services;</li> <li>2. Ecological connectivity to improve ecological robustness and resilience to changing weather patterns and other threats will be maintained and improved through retention of native vegetation, managed regrowth and rehabilitation; the use of mechanisms such as development offset and mitigation contributions and non-planning scheme measures such as voluntary agreements and Land for Wildlife programs;</li> <li>3. The green infrastructure network within the urban footprint will be incorporated into the design of development in a way that</li> </ol>	Yes	<p>The proposal is to apply the provisions of the Environmental Management and Conservation zone to 7.29ha to create a publicly owned fauna corridor focused on koalas movements that will also be accessible to the public via walking trails as an extension of the existing open space network.</p> <p>A Landscape Concept Package has been prepared and submitted to the Council to support and demonstrate the proposal will achieve the accessibility standards in the Council's Planning Scheme Policy.</p> <p>The proposal is to also transfer 1.2ha of land to the Council as a Local Recreation Park with playground facilities to meet the recreational needs of future residents in the development. The proposal will achieve the Strategic Outcomes of this theme.</p>

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Strategic Outcome	Comply	Assessment
<p>complements and supports the intended urban design outcomes for the relevant place and also allows for an ongoing supply of ecosystem services to the community and to conserve biodiversity values. In order of priority the actions to be taken are:</p> <ol style="list-style-type: none"> <li>protection of existing natural areas or land adjacent to natural areas not already protected in perpetuity;</li> <li>rehabilitation of degraded natural areas; then</li> <li>habitat enhancement of priority species and ecosystems; and</li> </ol> <p>4. Where an area within the green infrastructure network is not incorporated into the design of development but is allowed to be cleared, the effect of this clearing may be required to be offset in an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, Section 11.3 Offset receiving site location hierarchy.</p>		
<p><i>Koala population viability within the Moreton Bay Region will be maintained and improved.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>Strategic koala habitat networks will be conserved and expanded to ensure strong and safe habitat and linkages for koalas across our Region;</li> <li>Development in koala movement areas or near to koala habitat areas and corridors will incorporate koala design principles to reduce threats to koalas, integrating green infrastructure that maximises koala movement across the landscape, such as koala friendly fencing, culverts and land bridges; and</li> <li>Where vegetation within priority species habitat (refer to Planning scheme policy - Environmental areas and corridors, Section 3 Priority and</li> </ol>	Yes	

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Strategic Outcome	Comply	Assessment
other native species, and Section 14 List of priority species of Moreton Bay) and movement areas is removed an offset will be sought for placement within an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy.		
<b>Theme - Strong Communities</b>		
<p><i>Utilise the principles of urban design to promote healthy and safe communities.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Sustainability and urban design principles and the standards of universal access and safety will be used to create built environments conducive to physical activity and public environments accessible by all people;</li> <li>2. Development and provision of infrastructure will help to deliver a healthy and safe built environment, encouraging healthy lifestyle choices;</li> <li>3. Appropriate consideration of social needs will occur for major new development; and</li> <li>4. Community facilities in appropriate locations will be available for emergency purposes during and after natural disasters.</li> </ol>	Yes	<p>No built form is proposed in the Material Change of Use component, including the variation, of the development application.</p> <p>The proposed reconfiguration is however consistent with the MBRC Planning Scheme in proposing an interconnected grid layout of subdivision with active transport connections in and around the Site as well as beyond the Site to provide walking and cycling thereby ensuring that the proposal is consistent with the Strategic Outcomes.</p>
<p><i>Provision of a well connected, diverse and accessible public open space network.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Accessible, diverse and quality useable open space that provides for the health, recreation and leisure needs of the current and future communities is maintained and enhanced;</li> <li>2. Passive and active recreation areas and community greenspaces provide a pleasant experience for residents and visitors and enhance the sense of place and community identity;</li> <li>3. Connectivity of the open space network and community greenspaces</li> </ol>	Yes	<p>The proposal is to apply the provisions of the Environmental Management and Conservation zone to 7.29ha to create a publicly owned fauna corridor focused on koalas movements that will also be accessible to the public via walking trails as an extension of the existing open space network.</p> <p>A Landscape Concept Package has been prepared and submitted to the Council to support and demonstrate the proposal will achieve the accessibility standards in the Council's Planning Scheme Policy.</p>

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Strategic Outcome	Comply	Assessment
<p>is provided within and between the Regional Landscape and Rural Production Area, Rural Living Area and Urban Footprint;</p> <p>4. Well-designed accessible public places will be required to be provided in all new growth areas; and</p> <p>5. Council will identify a diverse network of open spaces across the Region catering for specific needs of the community including inclusive all-ability playgrounds, botanic gardens, natural playgrounds and community gardens.</p>		The proposal is to also transfer 1.2ha of land to the Council as a Local Recreation Park with playground facilities to meet the recreational needs of future residents in the development. The proposal will achieve the Strategic Outcomes of this theme.
<p><i>Provide an integrated, high-quality, urban community greenspace network to cater for recreational and environmental needs in existing and new neighbourhoods.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Identify and respond to community needs for urban community greenspace generated as a result of urban development, especially in areas targeted for redevelopment, infill and new walkable neighbourhoods;</p> <p>2. Ensure urban community greenspace is integrated into the planning, design and development of existing neighbourhoods targeted for infill and redevelopment and new walkable neighbourhoods to provide for land use efficiencies and long-term sustainability;</p> <p>3. Respond to growth in a co-ordinated manner, with place and function as a focus through the use of open space typologies in regard to defined place types;</p> <p>4. Create a more flexible open space planning framework that responds to increased residential populations and changing demographic compositions; and</p> <p>5. Encourage the shared use of open space where appropriate through the development of design principles for new open space.</p>	Yes	

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Strategic Outcome	Comply	Assessment
<p><i>Provide for a variety of outdoor recreation opportunities including recreation trails and camping areas to meet community demands.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. A variety of outdoor recreation opportunities is provided to meet community demands;</li> <li>2. Identify possible locations for hard to locate sports within the inter-urban break;</li> <li>3. Provide a range of recreational trails for a range of users in diverse settings that range from urban to natural;</li> <li>4. Provide facilities and areas that allow equitable use by a broad range of active sport, recreation and community activities, including: <ol style="list-style-type: none"> <li>a. venues for organised and informal activities;</li> <li>b. civic and cultural activities including festival and public events;</li> <li>c. coastal foreshores and esplanades; and</li> <li>d. high impact sporting and recreational uses in appropriate locations; and</li> </ol> </li> <li>5. Provide recreational experiences that promote a healthier lifestyle including recreational trails, passive parkland and formal sporting facilities.</li> </ol>	Yes	
<p><i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Council's planning initiatives are primarily aimed at increasing population in close proximity to services, public transport and employment to make the overall cost of living more affordable by reducing overall lifestyle costs, particularly transport costs, energy costs by requiring services and facilities close to where people live;</li> <li>2. Significant housing development will continue across the region with a greater range of housing types being</li> </ol>	Yes	<p>The proposal provides lots ranging from 325m<sup>2</sup> to 800m<sup>2</sup> that support both housing diversity and affordability and have the appropriate dimensions in accordance with the Planning Scheme to accommodate private open space.</p> <p>The Site is located approximately 1.6km from Eatons Hill that accommodates significant commercial and community uses including supermarkets, retail shops, a hotel, educational facilities, places of worship and the like as well as major district sporting facilities. The Brendale Industrial estate being one of the major employment areas in the region is also located approximately 1.6km away from the Site.</p>



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Strategic Outcome	Comply	Assessment
<p>built in new developments and in established areas targeted for infill and redevelopment;</p> <p>3. New housing developments will be planned, designed and delivered taking into account the neighbourhood and place type, existing and future housing needs in the area, and the connectivity and accessibility required to create a walkable neighbourhood and encourage active transport;</p> <p>4. Council will support the provision of affordable housing through community-based, not-for-profit entities and housing cooperatives and the private sector;</p> <p>5. All major new developments will be encouraged to incorporate a greater range of housing types and affordable housing products that demonstrate housing affordability, including appropriate housing for the entry buyer and low-income housing markets and demographic mix;</p> <p>6. Council will lobby the other levels of government regarding decisions on the disposal or redevelopment of government property and surplus land to include consideration of the opportunity for that land to be used for affordable housing purposes; and</p> <p>7. Appropriate 'private open space' is provided in the development of all housing products.</p>		<p>The Site is well located for residential development that has been recognised elsewhere in the MBRC Planning Scheme confirming the development of the Site for residential purposes is consistent with the Strategic Outcome.</p>
<b>Theme - Settlement Pattern and Urban Form</b>		
<p><i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i></p> <p><u>Specific Outcomes</u></p> <p>1. A more efficient land use and development pattern will be achieved progressively over time by:</p>	Yes	<p>The proposal provides suitable road connections and an upgrade to the active transport network along Warner Road supporting and encouraging safe movement through the community.</p> <p>The proposal will establish a next generation style neighbourhood with lots ranging from 325m<sup>2</sup> to 800m<sup>2</sup> which supports both housing diversity and affordability.</p> <p>The proposal is consistent with the Strategic Outcomes for the theme.</p>

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Strategic Outcome	Comply	Assessment
<ul style="list-style-type: none"> <li>a. limiting new urban development occurring outside the Urban Footprint to land in an Identified Growth Area and part of new master planned walkable and transit-based neighbourhoods which are contiguous with existing neighbourhoods wherever possible;</li> <li>b. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint;</li> <li>c. requiring new development to be integrated into existing neighbourhoods in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active transport and access by transit; and</li> <li>d. directing growth away from areas of higher risk of natural hazards, given that urban land allocations outside these areas are sufficient to accommodate growth beyond the life of the planning scheme.</li> </ul> <p>2. Ensure that new development and redevelopment in established urban areas reinforces the strengths and individual character of the urban area in which the development occurs;</p> <p>3. Target growth in locations within the Urban Footprint in growth areas and in investigation areas that provide superior transportation choices or otherwise reduce car use, particularly through supporting growth in targeted established urban areas and redevelopment in and around existing urban centres and along priority transit networks and other high-frequency transit corridors;</p> <p>4. Within the Urban Footprint, Council will consolidate and maintain rural residential development in the identified rural residential areas in locations where this form of development will not compromise the orderly, progressive and efficient</p>		

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Strategic Outcome	Comply	Assessment
<p>expansion of the urban area and its associated infrastructure networks;</p> <p>5. Development in the Urban Footprint, in growth areas and in investigation areas protects agricultural land outside the Urban Footprint with the onus of buffering placed on land in the Urban Footprint, growth areas and in investigation areas.</p> <p>6. New industrial land uses are appropriately separated from sensitive land uses; and</p> <p>7. New development including sensitive land uses recognises existing industrial development and includes appropriate separation measures</p>		
<p><i>New master planned walkable neighbourhoods, activity centres and enterprise and employment areas served by public transport have a role to play in helping to accommodate regional dwelling and employment targets and require comprehensive planning to coordinate future development with infrastructure delivery.</i></p> <p><u>Specific Outcomes</u></p> <p>1. New urban development will be supported in greenfield locations with available infrastructure capacity or where infrastructure capacity can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas;</p> <p>2. New development and land use patterns that would compromise or constrain the efficient expansion of the infrastructure system and services required to service development and/or the corridors required for provision of infrastructure will be discouraged;</p> <p>3. Development within new greenfield developments and rural residential transition areas is to be designed and developed as part of a future transit based walkable neighbourhood and as such must provide pedestrian, cycle, local road, open space and</p>	Yes	<p>All the required services and infrastructure needed to facilitate development will be made available to the Site, including a network of green infrastructure and recreational facilities.</p> <p>The proposal demonstrates a suitable and integrated road hierarchy in addition to a pathway network proposed for the development.</p> <p>The proposal provides suitable road connections and an upgrade to the active transport network along Warner Road supporting and encouraging safe movement through the community.</p> <p>The proposal will establish a next generation style neighbourhood with lots ranging from 325m<sup>2</sup> to 800m<sup>2</sup> which supports both housing diversity and affordability.</p> <p>As stated previously, the Site is well located due to its proximity to commercial, community and employment uses supporting the development of the land for residential purposes.</p> <p>The proposal is consistent with the Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
<p>waterway connectivity, within the neighbourhood and adjacent areas in accordance with the specific outcomes of the relevant place types;</p> <p>4. Urban development of greenfield areas will not be supported unless it is designed and developed as a series of transit based walkable neighbourhoods and with an appropriate network of centres, public spaces and pedestrian, cycle, local road, green infrastructure, within the neighbourhood and to adjacent areas in accordance with the specific outcomes of the relevant place types and local plan strategies;</p> <p>5. New "15 minute" walkable neighbourhoods will include a diversity of uses and employment opportunities at a minimum of 35 people and jobs per hectare to support viable public transport services and walkable communities and encourage active transport. These new neighbourhoods will be designed around local centres and neighbourhood hubs and include a range of community facilities and services and public spaces required by the local community. A range of different housing types will be provided on a range of lot sizes. Pedestrian and cycle way networks and local road systems will be designed to maximise connectivity;</p> <p>6. Greenfield development sites will be designed to demonstrate best practice in community services, urban green infrastructure, communication, mobility, energy efficiency, water cycle management and waste management; and</p> <p>7. Urban development avoids areas of higher natural hazard risk and otherwise ensures development subject to natural hazards is compatible with the risk presented to protect people, property and infrastructure.</p>		

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Strategic Outcome	Comply	Assessment
<b>Theme - Employment Location</b>		
<b>Theme - Rural Futures</b>		
<b>Theme - Natural Resources</b>		
<b>Theme - Integrated Transport</b>		
<p><i>Plan for a more compact settlement pattern and urban form to encourage sustainable travel patterns: reducing the need to make trips by any motorised form and to reduce the length of motorised trips.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Support transit oriented communities at locations with high frequency public transport services and access to good quality and safe cycling and walking routes;</li> <li>2. Sufficient infrastructure is provided to connect communities and increase self-containment in the region;</li> <li>3. Reduce the length and reduce the frequency of car trips;</li> <li>4. Reduce the length and increase the frequency of public transport trips;</li> <li>5. Increase the length and increase the frequency of walking and cycling trips;</li> <li>6. End of trip facilities are provided in public and private developments in activity centres to encourage walking and cycling;</li> <li>7. Complementary land uses are provided in close proximity to each other, encouraging shorter trips and a higher level of linked trips (e.g. child-care facilities, open space and shops located close to work-places) and providing opportunities for communal parking;</li> <li>8. Ensure new development is serviced with new public transport routes, facilities and high frequency services, including priority transit corridors, to establish improved mode share at an early stage; and</li> <li>9. Appropriate fauna management practices are implemented where necessary to protect wildlife.</li> </ol>	Yes	<p>As stated above, the proximity of the Site to public transport, commercial and community centres as well as places of employment supports the creation of a more compact settlement pattern in the region, with the development having the infrastructure necessary to support it, having regard to its context in the natural landscape.</p> <p>The proposal is consistent with the Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
10. Appropriate measures are implemented where necessary to protect water quality in drinking water catchments.		
<p><i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Provide good quality urban design to encourage Crime Prevention Through Environmental Design principles to improve the design quality of public space;</li> <li>2. Activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk;</li> <li>3. Pedestrian and cycle routes and associated infrastructure are well managed and maintained;</li> <li>4. Promote the health aspects of walking and cycling; and</li> <li>5. Provide best practice design of the transport network to reduce accidents and improve safety, particularly related to pedestrians and cyclists.</li> </ol>	Yes	The development proposes through its subdivision component a layout of development with integrated and connected local roads supported by a network of active transport paths. Internal roads are proposed adjacent to proposed areas of public open space to enhance casual surveillance of the public open space to ensure CPTED outcomes are achieved. The development if approved, would encourage and support active transport and is therefore consistent with the Strategic Outcome.
<b>Theme - Infrastructure</b>		
<p><i>Use infrastructure to support desired regional growth and help create a more compact urban pattern, cohesive urban and rural communities, and regional economic development.</i></p> <ol style="list-style-type: none"> <li>1. Council is approaching the challenge of growth management by adopting smart growth principles and the MBRC Place Model. This model will integrate land uses, transport and infrastructure to promote a more compact urban form, including increased availability and diversity of housing for people of all income levels, walkable neighbourhoods, creating distinctive and attractive mixed use communities, access to a variety of transportation choices, reduced car dependency, protecting</li> </ol>	Yes	As stated above in the assessment of the proposal against other Themes, the proposal will utilise existing infrastructure and provide improvements to the networks where it is needed including the green infrastructure network, consistent with this Strategic Outcome.

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Strategic Outcome	Comply	Assessment
our natural landscapes, targeting new development to accessible infill locations and prioritising use of existing infrastructure.		
<p><i>Facilitate access to high-speed broadband telecommunications.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Council is supportive of high speed internet access for all and encourages the roll out of the high speed broadband services throughout the Region including access for the more remote rural areas; and</li> <li>2. Council will continue to monitor the growth of the digital economy and its potential impacts on lifestyles and development within the Region and will seek to identify opportunities provided by the new economy to support greater levels of economic development/job self containment within the Region and opportunities for telecommuting to replace commuter travel to the city.</li> </ol>	Yes	While not applicable to the Material Change of Use component of the development application, the subdivision component of the development proposal will require the residential lots to be connected to the broadband network.
<b>Theme - Water Management</b>		
<p><i>Floodplains in the region will be managed for the long-term benefit of the community such that hazards to people and damages to property and infrastructure are minimised and the intrinsic environmental values of the floodplain are protected.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. The natural function of the Region's floodplains are preserved and enhanced;</li> <li>2. The different flood behaviour that occurs across the region in a variety of events, up to and including the probable maximum flood, are recognised and planned for; and</li> <li>3. Land use planning and development controls minimise both the exposure of people to flood hazard and the potential damages to property and infrastructure.</li> </ol>	Yes	The Site is affected by flooding and assessment of the hazard proposes to better define the flood corridor that traverses the Site by including the Site into a Drainage Investigation Area and implementing a Drainage Master Plan that has been developed for it. This will maintain the natural functions across the Site in an improved manner to provide for the development.

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Strategic Outcome	Comply	Assessment
<p><i>Ensure development is appropriately planned, designed, constructed, operated and maintained to manage stormwater and wastewater in order to protect the environmental values.</i></p> <p>1. Incorporate water sensitive urban design principles into urban developments to reduce the impact of stormwater run-off and associated pollutants generated from urbanised areas, including:</p> <ol style="list-style-type: none"> <li>naturalising stormwater run-off, rather than rapidly conveying stormwater;</li> <li>rainwater tanks to conserve potable water supplies;</li> <li>vegetated swales and buffer strips to reduce flow velocities and filter pollutants;</li> <li>water-efficient landscaping;</li> <li>at-source stormwater treatment through streetscape bioretention/rain gardens;</li> <li>constructed stormwater wetlands to treat run-off from larger catchments;</li> <li>protecting water-related environmental, recreational and cultural values;</li> <li>stormwater harvesting for various uses in localised catchments; and</li> <li>greywater re-use and on-site sewerage treatment facilities.</li> </ol>	Yes	<p>While not applicable to the Material Change of Use component of the development application, the subdivision component of the development proposal will provide stormwater solutions that achieve state and local government requirements with large areas of land proposed to be transferred to the Council being revegetated and having broader benefits to improving water quality in the catchment.</p>
<b>Theme - Planning Areas</b>		
<b>Element - Strathpine planning area</b>		
<p><b>Specific Outcomes - Natural environment and landscape</b></p> <p>1. The planning area includes significant natural features and green infrastructure. These areas include:</p> <ol style="list-style-type: none"> <li>the waterways of the North Pine and South Pine Rivers, Cabbage Tree Creek and Kedron Brook; and</li> <li>areas protected because of their conservation significance including Bunyaville State Forest.</li> </ol>	Yes	<p>The proposal is to apply the provisions of the Environmental Management and Conservation zone to 7.29ha to create a publicly owned fauna corridor focused on koalas movements that will also be accessible to the public via walking trails as an extension of the existing open space network.</p> <p>A Landscape Concept Package has been prepared and submitted to the Council to support and demonstrate the proposal will achieve the accessibility</p>



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<p>These areas will be protected by their inclusion in the Mountain ranges, forests and waterways place type and the Coast and riverlands place type which exclude development incompatible with protecting the significant values of these areas;</p> <p>2. The planning area contains many green infrastructure components, including waterways, core environmental areas, terrestrial environmental corridors, parks, linear open spaces, urban forests and street trees. The design and development of concept plans for growth areas at Warner and Joyner will incorporate green infrastructure network elements wherever possible; and</p> <p>3. Strategic koala habitat networks in this planning area are critical to ensuring strong and safe habitat linkages for koalas in the longer term. Identified core koala habitat areas and koala movement and dispersal corridors will be protected and development will rehabilitate and reinstate the regional ecosystem values in these identified areas. In areas where clearing of koala habitat is required to achieve good quality urban design outcomes, offsets will be required into an identified environmental offsets area.</p>		<p>standards in the Council's Planning Scheme Policy.</p> <p>The proposal is to also transfer 1.2ha of land to the Council as a Local Recreation Park with playground facilities to meet the recreational needs of future residents in the development. The proposal will achieve the Strategic Outcomes of this theme.</p>
<p><b>Specific Outcomes - Strong communities</b></p> <p>1. The planning area provides for a diverse range of housing choice in terms of type, density, layout and affordability to cater for a demographically and socio-economically diverse population within the Rural residential, Suburban neighbourhood, Next generation neighbourhood, Urban neighbourhood and Activity centre place types;</p> <p>2. The planning area provides for the development of an appropriate range of community facilities and services, sporting and recreational facilities,</p>	Yes	<p>The proposal provides lots ranging from 325m<sup>2</sup> to 800m<sup>2</sup> which supports both housing diversity and affordability.</p> <p>The Site is located within an established locality being situated within close proximity of the community, educational, retail, commercial and business uses existing within the neighbouring localities of Warner, Brendale, Strathpine and Bray Park.</p>

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Strategic Outcome	Comply	Assessment
<p>open space and parkland to cater for the planning area's community;</p> <p>3. Special places that contribute to the unique identity of the planning area include the South Pine Sporting Complex, private sport and recreation area, Energex site and wastewater treatment plant at Brendale, James Drysdale Recreation Reserve at Bunya and Pine Rivers Park at Strathpine. These facilities have a unique role to play in respect to opportunities for sport and recreation and planning area infrastructure which this plan seeks to protect. These have been allocated to Special area place types in the urban structure;</p> <p>4. The planning area falls within the regional character area of urban corridor. New development will contain high quality built form and landscapes consistent with provisions of the Moreton Bay Regional Council Urban Design Charter and the Subtropical Design in South East Queensland: A Handbook for Planners, Developers and Decision Makers;</p> <p>5. Residential areas will be generously landscaped and linked to one another by a continuous open space system including parks and playing fields; and</p> <p>6. Sites of local heritage significance are located within the planning area. Development that has the potential to impact upon the heritage listed sites will require a Heritage Impact Assessment as part of the approval process.</p>		
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. ... ..; and</p> <p>2. ... ..; and</p> <p>3. Next generation neighbourhood areas at Strathpine, Bray Park, Joyner, Warner, Albany Creek and the Hills District will be developed as well planned and attractive</p>	Yes	<p>As discussed above, the subdivision component of the development application will deliver the outcomes expected in the planning scheme for a Next Generation Neighbourhood.</p> <p>Section 1 of this report refers to the recent history of planning for the Site as a part of the Investigation area for Warner</p>

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Strategic Outcome	Comply	Assessment
<p>refurbished residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres. The local centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well connected and attractive streets and open spaces within the neighbourhoods;</p> <p>4. ... ..</p> <p>5. ... ..</p> <p>6. ... ..</p> <p>7. ... ..</p> <p>8. ... ..</p> <p>9. An investigation area has been identified at Warner. The area is bound by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the west. Further investigations will be required to determine the development potential and future use of this area. The majority of the area, in the vicinity of Warner Road and to the south, is likely to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner.</p>		<p>that has become known as the Warner Investigation Area (WIA).</p> <p>While the major amendment to the MBRC Planning Scheme was refused by the State government in October 2018, the planning scheme remains in effect supporting the investigation of the area for residential purposes. The current proposal is consistent with the WIA investigations that were undertaken by the Council prior to the proposed major amendment to the MBRC Planning Scheme, that was refused by the State government for other reasons.</p> <p>The recent decision of the Council to progress its Better Housing amendment to the MBRC Planning Scheme that refines the area of the WIA is consistent with this proposal.</p>
<b>Theme - MBRC Place Model</b>		
<b>Element - Next generation neighbourhood place type</b>		
<p><b>Specific Outcomes - Sustainability and resilience</b></p> <p>1. Buildings on small to medium sized lots and in medium density developments are interspersed with private open space and trees and respond to local climate conditions by allowing flow of breezes, natural ventilation and light;</p> <p>2. Residential developments are designed to allow footpaths suitable for extensive native vegetation and appropriate shade trees;</p>	<b>Yes</b>	Refer to the assessment above against the Sustainability and Resilience Theme.

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Strategic Outcome	Comply	Assessment
<p>3. Dwellings are to be designed and sited so as to minimise energy requirements and provide a high standard of residential amenity; and</p> <p>4. Development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</p>		
<p><b>Specific Outcomes - Natural environment and landscape</b></p> <p>1. Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;</p> <p>2. The green infrastructure network is incorporated into the design of new development and rehabilitated in accordance with green infrastructure network detailed maps. Where native vegetation is to be cleared in order to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy;</p> <p>3. Open space and natural environmental areas within these areas are complemented by the private 'greening' of yard space on private property and street trees. Residents experience a high level of on-site residential amenity; and</p> <p>4. Development is designed to incorporate natural features and respond to topography.</p>	Yes	Refer to the assessment above against the Natural environment and landscape Theme.
<p><b>Specific Outcomes - Strong communities</b></p> <p>1. Schools, pre-schools, child care centres, place of worship, community health services and other community activities provide informal and safe meeting places for residents whilst serving daily convenience needs;</p> <p>2. An extensive range of active and passive open space and recreation</p>	Yes	Refer to the assessment above against the Strong communities Theme

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Strategic Outcome	Comply	Assessment
<p>areas for use by local residents are an integral part of these places within walking distance of most homes along lineal green corridors and tree lined streets; and</p> <p>3. Informal recreation experiences are predominantly provided, with formal recreation opportunities provided in some circumstances</p>		
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. Next generation places cater for a mix of dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing, dual occupancies, medium density residential units and housing for older persons;</p> <p>2. Development across a Next generation neighbourhood place type has a minimum density of 35 people and/or jobs per hectare (for people this equates to a net residential density of 15 – 25 dwellings per hectare);</p> <p>3. Adaptable housing is encouraged in response to changing housing needs;</p> <p>4. Community activities (schools, pre-schools, child care centres, places of worship, community health services and other community activities) are designed to have a low rise built form on landscape sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres, or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;</p> <p>5. Buildings address the street and non-residential uses have active street frontages;</p> <p>6. At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central</p>	Yes	Refer to the assessment above against the Settlement pattern and urban form Theme.

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Strategic Outcome	Comply	Assessment
<p>intersections and within a 15 minute walking distance and responsive to active transport;</p> <p>7. Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</p> <ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities;</li> <li>b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node;</li> <li>c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;</li> <li>d. a new local centre or neighbourhood hub is to service an un-serviced catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood;</li> <li>e. they are appropriately designed to have high quality urban design outcomes.</li> </ul> <p>8. New development should have regard to the existing character of the Next generation neighbourhood, however high quality urban design outcomes have priority.</p>		
<p><b>Specific Outcomes - Integrated transport</b></p> <p>1. Next generation neighbourhoods have a well-connected, permeable, legible and grid-like network of streets and active transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple</p>	Yes	Refer to the assessment above against the Integrated Transport Theme.

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Strategic Outcome	Comply	Assessment
<p>destinations within the neighbourhood. Cul-de-sacs are not the dominant form of street network;</p> <p>2. The active transport network is integrated with public transport infrastructure so that all homes are within 400metres of a bus stop; and</p> <p>3. Local centres, local concentrations of employment and other local attractors are within 15 minutes of all residents by walking, cycling or public transport.</p>		
<p><b>Specific Outcomes - Infrastructure</b></p> <p>1. Next generation neighbourhoods have the level of service of infrastructure provision necessary to support growth, increased intensity of activity and adaptation to change over time and to create a safe and attractive public realm; and</p> <p>2. Next generation neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.</p>	Yes	Refer to the assessment above against the infrastructure Theme.
<p><b>Specific Outcomes - Water management</b></p> <p>1. Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments; and</p> <p>2. Water sensitive urban design measures are incorporated into development, including, where possible, the retention and rehabilitation of riparian vegetation to protect and enhance the water quality in the Region's waterways and drinking water catchments.</p>	Yes	Refer to the assessment above against the Water management Theme

Accordingly, based on the assessment above the proposal is consistent with the Strategic Outcomes of the Strategic Framework of the Moreton Bay Regional Council Planning Scheme.

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While the Site is located in the Rural Residential Place Type, it is identified as part of an area that will be investigated by the Council for its potential for future development. As discussed in Section 1 of this report, that investigation was done and informed a proposed major amendment to the MBRC Planning Scheme that was refused by the State government. This proposal is consistent with the outcomes of that investigation that have informed the recent draft Better Housing amendment to the MBRC Planning Scheme that proposes to refine the area of the WIA.

Therefore, for these reasons, the proposal is arguably consistent with the Strategic Framework despite its location in the Rural Residential Place Type.

### **2.3.2 Variation Request**

This application includes a variation request defined in the *Planning Act 2016* to mean the *part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises.*

Section 61(2) of the *Planning Act 2016* specifies that when assessing the variation request, the assessment manager must consider:

- (a) the result of the assessment of that part of the development application that is not the variation request; and
- (b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
- (c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
- (d) any other matter prescribed by regulation.

An assessment of the variation request to vary the effect of the MBRC Planning Scheme to have essentially the General Residential zone - Next Generation Neighbourhood precinct, Recreation and Open Space zone and Environmental Management and Conservation zone apply to the land as well as variations to the overlay maps and other components of the planning scheme as referred to in Section 1 has been undertaken and is discussed below.

#### **2.3.2.1 Result of Assessment of the other aspects of the Development Application**

In this Development Application, the other aspects as discussed earlier in this Assessment Report are twofold; firstly, a Preliminary Approval for a Material Change of Use for Dwelling House, Home Based Business, Park, Sales Office and Utility Installation (including a Variation Request to the effect of the MBRC Planning Scheme 2016) and Reconfiguring a Lot - Development Permit for Subdivision (7 into 195 lots plus drainage reserve, open space and new road) varying in size from 325m<sup>2</sup> to 800m<sup>2</sup>.

As discussed in section 3.1 of this Assessment Report, the Site is located in proximity to major centres, employment areas, community and recreation facilities and major transport corridors. In addition, residential estates of a similar nature and density exist approximately 1.5km to the north of the Site. As mentioned in section 1 of this report, the Council had also in late 2017 proposed to amend the MBRC Planning Scheme to include the land into the Emerging Community zone recognising its suitability for residential purposes. On this basis, an assessment of the proposed land uses and subdivision has determined them to be appropriate, subject to addressing the relevant criteria in the MBRC Planning Scheme. The proposed variation is consistent with these land uses and the proposed lot layout.



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### **2.3.2.2 Consistency with the rest of the MBRC Planning Scheme**

The first aspect of the Variation Request is to vary the effect of the Moreton Bay Regional Council Planning Scheme to apply the General Residential zone - Next Generation Neighbourhood precinct in part, the Environmental Management and Conservation zone in part and the Recreation and Open Space zone in part to Lot 2 RP 118172, Lot 5-7, 9 & 10 RP 79062 & Lot 2 SP 121774 as shown on the proposal plan. Applying these zones is consistent with those applied to the adjoining Ausbuild 1 and Ausbuild 2 development approvals to the north and CSR development approval to the north east. The Environmental Management and Conservation zone and the Sport and Recreation Zone are obvious and logical, reflecting the proposal to transfer that land to Council for the purposes specific to the proposed zones. The General Residential zone - Next Generation Neighbourhood precinct is consistent with the rest of the MBRC Planning Scheme on the basis of accommodating infill residential development to assist the Council in achieving its SEQ regional plan dwelling house targets.

In addition to the zone variations proposed, variations are also proposed to 5 Overlays:

- Environmental Areas Overlay;
- Flood Hazard Overlay;
- Riparian and Wetlands Setbacks Overlay;
- Rural Residential Lot Sizes Overlay; and
- Bushfire Hazard Overlay.

The proposal also seeks to amend Table 9.3.1.5 in the Dwelling House Code by proposing alternative side and rear boundary setbacks of future dwelling houses on the proposed lots. These are discussed below.

#### **Environmental Areas Overlay**

A comparative analysis of the current Environmental Areas overlay against the proposed Environmental Areas Overlay is shown below in Figure 5;

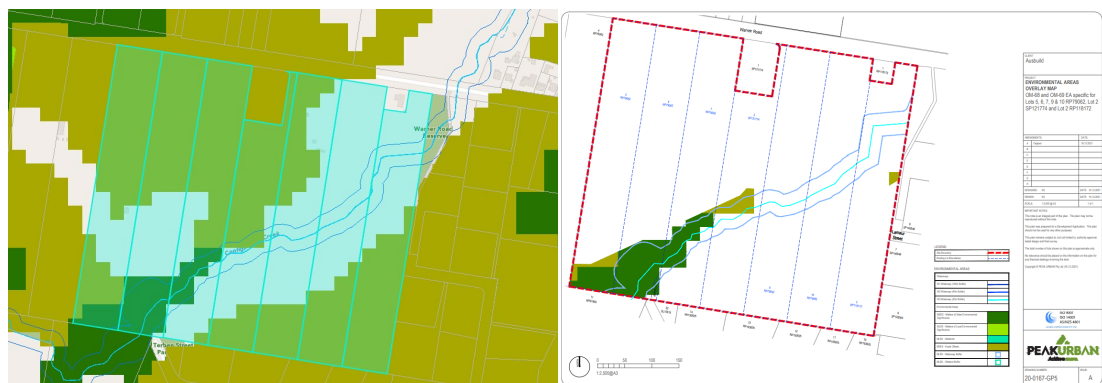


Figure 1: Environmental Areas Overlay Map v Proposed

The Site is mapped under the Environmental Areas Overlay as containing:

- MSES -Matters of State Environmental Significance;
- MSES Koala Offset; and
- A single MLES waterway running through the site.

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Part of the site was protected by State Government environmental mapping until 7 February 2020. The State Government then amended the planning framework to address a key threat to the koala population in South East Queensland. The new koala conservation planning framework commenced on 7 February 2020 and introduced koala priority areas and core koala habitat areas. In effect, the subject site is wholly mapped as koala priority area. However, the subject site does not contain areas of core koala habitat. Meaning, no further assessment is possible under Schedule 10, Part 10 or Schedule 11 of the *Planning Regulation 2017*.

Accordingly, the proposed development seeks to clear 2,348 non-juvenile koala trees (**NJKHT**), to be revegetated with 3,114 NJKHT's within the protected Environmental and Conservation Zone. The applicant will rehabilitate the ECM zone using stem density of 625 NJKHTs/hectare, instead of 250NJKHTs/ha which is deemed sufficient for koala offsets under the Nature Conservation (Koala) Conservation Plan and Offset Planning Policy).

Ground truthed areas containing high ecological significance will be protected and enhanced as part of the ECM Zone. The ECM Zone will be rehabilitated and allow for replacement planting of any NJKHT's that will be required to be cleared as part of the development. The proposed rehabilitation will increase the amount of NJKHT's within the site and allow for connectivity to further rehabilitated Koala Habitat Movement corridors to the north of the site. This will be achieved through fauna movement measures such as a fauna underpass under Warner Road and the provision of Koala exclusion fencing to direct koala's away from high traffic areas.

The overall green infrastructure strategy developed for the proposal involves the protection, retention, and restoration of a 100m wide riparian reserve along Conflagration Creek through the central portion of the site that will protect and enhance the habitat connection through and external to the Site (the Environmental Management Conservation zone).

The applicant has proposed to refer the proposed development to the Federal Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) as a controlled action under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). A referral to DCCEEW under the EPBC Act is not mandatory under the State Planning Policy 2017 and the ultimate risk of not referring the action when there is potential to impact a matter of National Ecological Significance lies solely with the proponent.

The variation is therefore seeking to give effect to the updated Environmental Areas Overlay map, due to sufficient technical information being provided to demonstrate that the actual environmental values present on the Site are less than how it is currently mapped.

**Bushfire Hazard Overlay**

A comparative analysis of the current Bushfire Hazard Overlay against the proposed Bushfire Hazard Overlay is shown below in Figure 6.

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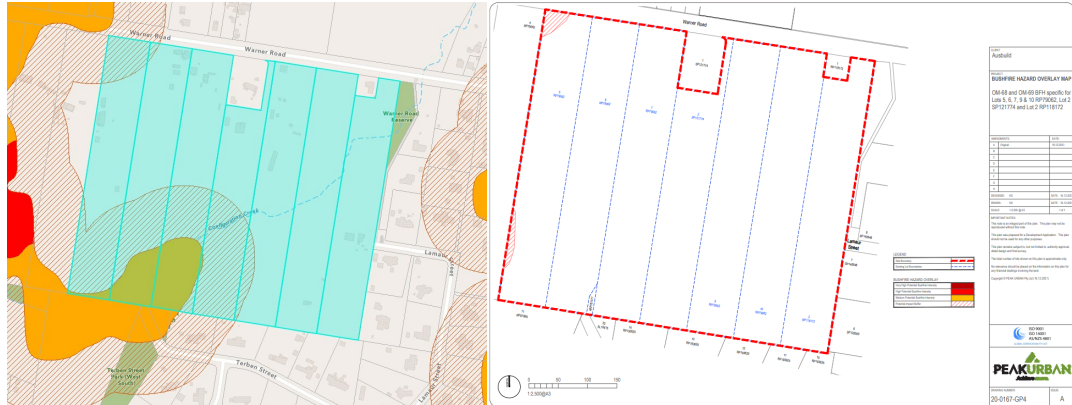


Figure 6: Bushfire Hazard Overlay Map v Proposed

The applicant seeks to apply an alternative Bushfire Hazard Overlay map to respond to the outcomes of the proposed development.

The site is within the High Potential Bushfire Intensity and Potential impact buffer for bushfire prone area. A Bushfire hazard assessment and management plan for the site has been provided.

#### Vegetation to the north

The Moreton Bay Planning Scheme Bushfire Hazard Overlay maps an area of medium potential bushfire intensity over Lot 6 and Lot 7, Warner Road, Brendale. The polygon of Medium potential bushfire intensity extends over Warner Road and over lands which are clear of vegetation. Further the polygon also extends over a driveway for 122 Warner Road (Lot 2 on RP905118) and a narrow corridor or patch of vegetation within Lot 1 on RP805118 is also covered by the medium potential bushfire intensity polygon. Both of these areas should not be mapped due to the lack of vegetation.

Therefore, based on the location of the closest residential allotment in the layout plan, Lot 301, the closest area of hazardous vegetation and that which can be described as a medium potential bushfire intensity polygon is over 100 metres from the north-western corner of Lot 301.

#### Vegetation to the south

The vegetation to the south of the proposed development within 124 and 130 Eatons Crossing Road, and 3 Sally Court, Warner have over time, as shown in the historic aerial photography, been maintained in a cleared state with low tree cover.

#### The vegetation to the east

This area is predominantly clear of vegetation and is not mapped in either the MBRC Bushfire Hazard Overlay Mapping or the SPP bushfire hazard mapping as being hazardous vegetation. A review of the land confirms this mapping to be correct.

#### The vegetation to the west

127 Warner Road is clear of any hazardous vegetation. 137 Warner Road contains a patch of regrowth vegetation in the south of this lot. 141 and 149 Warner Road are both vegetated, and an assessment confirms both the VHC mapping and as such the status of the bushfire hazard. However, these two lots are at a higher elevation than the subject land and as such the slope relative to the development is an upslope that is the hazardous vegetation is up slope from the development.

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Based on the analysis and calculations, all the vegetation around the proposed development can be effectively described as an area of low potential (BAL-LOW) bushfire intensity. The development is compliant with provisions set out in SPP.

The variation is therefore seeking to give effect to the updated Bushfire Hazard Overlay map which more accurately represents the bushfire conditions on site.

**Flood Hazard Overlay**

A comparative analysis of the current Flood Hazard Overlay against the proposed Flood Hazard Overlay is shown below in Figure 7.

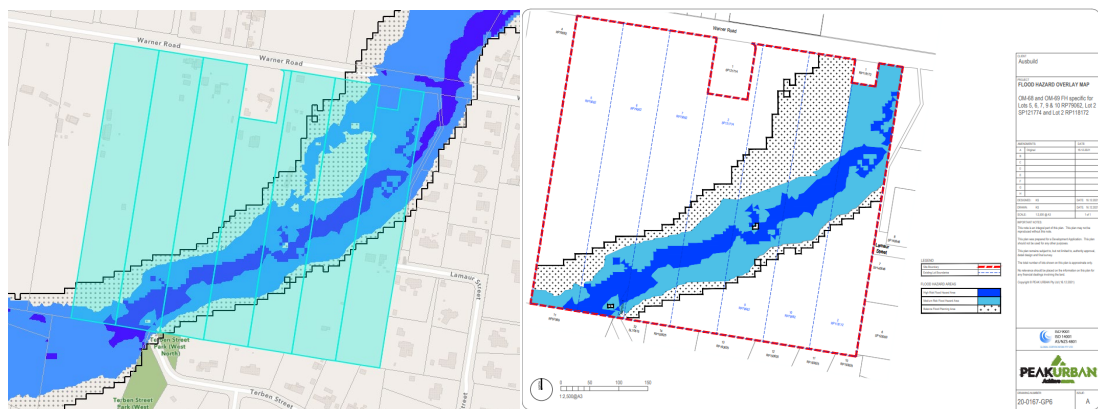


Figure 7: Flood Hazard Overlay Map v Proposed

This application also seeks to incorporate the Site within a Drainage Investigate Area (**DIA**) plan (Figure 8) to supplement a Drainage Master Plan (**DMP**) requested to be approved as part of the development application as discussed in greater detail in Section 3.8 of this Assessment Report. The effect of the DMP will change the flood hazard present on Site.



Figure 8: Proposed Drainage Master Plan

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The variation is therefore seeking to give effect to the updated Flood Hazard Overlay map due to sufficient technical information being provided to demonstrate that with the implementation of the proposed Drainage Master Plan, the actual flood hazard risk present on the Site will be lower than that which is currently mapped. Any future development applications over the Site will still require assessment against the Flood Hazard Overlay code relevant to the level of hazard on the particular area of the Site which is proposed to be developed.

This outcome is consistent with the rest of the MBRC Planning Scheme and Ausbuild 1. It is also noted for completeness only that this was how the issue of flooding was proposed to be dealt with in the Council initiated major amendment to the MBRC Planning Scheme that was refused by the State government for other reasons.

The effect of the variation is that it removes the Flood Hazard Overlay as a potential trigger to make any future application for the proposed land uses Impact Assessable in areas of the Site that are proposed for residential development and that were previously within the Medium Risk Flood Hazard Area. The consequence is that the land uses will have the same level of assessment and opportunity for public input as exists on any other land located in the General Residential Zone - Next Generation Neighbourhood Precinct. Had the Variation Request not been made and approved, submitters of future applications could have reasonably relied on the existing Flood Hazard Overlay map and expressed concerns about the placement of vulnerable land uses in a Medium or High Flood Risk area. This application includes sufficient information to demonstrate that there is no flood risk applying to the parts of the Site identified for residential development subject to the proposed earthworks. While the proposal will remove a trigger to make what would otherwise be code assessable applications subject to impact assessment, that trigger has been demonstrated on the areas of the Site within the General Residential Zone - Next Generation Neighbourhood Precinct as no longer being applicable as any concerns regarding flooding have been considered and addressed in this application.

**Rural Residential Lot Sizes Overlay**

A comparative analysis of the current Rural Residential Lot Sizes Overlay against the proposed Rural Residential Lot Sizes Overlay is shown below in Figure 9.

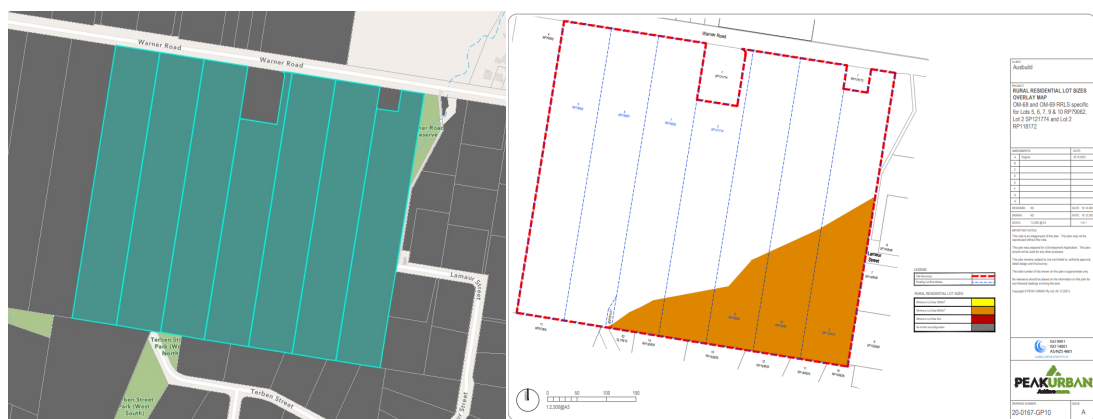


Figure 9: Rural Residential Lot Sizes Overlay v Proposed

The variation involves a removal of the “No Further Reconfiguration” element of the overlay from the entire site with the imposition of the Minimum Lot Size 6,000m<sup>2</sup> element instead on the part of the site south of Conflagration Creek.



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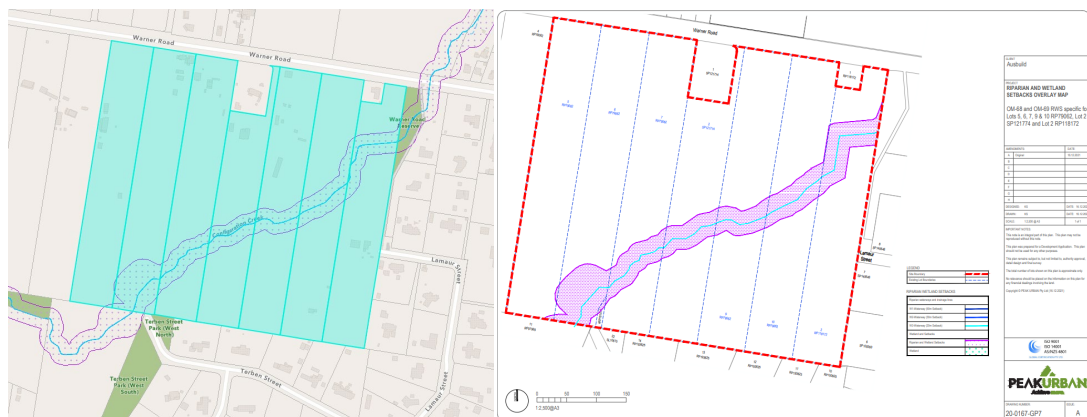
The purpose of the Rural Residential zone is achieved through a number of Overall Outcomes, one of which is development does not fragment, pre-empt or compromise the potential for development in areas identified as potential future growth fronts for urban purposes beyond the life of the planning scheme. The potential future growth areas are shown on Overlay map - Rural residential lot sizes as having no further subdivision. Therefore, the identification of the site on the Rural Residential Lot Size Overlay as no further reconfiguration is an indicator of the intent for the site as being a potential future growth area. As discussed in the Background section of this report, in 2017 the then Council formed the position that urban development should not extend south of Conflagration Creek. This has been reaffirmed by the 2 November 2022 decision of the Council to propose the draft Better Housing amendment to the MBRC Planning Scheme that seeks to refine the WIA and therefore limit urban development to the north of Conflagration Creek.

Regarding the Minimum Lot Size of 6,000m<sup>2</sup> element, this is consistent with the existing Rural Residential allotments south of Conflagration Creek.

Based on the intent of the No Further Reconfiguration overlay and the suitability of the 6,000m<sup>2</sup> allotments south of Conflagration Creek, the change is recommended for approval.

**Riparian and Wetlands Setback Overlay**

A comparative analysis of the current Riparian and Wetlands Setback Overlay against the proposed Riparian and Wetlands Setback Overlay is shown below in Figure 10.



**Figure 10: Existing Riparian & Wetlands Setback Overlay v Proposed**

The applicant seeks to apply an alternative Riparian and Wetlands Setback Overlay map to the Site based on ground truthing that realigns the Riparian and Wetlands area based on the actual gully location on the Site. Based on the technical information submitted to support this request, the change is recommended for approval.

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### Dwelling House Code

A part of the variation application is to vary the effect of Table 9.3.1 (Figure 11) as it relates to the side and rear boundary setbacks of future dwelling houses on the proposed lots. The applicant has submitted information to show that it is often making and having approved by Council on a Site by Site basis dwelling house relaxations that could otherwise be avoided. A review by Council officers of another development project being delivered by the same applicant has verified that positive outcomes are able to still be achieved with the reduced setbacks that are essentially setbacks to the wall instead of the outermost projection (OMP). Accordingly, the amendment to the Dwelling House Code is generally consistent with the rest of the MBRC Planning Scheme given the outcome is being approved by Council elsewhere on a Site by Site basis. This approach is consistent with what was approved in the Ausbuild 1 and Ausbuild 2 development approvals.

The proposed amended Table 9.3.1.5 is shown below with the changes being made only in the 9<sup>th</sup> and 10<sup>th</sup> columns from the left.

Setbacks for Warner Road Development										
Height of wall	Frontage Primary			Frontage Secondary to street			Frontage Secondary to Lane To wall and covered car parking space	Side Non-built to boundary (To Wall)	Rear (To Wall)	Trafficable water body to OMP and wall
	To wall	To OMP	To covered car parking space and domestic outbuildings (measured to garage door or support posts).	To wall	To OMP	To covered car parking space and domestic outbuildings (measured to garage door or support posts).				
Less than 4.5m	Min 3m	Min 2m	Min 5.4m*	Min 1.5m	Min 1m	Min 5.4m*	Min 0.5m	Lots <16m wide: Min 1.0m	Lots <16m wide: Min 1.0m	Min 4.5m
								Lots 16m and wider: Min 1.2m	Lots 16m and wider: Min 1.2m	
4.5m to 8.5m	Min 3m	Min 2m	N/A	Min 1.5m	Min 1m	N/A	Min 0.5m	Lots <16m wide: Min 1.0m	Lots <16m wide: Min 1.0m	Min 4.5m
								Lots 16m and wider: Min 1.5m	Lots 16m and wider: Min 1.5m	
Greater than 8.5m	Min 6m	Min 5m	N/A	Min 3m	Min 2m	N/A	Min 0.5m	Lots <16m wide: Min 1.5m	Lots <16m wide: Min 1.5m	Min 4.5m
								Lots 16m and wider: Min 2.0m	Lots 16m and wider: Min 2.0m	

\*Note - The minimum setback to covered car parking spaces may be reduced to 4.5m where:

- the primary or secondary frontage of the lot adjoins a road reserve with a minimum rear verge width of 1m or greater and includes a footpath with a width of 2m or greater;
- the lot has a primary frontage greater than 7.5m and no greater than 10m (Lot type B).

Figure 11: Proposed Amendments to the Dwelling House Code

The variation is therefore seeking to give effect to the varied Dwelling House Code.

In summary, all of the proposed variations are consistent with the rest of the MBRC Planning Scheme.

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**2.3.2.3 Effect of the variations on submission rights**

The current zoning of the land allows a Dwelling House to be erected with setbacks and ancillary buildings such as sheds commensurate with that zoning whereas with the benefit of the variation they would be able to proceed with smaller setbacks with lower limits on the size and scale of ancillary buildings. On this aspect, members of the public would continue to not be able to make a submission and there are no changes to the level of assessment. However, the variation to the General Residential Zone will allow a much higher number / density of Dwelling Houses to be erected than would otherwise be possible in the Rural Residential zone.

As this variation request has been made as part of the development application for a Preliminary Approval for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation concurrently with the development application seeking a Development Permit for Reconfiguring a Lot to subdivide the land into 195 residential lots, members of the public have a clear appreciation and understanding of what is proposed and the future density of development. Being fully informed, the community has had an opportunity to make a submission now with that opportunity no longer existing if the development application is approved. This is reasonable. In addition, the variation request relates only to a limited number of proposed land uses, and therefore other land uses (such as Multiple Dwelling) have not been contemplated and will not receive the benefit of the variation.

Therefore, whilst the proposed variation will remove the opportunity in the future for submissions to be made about Dwelling Houses on the Site, the concurrent applications provide sufficient information to enable members of the public to raise concerns in respect of those uses.

Equally, in respect to the proposed variations to the numerous overlay maps and specific code provisions, the effect of those variations is clear in the development application and opportunities to raise concerns now exist and have been made by submitters. Further, the effect of these changes are inconsequential as the application of the aforementioned varied overlays do not influence the level of assessment and therefore the opportunity for public input remains the same.

**2.3.2.4 Any other matter prescribed by regulation**

The corresponding section 32 of the *Planning Regulation 2017* provides guidance on assessing variation requests specifically in relation to section 61(2)(d) of the *Planning Act 2016*:

**32 Assessing variation requests—Act, s 61**

*For section 61(2)(d) of the Act, an assessment manager must consider the following matters when assessing a variation request, to the extent the matter is relevant to the request—*

- (a) the common material;*
- (b) the regional plan for a region;*
- (c) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;*
- (d) any temporary State planning policy.*



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The common material is a defined term of the *Planning Regulation 2017*, meaning:

**common material**, for a development application, means—

- (a) all the material about the application that the assessment manager receives before the application is decided, including—
  - (i) any material relating to a proposed development application that is substantially similar to the development application as made; and
  - (ii) any material attached to, or given with, the development application; and
  - (iii) any material relating to the application given to the assessment manager after the application is made; and
  - (iv) any referral agency's response, including any advice or comment given by a referral agency and any response given under section 57 of the Act; and
  - (v) any properly made submissions about the application, other than a submission that is withdrawn; and
  - (vi) any other submission about the application that the assessment manager has accepted; and
  - (vii) any other advice or comment about the application that a person gives to the assessment manager; and
- (b) if a development approval for the development is in effect—the approval; and
- (c) an infrastructure agreement applying to the premises.

As part of the development application process, any material relating to, attached to, or given with the development application has been assessed.

All properly made and or accepted submissions were considered throughout the development assessment process.

Accordingly, the development application is compliant with Section 32(a) of the *Planning Regulation 2017*.

The South East Queensland Regional Plan has been considered in Section 3.2.2 of this Assessment Report and accordingly, the development application is compliant with Section 32(b) of the *Planning Regulation 2017*.

The State Planning Policy is considered in Section 3.2.1 of this Assessment Report and accordingly, the development application is compliant with Section 32(c) of the *Planning Regulation 2017*.

No temporary State Planning Policy is applicable to the Site and therefore the development application is compliant with Section 32(d) of the *Planning Regulation 2017*.

Having carried out the assessment of the Variation Request, it has been demonstrated that;

- (a) It is aligned with the proposed uses contained in the Material Change of Use - Preliminary Approval and Reconfiguring a Lot components of the development application; and
- (b) It is consistent with the rest of the MBRC Planning Scheme; and
- (c) The effect of the variation on submitters rights is acceptable as submitters with concerns have had the opportunity to make a submission about this development application; and
- (d) The development application is compliant with the other matters as prescribed in Section 32 of the *Planning Regulation 2017*.

Accordingly, the variation request has demonstrated it warrants favourable consideration.

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### 2.3.3 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
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Next Generation Neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
Environmental Management and Conservation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
Sport and Recreation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
Rural Residential Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
<b>Overlay Codes</b>		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO18, PO19, PO20, PO21, PO22.
<b>Development Codes</b>		
Reconfiguring a lot Code - Rural Residential Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO1, PO3, PO35, PO42, PO69
Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO4, PO8, PO15, PO31, PO32, PO33, PO34, PO66, PO67, PO86, PO87, PO88, PO89, PO90, PO91, PO92.

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 3.3.4.

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2.3.4 Performance Outcome Assessment

Performance Outcome	Example
<b>Reconfiguring a Lot - Rural Residential Zone Code</b>	
<b>PO1</b> Lot size and design maintains the low density character and amenity associated with a rural residential environment by complying with the minimum lot sizes specified in Overlay map – Rural residential lot sizes.	No example provided.
<b>PO3</b> Lot size and design complies with the minimum lot sizes specified in Overlay map - Rural residential lot sizes to: <ol style="list-style-type: none"> <li>accommodate the Dwelling house and associated structures, vehicle access, parking and manoeuvring, private open space and landscaping, and on-site effluent disposal areas;</li> <li>protect land from fragmentation that will inhibit conversion of future growth areas to general residential development;</li> <li>provide transitional areas between lands with different residential densities;</li> <li>ensure new lots are not created in areas affected by coastal hazards;</li> <li>ensure compliance with previous development approvals;</li> <li>provide buffers and limit intensification of development around particular areas, such as but not limited to, extractive industries, agricultural uses, environmentally significant areas, special areas, industrial areas and essential infrastructure;</li> <li>ensure land the subject of future investigation areas is not fragmented.</li> </ol>	No example provided.
<b>Performance Outcome Assessment</b>	
The Site is mapped as no further subdivision as shown on the Overlay map – Rural residential lot sizes. The variation request seeks the removal of the “No Further Reconfiguration” element of the overlay from the entire site with the imposition of the Minimum Lot Size 6,000m <sup>2</sup> element to the portion of the site that is south of Conflagration Creek proposed to be consistent with existing neighbouring Rural Residential houses. As discussed in section 3.3.2.2 above, this	

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Performance Outcome	Example
change is warranted, and the proposed subdivision is consistent with this outcome and the proposal meets the requirements of PO1 and PO3.	
<b>PO35</b> Reconfiguring a lot facilitates the retention of native vegetation by: <ol style="list-style-type: none"> <li>incorporating native vegetation and habitat trees into the overall subdivision design, development layout, on-street amenity and landscaping where practicable;</li> <li>ensuring habitat trees are located outside a development footprint. Where habitat trees are to be cleared, replacement fauna nesting boxes are provided at the rate of 1 nest box for every hollow removed. Where hollows have not yet formed in trees &gt; 80cm in diameter at 1.3m height, 3 nest boxes are required for every habitat tree removed.</li> <li>providing safe, unimpeded, convenient and ongoing wildlife movement;</li> <li>avoiding creating fragmented and isolated patches of native vegetation;</li> <li>ensuring that biodiversity quality and integrity of habitats is not adversely impacted upon but are maintained and protected;</li> <li>ensuring that soil erosion and land degradation does not occur;</li> <li>ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies</li> </ol>	No example provided
<b>Performance Outcome Assessment</b>	
<p>Part of the site was protected by State Government environmental mapping until 7 February 2020. The State Government then amended the planning framework to address a key threat to the koala population in South East Queensland. The new koala conservation planning framework commenced on 7 February 2020 and introduced koala priority areas and core koala habitat areas. In effect, the subject site is wholly mapped as a koala priority area. However, the subject site does not contain areas of core koala habitat. Meaning, no further assessment is required under Schedule 10, Part 10 or Schedule 11 of the <i>Planning Regulation 2017</i>.</p> <p>Accordingly, the proposed development seeks to clear 2,348 non-juvenile koala trees (NJKHT), to be revegetated with 3,114 NJKHT's within the protected Environmental and Conservation Zone. The applicant will rehabilitate the ECM zone using stem density of 625 NJKHTs/hectare, instead of 250NJKHTs/ha which is deemed sufficient for koala offsets under the Nature Conservation (Koala) Conservation Plan and Offset Planning Policy).</p>	

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Performance Outcome	Example
<p>Ground truthed areas containing high ecological significance will be protected and enhanced as part of the ECM Zone. The ECM Zone will be rehabilitated and allow for replacement planting of any NJKHT's that will be required to be cleared as part of the development. The proposed rehabilitation will increase the amount of NJKHT's within the site and allow for connectivity to further rehabilitated Koala Habitat Movement corridors north of the site. This will be achieved through fauna movement measures such as a fauna underpass under Warner Road and the provision of Koala exclusion fencing to direct koala's away from high traffic areas.</p> <p>The overall green infrastructure strategy developed for the proposal involves the protection, retention, and restoration of a 100m wide riparian reserve along Conflagration Creek through the central portion of the site that will protect and enhance the habitat connection through and external to the Site (the Environmental Management Conservation zone).</p> <p>A condition of approval requires an amended vegetation retention plan for the Rural Residential component of the development limiting clearing necessary for approved building envelopes only. No additional clearing is permitted without prior consent from Council.</p> <p>The proposed development will result in the removal of 17 identified habitat trees. A condition of approval requires the applicant will provide 51 nest boxes in the EMC Zone.</p> <p>On balance, the proposal meets the requirements of PO35.</p>	
<p><b>PO42</b> Lots are designed to:</p> <ol style="list-style-type: none"> <li>minimise the extent of encroachment into the MLES waterway buffer or a MLES wetland buffer;</li> <li>ensure quality and integrity of biodiversity and ecological values is not adversely impacted upon but are maintained and protected;</li> <li>incorporate native vegetation and habitat trees into the overall subdivision design, development layout, on-street amenity and landscaping where practicable;</li> <li>provide safe, unimpeded, convenient and ongoing wildlife movement;</li> <li>avoid creating fragmented and isolated patches of native vegetation;</li> <li>ensuring that soil erosion and land degradation does not occur;</li> <li>ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies.</li> </ol>	<p>Reconfiguring a lot ensures that no additional lots are created within a Value Offset Area.</p>
<p><b>Performance Outcome Assessment</b></p> <p>The overall green infrastructure strategy developed for the proposal involves the protection, retention, and restoration of a 100m wide riparian reserve along Conflagration Creek through the</p>	

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Performance Outcome	Example
<p>central portion of the site that will protect and enhance the habitat connection through and external to the Site (encompassing the MLES waterway).</p> <p>The proposed development has been designed and sited to not impact on the identified MLES waterway buffer through the central portion of the site (distance of 20m from the banks of W3 waterway), can provide safe, unimpeded, convenient and ongoing wildlife movement by establishment of Environmental Management and Conservation zone.</p> <p>Accordingly, on balance the proposal meets the requirements of PO42.</p>	
<p><b>PO69</b></p> <p>Lots are designed to:</p> <ol style="list-style-type: none"> <li>minimise the extent of encroachment into the riparian and wetland setback</li> <li>ensure the protection of wildlife corridors and connectivity</li> <li>reduce the impact on fauna habitats</li> <li>minimise edge effects;</li> <li>ensure an appropriate extent of public access to waterways and wetlands.</li> </ol>	<p>Reconfiguring a lot ensures that:</p> <ol style="list-style-type: none"> <li>no new lots are created within a riparian and wetland setback;</li> <li>new public roads are located between the riparian and wetland setback and the proposed new lots.</li> </ol>
Performance Outcome Assessment	
<p>The overall green infrastructure strategy developed for the proposal involves the protection, retention, and restoration of a 100m wide riparian reserve along Conflagration Creek through the central portion of the site that will protect and enhance the habitat connection through and external to the Site (encompassing the MLES waterway).</p> <p>The Riparian Reserve will be connected with more heavily vegetated areas to the south of the Site and to the rehabilitated areas to the north of the Site and will help to achieve an ecological connection that is consistent with the Moreton Bay Regional Council Green Infrastructure Network Strategic Framework map.</p> <p>On balance, the proposal meets the requirements of PO69.</p>	

Performance Outcome	Example
Flood Hazard Overlay Code	
<p><b>PO18</b></p> <p>Development is compatible with the intolerable or tolerable level of risk of the flood hazard applicable to the premises such that reconfiguring a lot for creating lots by subdividing another lot:</p> <ol style="list-style-type: none"> <li>in the High risk area, is only for the purposes of Park or Permanent plantation unless: <ol style="list-style-type: none"> <li>in the Rural residential zone where; the minimum lot size for each rural residential lot is</li> </ol> </li> </ol>	<p>No example provided.</p>

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Performance Outcome	Example
<p>provided outside the High risk area; or</p> <p>ii. in the Rural zone; or</p> <p>b. in the Medium risk area, is only for the purposes of Park or Permanent plantation unless:</p> <p>i. in the Centre zone, Industry zone, Recreation and open space zone, or Township zone, where not for a residential purpose or vulnerable use (flood and coastal); or</p> <p>ii. in the Rural zone; or</p> <p>iii. in the Rural residential zone, where the minimum lot size for each rural residential lot is provided outside the Medium risk area; or</p> <p>iv. in any other zone, where all resultant lots are located outside the High risk or Medium risk area other than those for the purposes of Park or Permanent plantation; or</p> <p>c. In the Balance flood planning area, is consistent with the overall outcomes of the applicable zone and precinct.</p>	
<p><b>PO19</b></p> <p>Development is designed to ensure personal safety at all times such that:</p> <p>a. flood immunity up to the Flood planning level is achieved;</p> <p>b. the road layout avoids isolation in a flood hazard event and does not impede evacuation;</p> <p>c. signage is utilised to ensure that community members have a clear understanding of the nature of the flood risk in the area.</p>	<p><i>If the ground level is to be filled to the Flood planning level as permitted by Table 8.2.2.4 'Fill Requirements'</i></p> <p><b>E19.1</b></p> <p>Development ensures that the finished ground level for all additional lots (excluding a Park) complies with the requirements of Table 8.2.2.4 'Fill Requirements'.</p> <p><b>E19.2</b></p> <p>Development ensures that the road and pathway layout:</p> <p>a. ensures residents are not physically isolated from an adjacent flood-free urban area;</p> <p>b. provides a safe and clear evacuation route path by:</p> <p>i. locating entry points into the development above the requirements set out in Appendix C of the Planning scheme policy - Integrated design and avoiding cul-de-sac or other non-permeable layouts;</p>

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Performance Outcome	Example
	<p>ii. direct and simple routes to a main carriageway.</p> <p><b>E19.3</b> Development in a greenfield area protects a flood conveyance area by providing an easement or reserve over the area of the premises up to the Defined Flood Event.</p> <p><b>E19.4</b> Development ensures that a new road and development access are provided in accordance with the requirements set out in Appendix C of the Planning scheme policy - Integrated design.</p> <p><b>E19.5</b> Development ensures that:</p> <ul style="list-style-type: none"> <li>a. signage is provided on a road or pathway indicating the position and path of all safe evacuation routes off the premises;</li> <li>b. if the premises contains or is within 100m of a waterway, hazard warning signage and depth indicators are provided at each key hazard point, such as at a waterway crossing or an entrance to a low-lying reserve.</li> </ul> <p><i>If the ground level is to be filled other than as permitted by Table 8.2.2.4 'Fill Requirements'</i></p> <p>No example provided.</p>
<p><b>PO20</b> Development ensures that infrastructure (excluding a road):</p> <ul style="list-style-type: none"> <li>a. is located outside of the High risk flood hazard area and Medium risk flood hazard area; or</li> <li>b. is otherwise located in the High risk flood hazard area or Medium risk flood hazard area to function during and after all flood hazard events up to and including the Defined Flood Event.</li> </ul>	<p><i>If in the Balance flood planning area</i></p> <p><b>E20</b> Development ensures that:</p> <ul style="list-style-type: none"> <li>a. any component of infrastructure which is likely to fail to function or may result in contamination when inundated by flood is located above the Flood planning level; or</li> <li>b. infrastructure is designed, located and constructed to resist the hydrostatic and hydrodynamic forces as a result of inundation by the Defined Flood Event.</li> </ul> <p><i>If in the High risk area or Medium risk area</i></p> <p>No example provided.</p>
<p><b>PO21</b> Reconfiguring a lot does not result in:</p> <ul style="list-style-type: none"> <li>a. directly, indirectly and cumulatively cause any increase in water flow velocity or level;</li> <li>b. increase the potential for erosion, scour or flood damage either on the premises or other premises, public land, watercourses, roads</li> </ul>	<p><i>If in the Balance flood planning area</i></p> <p><b>E21</b> All earthworks are undertaken outside of the Defined Flood Event, or where required to regularise allotment shape, earthworks are undertaken in accordance with Planning scheme policy – Flood hazard, Coastal hazard and Overland flow.</p> <p><i>If in the High risk area or Medium risk area</i></p>



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Performance Outcome	Example
<ul style="list-style-type: none"> <li>or infrastructure or elsewhere in the floodplain;</li> <li>c. change the timing of the flood wave or impact on flood warning times</li> <li>d. adverse impacts on the local drainage and the flood conveyance of a waterway;</li> <li>e. increased flood inundation of surrounding properties;</li> <li>f. any reduction in the flood storage capacity of the floodplain and any clearing of native vegetation.</li> </ul>	No example provided.
<p><b>PO22</b> Development ensures that works complies with the requirements of Table 8.2.2.4 'Fill Requirements' and does not:</p> <ul style="list-style-type: none"> <li>a. directly, indirectly and cumulatively cause any increase in water flow velocity or level;</li> <li>b. increase the potential for erosion, scour or flood damage either on the premises or other premises, public land, watercourses, roads or infrastructure or elsewhere in the floodplain;</li> <li>c. change the timing of the flood wave or impact on flood warning times;</li> <li>d. adverse impacts on the local drainage and the flood conveyance of a waterway;</li> <li>e. increased flood inundation of surrounding properties;</li> <li>f. any reduction in the flood storage capacity of the floodplain and any clearing of native vegetation.</li> </ul>	No example provided.
<b>Performance Outcome Assessment</b>	
<p>The variation application seeks to vary the effect of the Flood Hazard Area Overlay Code to include a new Drainage Investigation Area for Lot 2 RP 118172, Lot 5-7, 9 &amp; 10 RP 79062 &amp; Lot 2 SP 121774, as "Figure 8.2.2.13 Warner" and seeks to make variations to the corresponding references in the code and level of assessment tables. A Drainage Master Plan will then be approved which, by way of sufficient technical information, removes the application of the Flood Hazard Area Overlay from the General Residential Zone - Next Generation Neighbourhood Precinct, as discussed in greater detail in Section 3.8 of this Assessment Report.</p> <p>The proposal therefore accords with the requirements of Performance Outcomes PO18 to PO22.</p>	

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Performance Outcome	Example
<b>Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct</b>	
<b>PO3</b> <b>Reconfiguring a lot provides for a variety of housing options, by way of a mix of lot sizes and dimensions consistent with the medium density character of the precinct, whilst facilitating delivery of diversity within the streetscape.</b>	<b>E3.1</b> For reconfiguring a lot which creates in excess of 5 new lots, a mix of lot types in accordance with 'Table 9.4.1.6.3.3 - Lot Types' are to be incorporated into the development as follows: <ul style="list-style-type: none"> <li>• 5 - 10 lots - 2 lot types</li> <li>• 11 - 20 lots - 3 lot types</li> <li>• 21 - 50 lots - 4 lot types (must include lot type A)</li> <li>• &gt;50 lots - 5 lot types (must include lot type A)</li> </ul>
	<b>E3.2</b> For reconfiguring a lot which creates in excess of 20 new lots, the following minimum percentages of lot types in accordance with 'Table 9.4.1.6.3.3 - Lot Types' apply: <ul style="list-style-type: none"> <li>• Lot Type A - 10% of new lots and Lot Type F - 5% of new lots; or</li> <li>• Lot Type A - 15% of new lots and Lot Type F - 2% of new lots; or</li> <li>• Lot Type A - 15% of new lots and Lot Type B - 15% of new lots.</li> </ul>
<b>Performance Outcome Assessment</b>	
<p>The proposal only provides three lot types, being types C, D and E. As such the proposal does not comply with the requirements nominated in Examples E3.1 and E3.2.</p> <p>Relevantly, Performance Outcome PO1 of the code requires development to achieve a minimum of 11 lots per hectare (maximum of 25) with the Suburban neighbourhood precinct for comparison limited to a maximum of 11 lots per hectare. This proposed development has a density of 11.65 lots per hectare (based on 21.8ha being all land proposed to have the General Residential Zone, Sport and Recreation Zone and Environmental Management and Conservation zone applied to it in this application as suggested by the Council's Planning Scheme Policy for Neighbourhood Design). This therefore highlights that the density of the proposed development is on the very low side of what is envisaged for the proposed Next Generation Neighbourhood Precinct and only slightly above the maximum for the Suburban Neighbourhood Precinct.</p> <p>A theme of a number of submissions against the proposal was that the area is made up primarily of rural residential allotments and that the area should promote lots as large as feasible. This is represented in the type E lots fronting Warner Road.</p> <p>While the proposal does not provide the complete range of lot widths contemplated by the Next Generation Neighbourhood precinct. However, in this instance the lot type mix is sufficient based on its location on the edge of rural residential development that also provides a sufficient variety of housing options and diversity within the streetscape. Therefore, the proposal accords with the requirements of PO3.</p>	

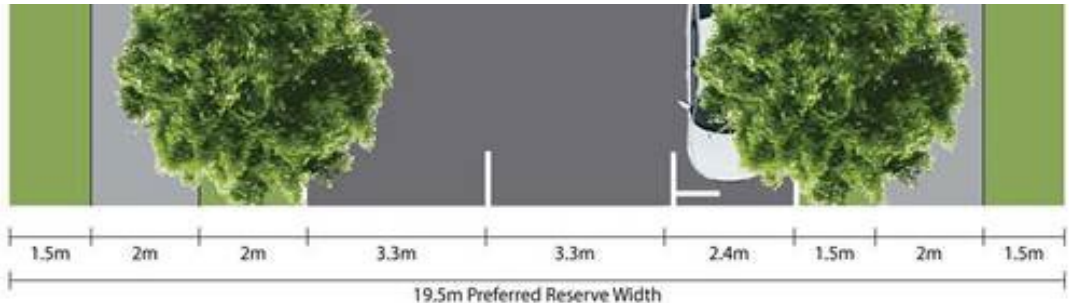
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Performance Outcome	Example
<b>PO4</b> <b>A range of different lots are distributed throughout the development with no one lot type concentrated within a single location, to create diversity within the streetscape and minimise conflicts between vehicle access and on street parking.</b>	<b>E4.1</b> Where not accessed via a laneway, a maximum of 4 adjoining lots of the same type in accordance with 'Table 9.4.1.6.3.3 - Lot Types' are proposed where fronting the same street.
<i>Performance Outcome Assessment</i>	
<p>The proposal provides a group of 6 and a group of 9 lot type E's fronting Warner Road which does not accord with the requirements of Example E4.1.</p> <p>As mentioned in the assessment of PO3, a common theme of the submissions against the proposal was that the area is made up primarily of rural residential allotments and that the area should promote lots as large as feasible. This is represented in the type E lots fronting Warner Road.</p> <p>In this instance, the proposal provides a sufficient range of lots throughout the development creating diversity whilst avoiding the imposition of lot type A's and B's and therefore meets the requirements of PO4.</p>	

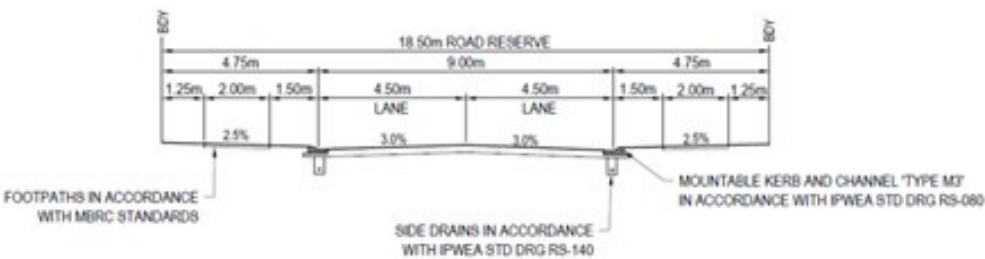
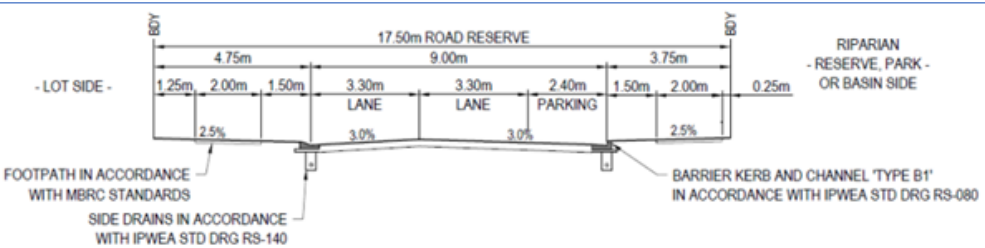
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Performance Outcome	Example
<p><b>PO8</b> Lot layout and design avoids the impacts of cutting, filling and retaining walls on the visual and physical amenity of the streetscape, each lot created and of adjoining lots ensuring, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>a. The likely location of private open space associated with a Dwelling House on each lot will not be dominated by, or encroached into by built form outcomes such as walls or fences;</li> <li>b. Walls and/or fences are kept to a human scale and do not represent barriers to local environmental outcomes and conditions such as good solar access and access to prevailing breezes; and</li> <li>c. The potential for overlooking from public land into private lots is avoided wherever possible; and</li> <li>d. Lot design is integrated with the opportunities available for Dwelling House design to reduce impacts.</li> </ul>	<p><b>E8.1</b> Lot layout and design ensures that a lot has a maximum average slope of 1:15 along its long axis and 1:10 along its short axis.</p> <p><b>E8.2</b> Retaining walls and benching and associated cutting, filling and other earthworks associated with reconfiguring a lot are limited to:</p> <ul style="list-style-type: none"> <li>a. a <b>maximum</b> vertical dimension of 1.5m from ground level for any single retaining structure; or</li> <li>b. where incorporating a retaining structure greater than 1.5m in height, the retaining wall is stepped, terraced and landscaped as follows: <ul style="list-style-type: none"> <li>i. <b>maximum</b> 1m vertical, minimum 0.5m horizontal, maximum 2m vertical (refer figure below);</li> <li>ii. <b>Maximum</b> overall structure height of 3m; or</li> </ul> </li> <li>c. where <b>incorporating</b> benching along the short axis (from side to side boundary) of a lot: <ul style="list-style-type: none"> <li>i. The difference between levels at each boundary is no greater than 4m per lot;</li> <li>ii. each bench has a maximum height of 2m (refer Figure below); or</li> </ul> </li> <li>d. where <b>incorporating</b> benching along the long axis (from front to rear boundary): <ul style="list-style-type: none"> <li>i. each bench has a maximum height of 2m;</li> <li>ii. lots orientate up/down the slope (refer Figure below)</li> </ul> </li> </ul>
<i>Performance Outcome Assessment</i>	
<p>Given the topography of the site, the proposed retaining throughout the site does not accord with the requirements of Example E8.2.</p> <p>Subject to a condition ensuring adequate terracing throughout the proposal with landscaping, the proposal can be made to comply with the Performance Outcome.</p>	

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Performance Outcome	Example
<p><b>PO15</b> Streets are designed and constructed in accordance with Planning scheme policy - Integrated design and Planning scheme policy - Operational works inspection, maintenance and bonding procedures. The street design and construction accommodates the following functions:</p> <ul style="list-style-type: none"> <li>a. access to premises by providing <b>convenient</b> vehicular movement for residents between their homes and the major road network;</li> <li>b. safe and convenient pedestrian and cycle movement; adequate on street parking;</li> <li>c. stormwater drainage paths and treatment facilities;</li> <li>d. efficient public transport routes; e. utility services location;</li> <li>e. emergency access and waste collection;</li> <li>f. setting and approach (streetscape, landscaping and street furniture) for adjoining residences;</li> <li>g. expected traffic speeds and volumes; and</li> <li>h. wildlife movement (where relevant).</li> </ul>	No example provided.
<b>Performance Outcome Assessment</b>	
<p>In relation to the 18.5m wide Contemporary Residential roads, the applicant proposed to reduce the rear verge by 0.25m on each side which was not agreed with. This was in addition to reducing the front verge on one side to 1.5m which was acceptable (refer images below).</p> 	

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Performance Outcome	Example
	 <p><b>18.50m MODIFIED CONTEMPORARY RESIDENTIAL - TYPICAL SECTION</b></p>  <p><b>17.50m MODIFIED CONTEMPORARY RESIDENTIAL FRONTING RIPARIAN RESERVE, PARK OR BASIN - TYPICAL SECTION</b></p>
Council officers had a similar concern with the proposed 17.5m road reserve fronting the riparian reserve, park or basin. The applicant proposed to reduce the rear verge to 0.25m.	
A condition of approval requiring amendment has been included to increase these rear verges and therefore the proposal meets the requirements of PO15.	
<b>PO31</b> A hierarchy of Park and open space is provided to meet the recreational needs of the community.	No example provided.
<b>PO32</b> Park is to be provided within walking distance of all new residential lots.	No example provided.
<b>PO33</b> Park is of a size and design standard to meet the needs of the expected users.	No example provided.
<b>PO34</b> Parks are designed and located to be safe and useable for all members of the community with high levels of surveillance, based on Crime Prevention Through Environmental Design principles, and access.	<b>E34.1</b> Local and district Parks are bordered by streets and lots orientated to address and front onto Parks and not lots backing onto or not addressing the Park wherever possible.
	<b>E34.2</b> Where lots do adjoin local and district Parks, and fencing is provided along the Park boundary, it is located within the lot and at a maximum height of 1m.
	<b>E34.3</b> The design of fencing and retaining features allows for safe and direct pedestrian access between the Park and private allotment through the use of

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Performance Outcome	Example
	private gates and limited retaining features along Park boundaries.
<i>Performance Outcome Assessment</i>	
A local park is proposed within the Site. The proposal achieves compliance with the Performance Outcomes as well as the Desired Standards of Service in the Council's Local Government Infrastructure Plan (LGIP).	
Accordingly, the proposal meets the requirements of PO31-PO34.	
<b>PO66</b> No new boundaries are located within 2m of High Value Areas.	No example provided
<b>PO67</b> Lots are designed to: a. minimise the extent of encroachment into the MLES waterway buffer or a MLES wetland buffer; b. ensure quality and integrity of biodiversity and ecological values is not adversely impacted upon but are maintained and protected; c. incorporate native vegetation and habitat trees into the overall subdivision design, development layout, on-street amenity and landscaping where practicable; d. provide safe, unimpeded, convenient and ongoing wildlife movement; e. avoid creating fragmented and isolated patches of native vegetation; f. ensuring that soil erosion and land degradation does not occur; g. ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies. <b>AND</b> Where development results in the unavoidable loss of native vegetation within a MLES waterway buffer or a MLES wetland buffer, an environmental offset is required in accordance with the environmental offset requirements identified in Planning scheme policy - Environmental areas	<b>E67</b> Reconfiguring a lot ensures that no additional lots are created within a Value Offset Area.
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The overall green infrastructure strategy developed for the proposal involves the protection, retention, and restoration of a 100m wide riparian reserve along Conflagration Creek through the central portion of the site that will protect and enhance the habitat connection through and external to the Site (encompassing the MLES waterway).</p> <p>The Riparian Reserve will be connected with more heavily vegetated areas to the south of the Site and to the recently rehabilitated areas to the north of the Site and will help to achieve an ecological connection that is consistent the Moreton Bay Regional Council Green Infrastructure Network Strategic Framework map.</p> <p>Ground truthed areas containing high ecological significance will be protected and enhanced as part of the proposed ECM Zone. The ECM Zone will be rehabilitated and allow for replacement planting of any NJKHT's that will be required to be cleared as part of the development. The proposed rehabilitation will increase the amount of NJKHT's within the site and allow for connectivity to further rehabilitated Koala Habitat Movement corridors north of the site. This will be achieved through fauna movement measures such as a fauna underpass under Warner Road and the provision of Koala exclusion fencing to direct koala's away from high traffic areas.</p> <p>The proposed development seeks to clear 2,348 non-juvenile koala trees (<b>NJKHT</b>), to offset the clearing it is proposed to rehabilitate the Environmental and Conservation Zone with 3,114 NJKHT's. The applicant will rehabilitate the ECM zone using stem density of 625 NJKHTs/hectare, instead of 250NJKHTs/ha which is deemed sufficient for koala offsets under the Nature Conservation (Koala) Conservation Plan and Offset Planning Policy).</p> <p>On balance, the application meets the requirements of PO66 and PO67.</p>	
<p><b>PO86</b> Development:</p> <ul style="list-style-type: none"> <li>a. minimises the risk to persons from overland flow;</li> <li>b. does not increase the potential for damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure.</li> </ul>	No example provided.
<p><b>PO87</b> Development:</p> <ul style="list-style-type: none"> <li>a. maintains the conveyance of overland flow predominantly unimpeded through the premises for any event up to and including the 1% AEP for the fully developed upstream catchment;</li> <li>b. does not concentrate, intensify or divert overland flow onto an upstream, downstream or surrounding property.</li> </ul>	<p><b>E87</b> Development ensures that any buildings are not located in an Overland flow path area.</p>
<p><b>PO88</b> Development does not:</p> <ul style="list-style-type: none"> <li>a. directly, indirectly or cumulatively cause any increase in overland flow velocity or level;</li> <li>b. increase the potential for flood damage from overland flow either</li> </ul>	No example provided.



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Performance Outcome	Example
on the premises or on a surrounding property, public land, road or infrastructure.	
<b>PO89</b> Development ensures that overland flow is not conveyed from a road or public open space onto a private lot, unless the development is in a Rural zone	<b>E89</b> Development ensures that overland flow paths and drainage infrastructure is provided to convey overland flow from a road or public open space area away from a private lot, unless the development is in the Rural zone.
<b>PO90</b> Development ensures that Council and inter-allotment drainage infrastructure, overland flow paths and open drains through private property cater for overland flows for a fully developed upstream catchment flows and are able to be easily maintained.	<b>E90.1</b> Development ensures that roof and allotment drainage infrastructure is provided in accordance with the following relevant level as identified in QUDM: a. Urban area – Level III; b. Rural area – N/A; c. Industrial area – Level V; d. Commercial area – Level V. <b>E90.2</b> Development ensures that all Council and allotment drainage infrastructure is designed to accommodate any event up to and including the 1% AEP for the fully developed upstream catchment.
<b>PO91</b> Development protects the conveyance of overland flow such that easements for drainage purposes are provided over: a. a stormwater pipe if the nominal pipe diameter exceeds 300mm; b. an overland flow path where it crosses more than one property; and c. inter-allotment drainage infrastructure.	No example provided
<b>PO92</b> <b>Development for a Park ensures that the design and layout responds to the nature of the overland flow affecting the premises such that:</b> a. <b>public benefit and enjoyment is maximised;</b> b. <b>impacts on the asset life and integrity of park structures is minimised;</b> c. <b>maintenance and replacement costs are minimised.</b>	<b>E92</b> Development for a Park ensures works are provided in accordance with the requirements set out in Appendix B of the Planning scheme policy - Integrated Design.
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
	<p>A Stormwater Management Plan has been submitted in support of the development proposal demonstrating substantial compliance with the Performance Outcomes however as some minor amendments to the report are necessary, it is recommended that if the proposal is approved that it be conditioned to require an amended Stormwater Management Plan be submitted to Council for approval.</p> <p>A local park is proposed within the Site. The proposal achieves compliance with the Performance Outcomes as well as the Desired Standards of Service in the Council's Local Government Infrastructure Plan (LGIP).</p> <p>The proposal will meet the requirements of Performance Outcomes PO86-PO92.</p>

### 2.3.5 Overall Outcome Assessment

Due to the nature of the development application, the proposal is required to be assessed against the applicable Overall Outcomes of the codes as follows noting that the assessment has been limited to only those applicable to the proposal.

Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	Yes	The proposal provides for a density of 11.65 dwellings per hectare. When considering the proposal holistically, the lower density rural residential type lots south of Conflagration Creek and the Suburban Neighbourhood type lots (>600m <sup>2</sup> ) fronting Warner Road are desirable to ensure the proposal is commensurate with the existing rural residential character of the area and therefore, a slight noncompliance with the density requirements is an acceptable outcome and therefore subject to that limitation complies with Overall Outcome a.
b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.	Yes	The proposal provides lots ranging from 325m <sup>2</sup> to 828m <sup>2</sup> which supports both housing diversity and affordability.
c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity	Yes	The lot layout provided accords with the Planning Scheme and provides well-connected, safe and convenient movement through interconnected streets.
f. General works associated with the development achieves the following:	Yes	Assessed as part of detailed development application and will be reflected in the recommended conditions of any approval.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
<ul style="list-style-type: none"> <li>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</li> <li>ii. the development manages stormwater to: <ul style="list-style-type: none"> <li>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</li> <li>B. prevent stormwater contamination and the release of pollutants;</li> <li>C. maintain or improve the structure and condition of drainage lines and riparian areas;</li> <li>D. avoid off-site adverse impacts from stormwater.</li> </ul> </li> <li>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</li> <li>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</li> <li>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</li> </ul>		

Based on the assessment above, on balance, the proposal as limited by the recommended conditions of approval is consistent with the Overall Outcomes of the codes.

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In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. The other relevant matters to which regard may be had in the assessment of the proposed development, are discussed in section 3.8 of this report.

## 2.4 Trunk Infrastructure

In accordance with section 4 of the MBRC Planning Scheme, the Site is not located in the identified Priority Infrastructure Area (PIA) in the Council's Local Government Infrastructure Plan (LGIP). The development application seeks a Preliminary Approval for various land uses and a variation to vary the effect of the planning scheme in addition to the reconfiguring a lot component and therefore charges are to be levied.

In addition, as the site and its road frontages are not included in the PIA in the LGIP, any land or works would not have the automatic benefit of an offset. Further, the application does not have the benefit of the Lot 2 and 54 Warner Road Infrastructure Agreement 2020 between Moreton Bay Regional Council and Ausbuild Development Corp Pty Ltd (CAN 168 741 455).

Infrastructure charges applying to the Site, where applicable, are therefore to be applied in accordance with the Council's Charges Resolution No. 10 that commenced on 5 October 2022 (CR).

### 2.4.1 Levied Charge

In accordance with Council's Charges Resolution No. 10, a Levied Charge is applicable to the development proposal and has been calculated as shown below identifying any applicable credits.

### 2.4.2 Levied Charge Credit

In accordance with section 3.2 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. Accordingly, the credit available under this option is \$0.00

#### (b) Lawful use of land

There is record of previous uses of the land being six (6) existing Dwelling Houses. Accordingly, the credit available under this option is \$18,648.00 x 6 = \$111,888.00.

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(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

**2.4.3 Levied Charge Offset or Refund**

The Site is not affected by a Trunk Infrastructure requirement.

**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:

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

And

- (b) The development will impose additional trunk infrastructure costs on Council after taking into account either or both of the following:
  - (i) the levied charge for the development; and
  - (ii) trunk infrastructure provided, or to be provided by the applicant.

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**

In accordance with section 89 of the *Planning Act 2016*, any approval is required to be noted on Schedule 4 of the MBRC Planning Scheme, as the development approval would be a variation approval given under section 61 of the *Planning Act 2016*.

**2.6 Referrals**

**2.6.1 Council Referrals**

**2.6.1.1 Development Engineering**

***Traffic, Access & Parking***

1. Generally, the development application is compliant with MBRC PSP requirements and recommended for approval, with below comments:
  - a. At least the first 6.0m of Driveway 1 (serving Lots 420 & 421) is to be provided with a 5.5m width to allow for two-way movements;
  - b. Re-locate the bin pad areas for proposed Lots 110, 111, 112, 119, 120 and also demonstrate that the Council refuse collection vehicle (12.5m HRV) is able to service them in a forward gear from the new road;
  - c. Pedestrian footpath connection (about 40m long) fronting Lot 1 RP118172 connecting the subject site frontage (west side) with footpath/pram ramp fronting Lot 11 SP128360 (east side).

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2. To prevent development construction traffic passing through the rural residential area to the west and to address resident concerns, it is recommended that the development be conditioned to limit construction vehicle access from Coorparoo Road only.
3. Traffic Impact Assessment report is to be amended to include all subsequent correspondence as agreed and accepted by Council following/in response to the Council's information request letter dated 28 Jan 2022.

### **Stormwater / Flooding**

4. The proposed development works demonstrate that they will achieve no-worsening of the upstream and downstream waterways through the implementation of the Drainage Master Plan referenced as 19-0190DMP01-V2 dated 08/09/22 by Colliers (Peak Urban).
5. Site Specific Stormwater Management Plan (SMP) referenced as 19-0190SMP01-V4 dated 10/11/22 by Colliers (Peak Urban) is demonstrating that stormwater quality, quantity including overland flow coming to the site is appropriately captured and handled within the subject development site and then discharged to the lawful point of discharge. Below comments are relevant,
  - a. Three bio-retention basins along the urban lots fringe (within the Riparian Reserve) and 15m long swale drain along the Warner Road reserve are adequately sized to effectively mitigate the pollutant loads (SPP) generated from the Next Gen lots from/within the subject site development area.
  - b. Due to limited accessibility to 10m swales as designed/proposed just downstream of both outlets within Riparian Zone, may not provide long-term functioning due to silt/debris built up, outlets may get blocked or may end up any other maintenance unforeseen issue.
  - c. Considering constraints of the site, it is required that the New Road 10 (extension of Lamaur Street) is constructed/provided with bio-street tree pods to provide the stormwater quality solutions to accord with SPP/MBRC PSP. Amended SMP including MUSIC Modelling file is required demonstrating that this new road achieves stormwater quality criteria.
  - d. It is demonstrated that the development will appropriately catch the north-west Q100 overland flow coming to the subject site within the proposed drainage basin (Lot 2004) by constructing new stormwater infrastructure within Warner Road reserve. This effectively maintains the safe passage of flows through the site. These flows will then convey to Conflagration Creek through underground pipelines within new roads.
  - e. Overland flow coming to site along southern boundary is demonstrated that it is allowed to enter the site (as existing) and being intercepted/captured within the new road to continue then discharging to the Conflagration Creek.
6. It is agreed that Lamaur Street extension (Road 10) will be designed such that major flow (in excess of Q10) will flow through the existing Lamaur Street reserve towards east. Alternatively, it is acceptable that underground pipeline within proposed Lot 501 is to be designed to accommodate Q100 flows, and new road reserve is to be designed accordingly. Any stormwater infrastructure, located within the private lots must be covered within easement in favour of Council.

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**Earthworks**

7. A geotechnical assessment of the site locality area locating batters steeper than 1:2 is required, to demonstrate that all batters steeper than 1:2 within the flood plain is provided with long term stability and does not pose any risk in terms of washing away, erosion, etc in major flood events.

**Others**

8. Engineering Service Report is to be amended to include all subsequent correspondence as agreed and accepted by Council following/in response to Council's information request letter dated 28 Jan 2022.

**2.6.1.2 Environmental Planning**

**MNES**

The applicant has proposed to refer the proposed development to Department of Climate Change, Energy, the Environment and Water (DCCEEW) as a controlled action under the EPBC Act.

It should be noted that a referral to DCCEEW under the EPBC Act is not mandatory under the SPP2017 and the ultimate risk of not referring the action when there is potential to impact a matter of National Ecological Significance lies solely with the proponent.

Ground truthed areas containing high ecological significance will be protected and enhanced as part of the ECM Zone.

The ECM Zone will be rehabilitated and allow for replacement planting of any NJKHT's that will be required to be cleared as part of the development. The proposed rehabilitation will increase the amount of NJKHT's within the site and allow for connectivity to further rehabilitated Koala Habitat Movement corridors within the north of the site. This will be achieved through fauna movement measures such as a fauna underpass under Warner Road and the provision of Koala exclusion fencing to direct koala's away from high traffic areas.

**MSES**

The Queensland Government has amended the planning framework to address a key threat to koala populations in South East Queensland. The new koala conservation planning framework commenced on 7 February 2020 and introduced koala priority areas and core koala habitat areas.

The subject site is wholly mapped as koala priority area. However, the subject site does not contain areas of Core Koala habitat. Therefore, no further assessment is required under Schedule 10, Part 10 or Schedule 11 of the *Planning Regulations 2017*

Despite there being no core koala habitats on site, there are habitats on neighbouring properties to north and south of the boundary, that may be affected by the development. The applicant provided a response addressing the Schedule 11, Part 2, assessment benchmarks under the Planning Regulations 2017 regardless of there being no trigger to do so under the *Planning Regulation 2017*.

Given the urban nature of the development and that no part of the application is proposed over the mapped KHA, no impacts from the proposed application is anticipated as a result of this application.

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The proposed development seeks to clear 2,348 non-juvenile koala trees (**NJKHT**), to offset the clearing it is proposed to rehabilitate the Environmental and Conservation Zone with 3,114 NJKHT's. The applicant will rehabilitate the ECM zone using stem density of 625 NJKHTs/hectare, instead of 250NJKHTs/ha which is deemed sufficient for koala offsets under the Nature Conservation (Koala) Conservation Plan and Offset Planning Policy).

**MLES**

Revegetating the EMC Zone in the Central portion of the Site is one of the proposed development's mitigation measure. The Riparian Reserve will be connective with more heavily vegetated areas to the south of the Site and to the rehabilitated areas to the north of the Site and will help to achieve an ecological connection identified by the Moreton Bay Regional Council Green Infrastructure Network Strategic Framework map.

Significant new habitat will be created for koala and many other significant species that mitigates the minor residual impacts of the proposed development. In fact, the proposed revegetation will overcompensate for development impacts, and deliver a significant net environmental gain.

**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 3 May 2022.
- (b) The development application was advertised in the BuySearchSell on 3 May 2022.
- (c) A notice in the prescribed form was posted on the relevant land on 3 May 2022 and maintained for a period of 30 business days until 16 June 2022.

**2.7.2 Submissions Received**

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		19
	Petition		
Not Properly Made	Letter, Email, Fax		1
	Petition		
Total			20



ITEM 3.1 DA/2021/5241 - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LO - 65856252 (Cont.)

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

Assessment of Submissions
<p><b>Issue</b></p> <ul style="list-style-type: none"> <li>Inconsistent with the surrounding Rural Residential zoned land</li> </ul>
<p><b>Discussion</b></p> <p>The Site is located in proximity to major centres, employment areas, community and recreation facilities and major transport corridors. As mentioned in section 1 of this Assessment Report, the Council has undertaken an investigation of the WIA which informed Council's proposal for a major amendment to the MBRC Planning Scheme to include the land (including the Site) in the Emerging Community Zone. The investigation recognised the suitability of the land (including the Site) for residential purposes. An assessment of the proposed land uses and subdivision for the purposes of the development application has also determined them to be appropriate, subject to addressing the relevant criteria in the MBRC Planning Scheme (addressed earlier in this Assessment Report). The proposed variation is consistent with these land uses and the proposed lot layout and therefore the proposed development does not compromise the long-term intent of this area.</p> <p>Further, the site is zoned Rural Residential and is affected by the Rural residential lot sizes overlay map specifying that the site should not be subject to further rural residential reconfiguration. The Purpose of the Rural Residential zone code states at overall outcome 3.e. that "Development does not fragment, pre-empt or compromise the potential for development in areas identified as potential future growth fronts for urban purposes beyond the life of the planning scheme". A note below this outcome then states; "The potential future growth areas are shown on Overlay map - Rural residential lot sizes as having no further subdivision". Therefore, the identification of the site on the Rural Residential Lot Size Overlay as no further reconfiguration is an indicator of the intent for the site as being a potential future growth area.</p> <p>The proposal includes Rural Residential lots south of Conflagration Creek which represents a border between the Next Generation Neighbourhood and Rural Residential.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue</b></p> <ul style="list-style-type: none"> <li>Proposed lot sizes are too small to have useable private open space areas</li> <li>No allotments fronting Warner Road</li> </ul>
<p><b>Discussion</b></p> <p>Council notes the submitters point regarding the lots being too small for useable private open space. The proposal is consistent with the Reconfiguring a Lot Code - General Residential zone, Next Generation Neighbourhood precinct applied across the MBRC. The proposal is contiguous and consistent with other development approvals of the same nature in the direct vicinity. In addition, despite being contemplated and promoted by the MBRC Planning Scheme for the Next Generation Neighbourhood Precinct, the proposal does not include any Lot Type A or Lot Type B lots with the development having a density not too distant from the maximum allowed in the suburban neighbourhood precinct.</p> <p>In respect to lots fronting Warner Road, this is an outcome sought by the planning scheme to activate the road and provide casual surveillance of the street. The lots will be able to be safely accessed and there are no traffic conflict concerns.</p>

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<b>Assessment of Submissions</b>
Therefore, these matters are not sufficient grounds for refusal of the development application.
<b>Issue</b> <ul style="list-style-type: none"> <li>Lack of community consultation</li> <li>Placement of public advertising signs</li> </ul>
<b>Discussion</b> <p>There is no legislative obligation requiring a developer to undertake community consultation outside of, or in addition to, the statutory Public Notification process that was undertaken for this application. It is at the discretion of the developer as to how much additional community consultation they undertake in addition to whatever their statutory obligations under the <i>Planning Act 2016</i>.</p> <p>The applicant has followed the development assessment process as outlined in the <i>Planning Act 2016</i> and the Development Assessment Rules.</p> <p>Therefore, these matters are not sufficient grounds for refusal of the development application.</p>
<b>Issue</b> <ul style="list-style-type: none"> <li>The degradation of the local flora and fauna</li> <li>Creation of a climate hot spot</li> </ul>
<b>Discussion</b> <p>Refer to the response above made in respect to Koalas and section 3.6.1.2 of this report where the Environmental Planning assessment of this development proposal is made.</p> <p>This is not sufficient grounds to warrant refusal of the development application.</p>
<b>Issue</b> <ul style="list-style-type: none"> <li>Congestion of traffic on Paddy Road</li> <li>Traffic issues generally (access, rat runs, speed etc.)</li> <li>Not enough on-street car parking provided throughout the development</li> <li>Unsafe site access</li> <li>Active transport should be provided south through Terben Street</li> </ul>
<b>Discussion</b> <p>The signalisation of Coorparoo Road with South Pine Road will be delivered by the applicant to alleviate both the impacts on the road network directly east of the development and the long-term impacts on the surrounding road network (both local and State controlled). Further, the proposed frontage works and upgrade to Warner Road east of the development along with signalised Coorparoo Road intersection with South Pine Road will provide an improved and more direct access to the major road network and limited development traffic is anticipated to travel west.</p> <p>On street car parking is provided in accordance with the requirements of the MBRC Planning Scheme.</p> <p>Significant assessment has been undertaken in respect to all traffic and transport considerations as part of this and the Preceding and Neighbouring Approvals as a result of the proposal and meets the requirements of Council Engineers and the Planning Scheme.</p>

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### Assessment of Submissions

Active transport south through Terben Street was not the preferred active transport link. Instead, an active transport link from the extension of Lamour Street through the EMC Zone to the Next Generation Neighbourhood precinct was preferred.

This is not sufficient grounds for refusal of the application.

### Issue

- Lack of sufficient infrastructure

### Discussion

In relation to roads, the signalisation of Coorparoo Road with South Pine Road will be delivered by the applicant as part of the Ausbuild 1 development to alleviate both the impacts on the road network directly east of the development and the long-term impacts on the surrounding road network (both local and State controlled). The proposed frontage works and upgrade to Warner Road east of the development along with a signalised Coorparoo Road intersection with South Pine Road will provide an improved and more direct access to the major road network and limited development traffic is anticipated to travel west. Upgrading of Warner Road to the west of the development is not required.

Significant assessment has been undertaken in respect to all traffic and transport considerations as a result of the proposal as detailed in this Assessment Report.

In relation to public transport, this proposal does not warrant a new public transport route (i.e. busses) directly servicing only the Site. There are existing public transport routes on South Pine Road which will service the development in addition to the existing infrastructure in the Strathpine, Brendale and Albany Creek suburbs. The development also provides the opportunity for Translink to introduce a bus route if demand warrants it.

Therefore, this matter is not sufficient grounds for refusal of the development application.

### Issue

- Flooding of Conflagration Creek

### Discussion

Refer to section 3.8 of this report. This matter is not sufficient grounds for refusal of the development application.

### Issue

- Negative influence on property values

### Discussion

The perceived reduction in property values of the existing surrounding neighbourhoods is outside of the scope of development application assessment.

Therefore, these matters are not sufficient grounds for refusal of the development application.

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**2.7.3 Notice of Compliance**

The Notice of Compliance was received by Council on 17 June 2022. 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**

**2.8.1 Drainage Master Plan**

Development for a material change of use not involving a dwelling house, reconfiguring a lot or operational work of premises in the General residential zone – Next generation precinct in a Drainage investigation area requires the preparation of a Drainage Master Plan. The variation component of this development application proposes to include the land into a Drainage Investigation Area.

The Drainage Master Plan will be prepared by the following:

- a) the Council in which case it will be adopted by the Council and included in Appendix 1 of the planning scheme policy; or
- b) the applicant for a development approval and approved by the Council as part of the development approval for the development.

The Drainage Master Plan prepared by the applicant is to identify all planning and design standards and outcomes, regulatory provisions, works and land transfers necessary to implement a stormwater management solution which will mitigate flood hazard on the Site and within the Drainage investigation area sufficient to support the proposed development and meet the relevant provisions and outcomes of the Flood hazard overlay code.

The intent of the Drainage Master Plan is to provide an overarching plan which coordinates land use, built form and infrastructure in a manner that provides clear direction on the development capability of the Drainage investigation area, sets out infrastructure (including mitigation infrastructure) requirements and responsibilities, and addresses the risk to which the area is subject.

The Drainage Master Plan is to document a detailed hydraulic analysis of the proposed stormwater drainage system which is required to support the development and is to be prepared in conjunction with the requirements of the Stormwater Management Planning Scheme Policy and the Integrated Design Planning Scheme Policy.

In accordance with Officer Recommendation D of this Assessment Report, it is recommended to amend the Flood Hazard Area Overlay Code to include a new Drainage Investigation Area for Lot 2 RP195936, Lot 2 RP105475 and Warner Road as "Figure 8.2.2.13 Warner" as well as amendments to corresponding references in the code and level of assessment tables.

The submitted Drainage Master Plan has been reviewed and accepted by Council officers as satisfying PSP - Stormwater Management and Flood Hazard Overlay Code PO27 & PO28. It is recommended that the development be conditioned to undertake the drainage works as identified in the approved Drainage Master Plan.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

The applicant (and submitter/s) have appeal rights in accordance with the *Planning Act 2016*.

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3.2 Corporate Plan / Operational Plan

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

**Our Well-planned Places:**

03 Our communities have access to safe, affordable and diverse living choices.

04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

3.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Region 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 ☒ Nil identified

3.6 Financial Implications

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.

3.7 Economic Benefit Implications

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 Human Rights Implications

Under the *Human Rights Act 2019* (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Refer to clause 2.7.

**SUPPORTING INFORMATION**

**Ref: [65819865](#), [65856254](#), [65904346](#), [65904348](#), [64633056](#)**

The following list of supporting information is provided for:

**ITEM 3.1**

**DA/2021/5241 - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LO**

**#1 Aerial**

**#2 Zoning Map**

**#3 Locality Plan**

**#4 Conditions**

**#5 Approved Plans**

**#6 Plans to be amended**

**#7 Submissions**

**ITEM 3.2**

**DA/37068/2018/V2L - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, DUAL OCCUPANCY, DWELLING UNIT, HOME BASED BUSINESS, MULTIPLE DWELLINGS, RETIREMENT FACILITY, RESIDENTIAL CARE FACILITY, RELOCATABLE HOME PARK, PARK, SALES OFFICE, SHOP (CORNER STORE < 250M2), MARKET, TELECOMMUNICATIONS FACILITY, UTILITY INSTALLATION (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) - 123 KREMZOW ROAD, WARNER QLD 4500**

**APPLICANT:** Mordar Investments Pty Ltd

**OWNER:** Mordar Investments Pty Ltd

**Meeting / Session:** 3 WELL-PLANNED PLACES  
**Reference:** 65906361: 8 November 2022 – *Refer Supporting Information 65906391, 65906394, 65906403, 65906409 & 62589799*  
**Responsible Officer:** WM, Principal Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Mordar Investments Pty Ltd
<b>Lodgement Date:</b>	5 October 2018
<b>Properly Made Date:</b>	8 October 2018
<b>Confirmation Notice Date:</b>	22 October 2018
<b>Information Request Date:</b>	1 November 2018
<b>Info Response Received Date:</b>	5 November 2019
<b>Public Notification Dates:</b>	8 November 2019 to 19 December 2019
<b>No. of Submissions:</b>	Properly Made: 189 Not Properly Made: 5
<b>Decision Due Date:</b>	14 December 2022

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 9
<b>Property Address:</b>	123 Kremzow Road, Warner
<b>RP Description</b>	Lot 2 SP271748 Lot 901 SP271748
<b>Land Area:</b>	Lot 2 SP271748: 317,700m <sup>2</sup> Lot 901 SP271748: 8,256m <sup>2</sup> Total: 32.59ha
<b>Property Owner</b>	Mordar Investments Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	<i>Moreton Bay Regional Council Planning Scheme v3</i>
<b>Planning Locality / Zone</b>	Industry Zone – Mixed Industry and Business Precinct
<b>Level of Assessment:</b>	Impact Inconsistent

This matter is brought to the attention of Council under the **Well-Planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a Well-planned region.

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*ITEM 3.2 DA/37068/2018/V2L - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, DUAL OCCUPANCY, DWELLING UNIT, HOME BASED BUSINESS, MULTIPLE DWELLINGS, RETIREMENT FACILITY, RESIDENTIAL CARE FACILITY, RELOCATABLE HOME PARK, PARK, SALES OFFICE, SHO - 65906361 (Cont.)*

This matter is presented to the Council for decision as it involves a Variation to the Council's Planning Scheme and Council officers do not have delegation to decide these types of development applications. Therefore, Council is the only entity authorised to decide the development application.

This development application seeks a Preliminary approval for a Material Change of Use for Dwelling House, Dual Occupancy, Dwelling Unit, Home Based Business, Multiple Dwelling, Retirement Facility, Residential Care Facility, Relocatable home park, Park, Sales Office, Shop (corner store < 250m<sup>2</sup>), Market, Telecommunications facility, Utility installation (including a variation request to vary the effect of the MBRC Planning Scheme 2016) at 123 Kremzow Road, Warner (**Site**).

The application was publicly advertised for 30 business days from 8 November 2019 to 19 December 2019 with 194 submissions received, 5 of which were not properly made with all but 1 submission opposed to the proposal. Having assessed the development application and considered submissions made in respect to the development application, it is the recommendation of Council officers to approve the development application in part subject to conditions.

## OFFICER'S RECOMMENDATION

- A. That Council approve the development application for a Preliminary Approval for a Material Change of Use, only for the following uses;
- (i) Dwelling House;
  - (ii) Dual Occupancy;
  - (iii) Home Based Business;
  - (iv) Park;
  - (v) Sales Office; and
  - (vi) Multiple Dwelling in a limited single location on the site
- at 123 Kremzow Road, Brendale described as Lot 2 SP271748 and Lot 901 SP271748, subject to the Conditions contained in Annexure A to this report and that in accordance with section 60(6) of the *Planning Act 2016* the other uses including Multiple Dwelling elsewhere on the site other than the approved single location, are taken to be refused; and
- B. That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in Annexure B to this report, as amended as outlined in the assessment report;
- C. That a Decision Notice be given to the applicant about the decisions made under Items A and B that is to include the information contained in Annexure C to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons; and
- D. That once the development approval takes effect, that under section 89 of the *Planning Act 2016* the development is to be noted on the Moreton Bay Regional Council Planning Scheme due to the approval including a variation approval given under section 61 of the *Planning Act 2016*; and that a notice be given of the notation and the premises to which the note relates to the Chief Executive.



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*ITEM 3.2 DA/37068/2018/V2L - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, DUAL OCCUPANCY, DWELLING UNIT, HOME BASED BUSINESS, MULTIPLE DWELLINGS, RETIREMENT FACILITY, RESIDENTIAL CARE FACILITY, RELOCATABLE HOME PARK, PARK, SALES OFFICE, SHO - 65906361 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Section 3.13.4.4.1.9 of the Planning Scheme identifies the Warner Investigation Area (**WIA**), bounded by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the west as an area for further investigations to determine its development potential and future use. The majority of the area, in the vicinity of Warner Road and to the south, is expected by the planning scheme to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner. The Investigation Area is mapped on the Planning Scheme Strategic Framework Map.

As a result of this designation within the Planning Scheme, Council commenced a structure planning process with landowners in the WIA, Unity Water and the Department of Transport and Main Roads. It was subsequently concluded as a result of that work that subject to appropriate upgrading of the existing infrastructure networks, that parts of the area were suitable for urban residential development. A major amendment to the Planning Scheme was then commenced by the previous Council that would, inter alia, include land in the WIA (including the Site) within the Emerging Community Zone (Transition Precinct). As a consequence of public consultation and community feedback on the draft amendment, the area to be included was reduced to that generally north of Conflagration Creek only. The Emerging Community Zone (Transition Precinct) would have identified the land as suitable for future urban development subject to infrastructure servicing limitations or site constraints.

On 14 December 2017, MBRC formally resolved to proceed with the major amendment to its planning scheme including the WIA amendments. The whole of the proposed major amendment to the Planning Scheme was refused by the State Government in October 2018. Relevantly, the letter of decision by the Minister to the Council makes no specific reference to the WIA but instead more broader matters.

As a result, and since then, MBRC has seen individual landowners lodge separate and concurrent development applications for residential uses on land contained in the WIA. Four variation applications have been approved for land contained within the WIA to date; three Ausbuild developments on the northern side of Warner Road and the AVID approval directly east of this site (Figure 1). In addition, another variation application is under assessment by Council officers being Ausbuild's development south of Warner Road.

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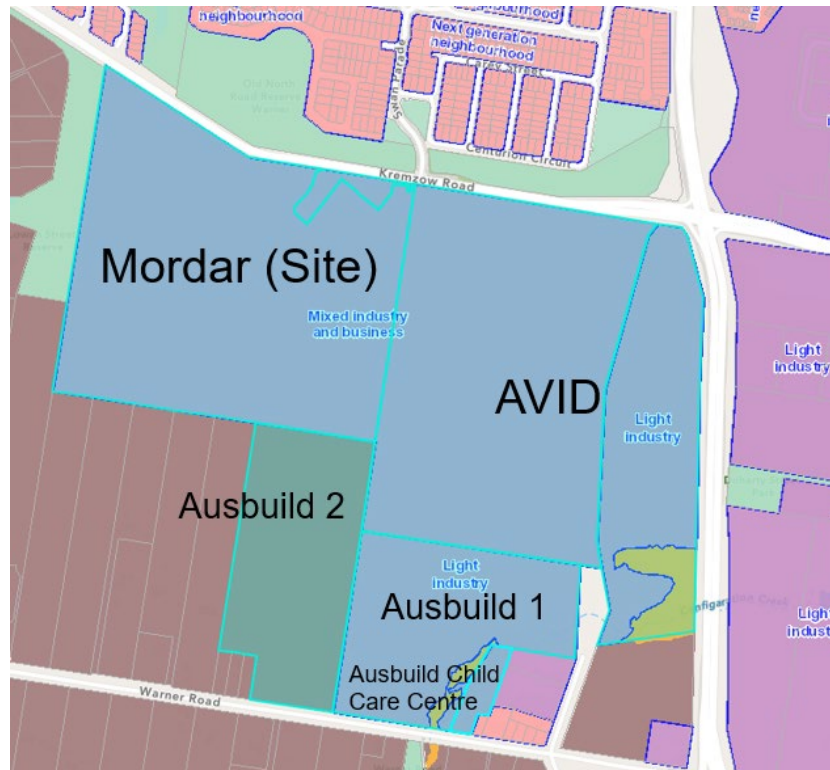


Figure 1: Approved and Under Assessment

Figure 2 shows the approved and proposed zoning for the area north of Warner Road, south of Kremzow Road and west of Old North Road.



Figure 2: Approved and proposed zonings

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Given the transition that the area within the WIA has experienced from materially industrial zoned land to residential over recent years, it is the Council officers view that the site is more suitable for residential purposes - particularly when considering:

- the separation distances from potential industrial type uses and the residential type uses which are currently and will be constructed over the coming years in the surrounding developments;
- the existing Warner Lakes Residential Estate - Dwelling Houses directly to the north;
- the Ausbuild residential subdivisions to the south;
- the remediated Clay Quarry approved to be developed into a residential subdivision directly east and the boundary between industrial and residential land that Old North Road provides; and
- Lowan Street Reserve and the existing Rural Residential Dwelling Houses to the west.

In addition, the existing Light Industry and Mixed Industry and Business zone land west of Old North Road, south of Kremzow Road and north of Warner Road was not included in the Urban Area Employment Land Investigation (**UAELI**) Report of 2022 as the land is within a designated Investigation Area and therefore envisaged by the Scheme to be the subject of further investigations by Council as to its potential future use. In this regard, on 2 November 2022, Council decided to progress its draft Better Housing amendment to the current MBRC planning scheme by referring the draft amendment to the state government for its initial review. The draft amendment is subject to change during this time however relevantly, within it, it proposes to amend the Warner Investigation Area boundary to refine the Council's position on future urban growth and development in the area, in response to planning investigations and community consultation previously undertaken in 2017 as mentioned above.

## Proposal

This application lodged by the applicant seeks a preliminary approval, including a variation request to the MBRC Planning Scheme, to carry out a variety of uses on the Site. In order to achieve the various uses on Site, this application seeks a Preliminary approval for a Material Change of Use for;

- (i) Dwelling House;
- (ii) Dual Occupancy;
- (iii) Dwelling Unit;
- (iv) Home Based Business;
- (v) Multiple Dwellings;
- (vi) Retirement Facility;
- (vii) Residential Care Facility;
- (viii) Relocatable home park;
- (ix) Park;
- (x) Sales Office;
- (xi) Shop (corner store < 250m<sup>2</sup>);
- (xii) Market;
- (xiii) Telecommunications facility; and
- (xiv) Utility installation.

The variation component of the development application seeks to vary the zoning of the site from Industry zone - Mixed industry and business precinct to General residential zone - Next generation neighbourhood precinct, Open Space and Recreation Zone and Environmental Management and Conservation zone as shown in Figure 3.

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Figure 3: Proposed Land Use Plan

The proposal is also supported by a proposed Structure Plan that has been presented by the applicant to assist in providing guidance on the future development of the site (refer to Figure 4). As discussed in the report, changes to the plan will be necessary and will therefore need to be amended if any development approval is given. It is also necessary to understand that any designations beyond the boundaries of the site are indicative only as the application does not apply to that land and therefore cannot regulate or control the use of that land.

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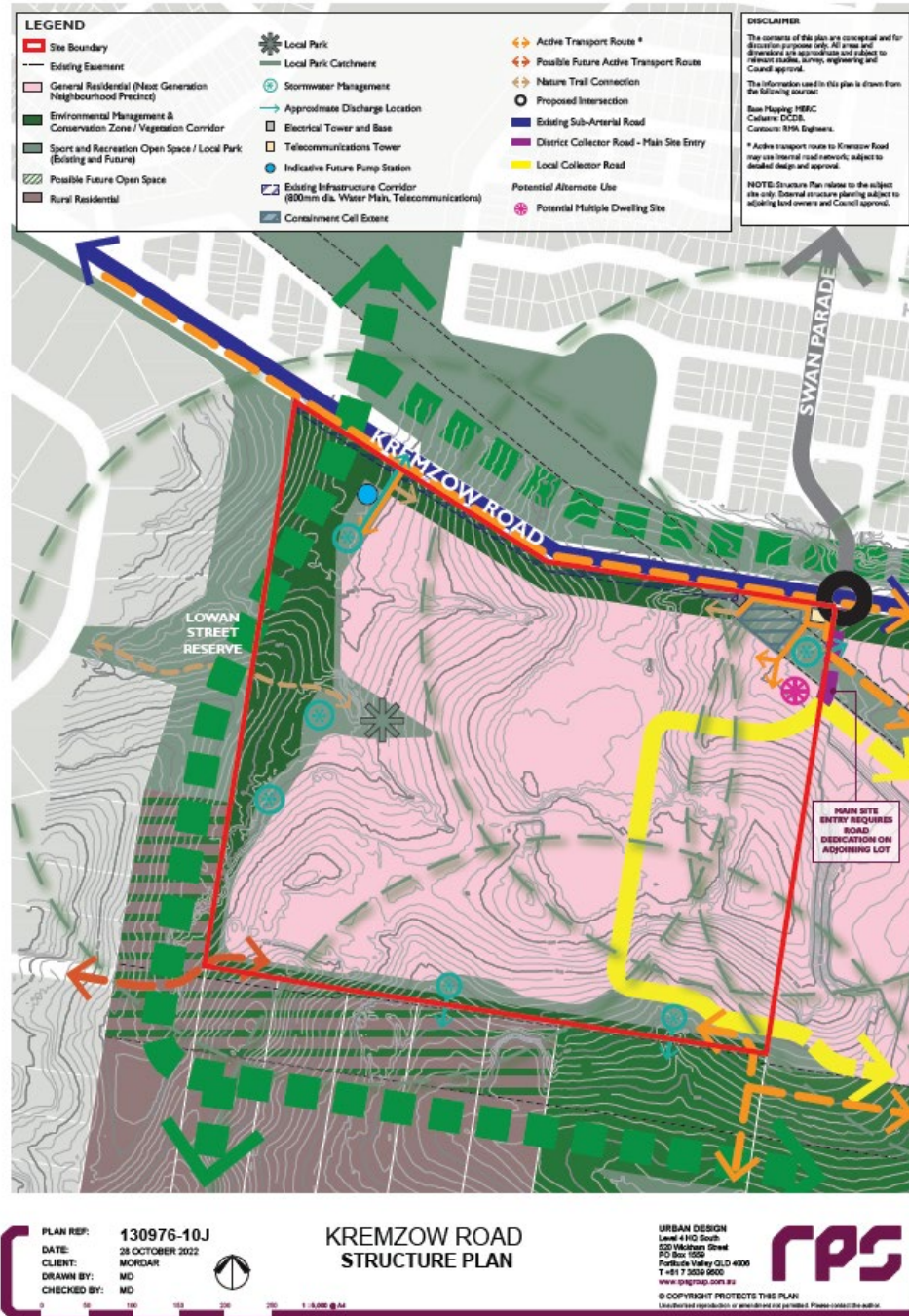


Figure 4 - Proposed Structure Plan



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While it is acknowledged that all of the proposed uses sought in the development application are ordinarily Code Assessable in the General Residential Zone- - Next Generation Neighbourhood Precinct, it is necessary that Council consider the proposed uses in the context of the location and having regard to submissions received. As discussed in section 3.3.1.2 of this report, it is the recommendation of Council officers that only some of the uses be supported. Should any of the other requested uses be sought ultimately, based on the recommendations of this report they would not be able to rely on this variation and would therefore remain as Impact Assessable development.

The application also seeks to vary the effect of the following overlays:

- (vi) Building Height Overlay;
- (vii) Environmental Areas Overlay;
- (viii) Bushfire Hazard Overlay; and
- (ix) Riparian and Wetland Setbacks Overlay.

The requested variation to the building heights overlay reduces the maximum building height from 15m to 12m in part and 8.5m for the balance of the Site. The neighbouring approvals have instead reduced the maximum building height from 15m to 8.5m. Relevantly, parts of the Site are higher in elevation than the adjoining land and therefore given the prominence of the land (in elevation). Council officers are of the view that an 8.5m height applied universally across the site is more consistent with the expectations for the area. This is also discussed later in this report in more detail.

Council was briefed on 8 November 2022 for the purpose of sharing information and providing advice/updates to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*A report to be submitted to a General Meeting for Council's consideration of development application DA/37068/2018/V2L.*

## 2. Explanation of Item

### 2.1 Description of the Site and Surrounds

The Site is located within close proximity to a diverse range of land uses such as:

- Land to the south currently being developed for Next Generation Residential purposes;
- Former extractive resources to the east (AVID) - now approved for Next Generation Residential purposes;
- The Warner Lakes residential estate to the north; and
- Rural residential uses and environmental conservation to the west and south-west.

The Site is also located in close proximity to transport infrastructure and services including:

- Strathpine Train Station located approximately 3km to the north-east; and
- Strathpine Retail/Commercial Area (Strathpine Centre) located approximately 3km to the north-east.

Directions	Planning Scheme Zone	Current Land Use
North	General Residential - Next Generation Neighbourhood Precinct	Warner Lakes Residential Estate - Dwelling Houses
South	Rural Residential & General Residential - Next	Vacant and being developed by Ausbuild into a residential subdivision.

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Directions	Planning Scheme Zone	Current Land Use
	Generation Neighbourhood Precinct	
East	General Residential - Next Generation Neighbourhood Precinct	Remediated Clay Quarry to be developed into a residential subdivision
West	Rural Residential	Rural Residential Dwelling Houses

## 2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes Assessment Benchmarks that the assessment 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
- Schedules 10 of the Regulation.

<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u> <ul style="list-style-type: none"> <li>State Planning Policy, Part E</li> </ul> <u>Regional Plan</u> <ul style="list-style-type: none"> <li>South East Queensland Regional Plan</li> </ul> <u>From Schedule 10 of the Regulation:</u> <ul style="list-style-type: none"> <li>Part 10: Koala Habitat Area</li> </ul>
<b>SEQ Regional Plan Designation:</b>	Urban Footprint
<b>Koala Habitat Designation:</b>	Priority Koala Assessable Development Area

### (i) *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	(4) Development is located, designed, constructed and	The nature of the application in seeking a

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	<p>operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> <li>(e) altered stormwater quality and hydrology</li> <li>(f) waste water</li> <li>(g) the creation or expansion of non-tidal artificial waterways</li> <li>(h) the release and mobilization of nutrients and sediments.</li> </ul> <p>(5) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(6) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	<p>Preliminary Approval for land uses and a variation to the planning scheme cannot address this issue at this time that will instead be addressed with any future application seeking a Development Permit for Reconfiguring a Lot.</p>
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <ul style="list-style-type: none"> <li>(8) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is: <ul style="list-style-type: none"> <li>(e) coastal dependent development; or</li> <li>(f) temporary, readily relocatable or able to be abandoned development; or</li> <li>(g) essential community infrastructure; or</li> <li>(h) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</li> </ul> </li> <li>(9) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</li> </ul> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(10) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks</p>	<p>The variation is seeking to give effect to an updated Bushfire Hazard Overlay. As discussed in greater detail in the environmental planning comments in section 3.6.1.3 of this Report, the proposed bushfire and landslide hazard overlay mapping is not supported as currently presented and will require amendment as a recommended condition of approval.</p> <p>Accordingly, the proposal has been determined to comply subject to the application of the amended conditions of approval.</p>



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	<p>to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(11) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(12) 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>(13) 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>(14) 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>	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

(ii) *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.

(iii) *Schedule 10, Schedule 10, Part 10 of the Regulation – Koala Habitat Area*

The site is located in a Koala Priority Area and has Koala Habitat applying to the western part of the site.

Refer to section 3.6.1.3 of this report for the assessment against the Regulation.

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 strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the MBRC Planning Scheme.

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The Strategic Framework is based on a 20-year planning horizon and is based on Council's analysis of the issues and opportunities facing the region including State interests, the application of the *South East Queensland Regional Plan 2009-2031* (SEQ Regional Plan 2009) provisions to the Region, and Council's strategic direction for the future. Although each theme has its own section, the strategic framework is to be read in its entirety as the policy direction for the planning scheme. The vision for the Region is expressed through a series of twelve themes in the Strategic Framework based on the desired regional outcomes in the SEQ Regional Plan.

Section 13.4 of the Strategic Framework, specific to the Place Type Model states;

*It is intended where applications are made for impact assessment Council will use this section to assess such applications.*

The Site is located within the Coast and Riverlands and Enterprise and Employment Area Place Types of the MBRC Planning Scheme while also being identified as an Investigation Area.

While an assessment against section 13.4 has been made, an assessment has also been made against those Strategic Outcomes applicable to the proposal and is discussed as follows:

Strategic Outcome	Comply	Assessment
<b>Theme - Sustainability and Resilience</b>		
<p><i>Design and site development and infrastructure using sustainability and urban design principles to reflect the Region's subtropical climate, reinforce local character and achieve innovation and design excellence.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>All development, including buildings and infrastructure, will incorporate subtropical design principles, including orientation, siting and passive climate control, in the planning, design and delivery process to minimise land consumption and service costs and improve design of new development;</li> <li>The design and orientation of all buildings and allotments will take advantage of the Region's climate and reduce the use of energy, especially for cooling and heating, in accordance with sub-tropical design principles and climate smart initiatives;</li> <li>The level of water and energy consumption will be reduced by:</li> </ol>	Yes	<p>The proposal seeks a Material Change of Use - Preliminary Approval for various land uses and a Variation to the planning scheme to apply different zones to the land. Accordingly, there is no specific building design elements to the proposal submitted.</p> <p>The following items of infrastructure are required to be upgraded / provided as part of the development in the future with varying timings of delivery:</p> <ul style="list-style-type: none"> <li>Land transferred to the community to improve environmental values and corridors, particularly with respect to Koalas.</li> <li>A Local Recreation Park;</li> <li>A future bus route is required to be designed and constructed including a connection between any site access on Kremzow Road and the site directly to the east of the subject site.</li> <li>All movements intersection on Kremzow Road at Swan parade intersection.</li> </ul>

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Strategic Outcome	Comply	Assessment
<ul style="list-style-type: none"> <li>a. encouraging the use of climate smart initiatives;</li> <li>b. implementing the Moreton Bay Regional Council's Total Water Cycle Management Plan; and</li> <li>c. avoiding land use change and development that has adverse impacts on land, water and air quality and is associated with environment, health and safety concerns; and</li> </ul> <p>4. Development outcomes are focused on creating multiple benefits to the community, the economy and the environment.</p>		<p>The infrastructure items are delivered to minimise land consumption and service costs, which in turn, will improve the design of the new development.</p> <p>The development outcomes will result in a future developer lodging a development application seeking a development permit that will assist in the delivery of affordable residential housing to help meet the housing needs of the community while also providing rehabilitated / revegetated land to the community for environmental purpose.</p>
<p><i>Greenhouse gas emissions are reduced from development, land management and other planning decisions in the region.</i></p> <p><u>Specific Outcomes</u></p> <ul style="list-style-type: none"> <li>1. Support relevant sustainable/ alternative energy strategies, policies and projects that assist in the production of a decentralised energy grid and support smart grid initiatives;</li> <li>2. Incorporate planning and design measures in development, land management and other planning decisions to reduce greenhouse gas emissions in accordance with climate smart design principles, Next Generation Planning handbook planning principles and smart growth principles;</li> <li>3. Reduce greenhouse gas emissions from transport fuel consumption by adopting patterns of urban development that reduce the need to travel and the distance travelled and by facilitating an increase in provision of active and public transport alternatives;</li> <li>4. Improve energy efficiency through siting, design, construction and use of demand management technologies to reduce greenhouse gas emissions from electricity use;</li> <li>5. Increase the local provision of renewable energy and low emission technology in appropriate locations;</li> </ul>	Yes	<p>The site is currently zoned as Industry under the MBRC Planning Scheme and therefore the proposed development reflects the principles of reducing greenhouse gas emissions by providing an opportunity where active transport infrastructure can be provided.</p> <p>A requirement of the SARA's response is that a future bus route be designed and constructed including a connection between any site access on Kremzow Road and Old North Road.</p> <p>In summary, the proposal is in alignment with the outcome where a detailed assessment can occur in the future when any Development Permit is sought.</p>

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Strategic Outcome	Comply	Assessment
<p>6. Increase stored carbon through the retention or planting of trees or other vegetation, and other land management practices that also provide sustainability and amenity outcomes; and</p> <p>7. Develop urban and peri-urban agriculture strategies, policies and projects that support local sustainable commercial and community food growing in the region to assist in reducing emissions and transport costs.</p>		
<p><i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;</li> <li>2. Respond to the risk from natural hazards, including projected changes in weather, by establishing adaptation strategies to minimise vulnerability to heatwaves and high temperatures, reduced and more variable rainfall, cyclones and severe winds, and severe storms and hail; and</li> <li>3. Recognise and respond to changes in urban climates due to land use conversion and urban heat island effect from increased development intensity.</li> </ol>	Yes	<p>The single critical natural hazard applicable to the Site is bushfire, the overlay map of which is proposed to be varied as part of this application.</p> <p>A recommendation is to amend the proposed Bushfire Hazard Overlay map to align with the vegetation which will be retained / provided as a part of this approval.</p>
<p><i>Identify people, economic sectors and areas that are at risk due to oil supply vulnerability and increase their resilience to the effects of oil supply vulnerability.</i></p> <p><u>Specific Outcomes</u></p>	Yes	<p>The proposed development responds to oil supply vulnerability by providing the opportunity for active transport infrastructure in future development and being located in an area in close proximity to commercial and employment centres, schools and the like.</p>

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Strategic Outcome	Comply	Assessment
<p>Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by:</p> <ol style="list-style-type: none"> <li>Designing development to encourage walking, cycling and public transport use to access local shopping facilities and employment locations, and early provision of public transport services;</li> <li>ensuring transport infrastructure and service investment actively reduces oil dependence, particularly for trips that could be undertaken by public or active transport; and</li> <li>reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities.</li> </ol>		<p>A requirement of the SARA's response, is a future bus route is required to be designed and constructed including a connection between any site access on Kremzow Road and Old North Road.</p>
<p><i>The adverse effects of development on land, air quality and noise levels are avoided in the first instance, mitigated and managed to within acceptable levels and environmental harm is avoided.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>Development minimises the adverse effects of land degradation;</li> <li>In areas where land degradation has occurred, the land is restored to a healthy, self-sustainable and stable condition;</li> <li>Development does not lead to adverse impacts on air quality by contamination; and</li> <li>Development does not lead to environmental harm or nuisance through unacceptable levels of noise.</li> </ol>	Yes	<p>As part of the Variation to the MBRC Planning Scheme, an area is proposed to be zoned Environmental and Conservation Zone.</p> <p>Given the proposed uses and nature of this application, no Noise Impact Assessment was required as it is expected that noise emissions as a result of any future development application for a use would be low and consistent with the amenity of the area with potential that it would be better than what the current industrial zoning of the land provides for.</p>
<b>Theme - Natural Environment and Landscape</b>		
<p><i>Biodiversity and associated ecosystem services of the Moreton Bay Region will be protected, managed and enhanced, and resilience of ecosystems (including sub-tidal ecosystems) to the impacts of changing weather patterns and other environmental challenges will be maximised.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>The Region's current network of protected areas will be conserved and expanded to achieve viable</li> </ol>	Yes	<p>An Ecological Assessment Report (<b>EAR</b>) has been prepared for the site by Litoria Consulting (Project No. 1476, Version 5.1), dated 4th November 2019. The EAR concluded that retained vegetation in the west of the site is identified as a critical area of nature conservation importance, as this area contains intact contiguous remnant vegetation (i.e. RE12.9-10.17/12.3.11), key fauna habitat features (i.e. provides habitat for forest dependent species such as Yellow footed Antechinus and forest dependant</p>

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Strategic Outcome	Comply	Assessment
<p>representations of all the Region's currently identified and future regional ecosystems to ensure biodiversity resilience and ongoing provision of ecosystem services;</p> <p>2. Ecological connectivity to improve ecological robustness and resilience to changing weather patterns and other threats will be maintained and improved through retention of native vegetation, managed regrowth and rehabilitation; the use of mechanisms such as development offset and mitigation contributions and non-planning scheme measures such as voluntary agreements and Land for Wildlife programs;</p> <p>3. The green infrastructure network within the urban footprint will be incorporated into the design of development in a way that complements and supports the intended urban design outcomes for the relevant place and also allows for an ongoing supply of ecosystem services to the community and to conserve biodiversity values. In order of priority the actions to be taken are:</p> <ol style="list-style-type: none"> <li>protection of existing natural areas or land adjacent to natural areas not already protected in perpetuity;</li> <li>rehabilitation of degraded natural areas; then</li> <li>habitat enhancement of priority species and ecosystems; and</li> </ol> <p>4. Where an area within the green infrastructure network is not incorporated into the design of development but is allowed to be cleared, the effect of this clearing may be required to be offset in an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, Section 11.3 Offset receiving site location hierarchy.</p>	<p>Comply</p>	<p>bird species), including koala habitat and the presence of an ephemeral watercourse.</p> <p>The vegetation in the west of the site is also identified as core north-south environmental corridor through the site which links fauna habitat within the southern half of Warner with native vegetation and habitat areas to the north of the site via Kremzow Road wildlife crossing infrastructure.</p> <p>Furthermore, results from a koala detection dog survey indicated that the site (including retained vegetation along the northern and southern borders) contains high levels of koala activity relative to other preferred habitats within south east Queensland which are known to support viable koala populations.</p> <p>The applicant proposes Environmental Management and Conservation zone designation over the western vegetation and riparian corridor adjoining the Lowan St Reserve. Other existing trees to the site perimeters are to be retained and fenced to formalise koala corridors, (protecting koalas from key suburban threats such as car strike, dog attacks, and pools). The koala corridors will adjoin open space, including recreation opportunities and landscaped bio-basins supporting improved habitat, amenity and water quality values. Furthermore, all open space areas and parklands will be dedicated to Council.</p> <p>Land designated as Environmental Management and Conservation Zone is to be retained for conservation purposes and dedicated to Council.</p> <p>A recommendation of this report is that any approval amend the submitted plans to enhance wildlife corridors on the site by increasing and rehabilitating the Environmental Management and</p>

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Strategic Outcome	Comply	Assessment
<p><i>Koala population viability within the Moreton Bay Region will be maintained and improved.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Strategic koala habitat networks will be conserved and expanded to ensure strong and safe habitat and linkages for koalas across our Region;</li> <li>2. Development in koala movement areas or near to koala habitat areas and corridors will incorporate koala design principles to reduce threats to koalas, integrating green infrastructure that maximises koala movement across the landscape, such as koala friendly fencing, culverts and land bridges; and</li> <li>3. Where vegetation within priority species habitat (refer to Planning scheme policy - Environmental areas and corridors, Section 3 Priority and other native species, and Section 14 List of priority species of Moreton Bay) and movement areas is removed an offset will be sought for placement within an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy.</li> </ol>	Yes	<p>Conservation zone to provide a densely vegetated corridor along the northern, and southern borders of the site to be contiguous with outcomes achieved on adjoining land.</p> <p>This measure will ensure that important fauna habitat within the west of the site links with native vegetation and important habitat areas to the east of the site via contiguous wildlife corridors.</p>
<b>Theme - Strong Communities</b>		
<p><i>Utilise the principles of urban design to promote healthy and safe communities.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Sustainability and urban design principles and the standards of universal access and safety will be used to create built environments conducive to physical activity and public environments accessible by all people;</li> <li>2. Development and provision of infrastructure will help to deliver a healthy and safe built environment, encouraging healthy lifestyle choices;</li> <li>3. Appropriate consideration of social needs will occur for major new development; and</li> </ol>	Yes	<p>No built form is proposed as part of this development application and therefore is compliant with this theme.</p>

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Strategic Outcome	Comply	Assessment
4. Community facilities in appropriate locations will be available for emergency purposes during and after natural disasters.		
<p><i>Provision of a well-connected, diverse and accessible public open space network.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Accessible, diverse and quality useable open space that provides for the health, recreation and leisure needs of the current and future communities is maintained and enhanced;</li> <li>2. Passive and active recreation areas and community greenspaces provide a pleasant experience for residents and visitors and enhance the sense of place and community identity;</li> <li>3. Connectivity of the open space network and community greenspaces is provided within and between the Regional Landscape and Rural Production Area, Rural Living Area and Urban Footprint;</li> <li>4. Well-designed accessible public places will be required to be provided in all new growth areas; and</li> <li>5. Council will identify a diverse network of open spaces across the Region catering for specific needs of the community including inclusive all-ability playgrounds, botanic gardens, natural playgrounds and community gardens.</li> </ol>	Yes	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the applicant in providing open space for future residents of the development have not been required at this stage, with the expectation that specific requirements will be conditioned as part of any future reconfiguring a lot application. Instead, higher level requirements are recommended to be applied to the requested Variation and Preliminary approval at this stage.</p> <p>A Local Recreation Park in accordance with Council's Desired Standards of Service from within the part of the site proposed to be included into the General Residential Zone - Next Generation Neighbourhood Precinct is recommended to be required.</p> <p>As part of the Variation to the MBRC Planning Scheme, an area is proposed to be zoned Environmental and Conservation Zone.</p>
<p><i>Provide an integrated, high-quality, urban community greenspace network to cater for recreational and environmental needs in existing and new neighbourhoods.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Identify and respond to community needs for urban community greenspace generated as a result of urban development, especially in areas targeted for redevelopment, infill and new walkable neighbourhoods;</li> <li>2. Ensure urban community greenspace is integrated into the planning, design</li> </ol>	Yes	



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Strategic Outcome	Comply	Assessment
<p>and development of existing neighbourhoods targeted for infill and redevelopment and new walkable neighbourhoods to provide for land use efficiencies and long-term sustainability;</p> <p>3. Respond to growth in a co-ordinated manner, with place and function as a focus through the use of open space typologies in regard to defined place types;</p> <p>4. Create a more flexible open space planning framework that responds to increased residential populations and changing demographic compositions; and</p> <p>6. Encourage the shared use of open space where appropriate through the development of design principles for new open space.</p>		
<p><i>Provide for a variety of outdoor recreation opportunities including recreation trails and camping areas to meet community demands.</i></p> <p><u>Specific Outcomes</u></p> <p>1. A variety of outdoor recreation opportunities is provided to meet community demands;</p> <p>2. Identify possible locations for hard to locate sports within the inter-urban break;</p> <p>3. Provide a range of recreational trails for a range of users in diverse settings that range from urban to natural;</p> <p>4. Provide facilities and areas that allow equitable use by a broad range of active sport, recreation and community activities, including:</p> <p>a. venues for organised and informal activities;</p> <p>b. civic and cultural activities including festival and public events;</p> <p>c. coastal foreshores and esplanades; and</p> <p>d. high impact sporting and recreational uses in appropriate locations; and</p>	Yes	

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Strategic Outcome	Comply	Assessment
5. Provide recreational experiences that promote a healthier lifestyle including recreational trails, passive parkland and formal sporting facilities.		
<p><i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Council's planning initiatives are primarily aimed at increasing population in close proximity to services, public transport and employment to make the overall cost of living more affordable by reducing overall lifestyle costs, particularly transport costs, energy costs by requiring services and facilities close to where people live;</li> <li>2. Significant housing development will continue across the region with a greater range of housing types being built in new developments and in established areas targeted for infill and redevelopment;</li> <li>3. New housing developments will be planned, designed and delivered taking into account the neighbourhood and place type, existing and future housing needs in the area, and the connectivity and accessibility required to create a walkable neighbourhood and encourage active transport;</li> <li>4. Council will support the provision of affordable housing through community-based, not-for-profit entities and housing cooperatives and the private sector;</li> <li>5. All major new developments will be encouraged to incorporate a greater range of housing types and affordable housing products that demonstrate housing affordability, including appropriate housing for the entry buyer and low-income housing markets and demographic mix;</li> <li>6. Council will lobby the other levels of government regarding decisions on</li> </ol>	Yes	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the application have not been required at this stage, with the understanding that specific requirements will be conditioned as part of any future development permit given. Instead, higher level requirements are recommended to be conditioned as part of the Variation and Preliminary approval at this stage.</p> <p>The Site is located approximately 1.5km from Eatons Hill that accommodates significant commercial and community uses including supermarkets, retail shops, a hotel, educational facilities, places of worship and the like as well as major district sporting facilities. The Brendale Industrial estate being one of the major employment areas in the region is also located approximately 1km away from the Site.</p> <p>The Site is well located for residential development that has been recognised elsewhere in the MBRC Planning Scheme confirming the development of the Site for residential purposes is consistent with the Strategic Outcome.</p> <p>The development if approved, provides the framework in which any future ROL development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>the disposal or redevelopment of government property and surplus land to include consideration of the opportunity for that land to be used for affordable housing purposes; and</p> <p>7. Appropriate 'private open space' is provided in the development of all housing products.</p>		
<b>Theme - Settlement Pattern and Urban Form</b>		
<p><i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. A more efficient land use and development pattern will be achieved progressively over time by: <ol style="list-style-type: none"> <li>a. limiting new urban development occurring outside the Urban Footprint to land in an Identified Growth Area and part of new master planned walkable and transit-based neighbourhoods which are contiguous with existing neighbourhoods wherever possible;</li> <li>b. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint;</li> <li>c. requiring new development to be integrated into existing neighbourhoods in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active transport and access by transit; and</li> <li>d. directing growth away from areas of higher risk of natural hazards, given that urban land allocations outside these areas are sufficient</li> </ol> </li> </ol>	Yes	<p>The proposal demonstrates suitable road connections to the existing road network can be provided supporting and encouraging safe movement through the community. The Site is located within the urban footprint on land zoned for industrial purposes that is instead proposed to be used for residential purposes, preserving a compact urban form.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>to accommodate growth beyond the life of the planning scheme.</p> <p>2. Ensure that new development and redevelopment in established urban areas reinforces the strengths and individual character of the urban area in which the development occurs;</p> <p>3. Target growth in locations within the Urban Footprint in growth areas and in investigation areas that provide superior transportation choices or otherwise reduce car use, particularly through supporting growth in targeted established urban areas and redevelopment in and around existing urban centres and along priority transit networks and other high-frequency transit corridors;</p> <p>4. Within the Urban Footprint, Council will consolidate and maintain rural residential development in the identified rural residential areas in locations where this form of development will not compromise the orderly, progressive and efficient expansion of the urban area and its associated infrastructure networks;</p> <p>5. Development in the Urban Footprint, in growth areas and in investigation areas protects agricultural land outside the Urban Footprint with the onus of buffering placed on land in the Urban Footprint, growth areas and in investigation areas.</p> <p>6. New industrial land uses are appropriately separated from sensitive land uses; and</p> <p>7. New development including sensitive land uses recognises existing industrial development and includes appropriate separation measures</p>		
<p><i>New master planned walkable neighbourhoods, activity centres and enterprise and employment areas served by public transport have a role to play in helping to accommodate regional dwelling and employment targets and require comprehensive planning to coordinate future development with infrastructure delivery.</i></p>	Yes	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the application have not been required at this stage, with the understanding that specific requirements will be conditioned as part of any future development application. Instead, higher level requirements have been</p>

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Strategic Outcome	Comply	Assessment
<p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. New urban development will be supported in greenfield locations with available infrastructure capacity or where infrastructure capacity can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas;</li> <li>2. New development and land use patterns that would compromise or constrain the efficient expansion of the infrastructure system and services required to service development and/or the corridors required for provision of infrastructure will be discouraged;</li> <li>3. Development within new greenfield developments and rural residential transition areas is to be designed and developed as part of a future transit based walkable neighbourhood and as such must provide pedestrian, cycle, local road, open space and waterway connectivity, within the neighbourhood and adjacent areas in accordance with the specific outcomes of the relevant place types;</li> <li>4. Urban development of greenfield areas will not be supported unless it is designed and developed as a series of transit based walkable neighbourhoods and with an appropriate network of centres, public spaces and pedestrian, cycle, local road, green infrastructure, within the neighbourhood and to adjacent areas in accordance with the specific outcomes of the relevant place types and local plan strategies;</li> <li>5. New "15 minute" walkable neighbourhoods will include a diversity of uses and employment opportunities at a minimum of 35 people and jobs per hectare to support viable public transport services and walkable communities and encourage active transport. These new</li> </ol>		<p>recommended to be conditioned as part of the Variation and Preliminary approval at this stage.</p> <p>The application anticipates development of the proposed General Residential Zone - Next Generation Neighbourhood Precinct being done at a maximum density of 20 lots per hectare that could deliver up to 475 lots / Dwelling Houses or housing for 1425 persons (based on an average occupancy in Warner of 3.0 persons per dwelling).</p> <p>The applicant has also demonstrated that all the required services and infrastructure needed to facilitate development for residential purposes is or can be made available to the Site.</p> <p>As stated previously, the Site is well located due to its proximity to commercial, community and employment uses supporting the development of the land for residential purposes. The state SARA response has also required future development of the site to make provision for a public transport (bus) route through the site.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>neighbourhoods will be designed around local centres and neighbourhood hubs and include a range of community facilities and services and public spaces required by the local community. A range of different housing types will be provided on a range of lot sizes. Pedestrian and cycle way networks and local road systems will be designed to maximise connectivity;</p> <p>6. Greenfield development sites will be designed to demonstrate best practice in community services, urban green infrastructure, communication, mobility, energy efficiency, water cycle management and waste management; and</p> <p>7. Urban development avoids areas of higher natural hazard risk and otherwise ensures development subject to natural hazards is compatible with the risk presented to protect people, property and infrastructure.</p>		
<b>Theme - Employment Location</b>		
<b>Theme - Rural Futures</b>		
<b>Theme - Natural Resources</b>		
<b>Theme - Integrated Transport</b>		
<p><i>Plan for a more compact settlement pattern and urban form to encourage sustainable travel patterns: reducing the need to make trips by any motorised form and to reduce the length of motorised trips.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Support transit oriented communities at locations with high frequency public transport services and access to good quality and safe cycling and walking routes;</li> <li>2. Sufficient infrastructure is provided to connect communities and increase self-containment in the region;</li> <li>3. Reduce the length and reduce the frequency of car trips;</li> </ol>	Yes	<p>As stated above, a requirement of the SARA is that any future development of the site is designed to accommodate a public transport (bus) route through the site. In addition, the proximity of the Site to public transport, commercial and community centres as well as places of employment supports the creation of a more compact settlement pattern in the region, with the development having the infrastructure necessary to support it, having regard to its context in the natural landscape.</p> <p>The proposal is consistent with the Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>4. Reduce the length and increase the frequency of public transport trips;</p> <p>5. Increase the length and increase the frequency of walking and cycling trips;</p> <p>6. End of trip facilities are provided in public and private developments in activity centres to encourage walking and cycling;</p> <p>7. Complementary land uses are provided in close proximity to each other, encouraging shorter trips and a higher level of linked trips (e.g. child-care facilities, open space and shops located close to work-places) and providing opportunities for communal parking;</p> <p>8. Ensure new development is serviced with new public transport routes, facilities and high frequency services, including priority transit corridors, to establish improved mode share at an early stage; and</p> <p>9. Appropriate fauna management practices are implemented where necessary to protect wildlife.</p> <p>10. Appropriate measures are implemented where necessary to protect water quality in drinking water catchments.</p>		
<p><i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Provide good quality urban design to encourage Crime Prevention Through Environmental Design principles to improve the design quality of public space;</p> <p>2. Activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk;</p> <p>3. Pedestrian and cycle routes and associated infrastructure are well managed and maintained;</p> <p>4. Promote the health aspects of walking and cycling; and</p>	Yes	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the applicant have not been required at this stage, with the understanding that specific requirements will be conditioned as part of any future application. Instead, higher level requirements have been recommended to be conditioned as part of the Variation and Preliminary approval at this stage.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
5. Provide best practice design of the transport network to reduce accidents and improve safety, particularly related to pedestrians and cyclists.		
<b>Theme - Infrastructure</b>		
<p><i>Use infrastructure to support desired regional growth and help create a more compact urban pattern, cohesive urban and rural communities, and regional economic development.</i></p> <p>1. Council is approaching the challenge of growth management by adopting smart growth principles and the MBRC Place Model. This model will integrate land uses, transport and infrastructure to promote a more compact urban form, including increased availability and diversity of housing for people of all income levels, walkable neighbourhoods, creating distinctive and attractive mixed-use communities, access to a variety of transportation choices, reduced car dependency, protecting our natural landscapes, targeting new development to accessible infill locations and prioritising use of existing infrastructure.</p>	Yes	As stated above in the assessment of the proposal against other Themes, the proposal will utilise existing infrastructure and provide improvements to the networks where it is needed, consistent with this Strategic Outcome.
<p><i>Facilitate access to high-speed broadband telecommunications.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Council is supportive of high-speed internet access for all and encourages the roll out of the high speed broadband services throughout the Region including access for the more remote rural areas; and</p> <p>2. Council will continue to monitor the growth of the digital economy and its potential impacts on lifestyles and development within the Region and will seek to identify opportunities provided by the new economy to support greater levels of economic</p>	NA	Not applicable at this stage and will be addressed in future detailed development applications.



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Strategic Outcome	Comply	Assessment
development/job self-containment within the Region and opportunities for telecommuting to replace commuter travel to the city.		
<b>Theme - Water Management</b>		
<p><i>Floodplains in the region will be managed for the long-term benefit of the community such that hazards to people and damages to property and infrastructure are minimised and the intrinsic environmental values of the floodplain are protected.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. The natural function of the Region's floodplains is preserved and enhanced;</li> <li>2. The different flood behaviour that occurs across the region in a variety of events, up to and including the probable maximum flood, are recognised and planned for; and</li> <li>3. Land use planning and development controls minimise both the exposure of people to flood hazard and the potential damages to property and infrastructure.</li> </ol>	Yes	The Site is affected by flooding however, the vast majority of the flood affected part of the site is located to the north west of the site where vegetation is proposed to be retained and replanted. There are no changes to the floodplain proposed in the development application with no development proposed or anticipated in the flood affected parts of the site. Therefore, the proposal is compliant with this Strategic Outcome.
<p><i>Ensure development is appropriately planned, designed, constructed, operated and maintained to manage stormwater and wastewater in order to protect the environmental values.</i></p> <ol style="list-style-type: none"> <li>1. Incorporate water sensitive urban design principles into urban developments to reduce the impact of stormwater run-off and associated pollutants generated from urbanised areas, including: <ol style="list-style-type: none"> <li>a. naturalising stormwater run-off, rather than rapidly conveying stormwater;</li> <li>b. rainwater tanks to conserve potable water supplies;</li> <li>c. vegetated swales and buffer strips to reduce flow velocities and filter pollutants;</li> <li>d. water-efficient landscaping;</li> <li>e. at-source stormwater treatment through streetscape bioretention/rain gardens;</li> </ol> </li> </ol>	NA	Not applicable at this stage and will be given consideration in future detailed development applications.

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Strategic Outcome	Comply	Assessment
<ul style="list-style-type: none"> <li>f. constructed stormwater wetlands to treat run-off from larger catchments;</li> <li>g. protecting water-related environmental, recreational and cultural values;</li> <li>h. stormwater harvesting for various uses in localised catchments; and</li> <li>i. greywater re-use and on-site sewerage treatment facilities.</li> </ul>		
<b>Theme - Planning Areas</b>		
<b>Element - Strathpine planning area</b>		
<b>Specific Outcomes - Natural environment and landscape</b> <ul style="list-style-type: none"> <li>1. The planning area includes significant natural features and green infrastructure. These areas include: <ul style="list-style-type: none"> <li>a. the waterways of the North Pine and South Pine Rivers, Cabbage Tree Creek and Kedron Brook; and</li> <li>b. areas protected because of their conservation significance including Bunyaville State Forest.</li> </ul> These areas will be protected by their inclusion in the Mountain ranges, forests and waterways place type and the Coast and riverlands place type which exclude development incompatible with protecting the significant values of these areas; </li> <li>2. The planning area contains many green infrastructure components, including waterways, core environmental areas, terrestrial environmental corridors, parks, linear open spaces, urban forests and street trees. The design and development of concept plans for growth areas at Warner and Joyner will incorporate green infrastructure network elements wherever possible; and</li> <li>3. Strategic koala habitat networks in this planning area are critical to ensuring strong and safe habitat linkages for koalas in the longer term. Identified core koala habitat areas and koala movement and dispersal corridors will be protected and</li> </ul>	Yes	<p>As part of the Variation to the MBRC Planning Scheme, a significant area is proposed to be zoned Environmental and Conservation Zone.</p> <p>To ensure that the environmental aspects are protected on site, a densely vegetated corridor along the northern and southern boundary of the site is recommended to be required to allow for a wildlife movement corridor.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with these Strategic Outcomes.</p>

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development will rehabilitate and reinstate the regional ecosystem values in these identified areas. In areas where clearing of koala habitat is required to achieve good quality urban design outcomes, offsets will be required into an identified environmental offsets area.		
<p><b>Specific Outcomes - Strong communities</b></p> <ol style="list-style-type: none"> <li>1. The planning area provides for a diverse range of housing choice in terms of type, density, layout and affordability to cater for a demographically and socio-economically diverse population within the Rural residential, Suburban neighbourhood, Next generation neighbourhood, Urban neighbourhood and Activity centre place types;</li> <li>2. The planning area provides for the development of an appropriate range of community facilities and services, sporting and recreational facilities, open space and parkland to cater for the planning area's community;</li> <li>3. Special places that contribute to the unique identity of the planning area include the South Pine Sporting Complex, private sport and recreation area, Energex site and wastewater treatment plant at Brendale, James Drysdale Recreation Reserve at Bunya and Pine Rivers Park at Strathpine. These facilities have a unique role to play in respect to opportunities for sport and recreation and planning area infrastructure which this plan seeks to protect. These have been allocated to Special area place types in the urban structure;</li> <li>4. The planning area falls within the regional character area of urban corridor. New development will contain high quality built form and landscapes consistent with provisions of the Moreton Bay Regional Council Urban Design</li> </ol>	Yes	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the applicant have not been required at this stage, with the expectation that specific requirements will be required as part of any future development applications seeking a development permit. Instead, higher level requirements have been recommended to be conditioned as part of the Variation and Preliminary approval at this stage.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p> <p>The Site is located within an established locality being situated within close proximity of the community, educational, retail, commercial and business uses existing within the neighbouring localities of Warner, Brendale and Strathpine.</p>

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Strategic Outcome	Comply	Assessment
<p>Charter and the Subtropical Design in South East Queensland: A Handbook for Planners, Developers and Decision Makers;</p> <p>5. Residential areas will be generously landscaped and linked to one another by a continuous open space system including parks and playing fields; and</p> <p>6. Sites of local heritage significance are located within the planning area. Development that has the potential to impact upon the heritage listed sites will require a Heritage Impact Assessment as part of the approval process.</p>		
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. ... ..; and</p> <p>2. ... ..; and</p> <p>3. Next generation neighbourhood areas at Strathpine, Bray Park, Joyner, Warner, Albany Creek and the Hills District will be developed as well planned and attractive refurbished residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres. The local centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well-connected and attractive streets and open spaces within the neighbourhoods;</p> <p>4. ... ..</p> <p>5. ... ..</p> <p>6. ... ..</p> <p>7. ... ..</p> <p>8. ... ..</p> <p>9. An investigation area has been identified at Warner. The area is bound by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the</p>	Yes	<p>Section 1 of this report refers to the recent history of planning for the Site as a part of the Investigation area for Warner that has become known as the Warner Investigation Area (<b>WIA</b>).</p> <p>While the major amendment to the MBRC Planning Scheme was refused by the State government in October 2018, the planning scheme remains in effect supporting the investigation of the area for residential purposes. Since this time and in addition to the variation applications that have been approved in the area, the existing Light Industry and Mixed Industry and Business zone land west of Old North Road, south of Kremzow Road and north of Warner Road was not included in the Urban Area Employment Land Investigation (<b>UAELI</b>) Report of 2022 as the land is within a designated Investigation Area and therefore envisaged by the Scheme to be the subject of further investigations by Council as to its potential future use. In this regard, on 2 November 2022, Council decided to progress its draft Better Housing amendment to the current MBRC planning scheme by referring the draft amendment to the state government for its initial review. The draft amendment is subject to change during this time however relevantly, within it, it proposes to amend the Warner Investigation Area</p>

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west. Further investigations will be required to determine the development potential and future use of this area. The majority of the area, in the vicinity of Warner Road and to the south, is likely to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner.		boundary to refine the Council's position on future urban growth and development in the area, in response to planning investigations and community consultation previously undertaken in 2017.  The current proposal is consistent with the WIA investigations that were undertaken by the Council prior to the proposed major amendment to the MBRC Planning Scheme, that was refused by the State government for other reasons.
<b>Theme - MBRC Place Model</b>		
<b>Element - Next generation neighbourhood place type</b> that best aligns to the proposed zoning variations.		
<b>Specific Outcomes - Sustainability and resilience</b> <ol style="list-style-type: none"> <li>1. Industry and related businesses are conducted without adverse impacts on adjacent areas;</li> <li>2. Development does not cause environmental harm or nuisance;</li> <li>3. Development is oriented and designed in response to local climate conditions to conserve non-renewable energy and incorporate the use of appropriate renewable energy and low emission technologies; and</li> <li>4. New development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</li> </ol>	Yes	Refer to the assessment above against the Sustainability and Resilience Theme.
<b>Specific Outcomes - Natural environment and landscape</b> <ol style="list-style-type: none"> <li>1. A network of green areas focusing on urban design outcomes, with consideration of ecological function, provides trees for shade and visual amenity and ground covers that help manage stormwater;</li> <li>2. The retention of high value vegetation is integrated into the design of development to complement and enhance the visual amenity, character and function of the built form and maintain important ecosystem services; and</li> <li>3. High value vegetation is protected in identified environmental corridors and</li> </ol>	Yes	Refer to the assessment above against the Natural environment and landscape Theme.

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Strategic Outcome	Comply	Assessment
where possible integrated into the design of development to complement and enhance visual amenity, character, shade and assist in stormwater management.		
<b>Specific Outcomes - Strong communities</b> 1. All development will contribute to the creation of a socially, visually and physically amenable work environment.	Yes	Refer to the assessment above against the Strong communities Theme
<b>Specific Outcomes - Settlement pattern and urban form</b> 1. This place type is an integral element of the urban structure of the Region and key areas for the creation of higher levels of local enterprise employment; 2. The place type is primarily intended for manufacturing, engineering, transport, logistics and warehouse activities and related business activity; 3. New Enterprise and employment activities recognise adjacent sensitive land uses and buffer the enterprise and employment activities appropriately; and 4. Enterprise and employment areas in visually prominent locations on the major road network will present well designed facades and a high standard of landscaping to the major roads	Yes	Refer to the assessment above against the Settlement pattern and urban form Theme.
<b>Specific Outcomes - Employment Location</b> 1. Enterprise and employment areas provide highly accessible locations for the co-location of existing and new industries and related businesses that manufacture, store, distribute and produce goods and services; and 2. Enterprise and employment areas support higher levels of local employment in the Region and complement the Activity centres.	Yes	Refer to the assessment above against the Employment Location Theme.
<b>Specific Outcomes - Integrated transport</b> 1. Enterprise and employment areas accommodate business and industry activities that require a high level of	Yes	Refer to the assessment above against the Integrated Transport Theme.

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Strategic Outcome	Comply	Assessment
<p>accessibility to the regional freight network;</p> <p>2. The transport systems in the Enterprise and employment areas provide a high level of integration between the needs of industry and business;</p> <p>3. The safe and efficient operation of the transport systems are maintained and improved in Enterprise and employment areas;</p> <p>4. Safe legible and convenient walking and cycling facilities are provided and public transport is facilitated from the dominant workforce and customer catchments to and through Enterprise and employment areas; and</p> <p>5. Public transport feeder services support the Enterprise and employment place type and connect Enterprise and employment areas with adjacent neighbourhoods and transport hubs.</p>		
<p><b>Specific Outcomes - Infrastructure</b></p> <p>1. The Enterprise and employment areas have the level of service of Infrastructure provision necessary to support growth and adaptation to change over time; and</p> <p>2. Enterprise and employment areas have access to electricity, telecommunications and high-speed broadband to support their important economic function within the Region.</p>	Yes	Refer to the assessment above against the infrastructure Theme.
<p><b>Specific Outcomes - Water management</b></p> <p>1. Enterprise and employment areas are provided with adequate water, sewerage and stormwater drainage capacity; and</p> <p>2. Water sensitive urban design measures are incorporated into development to protect and enhance the water quality in the Region's waterways and drinking water catchments.</p>	Yes	Refer to the assessment above against the Water management Theme

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**2.3.1.1 The Variation aspect**

In respect to the proposal to vary the effect of the MBRC Planning Scheme to primarily apply the General Residential Zone - Next Generation Precinct to the land, based on the assessment above the proposal is consistent with the Strategic Outcomes of the Strategic Framework of the Moreton Bay Regional Council Planning Scheme.

While the Site is located predominantly in the Enterprise and Employment Area Place Type, it is identified as part of an area that will be investigated by the Council for its potential for future development. As discussed in Section 1 of this report, that investigation was done and informed a proposed major amendment to the MBRC Planning Scheme that was refused by the State government.

Since this time and in addition to the variation applications that have been approved in the area, the existing Light Industry and Mixed Industry and Business zone land west of Old North Road, south of Kremzow Road and north of Warner Road was not included in the Urban Area Employment Land Investigation (UAELI) Report of 2022 as the land is within a designated Investigation Area and therefore envisaged by the Scheme to be the subject of further investigations by Council as to its potential future use. In this regard, on 2 November 2022, Council decided to progress its draft Better Housing amendment to the current MBRC planning scheme by referring the draft amendment to the state government for its initial review. The draft amendment is subject to change during this time however relevantly, within it, it proposes to amend the Warner Investigation Area boundary to refine the Council's position on future urban growth and development in the area, in response to planning investigations and community consultation previously undertaken in undertaken in 2017. This proposal is consistent with the outcomes of that investigation.

Therefore, for these reasons, the proposal is arguably consistent with the Strategic Framework despite its location in the Enterprise and Employment Areas and Coast and Riverlands Place Types.

**2.3.1.2 The Preliminary Approval Uses aspect**

The uses proposed by the applicant are those that are identified in the Level of Assessment Table for the General Residential Zone - Next Generation Neighbourhood Precinct as either Accepted or Code Assessable development. The applicant has not done additional work or provided information to justify and support all of the uses requested but simply relied on the uses as being those normally contemplated and allowed in the proposed precinct. The major amendment to the planning scheme, had it proceeded, would have given the applicant the benefit of all of these uses (as Accepted or Code Assessable development with the consequential predisposition to approve instead of refuse a development application under the *Planning Act 2016*) however in the development assessment process it is necessary to give the requested uses closer consideration and assessment.

The site is located in the Warner Investigation Area, being an area that has had a considerable amount of community consultation either by way of a planning scheme amendment or through the assessment of impact assessable development applications, where the community has strongly expressed concerns with density and impacts on the environment and road network. In assessing the proposed uses, there is no concern with uses such as a Dwelling House and Home Based Business as those are uses that occur in any residential zone, including the Rural Residential Zone. It is only in combination with the material submitted in support of the development application (e.g., Traffic Reports) and the proposed Next Generation Neighbourhood Precinct that makes the density of those uses clear, being up to 475 dwellings. Knowing that and the nature of these land uses as they occur, as well as that the land uses are consistent with those to the immediate north and in surrounding development approvals given by Council to date, they are consistent with the Strategic Framework.



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However, in respect to many of the other requested land uses, they inherently have a built form, density, social outcome different to standard Dwelling Houses on a freehold allotment. While in many locations in the region, these uses proceed as permitted development contemplated by the Next Generation Neighbourhood Precinct, in this instance it is necessary for Council to consider those uses on this site in the absence of any plans or details about the proposed uses in the context of the Strategic Framework outcomes.

Having completed that assessment, Council officers are supportive of the following requested land uses as being clearly consistent with the Strategic Framework on the subject site;

- (i) Dwelling House,
- (ii) Dual Occupancy,
- (iii) Home Based Business,
- (iv) Multiple Dwellings when associated with the containment cell,
- (v) Park, and
- (vi) Sales Office,

However, with the other proposed land uses, there is no details on how they might occur on the site and relate to other land uses on the site, adjoining sites or the broader area. While it is not suggested that the other land uses are inconsistent with the Next Generation Neighbourhood Precinct, it has not been demonstrated how and why these uses are appropriate for this site in the context of the Strategic Outcomes sought. Further, the consequence of approving the uses would be that they became Accepted or Code Assessable uses that the community would not be notified about or have the opportunity to influence the outcomes delivered. Accordingly, it is proposed to not support the following uses;

- (a) Dwelling Unit,
- (b) Multiple Dwellings other than when associated with the containment cell,
- (c) Retirement Facility,
- (d) Residential Care Facility,
- (e) Relocatable Home Park,
- (f) Shop (corner store < 250m<sup>2</sup>),
- (g) Market,
- (h) Telecommunications facility,
- (i) Utility installation.

In reference to Multiple Dwellings when associated with the containment cell, that land use in that instance is proposed to be supported as;

- (A) The applicant has provided an indicative sketch of how the use could be located on the land in relation to Dwelling Houses on standard lots (refer to Figure 5 below); and

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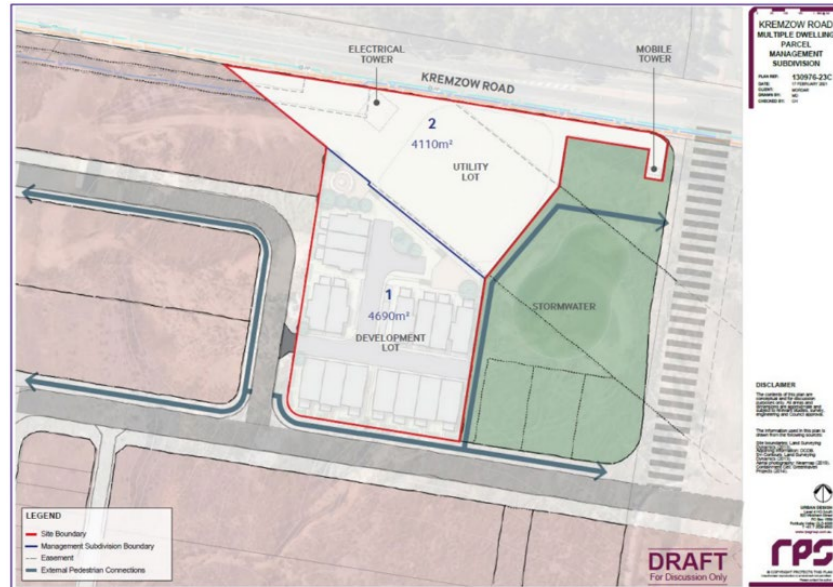


Figure 5 - Indicative Multiple Dwelling Plan for containment cell

- (B) The use would be limited to a maximum of 20 Dwellings; and
- (C) The use is needed to manage and own the containment cell located on the land into the future.

Discussion about the containment cell and its ongoing maintenance is discussed in section 3.8 of this report.

### 2.3.2 Variation Request

This application includes a variation request defined in the *Planning Act 2016* to mean the *part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises.*

Section 61(2) of the *Planning Act 2016* specifies that when assessing the variation request, the assessment manager must consider:

- (a) the result of the assessment of that part of the development application that is not the variation request; and
- (b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
- (c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
- (d) any other matter prescribed by regulation.

An assessment of the variation request to vary the effect of the MBRC Planning Scheme to have the General Residential Zone - Next Generation Neighbourhood Precinct, Recreation and Open Space Zone and Environmental Management and Conservation Zone apply to the land as well as variations to the overlay maps referred to in Section 1 has been undertaken and is discussed below.

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**a) Result of Assessment of the other aspects of the Development Application**

In this Development Application, the other aspects as discussed earlier in this Assessment Report are a Material Change of Use - Preliminary Approval for Dwelling House, Dual Occupancy, Dwelling Unit, Home Based Business, Multiple Dwelling, Retirement Facility, Residential Care Facility, Relocatable home park, Park, Sales Office, Shop (corner store < 250m2), Market, Telecommunications facility and Utility installation.

As discussed in section 3.3.1.2 above, only some of the uses are recommended to be supported. In reference to those land uses and as discussed in section 3.1 of this Assessment Report, the Site is located in proximity to major centres, employment areas, community and recreation facilities and major transport corridors. In addition, residential estates of a similar nature and density exist north of the Site being further away from the Brisbane CBD.

As mentioned in section 1 of this report, the Council had also in late 2017 proposed to amend the MBRC Planning Scheme to include the land into the Emerging Community Zone recognising its suitability for residential purposes instead of industrial purposes. Whilst this amendment ultimately did not progress due to other reasons, the specific investigations that underpinned that proposal to transition this land to residential uses remain relevant and valid. The subject site and neighbouring sites were not included in the Urban Area Employment Land Investigation (UAELI) Report of 2022 as the land is within a designated Investigation Area and therefore envisaged by the Scheme to be the subject of further investigations by Council as to its potential future use. In this regard, on 2 November 2022, Council decided to progress its draft Better Housing amendment to the current MBRC planning scheme by referring the draft amendment to the state government for its initial review. The draft amendment is subject to change during this time however relevantly, within it, it proposes to amend the Warner Investigation Area boundary to refine the Council's position on future urban growth and development in the area and therefore is supported from a strategic land use perspective.

On this basis, an assessment of the proposed land uses recommended to be supported in section 3.3.1.2 of this report has determined them to be appropriate, subject to addressing the relevant criteria in the MBRC Planning Scheme. The proposed variation is consistent with these land uses.

**b) Consistency with the rest of the MBRC Planning Scheme**

The primary aspect of the Variation Request is to vary the effect of the Moreton Bay Regional Council Planning Scheme by applying the General Residential Zone - Next Generation Neighbourhood Precinct, Recreation and Open Space Zone and the Environmental Management and Conservation Zone to the land as shown on Figure 1 above.

This is consistent with the rest of the MBRC Planning Scheme as they are seeking to apply the current provisions of the Planning Scheme. In addition, these zones (and precinct) are consistent with the Variation development approvals given on surrounding land to the east and south of the site.

Variations to the Overlays Maps in the Planning Scheme are discussed below;

**Environmental Areas Overlay**

A comparative analysis of the current Environmental Areas overlay against the proposed Environmental Areas Overlay is shown below in Figure 6;

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**Figure 6: Existing Environmental Areas Overlay v Proposed Environmental Areas Overlay**

The Site is mapped under the Environmental Areas Overlay as containing:

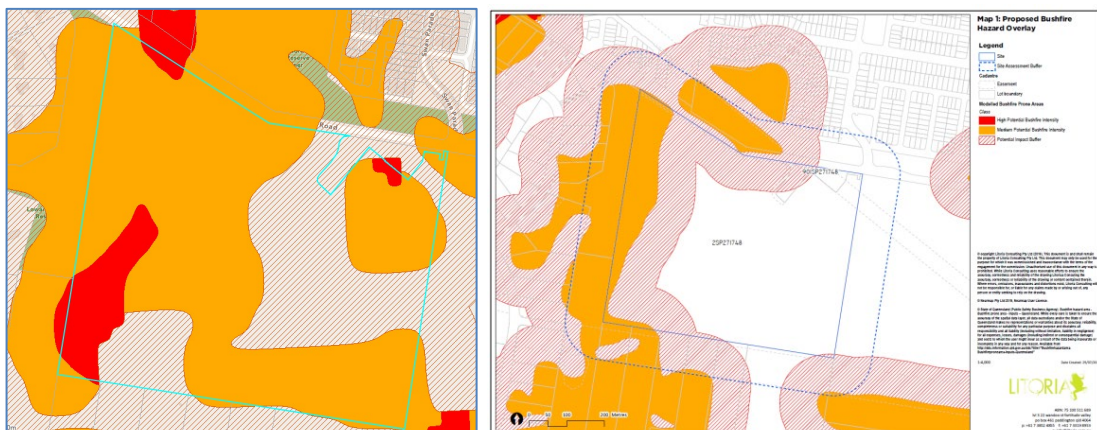
- areas of Matters of State Environmental Significance (MSES);
- MSES Koala Offset;
- MLES; and
- A single waterway to the north east of the site.

The applicant seeks to apply an alternative Environmental Areas Overlay map to align with the land proposed to be included into the General Residential Zone - Next Generation Neighbourhood Precinct. The vast majority of the site has been cleared in the past with remnant vegetation left in the western part of the site and limited amounts of vegetation along the northern and southern boundaries.

As discussed in greater detail in the environmental planning comments in section 3.6.1.3 of this Report, the proposed Environmental Areas overlay mapping is not supported as currently presented and will require amendment as a recommended condition of approval.

#### Bushfire Hazard Overlay

A comparative analysis of the current Bushfire Hazard Overlay against the proposed Bushfire Hazard Overlay is shown below in Figure 7.



**Figure 7: Existing Bushfire Hazard Overlay v Proposed Bushfire Hazard Overlay**

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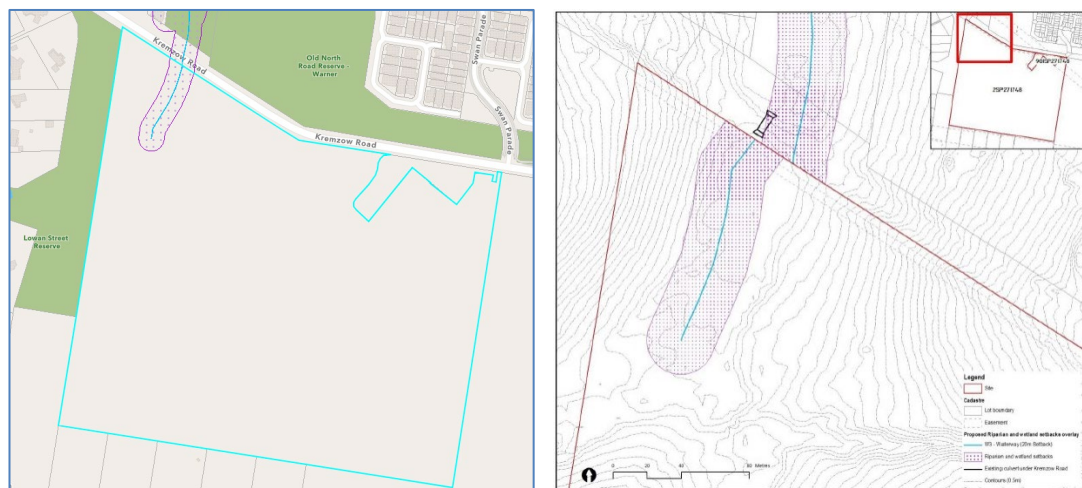
The applicant seeks to apply an alternative Bushfire Hazard Overlay map to align with the existing vegetation on the site.

The variation is therefore seeking to give effect to the updated Bushfire Hazard Overlay map due to sufficient technical information being provided to demonstrate that the actual vegetation on the Site is less than how it is currently mapped, and therefore the Bushfire Hazard on site is less than how it is currently mapped.

As discussed in greater detail in the environmental planning comments in section 3.6.1.3 of this report and as a result of conditions of approval, the proposed bushfire hazard overlay mapping is acceptable in the majority however will require amendment as a recommended condition of approval.

#### Riparian and Wetlands Setback Overlay

A comparative analysis of the current Riparian and Wetlands Setback Overlay against the proposed Riparian and Wetlands Setback Overlay is shown below in Figure 8;



**Figure 8: Existing Riparian & Wetlands Setback Overlay v Proposed Riparian & Wetlands Setback Overlay**

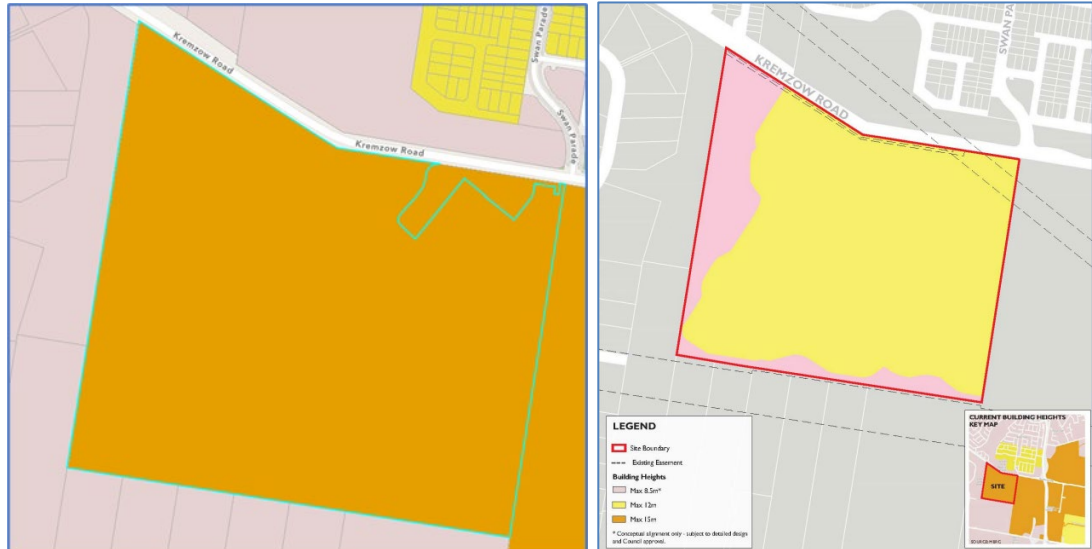
The applicant seeks to apply an alternative Riparian and Wetlands Setback Overlay map to the Site based on ground truthing that realigns the Riparian and Wetlands area based on the actual gully location on the Site. Based on the technical information submitted to support this request, the change recommended for approval.

#### Building Heights Overlay

A comparative analysis of the current Building Heights Overlay against the proposed Building Heights Overlay is shown below in Figure 9.



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**Figure 9: Existing Building Heights Overlay v Proposed Building Heights Overlay**

Currently, the 15m building height limit applies to the whole of the Site whereas the applicant proposes a 12m building height limit for the General Residential Zone part of the Site with the balance of the Site (the environmental areas) limited to a height of 8.5m. The proposed building heights materially align with the maximum building height commonly allowed in the MBRC Planning Scheme for the different proposed zones.

The variation is therefore seeking to give effect to the updated Building Heights Overlay map acknowledging that the existing height (being based on industrial land uses) is not appropriate for residential development in this location and proposing an alternative more consistent with the locality. Within the surrounding area, buildings are either single or double storey making the proposed 12m height limit inconsistent with that existing built form. Further, the site is quite elevated and therefore development of that height (12m) would be visually prominent. Lastly, the adjoining development approvals in the WIA have been varied to a maximum building height of 8.5m and therefore the height proposed is inconsistent with those approvals.

The proposed amendment to the Building Heights Overlay mapping is not supported by Council officers and is recommended to be amended across the Site to 8.5m.

**c) Effect of the variations on submission rights**

The effect of the variation is that under the current zoning of the land, for any of the uses proposed to be supported such as a Dwelling House on the land would require a Development Permit for a Material Change of Use and be Impact Assessable, whereas, with the benefit of the variation, a Development Permit for a Material Change of Use for a Dwelling House is unlikely to be required and if it is, it would be Code Assessable development only. On that basis, members of the public would not be able to make a submission.

Therefore, whilst the proposed variation will remove the opportunity in the future for submissions to be made about Dwelling Houses for example, sufficient information has been provided to enable members of the public to raise concerns in respect of those uses. While the variation will allow for example a development application to be lodged to subdivide the land into residential allotments, subdivision is code assessable and therefore not a matter the community has an opportunity to formally comment on. However, the application has stated that the proposed maximum site density would be 20 dwellings per hectare, providing certainty of the density to the community, and if approved is a recommended condition of approval.

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In respect to the proposed variations to the numerous overlay maps, the effect of those variations is clear in the development application and opportunities to raise concerns now exist with members of the community. Further, the effect of these changes are inconsequential as the application of the aforementioned varied overlays do not influence the level of assessment and therefore the opportunity for public input remains the same.

**d) Any other matter prescribed by regulation**

The corresponding section 32 of the *Planning Regulation 2017* provides guidance on assessing variation requests specifically in relation to section 61(2)(d) of the *Planning Act 2016*:

**32 Assessing variation requests—Act, s 61**

*For section 61(2)(d) of the Act, an assessment manager must consider the following matters when assessing a variation request, to the extent the matter is relevant to the request—*

- (a) the common material;*
- (b) the regional plan for a region;*
- (c) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;*
- (d) any temporary State planning policy.*

The common material is a defined term of the *Planning Regulation 2017*, meaning:

**common material**, for a development application, means—

- (a) all the material about the application that the assessment manager receives before the application is decided, including—*
  - (i) any material relating to a proposed development application that is substantially similar to the development application as made; and*
  - (ii) any material attached to, or given with, the development application; and*
  - (iii) any material relating to the application given to the assessment manager after the application is made; and*
  - (iv) any referral agency's response, including any advice or comment given by a referral agency and any response given under section 57 of the Act; and*
  - (v) any properly made submissions about the application, other than a submission that is withdrawn; and*
  - (vi) any other submission about the application that the assessment manager has accepted; and*
  - (vii) any other advice or comment about the application that a person gives to the assessment manager; and*
- (b) if a development approval for the development is in effect—the approval; and*
- (c) an infrastructure agreement applying to the premises.*

As part of the development application process, any material relating to, attached to, or given with the development application has been assessed.

The State Assessment and Referral Agency (**SARA**) was triggered as a referral as part of the application, specifically under Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (*Planning Regulation 2017*): Development impacting on state-transport infrastructure. The response from the SARA, in summary, stated:

- provide a future bus route through the site;
- upgrade the intersection of South Pine Road with Eatons Crossing Road / Cribb Road (i.e., the entrance into the South Pine Sports complex); and
- ensuring stormwater management of the development results in no worsening or actionable nuisance.

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All properly made and or accepted submissions were considered in the development assessment process.

At the present time, an existing Development Approval applies to the Site being a Development Permit for a Material Change of Use (Public Utility - Telecommunication Facility). That development approval does not affect the current proposal.

Accordingly, the development application is compliant with Section 32(a) of the *Planning Regulation 2017*.

The South East Queensland Regional Plan has been considered in Section 3.2.2 of this Assessment Report and accordingly, the development application is compliant with Section 32(b) of the *Planning Regulation 2017*.

The State Planning Policy is considered in Section 3.2.1 of this Assessment Report and accordingly, the development application is compliant with Section 32(c) of the *Planning Regulation 2017*.

No temporary State Planning Policy is applicable to the Site and therefore the development application is compliant with Section 32(d) of the *Planning Regulation 2017*.

Having carried out the assessment of the Variation Request, it has been demonstrated that;

- (a) It is aligned with the uses proposed to be supported (refer above) as contained in the Material Change of Use - Preliminary Approval component of the development application; and
- (b) It is consistent with the rest of the MBRC Planning Scheme; and
- (c) The effect of the variation on submitters rights is acceptable as submitters with concerns have had the opportunity to make a submission about this development application; and
- (d) The development application is compliant with the other matters as prescribed in Section 32 of the *Planning Regulation 2017*.

Accordingly, the variation request has demonstrated it warrants favourable consideration.

### 2.3.3 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
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Next Generation Neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO2, PO3.  Note, an assessment against PO46, PO48, PO49-51, PO52, PO53-57 has not been undertaken as part of this development application as all performance outcomes relate to specific uses which will be subject to future Material Change of Use



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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
		applications in which the respective Performance Outcomes in question will be applicable and assessed where triggered as assessable development.
Environmental Management and Conservation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
<b>Overlay Codes</b>		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.

The assessment of the development proposal against the Performance Outcomes of the applicable codes is discussed below in section 3.3.4.

#### 2.3.4 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Next Generation Neighbourhood Precinct</b>	
<b>PO2</b> Buildings and structures have a height that: <ol style="list-style-type: none"> <li>is consistent with the low to medium rise character of the Next Generation Neighbourhood precinct;</li> <li>responds to the topographic features of the site, including slope and orientation;</li> <li>is not visually dominant or overbearing with respect to the streetscape;</li> <li>responds to the height of development on adjoining land where contained within another precinct or zone.</li> </ol>	<b>EO2</b> Buildings and structures have a height that: <ul style="list-style-type: none"> <li>is consistent with the low to medium rise character of the Next Generation Neighbourhood precinct;</li> <li>responds to the topographic features of the site, including slope and orientation;</li> <li>is not visually dominant or overbearing with respect to the streetscape;</li> <li>responds to the height of development on adjoining land where contained within another precinct or zone.</li> </ul>
<b>PO3</b> The height of non-residential buildings does not adversely affect amenity of the area or of adjoining properties.	<b>EO3</b> The height of non-residential buildings does not adversely affect amenity of the area or of adjoining properties.
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
While no built form is proposed as a part of this development application, the variation application proposes to amend the maximum building height permitted for the Site from 15m to 8.5m and 12m however as discussed above in section 3.3.2.2 of this report, it is recommended having regard also to Performance Outcomes PO2 and PO3 above that the height across the whole Site be limited to 8.5m.	
On that basis, the proposal accords with the requirements of Performance Outcomes PO2 and PO3.	

(iv) Overall Outcome Assessment

Due to the nature of the development application, the proposal is required to be assessed against the applicable Overall Outcomes of the codes as follows noting that the assessment has been limited to only those applicable to the proposal.

Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	Yes	The proposal is for a Variation and Preliminary approval and therefore no specific site density has been provided at this time. However, a recommended condition of approval limits the site density to a maximum of 20 dw/ha and therefore subject to that limitation complies with Overall Outcome a.
b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.	Yes	While some alternative residential uses proposed are not recommended to be supported (for example Relocatable Home Park), it is only because the application does not include sufficient details and information to support the approval of those uses at this time. Upon receipt of a further development application the proposal will need to accord with the requirements of the relevant codes and therefore, on this basis, the proposal can accord with Overall Outcome b., and c.
c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity	Yes	
d. Medium to high density uses (e.g. Multiple dwelling, Relocatable home park, Residential care facility, Retirement facility, Rooming accommodation, Short-term accommodation are located in proximity to a range of services and public transport stops(s) or station(s).	Yes	While some alternative residential uses proposed are not recommended to be supported (for example Relocatable Home Park), it is only because the application does not include sufficient details and information to support the approval of those uses at this time. These uses can therefore be considered in any future development application assessed on its merits once further details are provided.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>e. The design, siting and construction of residential uses are to:</p> <ul style="list-style-type: none"> <li>(i) contribute to an attractive streetscape with priority given to pedestrians;</li> <li>(ii) encourage passive surveillance of public spaces;</li> <li>(iii) results in privacy and residential amenity consistent with the low to medium density residential character intended for the area;</li> <li>(iv) provide a diverse and attractive built form;</li> <li>(v) orientate to integrate with the street and surrounding neighbourhood;</li> <li>(vi) incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>(vii) incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>(viii) incorporate natural features and respond to site topography;</li> <li>(ix) cater for appropriate car parking and manoeuvring areas on-site;</li> <li>(x) be of a scale and density consistent with the low to medium density residential character intended for the area;</li> <li>(xi) provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure;</li> <li>(xii) ensure domestic outbuildings are subordinate in appearance and function to the dwelling.</li> </ul>	Yes	Upon receipt of a further development application the proposal will need to accord with the requirements of the relevant codes and therefore, on this basis, the proposal can accord with Overall Outcome e.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
g. Home based business can only be established where the scale and intensity of the activity does not detrimentally impact upon the character and amenity associated with the surrounding area. Specifically, Home based business does not include the sale or restoration of more than 4 vehicles in any calendar year or, undertake a mechanical repairs or panel beating activity associated with a business at the subject premises.	Yes	For the purpose of assessment of this development application Overall Outcome f. is noted as able to be complied with.
h. Non-residential uses in the next generation neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	Yes	While some non-residential uses proposed are not recommended to be supported (for example Corner Store), it is only because the application does not include sufficient details and information to support the approval of those uses at this time. These uses can therefore be considered in any future development application assessed on its merits once further details are provided.
i. Community activities: (i) establish in a location that may be serviced by public transport; (ii) do not negatively impact adjoining residents or the streetscape; (iii) do not undermine the viability of existing or future centres.	NA	No community activity uses proposed.
l. The design, siting and construction of non-residential uses: (i) maintains a human scale, through appropriate building heights and form; (ii) provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations); (iii) provides for active and passive surveillance of road frontages, movement	NA	The nature of the application does not include any details on the design, siting and construction of non-residential uses and therefore is noted for any future applications seeking a Development Permit for such uses.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>corridors and public spaces;</p> <p>(iv) promotes active transport options and ensures an oversupply of car parking is not provided;</p> <p>(v) locates car parking so as not to dominate the street;</p> <p>(vi) does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking</p>		
<p>n. General works associated with the development achieves the following:</p> <p>vi. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</p> <p>vii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>viii. the development does not result in unacceptable</p>	Yes	<p>As discussed in more detail in later sections of this report, the application as submitted was found to be deficient in assessing its impacts on the Council's road network. Recommended conditions of approval have however been developed to mitigate those impacts. Other infrastructure networks are able to accommodate the development. Subject to the application of the recommended conditions of approval the proposal will comply with the Overall Outcome.</p>

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>impacts on the capacity and safety of the external road network;</p> <p>ix. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>x. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		
<p>o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p> <p>p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance</p> <p>q. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise</p>	Yes	This application is for a Variation and Preliminary Approval and therefore, for the purpose of this development application, is compliant with Overall Outcome o., p., & q.
t. Development in the Next generation neighbourhood precinct includes 1 or more of the following: ... ..	Yes	
u. Development in the Next generation neighbourhood precinct does not include any of the following: ... ..	Yes	
v. Development not listed in the tables above may be considered on its merits and	Yes	No uses considered by the Preliminary Approval as discussed in section 3.8 of this report are listed in Overall Outcome v. and therefore is compliant.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
where it reflects and supports the outcomes of the zone		

Based on the assessment above, on balance, the proposal as limited by the recommended conditions of approval is consistent with the Overall Outcomes of the codes.

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. The other relevant matters to which regard may be had in the assessment of the proposed development, are discussed in section 3.8 of this report.

#### 2.4 Trunk Infrastructure

In accordance with section 4 of the MBRC Planning Scheme, the Site is not located in the identified Priority Infrastructure Area (PIA) in the Council's Local Government Infrastructure Plan (LGIP). However, as the development application only seeks a Preliminary Approval for various land uses and a variation to the effect of the planning scheme, any development approval given does not authorise development to commence. Therefore, no Levied Charge can be applied at this time and instead would be applied in the future if any Development Permit is sought and given.

In addition, as the site and its road frontages are not included in the PIA in the LGIP, any land or works would not have the automatic benefit of an offset.

##### (v) 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;

- (iv) Either;
  - 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

- (v) 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.

In this instance, having assessed the proposed development, it does not warrant the imposition of an additional payment condition at this time however it is likely one or more additional payment conditions will be applied with any subsequent development application seeking a Development Permit.

#### 2.5 Recording of particular approvals on the MBRC Planning Scheme

In accordance with section 89 of the *Planning Act 2016*, any approval is required to be noted on Schedule 4 of the MBRC Planning Scheme, as the development approval would be a variation approval given under section 61 of the *Planning Act 2016*.



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## 2.6 Referrals

### 2.6.1 Council Referrals

#### 2.6.1.1 Development Engineering

##### **Traffic, Access & Parking**

The applicant has not demonstrated that the proposed access mid development onto Kremzow Road is safe. It is recommended that the development be conditioned to have constructed access to Kremzow Road opposite Swan Parade with the fourth leg of the existing intersection in accordance with the Concept Design developed by Council and applied to the development approval of the adjoining land to the east (Lot 3 SP174984).

##### **Stormwater / Flooding**

Limited stormwater detail has been provided to service the development, however the stormwater portion of the submitted Preliminary Engineering Assessment Report has been accepted as suitable for further assessment at future RAL stage.

##### **Earthworks**

Portions of the site are impacted by the Landslide Hazard Overlay requiring submission of a site-specific geotechnical assessment satisfying the RAL Code PO85. Assessment of the report will be undertaken with future RAL applications.

#### 2.6.1.2 Environmental Health

##### **Acoustic amenity**

The future residential uses will be impacted by noise from road traffic and commercial / industrial uses to the east should they not be abandoned at the time of future development. These impacts will be fully assessed as part of any subsequent RAL/MCU applications seeking Development Permits. In terms of the submitted structure plan it may be appropriate to include setbacks to allow for landscaping to soften the visual amenity of future noise barriers and reduce the ultimate height of acoustic barriers that are likely to be required along the Kremzow Road frontage. If acoustic barriers are not an outcome Council is seeking then alternatives may need to be considered at this stage e.g. significant landscaped separation buffers and/or separation by incorporating internal roads along the boundaries. The degree of required separation would need to be supported by an acoustic assessment.

Consideration needs to be given to the timing of the development with respect to the adjoining land at Lot 3 SP174984 (Development Application for DA/36991/2018/V2L). If one the uses commences while there are continuing industrial activities on the other site, then noise impacts will need to be evaluated.

##### **IR response**

- **Amenity:** the site is surrounded on three sides by residential development, with Preliminary Approval applications for residential development currently being assessed by Council to the east and south east. Industrial development in accordance with current land use rights would result in amenity impacts to the surrounding community and be out of step with the neighbouring applications, if approved. An industrial development would likely lead to ongoing tensions and sub optimum outcomes for all parties: existing local residents would experience a range of impacts such as noise, heavy vehicle movements and visual amenity impacts, whilst future industry operations may be subject to 'reverse amenity' tensions from local residents, potentially limiting normal operations.



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The above response indicates that timing of the development may necessitate acoustic amenity related conditions. Given the nature of the current application (preliminary approval) there is no need to apply acoustic related conditions. These will be reviewed when future applications are submitted.

#### **Containment Cell**

The application involves the creation of lots for a sensitive use where the land is listed on the Environmental Management Register. This matter is discussed in more detail in section 3.8 of this assessment report.

#### **2.6.1.3 Environmental Planning**

Site constraints (specific to environmental) include:

- Strategic Framework Green Infrastructure Network
- Environmental areas overlay
- Environmental offset receiving areas overlay
- Riparian and Wetland Setback Overlay
- Priority Koala Area containing Koala Habitat Areas;
- Superseded SPRP Priority Koala Assessable Development Area (PKADA) containing mapped High and Medium Value Bushland Habitat, High, Medium and Low Value Rehabilitation Habitat;
- MSES Regulated Vegetation Category B (of Concern) and Essential Habitat
- Queensland Waterway for Waterway Barrier Works (Low)
- Property Map of Assessable Vegetation

The environmental factors of the proposed development are considered generally compliant with the purpose statement and overall outcomes of the Industry Zone – Mixed Industry and Business Precinct Code; General Residential Zone - Next Generation Neighbourhood Zone Precinct Code and the Environmental Management and Conservation Zone Code of the MBRC Planning Scheme (V3). The environmental factors of the proposed development are also compliant with Schedule 11, Part 2, Section 6 of the *Planning Regulations 2017*.

The majority of the site has been historically cleared in accordance with a Development Approval for Operational Works - Vegetation Clearing given by Council on 7 March 2013. Relevantly, that approval required a 10m wide buffer strip of existing vegetation to be preserved along the northern, southern and the western boundaries of the site. Remaining vegetation on the site consists of scattered canopy and sub-canopy trees along the north and south boundaries (2.8% of the site) and remnant vegetation (9.9% of the site) in the west of the site.

The proposed development is confined largely to existing cleared areas of the site

An updated Ecological Assessment Report (EAR) has been prepared for the site by Litoria Consulting (Project No. 1476, Version 5.1), dated 4th November 2019. The EAR concluded that the vegetated area in the west of the site is identified as a critical area of nature conservation importance, due to the area containing intact contiguous remnant vegetation (i.e. RE12.9-10.17/12.3.11), key fauna habitat features for at least eight threatened species and an ephemeral watercourse, and a significant north South environmental corridor through the site. Furthermore, the EAR signified that the site (including retained vegetation along the northern and southern borders) contains high levels of koala activity relative to other preferred koala habitats within south east Queensland.

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The applicant proposes to:

- Place an Environmental Management and Conservation zone designation over the western vegetation and riparian corridor adjoining the Lowan St Reserve;
- Other existing trees to the site perimeters are to be retained;
- Vegetation along the southern border and western borders are to be fenced with fauna exclusion fencing to formalise koala corridors, (protecting koalas from key suburban threats such as car strike, dog attacks, and pools);
- The existing vegetation along the southern border of the site is to be included in the open space and recreational zone;
- Open space areas and perimeter roads will adjoin retained vegetation along the southern and western borders. The Open space network will include recreation opportunities and landscaped bio-basins to support improved habitat, amenity and water quality values. Perimeter roads and open space are located to reduce 'edge effects' on areas of core habitat, whilst providing for bushfire separation;
- All open space areas and parklands will be dedicated to Council;
- The use of traffic-calming devices where roads front existing native vegetation to minimise traffic impacts on fauna, will be subject to future detailed design; and
- It is recommended in the EAR that landscaping within the development footprint should complement and connect existing vegetation, thus providing conduits of dispersal for fauna throughout the site, and the inclusion of a lighting strategy to reduce light intrusion on fauna habitats (p60 EAR).

Based on the environmental assessment, Environmental Planning recommends the inclusion of the conditions based on the following.

The potential Structure Plan prepared by RPS (Plan Ref: 130976-101) dated 4 November 2019, identifies an active transport route within the powerline easement to the south of the site. Both the Ecological Assessment Report (EAR) and Vegetation and Fauna Management Plan (VFMP) prepared by Litoria Consulting (Project No. 1476, Version), dated 4th November 2019 propose the implementation of fauna exclusion fencing adjacent to retained vegetation along the southern and western borders of the site. The use of continuous fauna exclusion fencing in these locations excludes active transport connectivity and accessibility from identified active transport routes in the south of the site to residences, open space areas and places of activity within the site.

It is recommended that the Structure Plan be amended to enhance wildlife corridors within and surrounding the site. This will be achieved by:

- Rehabilitating the Environmental Management and Conservation zone;
- To ensure areas within the site containing ecological significance, (including identified wildlife habitat and movement corridors) are provided protection, restoration and management and increasing the width of the existing MLES wildlife corridors in the north and south of the site to being densely vegetated areas along the northern and southern borders. It is generally accepted that biodiversity and ecological function increases with corridor width and integrity.
- This measure will be sufficient to offset any vegetation clearing required within the Green Infrastructure Network and will also ensure that important fauna habitat within the west of the site links with native vegetation and important habitat areas to the east of the site via contiguous wildlife corridors;
- Fauna exclusion fencing between the northern boundary of subject site and Kremzow Road will be required to reduce vehicle strike and direct fauna to new and existing fauna underpasses;

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- Increase green infrastructure and active transport measures throughout the site, to enable accessibility of residential areas to active transport routes in the south (as shown on the Indicative Structure Plan) and allow for continued effective fauna dispersal measures. Measures are to include the implementation of gates (for example refer Figure 10) within fauna exclusion and increased open space and canopy vegetation within the proposed residential areas. Wildlife friendly lighting must be used where required in and adjacent to corridors



**Figure 2: Example of Fauna Exclusion Fencing**

Safe contiguous wildlife movement corridors will also be strengthened via the conditions of approval for the adjacent property to the east (DA/36991/2018/V2L) to implement a fauna underpass under the new Swan Parade Intersection. This will ensure connectivity to retained vegetation in the east of the site.

### **Variation to Overlays**

#### Environmental Areas Overlay

Areas of MSES within the site can be removed as per proposed changes.

Changes to the MLES Waterway Buffer will be reflective of approved changes to the Riparian and Wetland Setback Overlay.

As MLES areas along the southern and northern borders of the site have been identified as important habitat corridors for priority species within the development assessment and have the potential for rehabilitation, Environmental Planning does not agree to amend the Environmental Areas Overlay to remove mapped High Value MLES areas to reflect the existing retained vegetation on the site. Therefore, corridors along the northern and southern boundaries of the site need to be identified on the proposed Environmental Areas Overlay Plan excluding the parts of the site affected by the electricity easement and the entrance road.

#### Riparian and Wetland Setback Overlay

The applicant has requested a Variation Request to the Riparian and Wetlands Setback Overlay to locate the mapped waterway (tributary of Four Mile Creek) further west, based on LiDAR-derived terrain data and assessment of aerial photography. The waterway in question is also mapped as a W3-Waterway MLES Waterway Buffer under the Environmental Areas Overlay. Any assessment of the MLES Waterway Buffer will be reflective of approved changes to the Riparian and Wetland Setback Overlay.

Based on the evidence provided by the applicant Environmental Planning agrees that the Riparian and Wetland Setback Overlay should be amended to reflect the ground-truthed location of the watercourse.

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As the location of the W3 Waterway and associated Riparian Zone are entirely within the proposed Environmental management and conservation zone, impacts of the associated environmental values for the waterway (such as fauna habitat and water quality) will be afforded relative protection from vegetation clearing and edge effects from future development applications.

Bushfire Hazard Overlay

As the development application is for a preliminary approval only and no development will occur onsite until such time as future development occurs, there is currently no threat of Bushfire to structures within the site.

Although, the preliminary approval will require expansion and rehabilitation of wildlife corridors, future applications will need to be assessed against the Bushfire Hazard the rehabilitation planting will incur. However, the future corridors will not be wide enough to class as hazardous (corridor filtering allowance under the SPP2017). Therefore, Environmental Planning agrees to the proposed changes to the Bushfire Hazard Overlay.

Koala Habitat

The applicant has requested that the preliminary approval be assessed as a different habitat value as per the superseded Schedule 11, Part 4 of the *Planning Regulations 2017*. Requested changes include assessing High Value Bushland and Medium Value Bushland in areas of the site that have historically been cleared to High Value and Medium Value Rehabilitation Habitat.

Environmental Planning agrees that the parts in question meet the criteria of Rehabilitation Habitat (as opposed Bushland Habitat whereby the parts contain mainly forested areas of native vegetation), due to historical clearing of the site and therefore approves the change to the koala habitat mapping.

The preliminary application has been assessed with the approved map changes according to the requirements of Schedule 11, Part 3, Section 6 of the superseded *Planning Regulations 2017*.

The submitted Vegetation and Fauna Management Plan, (Litoria Consulting, 4/11/2020, pg. 9) indicates that 3 trees would need to be removed as part of the indicative development layout; and a further 13 trees may require removal subject to future development applications.

To ensure compliance with Schedule 11, Part 2, Section 6 of the *Planning Regulations 2017*, it is recommended that it be conditioned that:

- The unavoidable clearing of NJKHTs within the High or Medium Value Rehabilitation Habitat is to be offset as per the requirements of the *Environmental Offset Act 2014*;
- Clearing of NJKHTs is not to occur within areas identified as Koala Bushland Habitat;
- Clearing of Native vegetation is to be in accordance with the requirements of Schedule 11, Part 3 of the *Planning Regulation 2017*.

Based on the environmental assessment, the proposed development should be approved subject to conditions.

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## 2.6.2 Referral Agencies

### **2.6.2.1 Concurrence Agencies - Department of State Development, Infrastructure, Local Government and Planning**

The application was referred to the Department of State Development, Infrastructure, Local Government and Planning for matters relating to State-Controlled Roads. Council was advised on 7 June 2021 that the Department has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice. Relevantly, a condition of the Department approval is that the applicant upgrade the intersection of South Pine Road with Eatons Crossing Road / Cribb Road (i.e., the entrance into the South Pine Sports complex).

In considering this condition of approval, Council officers identified that the same obligation presently rested with the Council as a Department obligation on the Council to deliver as a part of the Development Approval for a Material Change of Use for the South Pine Sports Complex. In discussions with the applicant, Council officers did not support an outcome where the applicant's development did not make any contribution to the congested state road network and therefore it was agreed in discussions that the applicant would accept the obligation via an Infrastructure Agreement to reimburse the Council for the cost of the Department works if the works were delivered by the Council (as a part of the South Pine Sports Complex approval) in advance of the applicant delivering the works.

### **2.6.2.2 Advice Agencies**

Energex was an Advice Agency. A conditional approval response was received stating:

- (a) This application is approved in accordance with the below referenced plans. Any alterations to these plans should be resubmitted to Energex for comment:

Approved Plans			
Title	Plan Number	Issue	Date
Land Use Plan *subject to condition 3	130976-12A	-	September 2018
Structure Plan	130976-10e	-	October 2018

- (b) Easement conditions must be maintained at all times.
- (c) Amend the Land Use Plan to nominate the corridor of Easement A on RP105406 as Recreation and Open Space.
- (d) This approval does not constitute approval by Energex for a Secondary Active Transport Route and/or Stormwater Management infrastructure in the Easement as indicated by the Structure Plan. Energex requires details of any proposed works/encroachments into the corridor and reserves comment until detailed plans are provided.

Powerlink was similarly an Advance Agency. A conditional approval response was received stating:

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No.	Condition	Timing	Reason
1	The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.	At all times	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
2	Compliance with the terms and conditions of the easement dealing no shown in the heading of this letter.	At all times	To ensure that the existing rights contained in the registered easement dealing is maintained.

#### 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

- (d) Public Notification was served on all adjoining landowners on 6 November 2019.
- (e) The development application was advertised in the Pine Rivers Press on 7 November 2019.
- (f) A notice in the prescribed form was posted on the relevant land on 7 November 2019 and maintained for a period of 30 business days until 19 December 2019.

#### 2.7.2 Submissions Received

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

Type	Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax	189
	Petition	
Not Properly Made	Letter, Email, Fax	5
	Petition	
<b>Total</b>		194

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b>Issue - Community Consultation</b></p> <ul style="list-style-type: none"> <li>Approval would make 475 dwellings code assessable - the community cannot comment on any future proposals again</li> <li>Mordar have been refusing to meet with adjoining neighbours in the lead up to public notification</li> <li>Mordar have refused Warner Working Group ecologists onto their land to conduct Koala surveys and monitoring</li> </ul>
<p><b>Discussion</b></p> <p>There is no statutory obligation on the applicant to carry out public engagement prior to the lodgement of the development application with Council for its consideration. It is noted that the development application on the adjoining land to the east (AVID) adopted a voluntary approach of engaging with the community that while arguably best practice, created a different experience for members of the community.</p> <p>The applicant has followed the development assessment process as outlined in the <i>Planning Act 2016</i> and the Development Assessment Rules. As part of the assessment process, the application was publicly notified for a period of 30 business days in which</p>

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submissions may be lodged for or against the proposal. A total of 194 submissions were received on the application. All 194 submission were individually read and assessed. All information relative to the development application is readily available online through Council PD Online system.

Refer to section 3.3.2.3 of this report discussion the effect the variation has on submitters rights.

This is not sufficient grounds for refusal of the application.

#### **Issue - Containment Cell**

- *Containment Cell should be removed, and land remediated to ensure no risk to environment - and also no risk to human health.*
- *Contamination Cell and stormwater basin shown as green space - however this does not meet expectations of what green space should be classed as.*
- *Concern over residential uses being within vicinity of Containment cell - no reporting received to satisfy safety requirements for human habitability near Cell.*
- *DA seeks to apply provisions of General Residential Zone (next generation precinct) to Containment cell - future development approval for Dwelling Houses would not be required*
- *More detailed assessment on the suitability of proposed residential uses on or near containment cell should be required*

#### **Discussion**

Please refer to Section 3.8 of this report. This matter is not sufficient grounds for refusal of the development application.

#### **Issue - Koalas**

- *Page 38 of the Environmental Report states that high levels of Koala activity are within the area and possible overpopulation - however there is no evidence to support this*
- *Lack of evidence to support that long-term effects of habitat clearing in Warner, Cashmere and Strathpine the area has led to a mass-concentration of Koalas in the area*
- *Lack of evidence to support that the release of captured Koalas in the area has led to overpopulation*
- *Proposed intersection at Kremzow Road and through CSR Site will knock down Koala habitat*
- *These issues of Koala overpopulation have not been found on any adjoining site.*
- *If the Koala overpopulation argument is true - why is this not being used to further justify the creation of additional habitat or strengthen Koala habitat corridors*
- *The enhancement of existing environmental linkages is not demonstrated through the proposed plans.*
- *Koala movement corridors identified in proposal plans are located outside the Mordar site.*
- *Proposed Koala conservation attempts do not align with Strategic Outcome 3.4.1 of the Strategic Framework (Strategic Outcome - Priority Species Conservation)*
- *Lack of Environmental offsets which are required in the Planning Scheme to be identified if the clearing of Koala habitat is required*

An Ecological Assessment Report (**EAR**) has been prepared for the site by Litoria Consulting (Project No. 1476, Version 5.1), dated 4th November 2019. The EAR concluded that retained vegetation in the west of the site is identified as a critical area of nature conservation importance, as this area contains intact contiguous remnant vegetation (i.e. RE12.9-10.17/12.3.11), key fauna habitat features (i.e. provides habitat for forest dependent

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species such as Yellow footed Antechinus and forest dependant bird species), including koala habitat and the presence of an ephemeral watercourse.

The vegetation in the west of the site is also identified as a core north-south environmental corridor through the site which links fauna habitat within the southern half of Warner with native vegetation and habitat areas to the north of the site via the Kremzow Road wildlife crossing infrastructure.

Furthermore, results from a koala detection dog survey indicated that the site (including retained vegetation along the northern and southern borders) contains high levels of koala activity relative to other preferred habitats within south-east Queensland which are known to support viable koala populations.

The applicant proposes Environmental Management and Conservation zone designation over the western vegetation and riparian corridor adjoining the Lowan St Reserve. Other existing trees to the site perimeters are to be retained, strengthened and fenced to formalise koala corridors, (protecting koalas from key suburban threats such as car strike, dog attacks, and pools). The koala corridors will adjoin open space, including recreation opportunities and landscaped bio-basins supporting improved habitat, amenity and water quality values. Furthermore, all open space areas and parklands will be dedicated to Council.

Land designated as Environmental Management and Conservation Zone is to be retained for conservation purposes and dedicated to Council.

A recommended condition of approval is to amend the submitted plans to enhance wildlife corridors on the site by increasing and rehabilitating the Environmental Management and Conservation zone to include a densely vegetated corridor along the northern, and southern boundaries of the site. This measure will ensure that important fauna habitat within the west of the site links with native vegetation and important habitat areas to the east of the site via contiguous wildlife corridors.

In addition, it is recommended that any approval given include conditions that address the above concerns similar to what are presently being proposed through negotiation for the AVID development to immediate east to ensure consistency with both developments. Those recommended conditions require the development and implementation of a Community Stewardship Program with the purpose of embedding community awareness of the presence of koalas within the estate and encouraging community involvement in the ongoing promotion of the fauna friendly values of the estate. The Community Stewardship Program is proposed to include, as a minimum:

- (i) Preparation of community education material, to be provided to all new residents of the estate outlining;
  - (a) The fauna-friendly vision for the estate.
  - (b) The fauna-friendly design features of the estate and the value they provide in protecting koalas.
  - (c) Information about the presence of koalas within and surrounding the estate.
  - (d) Fauna-friendly actions and 'life hacks' that the residents can implement around their home and their neighbourhood.
  - (e) The purpose, actions and timeframes for the Community Stewardship Program.
  - (f) Key contacts: rescue sector (PRKC, MBKR); dog catchers; MBRC; Wildnet, etc.
- (ii) Definition of arrangements with like-minded community organisations and partners to assist in promoting fauna-friendly education;
- (iii) An outline of the developer's commitment to bi-annual koala counts encompassing, at minimum, the remnant vegetation along Kremzow Road, the remnant vegetation



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- along the southern boundary of the site and the Lowan Street Reserve, for the duration of the Community Stewardship Program. Results to provide a source of local information for regular distribution on the development platform;
- (iv) An outline of the developer's commitment to a maintenance plan and programme for the maintenance of the retained vegetation within the development;
  - (v) Definition of the community-led events that will be undertaken by the developer in association with community groups e.g. Scouts, PRKC, local schools, ecologists.
  - (vi) An outline of the establishment, or continuation, of an online platform, for community members to share local experiences and to enable community to be more actively involved.

This is not sufficient grounds to warrant refusal of the development application.

#### **Issue - Environment**

- *Insufficient wildlife/environmental buffers between basins, houses roads and vegetation*
- *The proposed main site entry would further destroy habitat/environmental amenity*
- *Lowan Street Reserve is mapped as protected - no residential development is to occur there*
- *No mention of environmental impact due to trip generation from visitors and staff to aged care facilities & ancillary uses.*
- *Litoria Map (p. 55 EAR) should be amended to classify all vegetation retained to the west as high value bushland - this would make the area perfect for habitat creation and retention*
- *There is no evidence on how movement or connectivity will be enhanced, only how it will be retained*
- *Conditioning should be used to enhance and extend where vegetation is felled.*
- *Lack of green infrastructure which is not in line with Strategic Outcome 3.13 (Planning Areas)*
- *Ecological Survey was not consistent with the minimum survey methods recommended as per State Government Guidelines (i.e. Table 4, p 34 of the Terrestrial vertebrate Fauna Survey Guidelines for Queensland)*

#### **Discussion**

Refer to the response above made in respect to Koalas and section 3.6.1.3 of this report where the Environmental Planning assessment of this development proposal is made.

This is not sufficient grounds to warrant refusal of the development application.

#### **Issue - Infrastructure**

- *Mordar propose no financial contributions to state road network nor intersections around Warner.*
- *Reliance on second access point should not be through CSR site but rather Kremzow road*
- *Proposed stormwater quality and quantity assessment does not adequately address Council Information Request*
- *Detail lacking where infrastructure will be placed on the land i.e. detention bases, bio-retention*
- *Warner Investigation Area structure planning recognises importance of high order north-south connection - the most effective outcome to achieve this would be to provide for connectivity to Kremzow Road at Swan Parade - a shared main access to adjoining CSR Development should be conditioned.*

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- Traffic calming devices do not mix with bus routes - buses may find it difficult to navigate them
- Proposed active transport route in Structure plan south relies on land not within Mordar site - should be contained in Mordar site
- Concerns with suitability of the proposed access point in Kremzow Road - is there not anywhere else along the frontage where access can be gained?
- Assumed background traffic growth rate of 1% is not sufficient for the forecasted growth of the area.
- Assumed trip generation rate of 0.7 trips per dwelling is too low for the area
- Assessment does not include results of SIDRA intersection modelling that was undertaken
- Although the minimum size requirement for Park space is met - this is not sufficient enough to facilitate the proposed development and is isolated from areas.

### Discussion

The development application was referred to the State Assessment and Referral Agency. A condition of approval requires the applicant to upgrade the intersection of South Pine Road with Eaton's Crossing Road/Cribb Road generally in accordance with Concept Layout Plan, prepared by RMA Engineers, drawing number T-SK0002, issue A, dated 2 June 2021 (refer to Figure 11 below).

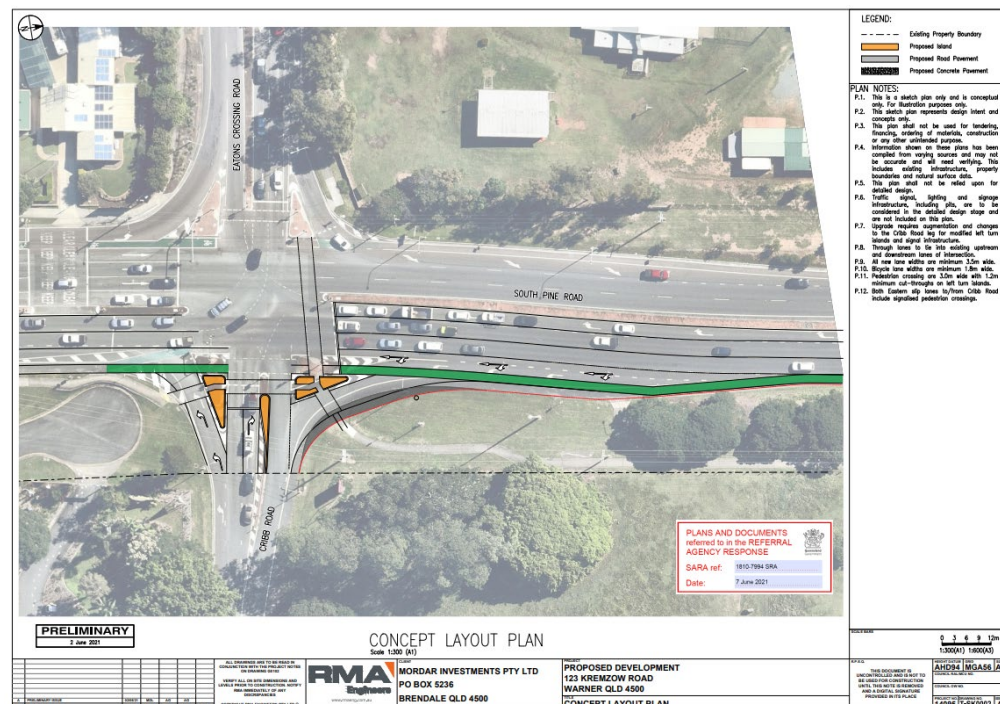


Figure 11: Required upgrade to State network

As an upgrade of this intersection is already an obligation applied by the state on Council as a part of the upgrade of the South Pine Sports Complex upgrade, refer to the discussion above in section 3.6.2.1 of this report.

From a local road network perspective, the applicant is required to dedicate land for the new 4<sup>th</sup> leg of the Kremzow Road / Swan Parade intersection extending at the same width for a minimum distance of 135 metres from the existing property boundary prior to lodging with

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the Council any development application seeking a Development Permit for Reconfiguring a Lot or Material Change of Use. Further, this intersection is outside of the Priority Infrastructure so the upgrade will not be at Council's expense. This outcome aligns with the obligation applied to the development to the immediate east (AVID) in providing a consolidated single access point for both developments as a 4way intersection with Swan Parade. Two road interconnections will also occur on the common boundary between the sites to ensure integration.

A second point of access west along Kremzow Road has not been demonstrated as possible nor safe given the existing road environment and topography of the area.

The locations of the stormwater infrastructure etc. will be addressed as part of a future reconfiguring a lot application/s showing a detailed layout. Stormwater infrastructure will not be permitted to occur in existing vegetated areas.

No traffic calming mechanisms are recommended to be approved as part of this development application and will be addressed in any Development Permit sought.

The traffic modelling was sufficient to allow approval of the development application with further detail and upgrades to be identified as a part of future applications for Development Permits when sought and are included into the recommended conditions of approval.

A proposed Local Recreation Park will be conditioned to meet the Council's Desired Standards of Service as stated in the Local Government Infrastructure Plan with details to be provided in future development applications seeking a Development Permit.

This is not sufficient grounds to warrant refusal of the development application.

#### **Issue - Miscellaneous**

- *Proposed road network will detract from environmentally conscious adjoining CSR development*
- *Proposed 'local collector road' network to the South through rural residential zone will impact amenity of community*
- *Pressures on surrounding private residents land to be pulled in by Mordar to "do the right thing".*
- *Eastern Boundary of Mordar is not in line with planning scheme earthworks provisions. Retaining walls, cutting and filling is not of human scale. A minimum finished ground level of RL 52m AHD at the dividing boundary between Mordar and CSR Site should be achieved.*
- *Worries over Mordar refusals to contribute anything past formal Development Application requirements.*
- *Not appropriate to rely on reports relating to Economic Need for the development - as these have been prepared for different development on different land.*

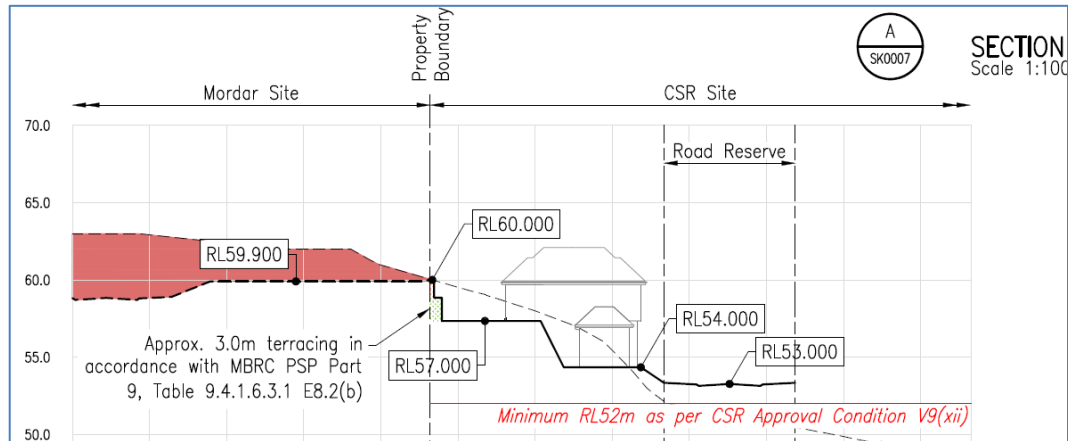
#### **Discussion**

The internal road networks will meet Council's design standards applied across the Moreton Bay Region via the Planning Scheme Policies within the MBRC Planning Scheme, with interconnections and legible road connection to be provided. There will however not be any local collector road connection through to the Rural Residential land to the west or the development to the south as part of this application.

In reference to the eastern boundary of the site, there is a distinct difference with the level of the adjoining land to the east (most prominently at the middle of the boundary) that has been cut as a result of the clay quarrying activities that have occurred. The land to the east

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has been conditioned to be raised to a minimum level of RL52m whereas the Site is at its highest point, mid block, at RL59.9m, resulting in an 8m difference in levels as shown in the image below.



To reduce the height of retaining walls on the common boundary, a condition of approval requires cutting of the eastern part of the site to a level as close as reasonably possible to a height of RL57m to facilitate an ultimate residential lot land form transition that is practical and at a human scale between the subject site and other land to the east.

Economic Needs assessments typically reference other similar developments as justification. The Economic Needs assessment submitted to support this development application considered the correct site.

This is not sufficient grounds to warrant refusal of the development application.

#### Issue - Uses Proposed

- Future residents of relocatable home park will not be within 400m of future potential bus route - could increase potential socio-economic impacts to disadvantaged people(s).
- Dense relocatable home parks strongly on boundaries of adjoining rural residential neighbours and adjoining CSR Development
- Operator who purchases Retirement Village will also be required to install a café, hairdresser and other ancillary uses - it is not a standalone purchase.
- Aged care should be located more near services (e.g. GP's, retail, health services)
- Adjoining sites will have to facilitate non-trunk infrastructure requirements of Mordar

#### Discussion

Refer to section 3.3.1.2 of this report for the assessment of the requested uses in the Preliminary Approval component of this application where it was determined to not recommend a number of uses such as those listed in the submissions.

Based on the recommendation to only approve some uses, this is not sufficient grounds to warrant refusal of the development application.

#### 2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 20 December 2019. 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.

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## 2.8 Other Matters

### Containment Cell

All of the land the subject of this development application was originally located on the State government's Environmental Management Register (**EMR**) administered by the Department of Environment and Science (**DES**) due to the previous use of the land for sand blasting. In 2014, the land was subdivided into 2 lots, with all of the contaminants placed into a state regulated containment cell on lot 901 (highlighted below in blue in Figure 12) to manage contaminated soils and spent abrasive materials. The balance of the site (Lot 2) was removed from the DES EMR, and a Site Management Plan (**SMP**) was approved by DES for the containment cell on Lot 901.

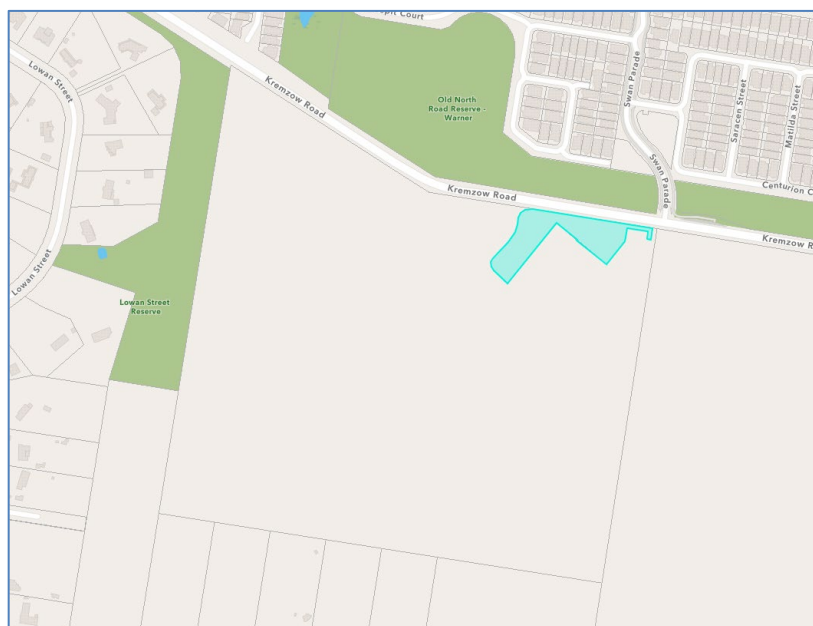


Figure 12: Contaminant cell lot

The contaminant cell itself is a natural clay-lined and capped landfill containment pit (engineer designed). The containment cell extends to about 7m below the ground level at the high point of the site and contains approximately 11,250m<sup>3</sup> of contaminated spent abrasives, road base and soils containing heavy metals (primarily zinc and minor lead, copper and arsenic) from abrasive blasting and protective coating activities. It also includes deposits of ilmenite found naturally in harder sands used in the sand blasting process.

A number of submissions were received citing concern with the contaminant cell. In response to the submissions, Council officers engaged an independent, appropriately qualified 3<sup>rd</sup> party to review all documentation from the applicant and DES in relation to the contaminant cell. Specifically, Council officers sought clarification on the following question:

*Is residential development suitable directly adjacent to the contamination cell?*

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The third-party review concluded that residential development is suitable directly adjacent to the contaminant cell, subject to a number of recommendations. The recommendations are to undertake investigations when development occurs to ensure any works do not impact on the containment cell from a safety and management perspective. The recommendations do not necessitate that there be a large separation distance between the contaminant cell and residential development (2m metres is recommended) or that the containment cell needs to be removed from the property due to a perceived level of danger or the like. Accordingly, any requirement to remove the containment cell or limitation on residential development greater than what has been recommended by experts would not be supported based on any science or technical information available. A condition is recommended to require the applicant to undertake the additional investigations / safety and management actions to be undertaken to ensure the safety and ongoing management of the contaminant cell. The condition will require the following risk mitigation measures to be undertaken prior to the site's development potential being realised (i.e. before a future reconfiguring a lot development application):

- Undertake a detailed surface radiation survey along the boundary of the different use areas.
- Undertake sub-surface sampling / test bores along the shared site boundaries.
- Undertake a targeted radon exhalation survey of the containment cell surface to quantify potential for increased radon exhalation.
- Ensure planned groundwater monitoring associated with the sites includes, at a minimum, up- and down-gradient gross alpha and gross beta radioactivity analysis in groundwater.
- Ensure a plan is in place to halt further excavation works if potentially contaminated materials are exposed during development earthworks, and initiate reassessment of contaminants and radiation exposure.

In respect to the ultimate maintenance and responsibility for the containment cell, it is proposed that the containment cell will be located on its own lot however the lot will be connected by a statutory covenant under the Land Title Act to another lot that is to be developed for Multiple Dwellings (maximum of 20). This way, the lot with the containment cell can be located on the EMR whereas the lot with the Multiple Dwellings is not, allowing the land to be developed for that purpose. In addition, in this arrangement, the ongoing responsibility and maintenance will be left to the body corporate. This arrangement is the only option available that avoids the potential of the containment cell being located on land transferred to the Council or instead on a single lot managed by a single person.

#### **Access Location**

The following variation condition was imposed on the adjoining approval to the east (AVID approval):

(vii) *Table 5.6.1 in the MBRC Planning Scheme is amended in respect to Reconfiguring a lot in the General Residential Zone to read as follows;*

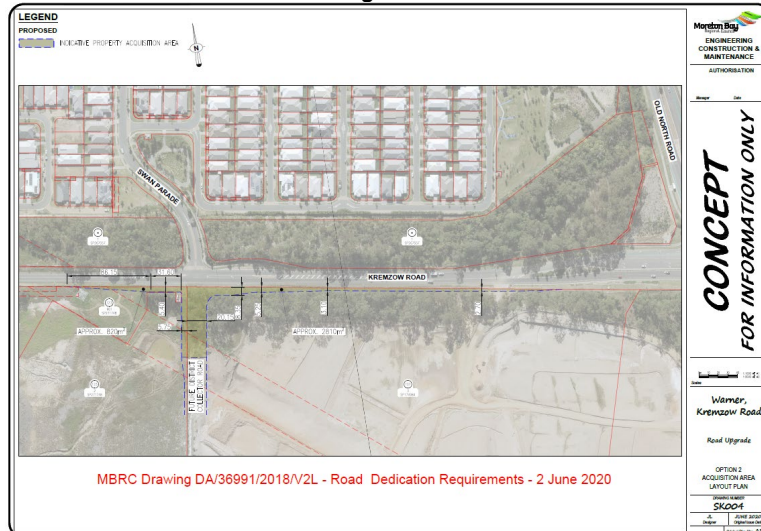
<b>Zone</b>	<b>Categories of development and assessment</b>	<b>Assessment benchmarks for assessable development and requirements for accepted development</b>
<b>General residential zone</b>	<b>Assessable development - Code assessment</b>	
	<i>If not otherwise specified.</i>	<u>9.4.1 'Reconfiguring a lot code'</u> (General residential zone - applicable precinct)
	<b>Assessable development - Impact assessment</b>	
	<i>If:</i>	<i>The planning scheme</i>



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- (i) land is not dedicated as road reserve from within the site directly opposite Swan Parade and along Kremzow Road generally in accordance with Figure A below;
- (ii) land aligning with the 4<sup>th</sup> leg of the Kremzow Road / Swan Parade intersection is not dedicated as road reserve from within the site for a minimum distance of 135 metres along the eastern boundary of the subject site commencing at the existing northern boundary of the subject site.

Figure A



Note: The above Figure A is the same approved plan contained in the package of approved plans referenced as MBRC Drawing DA/36991/2018/V2L - Road Dedication Requirements - 2 June 2020

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Council's clear intent throughout the development application process for both AVID and this application was to achieve a four-way intersection at Swan Parade being viewed as the best location for access onto Kremzow Road from a network perspective. Given the two applications (this application and AVID) were lodged concurrently and the property boundary between the two sites is split where the intersection would be to make a four way intersection, Council imposed the above condition on AVID whereby if the land is not dedicated as road reserve from within the site directly opposite Swan Parade and along Kremzow Road generally in accordance with Figure A and land aligning with the 4<sup>th</sup> leg of the Kremzow Road / Swan Parade intersection is not dedicated as road reserve from within the site for a minimum distance of 135 metres along the eastern boundary of the subject site commencing at the existing northern boundary of the subject site then the level of assessment of a reconfiguring a lot development application would be impact assessable.

A similar condition is recommended to be imposed on this approval to achieve the ultimate outcome sought.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

The applicant (and submitter/s) have appeal rights in accordance with the *Planning Act 2016*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

##### **Our Well-planned Places:**

03 Our communities have access to safe, affordable and diverse living choices.

04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

#### 3.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Region 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 ☒ Nil identified

#### 3.6 Financial Implications

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.

#### 3.7 Economic Benefit Implications

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.



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3.10 Human Rights Implications

Under the *Human Rights Act 2019* (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Refer to Section 2.7.

**SUPPORTING INFORMATION**

**Ref: [65906391](#), [65906394](#), [65906403](#), [65906409](#) & [62589799](#)**

The following list of supporting information is provided for:

**ITEM 3.2**

**DA/37068/2018/V2L - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSE, DUAL OCCUPANCY, DWELLING UNIT, HOME BASED BUSINESS, MULTIPLE DWELLINGS, RETIREMENT FACILITY, RESIDENTIAL CARE FACILITY, RELOCATABLE HOME PARK, PARK, SALES OFFICE, SHO**

**#1 Aerial**

**#2 Zoning Map**

**#3 Locality Plan**

**#4 Conditions**

**#5 Approved Plans**

**#6 Plans to be amended**

**#7 Submissions**

### ITEM 3.3

**REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, TELECOMMUNICATIONS FACILITY, THEATRE, TOURIST ATTRACTION AND UTILITY INSTALLATION; AND VARIATION TO THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO INCLUDE THE LAND INTO THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBOURHOOD PRECINCT, ENVIRONMENTAL MANAGEMENT AND CONSERVATION ZONE, LIMITED DEVELOPMENT ZONE AND RECREATION AND OPEN SPACE ZONE - 107-109 KREMZOW ROAD WARNER**

**APPLICANT: AVID No. 11 ABN 38 618 141 727 c/- Wolter Consulting Group Pty Ltd**  
**OWNER: PGH BRICKS & PAVERS PTY LIMITED A.C.N. 168 794 821**

Meeting / Session: 3 WELL-PLANNED PLACES  
Reference: 65907554: 8 November 2022 – Refer Supporting Information 65907588, 65907570 & 65907609  
Responsible Officer: WM, Principal Planner (PL Development Services)

### Executive Summary

APPLICATION DETAILS	
Applicant:	AVID No. 11 ABN 38 618 141 727
Properly Made Date:	16 January 2019
Confirmation Notice Date:	23 January 2019
No. of Submissions:	Properly Made: 161 Not Properly Made: 15
Decision Due Date:	14 December 2022
Prelodgement Meeting Held:	Yes

PROPERTY DETAILS	
Division:	9
Property Address:	107 to 109 Kremzow Road, Warner
RP Description	Lot 3 SP174984 and Lot 4 SP174985
Land Area:	41.41 hectares
Property Owner	PGH BRICKS & PAVERS PTY LIMITED A.C.N. 168 794 821

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Regional Council Planning Scheme V3
Planning Locality / Zone	Industry Zone – Mixed Industry and Business Precinct, Industry Zone – Light Industry Precinct and Limited Development Zone
Level of Assessment:	Impact Inconsistent

*ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)*

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a Well-planned region.

The applicant has made change representations to the existing:

- (a) Material Change of Use - Preliminary Approval for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation; and
- (b) Variation to the Moreton Bay Regional Council Planning Scheme (**MBRC Planning Scheme**) to include the land into the General Residential Zone - Next Generation Neighbourhood Precinct, Environmental Management and Conservation Zone, Limited Development Zone and Recreation and Open Space Zone.

at 107 to 109 Kremzow Road, Brendale.

The application was approved by Council on 10 June 2020. The owner of the site at the time was CSR Building Products Limited (**CSR**). In May 2021, CSR then transferred ownership of the site to PGH Bricks & Pavers Pty Limited. Since the time of approval, the site has been sold to AVID (settlement yet to occur) who, through their consultants, have been negotiating the conditions of approval as part of the Negotiated Decision Notice process. Council officers bring the proposed changes back to Council for consideration as the original approval was decided by Council.

Given the complexity of the conditions and the number of changes, Council officers have included, as Annexure 1, the existing suite of conditions with track changes enabled to allow for more ready appreciation of the specific proposed changes. In addition, Council officers have identified the following critical changes to the decision that are to be discussed in greater detail:

- Road Network Connection;
- Existing Vegetation to be maintained, Park location; and
- Community Stewardship Program.

The representations made by the applicant have been assessed and it is considered that the conditions listed in Annexure 1 be accepted subject to the recommendations detailed.

## OFFICER'S RECOMMENDATION

- A. That Council approve the requested changes to the development application for a Preliminary Approval for a Material Change of Use for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation at 107 to 109 Kremzow Road, Brendale described as Lot 3 SP174984 and Lot 4 SP174985, subject to the Conditions contained in Annexure A to this report.
- B. That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in Annexure B to this report, as amended as outlined in the assessment report.
- C. That a Decision Notice be given to the applicant about the decisions made under Items A and B that is to include the information contained in Annexure C to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons.

## Moreton Bay Regional Council

GENERAL MEETING - 568  
14 December 2022

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Agenda

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*ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)*

- D. That once the development approval takes effect, that under section 89 of the *Planning Act 2016* the development is to be noted on the Moreton Bay Regional Council Planning Scheme due to the approval including a variation approval given under section 61 of the *Planning Act 2016*; and that a notice be given of the notation and the premises to which the note relates to the Chief Executive.

*ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)*

## REPORT DETAIL

### 1. Background

The application was approved by Council on 10 June 2020. The owner of the site at the time was CSR Building Products Limited (**CSR**). In May 2021, CSR then transferred ownership of the site to PGH Bricks & Pavers Pty Limited. Since the time of approval, the site has been sold to AVID (settlement yet to occur) who, through their consultants, have been negotiating the conditions of approval as part of the Negotiated Decision Notice process. Council officers bring the proposed changes back to Council for consideration as the original approval was decided by Council.

A request to suspend the appeal period was received by Council on 18 June 2020. The applicant's initial representations regarding the decision notice was received on 15 July 2020. The applicant has been negotiating the conditions of approval since this time. Council officers note that the appeal period lapsed; however, negotiations regarding the NDN continued. Final representations were received 24 November 2022.

A Briefing was conducted on 8 November 2022 for the purpose of sharing information and providing advice/views to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

#### ***The CEO noted the way forward:***

*A report to be submitted to a General Meeting for Council's consideration of development application DA/36991/2018/V2L.*

### 2. Assessment of Changes

#### 2.1 Road Network Condition

The existing condition in question is provided below:

V6.	(i)	Submit for approval by Council an Amended Structure Plan for the future development of the site prior to lodging any future development application under this Variation Approval. The applicant submitted Structure Plan is to be amended as follows;
	(a)	Relocate the 'Road Network Connection' along Kremzow Road, west, to the intersection with Swan Parade as a signalised intersection with no mid-block left in / left out access available to Kremzow Road. A left-in, left-out access into Old North Road as proposed is permitted;
		...

#### Development Services Comment

The effect of the condition was removing the proposed mid-block 'Road Network Connection' access location from Kremzow Road and requiring, through the submission of an amended Structure Plan, the primary access point to be at Swan Parade and Kremzow Road (Figure 1).

ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)



Figure 1: Proposed amendments to the Structure Plan v Proposed

In order to upgrade the intersection with traffic signals to create a safe and efficient all movements access for the development, land is required to be dedicated as road reserve to create the 4<sup>th</sup> leg of the intersection that is shown below (Figure 2). Relevantly, this 4<sup>th</sup> leg requires land to be dedicated predominantly from the subject site but also from the adjoining Mordar development to the west. This design is also based on the use of retaining walls at the new property boundary to minimise the loss of vegetation that batters otherwise create. The effect of the location of the intersection at Swan Parade and Kremzow Road being partially over both this and the neighbouring Mordar site meant that gaining access to either site is intrinsically linked. Meaning, in practice, that the conditions regarding access to this site will be consistent with the requirements of the neighbouring Mordar site so as to ensure both an equitable outcome and the desired transport network upgrades.



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**ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)**

V13	The part of the accepted Transport Impact Assessment (TIA) listed in the Table of Approved Plans and Documents is to be updated for the first subsequent development application lodged after seven (7) years from the date that this approval takes effect, that is seeking a development approval under this preliminary approval (that may or may not include a variation request) for reconfiguring a lot. The applicant is to comply with any recommendations of any subsequently approved TIA.
V14	<p>Prior to the lodgement of any development application seeking a Development Permit under this Preliminary Approval, lodge for approval to Council a functional layout plan (including all supporting information) for the proposed interim, mid-block access off Kremzow Road. The functional layout plan is to demonstrate the following:</p> <ul style="list-style-type: none"> <li>(i) the interim, mid-block access meets the requirements of Austroads Guides - Normal Design Domain and does not compromise the safety and efficiency of Kremzow Road;</li> <li>(ii) the interim, mid-block access is contained within the General Residential zone, Next Generation Neighbourhood precinct as shown on the Approved Land Use Plan, with a maximum reserve width of 16.5m; and</li> <li>(iii) the proposed interim, mid-block access does not extend into the Environmental Management and Conservation Zone as shown on the Approved Land Use Plan.</li> </ul> <p>If the proposed interim, mid-block access off Kremzow Road cannot meet the requirements of (i), (ii) and (iii) above and approval is not obtained from Council, then the interim, mid-block access off Kremzow Road as shown on the Approved Land Use Plan, Structure Plan and referenced in Condition V15(ii) is not permitted.</p>
V15	<ul style="list-style-type: none"> <li>(i) Ensure access into the development is in accordance with the access locations shown on the Approved Structure Plan in the Table of Approved Plans and Documents.</li> <li>(ii) Access into the development from Kremzow Road is to occur from the 4<sup>th</sup> leg of the Kremzow Road / Swan Parade intersection with the exception of an interim, mid-block access off Kremzow Road as an additional option that can occur in advance of the access via the 4<sup>th</sup> leg of the Kremzow Road / Swann Parade intersection subject to the following requirements; <ul style="list-style-type: none"> <li>(a) Up to a maximum of 100 lots / dwellings and June 1<sup>st</sup> 2025 (whichever occurs first) unless otherwise approved by the Council in writing - as a priority controlled intersection with all movements access from Kremzow Road, generally in the location shown on the Approved Structure Plan in the Table of Approved Plans and Documents as an interim access with no connection to Old North Road required. Beyond this maximum number of lots / dwellings and date (as stated or otherwise approved), clauses (b), (c) and (d) below will apply instead;</li> <li>(b) Up to a maximum of 145 lots / dwellings and June 1<sup>st</sup> 2026 (whichever occurs first) unless otherwise approved by the Council in writing - as a priority controlled intersection with no right turn into the development from Kremzow Road, generally in the location shown on the Approved Structure Plan in the Table of Approved Plans and Documents as an interim access with no connection to Old North Road required but with U-turns to the western leg of the Kremzow Road / Old North Road intersection installed. Beyond this maximum number of lots / dwellings and date (as stated or otherwise approved), clauses (c) and (d) below will apply instead;</li> <li>(c) Up to a maximum of 225 lots / dwellings and June 1<sup>st</sup> 2027 (whichever occurs first) unless otherwise approved by the Council in writing - as a priority controlled intersection with no right turn into the development from Kremzow Road, generally in the location shown on the Approved Structure Plan in the Table of Approved Plans and Documents as an interim access with an internal connection to a left in / left out to Old North Road also provided with U-turns to the western and southern legs of the Kremzow Road / Old North Road intersection installed. Beyond this maximum number of lots / dwellings and date (as stated or otherwise approved), clause (d) below will apply instead;</li> </ul> </li> </ul>

**ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)**

	<p>(d) Beyond 225 lots / dwellings and June 2<sup>nd</sup> 2027 (whichever occurs first) unless otherwise approved by the Council in writing, any interim mid-block access onto Kremzow Road is to be removed with all access into the development from Kremzow Road to instead be from the 4<sup>th</sup> leg of Swann Parade / Kremzow Road intersection. Once the interim mid-block access has been removed, the land is to be revegetated and reinstated as part of the environmental corridor extending along Kremzow Road.</p> <p>(iii) If access to the development from Kremzow Road is to occur from the 4<sup>th</sup> leg of the Kremzow Road / Swann Parade intersection first without there being any interim mid-block access from Kremzow Road, then the secondary access to the development from Old North Road must be established no later than the creation of the 300<sup>th</sup> lot of the development unless otherwise approved by the Council in writing.</p>
V16	<p>If the 4<sup>th</sup> leg of the Kremzow Road / Swann Parade intersection providing access into the development is constructed (having a minimum length of 100m travelling south from the northern site boundary) by the owner of Lots 2 and/or 901 SP271748, the following external road intersections are to be upgraded in accordance with the recommendations of the approved Transport Impact Assessment to mitigate the impacts of the development.</p> <p>(i) Old North Road / Lavarack Road; (ii) Old North Road / Kremzow Road; (iii) Kremzow Road / Leitch's Road;</p> <p>Note: If the 4<sup>th</sup> leg of the Kremzow Road / Swann Parade intersection is constructed by the development of the subject site pursuant to Condition V15 of this approval, then there is no requirement to in addition, upgrade any external intersections under this condition. These external intersection upgrades are only required if the Kremzow Road / Swann Parade intersection is constructed by other development.</p>

**2.2 Existing Vegetation to be maintained, Park location**

The existing condition in question is provided below:

V6.	<p>(i) Submit for approval by Council an Amended Structure Plan for the future development of the site prior to lodging any future development application under this Variation Approval. The applicant submitted Structure Plan is to be amended as follows;</p> <p>(a) ...</p> <p>(b) Increase the width of the 'Existing Vegetation to be Maintained' strip along the northern and eastern boundaries of a width between 30 and 50 metres as determined by expert koala management advice as per V6 (i) (b) (B);</p> <p>(A) for along the northern boundary measured from the boundary post any required land dedications and infill the vegetation corridor where heavy vehicles presently access the site; and</p> <p>(B) for along the eastern boundary measured from the existing location of the koala fence located in the Old North Road reserve.</p> <p>with the 'Existing Vegetation to be Maintained' to have a minimum total area of 3.99ha with the corridor widths along the northern and eastern boundaries of the site to be demonstrated in a Council approved Koala Management Plan prepared by a suitably qualified person on the basis of providing the best opportunities for koala movement in the long term having regard to future development on the site (eg adjacent location of roads, stormwater basins, residential lots, etc).</p> <p>(c) ...</p>
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**ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)**

Development Services Comment

In May 2016, CSR referred a proposed increased extent of mining operations to the Department of Environment under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**). The plan associated with this application showed a combined area of vegetation to be retained on the northern and southern boundaries of the site of 3.99ha. On 22 July 2016, a decision was made by the Department of Environment that the proposed increase to the mining operations was not considered a controlled action and therefore did not require any further assessment or approval under the EPBC Act. The decision did not specify that any further reduction in the vegetation on the north and south boundaries would trigger a controlled action - simply stating that what was supplied did not trigger a controlled action.

Council officers, at the time of approval of the development application, conditioned the approval to provide the 3.99ha area of existing vegetation to be maintained with a width of between 30m and 50m. Post decision, the applicant provided additional information in the form of an Environmental Authority approval from the Department of Environment and Science wherein they approved an amended Plan of Operations under Environmental Authority EPML03821316 on 20 June 2018 (Figure 3). This effectively gave approval to reduce the area of vegetation along the eastern boundary to 20m and the northern boundary to 10m. CSR then sought a review of the additional clearing proposed under the Environmental Authority - Plan of Operations against the EPBC Act to ensure a controlled action was not triggered. The review concluded that the additional clearing would not have changed the original 'not a controlled action' decision by the Department of Environment. The additional clearing undertaken under the Plan of Operations - Environmental Authority approval was not undertaken to the full effect of the approval, resulting in the vegetation that is currently on site.



**Figure 3: Approved Plan of Operations**

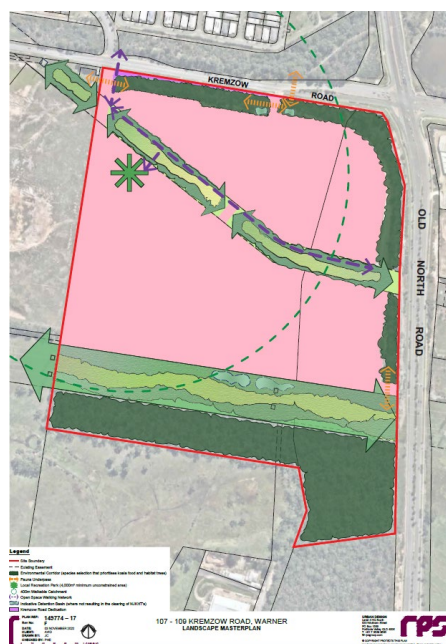
**ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)**

As part of CSR's (former owner and applicant) community engagement, they made commitments to the community that *3 hectares of habitat is to remain protected around the perimeter of the site*. Through the NDN process, the applicant has ground truthed the existing vegetation as opposed to a 30m to 50m buffer which will reduce the total area of Existing Vegetation to be Maintained from 3.99ha to 3.63ha - consistent with commitments made to the community and their Environmental Authority. Figure 4 shows the proposed vegetation to be maintained.



**Figure 4: Vegetation to be retained**

In addition, the applicant proposes to move the location of the local recreation park west, which when considering the neighbouring Mordar sites indicative location of their local recreation park (also west) is supported by Council officers (Figure 5).



**Figure 5: Landscape Master Plan**



*ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)*

### 2.3 Community Stewardship and Koala Habitat Protection

The original Landscape Masterplan showed a large open space corridor through the middle of the site in a north-south direction (Figure 6). However, the Landscape Masterplan provided no details on what exactly the open space corridor was or its width. Post approval, through detailed design associated with the conditions of approval, it was provided that the intent of the green corridor was simply to have a wider road verge on one side of a north south road that could be planted with koala trees. Council officers were concerned that what was proposed didn't match community expectations developed in the community consultation process (Figure 6).



**Figure 6: Current Landscape Masterplan v Proposed**

This design in practice would in effect draw Koala's in and throughout the development on a north south road - an outcome that was not supported by Council officers. In negotiating the removal of an obligation to provide a 30m – 50m wide north south corridor the site, it is proposed that the applicant instead implement a 'Community Stewardship Program'. The Community Stewardship Program requires an ongoing obligation of the developer to:

- Community education material provided to all new residents,
- Partner with like-minded community organisations to assist in promoting fauna-friendly education,
- Commit to koala surveys every two years encompassing, at minimum, the remnant vegetation along Kremzow Road and the remnant vegetation along Old North Road,
- Commit to a maintenance plan and programme, for the maintenance of the retained vegetation within the development
- Deliver community-led events that will be undertaken by or on behalf of the applicant in association with community groups e.g. Scouts, PRKC, local schools, ecologists.

ITEM 3.3 REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S - 65907554 (Cont.)

- Provide an online platform, either new or established, to be used for community members to share local experiences and to enable the community to be more actively involved.
- The Community Stewardship Program is to be implemented by or on behalf of the applicant from the commencement of Stage 1 and maintained through to the date of settlement (sale) of the final residential allotment approved under this Preliminary Approval.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

The applicant (and submitter/s) have appeal rights in accordance with the *Planning Act 2016*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

##### **Our Well-planned Places:**

03 Our communities have access to safe, affordable and diverse living choices.

04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

#### 3.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Region 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

☒ Nil identified

#### 3.6 Financial Implications

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.

#### 3.7 Economic Benefit Implications

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 Human Rights Implications

Under the *Human Rights Act 2019* (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

#### 3.11 Consultation / Communication

Not Applicable

**SUPPORTING INFORMATION**

**Ref: [65907588](#), [65907570](#) & [65907609](#)**

The following list of supporting information is provided for:

**ITEM 3.3**

**REQUEST FOR NEGOTIATED DECISION DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, S**

**#1 Aerial**

**#2 Zoning Map**

**#3 Locality Plan**

**#4 Changes to conditions**

**#5 Approved Plans**

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## 4 WELL-CONNECTED PLACES SESSION

(Cr A Hain / Cr M Gillam)

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### ITEM 4.1

### TENDER - 2022/23 REGIONAL BOARDWALK AND PLATFORM RENEWAL PROGRAM

Meeting / Session: 4 WELL-CONNECTED PLACES  
Reference: 65969693 : 3 November 2022 - Refer **Confidential** Supporting Information  
65297087  
Responsible Officer: TD, Project Officer (PAS Asset Maintenance)

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#### Executive Summary

Tenders were invited for the '2022/23 Regional Boardwalk and Platform Renewal Program (MBRC-RFT273)' through open tender using eProcure. Tenders closed on 4 August 2022 with only one tender submission received.

It is recommended that the tender for the '2022/23 Regional Boardwalk and Platform Renewal Program (MBRC-RFT273)' be awarded to Roman Contractors Pty Ltd, for the total sum of \$235,700 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the **Well-connected Places portfolio** as the '2022/23 Regional Boardwalk and Platform Renewal Program (MBRC-RFT273)' will provide renewed pedestrian connections within the community.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

#### OFFICER'S RECOMMENDATION

1. That the tender for the '2022/23 Regional Boardwalk and Platform Renewal Program (MBRC-RFT273)' be awarded to Roman Contractors Pty Ltd, for the total sum of \$235,700 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of the \$261,000 (excluding GST) in additional funds for the project as detailed in this report, at the 2022/23 financial year quarter two review process.
3. That the Council enters into an agreement with Roman Contractors Pty Ltd, as described in this report.
4. 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 Roman Contractors Pty Ltd for the '2022/23 Regional Boardwalk and Platform Renewal Program (MBRC-RFT273)' project and any required variations of the agreement on Council's behalf.
5. That it be noted that Council has submitted two funding applications for this project, one being to the State Government's Community and Recreational Assets Recovery and Resilience Program for the amount of \$203,720 (excluding GST) and the other to the Queensland Reconstruction Authority (QRA) through the Disaster Recovery Funding Arrangements, Category B Reconstruction of Essential Public Assets (REPA) for the amount of \$58,920 (excluding GST).



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*ITEM 4.1 TENDER - 2022/23 REGIONAL BOARDWALK AND PLATFORM RENEWAL PROGRAM - 65969693  
(Cont.)*

## **REPORT DETAIL**

### **1. Background**

The South East Queensland extreme rainfall and flooding events between 22 February and 16 May 2022 caused significant damage to public infrastructure assets throughout the Moreton Bay region. Council has submitted two funding applications for the '*2022/23 Regional Boardwalk and Platform Renewal Program*' and one being to the State Government's Community and Recreational Assets Recovery and Resilience Program for the amount of \$203,720 (excluding GST) for the Bunya Lake Court Reserve, Bunya; and Stanton Reserve, Eatons Hill projects; and the other to the Queensland Reconstruction Authority (QRA) through the Disaster Recovery Funding Arrangements, Category B Reconstruction of Essential Public Assets (REPA) for the amount of \$58,920 (excluding GST) for the Kensington Way, Strathpine, in accordance with the Regional Integrated Transport Strategy.

The '*2022/23 Regional Boardwalk and Platform Renewal Program (MBRC-RFT273)*' includes the asset renewal of damaged boardwalks as a result of the February/March 2022 weather events, at the following locations:

- Bunya Lake Court Reserve, Bunya
- Stanton Reserve, Eatons Hill
- Kensington Way, Strathpine

The objective of the project is to bring the boardwalks back to a desirable level of service providing improved access and safety for pedestrians, these boardwalks remain closed to the public as they are deemed unsafe in their current condition. The project scope will include:

- Removal of two (2) multi span boardwalk structures;
- Construction of two (2) multi span boardwalk structures;
- Replacement of one (1) single span boardwalk structure for the Kensington Way Project and
- Replacement of all piers, headstocks, joists, decking and kick rails with fibre composite materials.

Construction is scheduled to commence in early February 2023, following a four-week lead time for construction materials. The site works will take up to twelve weeks to complete, which includes an allowance for wet weather.

A communication plan has been prepared for this project. Communication strategies include project notices issued 4 weeks prior to the commencement of works and projects signs displayed on site prior to construction. The communications plan will include regular project updates to the Divisional Councillor.

ITEM 4.1 TENDER - 2022/23 REGIONAL BOARDWALK AND PLATFORM RENEWAL PROGRAM - 65969693  
(Cont.)



Figure 1: (Bunya Lake Court Reserve, Bunya) - Locality Plan



Figure 2: (Stanton Reserve, Eatons Hill) - Locality Plan



ITEM 4.1 TENDER - 2022/23 REGIONAL BOARDWALK AND PLATFORM RENEWAL PROGRAM - 65969693  
(Cont.)

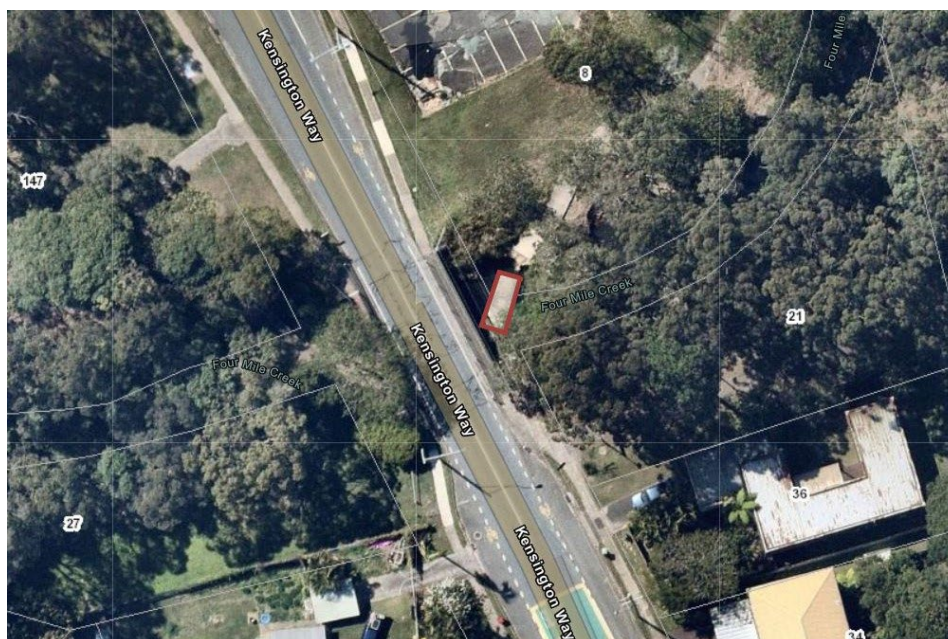


Figure 3: (Kensington Way, Strathpine) - Locality Plan

## 2. Explanation of Item

Tenders were invited for the '2022/23 Regional Boardwalk and Platform Renewal Program (MBRC-RFT273)' through open tender using eProcure and closed on 4 August 2022, with only one tender submission received.

The panel deemed that there are a number of suitably qualified and experienced contractors capable of undertaking these types of works however only one submission was received. eProcure records indicate that thirty-five companies downloaded the tender documentation, however did not respond. This is indicative of some of the challenges in the current market.

Once tenders closed and project costs were determined, submissions for the two funding applications for this project were lodged with the State Government's Community and Recreational Assets Recovery and Resilience Program and Queensland Reconstruction Authority (QRA) through the Disaster Recovery Funding Arrangements, Category B Reconstruction of Essential Public Assets (REPA). Approval for these grants is still pending, however, if approved will cover the costs associated with this program.

The tender was 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 (Pre LP)	EVALUATION SCORE (Post LP)
1	Roman Contractors Pty Ltd	100.00	103.00

**Roman Contractors Pty Ltd ('RC')** - submitted a comprehensive tender submission demonstrating their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. RC provided examples of relevant project experience, including Matthew Hawthorne Reserve, Albany Creek (valued at \$226k) for Moreton Bay Regional Council; Cod Street to Norman Point Boardwalk (valued at \$990k) for Gympie Regional Council; and Pimpama Sports Hub (valued at \$180k) for Wagners CFT.

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**ITEM 4.1 TENDER - 2022/23 REGIONAL BOARDWALK AND PLATFORM RENEWAL PROGRAM - 65969693**  
(Cont.)

At the post tender clarification meeting held 29 August 2022, RC provided additional information with regards to their construction design which was of a higher standard than specified in the tender specification, specifically relating to the construction materials for the footbridge structure, abutment size and footing piers. The proposed design by RC is in line with Asset Maintenance's preferred construction method. The evaluation panel considers the tender from RC to be in line with market value and that this offer represents best overall value for Council and is the recommendation of this report.

### **3. Strategic Implications**

#### **3.1 Legislative / Legal Implications**

Due to the value of work expecting to be greater than \$200,000, Council called a public tender for the work through MBRC's eTendering Portal, in accordance with the *Local Government Act 2009*.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 02 We actively plan for the future and advocate in the best interests of our communities.

#### **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 (Qld)* Chapter 6.

Tenders were considered against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

#### **3.4 Risk Management Implications**

A Risk Management Plan has been prepared. The project risk has been assessed and the following issues identified, including the manner in which the possible impact of these risks are minimised is detailed below.

##### *Financial Risk:*

- a. A third-party financial assessment has been carried out and the recommended tenderer was rated 'strong'.
- b. The recommended tenderer has formally confirmed that the submitted tendered pricing for the works remains valid until 30 December 2022.

##### *Design & Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Asset Maintenance.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any impacts which would affect material supply chains and overall time delivery of the project works.
- d. The project is not affected or impacted by any internal or external Development Approvals.
- e. Dilapidation inspections will be conducted prior to works commencing and again after construction to record any change.

**ITEM 4.1 TENDER - 2022/23 REGIONAL BOARDWALK AND PLATFORM RENEWAL PROGRAM - 65969693**  
(Cont.)

**3.5 Delegated Authority Implications**

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.49M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.*

**3.6 Financial Implications**

These projects are not currently funded in the 2022/23 financial years' Capital Projects Program (CPP). Council has submitted two funding applications for this project, one being to the State Government's Community and Recreational Assets Recovery and Resilience Program for the amount of \$203,720 (excluding GST) and the other to the Queensland Reconstruction Authority (QRA) through the Disaster Recovery Funding Arrangements, Category B Reconstruction of Essential Public Assets (REPA) for the amount of \$58,920 (excluding GST). Approval for these grants is still pending, however, if approved will cover the costs associated with this program.

Whilst Council has not yet received funding approval from submissions, works need to be undertaken as the footbridges are damaged and closed to the public. All financial information below is excluding GST

Tender Price (Construction)	\$ 235,700
Contingency (5%)	\$ 11,785
QLeave (0.575%)	\$ 1,355
<b><u>Total Project Cost</u></b>	<b><u>\$ 260,625</u></b>

Council acknowledges that to enter into the agreement, Council commits to the provision of the \$261,000 (excluding GST) in additional funds for the project as detailed in this report at the 2022/23 financial year quarter two review process.

**3.7 Economic Benefit Implications** ☒ Nil identified

**3.8 Environmental Implications**

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by project management during the construction phase.

**3.9 Social Implications**

The projects once completed will reinstate pathway linkages which were adversely affected following the February - May 2022 weather events.

**3.10 Human Rights Implications**

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

**3.11 Consultation / Communication**

- Internal departments/sections:
  - Asset Maintenance
  - Procurement

## ITEM 4.2

### TENDER - FERNY HILLS - MAUREEN LAWRENCE PARK - FOOTBRIDGE RENEWAL

Meeting / Session: 4 WELL CONNECTED PLACES  
Reference: 65970902 : 1 December 2022 - Refer **Confidential** Supporting Information  
65603467  
Responsible Officer: JV, Project Engineer (PAS Asset Maintenance)

#### Executive Summary

Tenders were invited for the '*Ferny Hills - Maureen Lawrence Park - Footbridge Renewal (MBRC-RFT272)*' project. Tenders closed on 8 October 2022 with a total of five conforming tender submissions received.

It is recommended that the tender for the '*Ferny Hills - Maureen Lawrence Park - Footbridge Renewal (MBRC-RFT272)*' project be awarded to Roman Contractors Pty Ltd, for the sum of \$256,000 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This piece of infrastructure was damaged by the February/March 2022 wet weather event. Council has submitted a funding application for this project to the State Government's Community and Recreational Assets Recovery and Resilience Program for the amount of \$281,600 (excluding GST).

This matter is brought to the attention of Council under the **Well-connected Places portfolio** as the '*Ferny Hills - Maureen Lawrence Park - Footbridge Renewal (MBRC-RFT272)*' will provide renewed pedestrian connections within the community.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

#### OFFICER'S RECOMMENDATION

1. That the tender for the '*Ferny Hills - Maureen Lawrence Park - Footbridge Renewal (MBRC-RFT272)*' project be awarded to Roman Contractors Pty Ltd, for the sum of \$256,000 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of the \$271,000 (excluding GST) in additional funds for the project as detailed in this report, at the 2022/23 financial year quarter two review process.
3. That the Council enters into an agreement with Roman Contractors Pty Ltd, as described in this report.
4. 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 Roman Contractors Pty Ltd for the '*Ferny Hills - Maureen Lawrence Park - Footbridge Renewal (MBRC-RFT272)*' project and any required variations of the agreement on Council's behalf.



## ITEM 4.2 TENDER - FERNY HILLS - MAUREEN LAWRENCE PARK - FOOTBRIDGE RENEWAL - 65970902 (Cont.)

### REPORT DETAIL

#### 1. Background

The South East Queensland extreme rainfall and flooding events between 22 February and 16 May 2022 caused significant damage to public infrastructure assets throughout the Moreton Bay region. Council has submitted a funding application for this project to the State Government's Community and Recreational Assets Recovery and Resilience Program for the amount of \$281,600 (excluding GST).

The project is located at Maureen Lawrence Park, Samford Road, Ferny Hills. The project scope comprises:

- Removal of two (2) existing timber footbridge structures;
- Construction of two (2) single-span fibre composite footbridges with travelled length of 13m and 10m metres respectively;
- Construction of structural concrete abutments and piers at both ends of the bridges; and
- The structures will tie in neatly with the adjoining path.

The objective of the project is to bring these footbridges back to a desirable level of service providing improved access and safety for pedestrians, the footbridges remain closed to the public due to extensive damage caused by the February/March 2022 weather events.

Construction is scheduled to commence in February 2023, following a four-week lead time for construction materials to be sourced. The site works will take an additional eight weeks to complete, which includes an allowance for wet weather.

A communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and projects signs displayed on site prior to construction. The communications plan will include regular project updates to the Divisional Councillor.



Figure 1: (Maureen Lawrence Park) - Locality Plan

#### 2. Explanation of Item

Tenders were invited for the 'Ferny Hills - Maureen Lawrence Park - Footbridge Renewal (MBRC-RFT272)' project. Tenders closed on 8 October 2022 with a total of five conforming tender submissions 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.

**ITEM 4.2 TENDER - FERNY HILLS - MAUREEN LAWRENCE PARK - FOOTBRIDGE RENEWAL - 65970902 (Cont.)**

Council has submitted a funding application for this project to the State Government's Community and Recreational Assets Recovery and Resilience Program; at this time approval for this grant is still pending.

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

RANK	TENDERER	EVALUATION SCORE (Pre LP)	EVALUATION SCORE (Post LP)
1	Roman Contractors Pty Ltd	93.62	96.62
2	Allure Landscaping Pty Ltd ta Allure Landscapes Queensland	85.09	92.59
3	The Landscape Construction Company Pty Ltd	83.89	83.89
4	Corearth Construction Pty Ltd	76.05	76.05
5	Munro Constructions	54.60	54.60

**Roman Contractors Pty Ltd ('RC')** - submitted a comprehensive tender submission demonstrating their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. RC provided examples of relevant project experience, including Matthew Hawthorne Reserve, Albany Creek (valued at \$226k) for Moreton Bay Regional Council; Cod Street to Norman Point Boardwalk (valued at \$990k) for Gympie Regional Council; and Pimpama Sports Hub (valued at \$180k) for Wagners CFT.

The offer from RC was the second lowest priced and received the highest evaluation score. At the post tender clarification meeting, RC provided additional information with regards to their construction design which was of a higher standard than specified in the tender specification, specifically relating to the construction materials for the footbridge structure, abutment size and footing piers. The proposed design by RC is in line with Asset Maintenance's preferred construction method. The evaluation panel deemed the additional cost associated with the offer from RC along with RC's previous experience in the delivery of similar projects to be best overall value for Council and is the recommendation of this report.

**Allure Landscaping Pty Ltd, trading as Allure Landscapes Qld ('AL')** - Submitted a well-presented tender demonstrating their methodology, company capability, understanding of the project and capability in delivering the project. AL did not provide any previous works experience regarding the construction of footbridges or boardwalks within their tender. The offer from AL was the lowest priced and received the second highest evaluation score based on AL's lack of apparent previous work experience in the delivery of similar projects and so therefore their offer was not deemed best value to Council.

**The Landscape Construction Company ('TLCC')** - submitted a comprehensive and well-presented tender, demonstrating their project experience. Although TLCC demonstrated strong project experience they were the highest priced tender submission, it was determined that there were no additional benefits identified for the higher price and therefore was deemed not best value for Council.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of work expecting to be greater than \$200,000, Council called a public tender for the work through MBRC's eTendering Portal, in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Well Connected Places 04



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ITEM 4.2 TENDER - FERNY HILLS - MAUREEN LAWRENCE PARK - FOOTBRIDGE RENEWAL - 65970902 (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 (Qld)* Chapter 6.

Tenders were considered against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

3.4 Risk Management Implications

A Risk Management Plan has been prepared. The project risk has been assessed and the following issues identified, including the manner in which the possible impact of these risks are minimised is detailed below.

*Financial Risk:*

- a. A third-party financial assessment has been carried out and the recommended tenderer was rated '*strong*'.
- b. The recommended tenderer has formally confirmed that the tendered pricing submitted for these works remains valid until 30 December 2022.

*Design & Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Asset Maintenance.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any impacts which would affect material supply chains and overall time delivery of the project works.
- d. The project is not affected or impacted by any internal, or external Development Approvals.
- e. Dilapidation inspections will be conducted prior to works commencing and again after construction to record any change.
- f. The recommended tenderer has advised that their tendered price remains valid until 31 December 2022.
- g. Environmental advice has been provided from Environmental Planning. They have advised that the bridges are located in significant environmentally sensitive areas. MSES - No impacts to existing native vegetation. Waterways/riparian areas - Avoid impacts to vegetation and ensure the bridge structure is replaced with a single-span structure that spans entirely over the waterway from top of bank to top of bank. It is recommended to seek pre-lodgement advice from the State Assessment and Referral Agency (SARA). Notification has been undertaken with no expectation that there will be any delay to the scheduled program.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.49M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.*

ITEM 4.2 TENDER - FERNY HILLS - MAUREEN LAWRENCE PARK - FOOTBRIDGE RENEWAL - 65970902 (Cont.)

3.6 Financial Implications

Council has submitted a funding application for this project to the State Government's Community and Recreational Assets Recovery and Resilience Program for the amount of \$281,600 (excluding GST). Should the grant be approved, it will offset the costs associated with this project.

All financial information below is excluding GST

Tender Price (Construction)	\$	256,000
Contingency (5%)	\$	12,800
QLeave (0.575%)	\$	1,472
<b>Total Project Cost/Funding Shortfall</b>	<b>\$</b>	<b>270,272</b>

There are no allocated funds from the 2022/23 financial year's Capital Projects Program (CPP) towards this project. Council acknowledges that to enter into the agreement, Council commits to the provision of the \$271,000 (excluding GST) in additional funds for the project as detailed in this report at the 2022/23 financial year quarter two review process.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by Asset Maintenance during the construction phase.

3.9 Social Implications

The works will reinstate pathway linkages that were adversely affected during the February - May 2022 weather events.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Internal departments/sections:
  - Asset Maintenance
  - Procurement

#### ITEM 4.3

### TENDER - MOUNT NEBO - MOUNT NEBO ROAD AT GOAT TRACK - CURVE UPGRADE AND MOUNT NEBO - MOUNT NEBO ROAD - ROAD UPGRADE

Meeting / Session: 4 WELL-CONNECTED PLACES  
Reference: 65897363: 7 December 2022 - Refer **Confidential** Supporting Information 65829445  
Responsible Officer: DM, Senior Project Manager (PAS Project Management)

#### Executive Summary

Tenders were invited for the '110098 Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade' and '110095 Mount Nebo - Mount Nebo Road - Road Upgrade' projects. Tenders closed on 8 November 2022 with a total of 2 tender submissions received, one of which was deemed non-conforming.

It is recommended that the tender for the 'Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade and Mount Nebo - Mount Nebo Road - Road Upgrade' projects be awarded to Durack Civil Pty Ltd, for the sum of \$3,621,647.75 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

The combined projects have been awarded \$1,713,000 in funding from the Federal Government's Blackspot Program for the 2022/2023 Financial Year. This funding award is now at risk due to i) the increased cost of the projects ii) a reduced Benefit Cost Ratio for the projects and iii) the funding now being required over two financial years (2022/2023 and 2023/2024 Financial Years). Officers will be resubmitting the required information to confirm the \$1,713,000 funding from the Federal Government's Blackspot Program.

In order to progress the tender award, the worst-case scenario is assumed, whereby no funding is awarded from the Federal Government's Blackspot Program.

This matter is brought to the attention of Council under the **Well-Connected places portfolio**, improving safety for all transport users and increasing capacity and operating efficiency of road infrastructure, under the Regional Integrated Transport Strategy.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

#### OFFICER'S RECOMMENDATION

1. That the tender for the 'Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade and Mount Nebo - Mount Nebo Road - Road Upgrade' projects be awarded to Durack Civil Pty Ltd, for the sum of \$3,621,647.75 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of the following additional funding:
  - a) Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade
    - Additional \$566,127 in funding for the 2022/23 financial year as part of the quarterly review process; and
    - Additional \$582,484 in funding for the 2023/24 financial year
  - b) Mount Nebo - Mount Nebo Road - Road Upgrade
    - Additional \$619,331 in funding for the 2022/23 financial year as part of the quarterly review process; and
    - Additional \$788,285 in funding for the 2023/24 financial year

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*ITEM 4.3 TENDER - MOUNT NEBO - MOUNT NEBO ROAD AT GOAT TRACK - CURVE UPGRADE AND MOUNT NEBO - MOUNT NEBO ROAD - ROAD UPGRADE - 65897363 (Cont.)*

3. That the Council enters into an agreement with Durack Civil Pty Ltd, as described in this report.
4. 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 Durack Civil Pty Ltd for the '*Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade and Mount Nebo - Mount Nebo Road - Road Upgrade*' project and any required variations of the agreement on Council's behalf.

**ITEM 4.3 TENDER - MOUNT NEBO - MOUNT NEBO ROAD AT GOAT TRACK - CURVE UPGRADE AND MOUNT NEBO - MOUNT NEBO ROAD - ROAD UPGRADE - 65897363 (Cont.)**

## REPORT DETAIL

### 1. Background

Two projects have been combined in this tender due to the similar nature of the works, close proximity of both projects and to achieve value for Council. The two projects are:

1. Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade (figure 1 below); and
2. Mount Nebo - Mount Nebo Road - Road Upgrade (figure 2 below).

The Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade's project scope includes road widening and shoulders on curves, improvements to horizontal alignment and superelevation, and installation of a crash barrier. The project has originated as a result of being identified as a black spot based on crash history.

The objective of the project is to improve safety for all road users.

Construction will commence in February 2023, following a 4-week lead time for procurement of materials, and is scheduled to take 8 months to complete, which includes an allowance for wet weather (45 days).

A communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and projects signs displayed on site prior to construction.



**Figure 1: (Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade) - Locality Plan**



**ITEM 4.3 TENDER - MOUNT NEBO - MOUNT NEBO ROAD AT GOAT TRACK - CURVE UPGRADE AND MOUNT NEBO - MOUNT NEBO ROAD - ROAD UPGRADE - 65897363 (Cont.)**

The Mount Nebo - Mount Nebo Road - Road Upgrade's project scope includes improving the horizontal alignment, widening the shoulder and providing adequate clear zone to address the identified crash trend.

The objective of the project is to improve safety for all road users.

Construction will commence in February 2023, following a 4-week lead time for the design of the retaining wall system, and is scheduled to take 8 months to complete, which includes an allowance for wet weather (45 days).

It is noted that both projects on Mt Nebo Road will be constructed concurrently.

A communication plan has been prepared for this project. Communication strategies include project notices issued 4 weeks prior to the commencement of works and projects signs displayed on site prior to construction. The two property owners at 1967 Mt Nebo Road and 1988 Mt Nebo Road have been consulted on the scope of works and expected impacts on their properties.



**Figure 2: (Mount Nebo - Mount Nebo Road) - Locality Plan**

## 2. Explanation of Item

Tenders were invited for the 'Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade and Mount Nebo - Mount Nebo Road - Road Upgrade' projects, which closed on 8 November 2022, with a total of 2 tenders received, one of which was deemed non-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.

**ITEM 4.3 TENDER - MOUNT NEBO - MOUNT NEBO ROAD AT GOAT TRACK - CURVE UPGRADE AND MOUNT NEBO - MOUNT NEBO ROAD - ROAD UPGRADE - 65897363 (Cont.)**

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

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Durack Civil Pty Ltd	70.00	73.00
2	Allencon Pty Ltd	Non Conforming	

**Durack Civil Pty Ltd ('DC')** - submitted a comprehensive tender. A tender clarification meeting was held on 15 November 2022, at which DC demonstrated their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. DC provided examples of relevant project experience, including Theresa Creek Road Upgrade (valued at \$600k) for Tablelands Regional Council; and Oakey-Biddeston Road Upgrade (valued at \$2M) for Toowoomba Regional Council. In addition, DC provided a comprehensive list of previous projects demonstrating works for similar clients working on projects within the same discipline and of similar value

DC provided a comprehensive methodology and given their strong outcome on the Detailed Financial and Performance Assessment report the evaluation panel considers the tender from DC to represent the best overall value for Council.

The recommended tenderer operates in a non-adjacent local government area and is utilising 1%-29% of local supplier / goods and services in a local area commitment.

**Allencon Pty Ltd ('AC')** - Non-conforming, - AC submitted a conforming tender in response to the tender request however the tender was considered non-conforming as it did not meet councils risk assessment criteria.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of work expecting to be greater than \$200,000, Council called a public tender for the work through MBRC's eTendering Portal, in accordance with the Local Government Act 2009.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 07 We have an efficient, connected and resilient transport network enabled by smart technologies and innovative design.

#### 3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

Tenders were considered against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

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ITEM 4.3 TENDER - MOUNT NEBO - MOUNT NEBO ROAD AT GOAT TRACK - CURVE UPGRADE AND MOUNT NEBO - MOUNT NEBO ROAD - ROAD UPGRADE - 65897363 (Cont.)

3.4 Risk Management Implications

A Risk Management Plan has been prepared. The project risk has been assessed and the following issues identified, including the manner in which the possible impact of these risks are minimised is detailed below.

*Financial Risk:*

A third-party financial assessment has been carried out and the recommended tenderer was rated 'strong'.

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any impacts which would affect material supply chains and overall time delivery of the project works.
- d. To avoid delays onsite, works will not commence until the required procurement of specific materials for slope stability stabilisation have been received; and the design of retaining walls has been completed. The current lead time for procurement of rock anchors and shotcrete and design of retaining walls is (4 weeks), which has been allowed for in the works commencement date and as part of the overall project delivery timeframe.
- e. The project is not impacted by any building and plumbing approvals.
- f. The project is not impacted by any internal Development Approvals.
- g. The project is not impacted by any external Development Approvals, as per formal advice received from Development Services.

3.5 Delegated Authority Implications

The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$793,000 for service relocation and construction in the 2022/23 financial year's Capital Projects Program for the Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade project.

Council has allocated a total of \$1.22M for service relocation and construction in the 2022/23 financial year's Capital Projects Program for the Mount Nebo - Mount Nebo Road - Road Upgrade project.

All financial information below is excluding GST.

The combined projects have been awarded \$1,713,000 in funding from the Federal Government's Blackspot Program.

To date Council has received \$381,150 of the funding for - Mount Nebo Road at Goat Track - Curve Upgrade project and \$561,000 of the funding for Mount Nebo - Mount Nebo Road - Road Upgrade project on 16 June 2022.



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## ITEM 4.3 TENDER - MOUNT NEBO - MOUNT NEBO ROAD AT GOAT TRACK - CURVE UPGRADE AND MOUNT NEBO - MOUNT NEBO ROAD - ROAD UPGRADE - 65897363 (Cont.)

It is noted that the revenue for the project through the Federal Government's Blackspot Program is contingent upon achieving a minimum Benefit-Cost Ratio (BCR) of 2.0. Council should be aware that if the final BCR calculation does not meet this minimum requirement, there is a risk that *additional grant funding* (up to a maximum of \$2M per project) may not be approved for the project and the *current approved funding* may be withdrawn.

### Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade

Tender Price (Construction)	\$	1,541,463
Contingency (20% - Project assessed as High Risk)	\$	308,293
Supervision / Administration Costs	\$	77,073
Principal Supplied Concrete Pipes	\$	5,621
QLeave (0.575%)	\$	9,161

<b><u>Total Project Cost</u></b>	<b>\$</b>	<b>1,941,611</b>
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<b>Project Shortfall</b>	<b>\$</b>	<b>1,148,611</b>
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Federal Blackspot funding program*		693,000
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<b><u>Net additional cost to Council</u></b>	<b>\$</b>	<b>455,611</b>
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Estimated ongoing operational/maintenance costs	\$ 15,416	per financial year
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### Mount Nebo - Mount Nebo Road - Road Upgrade

Tender Price (Construction)	\$	2,080,185
Contingency (20% - Project assessed as High Risk)	\$	416,037
Supervision / Administration Costs	\$	104,009
Offset Planting	\$	15,000
QLeave (0.575%)	\$	12,385

<b><u>Total Project Cost</u></b>	<b>\$</b>	<b>2,627,616</b>
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<b>Project Shortfall</b>	<b>\$</b>	<b>1,407,616</b>
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Federal Blackspot funding program*	\$	1,020,000
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<b><u>Net additional cost to Council</u></b>	<b>\$</b>	<b>387,616</b>
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Estimated ongoing operational/maintenance costs	\$ 37,640	per financial year
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That to allow Council to enter into the agreement, Council commits to the provision of the following additional funding:

### Mount Nebo - Mount Nebo Road at Goat Track - Curve Upgrade

- Additional \$566,127 in funding for the 2022/23 financial year as part of the quarterly review process
- Additional \$582,483 in funding for the 2023/24 financial year

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*ITEM 4.3 TENDER - MOUNT NEBO - MOUNT NEBO ROAD AT GOAT TRACK - CURVE UPGRADE AND MOUNT NEBO - MOUNT NEBO ROAD - ROAD UPGRADE - 65897363 (Cont.)*

Mount Nebo - Mount Nebo Road - Road Upgrade

- Additional \$619,331 in funding for the 2022/23 financial year as part of the quarterly review process
- Additional \$788,285 in funding for the 2023/24 financial year

3.7 Economic Benefit Implications

The economic benefits of the project relate to improved safety for all transport users and increased capacity and operating efficiency. Both projects have estimated benefit cost ratios which demonstrate a positive return on the investment in the projects.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by project management during the construction phase.

3.9 Social Implications

The projects, once completed, will result in improved sections of road infrastructure targeted at improving safety for all road users.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

The following stakeholders have been consulted throughout the planning, design, and procurement phase of the project:

External:

- Residents in close proximity to each project site have been provided a consultation plan via mail detailing the scope of works and listing the safety benefits
- The Mount Nebo Residents Association have been provided a consultation plan via mail detailing the scope of works and listing the safety benefits
- Representatives from the Project Management Team and ITPD team have conducted site meetings with the owners of 1967 Mt Nebo Road to discuss the scope of works and expected impacts on their properties. Meetings were held on 2/11/2021 and 23/09/2022
- A representative from the Project Management Team conducted a site meeting with the owners of 1988 Mt Nebo Road to discuss the scope of works and expected impacts on their properties. This meeting was held on 24/03/2022

Internal:

- Integrated Transport Planning and Design
- Asset Maintenance
- Green Infrastructure
- Drainage Waterways and Coastal Planning
- Project Management

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**5 PROGRESSIVE ECONOMY SESSION**

**(Cr K Winchester / Cr T Latter)**

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No items for consideration.

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**6 ENGAGED COUNCIL SESSION**

**(Cr M Constance / Cr D Grimwade)**

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**ITEM 6.1**

**AMENDMENT TO THE COUNCIL'S BUDGET 2022/23**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65862658 : 14 November 2022 - **Refer Supporting Information 65861850**  
*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to adopt an amended Council Budget for 2022/23.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as amending the Council's Budget must occur in accordance with sections 169 and 170 of the *Local Government Regulation 2012*.

**OFFICER'S RECOMMENDATION**

That pursuant to section 169 and 170 of the *Local Government Regulation 2012*, Council adopts the amended budget for the 2022/23 financial year, as tabled, incorporating:

- a) Statement of Income and Expenditure (Long Term Financial Forecast, 10 years);
- b) Statement of Financial Position (Long Term Financial Forecast, 10 Years);
- c) Statement of Cash Flows (10 Years);
- d) Statement of Changes in Equity (10 Years);
- e) Measures of Financial Sustainability (10 years);
- f) The total value of the change expressed as a percentage in the rates and utility charges (no change);
- g) Additional Legislative Disclosures (no change);
- h) Revenue Policy 2022/23 (no change);
- i) Revenue Statement 2022/23 (no change); and
- j) Benefitted Area Maps (no change).

---

ITEM 6.1 AMENDMENT TO THE COUNCIL'S BUDGET 2022/23 - 65862658 (Cont.)

## REPORT DETAIL

### 1. Background

Council's budget is built around many varying assumptions and anticipated levels of revenue and expenditure at the start of the financial year. As the financial year progresses various factors can influence Council's forecast revenue and expenditure necessitating Council to amend its budget to account for the changing circumstances. Accordingly, when the change to forecast revenue and expenditure is considered significant, Council should formally amend its budget in accordance with sections 169 and 170 of the Local Government Regulation 2012.

Accordingly, the Council's amended budget for 2022/23 is presented for adoption incorporating all the relevant documentation as required under the legislation.

A Briefing was conducted on 21 November 2022 for the purpose of sharing information and providing advice/views to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*A report will be submitted to a General Meeting for consideration of the Quarter 1 budget revision.*

### 2. Explanation of Item

Since the beginning of the financial year current economic circumstances along with Council's Quarter 1 Budget Review have necessitated a review of Council's 2022/23 budget and the future projections of revenue and expenses beyond the current financial year.

Whilst there are continuing challenges in the current year in managing the impact of increasing costs, the only changes proposed to the 2022/23 Budget are to increase the land acquisitions budget by \$7.8m to facilitate the purchase of several priority land parcels and to reduce operational expenditure by \$11.5m as planned canal works at Pacific Harbour and Newport will not proceed as originally budgeted due to resourcing and procurement.

The future years of 2023/24 and beyond have been extensively re-modelled to account for the rise in inflation and the impacts this is expected have on the Council's revenues and expenses over the forecast period. Future years have been amended with the following updated information:

- expenditure and revenue projections from Millovate Pty Ltd;
- operational expense impacts due to known changes in certain contracts;
- operational expenses for preparing a new planning scheme;
- canal expenditure for 2023/24 on the back of the deferral in 2022/23 as noted above; and
- cost and revenue drivers such as CPI, EBA, the cost of debt and construction costs.

Overall, the years 2023/24 and beyond have undergone significant change to what was previously adopted as part of the Council's budget in June 2022, however the three measures of financial sustainability have remained within acceptable thresholds and accord with the recommended targets.

All underlying assumptions will be re-visited again at the commencement of the 2023/24 draft budget process.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

In accordance with sections 169 and 170 of the *Local Government Regulation 2012* the Council may amend its annual budget during the financial year.

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ITEM 6.1 AMENDMENT TO THE COUNCIL'S BUDGET 2022/23 - 65862658 (Cont.)

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: We are leaders in good governance and sustainably manage our finances and asset.

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

Organisationally and beyond there are a wide number of strategic and operational risks that can impact on the delivery of Council's Budget. The current inflationary environment, challenges in sourcing suppliers, coupled with strong demand for goods and services is presenting risk on the deliverability of Council's services in a timely and cost-effective manner.

The objective of reviewing the assumptions and expectations of the current year budget in conjunction with the long-term financial forecast provides the flexibility for Council to address the risks that come with changing circumstances and respond accordingly.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

For 2022/23, capital expenditure has been increased by \$7.8m to accommodate additional priority land acquisitions while operational expenditure has been decreased by \$11.5m as the canal dredging/spoil disposal programs associated with Pacific Harbour and Newport have been delayed into 2023/24

Future indicative projections of revenue and expenditure have been reshaped for 2023/24 and beyond given the change to various underlying assumptions. These assumptions will be revisited early in the new year in the lead up to the 2023/24 draft budget process.

The amended budget as presented incorporates the updated long term financial forecast and the accompanying financial sustainability indicator. Despite the significant changes in the forecasted level of revenue and expenses for 2023/24 and beyond, there has been minimal change to the financial sustainability indicators over the forecast period, which remain within recommended targets.

3.7 Economic Benefit Implications

The Council's annual budget facilitates significant infrastructure expenditure, maintenance activities and other services that offer an economic stimulus to the region through employment and business development.

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Chief Executive Officer

Executive Leadership Team

Managers and other officers of Council as required.

***SUPPORTING INFORMATION***

**Ref: [65861850](#)**

The following list of supporting information is provided for:

**ITEM 6.1**

**AMENDMENT TO THE COUNCIL'S BUDGET 2022/23**

***#1 Amended Budget 2022/23***

## ITEM 6.2 NOVEMBER 2023 COMMUNITY COUNCIL MEETING

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65948155 : 25 November 2022  
*Responsible Officer:* AC, Executive Officer to the Mayor (CEO External Relations)

---

### Executive Summary

Council was briefed on Wednesday 5 October 2022 about the proposed schedule for Community Council Meetings in 2023. On Wednesday 26 October Council resolved to adopt the Meeting Schedule for the period January to December 2023, this included the Community Council Meetings.

The 2023 Meeting Schedule includes six Community Council Meetings across the calendar year. The November Community Council Meeting currently on the Meeting Schedule is to be held in Bray Park on 22 November 2023. The venue option in Bray Park, Club Pine Rivers, is not available on 22 November 2023, therefore a change of date for the Bray Park meeting is now necessary.

This matter is brought to the attention of Council under the **Engaged Council portfolio** and ensures Council fulfils its legislative obligations regarding the conduct of regular Council meetings, is in line with Council's Decision Making Framework and provides opportunity for Council to engage with respective communities within the region via the conduct of regular Community Meetings.

### OFFICER'S RECOMMENDATION

1. That the Meeting Schedule for the period January to December 2023 be amended to reflect the 22 November 2023 as a General Meeting, and 13 December 2023 as a Community Council Meeting located in Bray Park.
2. That the updated Meeting Schedule for the period January to December 2023 be published on Council's website and be displayed in a conspicuous place in each of Council's administration buildings in accordance with ss 254B(2) and (3) respectively of the Local Government Regulation 2012.



ITEM 6.2 NOVEMBER 2023 COMMUNITY COUNCIL MEETING - 65948155 (Cont.)

**REPORT DETAIL**

**1. Background**

A briefing with Councillors was conducted on Wednesday 5 October 2022 for the purpose of sharing information and providing advice/views to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

*A report to be submitted to a General Meeting for Council's consideration of the proposed 2023 Meeting Schedule, including Community Council meetings*

The following resolution appears on minute page 22/1619 of the General Meeting of Council held Wednesday 26 October 2022:

**RESOLUTION**

1. That the Meeting Schedule for the period January to December 2023, be adopted, as outlined in supporting information #1.
2. That the Meeting Schedule for the period January to December 2023 be published on Council's website and be displayed in a conspicuous place in each of Council's administration buildings in accordance with ss 254B(2) and (3) respectively of the Local Government Regulation 2012.

**2. Explanation of Item**

At its Post-election meeting held 29 April 2020, Council resolved that its General Meetings be conducted fortnightly on a Wednesday (excepting scheduled breaks) commencing at 9.30am, with such meetings being held on a rotational basis, generally at Council's administration offices located at Strathpine and Caboolture.

Further, that at least once every four months, a General Meeting of Council be held at another location within the Moreton Bay Region in conjunction with a community engagement and a "meet the councillors" event.

Due to COVID-19, the ability to conduct community meetings was delayed, however have been conducted on a regular basis since September 2021. It is recommended that six Community meetings be scheduled throughout 2023 at locations.

The final Community Council Meeting location for 2023 was schedule to be Bray Park on 22 November 2023. Due to venue availability, it is now proposed that the final General Meeting of 2023 be a Community Council Meeting in Bray Park, this would move the current schedule for this meeting from 22 November 2023 to 13 December 2023.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council meetings are conducted in accordance with the Local Government Regulation 2012.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council:

- 01 We are leaders in good governance and sustainably manage our finances and assets.
- 02 We actively plan for the future and advocate in the best interests of our communities.
- 03 Our communities are engaged, heard and informed.

---

ITEM 6.2 NOVEMBER 2023 COMMUNITY COUNCIL MEETING - 65948155 (Cont.)

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Mayor

Meeting Support

External Relations

### ITEM 6.3

#### ADOPTION OF PUBLIC INTEREST DISCLOSURE POLICY 2150-026

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65947153 : 29 November 2022 - **Refer Supporting Information 65948052 & 65948068**  
*Responsible Officer:* DD, Manager Governance & Executive Services (FCS Governance & Executive Services)

---

#### **Executive Summary**

Council policies are reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents, as required, or at least once every four years, in accordance with Council's Policy Framework (adopted 24 June 2020).

The purpose of this report is to seek Council's consideration of the Public Interest Disclosures Policy 2150-026, as appearing in the supporting information to this report. Alongside the updated Policy, the Governance team has developed a Public Interest Disclosure Procedure document that provides additional information and material required under the *Public Interest Disclosure Act 2010* (PID Act) and associated standards.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the Chief Executive Officer is required to establish reasonable procedures to deal with public interest disclosures in accordance with s28 of *Public Interest Disclosure Act 2010*.

#### OFFICER'S RECOMMENDATION

1. That the Public Interest Disclosure Policy 2150-026 be adopted as appearing in the supporting information to this report.
2. The Public Interest Disclosure Program and Procedure in the supporting information to this report be noted.
3. That the Chief Executive Officer review and update the Public Interest Disclosure Program and Procedure as required.

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ITEM 6.3 ADOPTION OF PUBLIC INTEREST DISCLOSURE POLICY 2150-026 - 65947153 (Cont.)

## REPORT DETAIL

### 1. Background

Council policies are reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents, as required, or at least once every four years in accordance with Council's Policy Framework.

The Policy and Public Interest Disclosure Procedure document was provided via the Councillor portal on 2 December 2022 for the purpose of sharing information and providing advice/views to Council on the matter.

### 2. Explanation of Item

An explanation of the objective, policy summary, and any amendments made to the identified policy is outlined below:

#### Policy 2150-026 - Public Interest Disclosure

**Objective:** The objective of this policy is to outline Council's commitment to the effective management of public interest disclosures (PIDs). This policy is intended to support and encourage the reporting of suspected wrongdoing within Council and ensure that a practical and effective management program is established and maintained in accordance with section 28 of the *Public Interest Disclosure Act 2010* (the PID Act) and the Queensland Ombudsman's *Public Interest Disclosure Standards*.

**Policy Summary:** Council is committed to fostering an ethical, transparent and accountable culture. All Council team members have an ethical responsibility to report suspect wrongdoing including corrupt conduct, maladministration, wasting of public funds, substantial and specific danger to public health and safety, the environment or a person with disability, and reprisal action.

**Overview of amendments:** The PID Policy structure has been amended from the current Policy to reflect recent changes to the standards (in 2019). Further amendments include:

- Reiterating and rephrasing Council's commitment to the requirements of the PID Act
- More clarity on what is a PID and who can make a PID
- Identifying the proper authority to make a disclosure to
- What any person as well as Council officers can do to report a PID
- Updated information on communication and reporting, and
- That Council will develop a PID management program

#### Public Interest Disclosure Procedure

**Objective:** The objective of the procedure is to set out the management program and procedures for managing public interest disclosures received by Moreton Bay Regional Council about wrongdoing at Council. Council is committed to encouraging the reporting of wrongdoing and to create an environment where PIDs are properly assessed, investigated and dealt with in accordance with the Public Interest Disclosure Act 2010 (PID Act) and Queensland Ombudsman's Public Interest Disclosure Standards.

**Overview of document:** The PID Procedure document follow closely the requirements under the PID Act and the Queensland Ombudsman's Public Interest Disclosure Standards. This document provides a higher level of detail than what is contained within the Policy.

Section of the PID Procedure document include:

- PID management program
- Key roles and responsibilities across Council in the PID process
- Why you should make a PID
- What is a PID
- Who can a PID be disclosed to

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ITEM 6.3 ADOPTION OF PUBLIC INTEREST DISCLOSURE POLICY 2150-026 - 65947153 (Cont.)

- How to make a PID
- Anonymous PIDs
- Confidentiality
- Deciding on whether the matter is a PID
- Receiving and assessing a PID
- Referring a PID
- Deciding when to take action
- Investigating a PID
- Communication
- Risks assessment
- Protection from reprisals
- Support for disclosers and any person who is the subject of a PID
- Review rights
- Record keeping and reporting.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

*Public Interest Disclosure Act 2010* (the PID Act)  
Queensland Ombudsman's Public Interest Disclosure Standards No.1-3/2019

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 03 Our communities are engaged, heard and informed.

#### 3.3 Policy Implications

The Policy was developed in accordance with Council's Policy Framework.

#### 3.4 Risk Management Implications

There is a risk associated with not having an up-to-date, relevant and current PID Policy and Procedure. Public interest disclosures are a statutory process by which Council as public entity is required to ensure that robust processes and documentation exist to support any person (including Council officers) in reporting, assessing and managing a PID within Council.

#### 3.5 Delegated Authority Implications ☒ Nil identified

#### 3.6 Financial Implications ☒ Nil identified

#### 3.7 Economic Benefit Implications ☒ Nil identified

#### 3.8 Environmental Implications ☒ Nil identified

#### 3.9 Social Implications ☒ Nil identified

#### 3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision.

The rights of any person who is subject to, or in some way associated with, a PID will be safeguarded. Council is committed to affording support and protection from reprisals to any person making a PID and appropriately dealing with employees who take reprisal action.

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## *ITEM 6.3 ADOPTION OF PUBLIC INTEREST DISCLOSURE POLICY 2150-026 - 65947153 (Cont.)*

- 3.11 Consultation / Communication  
Governance Department  
Legal Services Department  
Executive Leadership Team

**SUPPORTING INFORMATION**

**Ref: [65948052](#) & [65948068](#)**

The following list of supporting information is provided for:

**ITEM 6.3**

**ADOPTION OF PUBLIC INTEREST DISCLOSURE POLICY 2150-026**

***#1 Public Interest Disclosure Policy***

***#2 Public Interest Disclosure Procedure***

## 12. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

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Consideration of notified general business items (including reports on significant regional achievements) or responses to questions taken on notice.

## 13. CLOSED SESSION

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*(s254J of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

**RESOLUTION to move into closed session** to discuss confidential matters.

*Motions, other than procedural motions, cannot be moved in closed session.*

**RESOLUTION to reconvene in open session** to decide those matters discussed whilst in closed session.



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**14. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**  
**STRATEGIC TRANSPORT MODELLING AND PLANNING SUPPORT**

**Meeting / Session:** 3 WELL-PLANNED PLACES (Cr J Shipway (D/Mayor) / Cr M Booth)  
**Reference:** 65415977: 10 November 2022 - Refer **Confidential** Supporting Information  
**65819258**  
**Responsible Officer:** EM, Coordinator Strategic Infrastructure Planning (IP Strategic Infrastructure Planning)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

WSP Australia Pty Limited (WSP) are currently engaged to undertake the Regional Strategic Transport Modelling and Planning Support project as part of Council's Strategic Infrastructure Planning program.

This report seeks Council's approval to enter into a contractual arrangement with WSP, to complete the necessary infrastructure planning activities for the ongoing transport modelling, planning support and additional works outlined in this report.

A Tender Consideration Plan (Plan) has been prepared under section 230 of the Local Government Regulation 2012 to enter into a large-sized contractual arrangement with WSP as an exception to the usual requirement for a written tender process.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as integrated land use and infrastructure planning for identified growth areas, which is crucial in supporting the objectives of the Well-Planned Places pillar.

Section 235(b) of the *Local Government Regulation 2012* requires Council resolution to purchase goods and services from a single supplier without seeking competitive quotations, because of the specialised or confidential nature of the services sought. Accordingly, this matter is reported to Council for resolution.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

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**ITEM C.2 – CONFIDENTIAL**

**CABOOLTURE WEST INFRASTRUCTURE PLANNING CONSULTANCY SUPPORT**

**Meeting / Session:** 3 WELL-PLANNED PLACES (Cr J Shipway (D/Mayor) / Cr M Booth)  
**Reference:** 65565202: 10 November 2022 - Refer **Confidential** Supporting Information  
65565098  
**Responsible Officer:** EM, Coordinator Strategic Infrastructure Planning (IP Strategic Infrastructure Planning)

---

**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

On the 27 July 2022, the Queensland Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) commenced consultation on the interim structure plan for the Caboolture West Priority Growth Area (PGA). This consultation also includes acknowledgement of ongoing detailed infrastructure planning in conjunction with Council and state infrastructure agencies.

This report seeks Council's approval to enter into a contractual arrangement with IIP Pty Ltd (IIP) for the purposes of undertaking additional works as outlined in this report and support the necessary infrastructure planning activities for the Caboolture West PGA.

A Tender Consideration Plan (Plan) has been prepared under section 230 of the Local Government Regulation 2012 to enter into a large-size contractual arrangement with IIP as an exception to the usual requirements for a written tender process.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as integrated land use and infrastructure planning for identified growth areas, which supports the objectives of the Well-Planned Places pillar.

This matter is reported to Council as section 235(b) of the *Local Government Regulation 2012* requires Council resolution to purchase goods and services from a single supplier without seeking competitive quotations, because of the specialised or confidential nature of the services sought. Accordingly, this matter is reported to Council for resolution.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

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**ITEM C.3 – CONFIDENTIAL**  
**MORAYFIELD SOUTH GROWTH AREA - STORMWATER QUANTITY**  
**INFRASTRUCTURE PLANNING**

**Meeting / Session:** 3 WELL-PLANNED PLACES (Cr J Shipway (D/Mayor) / Cr M Booth)  
**Reference:** 65748348: 10 November 2022 - Refer **Confidential** Supporting Information  
65827462  
**Responsible Officer:** EM, Coordinator Strategic Infrastructure Planning (IP Strategic Infrastructure Planning)

---

**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council's approval to enter into a contractual arrangement with BMT Commercial Australia Pty Ltd (BMT) for the purposes of the development of a regional stormwater quantity infrastructure network to provide an appropriate level of conveyance and flood immunity in accordance with Council's planning scheme and additional works outlined in this report.

A Tender Consideration Plan (Plan) has been prepared under section 230 of the Local Government Regulation 2012 to enter into a large-sized contractual arrangement with BMT as an exception to the usual requirement for a written tender process.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as integrated land use and infrastructure planning for identified growth areas, which is crucial in supporting the objectives of the Well-Planned Places pillar.

Section 235(b) of the *Local Government Regulation 2012* requires Council resolution to purchase goods and services from a single supplier without seeking competitive quotations, because of the specialised or confidential nature of the services sought. Accordingly, this matter is reported to Council for resolution.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**ITEM C.4 – CONFIDENTIAL**  
**PROPOSED LAND ACQUISITION - BURPENGARY**

**Meeting / Session:** 4 WELL-CONNECTED PLACES (Cr A Hain / Cr M Gillam)  
**Reference:** 65937301: 27 November 2022 - Refer **Confidential** Supporting Information  
65937302  
**Responsible Officer:** RB, Property Transactions Coordinator (IP Property Services)

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**Basis of Confidentiality**

Pursuant to s254J(3)(g) of the *Local Government Regulation 2012*, as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council's approval to purchase land for the purpose of a future transportation corridor, specifically a road.

This matter is brought to the attention of Council under the **Well-connected Places** portfolio as the acquisition proposed in this report will enable the construction of a road to meet the region's future needs.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**15. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.



# MINUTES

## GENERAL MEETING

**Wednesday 30 November 2022**

commencing at 9.33am

Caboolture Chambers  
2 Hasking Street, Caboolture

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**Membership = 13**  
Mayor and all Councillors

Q

**UNCONFIRMED**

## LIST OF ITEMS

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<b>ITEM 1.5</b> SOUTH PINE SPORTS COMPLEX INDOOR SPORTS CENTRE - INTERIM FEE SCHEDULE <b>RESOLUTION</b> REPORT DETAIL	<b>1798</b>
<b>ITEM 1.6 - DECLARATION OF INTEREST</b> <i>Declarable Conflict of Interest - Cr Karl Winchester</i> <i>Councillor seeking to participate in the decision - eligible Councillors must decide</i> <b>RESOLUTION</b>	<b>1802</b> <b>1802</b> <b>1802</b>
<b>ITEM 1.6</b> REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD <b>RESOLUTION</b> REPORT DETAIL	<b>1802</b>
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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

The Mayor to advise that the meeting will be live streamed and the video recording of the meeting will be available on the council's website.

Attendees must be aware that incidental capture of an image or sound of persons in the public gallery, may occur.

By remaining at the meeting attendees consent to being filmed and the possible use of their image and sound being published in the live streaming and recorded video of this meeting.

### **1. ACKNOWLEDGEMENT OF COUNTRY**

Cr Karl Winchester provided the Acknowledgement of Country.

### **2. OPENING PRAYER / REFLECTION**

Cr Karl Winchester provided the opening prayer / reflection for the meeting.

### **3. ATTENDANCE & APOLOGIES**

#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Mark Booth  
Cr Adam Hain  
Cr Jodie Shipway (Deputy Mayor)  
Cr Sandra Ruck  
Cr Karl Winchester  
Cr Yvonne Barlow  
Cr Mick Gillam  
Cr Cath Tonks  
Cr Matt Constance  
Cr Darren Grimwade  
Cr Tony Latter

#### **Officers:**

Chief Executive Officer  
Director Community & Environmental Services  
Director Finance & Corporate Services  
Director Infrastructure Planning  
Director Planning  
Chief Economic Development Officer  
Chief External Relations Officer  
Chief Legal Counsel  
Manager Community Services, Sport and Recreation  
Manager Project Management  
Manager Integrated Transport Planning  
Meeting Support

(Greg Chemello)  
(Bill Halpin)  
(Donna Gregory)  
(Amanda Creevey)  
(David Corkill)  
(Paul Martins)  
(Joshua O'Keefe)  
(Kate Draper)  
(Mark McCormack)  
(Joel Chapman)  
(Jon Dare-Williams)  
(Megan Donovan)

#### **Apologies:**

Nil

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#### 4. MEMORIALS OR CONDOLENCES

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Cr Brooke Savage made special mention of the passing of the late **Bill Peacock**, advising she will make a formal condolence at the General Meeting of 14 December 2022.

Councillors observed a moment's silence in memory of residents who had passed away, noting Council's sympathy.

---

#### 5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

---

##### General Meeting - 16 November 2022 (Pages 22/1702 - 22/1776)

###### RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 13/0

That the minutes of the General Meeting held 16 November 2022, be confirmed.

---

#### 6. ADOPTION OF AUDIT COMMITTEE MEETING REPORT & RECOMMENDATIONS

---

##### Audit Committee Meeting - 10 November 2022 (Pages 22/1687 - 22/1701)

###### RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Mick Gillam

CARRIED 13/0

That the report and recommendations of the Audit Committee Meeting held 10 November 2022, be adopted.

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#### 7. PRESENTATION OF PETITIONS

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*(Addressed to the Council and tabled by Councillors)*

There were no petitions tabled.

---

#### 8. CORRESPONDENCE

---

There was no correspondence addressed to the Council and tabled by the Chief Executive Officer, or Council responses to petitions tabled and community comment addresses.

---

#### 9. COMMUNITY COMMENT

---

There are no participants in the Community Comment session for this meeting.

---

**10. NOTICES OF MOTION (Repeal or amendment of resolutions)**

*(s262 of the Local Government Regulation 2012)*

---

There were no notices of motion.

**11. CONFLICTS OF INTEREST NOTIFIED TO THE CEO**

*Conflicts of interest notified to the CEO where not specifically related to an item on this agenda*

---

There were no notified conflicts of interest.

**12. MAYORAL STATEMENT**

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**12.1. New Zealand Trade Delegation Report (65937762, 65972126)**

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Cr Peter Flannery (Mayor) made the following statement on the recent New Zealand Trade delegation:

*“Councillors, this morning I would like to take the opportunity to provide you all with a report from the recent New Zealand Trade delegation.*

*From 8-10 November I travelled to New Zealand with three Council Staff, and representatives from four local Moreton Bay Businesses.*

*Kennedy Timbers, Solar Bollards, Moreton Bay Region Industry and Tourism Limited (MBRIT) and AusBuild.*

*The objective of the delegation was to build trade and investment relationships with New Zealand, and continue Moreton Bay's partnership with the New Zealand Warriors.*

*Some of the key outcomes of the trip include:*

- *32 Auckland businesses were directly engaged through the program and more than 70 reached through the program development.*
- *Already, \$380,000 in deals already directly done as a result of the visit to New Zealand. A number of deals are being progressed between delegates themselves. It is expected that deals will reach more than AU\$1 million within the next six months.*
- *One (1) media interview for Auckland nightly news which has an audience of 946,000 people and the reach is valued at over \$110,000.*
- *Four (4) new investment enquiries were generated. These need further qualification to establish whether they will be converted to leads with specific capex and job potential.*
- *Kennedy Timber's secured \$620,000 in export orders with \$340,000 referred directly from the visit, they will conduct a follow-up visit in February or March 2023.*
- *Solar Bollard & Lighting will supply product to Mt Smart Stadium and secured \$40,000 in orders as a direct result of the trip.*
- *AusBuild announced/signed an agreement to sponsor the Warriors in Brisbane during the Magic Round 2023 and is in discussions to source product from Kennedy's and Solar Bollards.*

Item 12.1 Mayoral Statement - New Zealand Trade Delegation Report cont'd

- UCG (Universal Communications Group) introduced to two Brendale companies (Arrowes and EJ) as potential suppliers. UCG did the cabling at The Mill, they also have large contracts in New Zealand, such as being a major supplier to New Zealand's equivalent to Telstra.
- All delegates were provided a list of Tier 1 and Tier 2 contractors and designers to pitch for work (specification) and will be connected to Auckland Council's internal design team that handles \$30M worth of maintenance programs.
- Met with nine (9) architects/designers at the High-Performance Building Centre to secure sustainable product in future projects.
- Total direct sales by delegates of \$380,000 to date and with media value/reach of \$111,249 bringing economic impact of the trip to almost \$500,000 so far. This is expected to improve as additional outcomes are achieved.

The visit was immensely well received.

Across all meetings it was clear there are extensive opportunities, with a particular push by all sectors and industries to reduce carbon footprint and ensure sustainability through their procurement programs.

On our last day in Auckland, the TIQ arranged a business lunch was a huge success and businesses were very interested in our vision of a polycentric city.

Many commented on the failings of a monocentric Auckland during COVID and commended Council for taking this approach.

It is clear that Council's sponsorship of the Warriors is continuing to pay dividends as their executive team, lead by their CEO Cameron George channels all business leads interested in investing in Australia through to Moreton Bay via Council.

I certainly hope this is a beginning of a fruitful journey for Moreton Bay."

The Mayor presented photographs and responded to questions and comments as raised by Councillors regarding the delegation.

## **13. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)**

*(as referred by the Chief Executive Officer)*

Consideration of officers' reports as referred by the Chief Executive Officer, to be conducted in Sessions.

The appointed Portfolio Councillor will facilitate the conduct of the respective session under the control of the Mayor as the Presiding Officer.

Session	Portfolio Councillors	
<b>1 Vibrant Communities</b>	Cr Y Barlow	Cr S Ruck
<b>2 Healthy Environments</b>	Cr C Tonks	Cr B Savige
<b>3 Well-planned Places</b>	Cr J Shipway (Deputy Mayor)	Cr M Booth
<b>4 Well-connected Places</b>	Cr A Hain	Cr M Gillam
<b>5 Progressive Economy</b>	Cr K Winchester	Cr T Latter
<b>6 Engaged Council</b>	Cr M Constance	Cr D Grimwade

## **ATTENDANCE**

Mark McCormack attended the meeting at 9.33am for discussion on Items 1.1 to 1.6.

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**1 VIBRANT COMMUNITIES SESSION**

(Cr Y Barlow / Cr S Ruck)

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**ITEM 1.1**

**COMMUNITY LEASE RENEWALS - JUNE 2022 TO OCTOBER 2022**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 65782571 : 11 November 2022  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

---

**Executive Summary**

This report provides Council with information regarding the community leases which have been approved for renewal under delegated authority to the Chief Executive Officer between 1 June 2022 and 31 October 2022.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it refers to the renewal of community leases. By renewing community leases, Council is supporting the provision of community, cultural, sport and recreation opportunities for residents of the region.

---

**RESOLUTION**

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**Moved by Cr Tony Latter**

**Seconded by Cr Sandra Ruck**

**CARRIED 13/0**

**That Council notes the community lease renewals which have been approved under delegated authority to the Chief Executive Officer (Council-141 and CEO-110) between 1 June 2022 to 31 October 2022, as detailed in this report.**

ITEM 1.1 COMMUNITY LEASE RENEWALS - JUNE 2022 TO OCTOBER 2022 - 65782571 (Cont.)

**OFFICER'S RECOMMENDATION**

That Council notes the community lease renewals which have been approved under delegated authority to the Chief Executive Officer (Council-141 and CEO-110) between 1 June 2022 to 31 October 2022, as detailed in this report.

**REPORT DETAIL**

**1. Background**

The Chief Executive Officer and appropriately qualified officers have delegated authority under delegation Council-141 and CEO-110 respectively, to:

- Approve the renewal of community leases under the terms and conditions of Council's Community Leasing Policy, when the renewal has been considered through the process detailed in Council's Community Lease Renewals Operational Directive, as amended from time to time; and
- Take all action necessary including but not limited to, negotiating, making, amending, signing and discharging renewed leases and any required variations of the leases on the Council's behalf.

The Directive sets out a six-stage process through which applications for lease renewals under Council's Community Leasing Policy are considered. Table 1 below provides an overview of these stages.

**Table 1. Community lease renewal stages**

No.	Stage	Detail
1.	Application for Renewal	Lessees seeking to have their tenure renewed with Council are required to submit a Lease Renewal Application Form.
2.	Officer Consultation	Upon receipt of the completed Lease Renewal Application Form, consultation with relevant internal stakeholders is undertaken to identify any relevant information that should be considered in the assessment and determination of the application.
3.	Assessment	Following the Officer Consultation stage, a qualitative assessment of the Lease Renewal Application is undertaken with consideration to various assessment criteria, and a recommendation formulated.
4.	Divisional Councillor Consultation	Following the formulation of a lease renewal recommendation, consultation is undertaken with the relevant Divisional Councillor(s) to seek feedback on the recommendation.
5.	Renewal Determination	Where both the officer's recommendation and the Divisional Councillor(s) support the Lease Renewal Application, the renewal is generally approved and issued under delegated authority to the Chief Executive Officer. However, where a major lease area amendment is proposed as part of the lease renewal, the matter is referred to a General Meeting of Council for consideration and determination. Where either the Officer's recommendation or the Divisional Councillor(s) does not support the renewal of the subject lease, the matter is brought to a Council Briefing for discussion with Council. Any subsequent decision regarding the renewal is subject to a Council resolution at a General Meeting.
6.	Lessee Advice	Following the Renewal Determination stage, the lessee is informed regarding the outcome of their application by way of formal written correspondence.



*ITEM 1.1 COMMUNITY LEASE RENEWALS - JUNE 2022 TO OCTOBER 2022 - 65782571 (Cont.)*

**2. Explanation of Item**

In accordance with Council's Community Lease Renewals Operational Directive and the associated delegated authority to the Chief Executive Officer (Council-141 and CEO-110) the following community leases have been approved for renewal between 1 June and 31 October 2022. This report is provided to Council for noting purposes only.

**Table 2. Community lease renewals approved during 1 June and 31 October 2022**

<b>Reference</b>	<b>Organisation</b>	<b>Location</b>	<b>Lease Renewal Term</b>
LE/2022/0146 TL2764	Caboolture Sports Club Limited	Kinsella's Playing Fields, 509 Memorial Drive, North Lakes (Division 4)	5 years
LE/2022/0145 TL2765	Caboolture Sports Club Limited	Woodside Playing Fields, 11 Gardenia Parade, North Lakes (Division 4)	5 years
LE/2022/0151 TL2770	Moreton Bay Raptors Inc.	Deception Bay Sports Complex, 100-166 Maine Terrace, Deception Bay (Division 5)	5 years
LE/2022/0143 TL2763	Newport Cruising Yacht Club Inc	Talobilla Park, 164 Klingner Road, Kippa-Ring (Division 5)	5 years
LE/2022/0150 TL2769	Returned & Services League of Australia (Queensland Branch) Bray Park - Strathpine Subbranch Inc.	1 Galvin Street, Lawnton (Division 8)	5 years
LE/2022/0225 TL2789	DARE Formal Wear Ltd	389 Gympie Road, Strathpine (Division 8)	5 years
LE/2022/0193 TL2774	Samford Rangers Football Club Inc.	Samford Parklands 2149 Mount Samson Road, Samford (Division 11)	5 years
LE/2022/0147 TL2766	Dayboro Artworks Association Inc	37 Williams Street, Dayboro (Division 11)	5 years
LE/2022/0194 TL2784	Stanley River Junior Rugby League Club Inc	Woodford Showgrounds, 38-88 Neurum Road, Woodford (Division 12)	5 years
LE/2022/0010 TL2470	Lions Club of Morayfield & District Inc	298 Morayfield Road, Morayfield (Division 12)	6 months (interim arrangement)

ITEM 1.1 COMMUNITY LEASE RENEWALS - JUNE 2022 TO OCTOBER 2022 - 65782571 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

3.3 Policy Implications

The terms and conditions of all renewed lease agreements will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered the level of risk is acceptable. However, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the parties and includes a requirement for the community organisation/s to hold appropriate levels public liability insurance.

3.5 Delegated Authority Implications

The renewal of community leases referred to in this report have been considered in accordance with Council's Community Lease Renewals Operational Directive (No. 2180-052) and approved under delegated authority to the Chief Executive Officer (Council-141 and CEO-110).

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

The issuing of the lease renewals detailed in this report will provide each organisation with facilities to support their continued operations.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.

3.11 Consultation / Communication

Relevant Divisional Councillors;  
Relevant Council departments; and  
Community organisations as detailed in this report.

## ITEM 1.2 NEW LEASE - THE LIONS CLUB OF BRIBIE ISLAND INC

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 65720991 : 11 November 2022 - **Refer Supporting Information 65720990**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

### Executive Summary

This report seeks Council's approval for the provision of a lease to The Lions Club of Bribie Island Inc. at Bribie Island Memorial Gardens, 100 First Avenue, Woorim (Division 1) (refer *Supporting Information #1*).

This matter is brought to the attention of Council under the **Vibrant Communities** portfolio as it relates to the provision of tenure to a community organisation which will support the delivery of services to the community.

Further, this matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* requires Council resolution to apply the exception under section 236(1)(b)(ii) to dispose of land and buildings (via a lease to a community organisation) other than by tender or auction.

### RESOLUTION

Moved by Cr Brooke Savage

Seconded by Cr Mark Booth

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal (by lease) of the land referred to in this report.
2. That, subject to recommendation 3, The Lions Club of Bribie Island Inc. be granted a lease over an area at 100 First Avenue, Woorim (refer *Supporting Information #1*) for a period of five 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 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 1.2 NEW LEASE - THE LIONS CLUB OF BRIBIE ISLAND INC - 65720991 (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 (by lease) of the land referred to in this report.
2. That, subject to recommendation 3, The Lions Club of Bribie Island Inc. be granted a lease over an area at 100 First Avenue, Woorim (refer *Supporting Information #1*) for a period of five 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 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 1990, The Lions Club of Bribie Island Inc. (the organisation) have maintained the Bribie Island Memorial Gardens in partnership with Council. The organisation has previously occupied temporary shipping containers placed on the site for the storage of grounds maintenance equipment.

In early 2022, the organisation identified a need to replace the temporary shipping containers with a purpose-built storage shed to support the organisation's ongoing operations at the site.

In accordance with Council's Community Leasing Policy (No. 2510-079) and Community Leasing - Improvement Works and Area Amendments Policy Directive (No. 2160-026), community organisations must obtain Council approval for any proposed improvement to a facility or site owned or controlled by Council. This approval is sought via the lodgement of an Improvement Works Application (IWA) to Council.

Under Council's Community Leasing - Improvement Works and Area Amendments Policy Directive (No. 2160-026), IWAs are assessed by Council officers and generally determined by the Chief Executive Officer (or his/her delegate) under delegated authority from the Council. However, where the proposed improvement will require a new lease or a major lease area amendment, Council approval at a General Meeting is required.

**2. Explanation of Item**

The Lions Club of Bribie Island Inc. has lodged an IWA to Council for the construction of a storage shed at Bribie Island Memorial Gardens, 100 First Avenue, Woorim. This application has been assessed by Council's key stakeholder departments, with no objections received.

For the organisation to proceed with its proposed project, Council would need to provide the organisation with a lease over the area where the proposed shed is to be constructed (refer *Supporting Information #1*).

In accordance with Council's Community Leasing - Improvement Works and Area Amendment Policy Directive, the provision of a new lease cannot be approved under delegated authority to the Chief Executive Officer and requires consideration by Council at a General Meeting.

Accordingly, this report recommends that Council approves the granting of a new lease to The Lions Club of Bribie Island Inc., over the area identified in Supporting Information #1. Further, it is proposed that the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with a lease term of five years.

ITEM 1.2 NEW LEASE - THE LIONS CLUB OF BRIBIE ISLAND INC - 65720991 (Cont.)

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The proposed lease will be registered with the Department of Resources in accordance with the *Land Act 1994*.

The Council must comply with the *Local Government Act 2009* and the *Local Government Regulation 2012* when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender or auction. The organisation identified in this report is a community organisation for the purposes of the Regulation.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

**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**

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered that the level of risk is acceptable. However, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the parties and includes a requirement for the community organisation/s to hold appropriate levels public liability insurance.

**3.5 Delegated Authority Implications**

As per Officer's Recommendation 4 of this report, it is proposed that 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.

**3.6 Financial Implications** ☒ Nil identified

**3.7 Economic Benefit Implications** ☒ Nil identified

**3.8 Environmental Implications** ☒ Nil identified

**3.9 Social Implications**

The issuing of a new lease to The Lions Club of Bribie Island Inc. will provide the organisation with facilities to support its operations.

ITEM 1.2 NEW LEASE - THE LIONS CLUB OF BRIBIE ISLAND INC - 65720991 (Cont.)

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Relevant Council Departments  
The Lions Club of Bribie Island Inc.

UNCONFIRMED

**ITEM 1.3**  
**LIBRARIES - SOLE SUPPLIER - SANZAP PTY LTD**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 65742268: 15 November 2022  
*Responsible Officer:* AB, Digital & Communications Coordinator (CES Cultural Services)

**Executive Summary**

Under section 235(a) of the *Local Government Regulation 2012*, Council may, by resolution, enter into a medium-sized contractual arrangement without first inviting written quotes or tenders if it is satisfied that there is only one supplier who is reasonably available to provide this product.

This report seeks Council's approval that in accordance with Section 235(a) of the *Local Government Regulation 2012*, Council is satisfied that SANZAP Pty Ltd is the sole supplier available to provide a library access application for its members.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as Library Services are one of the key service delivery areas of the portfolio.

This matter is reported to Council as section 235(a) of the *Local Government Regulation 2012* requires Council resolution regarding sole supplier arrangements.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That, in accordance with section 235(a) of the *Local Government Regulation 2012*, Council is satisfied that, SANZAP Pty Ltd is the only supplier that is reasonably available to supply a library app platform to support Library's myMBRL app
2. That the Council enters into an agreement with SANZAP Pty Ltd as described in this report.
3. That Council acknowledges that the agreement will require \$30,000 in operational funding during the 2023/24 financial year. Council is requested to account for this future expenditure as part of Council's long-term financial forecast and budget for the 2023/24 and 2024/25 financial years.
4. That the Chief Executive Officer be authorised to take all action necessary on Council's behalf, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with SANZAP Pty Ltd.



ITEM 1.3 LIBRARIES - SOLE SUPPLIER - SANZAP PTY LTD - 65742268 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That, in accordance with section 235(a) of the *Local Government Regulation 2012*, Council is satisfied that, SANZAP Pty Ltd is the only supplier that is reasonably available to supply a library app platform to support Library's myMBRL app
2. That the Council enters into an agreement with SANZAP Pty Ltd as described in this report.
3. That Council acknowledges that the agreement will require \$30,000 in operational funding during the 2023/24 financial year. Council is requested to account for this future expenditure as part of Council's long-term financial forecast and budget for the 2023/24 and 2024/25 financial years.
4. That the Chief Executive Officer be authorised to take all action necessary on Council's behalf, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with SANZAP Pty Ltd.

**REPORT DETAIL**

**1. Background**

The key drivers for providing customers with a library app are to optimise the customer experience and achieve an efficiency of library transactions via self-service functionality while also offering enhanced discoverability of library resources. The provision of an app is directly aligned to customer expectations of a contemporary library service and the growing consumer preference for mobile access to services.

In 2020, through a competitive procurement process, SANZAP Pty Ltd was appointed as the successful library application (app) supplier for a period of two years. The Library Service subsequently launched the myMBRL library app in January 2021. The current contract arrangement expires in February 2023.

**2. Explanation of Item**

The myMBRL app allows members to borrow items by scanning them with their phone, browse the catalogue, manage their account, access digital library resources and register for events. App usage has consistently grown since its introduction, demonstrating that it is a service valued by library members and community.

As at end of October 2022, the myMBRL app was being used by 20,000 library members, this is well above the industry standard and in terms of monthly usage for SANZAP Pty Ltd customers, the myMBRL app is in the top 10 in Australia and New Zealand.

The procurement process in 2020 identified that no other suppliers were able to meet the functional requirements specified by the Library Service, and the two other suppliers invited to provide a quote, declined to provide a submission. Officers have reviewed the current market offer and confirmed there are no new entrants to the market.

This report recommends that having regard for consistency in customer service and experience, that Council enters into a three-year contract (with two 12-month extension options) with SANZAP Pty Ltd for the ongoing provision of the library app platform. A further market review will be undertaken during year three of the agreement.



ITEM 1.3 LIBRARIES - SOLE SUPPLIER - SANZAP PTY LTD - 65742268 (Cont.)

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 235(a) of the *Local Government Regulation 2012* states that a local government may enter into a medium-sized contractual arrangement without first inviting written quotes or tenders if the local government resolves it is satisfied that there is only one supplier that is reasonably available.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures and identities.

**3.3 Policy Implications**

The proposed arrangement is in accordance with Council's Procurement Policy 2150-006.

**3.4 Risk Management Implications**

Given the significant proportion of library members using the myMBRL app, discontinuance of the service is likely to lead to a high level of customer dissatisfaction.

The Library Service will engage the Legal Services team to assist with the preparation and negotiation of a suitable contract for this engagement

**3.5 Delegated Authority Implications** ☒ Nil identified

**3.6 Financial Implications**

An allocation has been made in the current financial year's Library Service operational budget to meet the contract costs. A similar allocation will be required for the 2023/24 and 2024/25 financial year operational budgets.

**3.7 Economic Benefit Implications** ☒ Nil identified

**3.8 Environmental Implications** ☒ Nil identified

**3.9 Social Implications**

Ongoing engagement with the community through all aspects of library services.

**3.10 Human Rights Implications**

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter

**3.11 Consultation / Communication**

Procurement Services  
Legal Services  
Technology Services

**ITEM 1.4  
TENDER FOR MANAGEMENT AND OPERATION OF SOUTH PINE SPORTS  
COMPLEX INDOOR SPORTS CENTRE - MBRC-RFT301**

**Meeting / Session:** 1 VIBRANT COMMUNITIES  
**Reference:** 65781748 : 17 November 2022 - Refer **Confidential** Supporting Information 65869190  
**Responsible Officer:** BP, Coordinator Regional Leisure Venues (CES Community Services, Sport & Recreation))

**Executive Summary**

Tenders were invited for the 'Management and operation of the South Pine Sports Complex Indoor Sports Centre (MBRC-RFT301)'. Tenders closed on 8 November 2022 with a total of three (3) tender submissions received, two (2) of which were conforming and one (1) that was non-conforming. Non-conforming tenders were able to be submitted in conjunction with a conforming tender.

It is recommended that the tender for the 'Management and operation of the South Pine Sports Complex Indoor Sports Centre' be awarded to Belgravia Health and Leisure Group Pty Ltd ATF The Belgravia Leisure Trust for the sum of \$72,000 (excluding GST) for the first year (indexed by Consumer Price Index annually thereafter), as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it will enable the effective management and operation of Council's South Pine Sports Complex Indoor Sport Centre for the benefit of residents, community organisations and other user groups.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**MOTION**

Moved by Cr Matt Constance

Seconded by Cr Mark Booth

1. That the tender for the 'Management and operation of the South Pine Sports Complex Indoor Sports Centre (MBRC-RFT301)' be awarded to Belgravia Health and Leisure Group Pty Ltd ATF The Belgravia Leisure Trust for an initial term of 3 years with 2 x 1 year option periods, at Council's sole discretion, for the sum of \$72,000 (excluding GST) for the first year and escalated by the Consumer Price Index annually thereafter.
2. That Council acknowledges:
  - a) the agreement will require further operational funding for the 2023/24, 2024/25 and 2025/26 financial years; and
  - b) the intention to account for this future expenditure as part of Council's budget for the 2023/24, 2024/25 and 2025/26 financial years.
3. That the Council enters into an agreement with Belgravia Health and Leisure Group Pty Ltd ATF The Belgravia Leisure Trust, as described in this report.
4. 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 Belgravia Health and Leisure Group Pty Ltd ATF The Belgravia Leisure Trust for the 'Management and operation of the South Pine Sports Complex Indoor Sports Centre (MBRC-RFT301)' and any required variations of the agreement on Council's behalf.
5. That it be noted this project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

ITEM 1.4 TENDER FOR MANAGEMENT AND OPERATION OF SOUTH PINE SPORTS COMPLEX INDOOR  
SPORTS CENTRE - MBRC-RFT301 - 65781748 (Cont.)

## CLOSED SESSION

### RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Brooke Savage

CARRIED 13/0

That Council move into closed session pursuant to the provisions of s275 (1) of the *Local Government Regulation 2012* to further discuss confidential supporting information relating to Item 1.4.

Members of the press and public gallery left the Chambers.  
The closed session commenced at 10.20am (livestreaming paused).

## OPEN SESSION

### RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Adam Hain

CARRIED 13/0

That Council resume in open session.

The open session (livestreaming) resumed at 10.35am.

### RESOLUTION

Consideration of the motion resumed before being put to the vote and declared Carried 12/1  
*Cr Cath Tonks voted against the motion.*

ITEM 1.4 TENDER FOR MANAGEMENT AND OPERATION OF SOUTH PINE SPORTS COMPLEX INDOOR SPORTS CENTRE - MBRC-RFT301 - 65781748 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for the *'Management and operation of the South Pine Sports Complex Indoor Sports Centre (MBRC-RFT301)'* be awarded to Belgravia Health and Leisure Group Pty Ltd ATF The Belgravia Leisure Trust for an initial term of 3 years with 2 x 1 year option periods, at Council's sole discretion, for the sum of \$72,000 (excluding GST) for the first year and escalated by the Consumer Price Index annually thereafter.
2. That Council acknowledges:
  - a) the agreement will require further operational funding for the 2023/24, 2024/25 and 2025/26 financial years; and
  - b) the intention to account for this future expenditure as part of Council's budget for the 2023/24, 2024/25 and 2025/26 financial years.
3. That the Council enters into an agreement with Belgravia Health and Leisure Group Pty Ltd ATF The Belgravia Leisure Trust, as described in this report.
4. 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 Belgravia Health and Leisure Group Pty Ltd ATF The Belgravia Leisure Trust for the *'Management and operation of the South Pine Sports Complex Indoor Sports Centre (MBRC-RFT301)'* and any required variations of the agreement on Council's behalf.
5. That it be noted this project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

**REPORT DETAIL**

**1. Background**

The South Pine Sports Complex (SPSC) Indoor Sports Centre is located within the South Pine Sports Complex, 620 South Pine Road, Brendale (Division 9). Following a recent management model review of the venue, it was determined that a specialist contractor would be engaged to manage the venue under a contract management model, effective 1 January 2023.

Council recently invited tenders from appropriately qualified and experienced contractors for the provision of venue management services on a 'fee for service' basis. Specifically, the objectives of the management services sought included:

- Activation and programming of the venue in line with community needs;
- Development and implementation of business systems and processes that support the delivery of appropriate service levels; and
- Delivery of professional venue management and operational services.

The contract will commence on 1 January 2023, for an initial term of 3 years, ending 31 December 2025 with 2 x 1 year option periods available at Council's sole discretion.

**2. Explanation of Item**

Tenders were invited for the *'Management and operation of the South Pine Sports Complex Indoor Sports Centre (MBRC-RFT301)'* which closed on 8 November 2022. A total of three (3) tenders were received, of which two (2) were conforming and one (1) was non-conforming. The tenders were assessed by an assessment panel in accordance with Council's Procurement Policy and the selection criteria as set out in the tender documents - refer *Confidential Supporting Information #1* to view the Tender Evaluation Summary Sheet.

ITEM 1.4 TENDER FOR MANAGEMENT AND OPERATION OF SOUTH PINE SPORTS COMPLEX INDOOR SPORTS CENTRE - MBRC-RFT301 - 65781748 (Cont.)

All tenders, ranked highest to lowest based on their evaluation scores, are tabled below:

RANK	TENDERER	CONFORMING / NON-CONFORMING
1	Belgravia Health and Leisure Group Pty Ltd ATF The Belgravia Leisure Trust (Belgravia Leisure)	Conforming
2	Northside Basketball Inc.	Conforming
N/A	Northside Basketball Inc.	Non-Conforming

Belgravia Leisure submitted a comprehensive conforming tender which demonstrated high levels of relevant experience, company capability and understanding of the services sought. Extensive examples were included of venue management services provided for comparable sport, recreation and leisure venues. Further, the tenderer demonstrated their capacity to activate the venue and achieve Council's desired operational levels of services. The evaluation panel considers the tender from Belgravia Leisure to represent the best overall value for Council.

Northside Basketball Inc. submitted a conforming tender that demonstrated some relevant experience, company capability and understanding of the services sought. However, the tender did not provide any additional benefits for the higher price.

Northside Basketball Inc. also submitted a non-conforming tender, however this tender did not provide any additional benefits for the higher price and was therefore not considered.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of work expecting to be greater than \$200,000, Council called a public tender for the work through MBRC's eTendering Portal, in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

#### 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.

Tenders were considered against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

ITEM 1.4 TENDER FOR MANAGEMENT AND OPERATION OF SOUTH PINE SPORTS COMPLEX INDOOR SPORTS CENTRE - MBRC-RFT301 - 65781748 (Cont.)

3.4 Risk Management Implications

The management of an Indoor Sports Centre is a complex undertaking that may expose Council and other stakeholders to some level of risk. Accordingly, officers have undertaken a risk assessment and identified the following risks and related mitigation strategies:

*Reputational risk*

Inadequate contractor performance may result in low customer service levels and related reputational risk to Council. To mitigate this risk, service delivery standards will be clearly set out in the contract and monitored via regular contractor performance reporting.

Reputational risks have also been identified if the new contractor was to make major changes to facility access and pricing for existing user groups without sufficient transitional arrangements being put in place. To mitigate this risk, Council will retain the ability to set fees and charges for the venue and direct the contractor to make reasonable operational adjustments (where necessary).

*Financial risk*

As a 'fee for service' contract under which Council will be responsible for the outgoings of the contractor, financial risk to Council resulting from unjustified or inefficient expenditure has been identified. This risk will be mitigated via regular contractor performance monitoring, which will include monthly financial reporting. Further, under the contract Council will have the ability to direct the contractor to make reasonable operational adjustments (where necessary) to manage venue operational costs.

*Safety risk*

The operation on an indoor sports venue brings some risk that facility patrons may sustain injuries whilst utilising the facility. To mitigate this risk, the recommended contractor has demonstrated their ability to provide a safe operational environment for both staff and patrons and will implement a sophisticated suite of workplace health and safety processes and systems. In addition, the contractor will be required to hold appropriate Public Liability insurance.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.49M, providing the expenditure has been provided for in Council's annual budget.

The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.

3.6 Financial Implications

The financial implication of the successful tender for the initial 3-year term and additional 2 x 1 year option periods can be seen below.

Contract Period	Year 1	Year 2	Year 3	Option 1	Option 2
Tender price*	\$72,000	Previous year plus CPI	Previous year plus CPI	Previous year plus CPI	Previous year plus CPI

\* Excludes GST

Sufficient funds are available in Council's 2022/23 operational budget for the contract related costs during the period of 1 January - 30 June 2023. However, in accordance with Recommendation 2 of this report, Council will be required to make provision in its 2023/24, 2024/25 and 2025/26 operational budgets for the costs associated with this contract.

ITEM 1.4 TENDER FOR MANAGEMENT AND OPERATION OF SOUTH PINE SPORTS COMPLEX INDOOR  
SPORTS CENTRE - MBRC-RFT301 - 65781748 (Cont.)

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Well managed and operated sport, recreation and leisure venues provide spaces for residents to engage in community, sport and recreation activities. Further, such venues support community organisations and other user groups in the delivery of their services.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Community Services, Sport and Recreation department
- Procurement Services
- Legal Services



**ITEM 1.5**  
**SOUTH PINE SPORTS COMPLEX INDOOR SPORTS CENTRE - INTERIM FEE SCHEDULE**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 65700948 : 17 November 2022 - **Refer Supporting Information 65728556**  
*Responsible Officer:* BA, Sports and Recreation Development Officer (CES Community Services, Sport & Recreation)

**Executive Summary**

In collaboration with the South Pine Sports Association (SPSA,) Council has undertaken a management model review (Review) for the South Pine Sports Complex (SPSC), inclusive of the Indoor Sports Centre, (Division 9) (*refer Supporting Information #1*). The outcome of this review process was the determination that the existing management model for the Indoor Sport Centre was no longer sustainable, and that a contract management model would be implemented.

As of 31 December 2022, it is anticipated that SPSA will dissolve, and a specialist contractor will manage the Indoor Sports Centre under a contract arrangement from 1 January 2023. In preparation for this transition, Council is required to set fees for the Indoor Sports Centre, from 1 January 2023.

This report seeks Council's approval to implement an 'interim' fee schedule, as detailed in Supporting Information #2, for the SPSC Indoor Sports Centre from 1 January - 30 June 2023.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of community facilities which enable the delivery of sport, recreation and community services and activities to residents of the region.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 13/0

That the 'Interim' schedule of fees, as detailed in Supporting Information #2, for the South Pine Sports Complex Indoor Sports Centre be approved for the period of 1 January - 30 June 2023.



ITEM 1.5 SOUTH PINE SPORTS COMPLEX INDOOR SPORTS CENTRE - INTERIM FEE SCHEDULE - 65700948  
(Cont.)

**OFFICER'S RECOMMENDATION**

That the 'Interim' schedule of fees, as detailed in Supporting Information #2, for the South Pine Sports Complex Indoor Sports Centre be approved for the period of 1 January - 30 June 2023.

**REPORT DETAIL**

**1. Background**

Since January 1997, the South Pine Sports Association Inc (SPSA) has held a lease with Council over the entire South Pine Sports Complex (*refer Supporting Information #1*) for the purpose of managing the complex in collaboration with Council and resident clubs. The current lease is due to expire 31 December 2022.

As the complex has continued to develop with the delivery of new infrastructure, including a major expansion of the Indoor Sports Centre, it has been identified that SPSA as a not-for-profit incorporated association with a volunteer management board, is no longer a sustainable management entity for the complex.

Council officers have investigated various management models that could be implemented to better position Council to achieve its strategic, community and customer focused objectives for the complex. As part of these investigations, internal and external consultation was undertaken with key Council departments, SPSA and resident clubs to gauge insights into the use of the complex and the various management model options.

As a result of the increasing development of the complex and the associated escalating responsibilities of the SPSA volunteer board, it was the finding of the review that a new management model was required for the SPSC moving forward.

On 24 August 2022, Councillors were briefed on the proposed new management model for SPSC, which included: entering into direct lease arrangements with resident clubs for the various outdoor facilities; and engaging a specialist facility manager under a contract management model for the SPSC Indoor Sports Centre. In line with Council's decision-making framework, an extract from the minutes of the briefing is provided below:

***The CEO noted the way forward:***

***Outdoor Facility - (Clubhouse and Sports Fields)***

*Officers to start discussions with the clubs based outside the indoor centre with a report to be brought to a future Council meeting seeking Council's approval for tenure arrangements.*

***Indoor Centre***

- Conduct a public tender process to appoint a specialist contractor*
- Implement a Contract Management model for up to 3 years noting continuation past this period would be subject to outcomes from further reviews.*

**2. Explanation of Item**

As the lessee for the Indoor Sports Centre, SPSA has previously set the annual schedule of fees for the venue, independent of Council. This schedule has included differing rates for: SPSA member clubs; select non-profit clubs; casual hirers; and schools.

As the management of the Indoor Sports Centre will transition to a contract management model effective 1 January 2023, Council is now required to set the fees for the venue.

**ITEM 1.5 SOUTH PINE SPORTS COMPLEX INDOOR SPORTS CENTRE - INTERIM FEE SCHEDULE - 65700948**  
(Cont.)

Officers have undertaken a preliminary review of the existing Indoor Sports Centre fee structure (as historically implemented by SPSA) and have identified significant variances when compared with those of other Council and non-Council-managed indoor sports venues. Accordingly, a revised fee structure will need to be implemented into the future.

The development and implementation of new fee structures and related pricing requires careful consideration and modelling, particularly with respect to understanding any potential financial and operational impacts that may result for existing user groups. With consideration to Council's limited operational knowledge of the venue, officers consider that a more detailed understanding of operational requirements, further research, and additional engagement with existing user groups is required prior to Council implementing a revised fee structure and schedule for the venue moving forward.

Accordingly, this report recommends that Council adopts an 'interim' fee schedule (*refer Supporting Information #2*) for the Indoor Sports Centre from 1 January - 30 June 2023. This 'interim' fee schedule has been developed to directly align with that of the fee schedule currently utilised by SPSA.

Adopting the proposed 'interim' fee schedule will enable officers to undertake a more comprehensive review of the Indoor Sports Centre fees over coming months and develop a new fee schedule for Council's consideration as part of its 2023/24 budget process. Further, it will ensure that existing user groups of the venue will not be financially impacted during the transition of management and the fee structure review period (1 January - 30 June 2023).

It is envisaged that the above-mentioned review process will include, but may not be limited to, consideration of the following:

- Fee structures and related pricing for other comparable venues, both within the Moreton Bay Region and across South East Queensland;
- Council's strategic, community and customer focused objectives for the Indoor Sports Centre;
- Financial implications for Council and existing facility user groups; and
- Where applicable, appropriate transitional arrangements for any existing facility users that may be impacted as a result of Council's new fee structure.

### 3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications

This report notes the future requirement for Council to implement a new, contemporary fee structure for the SPSC Indoor Sports Centre. However, with consideration to Council's limited knowledge of the venue, officers consider that a more detailed understanding of operational requirements, further research, and additional engagement with existing user groups is required prior to a new fee structure being adopted by Council. This review will ensure that any risks and impacts to Council and venue users are understood and can be appropriately mitigated.

Accordingly, this report recommends that an 'interim' fee schedule directly aligned to that which is currently used by SPSA, is implemented by Council for the period of 1 January - 30 June 2023.

ITEM 1.5 SOUTH PINE SPORTS COMPLEX INDOOR SPORTS CENTRE - INTERIM FEE SCHEDULE - 65700948  
(Cont.)

- 3.5 Delegated Authority Implications ☒ Nil identified
- 3.6 Financial Implications  
Income from hire fees will support Council in meeting the operational costs of the Indoor Sports Centre including, but not limited to contract management fees; staffing; cleaning; maintenance; and utility charges.
- 3.7 Economic Benefit Implications ☒ Nil identified
- 3.8 Environmental Implications ☒ Nil identified
- 3.9 Social Implications  
The SPSC Indoor Sports Centre provides high quality community, sport and recreational facilities for use by community organisations, business and residents of the region.
- 3.10 Human Rights Implications  
Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.
- 3.11 Consultation / Communication  
South Pine Sports Association Inc.  
Relevant Council departments.

**ITEM 1.6 - DECLARATION OF INTEREST****Declarable Conflict of Interest - Cr Karl Winchester**

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Karl Winchester informed the meeting of a declarable conflict of interest in matters relating to Sleep Bus Ltd as he had donated \$1,000 to the charity.

However, Cr Winchester has considered his position and is firmly of the opinion that he could participate in decisions involving Sleep Bus Ltd including discussion, debate and voting on the matter in the public interest.

**Councillor seeking to participate in the decision - eligible Councillors must decide****RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor) for the purpose of debate

Seconded by Cr Brooke Savige

**CARRIED 12/0**

That in accordance with s150ES of the *Local Government Act 2009*, and having considered the Councillor's conflict of interest as described, it is decided that Cr Karl Winchester may participate in the decision including discussion, debate and voting on the matter as it is considered that this is in the public interest.

<b>FOR:</b> Cr Peter Flannery (Mayor) (Chairperson) Cr Brooke Savige Cr Mark Booth Cr Adam Hain Cr Jodie Shipway (Deputy Mayor) Cr Sandra Ruck Cr Yvonne Barlow Cr Mick Gillam Cr Cath Tonks Cr Matt Constance Cr Darren Grimwade Cr Tony Latter	<b>AGAINST:</b> Nil
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*Cr Karl Winchester having declared a conflict of interest was not eligible to vote*

**ITEM 1.6****REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD**

Meeting / Session: 1 VIBRANT COMMUNITIES

Reference: 65745029: November 2022 - **Refer Supporting Information 65745093**

Responsible Officer: NS, Community Development Coordinator (CES Community Services, Sport & Recreation)

**Executive Summary**

As a result of the current housing crisis, the number of people experiencing homelessness is rapidly increasing throughout Australia and in the Moreton Bay Region.

This report seeks Council's approval to provide a Regional Community Project Grant of \$50,000 (excl-GST), to Sleep Bus Ltd to support the delivery of one sleep bus in the Moreton Bay Local Government Area. The provision of a sleep bus will provide a temporary safe and supported accommodation option for people experiencing homelessness on the Redcliffe Peninsula, whilst longer term accommodation is sourced by the Queensland Government and their network of housing and homelessness service providers.

*ITEM 1.6 REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD - 65745029 (Cont.)*

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of funding to a community organisation for the delivery of an asset and service that will support local responses to homelessness in the region.

**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Sandra Ruck

**CARRIED 13/0**

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that Sleep Bus Ltd's purchase and fit-out of a sleep bus and establishment of a sleep bus service in Redcliffe will deliver significant regional public benefits.
2. That Council provides a grant of \$50,000 to Sleep Bus Ltd towards costs associated with the purchase and fit-out of a sleep bus and establishment of a sleep bus service in Redcliffe under Council's Community Grants Policy as a Regional Community Project Grant.
3. That the grant (referred to in Recommendation 2) be subject to Sleep Bus Ltd entering into an agreement with The Breakfast Club Redcliffe Inc regarding the ongoing operations of the sleep bus service.
4. That the grant (referred to in Recommendation 2) be subject to Sleep Bus Ltd, The Breakfast Club Redcliffe Inc and Council reaching agreement on the operational arrangements of the sleep bus service, including but not limited to the service hours of operation and bus storage, and parking locations.
5. That the grant (referred to in Recommendation 2) be subject to Sleep Bus Ltd providing confirmation to Council that the balance of funds required to purchase and fit-out a sleep bus and establish a sleep bus service in Redcliffe have been secured from sources other than Council.
6. That Council provides sufficient funds as part of its 2022/23 quarterly budget review to meet the costs associated with the grant referred to in Recommendation 2.
7. That Council enters into a funding agreement with Sleep Bus Ltd for the delivery of a sleep bus and establishment of a sleep bus service in Redcliffe, as detailed in this report.
8. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

*ITEM 1.6 REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD - 65745029 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that Sleep Bus Ltd's purchase and fit-out of a sleep bus and establishment of a sleep bus service in Redcliffe will deliver significant regional public benefits.
2. That Council provides a grant of \$50,000 to Sleep Bus Ltd towards costs associated with the purchase and fit-out of a sleep bus and establishment of a sleep bus service in Redcliffe under Council's Community Grants Policy as a Regional Community Project Grant.
3. That the grant (referred to in Recommendation 2) be subject to Sleep Bus Ltd entering into an agreement with The Breakfast Club Redcliffe Inc regarding the ongoing operations of the sleep bus service.
4. That the grant (referred to in Recommendation 2) be subject to Sleep Bus Ltd, The Breakfast Club Redcliffe Inc and Council reaching agreement on the operational arrangements of the sleep bus service, including but not limited to the service hours of operation and bus storage, and parking locations.
5. That the grant (referred to in Recommendation 2) be subject to Sleep Bus Ltd providing confirmation to Council that the balance of funds required to purchase and fit-out a sleep bus and establish a sleep bus service in Redcliffe have been secured from sources other than Council.
6. That Council provides sufficient funds as part of its 2022/23 quarterly budget review to meet the costs associated with the grant referred to in Recommendation 2.
7. That Council enters into a funding agreement with Sleep Bus Ltd for the delivery of a sleep bus and establishment of a sleep bus service in Redcliffe, as detailed in this report.
8. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

**REPORT DETAIL**

**1. Background**

Homelessness is a complex issue that is increasing throughout Australia and in the Moreton Bay Region. This is seen clearly through the increasing number of people experiencing homelessness that are sleeping rough in public spaces, most notably in Redcliffe and Caboolture. Concerningly, there are very limited accommodation options for people sleeping rough and seeking to exit out of homelessness in the Moreton Bay Region.

In the 2021/22 financial year, Council experienced a 70% increase in the number of people that Council officers engaged with in public spaces that were sleeping rough. Based on the number of people engaged with since 1 July 2022, it is projected that this trend will continue at even higher rates throughout 2022/23 and beyond.

The Queensland Government Department of Communities, Housing and Digital Economy (DCHDE) are the responsible government lead agency for responding to the current housing and homelessness crisis throughout Queensland. These responsibilities include the provision of suitable crisis, transitional and social housing, as well as housing and homelessness support services.

Whilst recent announcements made by the State and Federal Governments will increase the supply of social and affordable housing into the future, they will not deliver immediate relief or accommodation options to people who are currently sleeping rough. Accordingly, alternate strategies and initiatives are required to provide safer places for these vulnerable members of the community in the short term.



ITEM 1.6 REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD - 65745029 (Cont.)

1.1 Sleep Bus Ltd

Sleep Bus Ltd is an organisation that provides safe places for people experiencing homelessness to sleep overnight. Founded in 2013 in Melbourne, Sleep Bus Ltd converts buses into mobile shelters.

Each sleep bus can provide up to 20 people with a safe sleep each night in twin sleep pod cabins. Each cabin is climate controlled with a lockable door. Every sleep pod has its own reading light, USB charger, free to air digital TV and support services channel. The bus also has a toilet, storage for belongings, and a dedicated space for companion animals. Guests are cared for by an overnight caretaker, and security and CCTV surveillance are in place.

Communities wanting a sleep bus service must raise \$100,000. These funds are provided to Sleep Bus Ltd to purchase and refurbish a bus. Sleep Bus Ltd also raises \$35,000 - \$50,000 per year (per sleep bus) through donations and corporate sponsorships to pay for all operational expenses, including employment of a local coordinator, volunteer management, vehicle maintenance and insurance costs. Sleep Bus Ltd utilise volunteers to onboard guests, care for the bus and guests overnight, and clean the bus. A key component of the sleep bus model is to ensure there is an active community or organisation within an area to help facilitate the ongoing operations.

Sleep Bus Ltd works with the respective local government to identify suitable locations for the sleep bus service to operate and obtain any permits or approvals that may be required.

Whilst it is acknowledged that a sleep bus will not solve homelessness, each sleep bus can provide a safe sleep for up to 20 people per night.

An overview of Sleep Bus Ltd and the service it provides is provided in Supporting Information #1.

**2. Explanation of Item**

More than 50% of people experiencing homelessness that are known to Council are sleeping rough in public spaces on the Redcliffe Peninsula. However, it is acknowledged that there are also significant numbers of people sleeping rough throughout other parts of the region, in particular within the Caboolture area.

Local volunteer-based organisation, The Breakfast Club Redcliffe Inc, operates a meal service, drop-in hub, and outreach service for people experiencing homelessness, financial hardship, and social isolation. The organisation receives donations from corporate and community partners and residents and is resourced by approximately 90 volunteers.

The Breakfast Club Redcliffe Inc is leading a campaign to raise \$100,000 to fund a sleep bus to operate in Redcliffe. The Breakfast Club Redcliffe Inc aims to raise the funds over coming months with the view to a sleep bus service commencing on the Redcliffe Peninsula in June 2023.

A Council briefing was conducted on 14 September 2022 for the purpose of presenting initiatives that may deliver accommodation options for people experiencing homelessness and sleeping rough in the Moreton Bay Region. This briefing included the opportunity for Council to provide a grant to Sleep Bus Ltd to ensure and fast-track the delivery of a sleep bus service in the Moreton Bay region. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*A report to be submitted to a General Meeting for Council's consideration of a Community Grant to Sleep Bus Ltd for the purchase and fit-out of a sleep bus to be located at Redcliffe and - depending on discussions with Sleep Bus Ltd - Caboolture.*

*Council officers to work with Sleep Bus Ltd to facilitate the necessary permits or approvals once suitable location/s have been identified.*

*ITEM 1.6 REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD - 65745029 (Cont.)*

Following the 14 September 2022 Council Briefing, officers have progressed discussions with Sleep Bus Ltd and the Breakfast Club Redcliffe Inc in relation to the proposed delivery of a sleep bus service in Redcliffe. These discussions have confirmed the willingness, organisational capacity and readiness of both organisations to deliver a sleep bus and commence service provision on the Redcliffe Peninsula once sufficient funding has been sourced.

Council officers have also undertaken preliminary discussions with Sleep Bus Ltd and Caboolture based homelessness services regarding the potential future delivery of a sleep bus service in Caboolture. As a result, it has been determined that further investigations, consultation and sector capacity building would be required prior to Council considering the provision of funding towards a sleep bus service in this location.

Sleep Bus Ltd has submitted a request for funding to support the establishment of a sleep bus in the Moreton Bay Region. Sleep Bus Ltd has established a working relationship with The Breakfast Club Redcliffe Inc and the two organisations will work together to raise funds for the establishment of a sleep bus service on the Redcliffe Peninsula and its ongoing operations.

Should Council wish to directly support and fast-track the establishment of the sleep bus service in Redcliffe, Council may contribute to The Breakfast Club Redcliffe Inc's efforts by:

- making a financial contribution to Sleep Bus Ltd to purchase and refurbish a sleep bus; and
- working with Sleep Bus Ltd and The Breakfast Club Redcliffe Inc to identify suitable locations for the bus to park and facilitate the necessary approvals required for the sleep bus to operate.

Under the provisions of its Community Grants Policy (No. 2150-030), Council may provide a Regional Community Project Grant to a community organisation where it determines there is significant regional public benefit in doing so. In determining if there is significant regional public benefit, Council is required to give consideration to the following:

- relevance of the proposed project to Council's vision for the Moreton Bay Region;
- alignment of the proposed project to the role and functions of Council including demonstrated economic, community, cultural, sporting or environmental benefits to the Moreton Bay Region;
- capacity of the community organisation to successfully deliver the proposed project;
- the community organisation's financial contribution to the project;
- availability of funds and value for money; and
- the specific circumstances associated with the need for Council support.

Council officers have considered the appropriateness of providing a Regional Community Project Grant to Sleep Bus Ltd towards the establishment cost of a sleep bus service in Redcliffe. This consideration included an assessment of the regional public benefits expected from the sleep bus service and the eligibility of the proposal under Council's Community Grants Policy. Table 2.1 below provides an overview of the assessment findings.

*Table 2.1 - Officer's Assessment*

<b>Organisational eligibility</b>	<p>Sleep Bus Ltd is an Australian Public Company that is registered as a charity with the Australian Charities and Not-for-profits Commission (ACNC) and a Public Benevolent Institution.</p> <p>Sleep Bus Ltd is eligible to receive a community grant as per the Community Grants Policy (No. 2150-030).</p>
<b>Relevance of the project to Council's vision for the region</b>	<p>The project aligns with Council's vision for "Our Moreton Bay, Amazing Places, Natural Spaces" and responds to the goal of "Our Vibrant Communities" that communities have "access to the services and facilities they need."</p>
<b>Alignment of the project to the role and functions of Council including demonstrated economic, community, cultural,</b>	<p>The project aligns with the role and function of Council in supporting community organisations in their delivery of services to the community.</p> <p>The establishment of a sleep bus for rough sleepers may assist by:</p>



*ITEM 1.6 REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD - 65745029 (Cont.)*

<b>sporting or environmental benefits to the Moreton Bay Region</b>	<ul style="list-style-type: none"> <li>• Providing safer and more appropriate places for people experiencing homelessness to sleep whilst they are waiting to secure either transitional or longer-term accommodation;</li> <li>• Enabling more streamlined provision of homelessness support services in a centralised location; and</li> <li>• Reducing the prevalence and amenity impacts of people experiencing homelessness residing in well-patronised public spaces.</li> </ul>
<b>Capacity of the organisation to deliver the project</b>	<p>Sleep Bus Ltd operates in three locations throughout Australia: Queanbeyan (NSW); Canberra (ACT); and Maroochydore (QLD). Sleep Bus Ltd has also secured funding to refurbish an additional four buses due to be launched by the end of 2022 at Maroochydore (QLD), Hervey Bay (QLD), and two at Byron Bay (NSW). Accordingly, the organisation is considered to have sufficient capacity to deliver the sleep bus and establish the service on the Redcliffe Peninsula.</p> <p>In addition to the capacity of Sleep Bus Ltd to establish a sleep bus service, officers have considered the capacity of The Breakfast Club Redcliffe Inc and its volunteer base to effectively support the delivery of the service on the Redcliffe Peninsula. As a reputable and well-established homelessness service with a strong volunteer base, The Breakfast Club Redcliffe Inc is considered to have sufficient capacity to support the ongoing delivery of the proposed service.</p>
<b>The community organisation's financial contribution to the project</b>	<p>Sleep Bus Ltd requires communities to raise \$100,000 to fit out a single sleep bus. A grant from Council would contribute to these establishment costs.</p> <p>The recommendations of this report would see Council contribute 50% (\$50,000) of the upfront costs for the establishment of the service. The balance of the upfront costs, along with the ongoing operational costs, will be funded via sources other than Council (e.g. fundraising, donations and corporate sponsorships).</p>
<b>Availability of funds and value for money</b>	<p>Should Council support the recommendations of this report, funds will need to be provided by Council in its 2022/23 operational budget through a quarterly budget amendment.</p> <p>In comparison to other forms of emergency / crisis accommodation for people experiencing homelessness, the upfront and ongoing costs associated with a sleep bus service are considered to represent value for money.</p>
<b>The specific circumstances associated with the need for Council support</b>	<p>There are rapidly increasing numbers of people experiencing homelessness sleeping rough in public spaces across the region. More than half of those known to Council are staying on the Redcliffe Peninsula.</p> <p>There are significant resource implications for Council in managing the current and growing numbers of people sleeping rough in public spaces across the region.</p> <p>The provision of the proposed Regional Community Project Grant will secure and accelerate the delivery of a sleep bus in Redcliffe, which will in turn reduce the number of people experiencing homelessness sleeping rough in Council's public spaces.</p>

*ITEM 1.6 REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD - 65745029 (Cont.)*

With consideration to the significant community benefits associated with a sleep bus service in Redcliffe, it is recommended that Council provides a Regional Community Project Grants of \$50,000 (excl. GST) to Sleep Bus Ltd for the establishment of a sleep bus service in Redcliffe. It is however recommended that this grant be subject to:

- Sleep Bus Ltd entering into an agreement with The Breakfast Club Redcliffe regarding the ongoing operations of the sleep bus service;
- Sleep Bus Ltd, The Breakfast Club Redcliffe Inc and Council reaching agreement on the operational arrangements of the sleep bus service, including but not limited to the service hours of operation and bus storage, and parking locations; and
- Council receiving confirmation that the balance of funds required to establish the sleep bus service (\$50,000) have been secured by Sleep Bus Ltd from sources other than Council.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council's Community Grants programs are administered in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

Our Vibrant Communities: 02 Our communities are safe and resilient so that in times of adversity our people and places are supported.

#### 3.3 Policy Implications

The Regional Community Project Grant proposed by this report will be provided in accordance with Council's Community Grants Policy (No. 2150-030).

#### 3.4 Risk Management Implications

##### *Compliance risk:*

It is noted that, dependent upon the chosen location(s) for the sleep bus service, certain Council permits and approvals may be required. Council officers will work with Sleep Bus Ltd and The Breakfast Club Redcliffe Inc to identify suitable locations and ensure appropriate approvals are in place.

Further, a recommendation of this report requires Sleep Bus Ltd and The Breakfast Club Redcliffe Inc to reach agreement with Council regarding the operational arrangements of the service, prior to the release of grant funds.

##### *Financial risk:*

Sleep Bus Ltd and its partners will be required to raise additional funding for the establishment of the sleep bus service. Accordingly, a risk has been identified that the organisation may be unable to raise the balance funds.

To mitigate this risk, the recommendations of this report will require Sleep Bus Ltd to provide confirmation to Council that the balance of funds have been sourced, prior to Council releasing its grant funding.

##### *Safety risk:*

Sleep Bus Ltd consulted with the Victoria Police, Melbourne Fire Brigade and security and health professionals to inform the design of the sleep bus and service operations, ensuring the safety of volunteers and guests. Key safety measures include:

- The caretaker is onboard at all times during the service period;
- Each person has their own sleep pod, equipped with a lockable door;

ITEM 1.6 REGIONAL COMMUNITY PROJECT GRANT - SLEEP BUS LTD - 65745029 (Cont.)

- Security cameras are monitored by the caretaker;
- A third-party security service is present during the on and off boarding period and conducts patrols during the service period;
- Smoke detectors fitted in the sleep bus;
- All volunteers must complete Police and Working with Children checks;
- All volunteers must complete induction and 'on the job' training;
- All guests must complete a safety induction prior to boarding; and
- Whilst guests can leave at any time, they cannot return during the service period should they leave.

Further, Sleep Bus Ltd and the Breakfast Club Redcliffe Inc will establish operational and safety procedures specific to the Redcliffe sleep bus service and maintain appropriate levels of public liability insurance.

3.5 Delegated Authority Implications

As per Officer's Recommendation 8 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the funding agreement between Council and Sleep Bus Ltd, as described in this report

3.6 Financial Implications

Should Council support the recommendations of this report, funds in the amount of \$50,000 will need to be provided in the 2022/23 operational budget through Council's quarterly budget review process.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

The number of people experiencing homelessness and sleeping rough in public spaces in the Moreton Bay Region is increasing, and with the current housing crisis this is likely to continue for some time. There is a strong local concern for the health and welfare of people sleeping rough in public spaces, as well as concerns about the ongoing amenity impacts in public spaces.

Council's financial contribution to Sleep Bus Ltd will accelerate the fundraising and delivery of a sleep bus for Redcliffe, and reduce the number of rough sleepers in public places on the Redcliffe Peninsula.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Councillor Briefing  
Relevant Council departments  
Sleep Bus Ltd  
The Breakfast Club Redcliffe  
Key community and homelessness support services in Caboolture

## ATTENDANCE

Mark McCormack left the meeting at 10.55am after Item 1.6.

## **ITEM 1.7 DECLARATION OF INTEREST**

### **Previously declared Declarable Conflict of Interest - Cr Matt Constance**

Cr Matt Constance referred to a previously declared declarable conflict of interest (General Meeting 9 December 2020, 20/2062) relating to his involvement with the Golden Valley Keperra Lions Club Inc and The Hills Community Carols Committee.

In line with that declaration, Cr Constance retired from the meeting at 10.56am.

## **ITEM 1.7**

### **DISCRETIONARY FUNDS - GOLDEN VALLEY KEPERRA LIONS CLUB INC**

Meeting / Session: 1 VIBRANT COMMUNITIES  
Reference: 65848131 : 14 November 2022  
Responsible Officer: KR, Executive Support Officer (CEOs Office)

#### **Executive Summary**

The Council makes discretionary funds available each financial year to community organisations for community purposes in accordance with Council's Discretionary Funds Policy, Availability Notice and Guidelines.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as this report relates to funding made available by Council to community organisations under Council's Discretionary Funds Policy to support the sustainable delivery of community, cultural, sporting and environmental projects that provide a demonstrated benefit to the Moreton Bay Region

An eligible application for discretionary funds has been received as follows:

- Golden Valley Keperra Lions Club Inc in the amount of \$2,000 for the annual 'The Hills Community Carols' event.

A declarable conflict of interest has been declared by Cr Matt Constance in relation to this application.

This report seeks Council's direction in accordance with Council's adopted procedure. Where a Councillor has a prescribed or declarable conflict of interest in a discretionary fund application, the conflicted Councillor may decide to not deal with the application, and the application is to be considered at Council's General Meeting.

#### **RESOLUTION**

**Moved by Cr Jodie Shipway (Deputy Mayor)**

**Seconded by Cr Cath Tonks**

**CARRIED 12/0**

*Cr Constance had declared a conflict of interest and had retired from the meeting*

**That the request by Golden Valley Keperra Lions Club Inc under Council's Discretionary Funds Policy for hire costs of sound and lighting equipment for 'The Hills Community Carols' be approved in the amount of \$2,000 from the Division 10 allocation.**

ITEM 1.7 DISCRETIONARY FUNDS - GOLDEN VALLEY KEPERRA LIONS CLUB INC - 65848131 (Cont.)

**OFFICER'S RECOMMENDATION**

**Council direction is required** in relation to the request by Golden Valley Keperra Lions Club Inc under Council's Discretionary Funds Policy for hire costs of sound and lighting equipment for the 'The Hills Community Carols' for the amount of \$2,000.

**REPORT DETAIL**

**1. Background**

The Council makes discretionary funds available each financial year to community organisations for community purposes, in accordance with Council's Discretionary Funds Policy, Availability Notice and Guidelines.

Unless otherwise approved by Council, each financial year community organisations are eligible to apply for a maximum of \$2,000 in discretionary funds by the Mayor and Councillors combined. Community organisations may submit multiple applications to the discretionary fund each financial year for different projects

**2. Explanation of Item**

A declarable conflict of interest has been declared by Cr Matt Constance in relation to this application.

As mentioned above, in accordance with Council's adopted procedure, where a Councillor has a prescribed or declarable conflict of interest in a discretionary funds application, the conflicted Councillor may decide to not deal with the application, and the application is to be considered at Council's General Meeting.

Therefore, Council direction is sought in relation to support of the Golden Valley Keperra Lions Club Inc to deliver 'The Hills Community Carols' event.

Golden Valley Keperra Lions Club Inc

Golden Valley Keperra Lions Club Inc applied on 14 October 2022 for \$2,000 under the discretionary funds policy in support of the event. This application is for the hire costs of sound and lighting equipment for the 'The Hills Community Carols' which is a well-known annual free event held for the community in The Hills District and surrounds. The event includes amusement rides, food vendors and stage performances.

**3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 03 Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures and identities.

3.3 Policy Implications

Arrangements will be made in accordance with Council's Discretionary Funds Policy 2150-101.

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Appropriate funds have been provided in the 2022/23 budget and the application for funding is eligible under the 2022/23 Discretionary Funds guidelines.

ITEM 1.7 DISCRETIONARY FUNDS - GOLDEN VALLEY KEPERRA LIONS CLUB INC - 65848131 (Cont.)

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Chief Executive Officer
- Director Finance and Corporate Services
- Manager Governance and Executive Services

**ATTENDANCE**

Cr Matt Constance returned to the meeting at 10.57am after Item 1.7.

**ITEM 1.8****PROPOSED TRUSTEE LEASE - BRIBIE GARDENS CANAL ESTATE**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 65827237 : 9 November 2022 - Refer **Confidential** Supporting Information  
65827244  
*Responsible Officer:* JT, Senior Land Dealings Officer (IP Property Services)

**Executive Summary**

This report seeks Council's approval to enter into a trustee lease to permit the construction of a pontoon within the Bribie Gardens Estate canals by adjoining property owners, on the terms outlined in this report.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it both encourages the recreational use of a Council asset and supports community wellbeing.

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* (Regulation) requires Council resolution to apply the exception under section 236(1)(c)(iv) to dispose of land and buildings (by lease) other than by tender or auction.

Supporting information to this report is confidential to the extent that it contains information that is confidential to Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Brooke Savage  
Seconded by Cr Mick Gillam

**CARRIED 13/0**

1. That the exception contained in section 236(1)(c)(iv) of the *Local Government Regulation 2012* applies to the Council regarding the disposal (by lease) of the property referred to in this report.
2. That the lessees under the proposed lease be granted a lease over the lease area detailed in the Proposed Lease Schedule (refer *Confidential Supporting Information #1*) on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the leases and any required variations of those leases on the Council's behalf, as described in this report.



ITEM 1.8 PROPOSED TRUSTEE LEASE - BRIBIE GARDENS CANAL ESTATE - 65827237 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the exception contained in section 236(1)(c)(iv) of the *Local Government Regulation 2012* applies to the Council regarding the disposal (by lease) of the property referred to in this report.
2. That the lessees under the proposed lease be granted a lease over the lease area detailed in the Proposed Lease Schedule (*refer Confidential Supporting Information #1*) on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the leases and any required variations of those leases on the Council's behalf, as described in this report.

**REPORT DETAIL**

**1. Background**

The canals within the 'Bribie Gardens Estate' at Bribie Island, are State reserve lands managed by Council as trustee (Council's Land).

The proposed lessees have requested a trustee lease over part of Council's Land adjoining their property for the permitted use as noted in the table below. An aerial view of the premises and a plan for the proposed lease area can be found at *Confidential Supporting Information #2*.

The commercial terms for the trustee lease is outlined below:

Core Term	Description
<b>Term</b>	30 years
<b>Option</b>	Nil
<b>Commencement Date</b>	As set out in the Schedule at <i>Confidential Supporting Information #1</i>
<b>Rent</b>	\$1.00 plus GST (payable upon demand)
<b>Permitted Use</b>	The construction, placement or erection of facilities for the berthing and/or mooring of marine vessels

**2. Explanation of Item**

The establishment of the Bribie Gardens Estate created a number of canal front allotments offering direct boating access to the Pumicestone Passage. Accordingly, the construction of pontoons, by the owners of canal front allotments, within adjoining Council controlled land is considered an appropriate extension of that purpose.

In accordance with the *Land Act 1994* (Qld), Council is required to enter into trustee leases with adjoining landowners for part of Council's Land on which any pontoons are located. Such trustee leases can be granted by Council to the adjoining landowners, in compliance with section 236(1)(c)(iv) of the Regulation. Given the proposed lease area forms part of a canal and is specifically adjacent to a pontoon owner's property, the land is not considered to be practically accessible or appropriate to be leased by any other party.

In addition, Council's independent market valuation confirms the rental being charged for the trustee lease meets the requirements of s236(3) and 236(5) of the Regulation.



ITEM 1.8 PROPOSED TRUSTEE LEASE - BRIBIE GARDENS CANAL ESTATE - 65827237 (Cont.)

**3 Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 236(1)(c)(iv) of the Regulation allows Council to dispose of a valuable non-current asset without putting the asset to tender or auction if the land is disposed of to a person who owns adjoining land and:

- (a) the land is not suitable to be offered for disposal by tender or auction for a particular reason;
- (b) there is not another person who owns other adjoining land who wishes to acquire the land;
- (c) it is in the public interest to dispose of the land without a tender or auction; and
- (d) the disposal is otherwise in accordance with sound contracting principles.

Council may only rely on this exception if, before granting a lease, it resolves that the exception applies.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.

**3.3 Policy Implications**

☒ Nil identified

**3.4 Risk Management Implications**

It is recognised that permitting the lessee to occupy and manage Council owned or controlled land and assets presents an associated level of risk. This risk level is considered acceptable, however, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the lessee and includes a requirement for the lessee to hold appropriate levels of public liability insurance.

**3.5 Delegated Authority Implications**

In accordance with Officer's Recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all actions necessary to execute the new lease for the Premises outlined in this report but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of that lease on the Council's behalf, as described in this report.

**3.6 Financial Implications**

☒ Nil identified

**3.7 Economic Benefit Implications**

☒ Nil identified

**3.8 Environmental Implications**

☒ Nil identified

**3.9 Social Implications**

☒ Nil identified

**3.10 Human Rights Implications**

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

**3.11 Consultation / Communication**

Legal Services  
Councillor for Division 1

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**2 HEALTHY ENVIRONMENTS SESSION**

(Cr C Tonks / Cr B Savage)

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**ITEM 2.1**

**AUSTRALIAN COASTAL COUNCILS ASSOCIATION (ACCA) INC NATIONAL FORUM ATTENDANCE**

*Meeting / Session:* 2 HEALTHY ENVIRONMENTS  
*Reference:* 65696600 : 19 October 2022  
*Responsible Officer:* KR, Executive Support Officer (FCS Governance & Executive Services)

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**Executive Summary**

The purpose of this report is to seek Council direction in relation to Councillor attendance at the Australian Coastal Councils Association (ACCA) Inc National Forum to be held at the Western Australian Maritime Museum in Fremantle from 29 - 31 March 2023.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as this report relates to an opportunity for Councillors to discuss a variety of topics relating to coastal hazards with local government colleagues, industry experts and key government representatives.

Learnings from the ACCA National Forum will assist with informing Council's approach for best practice models to use for local and regional planning for coastal communities together with best practice measures for responding to the impact of climate change of coastal communities.

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**RESOLUTION**

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Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mick Gillam

**CARRIED 13/0**

1. That Councillor Brooke Savage be authorised to attend the Australian Coastal Councils Association (ACCA) Inc National Forum.
2. That the Chief Executive Officer arrange for officer attendance at this forum as appropriate.

*ITEM 2.1 AUSTRALIAN COASTAL COUNCILS ASSOCIATION (ACCA) INC NATIONAL FORUM ATTENDANCE - 65696600 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That Councillor Brooke Savage be authorised to attend the Australian Coastal Councils Association (ACCA) Inc National Forum.
2. That the Chief Executive Officer arrange for officer attendance at this forum as appropriate.

**REPORT DETAIL**

**1. Background**

The Australian Coastal Councils Association (ACCA) Inc National Forum will be held at the Western Australian Maritime Museum in Fremantle from 29 - 31 March 2023.

Councillor Brooke Savage has expressed an interest in attending this forum and as a member of the ACCA Committee of Management, ACCA will cover the cost of Cr Savage's return flights, airport transfers in Perth and accommodation for two nights.

**2. Explanation of Item**

The format of the ACCA forum will comprise a series of workshops and presentations by keynote speakers and provide the opportunity for elected representatives to see first-hand how other regions around Australia have addressed coastal management challenges and to share knowledge and learnings with industry and government leaders.

Topics that will be discussed at the forum include:

- Australia's capacity to respond to natural disasters
- Disaster Ready Fund
- Beach erosion and early warning systems
- Innovations in coastal data collection from smartphones to satellites
- Presentation of the CoastAdapt web tool developed by Griffith University
- Nature based coastal defence in Australia
- Coastal hazard case studies
- Insurance implication of coastal hazards
- Coastal hazards research initiatives

**3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Healthy Environments: 02 Our coasts and waterway catchments are used sustainably, and environmental values are protected and enhanced.

3.3 Policy Implications

Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

ITEM 2.1 AUSTRALIAN COASTAL COUNCILS ASSOCIATION (ACCA) INC NATIONAL FORUM ATTENDANCE - 65696600 (Cont.)

3.6 Financial Implications

Funds for attendance to the forum have been provided in the 2022/23 budget.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

Topics discussed at the forum will address a range of environmental challenges facing local government.

3.9 Social Implications

☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Councillors  
Executive Leadership Team

**ATTENDANCE**

Joel Chapman attended the meeting at 10.59am for discussion on Item 2.2.

**ITEM 2.2****TENDER - MURRUMBA DOWNS - JOHN OXLEY RESERVE - RIVERBANK STABILISATION**

Meeting / Session: 2 HEALTHY ENVIRONMENTS  
Reference: 65710512 : 8 November 2022 - Refer **Confidential** Supporting Information  
65510320  
Responsible Officer: OS, Project Manager (PAS Project Management)

**Executive Summary**

Tenders were invited for the 'Murrumba Downs - John Oxley Reserve - Riverbank Stabilisation (MBRC-RFT175)' project. Tenders closed on 27 September 2022 with a total of three tender submissions received, all of which were conforming.

It is recommended that the tender for the 'Murrumba Downs - John Oxley Reserve - Riverbank Stabilisation (MBRC-RFT175)' project be awarded to AllenCon Pty Ltd, for the sum of \$364,148 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as the project will stabilise 120 metres of eroding riverbank within John Oxley Reserve, whilst protecting the riverbank from further erosion.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Yvonne Barlow

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 13/0

1. That the tender for the 'Murrumba Downs - John Oxley Reserve - Riverbank Stabilisation (MBRC-RFT175)' project be awarded to AllenCon Pty Ltd, for the sum of \$ 364,148 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of an additional \$204,864 in funding for the project at the 2022/23 financial year quarter 2 review process.
3. That the Council enters into an agreement with AllenCon Pty Ltd, as described in this report.
4. 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 AllenCon Pty Ltd for the 'Murrumba Downs - John Oxley Reserve - Riverbank Stabilisation (MBRC-RFT175)' project and any required variations of the agreement on Council's behalf.
5. That it be noted this project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

ITEM 2.2 TENDER - MURRUMBA DOWNS - JOHN OXLEY RESERVE - RIVERBANK STABILISATION - 65710512  
(Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Murrumba Downs - John Oxley Reserve - Riverbank Stabilisation (MBRC-RFT175)' project be awarded to AllenCon Pty Ltd, for the sum of \$ 364,148 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to the provision of an additional \$204,864 in funding for the project at the 2022/23 financial year quarter 2 review process.
3. That the Council enters into an agreement with AllenCon Pty Ltd, as described in this report.
4. 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 AllenCon Pty Ltd for the 'Murrumba Downs - John Oxley Reserve - Riverbank Stabilisation (MBRC-RFT175)' project and any required variations of the agreement on Council's behalf.
5. That it be noted this project has been considered in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

**REPORT DETAIL**

**1. Background**

The project is located along a section of the North Pine River, within John Oxley Reserve, below River Vista Crescent and Lough Court, Murrumba Downs. The project scope includes the installation of a low rock wall, re-battering of an area of eroded riverbank and rehabilitation of mangrove vegetation along a 120m length of riverbank.

The objective of the project is to stabilise the riverbank and protect it from further erosion and fragmentation.

Construction will commence in March 2023, to mitigate the risk of working in flood-prone areas. A lead time of two weeks is required for procurement of concrete sleepers before physical works on site commence. Site works are scheduled to take up to twelve weeks to complete, which includes an allowance for wet weather.

A communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and projects signs displayed on site four weeks prior to construction. The stakeholders, including facility users / residents / neighbouring businesses etc. have been consulted regarding the project in September 2022. The communications plan will include a Councillor weekly update.



ITEM 2.2 TENDER - MURRUMBA DOWNS - JOHN OXLEY RESERVE - RIVERBANK STABILISATION - 65710512  
(Cont.)



Figure 1: (John Oxley Reserve - Riverbank Stabilisation) - Locality Plan

## 2. Explanation of Item

Tenders were invited for the 'Murrumba Downs - John Oxley Reserve - Riverbank Stabilisation (MBRC-RFT175)' project, which closed on 27 September 2022, with a total of three tenders received, all 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 (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	AllenCon Pty Ltd	100.00	104.50
2	Auzcon IP Pty Ltd	88.54	100.54
3	Auzcon IP Pty Ltd (Alternative 1 - Avonlea Access)	88.18	100.18

**AllenCon Pty Ltd ('AL')** - submitted a comprehensive tender. A tender clarification meeting was held on 4 October 2022, at which AL demonstrated their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. AL provided examples of relevant project experience, including Pine Rivers Park - Riverbank Stabilisation (valued at \$1.0M) for Moreton Bay Regional Council; Griffith Road Retaining Wall (valued at \$1.3M) for Moreton Bay Regional Council; and Bretts Wharf City Cat Detailed Excavation (valued at \$30k) for Brisbane City Council.

The evaluation panel considers the tender from AL to represent the best overall value for Council.

ITEM 2.2 TENDER - MURRUMBA DOWNS - JOHN OXLEY RESERVE - RIVERBANK STABILISATION - 65710512  
(Cont.)

**Auzcon IP Pty Ltd ('Auzcon')** submitted two comprehensive tenders, with one alternative method proposed involving alternative access. Auzcon submissions were well-presented, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

The cost of the recommended tender is approximately double that of the project estimate. It is likely that the project allocation was under that what it should have been and also reflects the current market conditions and that there were only two tenderers.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to the value of work expecting to be greater than \$200,000, Council called a public tender for the work through MBRC's e-Tendering Portal, in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Healthy Environments: 01 Our special natural areas and wildlife habitats are connected, protected and enhanced.

#### 3.3 Policy Implications

This project/contract/initiative has been procured/sourced 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.

Tenders were considered against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

#### 3.4 Risk Management Implications

A Risk Management Plan has been prepared. The project risk has been assessed and the following issues identified, including the manner in which the possible impact of these risks are minimised is detailed below.

##### *Financial Risk:*

A third-party financial assessment has been carried out and the recommended tenderer was rated 'satisfactory'.

##### *Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any impacts which would affect material supply chains and overall time delivery of the project works.
- d. To avoid delays onsite, works will not commence until the required concrete sleepers have been received. The current lead time for concrete sleepers is two weeks, which has been allowed for in the works commencement date and as part of the overall project delivery timeframe.
- e. The project is not impacted by any building and plumbing approvals.
- f. The project is not impacted by any internal Development Approvals.



ITEM 2.2 TENDER - MURRUMBA DOWNS - JOHN OXLEY RESERVE - RIVERBANK STABILISATION - 65710512  
(Cont.)

- g. The project is not impacted by any external Development Approvals, as per formal advice received from Development Services.

3.5 Delegated Authority Implications

The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$216,000 towards this project for construction in 2022/23 financial year. All financial information below is excluding GST.

Tender Price (Construction)	\$	364,148
Contingency (10%)	\$	36,415
Supervision / Administration Costs	\$	18,207
QLeave (0.575%)	\$	2,094
<b>Total Project Cost</b>	<b>\$</b>	<b>420,864</b>
<b>Project Shortfall</b>	<b>\$</b>	<b>204,864</b>

Estimated ongoing operational/maintenance costs \$ 2,210.00 per financial year

The budget amount for this project is insufficient. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$204,864 in the 2022/23 financial year quarter 2 review process.

3.7 Economic Benefit Implications

The project will result in a reduction in the cost of maintenance associated with this asset.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by Project Management during the construction phase.

3.9 Social Implications

The project will provide a safer, more accessible environment along the North Pine River within John Oxley Reserve.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Internal departments

**ATTENDANCE**

Joel Chapman left the meeting at 11.01am after Item 2.2.

## ITEM 2.3

### PROPOSED LEASE, 94-142 LOWER KING STREET, CABOOLTURE

Meeting / Session: 2 HEALTHY ENVIRONMENTS  
Reference: 65790722: 3 November 2022 - Refer Supporting Information 65790724 & **Confidential Supporting Information 65790723**  
Responsible Officer: JT, Senior Land Dealings Officer (IP Property Services)

#### Executive Summary

This report seeks Council's approval to grant a lease, on the terms outlined in this report, for land situated at 94-142 Lower King Street, Caboolture to Northern SEQ Distributor - Retailer Authority trading as Unitywater ABN 89 791 717 472 (Unitywater).

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as it is for a lease for the purposes of offset vegetation planting and bank stabilisation works on part of Council owned land bordering the Caboolture River. The proposed lease will assist in reducing bank erosion caused by flooding and therefore have environmental benefit for the community

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* (Regulation) requires Council resolution to apply the exception under section 236(1)(b)(i) to dispose of a valuable non-current asset to a government agency.

Some of the supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

#### MOTION

Moved by Cr Adam Hain

Seconded by Cr Tony Latter

1. That Council decides to dispose of a valuable non-current asset (via lease) being part of the Property referred to in this report.
2. That Council is satisfied that Unitywater is a 'government agency' as that term is defined in the *Local Government Regulation 2012*.
3. That Council decides to dispose of the valuable non-current asset (via lease) being part of the Property referred to in this report to Unitywater.
4. That the exception contained in section 236(1)(b)(i) of the *Local Government Regulation 2012* applies to the Council regarding the disposal to Unitywater of part of the Property referred to in this report.
5. That the Council decides that Unitywater be granted a lease over part of the Property referred to in this report in accordance with the terms and conditions specified in this report.
6. That the Chief Executive Officer be authorised to take all reasonable and appropriate steps 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 2.3 PROPOSED LEASE, 94-142 LOWER KING STREET, CABOOLTURE - 65790722 (Cont.)*

### **ADJOURNMENT**

The meeting adjourned (livestreaming paused) at 11.09am for morning tea and to clarify details contained within the confidential supporting information relating to Item 2.3 with Council officers.

The meeting (livestreaming) resumed at 11.32am.

### **RESOLUTION**

Consideration of the motion resumed before being put to the vote and declared **Carried 13/0**

ITEM 2.3 PROPOSED LEASE, 94-142 LOWER KING STREET, CABOOLTURE - 65790722 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council decides to dispose of a valuable non-current asset (via lease) being part of the Property referred to in this report.
2. That Council is satisfied that Unitywater is a 'government agency' as that term is defined in the *Local Government Regulation 2012*.
3. That Council decides to dispose of the valuable non-current asset (via lease) being part of the Property referred to in this report to Unitywater.
4. That the exception contained in section 236(1)(b)(i) of the *Local Government Regulation 2012* applies to the Council regarding the disposal to Unitywater of part of the Property referred to in this report.
5. That the Council decides that Unitywater be granted a lease over part of the Property referred to in this report in accordance with the terms and conditions specified in this report.
6. That the Chief Executive Officer be authorised to take all reasonable and appropriate steps 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**

Council is the registered owner of land located at 94 - 142 Lower King Street Caboolture described as Lot 17 on CP C313 (Property). A portion of the Property measuring approximately 8,220m<sup>2</sup> is identified as Lease A on Survey Plan 324781 (Lease Area). Refer to *Supporting Information #1* for an aerial map of the Property and *Supporting Information #2* for the site survey plan of the Lease Area. *Supporting Information #3* contains a copy of the title search for the Property.

Unitywater have identified that, to alleviate further erosion by flooding, part of the Property adjoining the Caboolture River would benefit from offset vegetation planting works being undertaken to aid in the stabilisation of the riverbank in the area (Purpose).

Council have been approached by Unitywater for the granting of a lease over the Lease Area for the Purpose, with the Lease terms negotiated and agreed by the parties.

The Property is currently tenanted by a third party under residential tenancy and agistment agreements. The tenant is aware of the Lease to Unitywater and has been consulted by Unitywater in relation to access over the Property to the Lease Area and in relation to fencing requirements for the boundary of the Lease Area.

**2. Explanation of Item**

Council's approval is sought to grant the Lease to Unitywater on the key terms as detailed in *Confidential Supporting Information #4*.

Council must comply with the *Local Government Act 2009* (the Act) and the Regulation when it disposes of a valuable non-current asset.

Section 236(1)(b)(i) of the Regulation allows Council to dispose of a valuable non-current asset being land other than by tender or auction if the valuable non-current asset is disposed of to a government agency.

Unitywater is a government agency as that term is defined in the Regulation.

ITEM 2.3 PROPOSED LEASE, 94-142 LOWER KING STREET, CABOOLTURE - 65790722 (Cont.)

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council may dispose of a valuable non-current asset (including via lease), other than by tender or auction if it is able to rely on an exception contained in section 236 of the Regulation. For the Lease, Council may rely on the exception contained in section 236(1)(b)(i) of the Regulation.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Healthy Environments: 02 Our coasts and waterway catchments are used sustainably, and environmental values are protected and enhanced.

**3.3 Policy Implications**

☒ Nil identified

**3.4 Risk Management Implications**

It is recognised that permitting a third party to lease Council controlled or owned land and assets presents an associated level of risk. It is considered the level of risk is acceptable. However, to mitigate the risk, the lease document clearly outlines the responsibilities and obligations of the parties and includes a requirement for the lessee to hold appropriate levels of public liability insurance.

**3.5 Delegated Authority Implications**

In accordance with Officer's Recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the Lease.

**3.6 Financial Implications**

The term of the Lease and the associated rental details are as per *Confidential Supporting Information #4*. The proposed nominal rate of rental reflects the benefit of the Lease and associated works to the community.

**3.7 Economic Benefit Implications**

☒ Nil identified

**3.8 Environmental Implications**

Unitywater will undertake vegetation planting works to aid in the stabilisation of the riverbank in the area to alleviate further erosion of the riverbank.

**3.9 Social Implications**

☒ Nil identified

**3.10 Human Rights Implications**

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

**3.11 Consultation / Communication**

- Strategic Infrastructure Planning
- Environment and Sustainability Policy and Planning
- Department of Resources
- Tenant of Property
- Lessee

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**3 WELL-PLANNED PLACES SESSION** (Cr J Shipway (Deputy Mayor) / Cr M Booth)

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No items for consideration.

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**4 WELL-CONNECTED PLACES SESSION** (Cr A Hain / Cr M Gillam)

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No items for consideration.

UNCONFIRMED

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**5 PROGRESSIVE ECONOMY SESSION****(Cr K Winchester / Cr T Latter)**

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**ITEM 5.1****PROPOSED LEASE - CRIBB ROAD BRENDALE**

*Meeting / Session:* 5 PROGRESSIVE ECONOMY  
*Reference:* 64236852 : 17 October 2022 - Refer Supporting Information 64236851 &  
**Confidential Supporting Information 64236853**  
*Responsible Officer:* CS, Commercial Leasing Officer (IP Property Services)

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**Executive Summary**

This report seeks Council's approval to grant a lease for Part of Lot 2 on RP 36129 and Lot 3 on RP 36136, Cribb Rd, Brendale (Division 9) to the Lessee on the terms outlined in this report.

This matter is brought to the attention of Council under the **Progressive Economy portfolio** as approval is sought to grant a lease on the terms outlined in this report.

This matter is reported to Council as Section 236(2) of the *Local Government Regulation 2012* (Regulation) requires Council resolution to apply the exception under section 236(1)(c)(iii) regarding the disposal of land or buildings via a new lease.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

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**RESOLUTION**

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**Moved by Cr Cath Tonks****Seconded by Cr Matt Constance****CARRIED 13/0**

1. That the grant of a lease for Part of Lot 2 on RP 36129 and Lot 3 on RP 36136, Cribb Road, Brendale be approved on the terms outlined in this report.
2. That the exception contained in the *Local Government Regulation 2012*, s236(1)(c)(iii) applies to the Council on the disposal of the property referred to in Recommendation 1.
3. 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 PROPOSED LEASE - CRIBB ROAD BRENDALE - 64236852 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the grant of a lease for Part of Lot 2 on RP 36129 and Lot 3 on RP 36136, Cribb Road, Brendale be approved on the terms outlined in this report.
2. That the exception contained in the *Local Government Regulation 2012*, s236(1)(c)(iii) applies to the Council on the disposal of the property referred to in Recommendation 1.
3. 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**

Council is the registered owner of land situated at Lot 2 on RP 36129 and Lot 3 on RP 36136. Council is currently in holdover on a Lease with the tenants located on Cribb Road, Brendale. These tenants have been in place operating a turf farm since 2008.

Part of the area they have been leasing from Council has been reduced to increase the space required for the South Pine Sports Complex, predominantly new soccer fields. Works have been completed by Energex and various Council teams to relocate services and the tenant's shed to allow these sports fields to be increased in size. The substantial reduction in the leased area triggers a fundamental change in the lease agreement and as such requires a new lease. Current area is approximately 18.19 hectares. The renewed leased area will be approximately 6.334 hectares.

An indicative plan of the new lease area is attached (*refer Supporting Information #1*).

**2. Explanation of Item**

Council's approval is sought to grant a lease of Part of Lot 2 on RP 36129 and Lot 3 on RP 36136, Cribb Road, Brendale to the Lessee outlined in the core terms as detailed in *Confidential Supporting Information #2*.

Council must comply with the *Local Government Act 2009* (the Act) and the Regulation when it disposes of a valuable non-current asset, including leases of land.

Section 236(1)(c)(iii) of the Regulation allows Council to dispose of a valuable non-current asset as the disposal is for the purpose of renewing the lease of land to the existing tenant of the land.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council may dispose of a valuable non-current asset, other than by tender or auction if it is able to rely on an exception contained in section 236 of the Regulation. In the present case, the Council proposes to rely on the exception contained in section 236(1)(c)(iii) of the Regulation as the disposal is for the purpose of renewing the lease of land to the existing tenant of the land.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Progressive Economy: 02 We provide a supportive environment to grow local businesses, industry and jobs and help them realise opportunities in the circular economy.

**3.3 Policy Implications**

☒ Nil identified



ITEM 5.1 PROPOSED LEASE - CRIBB ROAD BRENDAL - 64236852 (Cont.)

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications

In accordance with Officer's Recommendation 3 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

Council will receive a rental income under the lease as detailed in *Confidential Supporting Information #2*.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication  
Legal Services Department

**ITEM 5.2  
REGIONAL ECONOMIC DEVELOPMENT STRATEGY (REDS) REPORT CARD AND  
ACTION PLAN**

*Meeting / Session:* 5 PROGRESSIVE ECONOMY  
*Reference:* 65771951 : 17 November 2022 - **Refer Supporting Information 65869824, 65869591, 65879354**  
*Responsible Officer:* PM, Chief Economic Development Officer (CEO Economic Development)

**Executive Summary**

Moreton Bay Region's economy has prospered since the adoption and implementation of the Regional Economic Development Strategy (REDS) 2020-41 in February 2021. Highlights against goals (annual report card and summary of outputs at supporting information #1 and #2) include:

- Gross Regional Product estimated at \$19.8 billion as at June 2022 from \$17.7 billion (+\$2.07B) in June 2020;
- Growth to 32,549 businesses (+3,537 businesses) and 152,068 jobs (+13,143) since June 2020;
- Council facilitated outcomes exceeding \$770 million in economic impact and 930 jobs created/supported with a pipeline of 209 leads with the potential for \$2.5 billion in capital expenditure and potential to create/support 6,000 plus jobs;
- Moreton Bay Regional Council won the 2022 GovHack Award for Best Government Participation - Local Government while the region took out a number of other wins, runners-up and commendations to demonstrate the progress against its 'brighter' goal; and
- All 28 actions from the 2021-2022 action plan progressed (supporting information #2) including the formation of an economic taskforce to oversee the REDS implementation, the development of a new investment brand and delivery of investment campaigns, delivery of industry programs, local small business assistance, and new knowledge and innovation and destination management contracts.

Of significant note is the fact that the economic strategy adheres to the highest standard for economic development leadership at a local government level, taking out the national award for Strategic Thinking at the National Economic Development Awards in October 2021.

With the conclusion of the 2021-2022 action plan, a new 2023-2024 action plan has been prepared (supporting information #3) which highlights 23 new actions to continue the region's Bigger, Bolder and Brighter journey. Fifteen (15) of the existing 2021-2022 actions will be transitioned into business-as-usual programming/service delivery by Council's Economic Development department.

This matter is brought to the attention of Council under the **Progressive Economy portfolio** as the REDS report card and new action plan outline a range of achievements and priorities to help the region's economy, workers and community prosper.

**RESOLUTION**

**Moved by Cr Tony Latter**

**Seconded by Cr Jodie Shipway (Deputy Mayor)**

**CARRIED 13/0**

**That Council note the performance and achievements of the region's economy and the REDS 2021-2022 Action Plan as provided in supporting information #1 and #2.**

*ITEM 5.2 REGIONAL ECONOMIC DEVELOPMENT STRATEGY (REDS) REPORT CARD AND ACTION PLAN - 65771951 (Cont.)*

**OFFICER'S RECOMMENDATION**

That Council note the performance and achievements of the region's economy and the REDS 2021-2022 Action Plan as provided in supporting information #1 and #2.

**REPORT DETAIL**

**1. Background**

At the General Meeting held 3 February 2021 (MP. 21/42), Council adopted the 2020-41 Moreton Bay Region Regional Economic Development Strategy (REDS).

The REDS outlines Bigger, Bolder and Brighter goals for the region and sets out an Action Plan for implementation of its progressive economy.

The REDS also has five region building projects which provide catalytic potential to increase high value jobs, exports, and investment across the region. These projects extend beyond the two-year action plan framework and are ongoing given project scale and complexity. While each project was progressed over the last two years, none is yet finalised. Outcomes have been achieved on The Mill at Moreton Bay with the expansion of the University of Sunshine Coast and several sites being taken to market.

An expanded Economic Development function (a new Department) commenced operations in January 2021, and foundational work commenced to support the implementation of the REDS and its action plan.

Council's commitment to the REDS and its small business community was further enhanced when it became a signatory to the Queensland Small Business Friendly Council (QBSFC) initiative in May 2021 (MP. 21/238) and began delivering programs and services in support of their business activities.

A REDS Taskforce which included seven private sector business leaders was also formed in May 2021, the Taskforce oversees the implementation of the REDS in an advisory capacity.

An interim first year REDS report card was shared in December 2021 and a report card to mark the first anniversary of the Small Business Friendly Council was shared in May 2022.

The REDS reflects regional goals, not just Council goals, and requires the collaboration of #TeamMoretonBay to achieve these aspirational outcomes. Accordingly, the attached supporting information lists achievements and deliverables of REDS partners not just Council and all REDS stakeholders have made a lasting contribution to the development and progress of the region's economy.

**2. Explanation of Item**

In spite of the challenges and difficulties presented by the COVID-19 pandemic and ongoing severe weather events, the Moreton Bay Region business community and economy have shown tremendous resilience to achieve a number of outstanding results over the last two years and have the region on track to achieve its Bigger, Bolder, Brighter goals.

The REDS and associated 2021-2022 action plan has already delivered significant economic benefits for the region from increasing and enhancing national profile, generating significant investment leads, supporting industry advancement and delivering programs and services for local small businesses. Specifically, some 4,700 businesses have been supported during this period and economic impact in excess of \$770 million and 930 jobs have been supported/created during the plan's first two years of implementation with the direct support of Council.

With the completion of the first REDS Action Plan 2021-2022, it is timely to provide the community with a report card (refer supporting information #1) on the region's performance and highlights of outputs and outcomes against the actions (refer supporting information #2).

ITEM 5.2 REGIONAL ECONOMIC DEVELOPMENT STRATEGY (REDS) REPORT CARD AND ACTION PLAN - 65771951 (Cont.)

It is also necessary to present a new 2023-2024 (refer supporting information #3) Action Plan for implementation which will provide direction on priorities, noting that 15 of the existing actions will continue as business-as-usual work by the Economic Development department.

**3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Progressive Economy: 02 We provide a supportive environment to grow local businesses, industry and jobs and help them realise opportunities in the circular economy.

Our Progressive Economy: 05 We are a key contributor to achieving State significant projects such as the 2032 Brisbane Olympics and Paralympics.

Our Progressive Economy: 06 We have strong industry leadership and collaboration that harness our collective strength.

3.3 Policy Implications

Regional Economic Development Strategy 2020-41

3.4 Risk Management Implications

The major risk is that the new 2023-2024 REDS action plan won't be progressed, or outcomes achieved. These risks will be managed through Council's normal risk management program and is further mitigated by the oversight of the action plan by the REDS Taskforce which includes seven external highly regarded business leaders, and monthly coordination meetings with REDS Stakeholders (signatories/supporters of the REDS such as chambers of commerce, industry groups and State and Federal Government representatives).

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

The 2023-2024 REDS actions will be implemented under the existing Economic Development department budget and program of work.

3.7 Economic Benefit Implications

The continued implementation of the REDS and the associated 2023-2024 Action Plan will have an ongoing positive impact on the regional economy.

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

*ITEM 5.2 REGIONAL ECONOMIC DEVELOPMENT STRATEGY (REDS) REPORT CARD AND ACTION PLAN - 65771951 (Cont.)*

3.11 Consultation / Communication

The REDS 2023-2024 action plan involved consultation with:

Councillors

Executive Leadership Team

REDS Taskforce

REDS Stakeholders (chambers of commerce, industry groups, State and Federal Government

Departments/Agencies and other allies) as outlined in the REDS

Regional Development Australia - Moreton Bay Committee

UNCONFIRMED

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**6 ENGAGED COUNCIL SESSION**

**(Cr M Constance / Cr D Grimwade)**

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**ITEM 6.1**

**MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2022**

*Meeting / Session:* 6 ENGAGED COUNCIL

*Reference:* 65830424 : 10 November 2022 - **Refer Supporting Information 65825520**

*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year-to-date period ending 31 October 2022. In accordance with Part 9, section 204 of the *Local Government Regulation 2012*, a financial report is required to be presented to Council on a monthly basis.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as prudent fiscal management is important to ensure the financial sustainability of Council

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**RESOLUTION**

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**Moved by Cr Jodie Shipway (Deputy Mayor)**

**Seconded by Cr Sandra Ruck**

**CARRIED 13/0**

**That the Financial Reporting Package for the year-to-date period ending 31 October 2022 be received.**

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2022 - 65830424 (Cont.)

OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year-to-date period ending 31 October 2022 be received.

**REPORT DETAIL**

**1. Background**

The Financial Reporting Package for the month ending 31 October 2022 is contained within the supporting information to this report.

This package contains slices of financial information broken down into the following;

- Overview
- Operating Revenue
- Operating Expenses
- Capital Revenue
- Capital Expenditure Progress
- Balance Sheet
- Cash Flow
- Treasury Information (investments and debt)

**2. Explanation of Item**

The 2022/23 financial year to date performance and position of Council is in the attached report (*supporting information #1*) with an associated commentary.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Part 9, Section 204 of the *Local Government Regulation 2012* states the following:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
  - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
  - (b) otherwise—at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

**3.2 Corporate Plan / Operational Plan**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

**3.3 Policy Implications**

Compliance to Council's Investment Policy is confirmed.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2022 - 65830424 (Cont.)

3.4 Risk Management Implications

Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. The current inflationary environment will add pressures to the deliverability of services and projects within the budget parameters adopted for 2022/23. The quarterly budget review process will act as the review mechanism to manage the potential outcomes of the current economic climate and adjust priorities accordingly and if required present an amended budget to Council in due course.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

As at the end of October 2022, Council's financial position continues to be sound.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Director Finance and Corporate Services.



## ITEM 6.2 OPERATIONAL PLAN PERFORMANCE REPORT - QUARTER 1 2022-23

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65728601 : 17 October 2022 - **Refer Supporting Information 65728649**  
*Responsible Officer:* KM, Principal Corporate Policy Officer (FCS Governance & Executive Services)

### Executive Summary

The purpose of this report is to present an update on the progress of the Operational Plan 2022-2023 for Quarter 1 of the financial year being the period from 1 July to 30 September 2022.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as performance reporting is an important element in good governance as it highlights how Council is progressing towards achieving specific goals and objectives.

### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Tony Latter

CARRIED 13/0

1. That Council notes the Operational Plan 2022-2023 Quarterly Performance Report for Quarter 1.
2. That Council approves the addition of a new KPI for Waste Services for Quarter 2 of 2022-23 financial year.
3. That Council approves an amendment to an existing KPI regarding Security and Public Safety Risk Assessments.

ITEM 6.2 OPERATIONAL PLAN PERFORMANCE REPORT - QUARTER 1 2022-23 - 65728601 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council notes the Operational Plan 2022-2023 Quarterly Performance Report for Quarter 1.
2. That Council approves the addition of a new KPI for Waste Services for Quarter 2 of 2022-23 financial year.
3. That Council approves an amendment to an existing KPI regarding Security and Public Safety Risk Assessments.

**REPORT DETAIL**

**1. Background**

The *Local Government Act 2009* (the Act) requires Council to adopt an Operational Plan each year. The Operational Plan 2022-2023 forms an important part of Council's corporate planning framework and sets out the work Council plans to deliver towards the achievement of the Corporate Plan 2022-2027.

The Act also requires the Chief Executive Officer to present a written assessment of Council's progress towards implementing the Operational Plan at a Council meeting, at least quarterly. The Operational Plan provides non-financial information on Council's operational performance.

**2. Explanation of Item**

Quarter 1 Performance Report

The Operational Plan 2022-2023 defines 122 key performance indicators and targets that represent the work Council plans to undertake during the financial year. The attached Operational Plan 2022-2023 Quarterly Performance Report for Q1 (July to September) provides an assessment of Council's progress towards the achievements of the key performance indicators and targets for the first quarter of the financial year, along with commentary for each Council Department.

The bringing of this report to Council has been delayed due to the implementation of a new quarterly performance reporting system.

Additional KPI

Currently the Waste Services Department reports on three KPIs each quarter. A recent internal audit of the Waste Management Department recommended that an additional KPI would be beneficial. To implement this internal audit recommendation, it is proposed to include a fourth KPI for the Waste Services Department.

This KPI would read:

- Overall waste diverted from landfill (target is 65% each quarter)

With Council's approval, it is recommended to add this KPI to the Q2 reporting for the 2022-2023 financial year.

Amendment to existing KPI

The Emergency Management and Public Safety currently have a KPI that reads:

- Number of Security and Public Safety Risk Assessments undertaken (Target of 12.5 each quarter with 50 over the financial year)

The Security and Public Safety Risk Assessments (SPSRAs) are conducted when a request is received by Council. Having a fixed number of SPSRAs to be undertaken each financial year may not be achievable if this number of requests is not received. For example, for Quarter 1 of the 2022/23 financial year only 2 requests were received. Using the current target of 50 for the financial year, we are tracking well behind in our measure, however we have completed 100% of the requests for the assessments received.

ITEM 6.2 OPERATIONAL PLAN PERFORMANCE REPORT - QUARTER 1 2022-23 - 65728601 (Cont.)

It is proposed to amend the KPI to read:

- Percentage of received Security and Public Safety Risk Assessment requests completed (Target of >95% for each quarter of the financial year).

It is proposed, pending Council's approval, that this amended KPI commence for Quarter 2 of the 2022/23 financial year.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council's Operational Plan 2022-2023 is an important statutory document which sets out the work that Council plans to deliver for the financial year. In accordance with the *Local Government Regulation 2012* section 174, the Chief Executive Officer is required to present a written assessment of Council's progress towards implementing the annual operational plan at meetings of Council held at regular intervals not more than 3 months. Under the same section of the Regulation, Council is able to amend the plan at any time before the end of the financial year.

**3.2 Corporate Plan / Operational Plan**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

**3.3 Policy Implications**

The Operational Plan 2022-2023 outlines planned activities and key performance indicators aligned to the key outcomes in the Corporate Plan 2022-2027. As such, it is a key planning document and consistent with the Corporate Plan 2022-2027.

**3.4 Risk Management Implications**

Operationally there are risks that may impact on the delivery of the Operational Plan. These risks are recorded in the Council's Enterprise Risk Management Register and managed accordingly by each department.

This report has indicated using a traffic light system (red, orange and green) as visual representation of the data and commentary provided by the teams on the progress and risks associated with their performance measures.

Some of these risks include:

- Delays with meeting statutory timeframes for some Concurrence Agency Referrals, Plumbing (Standard) Applications and Change Applications (Minor Change) due to the volume of applications.
- Delays with planning program and detailed designs for transport infrastructure.
- Capital works program completion at risk due to complexities arising and resource turnover.

**3.5 Delegated Authority Implications** ☒ Nil identified

**3.6 Financial Implications** ☒ Nil identified

**3.7 Economic Benefit Implications** ☒ Nil identified

**3.8 Environmental Implications** ☒ Nil identified

ITEM 6.2 OPERATIONAL PLAN PERFORMANCE REPORT - QUARTER 1 2022-23 - 65728601 (Cont.)

3.9 Social Implications

☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

The status and comments for each key performance indicators in the attached report are provided by the relevant department.

**ITEM 6.3**  
**DELEGATION - COUNCIL'S RECESS PERIOD - 15 DECEMBER 2022 TO 24 JANUARY 2023**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65780980 : 2 November 2022  
*Responsible Officer:* DD (Manager Governance & Executive Services (FCS Governance & Executive Services))

**Executive Summary**

Each year Council observes a recess period from the day following the last scheduled General Meeting of Council in December to the day before the resumption of Council meetings in January inclusive.

The purpose of this report is for Council to consider an amendment to Council Delegation Council-002 to give the Council's powers and duties under the *Local Government Act 2009* to the Chief Executive Officer in consultation with the Mayor, and as required during Council's recess period.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as this relates to ensuring appropriate governance around Council's decision-making obligations is in place and decisions can be undertaken in a timely manner during the annual recess period.

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Yvonne Barlow

**CARRIED 13/0**

1. That Council Delegation Council-002 be amended to read as follows:

**"Pursuant to Section 257 of the *Local Government Act 2009*, the Council's powers and duties under the *Local Government Act 2009* be delegated to the Chief Executive Officer in consultation with the Mayor, and as required during the Council's recess period from 15 December 2022 to 24 January 2023 inclusive."**

2. That the Chief Executive Officer report to Council about decisions made under the delegation in Recommendation 1.

ITEM 6.3 DELEGATION - COUNCIL'S RECESS PERIOD - 15 DECEMBER 2022 TO 24 JANUARY 2023 - 65780980  
(Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council Delegation Council-002 be amended to read as follows:

"Pursuant to Section 257 of the *Local Government Act 2009*, the Council's powers and duties under the *Local Government Act 2009* be delegated to the Chief Executive Officer in consultation with the Mayor, and as required during the Council's recess period from 15 December 2022 to 24 January 2023 inclusive."

2. That the Chief Executive Officer report to Council about decisions made under the delegation in Recommendation 1.

**REPORT DETAIL**

**1. Background**

Each year Council observes a recess period from the day following the last scheduled General Meeting of Council in December to the day before the resumption of Council meetings in January inclusive.

**2. Explanation of Item**

Consequently, Council Delegation Council-002 should be amended to give the Chief Executive Officer Council's powers and duties under the *Local Government Act 2009* in consultation with the Mayor, and as required during the Council's recess period from 15 December 2022 to 24 January 2023 inclusive. The amendment to this delegation is to include updated dates for the 2022/23 Council recess period only.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

Under section 257 of the *Local Government Act 2009*, Council may, by resolution, delegate a power under this Act or another Act to various parties including the Chief Executive Officer.

This delegation will be recorded in the Register of Delegations in accordance with s305 of the *Local Government Regulation 2012*.

**3.2 Corporate Plan / Operational Plan**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

**3.3 Policy Implications**

☒ Nil identified

**3.4 Risk Management Implications**

☒ Nil identified

**3.5 Delegated Authority Implications**

It is appropriate for this delegation of powers and duties to the Chief Executive Officer during Council's recess period.

**3.6 Financial Implications**

☒ Nil identified

**3.7 Economic Benefit Implications**

☒ Nil identified

**3.8 Environmental Implications**

☒ Nil identified

**3.9 Social Implications**

☒ Nil identified

ITEM 6.3 DELEGATION - COUNCIL'S RECESS PERIOD - 15 DECEMBER 2022 TO 24 JANUARY 2023 - 65780980  
(Cont.)

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Should there be a need to exercise delegated powers/duties as a result of this report, the Chief Executive Officer will consult with the Mayor as required.

**ITEM 6.4****AMEND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - FOR RECESS  
PERIOD 15 DECEMBER 2022 TO 24 JANUARY 2023**

Meeting / Session: 6 ENGAGED COUNCIL  
Reference: 65762604: 25 October 2022  
Responsible Officer: CQ, Coordinator Specialist Assessment (PL Development Services)

**Executive Summary**

The Council currently delegates authority to the Chief Executive Officer (CEO) to decide development applications and associated administrative functions, under relevant planning legislation and the *Economic Development Act 2012*, pursuant to section 257 of the *Local Government Act 2009* (Council-025, Council-105, and Council-129).

However, in certain circumstances, impact assessable development applications with submissions, preliminary approvals and preliminary approvals including variation approvals, and certain Precinct and Sector Plans for North Lakes are required to be determined by Council.

As the Council is in recess from 15 December 2022 up to and including 24 January 2023, the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Economic Development Act 2012* require decisions to be made within specific periods, it is recommended the Council delegate authority to the CEO for those matters currently not delegated, during this period.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as this relates to ensuring appropriate governance around Council's decision-making obligations is in place and decisions can be undertaken in a timely manner during the annual recess period.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Sandra Ruck

CARRIED 13/0

1. That subject to recommendation 2, pursuant to section 257 of the Local Government Act 2009, Council delegate its powers under the Integrated Planning Act 1997, the Sustainable Planning Act 2009, the Planning Act 2016 and Economic Development Act 2012 to the Chief Executive Officer to decide:
  - a) impact assessable development applications under the Moreton Bay Regional Council Planning Scheme for which submissions have been received;
  - b) impact assessable development applications and/or Plan of Developments under The Mill at Moreton Bay Priority Development Area Development Scheme for which submissions have been received;
  - c) development applications for preliminary approval;
  - d) development applications for preliminary approval that include a variation approval; and
  - e) precinct and Sector Plans for North Lakes.
2. That the delegation of powers made under recommendation 1 operate between 15 December 2022 up to and including 24 January 2023.
3. That the Divisional Councillor and the Well-Planned Places Portfolio Councillors be advised prior to the Chief Executive Officer exercising his delegated authority.
4. That a report be presented to Council outlining any delegations exercised under this temporary delegation once the delegation ceases.



ITEM 6.4 AMEND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - FOR RECESS PERIOD 15 DECEMBER 2022 TO 24 JANUARY 2023 - 65762604 (Cont.)

### OFFICER'S RECOMMENDATION

1. That subject to recommendation 2, pursuant to section 257 of the *Local Government Act 2009*, Council delegate its powers under the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and *Economic Development Act 2012* to the Chief Executive Officer to decide:
  - a) impact assessable development applications under the Moreton Bay Regional Council Planning Scheme for which submissions have been received;
  - b) impact assessable development applications and/or Plan of Developments under The Mill at Moreton Bay Priority Development Area Development Scheme for which submissions have been received;
  - c) development applications for preliminary approval;
  - d) development applications for preliminary approval that include a variation approval; and
  - e) precinct and Sector Plans for North Lakes.
2. That the delegation of powers made under recommendation 1 operate between 15 December 2022 up to and including 24 January 2023.
3. That the Divisional Councillor and the Well-Planned Places Portfolio Councillors be advised prior to the Chief Executive Officer exercising his delegated authority.
4. That a report be presented to Council outlining any delegations exercised under this temporary delegation once the delegation ceases.

### **REPORT DETAIL**

#### **1. Background**

The *Integrated Planning Act 1997* (IPA), the *Sustainable Planning Act 2009* (SPA), the *Planning Act 2016* (PA) and *Economic Development Act 2012* (EDA) require decisions to be made within specific periods. In the event applications are not decided within time, certain applications can be taken to be a deemed refusal and appeal rights apply. It is noted applications subject to the deemed approval provisions of SPA and PA (code assessable applications) are already covered under Council's existing delegations.

Current delegated authority extends to development applications and associated administrative functions whilst in some circumstances impact assessable applications with submissions, Preliminary Approvals and Precinct and Sector Plans for North Lakes require full Council consideration.

#### **2. Explanation of Item**

In order to comply with the timeframes specified in IPA, SPA, PA and EDA, it is suggested that delegated authority be granted for the Chief Executive Officer to decide those impact assessable applications with submissions, Preliminary Approvals and Preliminary Approvals including Variation Requests and Precinct and Sector Plans for North Lakes where a decision is required during the Council recess from 15 December 2022 up to and including 24 January 2023.

#### **3. Strategic Implications**

##### **3.1 Legislative / Legal Implications**

In the event that applications are not decided within statutory timeframes, certain applications can be taken to be a deemed refusal and appeal rights apply.

ITEM 6.4 AMEND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - FOR RECESS PERIOD 15 DECEMBER 2022 TO 24 JANUARY 2023 - 65762604 (Cont.)

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

In the event that applications are not decided within statutory timeframes, certain applications can be taken to be a deemed refusal and appeal rights apply.

3.5 Delegated Authority Implications

In order for non-delegated applications to be approved within the specified time as per the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Economic Development Act 2012*, it is suggested that delegated authority be granted to the Chief Executive Officer during Council recess as outlined in the report detail.

3.6 Financial Implications

☒ Nil identified

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Divisional Councillor and the Well-Planned Places Councillors will be advised prior to the Chief Executive Officer exercising this delegated authority.

**ITEM 6.5**  
**PROPOSED MBRC LOCAL LAW - COMMERCIAL USE OF PUBLIC LAND AND ROADS**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65832176: 10 November 2022 - **Refer Supporting Information 65832177**  
*Responsible Officer:* AN, Senior Legal Counsel (CEO Legal)

**Executive Summary**

This report seeks Council's resolution to commence the making of the *Commercial Use of Public Land and Roads Local Law 2023* using Council's adopted local law-making process, which includes a period of public consultation.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the purpose and general effect of the local law is to provide a tailored response to the current needs and interests of the Moreton Bay community regarding the regulation of commercial use of public land and roads.

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mark Booth

CARRIED 13/0

1. That Council resolves to propose to make the *Commercial Use of Public Land and Roads Local Law 2023* which is annexed to this report (proposed Local Law).
2. That Council resolves to propose to make the *Explanatory Notes - Commercial Use of Public Land and Roads Local Law 2023* (Explanatory Notes).
3. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed Local Law in accordance with Council's adopted local law-making process which is annexed to this report (public consultation).
4. That the Chief Executive Officer be authorised to provide the Explanatory Notes as part of the public consultation.
5. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Local Law, which includes the power to:
  - a) identify any anti-competitive provisions in the proposed Local Law;
  - b) determine whether any identified anti-competitive provisions need to be reviewed;
  - c) decide the process for conducting a review of any identified anti-competitive provisions;
  - d) conduct a review of any identified anti-competitive provisions.

ITEM 6.5 PROPOSED MBRC LOCAL LAW - COMMERCIAL USE OF PUBLIC LAND AND ROADS - 65832176  
(Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make the *Commercial Use of Public Land and Roads Local Law 2023* which is annexed to this report (**proposed Local Law**).
2. That Council resolves to propose to make the *Explanatory Notes - Commercial Use of Public Land and Roads Local Law 2023* (**Explanatory Notes**).
3. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed Local Law in accordance with Council's adopted local law-making process which is annexed to this report (**public consultation**).
4. That the Chief Executive Officer be authorised to provide the Explanatory Notes as part of the public consultation.
5. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Local Law, which includes the power to:
  - (a) identify any anti-competitive provisions in the proposed Local Law;
  - (b) determine whether any identified anti-competitive provisions need to be reviewed;
  - (c) decide the process for conducting a review of any identified anti-competitive provisions;
  - (d) conduct a review of any identified anti-competitive provisions.

**REPORT DETAIL**

**1. Background**

The Council has undertaken a comprehensive review of its Local Laws through its Local Laws review project. The project involves re-drafting Council's Local Laws in order to develop a suite of Local Laws:

- in which the community feels a sense of ownership;
- that are easy for the community to understand;
- that are easy to administer;
- that are consistent with current laws; and
- that reinforced strongly with supporting documents (e.g. fact sheets, explanatory notes) to help guide both officers and the community.

As part of the project, in 2021 Council undertook two rounds of public consultation to ascertain the community's views regarding the local laws and matters regulated by the local laws. The Council received almost 23,000 responses to the consultation. The community's feedback has been considered in drafting the proposed Local Law.

The Explanatory Notes contains information on:

- what the proposed Local Law is trying to achieve and why;
- how the proposed Local Law achieves those aims; and
- the feedback sought from the community and peak bodies prior to drafting the proposed Local Law.

Councillors were consulted at various points during the project to provide their feedback and consideration of a range of matters relating to the Local Laws. A Councillors' briefing was conducted on 2 November 2022 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

ITEM 6.5 PROPOSED MBRC LOCAL LAW - COMMERCIAL USE OF PUBLIC LAND AND ROADS - 65832176  
(Cont.)

***The CEO noted the way forward:***

*That the proposed local laws and subordinate local laws be reported to a General Meeting for consideration to commence public consultation on these draft laws.*

**2. Explanation of Item**

Officers have prepared the proposed Local Law (**annexed** to this report).

Officers are seeking Council's resolution to propose to make the proposed Local Law so that officers may commence the necessary State interest check and public consultation process.

Officers note the following key effects that the proposed Local Law will have:

- consolidation of various commercial uses into one independent Local Law;
- new objects specific to the commercial use of public land and roads, including that a commercial use must confer a community benefit;
- streamlined application and assessment process for approvals, renewals and transfers and providing a process for amending, suspending, or cancelling an approval;
- exclusions for certain commercial uses so that an approval is not required, including where a person has a contract with Council to undertake the commercial use of public land;
- ability for Council to declare a self-assessable system for commercial activities. Where a commercial use is covered by a self-assessable system, no approval is required provided the minimum requirements can be met;
- relevant offences, enforcement powers and administrative provisions; and
- repeal of *Moreton Bay Regional Council Local Law No.1 (Administration) 2011* and providing for necessary transitional arrangements.

As part of the Local Law-making process, Council must identify any possible anti-competitive provisions in the proposed Local Law.

To determine whether a provision is anti-competitive requires consideration of the "*National Competition Policy - Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws*" published by the Department of Local Government, Racing and Multicultural Affairs (**Guidelines**).

It is recommended that the Chief Executive Officer be delegated authority to determine whether any provisions of the proposed Local Laws are required to be subjected to the review process under the Guidelines, and if so, to undertake that review process.

A consultation process will be undertaken in accordance with the relevant provisions of the *Local Government Act 2009* and Council's adopted Local Law-making process. Once this consultation process is finalised, all feedback from that consultation process will be presented to Council for its further consideration.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met. Council can do this by following its existing local law-making process.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 03 Our communities are engaged, heard and informed.

ITEM 6.5 PROPOSED MBRC LOCAL LAW - COMMERCIAL USE OF PUBLIC LAND AND ROADS - 65832176  
(Cont.)

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications

It is necessary for Council to delegate, in favour of the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009*, the powers of Council under each of section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012*.

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications

The proposed Local Law aims to create flexibility, where the application, assessment and approval requirements can be tailored based on the nature, scale, impacts and risk associated with a commercial use of public Land and roads. As a Small Business Friendly Council, Council intends that the proposed Local Law will help reduce red-tape and support the Regional Economic Development Strategy 2020-2041.

3.8 Environmental Implications

The object of the proposed Local Law is to ensure that any commercial use of public land and roads does not cause environmental harm and environmental nuisance and preserves fitness for use and amenity of public land and road.

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Customer Response Department
- Development Services Department
- Strategic Planning and Place Making Department
- Environmental Services Department
- Drainage, Waterways and Coastal Planning Department
- Economic Development Department

## ITEM 6.6

## PROPOSED MBRC LOCAL LAW - ALTERATION OF PUBLIC LAND

Meeting / Session: 6 ENGAGED COUNCIL  
Reference: 65868377: 16 November 2022 - Refer Supporting Information 65868378  
Responsible Officer: AN, Senior Legal Counsel (CEO Legal)

**Executive Summary**

This report seeks Council's resolution to commence the process of making of the *Alteration of Public Land Local Law 2023* using Council's adopted local law-making process, which includes a period of public consultation.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the purpose and general effect of the local law is to provide a tailored response to the current needs and interests of the Moreton Bay community regarding the regulation of alterations on public land.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That Council resolves to propose to make the *Alteration of Public Land Local Law 2023* which is annexed to this report (proposed Local Law).
2. That Council resolves to propose to make the *Explanatory Notes - Alteration of Public Land Local Law 2023* (Explanatory Notes).
3. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed Local Law in accordance with Council's adopted local law-making process which is annexed to this report (public consultation).
4. That the Chief Executive Officer be authorised to provide the Explanatory Notes as part of the public consultation.
5. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Local Law, which includes the power to:
  - a) identify any anti-competitive provisions in the proposed Local Law;
  - b) determine whether any identified anti-competitive provisions need to be reviewed;
  - c) decide the process for conducting a review of any identified anti-competitive provisions;
  - d) conduct a review of any identified anti-competitive provisions.



ITEM 6.6 PROPOSED MBRC LOCAL LAW - ALTERATION OF PUBLIC LAND - 65868377 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make the *Alteration of Public Land Local Law 2023* which is annexed to this report (**proposed Local Law**).
2. That Council resolves to propose to make the *Explanatory Notes - Alteration of Public Land Local Law 2023* (**Explanatory Notes**).
3. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed Local Law in accordance with Council's adopted local law-making process which is annexed to this report (**public consultation**).
4. That the Chief Executive Officer be authorised to provide the Explanatory Notes as part of the public consultation.
5. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Local Law, which includes the power to:
  - (a) identify any anti-competitive provisions in the proposed Local Law;
  - (b) determine whether any identified anti-competitive provisions need to be reviewed;
  - (c) decide the process for conducting a review of any identified anti-competitive provisions;
  - (d) conduct a review of any identified anti-competitive provisions.

**REPORT DETAIL**

**1. Background**

The Council has undertaken a comprehensive review of its Local Laws through its Local Laws review project. The project involves re-drafting Council's Local Laws in order to develop a suite of Local Laws:

- in which the community feels a sense of ownership;
- that are easy for the community to understand;
- that are easy to administer;
- that are consistent with current laws; and
- that reinforced strongly with supporting documents (e.g. fact sheets, explanatory notes) to help guide both officers and the community.

As part of the project, in 2021 Council undertook two rounds of public consultation to ascertain the community's views regarding the local laws and matters regulated by the local laws. The Council received almost 23,000 responses to the consultation. The community's feedback has been considered in drafting the proposed Local Law.

The Explanatory Notes contains information on:

- what the proposed Local Law is trying to achieve and why;
- how the proposed Local Law achieves those aims; and
- the feedback sought from the community and peak bodies prior to drafting the proposed Local Law.

Councillors were consulted at various points during the project to provide their feedback and consideration of a range of matters relating to the Local Laws. A Councillors' briefing was conducted on 2 November 2022 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:



ITEM 6.6 PROPOSED MBRC LOCAL LAW - ALTERATION OF PUBLIC LAND - 65868377 (Cont.)

***The CEO noted the way forward:***

*That the proposed local laws and subordinate local laws be reported to a General Meeting for consideration to commence public consultation on these draft laws.*

**2. Explanation of Item**

Officers have prepared the proposed Local Law (**annexed** to this report).

Officers are seeking Council's resolution to propose to make the proposed Local Law so that officers may commence the necessary State interest check and public consultation process.

Officers note the following key effects that the proposed Local Law will have:

- defining what is meant by the key concepts of 'alteration' and 'public land';
- consolidation of activities constituting an 'alteration' into one independent local law;
- making it an offence to undertake an alteration of public land outside of certain allowed circumstances;
- streamlined application and assessment process for approvals, renewals and transfers and providing a process for amending, suspending, or cancelling an approval; and
- a revised process for dealing with impounded items;
- setting out mechanisms for enforcement, including powers for Council to:
  - direct a person to remediate and make safe infrastructure brought onto public land and any associated alterations made to public land;
  - recover costs from people who damage public land, even where that damage has been caused while undertaking an alteration in accordance with an approval (e.g. using public land for vehicle access in accordance with an approval); and
  - direct removal of encroachments on to public land.

As part of the Local Law-making process, Council must identify any possible anti-competitive provisions in the proposed Local Law.

To determine whether a provision is anti-competitive requires consideration of the "*National Competition Policy - Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws*" published by the Department of Local Government, Racing and Multicultural Affairs (**Guidelines**).

It is recommended that the Chief Executive Officer be delegated authority to determine whether any provisions of the proposed Local Laws are required to be subjected to the review process under the Guidelines, and if so, to undertake that review process.

A consultation process will be undertaken in accordance with the relevant provisions of the *Local Government Act 2009* and Council's adopted Local Law-making process. Once this consultation process is finalised, all feedback from that consultation process will be presented to Council for its further consideration.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met. Council can do this by following its existing local law-making process.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 03 Our communities are engaged, heard and informed.

**3.3 Policy Implications**

☒ Nil identified

ITEM 6.6 PROPOSED MBRC LOCAL LAW - ALTERATION OF PUBLIC LAND - 65868377 (Cont.)

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications

It is necessary for Council to delegate, in favour of the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009*, the powers of Council under each of section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012*.

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

The object of the proposed Local Law is to ensure that any alteration of public land is undertaken in a way that does not unreasonably impact the fitness for use or amenity of public land, public health and safety, the environment or properties near public land.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Customer Response Department  
Asset Maintenance Department  
Development Services Department  
Drainage, Waterways and Coastal Planning Department  
Parks and Recreation Planning Department

**ITEM 6.7**  
**PROPOSED MBRC LOCAL LAW - EVENTS**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 65856941: 15 November 2022 - Refer Supporting Information 65861574  
*Responsible Officer:* AN, Senior Legal Counsel (CEO Legal)

**Executive Summary**

This report seeks Council's resolution to commence the process of making of the *Events Local Law 2023* using Council's adopted local law-making process, which includes a period of public consultation.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the purpose and general effect of the local law is to provide a tailored response to the current needs and interests of the Moreton Bay community regarding the regulation of events.

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Mick Gillam

CARRIED 13/0

1. That Council resolves to propose to make the *Events Local Law 2023* which is annexed to this report (proposed Local Law).
2. That Council resolves to propose to make the *Explanatory Notes - Events Local Law 2023* (Explanatory Notes).
3. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed Local Law in accordance with Council's adopted local law-making process which is annexed to this report (public consultation).
4. That the Chief Executive Officer be authorised to provide the Explanatory Notes as part of the public consultation.
5. That the Chief Executive Officer be authorised to publish a copy of the draft Event Screening Framework during the public consultation period.
6. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Local Law, which includes the power to:
  - a) identify any anti-competitive provisions in the proposed Local Law;
  - b) determine whether any identified anti-competitive provisions need to be reviewed;
  - c) decide the process for conducting a review of any identified anti-competitive provisions;
  - d) conduct a review of any identified anti-competitive provisions.

ITEM 6.7 PROPOSED MBRC LOCAL LAW - EVENTS - 65856941 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make the *Events Local Law 2023* which is annexed to this report (**proposed Local Law**).
2. That Council resolves to propose to make the *Explanatory Notes - Events Local Law 2023* (**Explanatory Notes**).
3. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed Local Law in accordance with Council's adopted local law-making process which is annexed to this report (**public consultation**).
4. That the Chief Executive Officer be authorised to provide the Explanatory Notes as part of the public consultation.
5. That the Chief Executive Officer be authorised to publish a copy of the draft Event Screening Framework during the public consultation period.
6. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Local Law, which includes the power to:
  - (a) identify any anti-competitive provisions in the proposed Local Law;
  - (b) determine whether any identified anti-competitive provisions need to be reviewed;
  - (c) decide the process for conducting a review of any identified anti-competitive provisions;
  - (d) conduct a review of any identified anti-competitive provisions.

**REPORT DETAIL**

**1. Background**

The Council has undertaken a comprehensive review of its Local Laws through its Local Laws review project. The project involves re-drafting Council's Local Laws in order to develop a suite of Local Laws:

- in which the community feels a sense of ownership;
- that are easy for the community to understand;
- that are easy to administer;
- that are consistent with current laws; and
- that reinforced strongly with supporting documents (e.g. fact sheets, explanatory notes) to help guide both officers and the community.

As part of the project, in 2021 Council undertook two rounds of public consultation to ascertain the community's views regarding the local laws and matters regulated by the local laws. The Council received almost 23,000 responses to the consultation. The community's feedback has been considered in drafting the proposed Local Law.

The Explanatory Notes contains information on:

- what the proposed Local Law is trying to achieve and why;
- how the proposed Local Law achieves those aims; and
- the feedback sought from the community and peak bodies prior to drafting the proposed Local Law.

ITEM 6.7 PROPOSED MBRC LOCAL LAW - EVENTS - 65856941 (Cont.)

Councillors were consulted at various points during the project to provide their feedback and consideration on a range of matters relating to the Local Laws. A Councillors' briefing was conducted on 2 November 2022 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*That the proposed local laws and subordinate local laws be reported to a General Meeting for consideration to commence public consultation on these draft laws.*

## 2. Explanation of Item

Officers have prepared the proposed Local Law (**annexed** to this report).

Officers are seeking Council's resolution to propose to make the proposed Local Law so that officers may commence the necessary State interest check and public consultation process.

Officers note the following key effects that the proposed Local Law will have:

- consolidation of the relevant provisions regulating events into one independent Local Law;
- the establishment of an Event Screening Framework, which determines the risk posed by an event, and in turn informs the application, assessment and approval requirements;
- providing for event approvals to be renewed, transferred, amended, suspended or cancelled in relevant circumstances;
- providing a mechanism for one approval to cover more than one event;
- clarifying the types of activities that do not require an approval under this Local Law;
- allowing Council to request updated information from an event operator during the term of an approval to ensure the events are being operated safely and consistent with the Local Law; and
- relevant offences, enforcement powers and administrative provisions.

As part of the Local Law-making process, Council must identify any possible anti-competitive provisions in the proposed Local Law.

To determine whether a provision is anti-competitive requires consideration of the "*National Competition Policy - Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws*" published by the Department of Local Government, Racing and Multicultural Affairs (**Guidelines**).

It is recommended that the Chief Executive Officer be delegated authority to determine whether any provisions of the proposed Local Laws are required to be subjected to the review process under the Guidelines, and if so, to undertake that review process.

A consultation process will be undertaken in accordance with the relevant provisions of the *Local Government Act 2009* and Council's adopted Local Law-making process. Once this consultation process is finalised, all feedback from that consultation process will be presented to Council for its further consideration.

## 3. Strategic Implications

### 3.1 Legislative / Legal Implications

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met. Council can do this by following its existing local law-making process.

ITEM 6.7 PROPOSED MBRC LOCAL LAW - EVENTS - 65856941 (Cont.)

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 03 Our communities are engaged, heard and informed.

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

The proposed Local Law recognises that different events carry different risks. These risks ought to be appropriately managed. In recognition of this, the proposed Local Law requires Council to adopt by resolution an Event Screening Framework. This Framework will assist the community and Council identify various risks associated with an event and then determine the approval process for the event.

3.5 Delegated Authority Implications

It is necessary for Council to delegate, in favour of the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009*, the powers of Council under each of section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012*.

3.6 Financial Implications

☒ Nil identified

3.7 Economic Benefit Implications

The proposed Local Law aims to create flexibility, where the application, assessment and approval requirements can be tailored based on the nature, scale, impacts and risks associated with an event. Council intends that the proposed Local Law will help reduce red-tape for event operators and support the Regional Economic Development Strategy 2020-2041.

3.8 Environmental Implications

The object of the proposed Local Law includes minimising impacts of events and small gatherings on the environment.

3.9 Social Implications

The proposed Local Law streamlines the application and approval process for events in the Moreton Bay Region. In doing so, it facilitates and encourages events and other forms of small gatherings that are vital to the vibrant fabric of our community.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Economic Development Department
- External Relations Department
- Customer Response Department
- Cultural Services Department
- Development Services Department
- Strategic Planning and Place Making Department
- Environment and Sustainability Policy and Planning Department
- Environmental Services Department
- Drainage, Waterways and Coastal Planning Department
- Community Services, Sport and Recreation Department
- Asset Maintenance Department

## 14. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

### ITEM 13.1 REGIONAL EVENTS

Cr Mick Gillam made mention of the recent **2022 Australian Hotels Association Awards for Excellence** and congratulated Eatons Hill Hotel for winning the Best Outdoor/Non-enclosed Facility and being named Overall Hotel of the Year (Metropolitan).

Cr Jodie Shipway (Deputy Mayor) reported on her recent attendance at the end of year celebrations for participants in the **2022 ReadUp** program, an incentive program facilitated by Council libraries to encourage young people to read.

Cr Adam Hain thanked the community for their understanding following cancellation of the **Caboolture Christmas Carols** event at short notice due to inclement weather. The **North Lakes Christmas Carols** event is on Sunday 4 December 2022 from 4pm.

Cr Tony Latter congratulated the Woodford Lions Club Inc on the success of the **Woodford Community Carnival and Lantern Parade** held on 25 November 2022 at Archer Street, Woodford.

### ITEM 13.2 COMMUNITY COMMENT SESSION - GENERAL MEETING 14 DECEMBER 2022

In accordance with Council's Community Comment Policy (2150-062), the Community Comment Session of a General Meeting of Council is not conducted at the first or last General Meeting of Council in each calendar year, or as otherwise determined by Council.

Council has received one application to address Council in a Community Comment Session at the General Meeting on 14 December 2022.

A Council resolution is necessary to permit Community Comment Session to occur as part of that day's proceedings.

#### RESOLUTION

Moved by Cr Peter Flannery (Mayor)

Seconded by Cr Cath Tonks

CARRIED 13/0

That the Community Comment session is permitted to occur as part of the proceedings of the last General Meeting of the calendar year on 14 December 2022.



## 15. CLOSED SESSION

*(s254J of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

### CLOSED SESSION

#### RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Yvonne Barlow

CARRIED 13/0

That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Items C.1 to C.3.

Members of the press and public gallery left the Chambers.  
The closed session commenced at 11.57am (livestreaming paused).

#### ATTENDANCE

Joel Chapman, Jon Dare-Williams and Dan Staley attended the meeting at 11.58am for discussion on Items C.1 to C.3.

### OPEN SESSION

#### RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 13/0

That Council resume in open session and that the following motions be considered.

The open session (livestreaming) resumed at 12.17pm.

#### ATTENDANCE

Joel Chapman, Jon Dare-Williams and Dan Staley left the meeting at 12.17pm after discussion on Items C.1 to C.3.



**16. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL****ITEM C.1 – CONFIDENTIAL  
CONSTRUCTION CONTRACT TERMINATION****Meeting / Session:** 6 ENGAGED COUNCIL (Cr M Constance / Cr D Grimwade)**Reference:** 65866081 : 21 November**Responsible Officer:** HM, Senior Project Manager (PAS Project Management)**Basis of Confidentiality**

Pursuant to s254J(3) of the *Local Government Regulation 2012 (Qld)*, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

The tender for the project was awarded to the Contractor as the Contractor's tender submission was evaluated as representing the best overall value to Council. The Contractor subsequently advised Council Officers via email that it would be seeking additional costs due to market volatility and submitted a claim.

The timing of a nearby development/s has accelerated which has compounded the current design of the intersection.

It is recommended that Council terminates the existing contract with the Contractor; commences revised detailed design (mindful of the designs of the various tie-in works by others); and works on site commence as soon as practically possible in the 2023/24 financial year following design resolution.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to contract management.

**RESOLUTION****Moved by Cr Jodie Shipway (Deputy Mayor)****Seconded by Cr Adam Hain****CARRIED 13/0**

1. That the contract with the Contractor for the project be terminated, as described in this report.
2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and effecting the termination of the contract with the Contractor for the project on Council's behalf.
3. That Council acknowledges and supports the coordination of a revised design and collaboration with the nearby developments for construction to minimise disruption to the community.
4. That Council note that works on site will commence as soon as practically possible in the 2023/24 financial year and be completed during the 2024/25 financial year.
5. That Council acknowledges:
  - a) the termination of the contract and revised design of the project will require partial expenditure against the 2022/23 financial year budget;
  - b) following the confirmation of the costs of contract termination and the revised design are finalised, the project budget will be revised during the 2022/23 financial year quarter two process; and
  - c) the intention to account for the construction expenditure as part of Council's budget for the 2023/24 and 2024/25 financial years.

**ITEM C.2 – CONFIDENTIAL****CONSTRUCTION PROJECT - TENDER CONSIDERATION PLAN**

**Meeting / Session:** 4 WELL-CONNECTED PLACES (Cr A Hain / Cr M Gillam)

**Reference:** 65610002 : 22 November 2022 - Refer **Confidential Supporting Information**  
**65610001**

**Responsible Officer:** MH, Senior Project Manager (PAS Project Management)

**Basis of Confidentiality**

Pursuant to s254J(3) of the *Local Government Regulation 2012 (Qld)*, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

Council awarded a contract for the project to the contractor for the agreed sum. Following delayed relocation of services, works have been significantly delayed and a variation of the contract is required.

A Tender Consideration Plan (Plan) has been prepared under section 230 of the *Local Government Regulation 2012 (Qld)* to enter into a large-sized contractual arrangement with the current contractor as an exception to the usual requirement for a written tender process.

This matter is brought to the attention of Council under the **Well-connected Places portfolio**, improving safety for all transport users and increasing capacity and operating efficiency of the intersection.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with Sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Sandra Ruck

Seconded by Cr Karl Winchester

CARRIED 13/0

1. That Council decides to prepare a Tender Consideration Plan for the large-sized contractual arrangement with the Contractor to proceed with a variation to the existing contract, as described in this confidential report.
2. That the Tender Consideration Plan for the large-sized contractual arrangement with the Contractor to proceed with a variation to the existing contract as tabled be adopted.
3. That Council enters into a variation of the contract with the Contractor for the agreed sum for the completion of the Project, as described in this report.
4. That to allow Council to enter into the contractual arrangement with the Contractor, Council commits to the provision of additional funding for the project at the 2022/23 financial year quarter three review process, as described in this report and Council acknowledges:
  - (i) the agreement will require further capital funding, as described in this report, for the 2023/24 financial year; and
  - (ii) the intention to account for this future expenditure as part of Council's future expenditure as part of Council's budget for the 2023/24 financial year.
5. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the variation of the agreement with the Contractor, and any required variations of the agreement on Council's behalf.

**ITEM C.3 – CONFIDENTIAL****CONSTRUCTION PROJECT 2 - TENDER CONSIDERATION PLAN****Meeting / Session:** 4 WELL-CONNECTED PLACES (Cr A Hain / Cr M Gillam)**Reference:** 64300198 : 25 November 2022 - Refer **Confidential** Supporting Information  
64300199**Responsible Officer:** RD, Senior Project Manager (PAS Project Management)**Basis of Confidentiality**

Pursuant to s254J(3) of the *Local Government Regulation 2012* (Qld), clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

Council awarded a contract for the project to the Contractor for the agreed sum. Following delays to relocation of services, works have been significantly delayed and a variation of the contract is required.

A Tender Consideration Plan (Plan) has been prepared under section 230 of the *Local Government Regulation 2012* (Qld) to enter into a large-sized contractual arrangement with the current Contractor as an exception to the usual requirement for a written tender process.

This matter is brought to the attention of Council under the **Well-connected Places portfolio** improving safety for all transport users and increasing capacity and operating efficiency of the intersection.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to Councillors for the purposes of this meeting, in accordance with Sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION****Moved by Cr Jodie Shipway (Deputy Mayor)****Seconded by Cr Cath Tonks****CARRIED 13/0**

1. That Council decides to prepare a Tender Consideration Plan for the large-sized contractual arrangement with the Contractor to proceed with a variation to the existing contract, as described in this confidential report.
2. That the Tender Consideration Plan for the large-sized contractual arrangement with the Contractor to proceed with a variation to the existing contract as tabled be adopted.
3. That Council enters into a variation of the contract with the Contractor for the agreed sum for the completion of the Project, as described in this confidential report.
4. That to allow Council to enter into the contractual arrangement with the Contractor, Council commits to the provision of additional funding for the project at the 2022/23 financial year quarter three review process, as described in this report and Council acknowledges:
  - (i) The agreement will require funding, as described in this report, for the 2023/24 financial year; and
  - (ii) The intention to account for this future expenditure as part of Council's budget for the 2023/24 financial year.
5. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the variation of the agreement with the Contractor, and any required variations of the agreement on Council's behalf.

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**17. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

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**18. CLOSURE**

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There being no further business the Chairperson closed the meeting at 12.20pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 22/1777 to 22/1866 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 30 November 2022.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 14 December 2022.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor