



# **MINUTES**

## **GENERAL MEETING**

**Wednesday 28 June 2023**  
commencing at 9.43am

Lily and Cypress Rooms  
**Norths Leagues and Services Club**  
1347 Anzac Avenue, Kallangur

**ENDORSED GM20230719**

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

***Adoption Extract from General Meeting – 19 July 2023 (Page 23/1598)***

**General Meeting - 28 June 2023 (Pages 23/1376 - 23/1596)**

**RESOLUTION**

**Moved by Cr Mark Booth**

**Seconded by Cr Yvonne Barlow**

**CARRIED 13/0**

**That the minutes of the General Meeting held 28 June 2023, be confirmed.**

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28 June 2023

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**RESOLUTION**

REPORT DETAIL

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**RESOLUTION**

REPORT DETAIL

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**RESOLUTION**

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**RESOLUTION**

REPORT DETAIL

# Moreton Bay Regional Council

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**MAYORAL OPENING STATEMENT (Kallangur Community Council Meeting 67301627)**

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Cr Peter Flannery (Mayor) made the following opening statement:

*“Good morning everyone. Thank you for joining my fellow Councillors and I here in Kallangur for another one of our Community Council Meetings.*

*This is our eighth Community Council Meeting, and third for 2023.*

*Bringing the Council here to speak directly with you and hear firsthand about your needs and aspirations is central to the way we want to engage directly with the community.*

*I would like to thank the local community, as well as the Norths Leagues Club who are hosting us this morning in their venue.*

*Considering that it is less than 2 weeks since Council announced next year’s budget, I would like to mention some of the budget highlights.*

*Council announced an \$861million budget including a \$264 million capital works program.*

*Creating better communities starts with our fundamental job of delivering the infrastructure we need.*

*We welcome over 10,000 new residents every year.*

*And, importantly, our capital works program also creates local jobs and improves the long-term wellbeing of our communities.*

*What does our 2023/24 budget mean for you in your local community, particularly if you are local to Division 7?*

*Council continues to make major investments in critical road projects that will fix bottlenecks and solve longstanding congestion issues across Division 7.*

*This includes \$12.4 million for staged upgrades to Old Gympie Road continue, particularly in the Dakabin and Kallangur area.*

*Some other budget highlights for Division 7 include.*

- *\$6.4 million landfill cell construction at the Dakabin Waste Management Facility*
- *\$3.3 million sediment dam construction at the Dakabin Waste Management Facility*
- *\$487,000 for development of Riverview Parkway, Griffin*
- *\$300,000 for the playground renewal of Acacia Park, Murrumba Downs*
- *\$240,000 for pathways along Brickworks Road, Kallangur*
- *\$100,000 for masterplan upgrades to John Oxley Reserve, Murrumba Downs*
- *\$182,000 for playground upgrade Beverley Court Park, Griffin*
- *\$100,000 for shelters at Blatchford Reserve, Murrumba Downs*
- *\$100,000 to upgrade Old Gympie Road (Viney to Highet), Kallangur*
- *\$99,000 from pathway construction Kubiak Drive, Murrumba Downs*

*An important measure that Council has implemented with this budget is to invest assist our communities where possible with the increasing of cost of living.*

*We will continue the \$250 rates remission for full pensioners.*

*And the \$100 rates remission for part-pensioners introduced in 2020.*

*Mayoral Opening Statement (Cont.)*

*I am pleased to announce that Council will introduce a \$75 rebate for eligible self-funded retirees in this year's budget.*

*Self-funded retirees are not eligible for an age pension or other government-funded income support and are also doing it tough.*

*Council will continue our investment in local community sport, we see ourselves as a leader in this space, and we have some of the best facilities in southeast Queensland to show for it.*

*The support we provide to community organisations for low-cost community leasing ensures we help clubs keep membership costs as low as possible.*

*Most of you in the room would be aware that it is school holidays this week and next.*

*Council's Active Holidays Program has been running during these school holidays as it does each term break.*

*In fact, there are 17 activities on offer TODAY as part of this Active Holidays Program.*

*Council will also continue our amazing, Healthy & Active Moreton Program.*

*It provides an avenue for residents to be more active through an exciting range of fitness, recreation sporting activities and workshops at low cost.*

*We have had great feedback about our Council festivals and events, this next year we will deliver 52 festivals and events and 47 of them will be free community events.*

*Providing free or low-cost events ensure our residents can connect - whether it's with locals at one of our amazing free events or community facilities, or with friends and family at one of our local parks.*

*I know Councillor Barlow is particularly proud of the Murrumba Christmas Spectacular.*

*The other event coming up soon right here in Kallangur is Pooches in the Park on 23 July at Penson Park.*

*There is information about this event here today for anyone who is interested.*

*Over the last two years we have been working with the community to develop future directions that will better guide growth in Kallangur-Dakabin while considering what makes this neighbourhood unique.*

*The Kallangur-Dakabin area is projected to grow by 10,400 people by 2041 which will bring the population to an estimated 38,000 residents.*

*I've already mentioned this morning that our local government area is one of the fastest growing areas.*

*Growth in existing neighbourhoods is inevitable and Council has identified there is a need to examine and engage with the community on how we accommodate growth, while also promoting local character and creating better places at a local level.*

*In late May, community feedback on the draft Kallangur-Dakabin Neighbourhood Planning Future Directions Report closed.*

*The team are now considering the community feedback received in preparation for feedback to Council and the community.*



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*Mayoral Opening Statement (Cont.)*

*I would like to take this opportunity to thank those community members who have engaged with this critical project, particularly the members of the local Community Reference Group who have provided invaluable local knowledge and input throughout the project.*

*There are some representatives from the Neighbourhood Planning team here today if you have any questions about the Kallangur-Dakabin Neighbourhood Plan.*

*In closing, I would like to thank you all for being here today.*

*While economic conditions are tough right now, we will continue to do all that we can to build a stronger, more resilient, and more accessible Moreton Bay.*

*I look forward to meeting you over lunch in a short while.*

*But for now, it is on with Council business and the meeting agenda.*

*Thank you."*

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

The Mayor advised 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**

Cr Yvonne Barlow provided the Acknowledgement of Country.

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

Cr Yvonne Barlow provided the opening prayer / reflection for the meeting.

### 3. ATTENDANCE & APOLOGIES

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**Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Mark Booth  
Cr Adam Hain  
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	(Scott Waters)
Deputy CEO/Director Projects & Asset Services	(Tony Martini)
Director Community & Environmental Services	(Bill Halpin)
Director Finance & Corporate Services	(Donna Gregory)
Acting Director Infrastructure Planning	(Stuart Piper)
Director Planning	(David Corkill)
Chief Economic Development Officer	(Paul Martins)
Chief External Relations Officer	(Joshua O'Keefe)
Manager Development Services	(Dan Staley)
Meeting Support	(Hayley Kenzler)

**Apologies:**

Cr Jodie Shipway (Deputy Mayor)

### 4. MEMORIALS OR CONDOLENCES

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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

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#### **1. General Meeting - 14 June 2023 (Pages 23/1131 - 23/1329)**

#### **RESOLUTION**

Moved by Cr Yvonne Barlow

Seconded by Cr Mick Gillam

**CARRIED 12/0**

That the minutes of the General Meeting held 14 June 2023, be confirmed.

## **2. Special Meeting - 16 June 2023 (Pages 23/1330 - 23/1375)**

### **RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Mark Booth

**CARRIED 12/0**

That that the minutes of the Special Meeting held **16 June 2023**, be confirmed.

## **6. PRESENTATION OF PETITIONS**

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

### **6.1. Petition: Elizabeth Kerr - Request to Asphalt Greygum Court and Bloodwood Court (67337763)**

Cr Sandra Ruck tabled a petition containing 16 signatures, received from Elizabeth Kerr, reading as follows:

*"We the undersigned and residents of the Moreton Bay Regional Council petition said Council to asphalt the roads Greygum Crt and Bloodwood Crt. This has not been paved for 21.5 years for resident Elizabeth Kerr and therefore longer than this time frame.*

*Greygum St has extremely uneven surfaces, numerous pot holes (some grass growing in them) and hundres of loose stones. These end up in air tyres, driveways. I (Elizabeth Kerr) was assured in 2022 it would be done in 2023. Follow up has resulted in being told by Council - pushed back now to 2025 possibly Dec [sic]. All surrounding streets have been paused at least twice since 2001 - some 3-4 times. This is unacceptable. Our roads need to be paved by end of this year."*

**Council received the petition, referring it to the Director Projects & Asset Services for investigation and report to Council, if required.**

## **7. CORRESPONDENCE**

There was no correspondence tabled.

### **MAYORAL STATEMENT (Council Awards 67343899)**

Cr Peter Flannery (Mayor) made the following statement:

*"I would like to take a few moments to congratulate and acknowledge council staff on our double win in the 2023 National Awards for Local Government.*

*As well as a State Architecture Award Commendation in the Urban Design category.*

*Firstly, the National Awards for Local Government highlight initiatives implemented by local governments that are innovative, make a difference to their local communities, display excellence, and have outcomes that are easily replicated across the country.*

*I am pleased to let our community know that Moreton Bay Regional Council won two of the 11 categories in this year's awards. With almost 540 councils across Australia, we think a double win is a great achievement.*

*Mayoral Statement (Cont.)*

*Our first win was in the Regional Growth category for Council's free automated data concierge service, Ask Morty, which helps small businesses make better informed business decisions.*

*Council partnered with TechConnect IT Solutions to develop Ask Morty. This chatbot takes complex 2021 Census data and Queensland Government population projections and provides easy-to-use curated demographic data.*

*The chatbot's easy customer interaction, simple question and answer design, and instant results make it an accessible and valuable tool for any small business. No technical skill or data literacy is required.*

*Small businesses are often resource and time poor, so I am proud that Council could develop this Australian Local Government first service for our more than 31,000 small businesses, to make their decision making a little bit easier.*

*Our second winning project was in the Career Starter category for our free virtual work experience program, 'My Future in Moreton Bay'. The program helps get people job-ready and address the skills shortages in our region while providing a different opportunity for those needing practical work experience, which is often hard to come by.*

*Council partnered with The Forage, an international leader in virtual work experience programs, to develop 'My Future in Moreton Bay', also a first for an Australian local government.*

*The program gives potential workers a step ahead by providing them with the suitable skills for a career in Moreton Bay long-term. Often, job applicants don't have a clear understanding of the role and requirements and by undertaking the virtual work experience they are better equipped to choose which opportunity suits them best. It also helps industry get targeted applicants and helps with ongoing training and retention.*

*It is a wonderful achievement for a Council to win one award, never mind winning in two categories in these prestigious national awards.*

*Receiving this award on a national stage is a fantastic showcase of the innovation and hard work of our Council, our Council staff, our business networks and our commitment to serve our community to the highest standards.*

*Well done to all involved and congratulations to #TeamMoretonBay.*

*I am also very pleased to let our community know that the Reshaping our Region's Planning - **Your home and living guidelines** have won a State Architecture Award Commendation in the Urban Design category last Thursday night, 22 June.*

*The guidelines were the only non-built project to win a State Architecture Award, and they were up against some strong competition.*

*These guidelines **have now won 6** national, state and local awards, in the urban design, architecture and planning industries!*

*The Office of the State Government Architect has invited us to nominate for the Minister's Award for Urban Design 2023 and there is a ceremony later next month.*

*Again, well done and congratulations to all staff involved in this project, this is an exceptional achievement.*

*Thank you."*

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## 8. COMMUNITY COMMENT

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Cr Peter Flannery (Mayor) opened the Community Comment session, making the required statement regarding the conduct of the Session, and invited the following participants to address Council.

### 8.1. Community Comment: David Gardner - Traffic Concerns on Sheaves Road, Dakabin State School (67280222)

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As approved by the Chief Executive Officer, David Gardner has been invited to address the Council in respect of traffic concerns on Sheaves Road during Dakabin State School morning and afternoon drop-offs and pick-ups.

The following points were made as part of the address:

- concern regarding illegal right turns into the Dakabin State School drop-and go slip road at pick up and drop off time, creating near-miss accidents and arguments, impacts to the school crossing and traffic jams
- lack of safe crossings for school children
- hooning concerns
- solution to install raised crossings further up and down Sheaves and Whitehorse Roads to provide safe crossing sites as well as forcing traffic to slow down
- police presence in school drop off/pick up hours along Whitehorse Road required to start changing behaviours.
- speed review and traffic calmers could be considered

### 8.2. Community Comment: Lauren Zeglio & Sam Ellis UniSC - Accessibility and Inclusion (67280303)

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As approved by the Chief Executive Officer, Lauren Zeglio & Sam Ellis of UniSC have been invited to address the Council in respect of accessibility and inclusion.

The following points were made as part of the address:

- crucial that accessibility and inclusion becomes the cornerstone of planning and execution
- Estimated 497,154 residents in Moreton Bay Region; 1 in 5 residents that live with disability, meaning there could near 100,000 people within this region alone that are living with some kind of disability, whether intellectual, physical, sensory and/or mental illness.
- to prioritise consultation and collaboration, we must include inclusive decision-making, involving members of the disability community, advocates, and experts, right from the early stages of planning
- Disability Inclusion Student Group suggest Accessibility and Inclusion Advisors to be consulted at each step
- Collaboration with local schools, universities, and community organisations can lead to the development of programs that promote awareness and inclusion
- research that children between 2 and 5 start forming their own stereotypes. Early education can be vital in minimising negative connotation and breaking down stereotypes
- The term accessibility according to Tourism Australia is the ongoing endeavor to ensure tourist destinations, products and services are accessible to all people, regardless of their physical limitations, disabilities, or age
- Reference to the 2032 Olympic and Paralympic games and ensuring a lasting legacy [in relation to accessibility and inclusion]

## 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.

## 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*

### 10.1. Cr Tony Latter - Prescribed Conflict of Interest re DA/2023/1957 (Deed of Variation to Infrastructure Agreement) (67323531)

Pursuant to s150EL of the *Local Government Act 2009*, and as stated at Council Briefings held 20 June 2023, Cr Tony Latter informed the meeting of a prescribed conflict of interest in matters relating to DA/2023/1957 (Deed of Variation to Infrastructure Agreement) specifically the infrastructure works located at the intersection of Carmichael College and Oakey Flat Road, Morayfield.

Cr Latter is a Board Member of Carmichael College and Cr Latter's wife, Angela Latter is an employee of the college.

**Cr Latter will not participate in decisions, including discussion, debate and voting relating to the infrastructure works at the abovementioned intersection (related to DA/2023/1957) and will leave future meetings.**

## 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**

**PETRIE - AUGUSTINS CRESCENT - PARK NAMING**

*Meeting / Session:* 1 VIBRANT COMMUNITIES

*Reference:* 67153989: 28 June 2023

*Responsible Officer:* BS, Senior Business Systems Officer (IP Parks & Recreation Planning)

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**Executive Summary**

An application has been received requesting that an unnamed park at 29 Augustins Crescent, Petrie, be named in recognition of Joan Stephenson.

This report provides Council with background information relevant to the application and recommends that the parkland identified in Figure 1, be named "Joan Stephenson Park".

This matter is brought to the attention of Council under the Vibrant Communities portfolio as the matter relates to acknowledging and celebrating the efforts of an individual in contributing to community outcomes.

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**RESOLUTION**

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Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

**CARRIED 12/0**

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 29 Augustins Crescent, Petrie on Lot 901 on SL10762 and identified in Figure 1, be named as "Joan Stephenson Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate digital and/or print media platforms, having a distribution covering the general vicinity of the subject park with public submissions open for a period of 28 days.
3. That should non-supportive submissions be received following public advertising; the matter be referred to Council in a subsequent report.



*ITEM 1.1 PETRIE - AUGUSTINS CRESCENT - PARK NAMING - 67153989 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 29 Augustins Crescent, Petrie on Lot 901 on SL10762 and identified in Figure 1, be named as "Joan Stephenson Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate digital and/or print media platforms, having a distribution covering the general vicinity of the subject park with public submissions open for a period of 28 days.
3. That should non-supportive submissions be received following public advertising; the matter be referred to Council in a subsequent report.

**REPORT DETAIL**

**1. Background**

An application has been received by Council requesting that parkland at 29 Augustins Crescent, Petrie on Lot 901 on SL10762 (figure 1), be named in recognition of Ms Stephenson.



Figure 1: Parkland at 29 Augustins Crescent, Petrie

**2. Explanation of Item**

Under Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads), applicants are required to provide documentation to substantiate the good character of the person or persons being acknowledged. In this instance 3 letters of support have been provided. The application is also supported by the family of Ms Stephenson. Council's Senior Local History Officer has also provided information which supports the community involvement by Ms Stephenson.

Information received in the application notes the following regarding Ms Stephenson.



ITEM 1.1 PETRIE - AUGUSTINS CRESCENT - PARK NAMING - 67153989 (Cont.)

*Ms Stephenson was born in Petrie on 27th October 1927 and passed away on 15 January 2022. She spent most of her life living in the Pine Rivers area. She always volunteered in many roles in our community for most of her life.*

- *Fundraising to build the first Ambulance Station in Petrie*
- *Meals on Wheels for 30 years*
- *Volunteered at the respite centre in Petrie, every Tuesday & Thursday until it was bought out by Wesley Mission*
- *Sold raffle tickets and lamingtons with James Tweedale to fundraise for the Handihome to be built at Strathpine*
- *Knitted 1000's of trauma bears for the hospitals and Doctor surgeries*
- *Sold Anzac & Remembrance Day badges every year*
- *Sold Butterfly badges for Hear and Say every year*
- *Volunteered at Craft on Wheels*
- *Did Mother Union and Hospital visits with the church*
- *Work on the Historical Village Committee at the Museum at the North Pine Country Park*
- *She received a Citizen of the year award in 2000*

The recommendation to name the parkland after Ms Stephenson complies with the policy's guideline as outlined below:

- Names of pioneering families and long-term residents,
- Names of respected community members of considerable service who are, or were, resident or working within the region.

All naming proposals which Council has resolved to support, or support subject to amendment, are subject to a 28-day public advertising period during which members of the community and other interested parties may lodge submissions either in support of, or against the proposal. Advertising of such proposals is to be undertaken via appropriate digital and/or print media platforms having a distribution covering the general vicinity of the facility.

A history board is proposed to be installed in conjunction with the park signage to explain the connection Ms Stephenson had with the Petrie area.

The proposed wording reads as follows:

*Joan Stephenson was an active and tireless volunteer who, through her efforts, contributed widely to her local community*

### 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

The submitted application complies with and has all the supporting documentation required under MBRC Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads).

ITEM 1.1 PETRIE - AUGUSTINS CRESCENT - PARK NAMING - 67153989 (Cont.)

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

The estimated cost of fabricating and installing a new sign in accordance with the draft Park and Open Space Signage Guidelines is approximately \$2,000. Costs will be met from within existing operational budgets.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Formal naming will provide improved awareness of, and the ability to recognise, distinct locations within 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

Division 7 & 8 Councillors,

**ITEM 1.2**  
**TENDER - MANAGEMENT OF WOODFORD MEMORIAL HALL**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67036794 : 12 June 2023 - **Refer Supporting Information 67036793**  
*Responsible Officer:* JH, Supervisor Community Halls (CES Community Services, Sport & Recreation)

**Executive Summary**

Tenders were invited from non-profit associations for the management of seven (7) of Council's community halls (Management and Operation of Community Halls MBRC-RFT310) through open tender. Tenders closed on 17 April 2023 with a total of nine (9) tender submissions received, one (1) of which sought management of Woodford Memorial Hall.

It is recommended that the tender for the management of Woodford Memorial Hall be awarded to Woodford Memorial Community Centre Inc. for an initial term of three (3) years, with an option (at Council's discretion) to extend by a further three (3) years subject to satisfactory performance. The tenderer demonstrated that they are a well-established association, committed to hall activation, have strong facility management experience as the incumbent hall manager and are well-placed to manage the hall into the future under the new hall management agreement.

Additionally, this report seeks Council's adoption of:

- the proposed 2023/24 schedule of hire fees for Woodford Memorial Hall as provided in *Supporting Information #1*; and
- 2023/24 special hire fees for four (4) Woodford Memorial Hall hirers, as provided in *Supporting Information #2*, that would be negatively impacted by the proposed new fees.

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 community services and activities to residents of the region.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Mark Booth

**CARRIED 12/0**

1. That the tender for the management of Woodford Memorial Hall (Management & Operation of Community Halls MBRC-RFT310) be awarded to Woodford Memorial Community Centre Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Woodford Memorial Community Centre Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Woodford Memorial Community Centre Inc. for the management of Woodford Memorial Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Woodford Memorial Hall for the 2023/24 financial year be adopted, as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fees for the four (4) hirers negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

ITEM 1.2 TENDER - MANAGEMENT OF WOODFORD MEMORIAL HALL - 67036794 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for the management of Woodford Memorial Hall (Management & Operation of Community Halls MBRC-RFT310) be awarded to Woodford Memorial Community Centre Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Woodford Memorial Community Centre Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Woodford Memorial Community Centre Inc. for the management of Woodford Memorial Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Woodford Memorial Hall for the 2023/24 financial year be adopted, as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fees for the four (4) hirers negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

**REPORT DETAIL**

**1. Background**

**1.1 Hall Management Review**

Council delivered a Community Halls Network Plan (Network Plan), which detailed findings and recommendations to support the management, service delivery and future planning for the 45 community halls on Council owned or controlled land. A key recommendation emerging from the Network Plan was that Council undertake a full review of the management model and arrangements for the community halls network (Halls Management Review).

A Councillors' briefing was conducted on 8 March 2023 for the purpose of sharing information on the progress of the Halls Management Review. Officers presented:

- The feedback received from current hall management organisations over the past 12 months regarding the proposed management model changes;
- The proposed methodology for calculating annual hall manager fees and the related impact modelling for existing hall managers; and
- The methodology and proposed prioritisation of hall management tender processes in 2023.

In line with Council's decision-making framework, an extract from the minutes of this most recent briefing, is provided below:

*The CEO noted the way forward:*

*Officers to proceed with proposed tender process with the opening of Round 1 to commence on 24 March 2023 with the tender to remain open for 21 days.*

**1.2 Tender Process**

A tender was conducted through Council's e-procure process to identify suitable non-profit associations to manage seven (7) of Council's community halls, including Woodford Memorial Hall.

*ITEM 1.2 TENDER - MANAGEMENT OF WOODFORD MEMORIAL HALL - 67036794 (Cont.)*

The tender was advertised through the Community Services, Sport & Recreation Department community newsletter and by Councillors in their relevant divisions. Council's Community Leasing wait list, current hall managers and community associations that had previously expressed an interest in hall management were notified directly to provide the opportunity to tender.

Site inspections for prospective tenderers were held at each hall during the open tender period.

The following selection criteria was used to assess the tenders received.

*Table 1 Selection criteria*

No.	Criteria	Considerations	Weighting District Rural
1.	Community connection and benefit	The applicant's location is within the Moreton Bay Region. The applicant is located in, close to or has strong local connections and networks in the hall locality. The management proposal will benefit the broader community. Proposed activities and community participation demonstrate a commitment to hall activation.	60%
2.	Operational sustainability	The applicant has a sound governance structure, organisational capacity and volunteer base.	30%
3.	Facility management	The applicant's experience demonstrates capacity to manage the hall and meet its obligations under the Management Agreement.	10%

### 1.3 Hall Fees

The 2023/24 schedule of fees for community managed halls, including special hire fees for select hirers, was presented to Council at the General Meeting held 15 March 2023. At this meeting, Council resolved to continue the fees adopted for the 2022/23 financial year, initially, for the 2023/24 financial year.

It was noted that as an outcome of the Halls Management Review, new management arrangements for community managed halls would be progressively implemented during the period of May to October 2023, the implementation of which would require review of the fee structure and related hire fees for each hall. Proposed hire fees for each hall would be developed to improve fee consistency and equity across the hall network, and would be presented to Council for consideration alongside recommendations for the awarding of the relevant hall management tender.

Across the community hall network, Council currently has thirty (30) 'special hire fees' which facilitate the use of a hall by a hirer at a discounted rate. The origins of these special hire fee arrangements are varied, however generally relate to: historical fee arrangements established by Council or hall management committees; or transitional arrangements for regular hirers that would otherwise have been negatively impacted as a result of past management and/or fee structure changes.

Whilst the implementation of special hire fees has proven successful in mitigating financial impacts of hirers negatively affected by change processes, they continue to represent an inequity when compared to the fees charged to the majority of community hall hirers. Accordingly, officers will be undertaking a full review of all community hall special hire fee arrangements (Special Hire Fees Review) in the 2023/24 financial year, with the view to presenting these findings and associated recommendations to Council for consideration in May 2024.

*ITEM 1.2 TENDER - MANAGEMENT OF WOODFORD MEMORIAL HALL - 67036794 (Cont.)*

## **2. Explanation of Item**

### **2.1 Management of Woodford Memorial Hall**

Woodford Memorial Hall operates as a district rural hall with regular and casual hirers. It is currently managed by Woodford Memorial Community Centre Inc. under a management agreement that will expire 1 August 2023.

Tenders were invited for the management of Woodford Memorial Hall through open tender using e-Procure, and closed on 17 April 2023. One (1) conforming tender was received from Woodford Memorial Community Centre Inc.

The tender from Woodford Memorial Community Centre Inc. was assessed by the tender assessment panel in accordance with the selection criteria as set out in the tender documents. The tender demonstrated that Woodford Memorial Community Centre Inc.:

- is a well-established association;
- has a commitment to hall activation,
- has facility management experience as the incumbent hall manager; and
- has ongoing capacity to manage the hall under the new hall management agreement.

Accordingly, it is recommended that the tender for the future management of Woodford Memorial Hall be awarded to Woodford Memorial Community Centre Inc. for a three (3) year term, with a further three (3) year extension option available at Council's discretion

### **2.2 Woodford Memorial Hall Fees**

Officers have reviewed the hall hire fees for Woodford Memorial Hall in consultation with the current hall manager. Where required fee structures and fees amounts have been adjusted for consistency across the region and administrative and hirer simplicity.

The proposed revised fees for the 2023/24 financial year are provided in *Supporting Information #1*.

Officers have reviewed the impact of the proposed 2023/24 fees on existing hirers. Four (4) hirers have been identified as being negatively impacted by the proposed hire fees.

It is recognised that current hirers may struggle to pay the increased hire fees, particularly at short notice, which may affect their capacity to continue using the hall. Accordingly, it is recommended that Council adopt special hire fees for negatively impacted hirers (as detailed in *Supporting Information #2*) for the 2023/24 financial year. These special hire fees would see those hirers continue to pay the current 2022/23 hire fees for the 2023/24 financial year. These additional special hire fees would be considered alongside the other thirty (30) adopted special hire fees in the Special Hire Fees Review process, to be conducted throughout the 2023/24 financial year.

Accordingly, it is recommended that Council adopt:

- the 2023/24 Woodford Memorial Hall schedule of hire fees as provided in *Supporting Information #1*; and
- the 2023/24 special hire fees for impacted hirers as provided in *Supporting Information #2*.

## **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.

*ITEM 1.2 TENDER - MANAGEMENT OF WOODFORD MEMORIAL HALL - 67036794 (Cont.)*

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications

Hall Managers are required to: utilise Council's online booking system; undertake performance reporting; and proactively activate the facility in response to community needs. As new management functions, these have been identified as representing an operational / service delivery risk if not performed correctly.

These risks however will be mitigated through the conduct of a comprehensive training program which will ensure relevant association members are trained in the use of the booking system and are fully briefed on their responsibilities as detailed in the new Hall Management Agreement. Further, ongoing support and education will be provided to all hall managers by Council's dedicated Community Halls team.

3.5 Delegated Authority Implications

In accordance with recommendation three (3) of this report, it is recommended that the Chief Executive Officer be authorised to take all action necessary to finalise the management agreement with Woodford Memorial Community Centre Inc. for the management of Woodford Memorial Hall.

3.6 Financial Implications

The estimated annual hall management fee payable to the successful tenderer, excluding cleaning reimbursement is \$7,216. These funds have been included in Council's approved 2023/24 operational budget.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Well-managed community halls benefit the community by providing spaces for community activities and events and opportunities to respond to local needs.

Woodford Memorial Community Centre Inc. has met the selection criteria as a non-profit association operating in the Moreton Bay Region with strong links to the local community and is considered well placed to continue management of Woodford Memorial Hall.

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

**ITEM 1.3****TENDER - MANAGEMENT OF WAMURAN SPORTS COMPLEX HALL**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67036773: 12 June 2023 - **Refer Supporting Information 67036772**  
*Responsible Officer:* JH, Supervisor Community Halls (CES Community Services, Sport & Recreation)

**Executive Summary**

Tenders were invited from non-profit associations for the management of seven (7) of Council's community halls (Management and Operation of Community Halls MBRC-RFT310) through open tender. Tenders closed on 17 April 2023 with a total of nine (9) tender submissions received, three (3) of which sought management of Wamuran Sports Complex Hall.

It is recommended that the tender for the management of Wamuran Sports Complex Hall be awarded to Lions Club of Wamuran Inc. for an initial term of three (3) years, with an option (at Council's discretion) to extend by a further three (3) years, subject to satisfactory performance. The tenderer demonstrated the best capacity to manage this local level rural hall as a well-established, locally based volunteer association with strong connections to the Wamuran community.

Additionally, this report seeks Council's adoption of the proposed 2023/24 schedule of hire fees for Wamuran Sports Complex Hall as provided in *Supporting Information #1*.

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 community services and activities to residents of the region.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the tender for the management of Wamuran Sports Complex Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Lions Club of Wamuran Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Lions Club of Wamuran Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Lions Club of Wamuran Inc. for the management of Wamuran Sports Complex Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Wamuran Sports Complex Hall for the 2023/24 financial year be adopted as detailed in *Supporting Information #1*.



ITEM 1.3 TENDER - MANAGEMENT OF WAMURAN SPORTS COMPLEX HALL - 67036773 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for the management of Wamuran Sports Complex Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Lions Club of Wamuran Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Lions Club of Wamuran Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Lions Club of Wamuran Inc. for the management of Wamuran Sports Complex Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Wamuran Sports Complex Hall for the 2023/24 financial year be adopted as detailed in *Supporting Information #1*.

**REPORT DETAIL**

**1. Background**

**1.1 Hall Management Review**

Council delivered a Community Halls Network Plan (Network Plan), which detailed findings and recommendations to support the management, service delivery and future planning for the 45 community halls on Council owned or controlled land. A key recommendation emerging from the Network Plan was that Council undertake a full review of the management model and arrangements for the community halls network (Halls Management Review). The findings and outcomes of this review process were presented to Council at its 1 December 2021 Briefing.

A Councillors' Briefing was conducted on 8 March 2023 for the purpose of sharing information on the progress of the Halls Management Review. Officers presented:

- The feedback received from current hall management organisations over the past 12 months regarding the proposed management model changes;
- The proposed methodology for calculating annual hall manager fees and the related impact modelling for existing hall managers; and
- The methodology and proposed prioritisation of hall management tender processes in 2023.

In line with Council's decision-making framework, an extract from the minutes of this most recent briefing, is provided below:

*The CEO noted the way forward:*

*Officers to proceed with proposed tender process with the opening of Round 1 to commence on 24 March 2023 with the tender to remain open for 21 days.*

**1.2 Tender Process**

A tender was conducted through Council's e-procure process to identify suitable non-profit associations to manage seven (7) of Council's community halls, including Wamuran Sports Complex Hall.

The tender was advertised through the Community Services, Sport & Recreation Department community newsletter and by Councillors in their relevant divisions. Council's Community Leasing wait list, current hall managers and community associations that had previously expressed an interest in hall management were notified directly to provide the opportunity to tender.

ITEM 1.3 TENDER - MANAGEMENT OF WAMURAN SPORTS COMPLEX HALL - 67036773 (Cont.)

Site inspections for prospective tenderers were held at each hall during the open tender period.

The following selection criteria was used to assess the tenders received.

Table 1 Selection criteria

No.	Criteria	Considerations	Weighting Local Rural
1.	Community connection and benefit	<ul style="list-style-type: none"> <li>The applicant's location is within the Moreton Bay Region.</li> <li>The applicant is located in, close to or has strong local connections and networks in the hall locality.</li> <li>The management proposal will benefit the broader community.</li> <li>Proposed activities and community participation demonstrate a commitment to hall activation.</li> </ul>	60%
2.	Operational sustainability	<ul style="list-style-type: none"> <li>The applicant has a sound governance structure, organisational capacity and volunteer base.</li> </ul>	30%
3.	Facility management	<ul style="list-style-type: none"> <li>The applicant's experience demonstrates capacity to manage the hall and meet its obligations under the Management Agreement.</li> </ul>	10%

1.3 Hall Fees

The 2023/24 schedule of fees for community managed halls was presented to Council at the General Meeting held 15 March 2023. At this meeting, Council resolved to continue the fees adopted for the 2022/23 financial year, initially, for the 2023/24 financial year.

It was noted that as an outcome of the Halls Management Review, new management arrangements for community managed halls would be progressively implemented during the period of May to October 2023, the implementation of which would require review of the fee structure and related hire fees for each hall. Proposed hire fees for each hall would be developed to improve fee consistency and equity across the hall network, and would be presented to Council for consideration alongside recommendations for the awarding of the relevant hall management tender.

2. **Explanation of Item**

2.1 Management of Wamuran Sports Complex Hall

Wamuran Sports Complex Hall operates as a local rural hall with regular and casual hirers. It is currently managed by Enhance Care Inc. under a management agreement that will expire 1 August 2023.

Tenders were invited for the management of Wamuran Sports Complex Hall through open tender using e-Procure, and closed on 17 April 2023. Three (3) conforming tenders were received, as shown in Table 2, all of which were conforming.

The three (3) tenders were assessed by the tender assessment panel in accordance with the selection criteria as set out in the tender documents and received the scores as detailed in Table 2 below.

Table 2. Wamuran Sports Complex Hall tenderers and evaluation scores

Rank	Tenderer	Evaluation Score
1.	Lions Club of Wamuran Inc.	75
2.	Wamuran Stanley River Cricket Club	67.67

*ITEM 1.3 TENDER - MANAGEMENT OF WAMURAN SPORTS COMPLEX HALL - 67036773 (Cont.)*

Rank	Tenderer	Evaluation Score
3.	Enhance Care Inc.	60

The tender from the Lions Club of Wamuran Inc. demonstrated that the association:

- is well established with a stable volunteer management committee;
- has strong connections to the local community and other community organisations;
- has members with strong knowledge of the site; and
- has volunteer capacity to manage the hall under the new management agreement.

While the tender from the Wamuran Stanley River Cricket Club demonstrated the association's connection with the Wamuran community, this was primarily in relation to delivery of sporting activities. The tender provided limited examples of facility management experience or a plan for managing the hall.

Enhance Care Inc. submitted a comprehensive tender as the incumbent hall manager with demonstrated facility management experience. However, the association's location outside of the hall locality resulted in a lower score under the selection criteria.

Accordingly, it is recommended that the tender for the future management of Wamuran Sports Complex Hall be awarded to the Lions Club of Wamuran Inc. for a three (3) year term, with a further three (3) year extension option available at Council's discretion.

## 2.2 Wamuran Sports Complex Hall Fees

Officers have reviewed the hall hire fees for Wamuran Sports Complex Hall in consultation with the current hall manager. Where required, fee structures and fee amounts have been adjusted for consistency across the region and administrative and hirer simplicity.

The proposed fees under the new agreement for the 2023/24 financial year are provided in *Supporting Information #1*. There are no existing hirers identified as being negatively impacted as a result of the proposed fees.

## 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

Under Council's new hall management model, Hall Managers will be required to: utilise Council's online booking system; undertake additional performance reporting; and proactively activate the facility in response to community needs. As new management functions, these have been identified as representing an operational / service delivery risk if not performed correctly.

These risks however, will be mitigated through the conduct of a comprehensive training program with all hall managers, which will ensure relevant association members are trained in the use of the booking system and are fully briefed on their responsibilities as detailed in the new Hall Management Agreement. Further, ongoing support and education will be provided to all hall managers by Council's dedicated Community Halls team.

*ITEM 1.3 TENDER - MANAGEMENT OF WAMURAN SPORTS COMPLEX HALL - 67036773 (Cont.)*

3.5 Delegated Authority Implications

In accordance with recommendation three (3) of this report, it is recommended that the Chief Executive Officer be authorised to take all action necessary to finalise the management agreement with Lions Club of Wamuran Inc. for the management of Wamuran Sports Complex Hall.

3.6 Financial Implications

The estimated annual hall management fee payable to the successful tenderer, excluding cleaning reimbursement, is \$7,960. These funds have been included in Council's approved 2023/24 operational budget.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Well-managed community halls benefit the community by providing spaces for community activities, events and service provision.

The Lions Club of Wamuran Inc. has met the selection criteria as a non-profit association operating in the Moreton Bay Region with strong links to the local community, scored highest on the selection criteria and is considered well placed to manage the Wamuran Sports Complex Hall.

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.

**ITEM 1.4****TENDER - MANAGEMENT OF TOORBUL COMMUNITY HALL**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67036750: 9 June 2023 - **Refer Supporting Information 67036751**  
*Responsible Officer:* JH, Supervisor Community Halls (CES Community Services, Sport & Recreation)

**Executive Summary**

Tenders were invited from non-profit associations for the management of seven (7) of Council's community halls (Management and Operation of Community Halls MBRC-RFT310) through open tender. Tenders closed on 17 April 2023 with a total of nine (9) tender submissions received, one (1) of which sought management of Toorbul Community Hall.

It is recommended that the tender for the management of Toorbul Community Hall be awarded to Toorbul Community and District Association Inc. for an initial term of three (3) years, with an option (at Council's discretion) to extend by a further three (3) years subject to satisfactory performance. The tenderer demonstrated a strong volunteer base, local knowledge, and capacity to manage the hall.

Additionally, this report seeks Council's adoption of:

- the proposed 2023/24 schedule of hire fees for Toorbul Community Hall as provided in *Supporting Information #1*; and
- 2023/24 special hire fees for one (1) Toorbul Community Hall regular hirer, as provided in *Supporting Information #2*, that would be negatively impacted by the proposed new fees.

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 community services and activities to residents of the region.

**RESOLUTION**

Moved by Cr Brooke Savige

Seconded by Cr Adam Hain

**CARRIED 12/0**

1. That the tender for the management of Toorbul Community Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Toorbul Community and District Association Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Toorbul Community and District Association Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Toorbul Community and District Association Inc. for the management of Toorbul Community Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Toorbul Community Hall for the 2023/24 financial year be adopted as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fee for the one (1) hirer negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

*ITEM 1.4 TENDER - MANAGEMENT OF TOORBUL COMMUNITY HALL - 67036750 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That the tender for the management of Toorbul Community Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Toorbul Community and District Association Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Toorbul Community and District Association Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Toorbul Community and District Association Inc. for the management of Toorbul Community Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Toorbul Community Hall for the 2023/24 financial year be adopted as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fee for the one (1) hirer negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

## **REPORT DETAIL**

### **1. Background**

#### **1.1 Hall Management Review**

In 2020, Council delivered a Community Halls Network Plan (Network Plan), which detailed findings and recommendations to support the management, service delivery and future planning for the 45 community halls on Council owned or controlled land. A key recommendation emerging from the Network Plan was that Council undertake a full review of the management model and arrangements for the community halls network (Halls Management Review).

A Councillors' Briefing was conducted on 8 March 2023 for the purpose of sharing information on the progress of the Halls Management Review. Officers presented:

- The feedback received from current hall management organisations over the past 12 months regarding the proposed management model changes;
- The proposed methodology for calculating annual hall manager fees and the related impact modelling for existing hall managers; and
- The methodology and proposed prioritisation of hall management tender processes in 2023.

In line with Council's decision-making framework, an extract from the minutes of this most recent briefing, is provided below:

*The CEO noted the way forward:*

*Officers to proceed with proposed tender process with the opening of Round 1 to commence on 24 March 2023 with the tender to remain open for 21 days.*

#### **1.2 Tender Process**

A tender was conducted through Council's e-procure process to identify suitable non-profit associations to manage seven (7) of Council's community halls, including Toorbul Community Hall.

*ITEM 1.4 TENDER - MANAGEMENT OF TOORBUL COMMUNITY HALL - 67036750 (Cont.)*

The tender was advertised through the Community Services, Sport & Recreation Department community newsletter and by Councillors in their relevant divisions. Council's Community Leasing wait list, current hall managers and community associations that had previously expressed an interest in hall management were notified directly to provide the opportunity to tender.

Site inspections for prospective tenderers were held at each hall during the open tender period.

The following selection criteria was used to assess the tenders received.

*Table 1 Selection criteria*

No.	Criteria	Considerations	Weighting Local Rural
1.	Community connection and benefit	<ul style="list-style-type: none"> <li>The applicant's location is within the Moreton Bay Region.</li> <li>The applicant is located in, close to or has strong local connections and networks in the hall locality.</li> <li>The management proposal will benefit the broader community.</li> <li>Proposed activities and community participation demonstrate a commitment to hall activation.</li> </ul>	60%
2.	Operational sustainability	<ul style="list-style-type: none"> <li>The applicant has a sound governance structure, organisational capacity and volunteer base.</li> </ul>	30%
3.	Facility management	<ul style="list-style-type: none"> <li>The applicant's experience demonstrates capacity to manage the hall and meet its obligations under the Management Agreement.</li> </ul>	10%

### 1.3 Hall Fees

The 2023/24 schedule of fees for community managed halls, including special hire fees for select hirers, was presented to Council at the General Meeting held 15 March 2023. At this meeting, Council resolved to continue the fees adopted for the 2022/23 financial year, initially, for the 2023/24 financial year.

It was noted that as an outcome of the Halls Management Review, new management arrangements for community managed halls would be progressively implemented during the period of May to October 2023, the implementation of the new management arrangements would require review of the fee structure and related hire fees for each hall. Proposed hire fees for each hall would be developed to improve fee consistency and equity across the hall network, and would be presented to Council for consideration alongside recommendations for the awarding of the relevant hall management tender.

Across the community hall network, Council currently has thirty (30) 'special hire fees' which facilitate the use of a hall by a hirer at a discounted rate. The origins of these special hire fee arrangements are varied, however generally relate to: historical fee arrangements established by Council or hall management committees; or transitional arrangements for regular hirers that would otherwise have been negatively impacted as a result of past management and/or fee structure changes.

Whilst the implementation of special hire fees has proven successful in mitigating financial impacts of hirers negatively affected by change processes, they continue to represent an inequity when compared to the fees charged to the majority of community hall hirers. Accordingly, officers will be undertaking a full review of all community hall special hire fee arrangements (Special Hire Fees Review) in the 2023/24 financial year, with the view to presenting these findings and associated recommendations to Council for consideration in May 2024.

ITEM 1.4 TENDER - MANAGEMENT OF TOORBUL COMMUNITY HALL - 67036750 (Cont.)

**2. Explanation of Item**

**2.1 Management of Toorbul Community Hall**

The Toorbul Community Hall operates as a local hall with regular and casual hirers and was managed by Toorbul Community Hall Association Inc. under a management agreement that was due to expire 1 August 2023. The Association voluntarily relinquished the management of the Hall to Council, effective 30 May 2023.

Tenders were invited for the management of Toorbul Community Hall through open tender using e-Procure, which closed on 17 April 2023, only one (1) tender was received and was confirming.

The one (1) tender, from the Toorbul Community and District Association Inc, was assessed by the tender assessment panel in accordance with the selection criteria as set out in the tender documents, and received a score of 85. The tender demonstrated that Toorbul Community and District Association Inc.:

- is a local association with a strong volunteer base;
- has a commitment to community participation and hall activation; and
- has organisational capacity to manage the hall under the new hall management agreement.

Accordingly, it is recommended that the tender for the future management of Toorbul Community Hall be awarded to Toorbul Community and District Association Inc. for a three (3) year term, with a further three (3) year extension option available at Council's discretion.

**2.2 Toorbul Community Hall Fees**

Officers have reviewed the hall hire fees for Toorbul Community Hall in consultation with the previous hall manager. Where required, fee structures and fee amounts have been adjusted for consistency across the region and administrative and hirer simplicity.

The proposed revised fees for Toorbul Community Hall for the 2023/24 financial year are provided in *Supporting Information #1*.

Officers have reviewed the impact of the proposed 2023/24 fees on existing regular hirers. One (1) hirer has been identified as being on a special hire fee which was approved by the former management committee, however not by Council. This hirer would be negatively impacted by the proposed fees.

It is recognised that the hirer may struggle to pay the increased fees, particularly at short notice, which may affect their capacity to continue using the Hall. Accordingly, it is recommended that Council adopt a special hire fee for the negatively impacted hirer (as detailed in *Supporting Information #2*) for the 2023/24 financial year. This special hire fee would see the hirer continue to pay the same fees as have previously been charged by the former management committee for the 2023/24 financial year. This additional special hire fee would be considered alongside the other thirty (30) adopted special hire fees in the Special Hire Fees Review process, to be conducted throughout the 2023/24 financial year.

Accordingly, it is recommended that Council adopt:

- the 2023/24 Toorbul Community Hall schedule of hire fees as provided in *Supporting Information #1*; and
- the 2023/24 special hire fee for the impacted hirer as provided in *Supporting Information #2*.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

☒ Nil identified



ITEM 1.4 TENDER - MANAGEMENT OF TOORBUL COMMUNITY HALL - 67036750 (Cont.)

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

Hall Managers are required to: utilise Council's online booking system; undertake performance reporting; and proactively activate the facility in response to community needs. As new managers there is a risk that these functions will not be performed correctly.

These risks however will be mitigated through the conduct of a comprehensive training program which will ensure relevant association members are trained in the use of the booking system and are fully briefed on their responsibilities as detailed in the new Hall Management Agreement. Further, ongoing support and education will be provided to all hall managers by Council's dedicated Community Halls team.

3.5 Delegated Authority Implications

In accordance with recommendation three (3) of this report, it is recommended that the Chief Executive Officer be authorised to take all action necessary to finalise the management agreement with Toorbul Community and District Association Inc. for the management of Toorbul Community Hall.

3.6 Financial Implications

The estimated annual hall management fee payable to the successful tenderer excluding cleaning reimbursement, is \$4,396. These funds have been included in Council's approved 2023/24 operational budget.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Well-managed community halls benefit the community by providing spaces for community activities, events and service provision.

Toorbul Community and District Association Inc. has met the selection criteria as a non-profit association operating in the Moreton Bay Region with strong links to the local community, and is considered well placed to manage the Toorbul Community Hall.

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

**ITEM 1.5**  
**TENDER - MANAGEMENT OF MT GLORIOUS COMMUNITY HALL**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67063515: 12 June 2023 - **Refer Supporting Information 67063516**  
*Responsible Officer:* JH, Supervisor Community Halls (CES Community Services, Sport & Recreation)

**Executive Summary**

Tenders were invited from non-profit associations for the management of seven (7) of Council's community halls (Management and Operation of Community Halls MBRC-RFT310) through open tender. Tenders closed on 17 April 2023 with a total of nine (9) tender submissions received, one (1) of which sought management of Mt Glorious Community Hall.

It is recommended that the tender for the management of Mt Glorious Community Hall be awarded to Mt Glorious Community Association Inc. for an initial term of three (3) years, with an option (at Council's discretion) to extend by a further three (3) years, subject to satisfactory performance. The tenderer demonstrated strong local connections, commitment to local community initiatives, facility management experience and ongoing capacity to manage the hall under the hall management agreement.

Additionally, this report seeks Council's adoption of:

- the proposed 2023/24 schedule of hire fees for Mt Glorious Community Hall, as provided in *Supporting Information #1*; and
- 2023/24 special hire fee for one (1) Mt Glorious Community Hall hirer, as provided in *Supporting Information #2*, that would be negatively impacted by the proposed new fees.

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 community services and activities to residents of the region.

**RESOLUTION**

Moved by Cr Darren Grimwade

Seconded by Cr Mark Booth

**CARRIED 12/0**

1. That the tender for the management of Mt Glorious Community Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Mt Glorious Community Association Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Mt Glorious Community Association Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Mt Glorious Community Association Inc. for the management of Mt Glorious Community Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Mt Glorious Community Hall for the 2023/24 financial year be adopted, as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fee for the one (1) hirer negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

*ITEM 1.5 TENDER - MANAGEMENT OF MT GLORIOUS COMMUNITY HALL - 67063515 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That the tender for the management of Mt Glorious Community Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Mt Glorious Community Association Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Mt Glorious Community Association Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Mt Glorious Community Association Inc. for the management of Mt Glorious Community Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Mt Glorious Community Hall for the 2023/24 financial year be adopted, as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fee for the one (1) hirer negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

**REPORT DETAIL**

**1. Background**

**1.1 Hall Management Review**

Council delivered a Community Halls Network Plan (Network Plan), which detailed findings and recommendations to support the management, service delivery and future planning for the 45 community halls on Council owned or controlled land. A key recommendation emerging from the Network Plan was that Council undertake a full review of the management model and arrangements for the community halls network (Halls Management Review).

A Councillors' Briefing was conducted on 8 March 2023 for the purpose of sharing information on the progress of the Halls Management Review. Officers presented:

- The feedback received from current hall management organisations over the past 12 months regarding the proposed management model changes;
- The proposed methodology for calculating annual hall manager fees and the related impact modelling for existing hall managers; and
- The methodology and proposed prioritisation of hall management tender processes in 2023.

In line with Council's decision-making framework, an extract from the minutes of this most recent briefing, is provided below:

*The CEO noted the way forward:*

*Officers to proceed with proposed tender process with the opening of Round 1 to commence on 24 March 2023 with the tender to remain open for 21 days.*

**1.2 Tender Process**

A tender was conducted through Council's e-procure process to identify suitable non-profit associations to manage seven (7) of Council's community halls, including Mt Glorious Community Hall.

*ITEM 1.5 TENDER - MANAGEMENT OF MT GLORIOUS COMMUNITY HALL - 67063515 (Cont.)*

The tender was advertised through the Community Services, Sport & Recreation Department community newsletter and by Councillors in their relevant divisions. Council's Community Leasing wait list, current hall managers and community associations that had previously expressed an interest in hall management were notified directly to provide the opportunity to tender.

Site inspections for prospective tenderers were held at each hall during the open tender period.

The following selection criteria was used to assess the tenders received.

*Table 1 Selection criteria*

No.	Criteria	Considerations	Weighting Local Rural
1.	Community connection and benefit	<ul style="list-style-type: none"> <li>The applicant's location is within the Moreton Bay Region.</li> <li>The applicant is located in, close to or has strong local connections and networks in the hall locality.</li> <li>The management proposal will benefit the broader community.</li> <li>Proposed activities and community participation demonstrate a commitment to hall activation.</li> </ul>	60%
2.	Operational sustainability	<ul style="list-style-type: none"> <li>The applicant has a sound governance structure, organisational capacity and volunteer base.</li> </ul>	30%
3.	Facility management	<ul style="list-style-type: none"> <li>The applicant's experience demonstrates capacity to manage the hall and meet its obligations under the Management Agreement.</li> </ul>	10%

### 1.3 Hall Fees

The 2023/24 schedule of fees for community managed halls, including special hire fees for select hirers, was presented to Council at the General Meeting held 15 March 2023. At this meeting, Council resolved to continue the fees adopted for the 2022/23 financial year, initially, for the 2023/24 financial year.

It was noted that as an outcome of the Halls Management Review, new management arrangements for community managed halls would be progressively implemented during the period of May to October 2023, the implementation of which would require review of the fee structure and related hire fees for each hall. Proposed hire fees for each hall would be developed to improve fee consistency and equity across the hall network, and would be presented to Council for consideration alongside recommendations for the awarding of the relevant hall management tender.

Across the community hall network, Council currently has thirty (30) 'special hire fees' which facilitate the use of a hall by a hirer at a discounted rate. The origins of these special hire fee arrangements are varied, however generally relate to: historical fee arrangements established by Council or hall management committees; or transitional arrangements for regular hirers that would otherwise have been negatively impacted as a result of past management and/or fee structure changes.

Whilst the implementation of special hire fees has proven successful in mitigating financial impacts of hirers negatively affected by change processes, they continue to represent an inequity when compared to the fees charged to the majority of community hall hirers. Accordingly, officers will be undertaking a full review of all community hall special hire fee arrangements (Special Hire Fees Review) in the 2023/24 financial year, with the view to presenting these findings and associated recommendations to Council for consideration in May 2024.

*ITEM 1.5 TENDER - MANAGEMENT OF MT GLORIOUS COMMUNITY HALL - 67063515 (Cont.)*

## 2. Explanation of Item

### 2.1 Management of Mt Glorious Community Hall

Mt Glorious Community Hall operates as a local rural hall with regular and casual hirers. It is currently managed by Mt Glorious Community Association Inc. under a management agreement that will expire 10 July 2023.

Tenders were invited for the management of Mt Glorious Community Hall through open tender using e-Procure, and closed on 17 April 2023. One (1) tender from Mt Glorious Community Association Inc. was received and was conforming.

The tender from Mt Glorious Community Association Inc. was assessed by the tender assessment panel in accordance with the selection criteria, and received a score of 80. The tender demonstrated that Mt Glorious Community Association Inc. has:

- significant local membership;
- a strong hall management methodology;
- commitment to hall activation;
- facility management experience; and
- ongoing capacity to manage the hall under the new hall management agreement.

Accordingly, it is recommended that the tender for the future management of Mt Glorious Community Hall be awarded to Mt Glorious Community Association Inc. for a three (3) year term, with a further three (3) year extension option available at Council's discretion.

### 2.2 Mt Glorious Community Hall Fees

Officers have reviewed the hall hire fees for Mt Glorious Community Hall in consultation with the current hall manager. Where required fee structures and fee amounts have been adjusted for consistency across the region and administrative and hirer simplicity.

The proposed revised fees for Mt Glorious Community Hall for the 2023/24 financial year are provided in *Supporting Information #1*.

Officers have reviewed the impact of the proposed 2023/24 fees on existing hirers. One (1) hirer has been identified as being negatively impacted by the proposed fee changes due to the removal of the 'semi-commercial' hirer discount.

It is recognised that the hirer may struggle to pay the increased hire fees, particularly at short notice, which may affect their capacity to continue using the hall. Accordingly, it is recommended that Council adopt a special hire fee for the negatively impacted hirer (as detailed in *Supporting Information #2*) for the 2023/24 financial year. This special hire fee would see the hirer continue to pay the current 2022/23 hire fees for the 2023/24 financial year. This additional special hire fee would be considered alongside the other thirty (30) adopted special hire fees in the Special Hire Fees Review process, to be conducted throughout the 2023/24 financial year.

Accordingly, it is recommended that Council adopt:

- the 2023/24 Mt Glorious Community Hall schedule of hire fees as provided in *Supporting Information #1*; and
- the 2023/24 special hire fee for the impacted hirer as provided in *Supporting Information #2*.

*ITEM 1.5 TENDER - MANAGEMENT OF MT GLORIOUS COMMUNITY HALL - 67063515 (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 ☒ Nil identified

3.4 Risk Management Implications

Under Council's new hall management model, Hall Managers will be required to: utilise Council's online booking system; undertake additional performance reporting; and proactively activate the facility in response to community needs. As new management functions, these have been identified as representing an operational / service delivery risk if not performed correctly.

These risks however will be mitigated through the conduct of a comprehensive training program with all hall managers, which will ensure relevant association members are trained in the use of the booking system and are fully briefed on their responsibilities as detailed in the new Hall Management Agreement. Further, ongoing support and education will be provided to all hall managers by Council's dedicated Community Halls team.

3.5 Delegated Authority Implications

In accordance with recommendation three (3) of this report, it is recommended that the Chief Executive Officer be authorised to take all action necessary to finalise the management agreement with Mt Glorious Community Association Inc. for the management of Mt Glorious Community Hall.

3.6 Financial Implications

The estimated annual hall management fee payable to the successful tenderer, excluding cleaning reimbursement, is \$7,120. These funds have been included in Council's approved 2023/24 operational budget.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Well-managed community halls benefit the community by providing spaces for community activities, events and service provision.

Mt Glorious Community Association Inc. has met the selection criteria as a non-profit association operating in the Moreton Bay Region with strong links to the local community and is considered well placed to continue management of Mt Glorious Community Hall.

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

## ITEM 1.6

### TENDER - MANAGEMENT OF DELANEYS CREEK COMMUNITY HALL

Meeting / Session: 1 VIBRANT COMMUNITIES  
Reference: 67063514: 13 June 2023 - Refer **Supporting Information 67063513**  
Responsible Officer: JH, Supervisor Community Halls (CES Community Services, Sport & Recreation)

#### Executive Summary

Tenders were invited from non-profit associations for the management of seven (7) of Council's community halls (Management and Operation of Community Halls MBRC-RFT310) through open tender. Tenders closed on 17 April 2023 with a total of nine (9) tender submissions received, one (1) of which sought management of Delaneys Creek Community Hall

It is recommended that the tender for the management of Delaneys Creek Community Hall be awarded to Delaneys Creek Community Hall Inc. for an initial term of three (3) years, with an option (at Council's discretion) to extend by a further three (3) years, subject to satisfactory performance. The tenderer demonstrated a strong level of volunteer support, long term facility management experience as the incumbent hall manager and ongoing capacity to manage the hall under the new hall management agreement.

Additionally, this report seeks Council's adoption of:

- the proposed 2023/24 schedule of hire fees for Delaneys Creek Community Hall, as provided in *Supporting Information #1*; and
- 2023/24 special hire fees for three (3) Delaneys Creek Community Hall hirers, as provided in *Supporting Information #2*, that would be negatively impacted by the proposed new fees.

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 community services and activities to residents of the region.

#### RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Adam Hain

CARRIED 12/0

1. That the tender for the management of Delaneys Creek Community Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Delaneys Creek Community Hall Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Delaneys Creek Community Hall Inc. as described 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 management agreement with Delaneys Creek Community Hall Inc. for the management of Delaneys Creek Community Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Delaneys Creek Community Hall for 2023/24 be endorsed as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fees for three (3) hirers negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

## OFFICER'S RECOMMENDATION

1. That the tender for the management of Delaneys Creek Community Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Delaneys Creek Community Hall Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Delaneys Creek Community Hall Inc. as described 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 management agreement with Delaneys Creek Community Hall Inc. for the management of Delaneys Creek Community Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Delaneys Creek Community Hall for 2023/24 be endorsed as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fees for three (3) hirers negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

## **REPORT DETAIL**

### **1. Background**

Council delivered a Community Halls Network Plan (Network Plan), which detailed findings and recommendations to support the management, service delivery and future planning for the 45 community halls on Council owned or controlled land. A key recommendation emerging from the Network Plan was that Council undertake a full review of the management model and arrangements for the community halls network (Halls Management Review).

A Councillors' Briefing was conducted on 8 March 2023 for the purpose of sharing information on the progress of the Halls Management Review. Officers presented:

- The feedback received from current hall management organisations over the past 12 months regarding the proposed management model changes;
- The proposed methodology for calculating annual hall manager fees and the related impact modelling for existing hall managers; and
- The methodology and proposed prioritisation of hall management tender processes in 2023.

In line with Council's decision-making framework, an extract from the minutes of this most recent briefing, is provided below:

*The CEO noted the way forward:*

*Officers to proceed with proposed tender process with the opening of Round 1 to commence on 24 March 2023 with the tender to remain open for 21 days.*

### **1.2 Tender Process**

A tender was conducted through Council's e-procure process to identify suitable non-profit associations to manage seven (7) of Council's community halls, including Delaneys Creek Community Hall.

The tender was advertised through the Community Services, Sport & Recreation Department community newsletter and by Councillors in their relevant divisions. Council's Community Leasing wait list, current hall managers and community associations that had previously expressed an interest in hall management were notified directly to provide the opportunity to tender.



ITEM 1.6 TENDER - MANAGEMENT OF DELANEYS CREEK COMMUNITY HALL - 67063514 (Cont.)

Site inspections for prospective tenderers were held at each hall during the open tender period.

The following selection criteria was used to assess the tenders received.

Table 1 Selection criteria

No.	Criteria	Considerations	Weighting Local Rural
1.	Community connection and benefit	<ul style="list-style-type: none"> <li>The applicant's location is within the Moreton Bay Region.</li> <li>The applicant is located in, close to or has strong local connections and networks in the hall locality.</li> <li>The management proposal will benefit the broader community.</li> <li>Proposed activities and community participation demonstrate a commitment to hall activation.</li> </ul>	60%
2.	Operational sustainability	<ul style="list-style-type: none"> <li>The applicant has a sound governance structure, organisational capacity and volunteer base.</li> </ul>	30%
3.	Facility management	<ul style="list-style-type: none"> <li>The applicant's experience demonstrates capacity to manage the hall and meet its obligations under the Management Agreement.</li> </ul>	10%

### 1.3 Hall Fees

The 2023/24 schedule of fees for community managed halls, including special hire fees for select hirers, was presented to Council at the General Meeting held 15 March 2023. At this meeting, Council resolved to continue the fees adopted for the 2022/23 financial year, initially, for the 2023/24 financial year.

It was noted that as an outcome of the Halls Management Review, new management arrangements for community managed halls would be progressively implemented during the period of May to October 2023, the implementation of which would require review of the fee structure and related hire fees for each hall. Proposed hire fees for each hall would be developed to improve fee consistency and equity across the hall network, and would be presented to Council for consideration alongside recommendations for the awarding of the relevant hall management tender.

Across the community hall network, Council currently has thirty (30) 'special hire fees' which facilitate the use of a hall by a hirer at a discounted rate. The origins of these special hire fee arrangements are varied, however generally relate to: historical fee arrangements established by Council or hall management committees; or transitional arrangements for regular hirers that would otherwise have been negatively impacted as a result of past management and/or fee structure changes.

Whilst the implementation of special hire fees has proven successful in mitigating financial impacts of hirers negatively affected by change processes, they continue to represent an inequity when compared to the fees charged to the majority of community hall hirers. Accordingly, officers will be undertaking a full review of all community hall special hire fee arrangements (Special Hire Fees Review) in the 2023/24 financial year, with the view to presenting these findings and associated recommendations to Council for consideration in May 2024.

## 2. Explanation of Item

### 2.1 Management of Delaneys Creek Community Hall

Delaneys Creek Community Hall operates as a local rural hall with regular and casual hirers. It is currently managed by Delaneys Creek Community Hall Inc. under a management agreement that will expire 1 August 2023.

*ITEM 1.6 TENDER - MANAGEMENT OF DELANEYS CREEK COMMUNITY HALL - 67063514 (Cont.)*

Tenders were invited for the management of Delaneys Creek Community Hall through open tender using e-Procure, and closed on 17 April 2023. One (1) tender from Delaneys Creek Community Hall Inc. was received, and was conforming.

The tender from Delaneys Creek Community Hall Inc. was assessed by the tender assessment panel in accordance with the selection criteria as set out in the tender documents and received a score of 78. The tender demonstrated that Delaneys Creek Community Hall Inc. has:

- a strong level of volunteer support;
- long term facility management experience; and
- ongoing capacity to manage the hall under the new hall management agreement.

Accordingly, it is recommended that the tender for the future management of Delaneys Creek Community Hall be awarded to Delaneys Creek Community Hall Inc. for a three (3) year term, with a further three (3) year extension option available at Council's discretion.

## 2.2 Delaneys Creek Community Hall Fees

Officers have reviewed the hall hire fees for Delaneys Creek Community Hall in consultation with the current hall manager. Where required fee structures and fees amounts have been adjusted for consistency across the region and administrative and hirer simplicity.

The proposed revised fees for Delaneys Creek Community Hall for the 2023/24 financial year are provided in *Supporting Information #1*.

Officers have reviewed the impact of the proposed 2023/24 fees on existing hirers. Three (3) hirers have been identified as being on a special hire fee which was approved by the current management committee, however not by Council. These hirers would be negatively impacted by the proposed fees.

It is recognised that these hirers may struggle to pay the increased hire fees, particularly at short notice, which may affect their capacity to continue using the hall. Accordingly, it is recommended that Council adopt special hire fees for the negatively impacted hirers (as detailed in *Supporting Information #2*) for the 2023/24 financial year. These special hire fees would see those hirers continue to pay the same fees as have previously been charged by the management committee for the 2023/24 financial year. These additional special hire fees would be considered alongside the other thirty (30) adopted special hire fees in the Special Hire Fees Review process, to be conducted throughout the 2023/24 financial year.

Accordingly, it is recommended that Council adopt:

- the 2023/24 Delaneys Creek Community Hall schedule of hire fees as provided in *Supporting Information #1*; and
- the 2023/24 special hire fees for impacted hirers as provided in *Supporting Information #2*.

## 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

*ITEM 1.6 TENDER - MANAGEMENT OF DELANEYS CREEK COMMUNITY HALL - 67063514 (Cont.)*

3.4 Risk Management Implications

Hall Managers are required to: utilise Council's online booking system; undertake performance reporting; and proactively activate the facility in response to community needs. As new managers there is a risk that these functions will not be performed correctly.

These risks however will be mitigated through the conduct of a comprehensive training program which will ensure relevant association members are trained in the use of the booking system and are fully briefed on their responsibilities as detailed in the new Hall Management Agreement. Further, ongoing support and education will be provided to all hall managers by Council's dedicated Community Halls team.

3.5 Delegated Authority Implications

In accordance with recommendation three (3) of this report, it is recommended that the Chief Executive Officer be authorised to take all action necessary to finalise the management agreement with Delaneys Creek Community Hall Inc. for the management of Delaneys Creek Community Hall.

3.6 Financial Implications

The estimated annual hall management fee payable to the successful tenderer, excluding cleaning reimbursement, is \$5,992. These funds have been included in Council's approved 2023/24 operational budget.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Well-managed community halls benefit the community by providing spaces for community activities, events and service provision.

Delaneys Creek Community Hall Inc. has met the selection criteria as a non-profit association operating in the Moreton Bay Region with strong links to the local community and is considered well placed to continue management of Delaneys Creek Community Hall.

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

**ITEM 1.7****TENDER - MANAGEMENT OF MT MEE PUBLIC HALL**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67036738: 9 June 2023 - **Refer Supporting Information 67036737**  
*Responsible Officer:* JH, Supervisor Community Halls (CES Community Services, Sport & Recreation)

**Executive Summary**

Tenders were invited from non-profit associations for the management of seven (7) of Council's community halls (Management and Operation of Community Halls MBRC-RFT310) through open tender. Tenders closed on 17 April 2023 with a total of nine (9) tender submissions received, one (1) of which sought management of Mt Mee Public Hall.

It is recommended that the tender for the management of Mt Mee Public Hall be awarded to Mt Mee Public Hall Inc. for an initial term of three (3) years, with an option (at Council's discretion) to extend by a further three (3) years subject to satisfactory performance. The tenderer demonstrated strong connections to the local community, facility management experience as the incumbent hall manager and ongoing capacity to manage the hall under the new hall management agreement.

Additionally, this report seeks Council's adoption of:

- the proposed 2023/24 schedule of hire fees for Mt Mee Public Hall as provided in *Supporting Information #1*; and
- 2023/24 special hire fee for one (1) Mt Mee Public Hall hirer, as provided in *Supporting Information #2*, that would be negatively impacted by the proposed new fees.

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 community services and activities to residents of the region.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Adam Hain

**CARRIED 12/0**

- That the tender for the management of Mt Mee Public Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Mt Mee Public Hall Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
- That Council enters into a management agreement with Mt Mee Public Hall Inc. as described in this report.
- That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Mt Mee Public Hall Inc. for the management of Mt Mee Public Hall and any required variations of the agreement on Council's behalf.
- That the schedule of hire fees for Mt Mee Public Hall for the 2023/24 financial year be adopted as detailed in *Supporting Information #1*.
- That the special hire fee for one (1) hirer negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

ITEM 1.7 TENDER - MANAGEMENT OF MT MEE PUBLIC HALL - 67036738 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for the management of Mt Mee Public Hall (Management and Operation of Community Halls MBRC-RFT310) be awarded to Mt Mee Public Hall Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Mt Mee Public Hall Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing and discharging the management agreement with Mt Mee Public Hall Inc. for the management of Mt Mee Public Hall and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Mt Mee Public Hall for the 2023/24 financial year be adopted as detailed in *Supporting Information #1*.
5. That the special hire fee for one (1) hirer negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

**REPORT DETAIL**

**1. Background**

**1.1 Hall Management Review**

Council delivered a Community Halls Network Plan (Network Plan), which detailed findings and recommendations to support the management, service delivery and future planning for the 45 community halls on Council owned or controlled land. A key recommendation emerging from the Network Plan was that Council undertake a full review of the management model and arrangements for the community halls network (Halls Management Review).

A Councillors' Briefing was conducted on 8 March 2023 for the purpose of sharing information on the progress of the Halls Management Review. Officers presented:

- The feedback received from current hall management organisations over the past 12 months regarding the proposed management model changes;
- The proposed methodology for calculating annual hall manager fees and the related impact modelling for existing hall managers; and
- The methodology and proposed prioritisation of hall management tender processes in 2023.

In line with Council's decision-making framework, an extract from the minutes of this most recent briefing, is provided below:

*The CEO noted the way forward:*

*Officers to proceed with proposed tender process with the opening of Round 1 to commence on 24 March 2023 with the tender to remain open for 21 days.*

**1.2 Tender Process**

A tender was conducted through Council's e-procure process to identify suitable non-profit associations to manage seven (7) of Council's community halls, including Mt Mee Public Hall.

The tender was advertised through the Community Services, Sport & Recreation Department community newsletter and by Councillors in their relevant divisions. Council's Community Leasing wait list, current hall managers and community associations that had previously expressed an interest in hall management were notified directly to provide the opportunity to tender.

*ITEM 1.7 TENDER - MANAGEMENT OF MT MEE PUBLIC HALL - 67036738 (Cont.)*

Site inspections for prospective tenderers were held at each hall during the open tender period.

The following selection criteria was used to assess the tenders received.

*Table 1 Selection criteria*

No.	Criteria	Considerations	Weighting Local Rural
1.	Community connection and benefit	<ul style="list-style-type: none"> <li>The applicant's location is within the Moreton Bay Region.</li> <li>The applicant is located in, close to or has strong local connections and networks in the hall locality.</li> <li>The management proposal will benefit the broader community.</li> <li>Proposed activities and community participation demonstrate a commitment to hall activation.</li> </ul>	60%
2.	Operational sustainability	<ul style="list-style-type: none"> <li>The applicant has a sound governance structure, organisational capacity and volunteer base.</li> </ul>	30%
3.	Facility management	<ul style="list-style-type: none"> <li>The applicant's experience demonstrates capacity to manage the hall and meet its obligations under the Management Agreement.</li> </ul>	10%

### 1.3 Hall Fees

The 2023/24 schedule of fees for community managed halls, including special hire fees for select hirers, was presented to Council at the General Meeting held 15 March 2023. At this meeting, Council resolved to continue the fees adopted for the 2022/23 financial year, initially, for the 2023/24 financial year.

It was noted that as an outcome of the Halls Management Review, new management arrangements for community managed halls would be progressively implemented during the period of May to October 2023, the implementation of which would require review of the fee structure and related hire fees for each hall. Proposed hire fees for each hall would be developed to improve fee consistency and equity across the hall network, and would be presented to Council for consideration alongside recommendations for the awarding of the relevant hall management tender.

Across the community hall network, Council currently has thirty (30) 'special hire fees' which facilitate the use of a hall by a hirer at a discounted rate. The origins of these special hire fee arrangements are varied, however generally relate to: historical fee arrangements established by Council or hall management committees; or transitional arrangements for regular hirers that would otherwise have been negatively impacted as a result of past management and/or fee structure changes.

Whilst the implementation of special hire fees has proven successful in mitigating financial impacts of hirers negatively affected by change processes, they continue to represent an inequity when compared to the fees charged to the majority of community hall hirers. Accordingly, officers will be undertaking a full review of all community hall special hire fee arrangements (Special Hire Fees Review) in the 2023/24 financial year, with the view to presenting these findings and associated recommendations to Council for consideration in May 2024.

## 2. **Explanation of Item**

### 2.1 Management of Mt Mee Public Hall

Mt Mee Public Hall operates as a local rural hall with regular and casual hirers. It is currently managed by Mt Mee Public Hall Inc. under a management agreement that will expire 1 August 2023.

Tenders were invited for the management of Mt Mee Public Hall through open tender using e-Procure, which closed on 17 April 2023, only (1) tender was received and was conforming.

*ITEM 1.7 TENDER - MANAGEMENT OF MT MEE PUBLIC HALL - 67036738 (Cont.)*

The one (1) tender, from the Mt Mee Public Hall Inc. was assessed by the assessment panel in accordance with the selection criteria as set out in the tender documents, and received a score of 77. The tender demonstrated that Mt Mee Public Hall Inc.:

- is a well-established association with strong connections to the local community;
- has facility management experience as the incumbent hall manager; and
- has ongoing capacity to manage the hall under the new hall management agreement.

Accordingly, it is recommended that the tender for the future management of Mt Mee Public Hall be awarded to Mt Mee Public Hall Inc. for a three (3) year term, with a further three (3) year extension option available at Council's discretion.

## 2.2 Mt Mee Public Hall Fees

Officers have reviewed the hall hire fees for Mt Mee Public Hall in consultation with the current hall manager. Where required, fee structures and fee amounts have been adjusted for consistency across the region and administrative and hirer simplicity.

The proposed revised fees for the 2023/24 financial year are provided in *Supporting Information #1*.

Officers have reviewed the impact of the proposed 2023/24 fees on existing hirers. One (1) hirer has been identified as being on a special hire fee which was approved by the current management committee, however not by Council. This hirer would be negatively impacted by the proposed fees.

It is recognised that this current hirer may struggle to pay the increased fees, particularly at short notice, which may affect their capacity to continue using the hall. Accordingly, it is recommended that Council adopt a special hire fee for the negatively impacted hirer (as detailed in *Supporting Information #2*) for the 2023/24 financial year. This special hire fee would see the hirer continue to pay the same fees as have previously been charged by the current management committee for the 2023/24 financial year. This additional special hire fee would be considered alongside the other thirty (30) adopted special hire fees in the Special Hire Fees Review process, to be conducted throughout the 2023/24 financial year.

Accordingly, it is recommended that Council adopt:

- the 2023/24 Mt Mee Public Hall schedule of hire fees as provided in *Supporting Information #1*; and
- the 2023/24 special hire fee for the impacted hirer, as provided in *Supporting Information #2*.

## 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

Under Council's new hall management model, Hall Managers will be required to: utilise Council's online booking system; undertake performance reporting; and proactively activate the facility in response to community needs. As new management functions, these have been identified as representing an operational / service delivery risk if not performed correctly.

These risks however will be mitigated through the conduct of a comprehensive training program with all hall managers, which will ensure relevant association members are trained in the use of the booking system and are fully briefed on their responsibilities as detailed in the new Hall Management Agreement. Further, ongoing support and education will be provided to all hall managers by Council's dedicated Community Halls team.

*ITEM 1.7 TENDER - MANAGEMENT OF MT MEE PUBLIC HALL - 67036738 (Cont.)*

3.5 Delegated Authority Implications

In accordance with recommendation three (3) of this report, it is recommended that the Chief Executive Officer be authorised to take all action necessary to finalise the management agreement with Mt Mee Public Hall Inc. for the management of Mt Mee Public Hall.

3.6 Financial Implications

The estimated annual hall management fee payable to the successful tenderer, excluding cleaning reimbursement, is \$6,472. These funds have been included in Council's approved 2023/24 operational budget.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Well-managed community halls benefit the community by providing spaces for community activities, events and service provision.

Mt Mee Public Hall Inc. has met the selection criteria as a non-profit association operating in the Moreton Bay Region with strong links to the local community and is considered well placed to continue management of Mt Mee Public Hall.

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



**ITEM 1.8**  
**TENDER - MANAGEMENT OF BUNYA HOUSE**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67036709: 9 June 2023 - **Refer Supporting Information 67036708**  
*Responsible Officer:* JH, Supervisor Community Halls (CES Community Services, Sport & Recreation)

**Executive Summary**

Tenders were invited from non-profit associations for the management of seven (7) of Council's community halls (Management and Operation of Community Halls MBRC-RFT310) through open tender. Tenders closed on 17 April 2023 with a total of nine (9) tender submissions received, one (1) of which sought management of Bunya House.

It is recommended that the tender for the management of Bunya House (MBRC-RFT310) be awarded to Bunya House Inc. for an initial term of three (3) years, with an option (at Council's discretion) to extend by a further three (3) years subject to satisfactory performance. The tenderer demonstrated a stable volunteer base, relevant facility management experience as the incumbent hall manager and ongoing capacity to manage the hall under the management agreement.

Additionally, this report seeks Council's adoption of:

- the proposed 2023/24 schedule of hire fees for Bunya House as provided in *Supporting Information #1*; and
- 2023/24 special hire fees for four (4) Bunya House hirers, as provided in *Supporting Information #2*, that would be negatively impacted by the proposed new fees.

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 community services and activities to residents of the region.

**RESOLUTION**

**Moved by Cr Cath Tonks**

**Seconded by Cr Matt Constance**

**CARRIED 12/0**

1. That the tender for the management of Bunya House (Management & Operation of Community Halls MBRC-RFT310) be awarded to Bunya House Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Bunya House Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing, and discharging the management agreement with Bunya House Inc. for the management of Bunya House and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Bunya House for the 2023/24 financial year be adopted, as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fees for the four (4) hirers negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

*ITEM 1.8 TENDER - MANAGEMENT OF BUNYA HOUSE - 67036709 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for the management of Bunya House (Management & Operation of Community Halls MBRC-RFT310) be awarded to Bunya House Inc. for an initial three years with an option (at Council's discretion) to extend for a further three years, subject to satisfactory performance.
2. That Council enters into a management agreement with Bunya House Inc. as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, drafting, amending, signing, and discharging the management agreement with Bunya House Inc. for the management of Bunya House and any required variations of the agreement on Council's behalf.
4. That the schedule of hire fees for Bunya House for the 2023/24 financial year be adopted, as detailed in *Supporting Information #1*.
5. That the 2023/24 special hire fees for the four (4) hirers negatively impacted by the fee changes be adopted, as detailed in *Supporting Information #2*.

## **REPORT DETAIL**

### **1. Background**

#### 1.1 Hall Management Review

Council delivered a Community Halls Network Plan (Network Plan), which detailed findings and recommendations to support the management, service delivery and future planning for the 45 community halls on Council owned or controlled land. A key recommendation emerging from the Network Plan was that Council undertake a full review of the management model and arrangements for the community halls network (Halls Management Review).

A Councillors' Briefing was conducted on 8 March 2023 for the purpose of sharing information on the progress of the Halls Management Review. Officers presented:

- The feedback received from current hall management organisations over the past 12 months regarding the proposed management model changes;
- The proposed methodology for calculating annual hall manager fees and the related impact modelling for existing hall managers; and
- The methodology and proposed prioritisation of hall management tender processes in 2023.

In line with Council's decision-making framework, an extract from the minutes of this most recent briefing, is provided below:

*The CEO noted the way forward:*

*Officers to proceed with proposed tender process with the opening of Round 1 to commence on 24 March 2023 with the tender to remain open for 21 days.*

#### 1.2 Tender Process

A tender was conducted through Council's e-procure process to identify suitable non-profit associations to manage seven (7) of Council's community halls, including Bunya House.

The tender was advertised through the Community Services, Sport and Recreation Department community newsletter and by Councillors in their relevant divisions. Council's Community Leasing wait list, current hall managers and community associations that had previously expressed an interest in hall management were notified directly to provide the opportunity to tender.

ITEM 1.8 TENDER - MANAGEMENT OF BUNYA HOUSE - 67036709 (Cont.)

Site inspections for prospective tenderers were held at each hall during the open tender period.

The following selection criteria was used to assess the tenders received.

Table 1 Selection criteria

No.	Criteria	Considerations	Weighting Local Urban
1.	Community connection and benefit	<ul style="list-style-type: none"> <li>The applicant's location is within the Moreton Bay Region.</li> <li>The applicant is located in, close to or has strong local connections and networks in the hall locality.</li> <li>The management proposal will benefit the broader community.</li> <li>Proposed activities and community participation demonstrate a commitment to hall activation.</li> </ul>	50%
2.	Operational sustainability	<ul style="list-style-type: none"> <li>The applicant has a sound governance structure, organisational capacity and volunteer base.</li> </ul>	30%
3.	Facility management	<ul style="list-style-type: none"> <li>The applicant's experience demonstrates capacity to manage the hall and meet its obligations under the Management Agreement.</li> </ul>	20%

### 1.3 Hall Fees

The 2023/24 schedule of fees for community managed halls, including special hire fees for select hirers, was presented to Council at the General Meeting held 15 March 2023. At this meeting, Council resolved to continue the fees adopted for the 2022/23 financial year, initially, for the 2023/24 financial year.

It was noted that as an outcome of the Halls Management Review, new management arrangements for community managed halls would be progressively implemented during the period of May to October 2023, the implementation of which would require review of the fee structure and related hire fees for each hall. Proposed hire fees for each hall would be developed to improve fee consistency and equity across the hall network and would be presented to Council for consideration alongside recommendations for the awarding of the relevant hall management tender.

Across the community hall network, Council currently has thirty (30) 'special hire fees' which facilitate the use of a hall by a hirer at a discounted rate. The origins of these special hire fee arrangements are varied, however generally relate to: historical fee arrangements established by Council or hall management committees; or transitional arrangements for regular hirers that would otherwise have been negatively impacted as a result of past management and/or fee structure changes.

Whilst the implementation of special hire fees has proven successful in mitigating financial impacts of hirers negatively affected by change processes, they continue to represent an inequity when compared to the fees charged to the majority of community hall hirers. Accordingly, officers will be undertaking a full review of all community hall special hire fee arrangements (Special Hire Fees Review) in the 2023/24 financial year, with the view to presenting these findings and associated recommendations to Council for consideration in May 2024.

## 2. Explanation of Item

### 2.1 Management of Bunya House

Bunya House operates as a local urban hall with regular and casual hirers. It is currently managed by Bunya House Inc. under a management agreement that will expire 1 August 2023.

Tenders were invited for the management of Bunya House through open tender using e-Procure, which closed on 17 April 2023 only one (1) tender was received and was conforming.

*ITEM 1.8 TENDER - MANAGEMENT OF BUNYA HOUSE - 67036709 (Cont.)*

The one (1) tender from Bunya house Inc. was assessed by the tender assessment panel in accordance with the selection criteria as set out in the tender documents, and received an acceptable score of 76. The tender demonstrated that Bunya House Inc. is:

- well-established, with a stable volunteer management committee;
- committed to community access and participation;
- has strong facility management experience, as the incumbent hall manager; and
- has ongoing capacity to manage the hall under the new hall management agreement.

Accordingly, it is recommended that the tender for the future management of Bunya House be awarded to Bunya House Inc. for a three (3) year term, with a further three (3) year extension option available at Council's discretion.

## 2.2 Bunya House Fees

Officers have reviewed the hall hire fees for Bunya House in consultation with the current hall manager. Where required, fee structures and fee amounts have been adjusted for consistency across the region and administrative and hirer simplicity.

The proposed revised fees for Bunya House for the 2023/24 financial year are provided in *Supporting Information #1*.

Officers have reviewed the impact of the proposed 2023/24 fees on existing hirers. Four (4) hirers have been identified as being negatively impacted by the proposed change in fee structure, which includes removal of session / half day rates and discounts for Hall Manager association members.

It is recognised that current hirers may struggle to pay the increased hire fees, particularly at short notice, which may affect their capacity to continue using the hall. Accordingly, it is recommended that Council adopt 'special hire fees' for negatively impacted hirers (as detailed in *Supporting Information #2*) for the 2023/24 financial year. These special hire fees would see those hirers continue to pay the current 2022/23 hire fees for the 2023/24 financial year. These additional special hire fees would be considered alongside the other thirty (30) adopted special hire fees in the Special Hire Fees Review process, to be conducted throughout the 2023/24 financial year.

Accordingly, it is recommended that Council adopt:

- the 2023/24 Bunya House schedule of hire fees as provided in *Supporting Information #1*; and
- the 2023/24 special hire fees for impacted hirers as provided in *Supporting Information #2*.

## 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

Under Council's new hall management model, Hall Managers will be required to: utilise Council's online booking system; undertake additional performance reporting; and proactively activate the facility in response to community needs. As new management functions, these have been identified as representing an operational / service delivery risk if not performed correctly.

*ITEM 1.8 TENDER - MANAGEMENT OF BUNYA HOUSE - 67036709 (Cont.)*

These risks however will be mitigated through the conduct of a comprehensive training program with all hall managers, which will ensure relevant association members are trained in the use of the booking system and are fully briefed on their responsibilities as detailed in the new Hall Management Agreement. Further, ongoing support and education will be provided to all hall managers by Council's dedicated Community Halls team.

3.5 Delegated Authority Implications

In accordance with recommendation three (3) of this report, it is recommended that the Chief Executive Officer be authorised to take all action necessary to finalise the management agreement with Bunya House Inc. for the management of Bunya House.

3.6 Financial Implications

The estimated annual hall management fee payable to the successful tenderer excluding cleaning reimbursement, is \$5,992. These funds have been included in Council's approved 2023/24 operational budget.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Well-managed community halls benefit the community by providing spaces for community activities, events and service provision.

Bunya House Inc. has met the selection criteria as a non-profit association operating in the Moreton Bay Region with strong links to the local community, and is considered well placed to continue management of the Bunya House facility.

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.

**ITEM 1.9  
TENDER - MORAYFIELD/ALBANY CREEK SKATE PARK RENEWAL PACKAGE  
(MBRC-RFT384)**

Meeting / Session: 1 VIBRANT COMMUNITIES  
Reference: 66922729 : 5 June 2023 - Refer **Confidential** Supporting Information  
66795339  
Responsible Officer: HT, Project Manager (PAS Project Management)

**Executive Summary**

Tenders were invited for the 'Morayfield/Albany Creek Skate Park Renewal Package (MBRC-RFT384)'. The package includes the following projects:

*Morayfield - Sheep Station Creek Park - Skate Park Renewal*  
*Albany Creek - Old Northern Road - Skate Park Renewal*

Tenders closed on 13 April 2023 with a total of two tender submissions received, both of which were conforming. Delays in acceptance and changing market conditions have resulted in an increase in the costs of both of these projects. There is a budgetary shortfall in FY 23/24 for this tender totalling \$926,303. Council is requested to resolve whether to proceed or not on this basis.

It is recommended that the tender for the 'Morayfield/Albany Creek Skate Park Renewal Package (MBRC-RFT384)' be awarded to CONVIC Pty Ltd, for the sum of \$3,613,500 (excluding GST) as this tender was evaluated as representing the best overall value to Council. The increase in costs is due to market conditions and the limited availability of suppliers who can complete the work to the required standard.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio**. The projects will renew existing skate facilities such that the facilities meet the current and future recreational needs of the local community.

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*.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Sandra Ruck

CARRIED 12/0

1. That the tender for the 'Morayfield/Albany Creek Skate Park Renewal Package (MBRC-RFT384)' be awarded to CONVIC Pty Ltd, for the sum of \$3,613,500 (excluding GST).
2. That Council acknowledges that to enter into this arrangement, Council commits to providing an additional sum of \$662,202 (excluding GST) in the 2023/24 financial year via the 2023/24 financial year's quarter one process for the Morayfield - Sheep Station Creek Park - Skate Park Renewal.
3. That Council acknowledges that to enter into this arrangement, Council commits to providing an additional sum of \$264,101 (excluding GST) in the 2023/24 financial year via the 2023/24 financial year's quarter one process for the Albany Creek - Old Northern Road - Skate Park Renewal.

*ITEM 1.9 TENDER - MORAYFIELD/ALBANY CREEK SKATE PARK RENEWAL PACKAGE (MBRC-RFT384) - 66922729 (Cont.)*

4. That the Council enters into an agreement with CONVIC 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 CONVIC Pty Ltd for the '*Morayfield/Albany Creek Skate Park Renewal Package (MBRC-RFT384)*' and any required variations of the agreement on Council's behalf.

*ITEM 1.9 TENDER - MORAYFIELD/ALBANY CREEK SKATE PARK RENEWAL PACKAGE (MBRC-RFT384) - 66922729 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for the '*Morayfield/Albany Creek Skate Park Renewal Package (MBRC-RFT384)*' be awarded to CONVIC Pty Ltd, for the sum of \$3,613,500 (excluding GST).
2. That Council acknowledges that to enter into this arrangement, Council commits to providing an additional sum of \$662,202 (excluding GST) in the 2023/24 financial year via the 2023/24 financial year's quarter one process for the Morayfield - Sheep Station Creek Park - Skate Park Renewal
3. That Council acknowledges that to enter into this arrangement, Council commits to providing an additional sum of \$264,101 (excluding GST) in the 2023/24 financial year via the 2023/24 financial year's quarter one process for the Albany Creek - Old Northern Road - Skate Park Renewal.
4. That the Council enters into an agreement with CONVIC 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 CONVIC Pty Ltd for the '*Morayfield/Albany Creek Skate Park Renewal Package (MBRC-RFT384)*' and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The *Morayfield - Sheep Station Creek Park - Skate Park Renewal* and *Albany Creek - Old Northern Road - Skate Park Renewal* projects were tendered in a package due to the similarity and required sequencing of the projects.

The *Morayfield - Sheep Station Creek Park - Skate Park Renewal* project is located at Sheep Station Creek Park, 211 Morayfield Road, Morayfield. The project scope is for the renewal and upgrade of the existing skate park to meet the demands of current and future users, including:

- Demolition and disposal of the existing concrete skate park facilities;
- Construction of new coloured concrete skate park facilities;
- Replacement of stormwater drainage systems; and
- Landscaping of surrounding areas.

Construction of the Morayfield - Sheep Station Creek Park - Skate Park Renewal is planned to commence in October 2023 and is scheduled to take 21 weeks to complete.

A communication plan has been prepared for this project. Communication strategies include project notices issued to directly neighbouring properties four weeks prior to the commencement of works and project notification signs displayed on site four weeks prior to construction. The communications plan will include a monthly update to the Divisional Councillor.



**Figure 1: Morayfield - Sheep Station Creek Park - Locality Plan**



**ITEM 1.9 TENDER - MORAYFIELD/ALBANY CREEK SKATE PARK RENEWAL PACKAGE (MBRC-RFT384) - 66922729 (Cont.)**

The *Albany Creek - Old Northern Road - Skate Park Renewal* project is located at Albany Creek Skate Park, 61 Old Northern Road, Albany Creek. The project scope is for the renewal and upgrade of the existing skate parks to meet the demands of current and future users, including:

- Demolition and disposal of the existing concrete skate park facilities;
- Construction of new coloured concrete skate park facilities;
- Replacement of stormwater drainage systems; and
- Landscaping of surrounding areas.

Construction of the *Albany Creek - Old Northern Road - Skate Park Renewal* will commence in January 2024 following completion of the Morayfield project and is scheduled to take 14 weeks to complete.

A communication plan has been prepared for this project. Communication strategies include project notices issued to directly adjoining properties four weeks prior to the commencement of works and project notification signs displayed on site four weeks prior to construction. The communications plan will include a monthly update to the Divisional Councillor.



**Figure 2: Albany Creek - Old Northern Road - Locality Plan**

**2. Explanation of Item**

Tenders were invited for the '*Morayfield/Albany Creek Skate Park Renewal Package (MBRC-RFT384)*' project, which closed on 13 April 2023, with a total of two tenders received, both 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	CONVIC Pty Ltd	100.00	103.00
2	Epoca Constructions Pty Ltd	69.10	69.10

**ITEM 1.9 TENDER - MORAYFIELD/ALBANY CREEK SKATE PARK RENEWAL PACKAGE (MBRC-RFT384) - 66922729 (Cont.)**

**CONVIC Pty Ltd (CO)** - submitted a comprehensive tender demonstrating a clear understanding of the projects and offering expeditious delivery, including concurrent activities to reduce the total program. A tender clarification meeting was held on Friday 28 April 2023, at which CO demonstrated their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. CO provided examples of relevant project experience including: Deception Bay Skate Park for Moreton Bay Regional Council (valued at \$1,500,000); Waterfront Skate Park for the City of Mandurah (valued at \$2,200,000); and Cappella Youth space for the City of Marion (valued at \$2,000,000).

CO provided the most efficient program for the proposed works, with a comprehensive methodology and strategy, as well as strong evidence of previous similar works. CO provided the lowest priced tender. The evaluation panel considers the tender from CO to represent the best overall value for Council.

The recommended tenderer operates outside South East Queensland and is utilising 30%-49% of local supplier/goods and services in a local area commitment.

**Epoca Constructions Pty Ltd (EP)** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price, and the program provided did not meet the project completion dates required.

### 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: 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 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.

#### 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 'sound'.

##### *Construction Risks:*

- a. Morayfield - Sheep Station Creek Park - Skate Park Renewal is in proximity to Unitywater reticulated water main, two trunk water mains and trunk sewer main. The recommended tenderer will be responsible for complying with Concurrence Agency Referral Response and requirements for works in proximity to Unitywater assets.
- b. Albany Creek - Old Northern Road - Skate Park Renewal is constrained for vehicle access with significant vegetation present. Council's arborist advised compliance with required standard drawings to ensure risk is appropriately managed through construction.

ITEM 1.9 TENDER - MORAYFIELD/ALBANY CREEK SKATE PARK RENEWAL PACKAGE (MBRC-RFT384) - 66922729 (Cont.)

- c. Albany Creek - Old Northern Road - Skate Park Renewal requires access from State-controlled Old Northern Road. A Traffic Guidance Scheme will be developed for endorsement by the Department of Transport and Main Roads (DTMR) prior to commencing on site. Albany Creek is staged as the second project, allowing sufficient time to undertake TGS development and garner DTMR acceptance.
- d. 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.
- e. 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.
- f. 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 timely delivery of the project works.
- g. The project is not impacted by any building and plumbing approvals.
- h. The project is not impacted by any internal Development Approvals.
- i. The project is not impacted by any external Development Applications.
- j. Dilapidation inspections will be conducted prior to works commencing for the site and surrounding areas to record the existing condition of assets and again after construction to record any change.
- k. There are no obligations under Cultural Heritage or Native Title.

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

*Morayfield - Sheep Station Creek Park - Skate Park Renewal*

Council had allocated a total of \$1,750,000 in the 2023/24 financial year's Capital Projects Program (CPP) towards this project. All financial information below is excluding GST.

Tender Price (Construction)	\$	2,087,131
Contingency (10%)	\$	208,713
Project Management Costs	\$	104,357
QLeave (0.575%)	\$	12,001

<b>Total Project Cost</b>	<b>\$</b>	<b>2,412,202</b>
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Allocated budget (2023/24)	\$	1,750,000
Project Shortfall	\$	662,202

Estimated ongoing operational/maintenance costs \$ 55,569 per financial year

The budget amount for this project is insufficient. That Council acknowledges that to enter into this arrangement, Council commits to providing an additional sum of \$662,202 (excluding GST) in the 2023/24 financial year via the 2023/24 financial year's quarter one process.

*Albany Creek - Old Northern Road - Skate Park Renewal*

Council had allocated a total of \$1,500,000 in the 2023/24 financial year's Capital Projects Program towards this project. All financial information below is excluding GST.

Tender Price (Construction)	\$	1,526,369
Contingency (10%)	\$	152,637
Project Management Costs	\$	76,319

ITEM 1.9 TENDER - MORAYFIELD/ALBANY CREEK SKATE PARK RENEWAL PACKAGE (MBRC-RFT384) - 66922729 (Cont.)

QLeave (0.575%)	\$	8,776
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<b>Total Project Cost</b>	<b>\$</b>	<b>1,764,101</b>
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Allocated Budget (2023/24)	\$	1,500,00
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Project Shortfall	\$	264,101
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Estimated ongoing operational/maintenance costs \$ 33,572 per financial year

The budget amount for this project is insufficient. That Council acknowledges that to enter into this arrangement, Council commits to providing an additional sum of \$264,101 (excluding GST) in the 2023/24 financial year via the 2023/24 financial year's quarter one 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. Albany Creek - Old Northern Road - Skate Park Renewal is constrained for vehicle access with significant vegetation present. Council's arborist provided advice to mitigate construction risks to the vegetation through construction.

3.9 Social Implications

Upon completion, the renewed skate parks will ensure the skate park facilities continue to meet the current and future recreational needs of 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

- External Parties:
  - Convic Pty Ltd (Principal Designer)
- Internal Departments/Sections:
  - Asset Maintenance
  - Parks and Recreation Planning
  - ITP - Design Services
  - Environmental Planning & Policy
  - Cultural Heritage & Native Title
  - Buildings and Facilities Planning
  - Emergency Management and Public Safety
  - Public Space Permits
  - Procurement

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## 2 HEALTHY ENVIRONMENTS SESSION

(Cr C Tonks / Cr B Savage)

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No items for consideration.

### **ATTENDANCE**

Dan Staley attended the meeting at 10.35m for discussion on Item 3.1 - 3.3.

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

**ITEM 3.1**

**DA/2021/2635 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AND OPERATIONAL WORKS - DEVELOPMENT PERMIT FOR ADVERTISING DEVICE - 3449 MT MEE ROAD, KING SCRUB QLD 4521**

**APPLICANT:** Dayboro Church Limited c/- PSA Consulting

**OWNER:** Dayboro Church Limited

Meeting / Session: 3 WELL-PLANNED PLACES  
Reference: 67111294: 7 June 2023 – Refer Supporting Information 67111293, 67172628, 67171760 & 67171963  
Responsible Officer: JJVR, Senior Planner (PL Development Services)

**Executive Summary**

APPLICATION DETAILS	
Applicant:	Dayboro Church Limited c/- PSA Consulting
Lodgement Date:	5 July 2021
Properly Made Date:	9 July 2021
Confirmation Notice Date:	16 July 2021
Information Request Date:	29 July 2021
Info Response Received Date:	3 March 2021
Public Notification Dates:	14 March 2022 to 4 April 2022
No. of Submissions:	Properly Made: 279 Not Properly Made: 23
Decision Due Date:	28 June 2023
Prelodgement Meeting Held:	Yes

PROPERTY DETAILS	
Division:	D11
Property Address:	3449 Mt Mee Road, King Scrub
RP Description	Lot 1 SP143633
Land Area:	13,070 m <sup>2</sup>
Property Owner	Dayboro Church Limited

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme V4
Planning Locality / Zone	Rural Residential Zone
Level of Assessment:	Material Change of Use for a Place of Worship: Impact Assessable - Inconsistent Operational Works for an Advertising Device: Code Assessable

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.

*ITEM 3.1 DA/2021/2635 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AND OPERATIONAL WORKS - DEVELOPMENT PERMIT FOR ADVERTISING DEVICE - 3449 MT MEE ROAD, KING SCRUB QLD 4521 - 67111294 (Cont.)*

This application seeks a Material Change of Use - Development Permit for a Place of Worship and Operational Works - Development Permit for an Advertising Device situated at the abovementioned property. The proposal includes the following:

- Converting the southernmost existing shed into a Place of worship building, kitchen, amenities, and the addition of a large outdoor covered deck.
- Utilising the northern most existing shed as an outdoor space for a Sunday school.
- Twenty-eight (28) sealed car parking spaces (which includes one person with disability parking space) with a further overflow car park area accommodating an additional thirty (30) car parking spaces.
- A related advertising device (non-illuminated) on the south-western elevation of the church building, facing towards Mt Mee Road and, is to be located 1.5m above ground and with a measurement of 1.6m by 7.0m.
- Constructing a noise attenuation barrier of between 1.8-2.0m in height and approximately 155m in length, along the eastern boundary and along the north side of the proposed car park.
- The following activities and operational hours are proposed:

Activity	Day	Time	Number of Persons
Church service	Sunday	8:00am - 12:00pm	120
Church service	Sunday	5:00pm - 7:00pm	40-50
Sunday School	Sunday	9:30am - 12:00pm	35
Youth group	Saturday	5:00pm - 8.30pm	20-30
Small Groups & Bible Studies	Monday-Friday	9:30am - 10:30am	10-15

In addition to the above, the common material notes there may be instances where the church will be used for wedding and funeral ceremonies however, no receptions are proposed.

The site is located within the Rural Residential zone and within the Rural Place type under the Strategic Framework of the Moreton Bay Regional Council Planning Scheme (MBRC Planning Scheme).

The application was publicly advertised with three-hundred-and-two (302) submissions received. The proposed development is considered to not accord with the intent of the MBRC Planning Scheme V4 and is recommended to be refused.

This matter is presented to the Council for decision as the proposal has raised significant community concerns and in accordance with the delegations to Council officers, the Divisional Councillor has requested that the development application be determined by the Council instead of under Council officer delegation. Therefore, Council is now the authorised entity to decide the development application.

## RESOLUTION

**Moved by Cr Darren Grimwade**

**Seconded by Cr Cath Tonks**

**CARRIED 12/0**

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

ITEM 3.1 DA/2021/2635 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AND OPERATIONAL WORKS - DEVELOPMENT PERMIT FOR ADVERTISING DEVICE - 3449 MT MEE ROAD, KING SCRUB QLD 4521 - 67111294 (Cont.)

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for a Material Change of Use - Development Permit for Place of Worship and Operational Works - Development Permit for Advertising Device at 3449 Mt Mee Road, King Scrub, described as Lot 1 SP143633 for the following reasons of refusal.

**Reasons for Refusal**

1. The applicant has sought a Material Change of Use - Development Permit for Place of Worship and Operational Works - Development Permit for Advertising Device including the following:
  - (a) The use of a Place of Worship on 3449 Mt Mee Road, King Scrub (Lot 1 SP143633);
  - (b) The conversion of existing onsite structures, into church buildings;
  - (c) Sealed parking for twenty-eight (28) vehicles and an unsealed parking overflow area for a further thirty (30) vehicles;
  - (d) Clearing of existing native trees also, clearing of native vegetation in the Fingerboard Road reserve;
  - (e) A 155m long acoustic barrier with heights between 1.8m to 2.0m; and
  - (f) An Advertising Device of 1.6m by 7.0m which will be visible from Mt Mee Road;
2. The application was made 5 July 2021.
3. The following reasons for refusal are identified:

**Land Use**

4. The proposed development is for a use which:
  - (a) is not contemplated or consistent with the planning intent for the land because:
    - i. the land is zoned Rural Residential; and
    - ii. the proposed development does not meet the Planning Scheme outcomes necessary for a Community Activity use to establish in the zone.
  - (b) is not consistent with the overarching strategic intent for the land as reflected in the Strategic Framework which identifies the land as a Rural Place Type;
  - (c) is an inappropriate use of the land having regard to the character and amenity of the rural township;
  - (d) results in a more intensive land use outcome than is contemplated in the area; and
  - (e) will disturb the transition between more intensively urbanised areas of the region, and the region's largely undeveloped rural hinterland.
5. The proposed development will have adverse impacts on the use, character and amenity of adjoining rural residential properties.

**Particulars**

- A. The land is zoned Rural Residential and is in an area which is intended to be (and, is in fact):
- i. used primarily for residential (lifestyle) activities; and
  - ii. limited in size, scale and intensity to be compatible with the existing and anticipated low density, low intensity and open character of the area.



ITEM 3.1 DA/2021/2635 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AND OPERATIONAL WORKS - DEVELOPMENT PERMIT FOR ADVERTISING DEVICE - 3449 MT MEE ROAD, KING SCRUB QLD 4521 - 67111294 (Cont.)

- B. The site is identified as a Rural Place Type which contemplates uses of a rural nature including less extensive uses than might be contemplated by a Rural Residential Place Type designation (despite the Rural Residential zoning of the land).
  - C. The nearby, but distinct, Dayboro township includes land in zones where the proposed use is contemplated and might be appropriately located having regard to the impacts of the proposed development.
6. The proposed development does not comply with the following assessment benchmarks of the Moreton Bay Regional Council Planning Scheme (Version 4):

Rural Residential Zone Code	
<i>Performance Outcome PO1(a), (b) and (d)</i>	<p>Development:</p> <ul style="list-style-type: none"> <li>a. is limited in size, scale and intensity to be compatible with the low density, low-rise built form and open area character and amenity anticipated in the Rural residential zone;</li> <li>b. is designed, located and operated in a manner that avoids nuisance impacts on adjoining properties;</li> <li>d. is adequately serviced with necessary infrastructure to meet on-site needs and requirements;</li> </ul>
<i>Performance Outcome PO80</i>	<p>New Community activities group uses may establish where they:</p> <ul style="list-style-type: none"> <li>a. immediately adjoin Community activities and neighbourhood hubs;</li> <li>b. are located on allotments that have appropriate area and dimensions for the siting of: <ul style="list-style-type: none"> <li>i. buildings and structures;</li> <li>ii. vehicle servicing, deliveries, parking, manoeuvring and circulation;</li> <li>iii. landscaping and open space including buffering.</li> </ul> </li> <li>c. of a small scale and low built form, having regard to the surrounding character;</li> <li>d. do not result in nuisance impacts upon adjoining residents or the streetscape.</li> </ul>
<i>Overall Outcome a.</i>	A range of larger lots used primarily for residential (lifestyle) activities with limited provision of infrastructure. Residential uses are limited to a single dwelling house per allotment. A secondary dwelling is permitted provided it functions and appears subordinate to the principal dwelling house:
<i>Overall Outcome b.</i>	The ongoing operation of existing rural uses and primary production activities is retained. Rural uses and primary production activities establish where they do not adversely impact on the use, character and amenity values of adjoining properties:
<i>Overall Outcome c.</i>	Development maintains a distinct and recognisable transition between more intensively urbanised areas of the region, and the region's largely undeveloped rural hinterland;

ITEM 3.1 DA/2021/2635 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AND OPERATIONAL WORKS - DEVELOPMENT PERMIT FOR ADVERTISING DEVICE - 3449 MT MEE ROAD, KING SCRUB QLD 4521 - 67111294 (Cont.)

<i>Overall Outcome d.</i>	Development does not detrimentally impact upon the low density, low intensity and open area character and amenity associated with the Rural residential zone;
<i>Overall Outcome i.</i>	Community activity group uses establish within existing Community Activities locations (see Overlay map - Community activities and neighbourhood hubs). Community activity group activities may only establish on lots that immediately adjoin existing Community activities and neighbourhood hubs only. Redevelopment or development within existing Community Activities locations, or on lots immediately adjoining Community activities and neighbourhood hubs occurs where: <ul style="list-style-type: none"> <li>i. development does not result in nuisance or amenity impacts on adjoining residents or the wider streetscape; and</li> <li>ii. development is small scale, low intensity and consistent with the rural residential character and amenity associated with the particular Community Activities location;</li> </ul>
<i>Overall Outcome s.</i>	Development in the Rural residential zone does not include one or more of the following: Community Activity Group - where not in or adjoining a Community Activity location;
<b>Strategic Framework</b>	
<i>S3.2 Strategic Intent</i>	Our towns and villages are attractive and vibrant places offering housing and employment choices to residents, ease of access to facilities and services and are the hub of social and community life and cultural diversity. Our residents have access to facilities that support life-long learning and active and healthy lifestyles.
<i>S3.5.2.1 Strategic Outcome</i>	Community, cultural and sporting facilities: Community infrastructure and sporting facilities will be provided in convenient and accessible locations.
<i>S3.6 Settlement Pattern and Urban Form</i>	Functional Place Types categorises the area surrounding Dayboro as a rural area whilst, Dayboro town itself, is included as a rural township. Furthermore, this section of the Strategic Framework groups rural areas together with rural townships in the following manner: <p>“The rural areas together with their rural townships will also be encouraged to become more self-contained in terms of economic activities and housing choices available to existing and future residents while retaining the environmental and scenic landscape values and the health of the ecosystem services in these areas.”</p>
<i>S3.8 Rural Futures - Theme</i>	Rural futures: “...will identify opportunities to retain and expand tourism and farm-based businesses and protect and rehabilitate environmental corridors and seek to maintain the important role and function of the rural townships.”
<i>S3.8.3.4 Rural Futures - Strategic Outcome</i>	Rural Infrastructure requires that: <p>“Appropriate services and facilities are provided, in appropriate locations, and expanded to service rural communities including social infrastructure and transport;”</p>

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<i>S3.8.4.2 Rural Futures Strategic Outcome</i>	Inappropriate fragmentation of rural lands does not occur;
<i>S3.8.4.5 Rural Futures Strategic Outcome</i>	Rural townships provide places for rural communities to access employment, services and facilities and different forms of housing and accommodate the future needs of communities.”
<i>S3.13.6.3.2 Element - Rural Planning Areas - Specific Outcomes</i>	The rural structure provides for the development of an appropriate range of community facilities and services and sporting and recreational facilities, open space and parkland to cater for the district community, generally in the Rural townships place type;
<i>S3.13.6.4.1 Element - Rural Planning Areas - Specific Outcomes</i>	Townships including Dayboro: “...provide a mix of compatible uses including convenience retail, commercial and office activities, low impact rural services and a range of housing styles and employment opportunities”
<i>S3.13.6.4.3 Element - Rural Planning Areas - Specific Outcomes</i>	“Rural residential areas at locations identified on the rural planning area map will be maintained for rural residential, rural, open space and nature conservation purposes with more intense uses only establishing where they do not detrimentally impact on the landscape character created by these uses.”
<i>S3.13.6.5.2 Element - Rural Planning Areas - Specific Outcomes</i>	The rural townships provide retail, commercial, community, health, cultural, entertainment, leisure and tourism services and facilities to residents and visitors
<i>S3.14.1.2.1 Strategic Outcomes - Rural Place Type</i>	In a rural place there is a balance between rural production and associated rural industry, scenic landscapes and natural areas, outdoor entertainment and recreation, rural living, tourism and home-based business activities
<i>S3.14.1.2.3 Strategic Outcomes - Rural Place Type</i>	In the rural place type the landscape is characterised by a mosaic of productive farm land and natural areas with the predominant features being grazing, agriculture, forested areas, tree lined roads and scattered housing and farm buildings.
<i>S3.14.1.3.1 and 2 Strategic Outcome - Rural townships place type</i>	The Rural townships place type accommodates residential development, local shopping, commercial, industrial and community facilities appropriate to service the needs of the community and, the townships provide employment, services and facilities to residents in the township and surrounding rural areas and visitors to the area.
<i>S3.14.3.2.4 Element - Rural Place Type - Specific Outcomes - Natural Environment and Landscape</i>	The visual character of the place type is characterised by rural production that acknowledges the regionally significant scenic amenity of the rural areas including major landscape features, views, lookouts, vistas and inter-urban break in the northern part of the Region and are retained where appropriate.
<i>S3.14.3.3.1 Element - Rural Place Type - Specific Outcomes - Strong Communities</i>	Development achieves a high standard of amenity for residents and visitors, is consistent with the rural character of the area and does not negatively impact upon cultural values;

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S3.14.3.4.6 and 7 <i>Specific Outcomes - Settlement pattern</i>	Rural places cater for a range of lifestyle choices ranging from areas used predominately for farming purposes to residential purposes (farm housing on large rural properties) to those areas used for a combination of residential and business purposes." And "Non-intensive active or passive recreational pursuits, educational or tourism purposes may occur where compatible with the character and amenity of the area.
S3.14.4 Element - <i>Rural Township Place Type</i>	The townships provide retail, commercial, medical centres, service industry, sporting and recreation facilities as well as community services, churches, community halls, emergency services and primary school and child care facilities to meet the needs of the township and the surrounding rural areas.

### Noise Amenity Impacts

7. The Applicant has not demonstrated that the proposed development will achieve acceptable noise outcomes.

#### Particulars

- A. The operational restrictions (e.g. operational hours) do not adequately address the noise impacts arising from the proposed development.
- B. The Noise Impact Assessment provided as part of the Development Application proceeds on the basis of assumptions which are either incorrect or not capable of enforcement including in respect of:
- the effect of amplified noise on evening noise levels;
  - the number of patrons anticipated at the site in the evening; and
  - the noise modelling in respect of the Sunday School which incorrectly identifies the outdoor space as an indoor space;
  - the number of patrons anticipated on the outdoor deck on the northern side of the church and the time of day that the deck is to be used.
8. The proposed development would introduce noise impacts which are of a character that is not currently experienced in the area and which would result in detrimental amenity impacts in the site's rural residential context.
9. The proposed development does not comply with the following assessment benchmarks of the Moreton Bay Regional Council Planning Scheme (Version 4):

Rural Residential Zone Code	
<i>Performance Outcome PO1(a) and (c)</i>	Development: a. is limited in size, scale and intensity to be compatible with the low density, low-rise built form and open area character and amenity anticipated in the Rural residential zone; c. is designed, located and operated in a manner that avoids nuisance impacts on adjoining properties;
<i>Performance Outcome PO6</i>	The amenity of the area and adjacent sensitive land uses are protected from the impacts of dust, odour, noise, light, chemicals and other environmental nuisances.

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<i>Performance Outcome PO11</i>	Noise generating uses do not adversely affect existing noise sensitive uses.
<i>Overall Outcome m)</i>	Activities associated with a use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke
<i>Overall Outcome n)</i>	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
<b>Strategic Framework</b>	
<i>S3.3.5.4 Strategic Outcome - Land, air and noise</i>	Development does not lead to environmental harm or nuisance through unacceptable levels of noise.
<i>S3.13.6.4.3 Element - Rural Planning Areas - Specific Outcomes - Settlement Pattern and Urban Form</i>	Rural residential areas at locations identified on the rural planning area map will be maintained for rural residential, rural, open space and nature conservation purposes with more intense uses only establishing where they do not detrimentally impact on the landscape character created by these uses.
<i>S3.14.3.3.1 Element - Rural Place Type - Specific Outcomes - Strong Communities</i>	Development achieves a high standard of amenity for residents and visitors, is consistent with the rural character of the area and does not negatively impact upon cultural values;
<i>S3.14.3.4.6 Specific Outcomes - Settlement pattern</i>	Rural places cater for a range of lifestyle choices ranging from areas used predominately for farming purposes to residential purposes (farm housing on large rural properties) to those areas used for a combination of residential and business purposes.
<i>S3.14.3.4.7</i>	Non-intensive active or passive recreational pursuits, educational or tourism purposes may occur where compatible with the character and amenity of the area.

### Visual Amenity Impacts

10. The proposed development will have unacceptable visual amenity impacts including as a result of the following elements:
- (a) infrastructure to the site including hardstand and acoustic barriers;
  - (b) lighting including to the car park areas and internal driveways;
  - (c) the presence and movement of vehicles on and external to the land;
  - (d) the removal of native vegetation; and
  - (e) the introduction of an advertising device.

#### Particulars

- A. The proposed development includes:
- i. a 1.8m to 2.0m high acoustic barrier approximately 155m in length which will be visible from the road and adjoining properties.

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- ii. a sealed driveway access, a parking area for twenty-eight (28) vehicles, an unsealed parking overflow area for thirty (30) vehicles and, a large outdoor deck area. Notably and due to the anticipated number of church goers, it is likely that the overflow parking area will also need to be sealed;
  - iii. pedestrian lighting in the car park areas and internal driveways;
  - iv. capacity for up to fifty-seven (57) vehicles on Sundays (with reduced utilisation of those carparks and less during the week); and
  - v. a 1.6m x 7.0m Advertising Device which will be visible from the adjacent roads.
- B. The proposed development will result in the removal of native vegetation on-site and within the Fingerboard Road Reserve.
11. The proposed development does not comply with the following assessment benchmarks of the Moreton Bay Regional Council Planning Scheme (Version 4):

Rural Residential Zone Code	
<i>Performance Outcome PO1(a) and (c)</i>	Development: c. is designed, located and operated in a manner that avoids nuisance impacts on adjoining properties; d. is adequately serviced with necessary infrastructure to meet on-site needs and requirements;
<i>Overall Outcome c.</i>	Development maintains a distinct and recognisable transition between more intensively urbanised areas of the region, and the region's largely undeveloped rural hinterland;
<i>Overall Outcome d.</i>	Development does not detrimentally impact upon the low density, low intensity and open area character and amenity associated with the Rural residential zone;
Strategic Framework	
<i>S3.6 Settlement Pattern and Urban Form - Functional Place Types</i>	The area surrounding Dayboro is categorised as a rural area whilst, Dayboro town itself, is included as a rural township. Furthermore, this section of the Strategic Framework groups rural areas together with rural townships in the following manner: "The rural areas together with their rural townships will also be encouraged to become more self-contained in terms of economic activities and housing choices available to existing and future residents while retaining the environmental and scenic landscape values and the health of the ecosystem services in these areas."
<i>S3.13.6.4.3 Element - Rural Planning Areas - Specific Outcomes - Settlement Pattern and Urban Form</i>	Rural residential areas at locations identified on the rural planning area map will be maintained for rural residential, rural, open space and nature conservation purposes with more intense uses only establishing where they do not detrimentally impact on the landscape character created by these uses.
<i>S3.14.1.2.1 Strategic Outcomes - Rural Place Type</i>	In a rural place there is a balance between rural production and associated rural industry, scenic landscapes and natural areas, outdoor entertainment and recreation, rural living, tourism and home-based business activities

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<i>S3.14.1.2.3 Strategic Outcomes - Rural Place Type</i>	In the rural place type the landscape is characterised by a mosaic of productive farm land and natural areas with the predominant features being grazing, agriculture, forested areas, tree lined roads and scattered housing and farm buildings.
<i>S3.14.3.2.4 Element - Rural Place Type - Specific Outcomes - Natural Environment and Landscape</i>	The visual character of the place type is characterised by rural production that acknowledges the regionally significant scenic amenity of the rural areas including major landscape features, views, lookouts, vistas and inter-urban break in the northern part of the Region and are retained where appropriate.
<i>S3.14.3.3.1 Element - Rural Place Type - Specific Outcomes - Strong Communities</i>	Development achieves a high standard of amenity for residents and visitors, is consistent with the rural character of the area and does not negatively impact upon cultural values;
<i>S3.14.3.4.6 and 7 Specific Outcomes - Settlement pattern</i>	Rural places cater for a range of lifestyle choices ranging from areas used predominately for farming purposes to residential purposes (farm housing on large rural properties) to those areas used for a combination of residential and business purposes." And "Non-intensive active or passive recreational pursuits, educational or tourism purposes may occur where compatible with the character and amenity of the area.

#### Traffic and safety

12. The proposed development will result in unacceptable traffic and safety impacts.

##### Particulars

- A. The proposal locates along Fingerboard Road being a Local Collector Road notably, this road standard is not compliant with this road typology and contains insufficient shoulders.
- B. The use will introduce high volumes of traffic prior to, and after scheduled church activities with consequent traffic and safety risks.
- C. The proposed development has inadequate sight lines:
  - i. to the east along Fingerboard Road; and
  - ii. to the west towards Mt Mee Road.
- D. The proposal does not propose the widening of Fingerboard Road which would be necessary to achieve an acceptable traffic outcome.
- E. The Applicant has not provided a SIDRA assessment for the purposes of determining the adequacy of the Fingerboard / Dayboro Road intersection.
- F. The proposal will result in conflicts between local active transport users and churchgoers because at two (2) culvert stream crossings the road and verge narrow's down to the extent that pedestrians and other active transport users, are required to go onto the vehicle travel lanes.

13. The proposed development does not comply with the following assessment benchmarks of the Moreton Bay Regional Council Planning Scheme (Version 4):

Rural Residential Zone Code	
<i>Performance Outcome PO1(a) and (c)</i>	Development:

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	<p>a. is limited in size, scale and intensity to be compatible with the low density, low-rise built form and open area character and amenity anticipated in the Rural residential zone;</p> <p>c. is designed, located and operated in a manner that avoids nuisance impacts on adjoining properties;</p> <p>d. is adequately serviced with necessary infrastructure to meet on-site needs and requirements;</p>
<i>Performance Outcome PO21</i>	<p>The layout of the development does not compromise:</p> <p>a. the development of the road network in the area;</p> <p>b. the function or safety of the road network;</p> <p>c. the capacity of the road network.</p>
<i>Performance Outcome PO22</i>	Safe access is provided for all vehicles required to access the site.
<i>Performance Outcome PO25</i>	The existing road network (whether trunk or non-trunk) is upgraded where necessary to cater for the impact from the development.
<i>Overall Outcome j.</i>	Development generating high volumes of traffic or involving heavy vehicle traffic movements are located on roads of a standard and capacity to accommodate traffic demand;
<b>Strategic Framework</b>	
<i>S3.5.2.1 Strategic Outcome - Community, cultural and sporting facilities</i>	Community infrastructure and sporting facilities will be provided in convenient and accessible locations.
<i>S3.8.3.4 Rural Futures - Strategic Outcome - Rural Infrastructure</i>	Appropriate services and facilities are provided, in appropriate locations, and expanded to service rural communities including social infrastructure and transport;

#### Environmental impacts

14. The proposed development will result in unacceptable environmental impacts owing to the removal of native vegetation.

##### Particulars

- A. The proposed development will cause:

- i. the removal of two mature native trees for the purpose of the internal driveways and parking; and
- ii. the removal of native vegetation along the Fingerboard Road Reserve to improve sight lines.

15. The proposed development does not comply with the following assessment benchmarks of the Moreton Bay Regional Council Planning Scheme (Version 4):



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Rural Residential Zone Code	
<i>Overall Outcome b.</i>	The ongoing operation of existing rural uses and primary production activities is retained. Rural uses and primary production activities establish where they do not adversely impact on the use, character and amenity values of adjoining properties
<i>Overall Outcome d.</i>	Development does not detrimentally impact upon the low density, low intensity and open area character and amenity associated with the Rural residential zone;
<i>Overall Outcome q.</i>	Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:  (v) protecting native species and protecting and enhancing species habitat;
Strategic Framework	
<i>S3.6 Settlement Pattern and Urban Form - Functional Place Types</i>	The area surrounding Dayboro is categorised as a rural area whilst, Dayboro town itself, is included as a rural township. Furthermore, this section of the Strategic Framework groups rural areas together with rural townships in the following manner:  “The rural areas together with their rural townships will also be encouraged to become more self-contained in terms of economic activities and housing choices available to existing and future residents while retaining the environmental and scenic landscape values and the health of the ecosystem services in these areas.”
<i>S3.13.6.4.3 Element - Rural Planning Areas - Specific Outcomes - Settlement Pattern and Urban Form</i>	Rural residential areas at locations identified on the rural planning area map will be maintained for rural residential, rural, open space and nature conservation purposes with more intense uses only establishing where they do not detrimentally impact on the landscape character created by these uses.
<i>S3.14.1.2.1 Strategic Outcomes - Rural Place Type</i>	In a rural place there is a balance between rural production and associated rural industry, scenic landscapes and natural areas, outdoor entertainment and recreation, rural living, tourism and home-based business activities
<i>S3.14.1.2.3 Strategic Outcomes - Rural Place Type</i>	In the rural place type the landscape is characterised by a mosaic of productive farm land and natural areas with the predominant features being grazing, agriculture, forested areas, tree lined roads and scattered housing and farm buildings.
<i>S3.14.3.2.4 Element - Rural Place Type - Specific Outcomes - Natural Environment and Landscape</i>	The visual character of the place type is characterised by rural production that acknowledges the regionally significant scenic amenity of the rural areas including major landscape features, views, lookouts, vistas and inter-urban break in the northern part of the Region and are retained where appropriate.

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### Other Relevant Matters

16. There is no need for the proposed development and, in any event, any demonstrated need does not warrant the proposed being approved in light of the other matters that support refusal of the proposed development.

#### Particulars

- A. The Lot is located approximately 1.5 kilometres north-east of the Dayboro township centre which includes the following Township Zone Precincts:
- i. Township Centre.
  - ii. Township Residential.
  - iii. Township Industrial.
- B. There is available land within a reasonable distance of the subject site to accommodate the proposed use including:
- i. land within the Township Centre Precinct (forming part of the Dayboro Township);
  - ii. land within the Township Residential Precinct; and
  - iii. land within the Community Activities Overlay adjacent to Dayboro.
- C. The Planning Scheme is a document that is an embodiment of the community interest, where soundly based and not overtaken by events. In this case the Planning Scheme is soundly based and has not been overtaken by events and, remains an embodiment of the community interest. As the land use is an inconsistent use and is subject of Impact Assessment, public notification was undertaken with a significant majority of submitters against. This is a strong indication that the community interest represented by the Planning Scheme is understood by the community and not to be lightly dismissed.
17. The significant majority of submissions opposed the proposed development which:
- (a) is a matter which supports refusal of the proposed development;
  - (b) reflects the consistency of the Planning Scheme, as the embodiment of the community interest, with the sentiment and expectations of the community.
18. The Applicant has not identified any relevant matters which overcome the non-compliances with the Planning Scheme raised above.
- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.
- D. That the following information be included in the Decision Notice.

### Decision Notice information

	Details to Insert
Application Type	(a) Material Change of Use Development Permit for Place of Worship  AND

## Moreton Bay Regional Council

GENERAL MEETING - 580  
28 June 2023

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	<b>Details to Insert</b>
	(b) Operational Works Development Permit for Advertising Device
<b>Relevant Period of Approval</b>	Not Applicable
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Not applicable
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	SARA - (Material change of use near a State transport corridor or that is a future State transport corridor.
<b>Submissions</b>	There were 279 properly made submissions about this application.

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## REPORT DETAIL

### 1. Background

A prelodgement meeting was held on 12 August 2020 with regards to a Material Change of Use - Development Permit for a Place of Worship.

A Councillors' Briefing was conducted on 23 May 2023 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:***

*Officers can proceed to provide a report to a General Meeting recommending to refuse the development permit.*

### 2. Explanation of Item

The proposal for a Material Change of use for a Place of worship in the Rural residential zone is Impact assessable whilst, an Operational works for an Advertising device is Accepted development subject to requirements. Notably, this proposal does not locate a Place of worship in or, adjoining a Community Activity Location consequently, the use in this instance is inconsistent.

#### 2.1 Description of the Site and Surrounds

The Lot is located within the Rural residential zone and contains a Dwelling house and associated outbuildings. The surrounding character is distinctly Rural residential with large mostly cleared lots containing homesteads. The Lot is located approximately 600m from the outer edge of the Township residential zone within Dayboro.

Directions	Planning Scheme Zone	Current Land Use
North	Rural residential zone	Dwelling house
South	Rural and Rural residential zone	Dwelling house
East	Rural residential zone	Dwelling house
West	Rural residential zone	Dwelling house

#### 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>	<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 16: Development outside SEQ Urban Footprint – Schedule 10</li> <li>Part 16 of the <i>Planning Regulation 2017</i></li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>Rural Living Area</li> </ul>
<b>Koala Habitat Designation:</b>	Nil

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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 - 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
No	None	Not applicable - Impervious area is <25% of net developable area.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(1) 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>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p>	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

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	<p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

#### 2.2.2 South East Queensland Regional Plan

The site is located in the Rural Living Area designation.

The development proposal is for a community activity with a gross floor area of less than 5,000m<sup>2</sup> consequently, 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

The subject site is located inside of a Koala Priority Area (KPA) however, it does not contain mapped Koala Habitat Areas (KHA). Therefore, no further assessment under Schedule 10, Part 10 or Schedule 11 of the Planning Regulations 2017 is required.

### 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 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.

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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 Rural Place Type under the Strategic Framework. The proposal seeks to establish a Place of Worship and a related Advertising Device on the Lot. The Strategic Framework includes the following relevant strategic outcomes:

*S3.2 Strategic Intent - Our towns and villages are attractive and vibrant places offering housing and employment choices to residents, ease of access to facilities and services and are the hub of social and community life and cultural diversity. Our residents have access to facilities that support life-long learning and active and healthy lifestyles.*

*S3.3.5.4 Strategic Outcome - Land, air and noise notes: "Development does not lead to environmental harm or nuisance through unacceptable levels of noise."*

*S3.5.2.1 Strategic Outcome - Community, cultural and sporting facilities: Community infrastructure and sporting facilities will be provided in convenient and accessible locations.*

*S3.6 Settlement Pattern and Urban Form - Functional Place Types categorises the area surrounding Dayboro as a rural area whilst, Dayboro town itself, is included as a rural township. Furthermore, this section of the Strategic Framework groups rural areas together with rural townships in the following manner: "The rural areas together with their rural townships will also be encouraged to become more self-contained in terms of economic activities and housing choices available to existing and future residents while retaining the environmental and scenic landscape values and the health of the ecosystem services in these areas."*

*S3.8 Rural Futures - Theme notes that Rural futures:" ...will identify opportunities to retain and expand tourism and farm-based businesses and protect and rehabilitate environmental corridors and seek to maintain the important role and function of the rural townships."*

*S3.8.3.4 Rural Futures - Strategic Outcome - Rural Infrastructure requires that:" Appropriate services and facilities are provided, in appropriate locations, and expanded to service rural communities including social infrastructure and transport;"*

*S3.8.4.2 Rural Futures Strategic Outcome - Rural Planning states:" Inappropriate fragmentation of rural lands does not occur;"*

*S3.8.4.5 Rural Futures Strategic Outcome - Rural Planning states: "Rural townships provide places for rural communities to access employment, services and facilities and different forms of housing and accommodate the future needs of communities."*

*S3.13.6.3.2 Element - Rural Planning Areas - Specific Outcomes - Strong Communities notes:" The rural structure provides for the development of an appropriate range of community facilities and services and sporting and recreational facilities, open space and parkland to cater for the district community, generally in the Rural townships place type;"*

*S3.13.6.4.1 Element - Rural Planning Areas - Specific Outcomes - Settlement Pattern and Urban Form notes that townships including Dayboro:" ...provide a mix of compatible uses including convenience retail, commercial and office activities, low impact rural services and a range of housing styles and employment opportunities"*

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*S3.13.6.4.3 Element - Rural Planning Areas - Specific Outcomes - Settlement Pattern and Urban Form notes: "Rural residential areas at locations identified on the rural planning area map will be maintained for rural residential, rural, open space and nature conservation purposes with more intense uses only establishing where they do not detrimentally impact on the landscape character created by these uses."*

*S3.13.6.5.2 Element - Rural Planning Areas - Specific Outcomes - Rural Futures notes: "The rural townships provide retail, commercial, community, health, cultural, entertainment, leisure and tourism services and facilities to residents and visitors;"*

*S3.14.1.2.1 Strategic Outcomes - Rural Place Type notes: "In a rural place there is a balance between rural production and associated rural industry, scenic landscapes and natural areas, outdoor entertainment and recreation, rural living, tourism and home-based business activities"*

*S3.14.1.2.3 Strategic Outcomes - Rural Place Type notes: "In the rural place type the landscape is characterised by a mosaic of productive farmland and natural areas with the predominant features being grazing, agriculture, forested areas, tree lined roads and scattered housing and farm buildings."*

*S3.14.1.3.1 and 2 Strategic Outcome - Rural townships place type notes: "The Rural townships place type accommodates residential development, local shopping, commercial, industrial and community facilities appropriate to service the needs of the community and, the townships provide employment, services and facilities to residents in the township and surrounding rural areas and visitors to the area."*

*S3.14.3.2.4 Element - Rural Place Type - Specific Outcomes - Natural Environment and Landscape notes: "The visual character of the place type is characterised by rural production that acknowledges the regionally significant scenic amenity of the rural areas including major landscape features, views, lookouts, vistas and inter-urban break in the northern part of the Region and are retained where appropriate."*

*S3.14.3.3.1 Element - Rural Place Type - Specific Outcomes - Strong Communities notes: "Development achieves a high standard of amenity for residents and visitors, is consistent with the rural character of the area and does not negatively impact upon cultural values;"*

*S3.14.3.4.6 and 7 Specific Outcomes - Settlement pattern notes: "Rural places cater for a range of lifestyle choices ranging from areas used predominately for farming purposes to residential purposes (farm housing on large rural properties) to those areas used for a combination of residential and business purposes." And "Non-intensive active or passive recreational pursuits, educational or tourism purposes may occur where compatible with the character and amenity of the area."*

*S3.14.4 Element - Rural Township Place Type states: "The townships provide retail, commercial, medical centres, service industry, sporting and recreation facilities as well as community services, churches, community halls, emergency services and primary school and child care facilities to meet the needs of the township and the surrounding rural areas."*

The proposal is inconsistent with the above listed Outcomes of the Strategic Frameworks for the following reasons:



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#### **Inconsistent Land Use in Location**

- The development will have detrimental impacts on the intended and existing low density, low intensity and open character in that it will introduce unintended / unanticipated:
  - Noise impacts - The introduction of noise associated with a church that is unintended in the area including, a high number of people talking and singing, a high number of cars arriving and leaving and, amplified music and voices.
  - Visual amenity impacts - Built form due to hard stand areas, alterations to the shed, the 155m long acoustic barrier, lighting in the car park area and, removal of vegetation (which forms part of the character and amenity of the area). This can negatively impact the intended and existing high standard of scenic amenity.
  - Traffic and safety impacts - The use is of a higher than anticipated intensity specifically, Fingerboard Road of a rural road standard and notably, this can cause unacceptable safety and traffic implications.
- Though the Lot is within a Rural Residential Zone, it is located within a Rural Place Type which is more rural in nature than rural residential hence, the expectation for more extensive uses is lower than if it was a Rural Residential Place Type.
- Other uses in this Place Type where not rural or residential, is limited to nature conservation and related tourism and recreation uses. Notably, neither these uses include a Place of Worship and the Strategic Framework not explicitly anticipate this use in the Place Type.
- Instead, the use of a Place of Worship as a community activity, is explicitly included in Rural Township Place Types e.g. Dayboro and, the use is code consistent in Township Centre Precinct, code neutral in the Township Residential Precinct and, impact neutral in the Township Industry Precinct. Notably, all the subsequent precincts are within Dayboro which is approximately 600m from the Lot.
- The proposed use can lead to unintentional fragmentation of the land, in that it will introduce a use that is normally anticipated in the Rural Township Place Type, approximately six-hundred metres outside the Dayboro Township and, within a Rural Place Type area.

#### **Noise Impacts**

- The development would introduce noise impacts that are not anticipated in the Rural Residential zone including:
  - Multiple vehicle door closings, engine starts and acceleration.
  - Singing, clapping, talking and amplified music and voices.
- Potential operational conditions could be overly restrictive on the development and include strict limits on operational hours, activities, amplified music and voice limits and, the capacity of people in the various areas.

#### **Visual Amenity Impacts**

- The proposal is to include the following relevant characteristics:
  - A proposed 1.8m to 2.0m high acoustic barrier of approximately 155m in length which will be visible from the road and adjoining properties.
  - A sealed driveway access, a parking area for twenty-eight (28) vehicles, an unsealed parking overflow area for thirty (30) vehicles and, a large outdoor deck area. Notably and due to the anticipated number of church goers, it is likely that the overflow parking area will also need to be sealed.
  - Pedestrian lighting in the car park areas and internal driveways, can cause light pollution to a level that is not anticipated in this area.

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- The site will accommodate up to fifty-seven (57) vehicles on Sundays and less during the week.
- Removal of native vegetation onsite and within the Fingerboard Road Reserve.
- A 1.6m by 7.0m Advertising Device which will be visible from the adjacent roads.

Notably, these characteristics may have a detrimental impact on the area's scenic landscape values and visual character whilst, it will not lead to a high level of amenity for the surrounding residents.

#### Traffic and safety

- The proposal locates along Fingerboard Road being a Local Collector Road notably, this road standard is not compliant with this road typology and contains insufficient shoulders, inadequate sight lines in places and narrowing down of the road at culverts that can lead to pedestrian and vehicle conflicts. Consequently, the proposal is to locate a community facility use in a location that is neither convenient nor accessible.

#### Environmental impacts

- The proposal requires the removal of native vegetation including the removal of two (2) mature native trees for the purpose of internal driveways and parking and in addition, the removal of native vegetation along Fingerboard Road in order to improve sight lines.

Notwithstanding the above, section 45(5)(b) 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 2.7 of this report.

### 2.3.2 Assessment of Applicable Codes

#### Code Compliance Summary

The assessment below identifies how the development proposal achieves or does not achieve 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>		
Rural Residential Zone Code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO6, PO11, PO21, PO22, PO25, PO80
<b>Overlay Codes</b>		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

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### 2.3.3 Performance Outcome Assessment

Performance Outcome	Example
<b>Rural Residential Zone Code</b>	
<p><b>PO1</b></p> <p>Development:</p> <ul style="list-style-type: none"> <li>a. is limited in size, scale and intensity to be compatible with the low density, low-rise built form and open area character and amenity anticipated in the Rural residential zone;</li> <li>b. is designed, located and operated in a manner to avoid detrimental impacts on the low density, low-rise built form and open area character and amenity anticipated in the Rural residential zone;</li> <li>c. is designed, located and operated in a manner that avoids nuisance impacts on adjoining properties;</li> <li>d. is adequately serviced with necessary infrastructure to meet on-site needs and requirements;</li> <li>e. ensures adequate on-site stormwater and waste disposal is provided to avoid adverse impacts on water quality;</li> <li>f. requires minimal cutting, filling or excavating. Where this occurs, visual impacts are reduced through screening;</li> <li>g. avoids being obtrusive or visually dominant through on-site location, colours and materials of buildings and structures, except where materials such as netting, shade cloth and similar coverings are necessary for agricultural operations; and</li> <li>h. does not result in any instability, erosion or degradation of land, water, soil resource or loss of natural, ecological or biological values.</li> </ul>	No example provided.
<b>Performance Outcome Assessment</b>	
<p>The development will have detrimental impacts on the intended and existing low density, low intensity and open character in that it will introduce unintended / unanticipated:</p> <ul style="list-style-type: none"> <li>• Noise impacts - The introduction of noise associated with a church that is unintended in the area including, a high number of people talking and singing, a high number of cars arriving and leaving and, amplified music and voices.</li> </ul>	

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>Visual amenity impacts - Built form due to hard stand areas, alterations to the shed, the 155m long acoustic barrier, lighting in the car park area and, removal of vegetation (which forms part of the character and amenity of the area). This can negatively impact the intended and existing high standard of scenic amenity.</li> <li>Traffic and safety impacts - The use is of a higher than anticipated intensity specifically, Fingerboard Road is of a rural road standard and notably, this can cause unacceptable safety and traffic implications.</li> </ul> <p>In this instance, the use will have negative impacts on the adjoining rural residential lots. As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p><b>PO6</b></p> <p>The amenity of the area and adjacent sensitive land uses are protected from the impacts of dust, odour, noise, light, chemicals and other environmental nuisances.</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The proposal will introduce noise and light impacts that is not anticipated in the area. This includes noise impacts as discussed below in Performance Outcome PO11 and, light impacts from a higher than anticipated number of vehicles (in the area) as well as, internal pedestrian pathway and parking area lighting.</p> <p>As such, the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p><b>PO11</b></p> <p>Noise generating uses do not adversely affect existing noise sensitive uses.</p> <p>Note - The use of walls, barriers or fences that are visible from or adjoin a road or public area are not appropriate noise attenuation measures unless adjoining a motorway, arterial road or rail line.</p> <p>Note - A noise impact assessment may be required to demonstrate compliance with this PO. Noise impact assessments are to be prepared in accordance with Planning scheme policy - Noise.</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The development would introduce noise impacts that are not anticipated in the Rural Residential zone including;</p> <ul style="list-style-type: none"> <li>Multiple vehicle door closings, engine starts and acceleration.</li> <li>Singing, clapping, talking and amplified music and voices.</li> </ul>	

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Performance Outcome	Example
<p>Potential operational conditions could be overly restrictive on the development and include strict limits on operational hours, activities, amplified music and voice limits and, the capacity of people in the various areas.</p> <p>In addition to the above, the proposed development would introduce noise impacts which are of a character that is not currently experienced in the area and which would result in detrimental amenity impacts in the site's rural residential context.</p> <p>As such, the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p><b>PO21</b></p> <p>The layout of the development does not compromise:</p> <ol style="list-style-type: none"> <li>the development of the road network in the area;</li> <li>the function or safety of the road network;</li> <li>the capacity of the road network.</li> </ol> <p>Note - The road hierarchy is mapped on Overlay map - Road hierarchy.</p>	<p><b>E21.1</b></p> <p>The development provides for the extension of the road network in the area in accordance with Council's road network planning.</p>
	<p><b>E21.2</b></p> <p>The development does not compromise future road widening of frontage roads in accordance with the relevant standard and Council's road planning.</p>
	<p><b>E21.3</b></p> <p>The development layout allows forward vehicular access to and from the site.</p>
<p><b>Performance Outcome Assessment</b></p>	
<p>The proposal includes Lot access along Fingerboard Road within approximately 30.0m from the intersection with a State arterial road, Mt Mee Road. Furthermore, sight lines to the east are inadequate due native trees within the road reserve and in addition, sight lines to the west are inadequate due to the high speed which vehicles may turn from Mt Mee Road, into Fingerboard Road. Council's engineers (see detailed engineering comments below) highlight additional inadequacies with the existing formation of Fingerboard Road, in particular at the access to the site and between Mt Mee Road and Royston Street.</p> <p>In order to comply with the outcome, the proposal will lead to an unacceptable outcome in terms of amenity, character and environmental impact. (e.g. the removal of native trees in the Fingerboard Road reserve). It is also noted that substantial upgrades to Fingerboard Road are recommended by Council's engineer's which would need to be conditioned, albeit may be cost prohibitive to the applicant.</p> <p>As such, the proposal does not comply with this Performance Outcome, and an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	

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Performance Outcome	Example
<b>PO22</b>  Safe access is provided for all vehicles required to access the site.	<b>E22.1</b>  Site access and driveways are designed, located and constructed in accordance with: <ul style="list-style-type: none"> <li>a. where for a Council-controlled road and associated with a Dwelling house:                             <ul style="list-style-type: none"> <li>i. Planning scheme policy - Integrated design;</li> </ul> </li> <li>b. where for a Council-controlled road and not associated with a Dwelling house:                             <ul style="list-style-type: none"> <li>i. AS/NZS2890.1 Parking facilities Part 1: Off street car parking;</li> <li>ii. AS 2890.2 - Parking facilities Part 2: Off-street commercial vehicle facilities;</li> <li>iii. Planning scheme policy - Integrated design;</li> <li>iv. Schedule 8 - Service vehicle requirements;</li> </ul> </li> </ul> <p>where for a State-Controlled road, the Safe Intersection Sight Distance requirements in Austroads and the appropriate IPWEAQ standard drawings, or a copy of a Transport Infrastructure Act 1994, section 62 approval.</p>
	<b>E22.2</b>  Internal driveways, car parks and access ways are designed and constructed with a sealed pavement and in accordance with: <ul style="list-style-type: none"> <li>a. AS/NZS 2890.1 Parking Facilities Part 1: Off street car parking;</li> <li>b. AS 2890.2 Parking Facilities Part 2: Off street commercial vehicle facilities;</li> <li>c. Planning scheme policy - Integrated design; and</li> <li>d. Schedule 8 - Service vehicle requirements.</li> </ul> <p>Note - This includes queue lengths (refer to Schedule 8 - Service vehicle</p>

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Performance Outcome	Example
	requirements), pavement widths and construction.
	<p><b>E22.3</b></p> <p>Access driveways, manoeuvring areas and loading facilities are sealed and provide for service vehicles listed in Schedule 8 - Service vehicle requirements for the relevant use. The on-site manoeuvring is to be in accordance with Schedule 8 - Service vehicle requirements.</p>
	<p><b>E22.4</b></p> <p>Landscaping (including shade trees) is provided within car parks in accordance with Planning scheme policy - Integrated design.</p>
<b>Performance Outcome Assessment</b>	
<p>The proposal includes Lot access along Fingerboard Road within approximately 30.0m from the intersection with a State arterial road, Mt Mee Road. Furthermore, sight lines to the east are inadequate due native trees within the road reserve and in addition, sight lines to the west are inadequate due to the high speed which vehicles may turn from Mt Mee Road, into Fingerboard Road. Council's engineers (see detailed engineering comments below) highlight additional inadequacies with the existing formation of Fingerboard Road, in particular at the access to the site and between Mt Mee Road and Royston Street.</p> <p>In order to comply with the outcome, the proposal will lead to an unacceptable outcome in terms of amenity, character and environmental impact. (e.g. the removal of native trees in the Fingerboard Road reserve). It is also noted that substantial upgrades to Fingerboard Road are recommended by Council's engineer's which would need to be conditioned, albeit may be cost prohibitive to the applicant.</p>	

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Performance Outcome	Example
As such, the proposal does not comply with this Performance Outcome, and an assessment against the Overall Outcomes is required and discussed in the following section of this report.	
<p><b>PO25</b></p> <p>The existing road network (whether trunk or non-trunk) is upgraded where necessary to cater for the impact from the development.</p> <p>Note - An applicant may be required to submit an Integrated Transport Assessment (ITA), prepared in accordance with Planning scheme policy - Integrated transport assessment to demonstrate compliance with this PO, when any of the following occurs:</p> <ul style="list-style-type: none"> <li>• Development is within 200m of a transport sensitive location such as a school, shopping centre, bus or train station or a large generator of pedestrian or vehicular traffic;</li> <li>• Forecast traffic to/from the development exceeds 5% of the two way flow on the adjoining road or intersection in the morning or afternoon transport peak within 10 years of the development completion;</li> <li>• Development access onto a sub arterial, or arterial road or within 100m of a signalised intersection;</li> <li>• Residential development greater than 50 lots or dwellings;</li> <li>• Offices greater than 4,000m<sup>2</sup> Gross Floor Area (GFA);</li> <li>• Retail activities including Hardware and trade supplies, Showroom, Shop or Shopping centre greater than 1,000m<sup>2</sup> GFA;</li> </ul>	<p><b>E25.1</b></p> <p>New intersections onto existing roads are designed to accommodate traffic volumes and traffic movements taken from a date 10 years from the date of completion of the last stage of the development. Detailed design is to be in accordance with Planning scheme policy - Integrated design.</p> <p>Note - All turns vehicular access to existing lots is to be retained at new road intersections wherever practicable.</p> <p>Note - Existing on-street parking is to be retained at new road intersections and along road frontages wherever practicable.</p> <p><b>E25.2</b></p> <p>Existing intersections external to the site are upgraded as necessary to accommodate increased traffic from the development. Design is in accordance with Planning scheme policy - Operational works inspection, maintenance and bonding procedures.</p> <p>Note - All turns vehicular access to existing lots is to be retained at new road intersections wherever practicable.</p> <p>Note - Existing on-street parking is to be retained at upgraded road intersections and along road frontages wherever practicable.</p>



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Performance Outcome	Example
<ul style="list-style-type: none"> <li>Warehouses and Industry greater than 6,000m<sup>2</sup> GFA;</li> <li>On-site carpark greater than 100 spaces;</li> <li>Development has a trip generation rate of 100 vehicles or more within the peak hour;</li> <li>Development which dissects or significantly impacts on an environmental area or an environmental corridor.</li> </ul> <p>The ITA is to review the development's impact upon the external road network for the period of 10 years from completion of the development. The ITA is to provide sufficient information for determining the impact and the type and extent of any ameliorative works required to cater for the additional traffic. The ITA must include a future structural road layout of adjoining properties that will form part of this catchment and road connecting to these properties. The ITA is to assess the ultimate developed catchment's impacts and necessary ameliorative works, and the works or contribution required by the applicant as identified in the study.</p> <p>Note - The road network is mapped on Overlay map - Road hierarchy.</p> <p>Note - The primary and secondary active transport network is mapped on Overlay map - Active transport.</p>	<p><b>E25.3</b></p> <p>The active transport network is extended in accordance with Planning scheme policy - Integrated design.</p>
<b>Performance Outcome Assessment</b>	
<p>The following characteristics of the proposal are relevant:</p> <ul style="list-style-type: none"> <li>The proposal locates along Fingerboard Road being a Local Collector Road notably, this road standard is not compliant with this road typology and contains insufficient shoulders.</li> <li>Including the proposed use of a Place of Worship is likely to add a high volume of traffic, albeit is for limited time durations prior to, and after scheduled church activities.</li> <li>Fingerboard Road in front of the site, will require widening.</li> <li>Though the Fingerboard / Dayboro Road intersection appears adequate, a SIDRA assessment may be required.</li> <li>At two (2) culvert stream crossings the road and verge narrow's down to the extent that pedestrians and other active transport users, are required to go onto the vehicle travel lanes. Though these narrow points will likely require vehicle users to slow down,</li> </ul>	

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Performance Outcome	Example
<p>and sight lines are adequate at this point, it is likely to increase unsafe conflicts between local active transport users and churchgoers using this road.</p> <p>For a more detailed consideration of the above matters please see engineering referral comments below. Considering the use is inconsistent and in addition, the impost on the applicant to adequately address the above concerns will be substantial, the proposal is unable to reasonably comply.</p> <p>As such, the proposal does not comply with this Performance Outcome, and an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p><b>PO80</b></p> <p>New Community activities group uses may establish where they:</p> <ol style="list-style-type: none"> <li>immediately adjoin Community activities and neighbourhood hubs;</li> <li>are located on allotments that have appropriate area and dimensions for the sitting of: <ol style="list-style-type: none"> <li>buildings and structures;</li> <li>vehicle servicing, deliveries, parking, manoeuvring and circulation;</li> <li>landscaping and open space including buffering.</li> </ol> </li> <li>of a small scale and low built form, having regard to the surrounding character;</li> <li>do not result in nuisance impacts upon adjoining residents or the streetscape.</li> </ol>	No example provided.
<p><b>Performance Outcome Assessment</b></p> <p>The proposal locates a Place of Worship, which is included in the Community activity group, on a Lot that is not in or immediately adjacent to a Community activity and neighbourhood hub. Furthermore, the proposal does not have regard to the surrounding character also, it is likely to result in nuisance impacts to adjoining residents and the streetscape.</p> <p>As such, the proposal does not comply with this Performance Outcome, and an assessment against the Overall Outcomes is required and discussed in the relevant section of this report.</p>	

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#### 2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcomes PO1, PO6, PO11, PO21, PO22, PO25, PO80 of the Rural residential zone code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

- *Overall Outcome a. - A range of larger lots used primarily for residential (lifestyle) activities with limited provision of infrastructure. Residential uses are limited to a single dwelling house per allotment. A secondary dwelling is permitted provided it functions and appears subordinate to the principal dwelling house:*
- *Overall Outcome b. - The ongoing operation of existing rural uses and primary production activities is retained. Rural uses and primary production activities establish where they do not adversely impact on the use, character and amenity values of adjoining properties:*
- *Overall Outcome c. - Development maintains a distinct and recognisable transition between more intensively urbanised areas of the region, and the region's largely undeveloped rural hinterland;*
- *Overall Outcome d.- Development does not detrimentally impact upon the low density, low intensity and open area character and amenity associated with the Rural residential zone;*
- *Overall Outcome i. - Community activity group uses establish within existing Community Activities locations (see Overlay map - Community activities and neighbourhood hubs). Community activity group activities may only establish on lots that immediately adjoin existing Community activities and neighbourhood hubs only. Redevelopment or development within existing Community Activities locations, or on lots immediately adjoining Community activities and neighbourhood hubs occurs where:*
  - i. *development does not result in nuisance or amenity impacts on adjoining residents or the wider streetscape; and*
  - ii. *development is small scale, low intensity and consistent with the rural residential character and amenity associated with the particular Community Activities location;*
- *Overall Outcome j. - Development generating high volumes of traffic or involving heavy vehicle traffic movements are located on roads of a standard and capacity to accommodate traffic demand;*
- *Overall Outcome m: Activities associated with a use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke;*
- *Overall Outcome n: 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;*
- *Overall Outcome q. -Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
  - i. *protecting native species and protecting and enhancing species habitat;*
- *Overall Outcome s. - Development in the Rural residential zone does not include one or more of the following: Community Activity Group - where not in or adjoining a Community Activity location;*

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With regards to the above Overall Outcomes, the following is relevant:

- A. The purpose of the Rural Residential Zone is for residential development on larger lots provided with limited services and infrastructure and can support rural uses and primary activities where they do not negatively impact on the adjoining areas. In this instance, the use will have negative impacts on the adjoining rural residential lots.
- B. The development will have detrimental impacts on the intended and existing low density, low intensity and open character in that it will introduce unintended / unanticipated:
  - i. Noise impacts - The introduction of noise associated with a church that is unintended in the area including, a high number of people talking and singing, a high number of cars arriving and leaving and, amplified music and voices.
  - ii. Visual amenity impacts - Built form due to hard stand areas, alterations to the shed, the 155m long acoustic barrier, lighting in the car park area & internal pedestrian pathways and, removal of vegetation (which forms part of the character and amenity of the area). This can negatively impact the intended and existing high standard of scenic amenity.
  - iii. Traffic and safety impacts - The use is of a higher than anticipated intensity specifically, Fingerboard Road of a rural road standard and notably, this can cause unacceptable safety and traffic implications.
- C. The proposal locates a Place of Worship, which is included in the Community activity group, on a Lot that is not in or immediately adjacent to a Community activity and neighbourhood hub. Furthermore, the proposal does not have regard to the surrounding character also, it is likely to result in nuisance impacts to adjoining residents and the streetscape.

Based on the assessment above, the proposal is inconsistent with the relevant Overall Outcomes of the code. Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.3.1 of this report.

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 justify any approval of the proposal, are discussed in section 2.7 of this report.

2.4 Recording of particular approvals on the MBRC Planning Scheme  
Not applicable in this instance.

2.5 Referrals

2.5.1 *Council Referrals*

**2.5.1.1 Development Engineering**

**2.5.1.1.1 *Traffic, Access & Parking***

- Mt Mee Road is a State Controlled Road. Therefore, the application was referred to SARA due to proximity to Mt Mee Rd and the State has provided advice and conditions on all aspects regarding Mt Mee Road and the intersection with Fingerboard Road.
  - The State has conditioned a Channelised Right Turn (CHR) treatment required on the southern approach of Mt Mee Road.

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- The State's response to this referral has also conditioned:
  - The existing driveway to the existing dwelling may be retained.
  - The existing shed driveways must be removed.
- Council's 10-year Capital Works program shows a Pathway Planning project (109546) to extend the existing pedestrian path along Mt Mee Rd from Dayboro. The project intends to extend the path through to Fingerboard Rd and is in the concept design stage.

DS Engineering recommend intersection design includes suitably located path connections (kerb ramps if Kerb & Channel constructed) for the future MBRC path to connect to on the southern side of the intersection. It is also recommended that any development frontage works include pathway and connection on northern side of intersection.
- Fingerboard Road is a Council Local Collector road.
  - Development Engineering consider the submitted Traffic Impact Assessment (TIA) and the further TIA revision and addendum submitted to date do not demonstrate justification to support the determinations regarding traffic and safety on Fingerboard Road and the effect of change in traffic on safety is negligible.
    - The TIA relies on Fingerboard Rd background traffic of 60 vehicles per hour and the additional development traffic volume (15% of development traffic or 8-9 vehicles) to support its findings. However, DS Engineering consider both of these values may be much lower than actual traffic volumes and future movements.
      - The background traffic volume:
        - relies on traffic counts taken at the Fingerboard Road and Mt Mee Road intersection on Sunday 2 August 2020. While Queenslanders were not confined to their homes at that time, many workplace, venue and social restrictions were still in place. Additionally, interstate & international travel lockdowns were in place. These would all potentially lower typical traffic patterns.
        - appears low, particularly given volumes observed during site visits by MBRC suggest more than double the volume stated in the TIA. Observations suggest this road may be used as a shortcut to bypass/avoid Dayboro township.
      - The justification for how the additional development traffic values were determined is unclear.
        - No data has been presented. As the church congregation already attend services at a temporary venue, trip origin data could be used to support claim.
        - Based on submissions supporting the application, DS Planning suggests up to 50% of parishioner trips may originate from east of Dayboro and potentially use Fingerboard Rd.

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*DS Planning Comment: Approximately half of the submissions in support of the proposal, with identifiable addresses, are likely to utilise Fingerboard Road due to:*

- where located in King Scrub, Fingerboard Road will be the only route to and from the church; and
  - where located east of Dayboro, Fingerboard Road is the shortest and most direct route to and from the church.
- The TIA identifies Fingerboard Rd traffic volumes as “low”. However, the TIA does not define this categorical value.
    - The 60 vehicles per hour background traffic volume stated equates to AADT = 1440 vehicles per day.
      - In comparison to Austroads Guide to Road Design: Part 3 Table 4.5, 1440 veh/day falls in the higher volumes for a single carriageway rural road. This suggests the background traffic is not “low”.
    - During a site visit on 30/03/2023, DS Engineering took a random, timed sample and observed 14 cars in a 5min window from 3:15pm-3:20pm. This is almost 3 cars per minute (between 150-200 veh/hour) and the rate was constant in the hour-long site visit from 2:30pm-3:30pm. This equates to AADT more than 2000 vehicles per day.
  - The TIA turn warrant assessment identifies that a Basic Left Turn (BAL) and Basic Right Turn (BAR) treatment could be provided.
    - The TIA reasons and concludes that neither of these *Basic* treatments are required as traffic generation by the site is low and generation is for limited time periods on a road with low traffic. However,

Development Engineering consider, that allowing for 30-40 vehicles (if it is assumed 50% of vehicles approach site from east) and allowing a background traffic of 150-200 veh/hour, a minimum BAR and BAL treatment would be required.

Development Engineering recommend the construction of a BAR & BAL treatment be conditioned as part of frontage works to include:

- Widening of Fingerboard Rd on both sides to an Austroads rural road standard (no kerb & channel), with 2.0m wide full depth gravel shoulder (min 1.0m wide seal).
  - BAR and BAL treatment for the access driveway.
  - Tie in with intersection and tightening of intersection corner as part of TMR intersection works.
- Site access sightline to the east is significantly impacted by vegetation. This must be cleared to provide required visibility.
  - Austroads identifies a 7.0m sealed width plus shoulders (total sealed width 9.0m) for AADT >1000. Fingerboard Road is generally below this design.
    - Between the site and the intersection with Royston St, Fingerboard Rd has:

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- An average paved width approx. 5.7m, with 2 culverts with paved width of approx 5.8m and 4.9m.
- Generally, minimal shoulder with swale close to pavement.
- Few sections available where pedestrians or other vulnerable road reserve users can move or seek refuge off pavement without stepping into swale.
  - No options at culvert crossings which have paved widths of approx. 5.8m and 4.9m.
- Vegetation generally close to road, may impact sightlines and reduce stopping time available to react to wildlife.

DS Engineering consider this portion of road in its current form is not suitable for any increase in traffic volumes.

- Between the intersection with Royston St and intersection with Dayboro Rd, Fingerboard Rd has a generally wider paved width and shoulders, wide culvert crossing, open verges and increase sightlines available. DS Engineering consider this portion of Fingerboard Rd could be accepted with no change/upgrade.

Therefore, DS Engineering has concerns regarding the proposed use and the effect on safety on Fingerboard Road, particularly between the site and the intersection with Royston St without mitigation works being undertaken.

- No reasonable alternative to mitigating any increase in risk has been proposed by the development or the supplied assessments for the site access or Fingerboard Rd.
- It is not supported to place additional strain on the existing road without the road risk mitigation measures being undertaken.

DS Engineering recommend Conditions requiring, as a minimum:

- External works to widen the development side of Fingerboard Rd between the site and intersection with Royston St. External works to include:
  - Sealed pavement widening to provide a minimum 6.5m traffic lanes width plus 1.5m wide full depth gravel shoulder (min 0.5m wide seal) and table drain on the development side. Widening is to include both culverts.
- Frontage works to both side of Fingerboard Rd. Scope of works to include pavement widening on both sides of Fingerboard Rd from intersection with Mt Mee Rd and for the full length of frontage and tapering thereafter, realigning road geometry, swale & verge as required.
  - BAR and BAL treatment to be provided to facilitate access to site's proposed driveway crossover.
  - Widening to consist of a 7.0m wide rural road traffic lanes in accordance with Austroads (3.5m wide travel lanes), 1.5m wide full depth gravel shoulders (min. 0.5m wide sealed) with grass swales realigned and sized as necessary on each side.

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- Provide a 2m wide footpath on the development frontage side which connects to a suitably located path kerb ramp to cross Fingerboard Rd and to be constructed as part of the intersection upgrade with Mt Mee Road.
  - Include kerb ramp on southern side of Mt Mee Rd - Fingerboard Rd Intersection upgrade for future connection by Council.
- Proposed driveway access located on Fingerboard Road (Local Collector) could be accepted if works to provide suitable turn treatments and address sightline issues are undertaken.
  - Driveway, drop-off/service bays and service vehicle manoeuvring is acceptable.
    - Should a HRV come onsite it can turn around in vacant car park area to leave site in a forward gear.
    - A suitably sized culvert is proposed to enable driveway access across the overland flow path with space for pedestrians provided. Development Engineering recommend any approval condition works to be in accordance with the Stormwater Management Plan.
- A total of 58 spaces (including a PWD space) are proposed.
  - Carpark and drop-off bays dimensioned in accordance with AS2890.1. Development Engineering recommend standard condition could be applied.
  - DS Engineering consider the main carpark (28 spaces including PWD space) will be utilised during all events and recommends conditioning a sealed surface.
  - The overflow carpark is anticipated to be used in larger events, such as Sunday services wedding or funeral ceremonies. Permeable pavers are proposed. Given the overflow carpark would appear to be required regularly based on their expected attendance numbers, it would be appropriate for this to also be sealed. DS Engineering recommends conditioning a sealed surface.
  - Suitable connectivity from carpark is proposed via two paths. The eastern path will ensure connectivity during most rainfall events.
- As reticulated water is unavailable, a purpose-built tank is nominated as the on-site firefighting water source. The internal access road and main sealed carpark are both within 6m of the tank for access and connection by a firefighting appliance.

*2.5.1.1.2 Stormwater / Flooding*

- Stormwater Quality
  - Requirements of State Planning Policy are not triggered.
  - It is accepted that the carpark use is occasional as compared to high turnover or daily use carparks. The submitted Site Based Stormwater Management Plan (SBSMP) identifies that appropriate water quality treatments will be incorporated to ensure there is not a reduction in water quality utilising swales and permeable pavers to demonstrate compliance with PO7 & PO126.
- Stormwater Quantity
  - There is a change to existing fraction impervious due to proposed deck and walkways. This change has been identified as minor in comparison to the overall catchment that directs water through the subject site.



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- Stormwater from buildings is to be captured by rainwater tanks. Excess can be returned to sheet flow without causing actionable nuisance to any person, property or premises. Runoff from car park area and driveways will follow gradient towards overland flow path.
- The SBSMP prepared by Bligh Tanner (dated 21/02/22) in response to council's IR identifies:
  - Levels and surfaces forming the natural gully within the site will be maintained to the extent practicable. This ensures that overland flows behaviours will not materially differ from existing conditions.
  - Culvert is designed to convey up to the 39% Annual Exceedance Probability (AEP) event and act as a causeway in larger rain events. Additional rock mattress scour protection to be provided.
  - Depth-velocity products adhere to QUDM (2017) and safe pedestrian and vehicular movement requirements of Australian Institute for Disaster Resilience, 2012.
- The mapped overland flow path running through the site is the historical lawful point of discharge.
  - It is recommended an easement covering the 1% AEP event is conditioned to protect the overland flow conveyance.
  - The proposed deck is within Council's mapped overland flow path area. While this is to be a future easement and easements are typically free of structures, the proposed deck structure is non-habitable, raised on steel columns (piers) with no sides or walls or other characteristics that would impede potential overland flow or create any worsening effect as described by PO136 or 137.
- The subject Lot is partially within the mapped Balance flood hazard area. With exception of church deck, the proposed buildings are outside this mapped area. No issue with PO5, 6 & 22 of the Flood Hazard code.
  - The mapped flood hazard is below the 60.75m Australian Height Datum (AHD) contour in this area. Allowing 750 freeboard, Flood Planning Level (FPL) ~ 61.5m. The habitable areas are outside the mapped area or meet FPL requirements.
  - Carpark is also located within the balance flood hazard area and does not present an issue.

#### 2.5.1.1.3 Earthworks

- No earthworks are proposed by this development, except for culvert construction and minor works for required footings & services trenching.

#### 2.5.1.1.4 On-site wastewater treatment and effluent disposal

- A Site & Soil Wastewater Evaluation Report (the Report), prepared by Country-Wide Water (dated 17/01/2022), was submitted in response to Council's Information Request to demonstrate PO1(d), PO19 & PO127 of the zone code will be achieved. The Report identifies service requirements for over 100 equivalent persons (EP). Under Schedule 2 Part 13 of the Environmental Protection Regulation 2019 this identifies the development as an Environmentally Relevant Activity (ERA) 63.

An application for an *Environmental Authority* is necessary and any conditions required regarding on-site wastewater treatment and effluent disposal will be imposed by the State.

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While the Report recognises the obligation to apply for an Environmental Authority, this review recommends inclusion of an Advice Note as a reminder of this requirement.

- The site is located within the Water Resource Catchment and Water Supply Buffer Area for North Pine Dam (Lake Samsonvale), as per the State Planning Policy mapping, reflecting the State Interest for Water Quality. The Site & Soil Wastewater Evaluation Report and Subdivision HSTP and LAA Plan (also prepared by Country-Wide Water, dated 21/2/2023) were assessed by SEQ Water against SEQ Water's stated guidelines. The SEQ Water Advice (dated 27/02/2023) concludes the design represents a suitable outcome for the site, subject to conditions.

This review recommends that any approval include a requirement for the development to meet the conditions of the SEQ Water Advice.

#### **2.5.1.2 Environmental Health**

##### **2.5.1.2.1 Waste management**

- A waste management plan has been provided and is suitable. Conditions can be applied to ensure waste is managed in accordance with current policy.

##### **2.5.1.2.2 Amenity**

- Noise impacts to surrounding residents are a potentially significant issue for the proposed development. A noise impact assessment was provided in support of the development. The report was reviewed, and further information and evaluation requested. An amended acoustic assessment was provided. The assessment has been reviewed.

The acoustic assessment was found to have generally been conducted in accordance with Planning scheme policy - Noise. Some lingering issues were however identified including the following -

- The assessment in considering noise from within the church building has adopted lower source noise levels for the evening period than that for the day period on the basis that there are fewer people attending in the evening. What the assessment does not appear to recognise is that amplified music levels are likely to be the same for day and evening, irrespective of the number of people attending a service.
- The Trinity report shows that compliance with the adopted noise criteria is most limited for the evening (6am to 10pm) period and to achieve compliance, the noise barriers are required and the assumption that with fewer people in the church in the evening, the overall noise emission levels are lower.
- What this means is that if there are more people at an evening church service than assumed and if amplified music levels in the evening are the same as in the day period, there will likely be exceedance of the noise limits.
- A further matter relates to the ancillary building to be used for Sunday School. The architectural plans identify this as an outdoor space whilst the noise modelling appears to have assessed the use as being an indoor space. If the area is not fully enclosed, then the noise predictions for Sunday School or use of this area in the evening (if it is to occur) are underpredicting the potential impacts.

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- The outdoor deck on the northern side of the church is an area where considerable noise can be generated by people talking and using this area. The architectural plans identify the deck has an area of 141 m<sup>2</sup> with a roof over. The Trinity report has assessed noise from this area on the basis of only 30 persons and identifies there is no roof. The Trinity report recommends a 2m high noise barrier along the northern and eastern sides of the deck to achieve compliance. Adopting only 30 persons using this area is potentially an underestimate of noise emissions, particularly when the assessment identifies 120 persons at a Sunday morning service and the architectural plans identify the church has a maximum capacity of 187 persons. The Trinity report identifies use of the deck for morning teas but from the available material it could be used at any time of the day or evening.

If the development were to be approved a number of conditions would be required including limitations to hours of operation and amplified music levels, use of specified construction materials for buildings, limitations to number of persons in certain areas, closing of doors and windows when services are occurring and the construction of significant acoustic barriers including a 155m length adjacent to driveway and parking areas.

A portion of these conditions will be very difficult to manage operationally and there is a risk of complacency and failure. Other potentially problematic issues include controlling patrons in activity such as singing. Overall, it is reasonable to conclude that the scale and intensity of the use will result in activities with potential to generate significant observable activity with noise of a character which is not currently experienced in this rural residential area. The nearest off-site residences are in proximity to the proposed church and outdoor use areas including the driveway and car parking areas.

**2.5.2 Referral Agencies**

**2.5.2.1 Concurrence Agencies - Department of Infrastructure, Local Government and Planning**

The application was referred to the Department of Infrastructure, Local Government and Planning (DILGP) for the following:

- (a) Matters relating to State-Controlled Roads and Intersections. Council was advised on 16 March 2023 that DILGP has no objection to the development application subject to a number of conditions. This included the requirement for the applicant to:
  - i. Construct a channelised right turn treatment on Mount Mee Road, at the intersection of Mt Mee Road and Fingerboard Road.
  - ii. To close and permanently remove the two (2) existing northern vehicular property accesses of the Lot.

As refusal is recommended, these relevant conditions have not been included in the report.

**2.6 Public Consultation**

**2.6.1 Public Notification Requirements under the Development Assessment Rules**

- (a) Public Notification was served on all adjoining landowners on 11 March 2022.
- (b) The development application was advertised in the Buy Search Sell Online on 10 March 2022.
- (c) A notice in the prescribed form was posted on the relevant land on 12 March 2022 and maintained for a period of not less than fifteen (15) business days until 4 April.

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### 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	279
	Petition	0
Not Properly Made	Letter, Email, Fax	23
	Petition	0
<b>Total</b>		<b>302</b>

In addition to the above, the submissions for and against are split in the following way:

- In objection: Approximately two-hundred-and-fifty-three (253).
- In support: Approximately forty-eight (48).

One (1) submission noted a neutral stance.

The matters raised within the submissions are outlined below:

Assessment of Submissions
<u>Issue - Inconsistent Use</u>
<p>Submissions were received both in support and in objection of this discussion point:</p> <p><i>In objection</i></p> <p>The following matters were noted in objection to the proposal:</p> <ol style="list-style-type: none"> <li>1) The site and surrounding land are located within the Rural residential zone and is to be used in accordance with the Overall outcomes of the Rural residential zone code;</li> <li>2) The use is inconsistent with the relevant zone code;</li> <li>3) The area has a semi-rural look and feel additionally, many residents have bought residential properties in this area with the understanding and peace of mind that this character will be retained within the area. Approving this inconsistent use would be unfair to the residents living there;</li> <li>4) The proposal locates a use in an area where there is insufficient infrastructure to adequately and safely service the use;</li> <li>5) This use will create uncertainty of what other uses are allowed in the area and may attract further inconsistent uses (e.g. commercial) into the area; and</li> <li>6) It is stated that there is more suitable land available in Dayboro Township itself, reference was given to recent property sales though, examples were not included.</li> </ol> <p><i>In support</i></p> <p>The following matter was noted in support of the proposal:</p> <ol style="list-style-type: none"> <li>1) It was stated that the church could not find any other more suitable properties within Dayboro Township or surrounds.</li> </ol> <p><i>Development Services Planning Comments</i></p> <p>The proposal locates a Place of worship on a Lot within the Rural residential zone and the Rural place types. A Place of worship is an inconsistent use as per the Rural residential zone code unless, it is located on or adjoining a lot with a Community activities and neighbourhood hub overlay. Furthermore, the use itself could have detrimental impacts on</p>

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the surrounding areas that is not anticipated within the Rural residential zone including (but not limited to):

- Higher traffic volumes on a substandard road (Fingerboard Road);
- Visual amenity impacts due to a higher than anticipated built form;
- Noise and light pollution;
- Environmental impacts.

Furthermore, the Strategic framework determines that the Rural place type areas are to consist of “*rural production and associated rural industry, scenic landscapes and natural areas, outdoor entertainment and recreation, rural living, tourism and home-based business activities*” whilst the character is to be predominantly feature: “*grazing, agriculture, forested areas, tree lined roads and scattered housing and farm buildings*”. Notably, the Strategic framework anticipates that community and cultural services are to be provided within Rural townships (e.g. Dayboro).

With regards to the above, the use is considered to be inconsistent with the Rural residential zone code and the Strategic framework and may result in detrimental impacts on the surrounding area.

This is a reason for refusal of the application.

#### **Issue - Growth / Expansion (Of the church and surrounding areas)**

Submissions were received both in support and in objection of this discussion point:

##### *In objection*

The following matters were noted in objection to the proposal:

- 1) It is stated that the church has shared plans for growth during sermons and/or online, this includes growing:
  - a) Membership, parking, activities;
  - b) The milkshed being used for youth ministry, op-shop and coffee shop; and
  - c) The existing Dwelling to be converted into an admin/office building in spite of the report stating that the Dwelling will be rented out for residential purposes;
  - d) Additional functions and weddings;
  - e) Youth camps onsite; and
  - f) Further expansion of the church e.g. additional buildings and structures.

##### *Development Services Planning Comments*

The proposal is for Place of worship within the Rural residential zone not containing a Community activities and neighbourhood hub overlay. The use is Assessable development - Impact assessment.

Any expansion to the proposed Place of Worship is not assessed as part of this application. Any proposal for future expansion would need to be assessed against the legislation in place at the time. This may include minor changes not requiring public notification or significant changes (change other), requiring public notification. Notably, any approval of the current application would not necessarily mean further expansion is approved.

This is not a reason for refusal of the application.

#### **Issue - Planning Need: Community Impact**

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Submissions were received both in support and in objection of this discussion point:

*In objection*

The following matters were noted in objection to the proposal:

- 1) It is stated that the church will be a “super” or “mega” church and will be commercially focussed. Specific mention is made to the proposed operational hours as well as the growth plans noted by the church;
- 2) The inconsistent use can lead to a reduction of amenity of the surrounding areas additionally, residents may suffer from mental health due to noise, traffic and light pollution;
- 3) Business may be driven away from Dayboro due to its inconsistent use additionally, Dayboro may lose its “Town of yesteryear” appeal;
- 4) It is stated that there are currently a sufficient number of churches to service Dayboro’s needs; and
- 5) A large portion of the church’s membership is not from Dayboro hence, they will not experience the impact of living in proximity of the church.

*In support*

The following matters were noted in support of the proposal:

- 1) Dayboro is well served by this church in giving assistance to the community in that it is family orientated, community focussed in addition, the church supports single mothers and provide other community services. The church has been in the community for eight (8) years;
- 2) The church building can be used as a place of refuge during emergencies (e.g. flooding or bushfires); and
- 3) The church draws additional people and business into Dayboro thus, supporting the local economy.

*Development Services Planning Comments*

S45(5)(b) of the Act states that an Assessment manager may consider any other relevant matters including a planning need, when assessing an impact assessable application. A planning need can be defined as “a *latent unsatisfied demand for the proposed development, which is not adequately met by the planning scheme in its present form*”\*

In response to the proposal being an inconsistent use in the zone, the applicant has provided:

- an assessment stating the proposal can be consistent;
- a response noting the need for the church in the community; and
- a response noting the limited availability of suitable sites in the area;

Notwithstanding the above and as discussed in section 2.7 of the report, the applicant has not sufficiently demonstrated a planning need.

This is sufficient grounds for refusal.

**Issue - Noise Impact**

Submissions were received both in support and in objection of this discussion point:

*In objection*

The following matters were noted in objection to the proposal:

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- 1) It was noted that the following noise generators would be a concern:
  - a) Vehicle doors slamming shut and vehicle noises;
  - b) Children, youth and other outside activities including conversations of people arriving at or leaving the church;
  - c) Any activities proposed on the open deck or from the unenclosed milkshed;
  - d) Amplified music;
  - e) Weddings and functions;
  - f) Commercial kitchen, coffee shop and op shop;
  - g) Activities from the church will result in more barking from neighbouring dogs; and
  - h) A concern was raised that the church may in turn require that the community be quiet during sermon times.

Specific concerns were raised that the above may occur early or late or during times when surrounding residents is anticipating no additional noise to that what is generated by normal traffic and rural residential activities. Some submitters noted that this noise can impact negatively on the mental health of the adjoining residents.
- 2) An inadequate Noise impact assessment with insufficient proposed noise attenuation measures due to:
  - a) Insufficiently provided noise receptors: It was stated that only the adjoining properties contained noise receptors during testing. In addition, this does not take into account the:
    - i) Natural layout of the area which contains a valley and then rises into the hills, creating an amphitheatre. It is stated that this landform amplifies sound and allows it to travel differently and further, when compared to other areas;
    - ii) Temperature inversion being created by the lay of the land and atmospheric conditions. It is stated that this can cause sound to travel differently and further than in other circumstances.

Numerous examples were given of how conversations and other noises could be heard from a range of hundreds of metres to even a kilometre or more either emanating from this Lot, or from surrounding areas.
  - b) Only the south-eastern boundary is to contain a noise attenuation barrier leading to the following concerns:
    - i) The noise attenuation barrier will only be 1.8m in height which is noted to be below the floor level of the church whilst, there are gaps below the barrier to ensure uninterrupted flow of rainwater runoff. It is stated that this can cause noise to still permeate through and over the structure.
  - c) Only the church building is to contain cladding whilst, the milkshed will remain unenclosed and no other buildings will be fitted out with noise dampening measures;
  - d) There is no noise attenuation structure proposed on the north-eastern boundary, within proximity of the car parking area;
  - e) Noise testing was done during the Covid lockdown period and as a consequence, this assessment may not contain accurate results; and
  - f) There is an inconsistency between the Noise report and other submitted reports in relation to weddings and functions.

*In support*

The following matters were noted in support of the proposal:

- 1) The music will be contained within the church and will not be too loud;
- 2) The current traffic along Mt Mee will generate more noise than the church; and
- 3) Noise will be for short durations and at times when residents will be making their own noise.

*Development Services Planning Comments*

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To mitigate the above noise impacts to acceptable levels, overly restrictive conditions may be required for the development. In addition, the noises will still be audible and will introduce noises that is not anticipated in the zone.

Considering these amenity impacts are due to an inconsistent use, this is a reason for refusal of the application.

#### **Issue - Light pollution**

Submissions were received both in support and in objection of this discussion point:

##### *In objection*

The following matters were noted in objection to the proposal:

- 1) Light pollution from the proposed illuminated advertising device was consistently raised;
- 2) Light pollution generated from the buildings, pathways & parking area pedestrian lights and vehicle lights;
- 3) Mention was made of future expansion that could include lights from sport fields\* and a coffeeshop;

It was noted that the above could cause a loss of amenity to the surrounding properties whilst, distracting and endangering road users and wild life. One specific comment stated that people lived out in the area to see stars and not illuminated signs.

##### *Development Services Planning Comments*

It is understood that the development will not include an illuminated advertising device nor does a sport field or coffeeshop form part of this application notwithstanding this, the proposal will require lighting for internal pedestrian pathways and in the car parking areas which will cause lighting pollution that is not anticipated in this area.

Considering these amenity impacts are due to an inconsistent use, this is a reason for refusal of the application.

#### **Issue - Hours of operation**

Submissions were received both in support and in objection of this discussion point:

##### *In objection*

The following matters were noted in objection to the proposal:

- 1) The proposed operational hours are from early to late, seven (7) days a week and goes beyond what other businesses are allowed to operate at, within Dayboro;
- 2) This will create noise from early too late; and
- 3) Other churches are not open during these hours.

##### *In support*

The following matters were noted in support of the proposal:

- 1) It is stated that the church will only be used for extended hours, in exceptional circumstance.

##### *Development Services Planning Comments*

The proposal includes the following schedule of operations:



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Activity	Day	Time	Maximum Attendees
Church service	Sunday	8:00am - 12:00pm	120
Church service	Sunday	5:00pm - 7:00pm	40-50
Sunday School	Sunday	9:30am - 12:00pm	35
Youth group	Saturday	5:00pm - 8.30pm	20-30
Small Groups & Bible Studies	Monday-Friday	9:30am - 10:30am	10-15

In addition to noise impacts, mitigating the amenity impacts may require overly restrictive conditions that will regulate factors including operational hours, capacity limits, off-limit areas and type of music / voices (e.g. amplified). These restrictive conditions may be deemed unreasonable.

Considering these amenity impacts are due to an inconsistent use, this is a reason for refusal of the application.

#### **Issue - Visual Amenity**

Submissions were received both in support and in objection of this discussion point:

##### *In objection*

Submissions stated that the clearing of trees will lead to a loss of amenity whilst, the construction of an open car park, new buildings/structures, an attenuation fence and the approval of an advertising device, will negatively impact on the semi-rural amenity.

##### *In support*

Submissions stated that the current buildings and structures will be retained additionally, that these buildings and structures are in keeping with the semi-rural amenity.

##### *Development Services Planning Comments*

The applicant is proposing to convert two (2) existing sheds into a church-hall and ancillary spaces respectively in addition, the current Dwelling house is to be converted into an office. These buildings are located along the western and south western boundaries of the Lot. In this respect, it is appreciated that the applicant has sought to try and maintain the Rural Residential Character of the area through the retention of existing buildings and sheds.

However, in addition, new buildings and structures are proposed:

- 1) A deck, roofed drop off area and kitchen directly adjoining the proposed church-hall;
- 2) A car park and overflow car park are with twenty-eight (28) and thirty (30) parking spaces respectively, located to the north-east of the Lot;
- 3) A 1.8m to 2.0m high noise attenuation fence of approximately 155m in length along the south-eastern boundary and along the car park;
- 4) The removal of two (2) of native trees notably, these trees are currently located adjacent to the proposed church-hall and in proximity of the proposed car park;
- 5) The likely removal of native vegetation along the Fingerboard Road reserve; and
- 6) The inclusion of a 1.7m high by 7.0m advertising sign located on the western elevation of the church building.

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The Overall Outcomes of the Rural residential zone includes a requirement that *development does not detrimentally impact upon the low density, low intensity and open area character and amenity associated with the Rural residential zone*. The proposal includes several proposed improvements that could result in a higher intensity-built form than what is anticipated in the Rural residential zone. In addition, the proposal introduces un-anticipated amenity impacts in this area.

Considering these amenity impacts is due to an inconsistent use, this is a reason for refusal of the application.

#### **Issue - Traffic / Safety**

Submissions were received both in support and in objection of this discussion point:

##### *In objection*

A large number of matters were raised in objection to the proposal considering the traffic and road safety, the main concerns can be categorised under Fingerboard Road and Mt Mee Roads intersection, Fingerboard Road, Mt Mee Road and the Traffic Impact Assessment:

- 1) Fingerboard Road and Mt Mee Road intersection:
  - a) It is noted that this intersection is accident prone for reasons including:
    - i) Insufficient sight distances along Mt Mee road due to blind corners to the north and south and vegetation on the intersection;
    - ii) Potential speeding of road users approaching this intersection and insufficient stopping times;
    - iii) No turning lanes are provided at this intersection additionally, only the lane heading north contains a shoulder.
    - iv) The camber of Mt Mee road makes it particularly difficult for vehicles travelling from Dayboro, to turn right into Fingerboard Road, to do so safely and efficiently;
    - v) Potholes present at the intersection;
    - vi) Vehicles coming from the north, turning into Fingerboard Road often do so at speed and will sometimes encroach into the oncoming lane, having previously caused accidents;
    - vii) Fingerboard Road contains a blind height and corner, close to the intersection.
  - b) Concerns are raised that this development increase accidents due to the proximity of the proposed driveway crossover to the intersection. It is stated that peak arrival times can cause queuing from the crossover in Fingerboard Road into Mt Mee (lane heading from north to south) additionally, that the south to north lane on Mt Mee will also queue up. Furthermore, queuing to the east on Fingerboard Road is also possible.
  - c) Further to the above, this can increase waiting times and congestion and can result in vehicle users to either take unsafe chances, or not stop in time for queuing vehicles thus causing accidents. In addition, queuing on Fingerboard Road may also block the entrances to Lyndhurst Road and Bray Street.
  - d) Vegetation on the intersection already obstructs viewing and on street parking could further reduce visibility.
- 2) Fingerboard Road:
  - a) It is noted that Fingerboard Road is substandard due to:
    - i) Insufficient pavement width (approximately 5.5m wide) with limited line markings;
    - ii) At two (2) culvert crossings, the road narrows down to the extent that only one vehicle can pass at a time notably, there is no give way signs at these points;

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- iii) The road contains no shoulder or formed pedestrian footpath;
- iv) The verge contains uneven grass additionally, it narrows down at the culvert crossings. Notably, these crossings contain no pedestrian guard rails, has significant drop offs and forces pedestrians to share the road with traffic.
- v) The road is winding and contains a number of blind corners and rises/dips;
- vi) Fingerboard Road is used by both locals and road motorists taking a shortcut in order to bypass Dayboro CBD (rat running). This traffic includes motorbikes, light motor vehicles, utes with horse floats and trucks.
- vii) In addition, this road is used extensively for recreational purposes by the local residents which includes pedestrians, cyclists, horse riders. A mention was made of a mobility impaired resident utilising this road by way of a wheelchair. Due to the lack of a shoulder, pedestrian footpath and even verge, all the recreational traffic is concentrated into the road thus having to share the road with vehicles.
- b) Some motorists speed through the road;
- c) Concerns are raised that the increase of traffic, specifically during peak arrival and leaving times at the church, can worsen the safety aspect, causing accidents and preventing people from safely using the road for recreational purposes.
- d) Some submissions stated that Fingerboard will need to be upgraded to the required standard and include traffic calming devices to prevent motorists speeding through.
- 3) Mt Mee Road
  - a) It is noted that Mt Mee Road is a winding road that contains single travel lanes with no shoulder for the most part additionally, that there are no pedestrian footpaths along this road. Specific mention was made of the Carl Ihm Bridge crossing over Terrors creek where pedestrians is required to walk within a narrow shoulder on the bridge.
  - b) A further concern was raised that development to the north on Mt Mee is already placing additional pressure on this road.
  - c) Considering the above, concerns were raised that the development of the church will further negatively impact on the safety of travellers using Mt Mee.
- 4) Concerns were raised with regards to the Traffic Impact report including:
  - a) Undercounting existing traffic generation specifically, the weekend traffic generated by tourists passing through. In addition, the report has not taken into account the additional traffic from the newly developed Tullamore Estate;
  - b) Undercounting the church traffic;
  - c) The report assumes that very little traffic will use Fingerboard Road as noted above, the submissions state that Fingerboard is used extensively as a shortcut for local and non-local traffic.
  - d) The assessment was conducted during lockdown periods, numerous concerns were raised that this can lead to a distorted outcome of the report;
  - e) The report notes that additional accidents will be likely, due to the development. It is stated that no additional accidents should be tolerated; and
  - f) One submission noted that additional accidents caused by an inconsistent use, at a location not appropriately supported by infrastructure (adequate roads) and, which increases traffic more than what is normally anticipated, is not acceptable.
  - g) It was stated that due to the possibility of accident data being undercounted, the report should have considered additional sources e.g. information from the Insurance Council of Australia.
  - h) The report states that no turning lanes are required at the intersection and it does not address the blind corner on Fingerboard Road.
  - i) There appears to be an inconsistency of parking numbers between this report and other reports/plans.

*In support*

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The following matters were noted in support of the proposal:

- 1) It was stated that the location is ideal given its proximity to Mt Mee Road; and
- 2) A submitter stated that they live in the vicinity and have not witnessed any accidents along this intersection.

*Development Services Engineering Comments*

A certified traffic impact assessment was carried out to review the road and traffic environment with respect to the proposed development. Further traffic assessment was also requested by Council to particularly investigate submission issues raised including safety, current road design, sightlines, turn warrants and acceptable areas for vulnerable road reserve users.

DS Engineering consider frontage and external works are required with respect to safety along Fingerboard Road between the intersection with Mt Mee Rd and the intersection with Royston Rd. These works include culvert widening, road widening (including shoulders), BAR & BAL site access treatment and clearing of sightlines.

Frontage and external works are considered relevant to be conditioned and, if carried out prior to commencement of use, the issue raised will be addressed and not sufficient reasons for refusal of the application.

*Development Services Planning Comments*

It should be noted, the Department of Transport and Main Roads response requires a channelised right turn from Mt Mee Road onto Fingerboard Road additionally, all existing vehicle access crossovers need to be permanently closed.

Considering these traffic and safety impacts are due to an inconsistent use, and the conditions requiring the necessary upgrades would be a significant impost upon the development this is a reason for refusal of the application.

**Issue - Environmental Impact and Pollution**

Submissions were received both in objection of this discussion point:

*In objection*

The following matters were noted in objection to the proposal:

- 1) Two (2) trees in addition to trees on the Mt Mee and Fingerboard Road intersection is proposed to be removed (the latter for traffic visibility). It is stated that one (1) tree is a fifty (50) year old gum tree and that the trees contain fauna also, that these trees forms part of an environmental corridor. Further, it is stated that the removal of these trees can cause soil erosion;
- 2) The increase of untreated water runoff from the car parking area in addition to the water irrigated from the proposed effluent disposal system, can pollute the waterways. Notably, it is stated that these waterways include platypuses and other fauna;
- 3) Noise and light pollution may repel fauna and. In addition, light pollution from the advertising device and increased traffic, can distract fauna and cause more wildlife deaths;
- 4) It was stated that the Effluent disposal system may be of insufficient size and capacity to accommodate the church goers. This included a concern that the Lot will not be able to contain a sufficiently sized effluent irrigation area due to the proximity of the Flood hazard overlay; and

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- 5) A question was raised whether an environmental impact study was done.

*Development Services Engineering Comments*

The submitted *Site & Soil and Wastewater Evaluation Report* investigated the soil type, drainage ability, anticipated wastewater production, accommodation of peak production, suitable irrigation type, required irrigation area and potential irrigation area location to meet setback requirements from buildings, properties and watercourses. The Report identifies service requirements for over 100 equivalent persons (EP). Under Schedule 2 Part 13 of the Environmental Protection Regulation 2019 this identifies the development as an Environmentally Relevant Activity (ERA) 63.

As an irrigation scheme is proposed a concurrence assessment by the state is not required. However, application for an Environmental Authority is necessary and any conditions required regarding on-site wastewater treatment and effluent disposal will be imposed by the State. The Report recognises the obligation to apply for an Environmental Authority.

Council could also ensure a reminder regarding this requirement is provided as an advice note on any Decision.

The location is within the mapped Water Resource Catchment and Water Supply Buffer Area for North Pine Dam (Lake Samsonvale). Therefore, the assessment benchmarks of the SEQ Water Development Guidelines: Water Quality Management in Drinking Water Catchments apply.

The *Site & Soil Wastewater Evaluation Report* and *Subdivision HSTP and LAA Plan* were assessed by SEQ Water against SEQ Water's stated guidelines. The [SEQ Water Advice \(dated 27/02/2023\)](#) concluded the design represents a suitable outcome for the site, subject to Conditions.

Council could ensure any approval be conditional to the development meeting the Conditions of the SEQ Water Advice.

*Development Services Planning Comments*

- 1) The trees proposed to be removed on the Lot is mapped as Category X and is not generally regulated by the vegetation management laws. In addition, the trees are not located within an Environmental overlay and nor is it considered as a habitat tree under the Planning Scheme. However, these are mature native trees and can be considered to have environmental value.
- 2) The Lot locates within a Water supply buffer overlay and as a consequence, development on this Lot is to demonstrate compliance with Performance Outcomes PO126 and PO127 of the Rural residential zone code notably, this requires additional measures for water runoff and effluent systems to ensure the waterways are not contaminated.
- 3) It is understood that additional light and noise pollution can repel and, in some circumstances endanger wildlife.
- 4) It is likely that the trees close to the intersection, along Fingerboard Road will require clearing to ensure safer sight lines along the east of Fingerboard Road.

In consideration of the above, Council's officers are satisfied that the rainwater runoff can be sufficiently treated to an acceptable quality prior to, being released back into the receiving waters. In addition, and in response to Council's request for further information, the applicant has demonstrated that the effluent disposal system is compliant with the relevant requirements in the Water supply buffer overlay. Notwithstanding the

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aforementioned, the proposal will result in the clearing of native vegetation inside the Lot and along the road reserve for an unanticipated use in this zone.

Considering the environmental impacts are due to an inconsistent use, this is a reason for refusal of the application.

#### **Issue - Flood / Drainage**

Submissions were received both in support and in objection of this discussion point:

##### *In objection*

Concerns were raised that due additional impervious areas increasing rainwater runoff as well as, the proposed development within the Overland flow path overlays impacting the natural flow of the rainwater runoff, that the following may occur or be worsened:

- 1) Increase flooding onto Fingerboard Road, Avalon Estate, Parkland Estate and surrounding areas. It is noted that Fingerboard regularly floods on at least two (2) causeways additionally, that residents in the surrounding areas are isolated until the flooding recedes;
- 2) A concern was raised that church goers can also be isolated during flooding, without amenities.
- 3) It has been proposed by one of the submitters to relocate the car parking area to the west in order to slow down rainwater runoff;
- 4) A concern was raised that the proposal under-represented the areas of water flow and flooding.

##### *In support*

- 1) It was stated that there was no evidence that flooding from the property will worsen downstream flooding.

##### *Development Services Engineering Comments*

The submitted Site-based Stormwater Management Report investigated the pre- and post-development impervious areas and stormwater flows. The stormwater catchment feeding into the overland flow path that runs through the subject site is significant and largely unchanged by the proposed development.

- Majority of catchment is upstream of subject site (see image below).
- The change in impervious area is not significant in comparison to the catchment (see existing building compared to catchment area in image below). Additionally, roof areas drain to tanks and will only drain to ground once full.
- Pathway and carparking areas drain through grass or garden areas prior to reaching overland flow path. Water will still need to traverse grass areas into overland flow path. Piped discharge to overland flow path is not proposed.
- The State Planning Policy requirements are not triggered by the entire post-development impervious area.
- The stormwater management investigation of the site demonstrates that pre- and post-development flow rates are comparable.
- New deck is on piers so as to ensure overland flow path is not blocked.
- No blockage of Q100 overland flow area is created. An easement over this area will be provided and flow regime maintained.
- Access/connection to car park across overland flow path has been considered and designed for.

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Figure A: Upstream catchment

*Development Services Planning Comments*

Council's engineering officers have reviewed the applicant's proposal and have determined that increased stormwater run-off can be mitigated through measures including constructing the car parking overflow areas with permeable materials additionally, by conditioning the inclusion of rainwater tanks to all buildings.

It is considered that the above matters can be satisfactorily addressed through the inclusion of relevant conditions.

This is not a reason for refusal of the application.

**Issue - Waste management**

Submissions were received in objection of this discussion point:

*In objection*

The following matters were noted in objection to the proposal:



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- 1) No waste management program was submitted additionally, it was not demonstrated that a 12.5m long Heavy Rigid Vehicle (HRV) can enter and leave the site in a forward gear.

*Development Services Planning Comments*

With regards to the above, Schedule 8 of the Planning scheme anticipates that the size of a regular required service vehicle to access a Place of worship, is a small rigid vehicle (SRV). Notably, this requirement can also be conditioned.

This is not a reason for refusal of the application.

**Issue - Other: Bushfire and Privacy**

Submissions were received both in objection of this discussion point:

*In objection*

The following matters were noted in objection to the proposal:

- 1) It was stated that the proposal did not appropriately consider the Bushfire risk hazard notably, no alternative evacuation routes are proposed; and
- 2) It was stated that the open deck can create overlooking opportunities into adjacent lots. The overlooking concern is more pronounced due to the Lot's elevation being higher than the lots to the east. Privacy concerns were raised especially, if recordings were made from the deck.

*Development Services Planning Comments*

- 1) The proposal locates development within a Bushfire hazard risk overlay. Notwithstanding the aforementioned, the proposal can accord with the relevant Performance Outcomes of the Rural residential zone code as it can obtain sufficient setbacks from vegetation whilst, being within 100m from a public road.
- 2) With regards to overlooking and privacy, the deck will be located approximately 70m and 100m from the nearest two (2) Dwelling houses notably, these Dwellings contains existing vegetation screening.

This is not a reason for refusal of the application.

**Issue - Non Planning Matters**

Submissions were received both in support and in objection of this discussion point:

*In objection*

The following matters were noted in objection to the proposal:

- 1) Concern was raised about the potential negative impact on property values, this church may have on the adjoining properties;
- 2) Concerns were raised that the church allegedly acted unlawfully at times including not adhering to Covid requirements at times and in addition, allegedly holding an unlawful youth function in the milkshed. These matters were raised as a possible concern that the church may not adhere to conditions, should the application be approved;
- 3) Additionally, concerns were raised due to the church's policies and beliefs.

*In support*



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The following matter was noted in objection to the proposal:

- 1) It was noted that there is no evidence that the approval of this use on the Lot, will negatively impact the property values of the surrounding lots.

*Development Services Planning Comments*

The above is noted however, these are not planning related matters and cannot form part of this assessment

This is not a reason for refusal of the application.

**2.6.2 Notice of Compliance**

The Notice of Compliance was received by Council on 5 April 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.

**2.7 Other Matters**

The Planning Act S45(b) states that an impact assessment: *"may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise."* This includes a Planning Need which can be defined as: *"an assessment as to the extent to which the proposed development can be accommodated by the existing planning provisions and including an assessment of the existence of competitive approvals and the availability of suitably zoned and/or designated lands to accommodate the proposed development"*

- 2.7.1 There is no need for the proposed development and, in any event, any demonstrated need does not warrant the proposed being approved in light of the other matters that support refusal of the proposed development.

Particulars

- A. The Lot is located approximately 1.5 kilometres north-east of the Dayboro township centre which includes the following Township Zone Precincts:
  - i. Township Centre.
  - ii. Township Residential.
  - iii. Township Industrial.
- B. There is available land within a reasonable distance of the subject site to accommodate the proposed use including:
  - i. land within the Township Centre Precinct (forming part of the Dayboro Township);
  - ii. land within the Township Residential Precinct; and
  - iii. land within the Community Activities Overlay adjacent to Dayboro.

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C. The Planning Scheme is a document that is an embodiment of the community interest, where soundly based and not overtaken by events. In this case the Planning Scheme is soundly based and has not been overtaken by events and, remains an embodiment of the community interest. As the land use is an inconsistent use and is subject of Impact Assessment, public notification was undertaken with a significant majority of submitters against. This is a strong indication that the community interest represented by the Planning Scheme is understood by the community and not to be lightly dismissed.

2.7.2 The significant majority of submissions opposed the proposed development which:

- a. is a matter which supports refusal of the proposed development;
- b. reflects the consistency of the Planning Scheme, as the embodiment of the community interest, with the sentiment and expectations of the community.

2.7.3 The Applicant has not identified any relevant matters which overcome the non-compliances with the Planning Scheme raised above.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

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

#### 3.2 Corporate Plan linkage

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

##### **Our Well-planned Places:**

We have a clear urban growth boundary that protects our unique landscapes and environmental values.

#### 3.3 Policy Implications

The proposal is inconsistent with the existing Moreton Bay Region planning provisions and relevant policies.

#### 3.4 Risk Management Implications ☒ Nil identified

#### 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 ☒ 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

Refer to clause 2.6.

**ITEM 3.2**

**DA/2022/5058 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, RELOCATABLE HOME PARK & RETIREMENT FACILITY (LESS THAN 200 DWELLINGS) AND RESIDENTIAL CARE FACILITY (LESS THAN 100 BEDS) AND SALES OFFICE, INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME, LIMITED TO VARIATIONS TO THE FLOOD HAZARD OVERLAY (FIGURE 8.2.2.7 – ROTHWELL DIA) AND TO THE TABLES OF ASSESSMENT OF THE FLOOD HAZARD OVERLAY (ROTHWELL DIA FOR ALL ASPECTS OF DEVELOPMENT) AND THE MEDIUM RISK FLOOD HAZARD AREA (FOR A RESIDENTIAL ACCOMMODATION BUILDING AND VULNERABLE LAND USE)) - LOCATED AT LOT 11 GYNTHY ROAD, ROTHWELL**

**APPLICANT: SERENITAS MANAGEMENT PTY. LTD. C/- SAUNDERS HAVILL GROUP**

**OWNER: MR. MALCOM ROBERT BURKE**

Meeting / Session: 3 WELL-PLANNED PLACES

Reference: 66913208: 4 May 2023 – Refer Supporting Information 66913209, 67069051, 67069050, 67069049

Responsible Officer: GH, Principal Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Serenitas Management Pty Ltd c/- Saunders Havill Group
<b>Lodgement Date:</b>	13 December 2022
<b>Properly Made Date:</b>	13 December 2022
<b>Confirmation Notice Date:</b>	4 January 2023
<b>Information Request Date:</b>	18 January 2023
<b>Info Response Received Date:</b>	31 January 2023
<b>Public Notification Dates:</b>	20 February 2023 and 4 April 2023
<b>No. of Submissions:</b>	Properly Made: One (1) Not Properly Made: Nil
<b>Decision Due Date:</b>	14 June 2023
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 5
<b>Property Address:</b>	Lot 11 Gynther Road, Rothwell
<b>RP Description</b>	Lot 11 SP285632
<b>Land Area:</b>	8.2990ha
<b>Property Owner</b>	Mr Malcom Robert Burke

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme (version 6)
<b>Planning Locality / Zone</b>	General Residential Zone, Next Generation Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact Assessment

*ITEM 3.2 DA/2022/5058 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, RELOCATABLE HOME PARK & RETIREMENT FACILITY (LESS THAN 200 DWELLINGS) AND RESIDENTIAL CARE FACILITY (LESS THAN 100 BEDS) AND SALES OFFICE, INCLUDING A VARIATION - 66913208 (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. In addition, this matter 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.

The subject land is presently included within a Drainage Investigation Area (Figure 8.2.2.7 - Rothwell) and is mapped as containing areas of Medium-risk flood hazard in the southern and central portions of the site as shown on Overlay map - Flood hazard of the Moreton Bay Regional Council Planning Scheme (version 6). Despite this, the premises is benefitted by an existing development approval for Operational Works - Earthworks, approved by Council's delegate on 10 October 2022 (Council Reference: DA/30944/2015/V4E/1), which once acted upon, will remove the flood hazard from the premises.

The purpose of this application is to ultimately vary the level of assessment that would apply to a future development application made over the land (i.e. from Impact to Code Assessment) which would only have effect once earthworks have been satisfactorily completed in accordance with the existing Operational Works approval. In order to facilitate a reduced level of assessment to future development applications made over the premises, the application seeks approval for the following aspects of development:

- (a) Material Change of Use - Preliminary Approval for Dwelling house, Dual occupancy, Relocatable home park, Retirement facility (where less than 200 dwellings) and Residential care facility (where less than 100 beds) and Sales office. This Preliminary Approval component does not authorise development to occur, but rather nominates potential future land uses that would have the benefit of the variation; and
- (b) Material Change of Use - Preliminary Approval that includes a Variation Request to vary the effect of the Moreton Bay Regional Council Planning Scheme to vary the Flood Hazard Overlay to introduce:
  - (i) a varied Figure 8.2.2.7 - Rothwell, which removes Lot 11 Gynther Road, Rothwell from the Drainage Investigation Area;
  - (ii) varied Tables of Assessment for the Flood Hazard Overlay Code, to the extent that a 'Residential accommodation building' and a 'Vulnerable land use' where within the mapped Medium-risk flood hazard as shown on Overlay map -Flood hazard would be made Code Assessable (instead of Impact Assessable).

As indicated, the variations to the Planning Scheme would only take effect once already approved earthworks have been satisfactorily completed in accordance with the existing approval for Operational Works - (DA/30944/2015/VE/1, or as amended). Essentially, the variation seeks to apply the levels of assessment to future development applications as if the land is not subject to flood hazard, which would be the case once the approved earthworks have been satisfactorily completed.

The application is subject to Impact Assessment and was publicly advertised for a period of thirty (30) business days and one (1) submission was received. The submission requests that conditions be applied to any Variation Approval and Preliminary Approval given, requiring future development to facilitate access and stormwater drainage discharge to adjoining land to the West of the site.

Council Officers are of the view that the development application should be approved, subject to conditions.

## RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Mick Gillam

CARRIED 12/0

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

ITEM 3.2 DA/2022/5058 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, RELOCATABLE HOME PARK & RETIREMENT FACILITY (LESS THAN 200 DWELLINGS) AND RESIDENTIAL CARE FACILITY (LESS THAN 100 BEDS) AND SALES OFFICE, INCLUDING A VARIATIO - 66913208 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for Material Change of Use - Preliminary Approval for Dwelling house, Dual occupancy, Relocatable home park, Retirement facility (where less than 200 dwellings) and Residential care facility (where less than 100 beds) and Sales office, located at Lot 11 Gynther Road, Rothwell on land described as Lot 11 on SP285632, subject to the following plans/documents and conditions:

CONDITION	
MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL	
<b>1</b>	<b>Lapsing of Approval for Failing to Complete Development</b>
	In accordance with section 88(1) of the <i>Planning Act 2016</i> , the development is to be completed within ten (10) years unless written approval has been obtained from Council for an extension of this period.  Note: The above is not the Currency Period under section 85(1)(a) of the <i>Planning Act 2016</i>
<b>2</b>	<b>Currency Period</b>
	In accordance with section 85(1)(a)(i) of the <i>Planning Act 2016</i> , the development approval has a currency period of six (6) years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> (as amended).
<b>3</b>	<b>Land Uses</b>
	Ensure any development application seeking a Development Permit for a Material Change of Use under this Preliminary Approval for a Material Change of Use is limited to any or all of the following land uses: <ul style="list-style-type: none"> <li>(i) Dual occupancy;</li> <li>(ii) Dwelling house;</li> <li>(iii) Relocatable home park;</li> <li>(iv) Residential care facility (where less than 100 beds);</li> <li>(v) Retirement facility (where less than 200 dwellings); and</li> <li>(vi) Sales office.</li> </ul>
<b>4</b>	<b>External Road Access</b>
	Ensure any development application seeking a Development Permit under this Preliminary Approval facilitates road access (including a lawful point of stormwater discharge) to the adjoining properties to the west (bound by Anzac Avenue), described as Lots 4 and 5 on RP87406.
<b>5</b>	<b>Concurrence Agency</b>
	Comply with the conditions of Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) response dated 2 March 2023 (reference: 2301-32754 SRA) or as amended.

ITEM 3.2 DA/2022/5058 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, RELOCATABLE HOME PARK & RETIREMENT FACILITY (LESS THAN 200 DWELLINGS) AND RESIDENTIAL CARE FACILITY (LESS THAN 100 BEDS) AND SALES OFFICE, INCLUDING A VARIATION - 66913208 (Cont.)

- B. That Council approves a Variation Request and give a Variation Approval under s61 of the *Planning Act 2016* to vary the effect of the Moreton Bay Regional Council Planning Scheme 2016 (Version 6). Variations to the Planning Scheme that are applicable to any future development carried out under this variation are set out below.

#### Variation

The Variation Request is approved to vary the effect of the MBRC Planning Scheme as it applies to Lot 11 Gynther Road, Rothwell and described as Lot 11 SP285632, subject to the following Variation Plans/Documents, Variations and Variation Conditions and apply the *Revised Drainage Investigation Area - Figure 8.2.2.7 (Revised) - Rothwell* to the Flood Hazard Overlay Code, as listed in the table of Variation Plans/Documents;

Variation Plans/Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Revised Drainage Investigation Area - Figure 8.2.2.7 (Revised) - Rothwell	11420 P 01 Rev A	Saunders Havill Group	17/11/2022

VARIATIONS		
A	VARIATIONS OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME	
1	Figure 8.2.2.7 - Rothwell of the Flood Hazard Overlay Code of the MBRC Planning Scheme is varied to apply Figure 8.2.2.7 (Revised) - Rothwell as identified in the Table of Variation Plans/Documents to remove the Drainage Investigation Area from applying to Lot 11 SP285632.	
2	Table 5.10.2 - Table of Assessment - Flood hazard overlay is varied to apply the following level of assessment for 'Material change of use in Medium risk area':	
	Material change of use in the Medium risk area.	<b>Assessable development - Code assessment</b>
		If earthworks have been completed in full on Lot 11 SP285632 to the satisfaction of Council's delegate as confirmed in writing in accordance with Development Approval DA/30944/2015/V4E/1, or as amended for: (a) a residential accommodation building (where not a Dwelling House); or (b) a vulnerable use (flood and coastal).
		Flood hazard overlay code
		Note - For clarity, Dwelling house is code assessable in the Medium risk area.
		Note - If the MCU is assessable development - impact assessment in the zone or local plan, then the level of assessment is not lowered to assessable development - code assessment.
		<b>Assessable development - Impact assessment</b>
		If earthworks have <u>NOT</u> been completed in full on Lot 11 SP285632 in accordance with Development
		The planning scheme

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	<div> <div>Approval DA/30944/2015/V4E/1, or as amended for:</div> <div> (a) a residential accommodation building (where not a Dwelling House); or  (b) a vulnerable use (flood and coastal).</div> </div>
	For clarity, all other aspects of development in Table 5.10.2 - Table of Assessment - Flood hazard overlay remains unchanged.
<b>B</b>	<b>REFERENCES</b>
<b>1</b>	Any references in the MBRC Planning Scheme including to a Code, Table of Assessment or Planning Scheme Policy to a Drainage Investigation Area in respect to all aspects of development on Lot 11 SP285632 is to be taken as referring to the mapping shown in the Table of Variation Plans/Documents.

<b>VARIATION CONDITIONS</b>	
<b>V1</b>	<p>This variation only has effect upon satisfactory completion (as determined by Council's delegate in writing) of the Development approval for Operational Works - Earthworks given by the Council, identified as Development approval DA/30944/2015/V4E/1 or as amended.</p> <p>Prior to lodging any development application pursuant to this variation approval, provide RPEQ certification confirming all earthworks have been undertaken and completed in accordance with Operational Works - Development Permit DA/30944/2015/V4E/1 or as amended that has been confirmed in writing by the Council's delegate as being satisfactory.</p>
<b>V2</b>	In accordance with section 88(2) of the <i>Planning Act 2016</i> , the development is to be completed within ten (10) years unless written approval has been obtained from Council for an extension of this period.
<b>V3</b>	This variation is limited to the area identified on the Approved Plans being Lot 11 SP285632
<b>V4</b>	<p>This variation is limited to limited to any or all of the following land uses:</p> <ul style="list-style-type: none"> <li>(vii) Dual occupancy;</li> <li>(viii) Dwelling house;</li> <li>(ix) Relocatable home park;</li> <li>(x) Residential care facility (where less than 100 beds);</li> <li>(xi) Retirement facility (where less than 200 dwellings); and</li> <li>(xii) Sales office.</li> </ul> <p>To remove any doubt, any development application for a land use other than those listed above does not have the benefit of being able to rely on this variation approval and therefore is to be assessed against the version of the planning scheme in effect at the time the development application is made to the Council.</p>
<b>V5</b>	Ensure any development application seeking a Development Permit under this Variation Approval facilitates public road access (which includes a lawful point of stormwater discharge) to the adjoining properties to the west (bound by Anzac Avenue), described as Lots 4 and 5 on RP87406.
<b>V6</b>	Any development application seeking a Development Permit under this Variation Approval is to be assessed against the version of the MBRC Planning Scheme in effect when the development application is properly made, as varied by this variation. To remove any

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	doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme
<b>V7</b>	Any use proposed to commence operating under this Variation Approval as Accepted Development is to comply with the version of the planning scheme in effect on the date: <ul style="list-style-type: none"> <li>(i) when the use commenced, or</li> <li>(ii) if a Development Permit for Building Works is required for the use to commence, when the Development Permit was given, as and wherever varied by this variation.</li> </ul> To remove any doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme.

- C. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- D. That the development approval be recorded as a Notation on the Moreton Bay Regional Council Planning Scheme due to the approval being a variation approval given under section 61 of the *Planning Act 2016*.
- E. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.
- F. That the following information be included in the Decision Notice.

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	(c) Material Change of Use - Preliminary Approval for Dwelling house, Dual occupancy, Relocatable home park, Retirement facility (where less than 200 dwellings) and Residential care facility (where less than 100 beds) and Sales office; and (d) Material Change of Use that includes a Variation Request to vary the effect of the MBRC Planning Scheme, limited to Variations to the Flood Hazard Overlay (Figure 8.2.2.7 - Rothwell) and to vary the tables of assessment of the Flood Hazard Overlay (Rothwell DIA for all aspects of development) and the Medium Risk Flood Hazard area (for a residential accommodation building and a vulnerable land use).
<b>Relevant Period of Approval</b>	(a) Material Change of Use – 6 years; (b) Material Change of Use (Variation Request) - 10 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Applicable. Development resulting from this approval will be subject to the levels of assessment of the Flood hazard overlay code, as varied by this Variation approval.
<b>Other Necessary Permits</b>	Development Permits for Material Change of Use Development Permits for Building Works (Building Act)
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	Department of State Development, Infrastructure, Local Government and Planning (DSDILGP)
<b>Submissions</b>	There was one (1) properly made submission about this application.



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## REPORT DETAIL

### 1. Background

On 16 October 2006, an application for Material Change of Use of Premises and Operational Works - Preliminary Approval for Earthworks and Filling was approved. (Council reference: DA/416420/2005/DA).

On 5 March 2015, an application for Material Change of Use - Preliminary Approval to Vary the Planning Scheme for Medium and High-Density Multiple Dwelling Units, Proposed Retirement Village, Proposed Parkland and Retention of an Existing Detached House was withdrawn (Council reference: DA/24385/2010/V2).

On 4 July 2017, an application for Reconfiguring a Lot - Development Permit for Subdivision (1 into 2 lots) was withdrawn (Council Reference: DA/30944/2015/V3RA).

On 10 October 2022, an application for Operational Works - Development Permit for Earthworks was approved by Council's delegate. The approval allows for filling and excavation across the site, draining towards an open drain along the western boundary. Once the works are satisfactorily completed in accordance with the approval, the flood hazard will be removed from the site, with the exception of the drainage channel along the western boundary of the site (Council Reference: DA/30944/2015/V4E/1).

On 29 May 2023, a Material Change of Use - Development Permit for Retirement facility (250 Dwellings) and Relocatable home park (122 relocatable dwellings) and Reconfiguring a Lot - Development Permit for Boundary Realignment (2 into 2 lots and new road), located at 515 Anzac Avenue, Lot 13 Anzac Avenue and Lot 11 Gynther Road, Rothwell, was approved in part. The high-rise Retirement facility component of the application on the northern portion of the site was refused and the Reconfiguring a lot and Relocatable home park components were approved by Council's delegate (DA/2021/1741).

A Councillors' briefing was conducted on 21 March 2023 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 a report will be submitted to a future General Meeting for consideration.*

### 2. Explanation of Item

#### 2.1 Proposal

The application seeks approval for a Material Change of Use - Preliminary Approval for Dwelling house, Dual occupancy, Relocatable home park & Retirement facility (where less than 200 dwellings) and Residential care facility (less than 100 beds) and Sales Office, including a Variation Request to vary the effect of the MBRC Planning Scheme, limited to variations to the Flood Hazard Overlay Code (Figure 8.2.2.7 – Rothwell DIA) and to the tables of assessment of the Flood Hazard Overlay Code (Rothwell DIA for all aspects of development) and the Medium risk flood hazard area (for a Residential accommodation building and a Vulnerable land use).

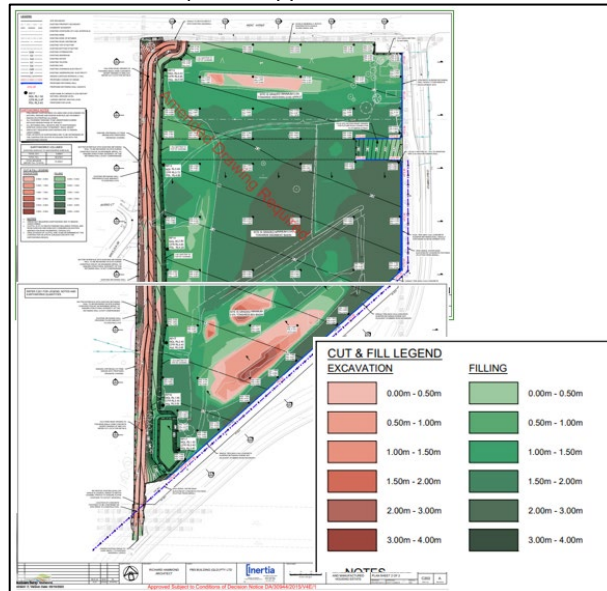
The subject land is presently included within a Drainage Investigation Area (Figure 8.2.2.7 - Rothwell) and is mapped as containing areas of Medium-risk flood hazard in the southern and central portions of the site as shown on Overlay map - Flood hazard of the Moreton Bay Regional Council Planning Scheme (version 6). The application seeks a Variation Request to remove the site from the Rothwell - Drainage Investigation Area of the Flood Hazard Overlay Code Area and vary the Tables of Assessment for the Flood Hazard Overlay Code to the extent that a 'Residential accommodation building' and a 'Vulnerable land use' where within the Medium-risk flood hazard would be made Code Assessable (instead of Impact Assessable), on the basis that earthworks have been satisfactorily completed in accordance with the existing Operational Works approval - Council reference: DA/30944/2015/V4E/1 (approved 10 October 2022). That Operational

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Works approval was applied for prior to the commencement of the MBRC Planning Scheme on 2 February 2016, which introduced the notation of a 'Drainage Investigation Area' and associated 'Drainage Master Plan'. The intent of a 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 a Drainage Investigation Area and sets out infrastructure (including mitigation infrastructure) requirements and responsibilities, and addresses the risk to which the area is subject. The existing Operational Work - Earthworks approval whilst not a Drainage Master Plan, allows for filling and excavation works across the site to mitigate the risks posed by both flood and storm tide hazard.

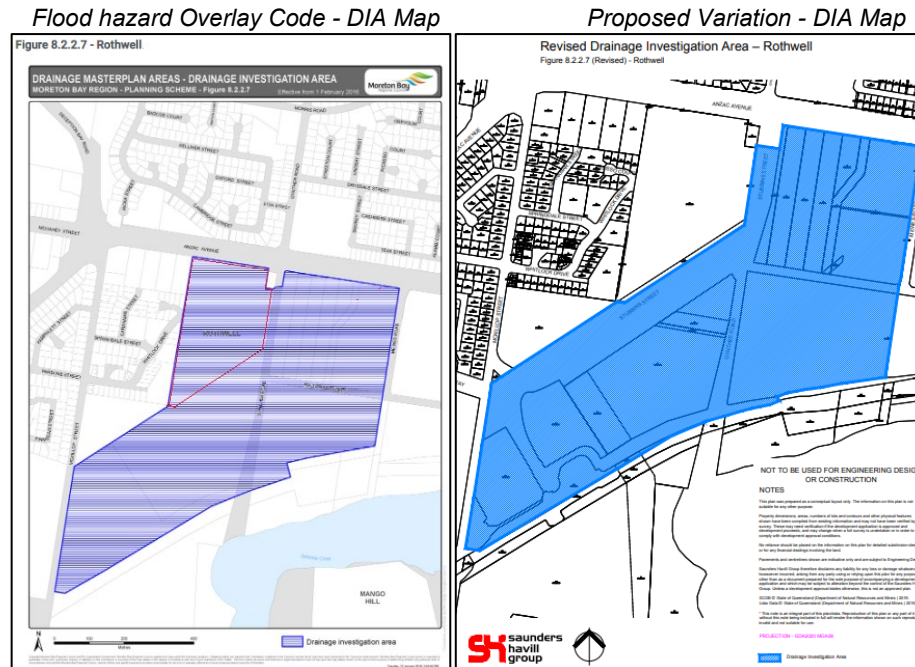
The approved earthworks have been based on hydraulic modelling and drainage solutions, taken from a proposed Drainage Master Plan for the circa 45ha Rothwell Drainage Investigation Area (DIA) No. 13, which was ultimately never proceeded to adoption. The proposed Drainage Master Plan identified the area contains two distinct sub-catchments and whilst a solution was identified for the catchment covering the subject site, the Master Plan was never adopted due to limitations in the remaining sub-catchment. The site-specific drainage measures that were approved through the earthworks approval involve formalising an existing overland flow path along the western boundary of the site, into a permanent channel with increased drainage capacity. The approved drainage channel allows for filling of the remainder of the land to achieve appropriate flood immunity levels without exacerbating external flood risks. Storm tide modelling was also undertaken as part of the hydraulic modelling investigation to assess the effects of the existing and future storm based on the proposed topography (drainage channel and filling) to year 2100. The storm tide modelling scenarios identified that storm tide level would no longer cross beyond Stubbins Street (South of the site) and would be contained within drainage channels and culverts through the site, post earthworks occurring.

Extract of Development Approval - DA/30944/2015/V4E/1



On the basis that earthworks are satisfactorily completed in accordance with Operational Works approval DA/30944/2015/V4E/1, the site would no longer be subject to Flood or Coastal Hazards. As a site-specific drainage solution has been approved for the site, the proposed variation to the Planning Scheme to remove the Drainage Investigation Area from the site is considered appropriate. The effect of the variation, if approved, would be to reduce the level of assessment from Impact Assessment to Code Assessment and remove the requirement for assessment against assessment benchmarks of the flood hazard overlay that relate to a Drainage Investigation Area (Performance Outcomes PO27 and PO28 and Overall Outcome d.), for future development applications. To facilitate the variation, the applicant proposes a new Figure 8.2.2.7 - Rothwell which removes Lot 11 Gynther Road, Rothwell from the Drainage Investigation Area as follows:

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Similarly, as a;

- (i) 'residential accommodation building' (i.e. a Retirement facility, Residential care facility, relocatable home park, Dual occupancy or Dwelling house); or
- (ii) 'vulnerable land use' (i.e. a Relocatable home park, Residential care facility or Rural workers' accommodation),

would otherwise be code assessable where not subject to Medium risk flood hazard, it is appropriate that the level of assessment of a future development application for any of these uses does not need to be elevated to Impact Assessment, where the risk has previously been mitigated and managed.

The recommendations of this report include a condition of the variation approval and Preliminary Approval, that prior to lodging any development application pursuant to the variation, the applicant must provide certification by a Registered Practicing Engineer Queensland (RPEQ), confirming all earthworks have been undertaken and completed in accordance with Operational Works - Development Permit DA/30944/2015/V4E/1 or as amended.

## 2.2 Description of the Site and Surrounds

The site is located within the General residential zone and Next generation neighbourhood precinct and is currently vacant.

Directions	Planning Scheme Zone	Current Land Use
North	General residential zone, Suburban neighbourhood precinct	Dwelling houses on standard residential lots (opposite side of Anzac Avenue)
South	General residential zone, Next generation neighbourhood precinct	Vacant land (The State of Queensland)
East	General residential zone, Next generation neighbourhood precinct	Grace Lutheran School (Playing fields)

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Directions	Planning Scheme Zone	Current Land Use
West	General residential zone, Next generation neighbourhood precinct	Dwelling houses on large lots
	General residential zone, Suburban neighbourhood precinct	Dwelling houses on standard residential lots
	Recreation and open space	Parsons Park

### 2.3 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, that 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>	<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>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>Urban Footprint</li> </ul>
<b>Koala Habitat Designation:</b>	Nil

#### 2.3.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	
Assessment benchmarks - water quality		

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Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<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> <p>(6) 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>(7) 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>(8) 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>(9) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(10) 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>An assessment of the proposed development has been undertaken, and the proposal has been determined to comply. The site is mapped as being subject to flood hazard however once the Operational Works - Earthworks has been acted upon and satisfactorily completed, the site will no longer to subjected to flood hazard</p> <p>The site is mapped as being within both a coastal management district and an erosion prone area. Future development applications made over the site will likely trigger referral to the State Assessment and Referral Agency (SARA) for matters related to development within a Coastal Management District.</p>

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	(11) 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.	
	(12) 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.	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

#### 2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint.

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.

#### 2.4 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.

##### 2.4.1 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.*

##### 2.4.2 Assessment of the proposed variation against the Strategic Framework

The application seeks a Variation Request to remove the site from the Rothwell - Drainage Investigation Area of the Flood Hazard Overlay Code Area and vary the Tables of Assessment for the Flood Hazard Overlay Code to the extent that a 'Residential accommodation building' and a 'Vulnerable land use' where within the Medium-risk flood hazard would be made Code Assessable (instead of Impact Assessable), on the basis that earthworks have been satisfactorily completed in accordance with the existing Operational Works approval (Council reference: DA/30944/2015/V4E/1). This Operational Works approval allows for filling and excavation works to occur of the land and for the construction of a new open drainage channel along the western boundary. Once these approved

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works are satisfactorily completed in accordance with the existing Operational Works development approval, the land will no longer be subject to flood or Coastal Hazards.

An assessment has been undertaken against the Strategic Framework, limited to themes related to resilience to natural hazard areas and is as follows:

Strategic Outcome	Complies	Assessment
<b>3.3 Theme - Sustainability and resilience</b>		
<b>3.3.3 Strategic Outcome - Natural hazards and adaptation</b>  <i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i> <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> </ol>	Yes	<p>On the basis that earthworks are satisfactorily completed in accordance with development approval DA/30944/2015/V4E/1, the site would no longer be subject to Flood or Coastal Hazards and would therefore comply with the Strategic Outcomes.</p> <p>The recommendations of this report include a condition of the variation approval that prior to lodging any development application pursuant to this variation approval, the applicant must provide certification by a Registered Practising Engineer Queensland (RPEQ), confirming all earthworks have been undertaken and completed in accordance with Operational Works - Development Permit DA/30944/2015/V4E/1 or as amended.</p>
<b>3.4 Theme - Natural Environment and Landscape</b>		
<b>3.4.3 Strategic Outcome - Coastal management</b>  <i>The natural values of all coastal areas, including Bribie Island, Pumicestone Passage, Deception Bay, Redcliffe Peninsula, Hays Inlet and the Pine Rivers estuary and their associated coastal features and processes will be maintained, protected and enhanced.</i> <ol style="list-style-type: none"> <li>The Region's coastal areas will be managed to ensure ecological health, maintenance of natural physical processes and continued enjoyment by the community;</li> <li>Development within the coastal areas will avoid or minimise impacts on coastal resources and environmental values, and</li> </ol>	Yes	<p>On the basis that earthworks are satisfactorily completed in accordance with development approval DA/30944/2015/V4E/1, the site would no longer be subject to Flood or Coastal Hazards and would therefore comply with the Strategic Outcomes.</p> <p>The recommendation of this report includes a condition of the variation approval that prior to lodging any development application pursuant to this</p>

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Strategic Outcome	Complies	Assessment
<p>avoid increasing the exposure of coastal communities to adverse coastal hazard impacts;</p> <p>3. Preferred land use, developments and activities in the coastal area will be those that maintain groundwater levels to prevent or minimise alterations to the natural hydrological regime; prevent or minimise the release or export of surface run-off that contains nutrients of concern; and incorporate best practice stormwater and wastewater quality management, including water sensitive urban design and sediment controls;</p> <p>4. Land with potential to cater for the landward retreat of coastal habitats and species at risk from predicted inundation will be protected through appropriate land use allocation; and</p> <p>5. Coastal environments and associated development are protected from the acid and metal contamination associated with the disturbance of acid sulfate soils.</p>		<p>variation approval, the applicant must provide certification by a Registered Practicing Engineer Queensland (RPEQ), confirming all earthworks have been undertaken and completed in accordance with Operational Works - Development Permit DA/30944/2015/V4E/1 or as amended.</p>
<b>3.13 Theme - Planning Areas</b>		
<b>3.13.3 Element - North Lakes-Redcliffe-Moreton Bay Rail corridor planning area</b>		
<p><b>Specific Outcomes - Sustainability and Resilience</b></p> <p>1. Some areas within the planning area are exposed to natural hazards and the projected impacts of changes in weather due to their proximity to Bramble Bay, Deception Bay, Hays Inlet and the major flood plains of the rivers and watercourses draining into the bays. The Coast and Riverlands place type has been used to identify the areas at greatest risk from flooding and coastal hazards and limit further urban development and further intensification of development from these areas;</p>	Yes	<p>On the basis that earthworks are satisfactorily completed in accordance with development approval DA/30944/2015/V4E/1, the site would no longer be subject to Flood or Coastal Hazards and would therefore comply with the Strategic Outcomes.</p> <p>The recommendation of this report includes a condition of the variation approval that prior to lodging any development application pursuant to this variation approval, the applicant must provide certification by a Registered Practicing Engineer Queensland (RPEQ), confirming all earthworks have been undertaken and completed in</p>



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Strategic Outcome	Complies	Assessment
		accordance with Operational Works - Development Permit DA/30944/2015/V4E/1 or as amended.

3.14 Theme - MBRC Place Model		
3.14.14 - Element - Coast and Riverlands Place Type		
<b>3.14.14.1 Specific Outcomes - Sustainability and resilience</b> <ol style="list-style-type: none"> <li>Land within this place type is exposed to coastal hazards and is not suitable for urban development; and</li> <li>The area will be managed to allow the natural fluctuation of foreshore and associated ecosystems.</li> </ol>	Yes	<p>On the basis that earthworks are satisfactorily completed in accordance with development approval DA/30944/2015/V4E/1, the site would no longer be subject to Flood or Coastal Hazards and would therefore comply with the Strategic Outcomes.</p> <p>The recommendation of this report includes a condition of the variation approval that prior to lodging any development application pursuant to this variation approval, the applicant must provide certification by a Registered Practicing Engineer Queensland (RPEQ), confirming all earthworks have been undertaken and completed in accordance with Operational Works - Development Permit DA/30944/2015/V4E/1 or as amended.</p>
<b>3.14.14.4 Specific Outcomes - Settlement pattern</b> <ol style="list-style-type: none"> <li>The existing pattern of development within the place type is not intensified and, in some locations, building and rebuilding will not be possible;</li> <li>Dispersed dwellings and farm buildings are predominant within this place type, mostly on large rural allotments. Some small house lots also occur in this place type;</li> <li>Coastal activities are of a scale and nature that maintain the low key, dispersed water based and waterfront recreational and open space uses;</li> </ol>	Yes	<p>On the basis that earthworks are satisfactorily completed in accordance with development approval DA/30944/2015/V4E/1, the site would no longer be subject to Flood or Coastal Hazards and would therefore comply with the Strategic Outcomes.</p> <p>The recommendation of this report includes a condition of the variation approval that prior to lodging any development application pursuant to this variation approval, the applicant</p>

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4. Development and coastal activities are limited to uses that are allied to and compatible with the long term protection of the areas environmental values and are not sensitive to hazard events; and	must provide certification by a Registered Practicing Engineer Queensland (RPEQ), confirming all earthworks have been undertaken and completed in accordance with Operational Works - Development Permit DA/30944/2015/V4E/1 or as amended.
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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.

#### 2.4.3 Variation Request

This application includes Preliminary Approval that includes as variation request that seeks to vary the effect of any local planning instrument in effect for the premises, in this instance, the Moreton Bay Regional Council Planning Scheme. 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 against the requirements of section 61(2) of the *Planning Act 2016* is as follows:

Consideration s61(2)	Comment
(a) the result of the assessment of that part of the development application that is not the variation request;	An assessment of the proposed land uses within the Preliminary Approval component has been undertaken and determined to be consistent with the assessment benchmarks of the MBRC Planning Scheme. All proposed land uses within the preliminary approval component are consistent uses within the General residential zone, Next generation neighbourhood precinct and consistent with the Flood hazard overlay code, on the basis the flood hazard risk is removed from the site. It is to be noted the Preliminary Approval component of the application does not authorise development to occur and considerations including layout and design of development will be subject to future assessment in accordance with the assessment benchmarks of MBRC Planning Scheme.
(b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied	The proposed variation to the MBRC Planning seeks to amend the level of assessment associated with the Flood hazard overlay code, post works being undertaken in accordance with Operational Work Approval DA/30944/2015/V4E/1 which would ultimately remove the flood hazard from the site. On the basis the flood hazard is removed as result of works being undertaken, the proposed level of assessment would be consistent with the balance of the Planning Scheme for land not affected by flood hazard.

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	<p>It is noted the with respect to a 'residential accommodation building' or a 'vulnerable land use' within the Medium risk flood hazard area as shown on the Overlay map - Flood hazard, the applicant has proposed to vary the level of assessment for these uses from Impact to Code Assessment, but has not proposed to vary the Performance Outcomes or Overall Outcomes that relate to these land uses in areas subject to flood hazard. As part of a future development application, the applicant will need to demonstrate compliance with the relevant assessment benchmarks to ensure people, property and infrastructure are not subject to intolerable risk of flood hazard. Acknowledging that the approved earthworks are required to be undertaken to have the benefit of the variation (to reduce the level of assessment), these uses will not be subject to intolerable risk.</p>
<p>(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;</p>	<p>The effect of the proposed variation is that once works have been undertaken in accordance with Operational Works approval DA/30944/2015/V4E/1, future applications would no longer be elevated from Code to Impact Assessment by the Tables of Assessment of the Flood hazard overlay.</p> <p>It must be noted that all land uses proposed to be benefited by the variation request would otherwise be Code Assessable (unless where exceeding the maximum Building height), where on land that is not subject to flood hazard. Post completion of works in accordance with Operational Works approval DA/30944/2015/V4E/1, the land will no longer be subject to flood hazard.</p> <p>The application was publicly advertised with one (1) submission received. The submitter raised concern with the proposed removal of the triggers for Impact Assessment and has required that conditions be applied to any variation approval, requiring the facilitation of appropriate public road access and stormwater drainage discharge to adjoining properties to the west, bound by Anzac Avenue. The recommendation of this report includes conditions requiring that any future application made pursuant to the Preliminary Approval and Variation request, must facilitate road access and stormwater drainage discharge to adjoining properties to the west.</p> <p>On the basis of including the recommended conditions of approval, the effects of the variation would not adversely affect submission rights.</p>
<p>(d) any other matter prescribed by regulation</p>	<p>Section 32 of the <i>Planning Regulation 2017</i> provides guidance on assessing variation requests specifically in relation to section 61(2)(d) of the <i>Planning Act 2016</i> as follows:</p> <p><i>An assessment manager must consider the following matters when assessing a variation request, to the extent the matter is relevant to the request—</i></p> <p>(a) <i>the common material;</i></p>

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	<p>(b) the regional plan for a region;</p> <p>(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;</p> <p>(d) any temporary State planning policy.</p> <p>(a) <i>Common material</i> - all application relating to the proposal has been assessed. The application was publicly advertised with one (1) submission received. A Referral Agency response was received, indicating the Department has no objection to the proposal subject to conditions. It is noted that no infrastructure agreement applies to site.</p> <p>(b) <i>Regional Plan</i> - The requirements of the SEQ Regional Plan have been assessed - refer section 2.3 of this report.</p> <p>(c) <i>State Planning Policy</i> - All applicable State Planning Policies, not integrated within the MBRC Planning Scheme have been assessed - refer section 2.3.1 of this report.</p> <p>(d) <i>Temporary State Planning Policy</i> - There is no temporary State Planning Policy in effect.</p>
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Having carried out the assessment of the variation request, it has been demonstrated it warrants favourable consideration.

#### 2.4.4 Assessment of Applicable Codes

##### Code Compliance Summary

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

- (c) proposes an alternative 'Example' satisfying or not satisfying the corresponding Performance Outcome; and
- (d) 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>		
6.2.6.3.2 - General residential zone code, Next generation neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Not applicable.</b> The application does not seek to vary the General Residential Zone Code, Next Generation Neighbourhood precinct. The application seeks a preliminary approval for a range of potential land uses, all of which are listed as 'consistent' land uses within General residential zone, Next generation neighbourhood precinct. The preliminary approval does not authorise development to occur and subsequent development applications will require assessment

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		against the General residential zone code, Next generation neighbourhood precinct
<b>Overlay Codes</b>		
8.2.1 - Coastal Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Not applicable.</b> The application does not seek to vary the Coastal hazard Overlay Code
8.2.2 - Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Refer Overall Outcome Assessment.</b> The variation seeks to remove the land from the Rothwell Drainage Investigation Area. The effect of the variation would negate assessment against Performance Outcomes PO27 and PO28 which relate to development within a Drainage Investigation Area.
<b>Development Codes</b>		
9.3.2 - Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Not applicable.</b> The application does not seek to vary the Residential Uses Code. The application seeks a preliminary approval for a range of residential uses, all of which are listed as 'consistent' land uses within General residential zone, Next generation neighbourhood precinct. The preliminary approval does not authorise development to occur and subsequent development application, where for residential uses, will require assessment against the Residential uses code.

#### 2.4.5 Overall Outcome Assessment

An assessment against the Overall outcomes of the Flood hazard overlay code, to the extent relevant is as follows:

8.2.2 Flood hazard overlay code		
Overall Outcome	Complies	Comment
1. The purpose of the Flood hazard overlay code will be achieved through the following overall outcomes:  a. [N/A] b. [N/A] c. Development in the Medium risk area manages and mitigates the tolerable risk of flood hazard by ensuring that: i. a material change of use is only for the following uses if consistent with the overall	Yes	The subject land is presently included within a Drainage Investigation Area (Figure 8.2.2.7 - Rothwell) and is mapped as containing areas of Medium-risk flood hazard in the southern and central portions of the site as shown on Overlay map - Flood hazard of the Moreton Bay Regional Council Planning Scheme (version 6).  The application seeks a Variation Request to remove the site from the Rothwell - Drainage Investigation Area of the Flood Hazard Overlay Code Area. The effect of the variation would result in Overall Outcome d., which relates to development within a Drainage Investigation

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<p>outcomes of the applicable zone and precinct and the risk to people, property and infrastructure located on the premises and other premises is avoided or mitigated:</p> <ul style="list-style-type: none"> <li>A. Dwelling house; or</li> <li>B. Outdoor sport and recreation; or</li> <li>C. Park; or</li> <li>D. Permanent plantation; or</li> <li>E. Cropping (where involving forestry for wood production); or</li> <li>F. Tourist park; or</li> <li>G. Home based business; or</li> <li>H. Non-residential uses where not involving a vulnerable land use (flood and coastal).</li> </ul> <p>ii. reconfiguring a lot for boundary realignment only occurs if the risk of flood hazard to people, property and infrastructure located on the premises and other premises is not increased and where practicable the risk of flood hazard for future occupants is mitigated;</p> <p>iii. N/A</p> <p>iv. N/A;</p> <p>v. earthworks only occur if:</p> <ul style="list-style-type: none"> <li>A. in the Balance coastal planning area of the Coastal planning area or in the Medium risk storm tide inundation area of the Coastal planning area where in the General residential zone, Centre zone, Community facilities zone, Recreation and open space zone or Industry zone;</li> <li>B. any filling raises the ground level to the Year 2100 Highest</li> </ul>	<p>Area, no longer being an applicable assessment benchmark to future development applications made pursuant to the variation. It is to be noted that the existing Operational Works approval - Council reference: DA/30944/2015/V4E/1 (approved 10 October 2022) has been based on a previous hydrological study for the Rothwell Drainage Investigation Area and a site-specific drainage solution has been approved for the site. As the requirement of Overall Outcome d. has been previously considered and approved, it is appropriate that the site be removed from the Drainage Investigation Area.</p> <p>The application also seeks Preliminary Approval for a number of residential uses over the site, including Dwelling house, Dual occupancy, Relocatable home park, Retirement facility (where less than 200 dwellings) and Residential care facility (where less than 100 beds). This Preliminary Approval component does not authorise development to occur, but rather nominates potential future land uses that would have the benefit of the variation. Future development applications would still be required to be assessed against the assessment benchmarks of the Flood Hazard Overlay code, with the exception of benchmarks relating to development within a Drainage Investigation Area. The recommendations of this report include a condition of the Variation Approval and Preliminary Approval, that prior to lodging any development application pursuant to the variation, the applicant must provide certification by a Registered Practicing Engineer Queensland (RPEQ), confirming all earthworks have been undertaken and completed in accordance with Operational Works - Development Permit DA/30944/2015/V4E/1 or as amended. Once earthworks have been appropriately undertaken in accordance with the Operational Works approval, the flood hazard over the site would be appropriately mitigated and managed over the site, consistent with the intent of the overall outcomes.</p> <p>Through the inclusion of reasonable and relevant conditions the proposal remains consistent with the Overall Outcomes.</p>
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<p>Astronomical Tide level as a minimum;</p> <p>C. there are no adverse local drainage impacts, flooding and coastal impacts on other premises, public land, watercourses, roads or infrastructure or impacts on natural riverine and coastal processes or flood warning times; or</p> <p>D. associated with a previous approval.</p> <p>d. Development of premises subject to a drainage master plan manages and mitigates the risk of flood hazard and any coastal hazard in this area, such that:</p> <p>i. a drainage master plan for the relevant Drainage investigation area demonstrates that the development:</p> <p>A. adequately addresses the significant existing and future flood hazards and any coastal hazards affecting the Drainage investigation area without cost to the local government;</p> <p>B. adequately addresses the significant infrastructure limitations of the Drainage investigation area without cost to the local government;</p> <p>C. does not result in adverse local drainage impacts, flooding impacts on other premises, public land, watercourses, roads or infrastructure, or impacts on natural</p>		
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<p>riverine and coastal processes or flood warning times;</p> <p>ii. where it is demonstrated by an approved drainage master plan that the risk to people, property and infrastructure located on the premises and other premises is avoided or mitigated:</p> <p>A. a material change of use is limited to uses consistent with the overall outcomes of the applicable zone and precinct and complies with the approved Drainage master plan;</p> <p>B. reconfiguring a lot is consistent with the overall outcomes of the applicable zone and precinct and complies with the approved Drainage master plan;</p> <p>C. building work complies with the approved drainage master plan;</p> <p>D. earthworks comply with the approved drainage master plan.</p> <p>e. [N/A]</p> <p>f. Development in the Flood planning area:</p> <p>i. supports, and does not unduly burden the disaster management response and recovery capacity and capabilities during and after significant flood events;</p> <p>ii. provides for efficient evacuation of on-site persons and facilitates direct and simple access for evacuation personnel and resources during flood events, while ensuring development does not hinder or place additional</p>		
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<p>complexities upon evacuation activities for other premises;</p> <p>iii. avoids isolation of persons for flood events up to and including the Defined Flood Event;</p> <p>iv. provides for siting, built form, layout, and access (including evacuation access) which responds to the risk of the flood hazard and minimises risk to personal safety in all flood hazard events up to and including the Defined Flood Event;</p> <p>v. is resilient to flood events by ensuring the siting and design of development accounts for the potential risks to property associated with flood hazards;</p> <p>vi. directly, indirectly and cumulatively avoids an increase in the severity of flood hazards and potential for damage on the premises or to other premises or elsewhere in the floodplain;</p> <p>vii. involving essential community infrastructure remains functional during and immediately after a flood event up to and including the Defined Flood Event;</p> <p>viii. avoids the accidental release of hazardous materials as a result of a flood event;</p> <p>ix. maintains natural processes and the protective function of landforms and vegetation;</p> <p>x. does not impact adversely on the ability for future flood hazard mitigation measures to be implemented on other premises</p>		
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Based on the assessment above, the proposal is consistent with all of the Overall Outcomes of the code(s) and is therefore taken to be consistent with the purposes of the code(s).

## 2.5 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance with the Council's Charges Resolution No. 10 commencing on 5 October 2022 (CR).

As this application involves a preliminary approval that involves a variation request and a preliminary approval, that does not authorise development to occur, there is no levied charge applicable to this application.

### 2.5.1 Levied Charge

As the application involves a Variation Request and a Preliminary Approval (which does not authorise development to occur) only, there is no levied charge applicable to this application.

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

In accordance with section 89 of the *Planning Act 2016*, the 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*.

## 2.7 Referrals

### 2.7.1 Council Referrals

#### 2.7.1.1 Development Engineering

##### Stormwater / Flooding

On 10 October 2022, an Impact assessable application for Operational Works seeking a Development Permit for Earthworks was approved by Council's delegate. The approval allows for filling and excavation across the site, draining towards an open drain along the western boundary. Once the works are satisfactorily completed in accordance with the approval, the flood hazard will be removed from the site, with the exception of the drainage channel along the western boundary of the site providing conveyance of stormwater runoff entering the site from Anzac Avenue, properties to the east and the subject site (Council Reference: DA/30944/2015/V4E/1). A condition is recommended in any approval given to ensure that future development applications under the variation facilitate road access with stormwater provision for lots, immediately to the west of the subject property.

The applicant demonstrated through the earthworks approval, compliance with part one of the flood hazard overlay code. The draft DMP that was submitted demonstrated that the development would not increase the potential for adverse impacts on the premises or other premises, public lands, watercourse, roads or infrastructure.

As the DIA area was established to enable assessment and development of a solution in areas of medium flood to deal with the drainage issues and allow filling it was justified that in dual mapped areas the change to the scheme has made the need for a DIA redundant. The report provided with the earthworks application assessed the impacts of the fill against the Planning Scheme provisions.

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As the DIA was initially implemented over the site with the intention to facilitate development, removing the DIA over this site will instead facilitate development as the site can have future applications assessed under the requirements of the flood hazard and coastal hazard overlay codes. As filling has already been approved over the site under DA/30944/2015/V4E/1, it is recommended to apply a condition approving this variation subject to the earthworks being completed.

#### *Traffic, Access & Parking*

As no structure plan has been submitted with this application, it is recommended to include a condition requiring road access to lot 5 RP87406 to the west. By requiring access to the boundary of the site, this will also facilitate a lawful point of discharge for stormwater.

#### *2.7.2 Referral Agencies*

##### **2.7.2.1 Concurrence Agencies - Department of Infrastructure, Local Government and Planning**

The application was referred to the Department of Infrastructure, Local Government and Planning (DILGP) for the following:

- (a) Matters relating to State-Controlled Roads. Council was advised on 2 March 2023 that DILGP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.

##### **2.7.2.2 Advice Agencies - Energex**

Council was advised on 12 January 2023 that the Advice Agency has no requirements in relation to the proposal.

#### *2.8 Public Consultation*

##### *2.8.1 Public Notification Requirements under the Development Assessment Rules*

- (d) Public Notification was served on all adjoining landowners on 17 February 2023.
- (e) The development application was advertised in the Courier Mail (digital newspaper) on 17 February 2023.
- (f) A notice in the prescribed form was posted on the relevant land on 17 February 2023 and maintained for a period of 30 business days until 4 April 2023.

##### *2.8.2 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		1
	Petition	0	0
Not Properly Made	Letter, Email, Fax		0
	Petition	0	0
Total			1

The matters raised within the one (1) submission received is outlined below:

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#### Assessment of Submissions

##### **Issue - Future submissions/Appeal Rights (Access / Stormwater Discharge)**

- It is my understanding that if approved, this development application will remove the ability for surrounding landowners to be aware of future development applications and make submissions to Council regarding any matters that may adversely affect them. This would also remove appeal rights for surrounding landowners to challenge any Council decisions that may be prejudicial to them. If Council intends to support the proposal to remove the impact assessment requirement from future applications over the land, then it is essential that the following issues are resolved.
- If Council approves this application, it is essential that the approval includes a requirement for alternate road access to be provided to 527 and 529 Anzac Avenue in a location and form that ensures future development in accordance with Council and Main Roads requirements is not prejudiced.
- If Council approves this application, it is essential that any development proposal for this site ensures that stormwater can be lawfully discharged to the south from the site and adjoining/upstream lots.
- If these requirements cannot be guaranteed, then the removal of the trigger to require impact assessment cannot be supported.

##### **Discussion**

In accordance with s 61(2)(c) of the *Planning Act 2016*, assessing and deciding Variation Request, Council must consider *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.*

Whilst it is acknowledged the above requested access and stormwater connections external to the site are requirements future development applications would need to demonstrate, it is considered appropriate in this instance that conditions of any Variation Approval or Preliminary Approval given, include conditions requiring future applications to ensure access and stormwater drainage discharge are provided to the adjoining properties located to the west of the site, bound by Anzac Avenue.

#### 2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 5 April 2023. 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.

#### 2.9 Other Matters

None identified.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

The applicant (and submitter 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:**

We have a preferred sequence of growth that supports complete, sustainable and connected communities. Our communities have access to safe, affordable and diverse living choices.

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3.3 Policy Implications

The proposal is generally 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

Future development applications made pursuant to this variation approval will be subject to Code Assessment and may in the future be decided under delegation.

3.6 Financial Implications

- a) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
- b) Permit conditions require infrastructure contributions to Council, however none are applicable in this instance.

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 2.8.

**ITEM 3.3**

**DA/2022/1637 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES AND HOME BASED BUSINESS THAT INCLUDES A VARIATION REQUEST TO VARY THE FLOOD HAZARD OVERLAY AND COASTAL HAZARD OVERLAY MAPS UNDER THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 36 LOTS) - 50 GOODRICH ROAD EAST GRIFFIN QLD 4503**

**APPLICANT:** Lothbrok Pty Ltd C/- Brisbane Town Planning

**OWNER:** Lothbrok Pty Ltd

*Meeting / Session:* 3 WELL-PLANNED PLACES

*Reference:* 66689181: 29 March 2023 – Refer Supporting Information 66689182, 67210301, 67210450 & 65995279

*Responsible Officer:* CB, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Lothbrok Pty Ltd C/- Brisbane Town Planning
<b>Lodgement Date:</b>	9 May 2022
<b>Properly Made Date:</b>	9 May 2022
<b>Confirmation Notice Date:</b>	23 May 2022
<b>Information Request Date:</b>	6 June 2022
<b>Info Response Received Date:</b>	27 October 2022
<b>Public Notification Dates:</b>	4 November 2022 - 16 December 2022
<b>No. of Submissions:</b>	Properly Made: 1 Not Properly Made: 0
<b>Decision Due Date:</b>	28 June 2023
<b>Prelodgement Meeting Held:</b>	Yes (DA/2021/4169 & DA/2022/0265)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	4
<b>Property Address:</b>	50 Goodrich Road East, Griffin QLD 4503
<b>RP Description</b>	Lot 2 SP 154322
<b>Land Area:</b>	20,000m <sup>2</sup>
<b>Property Owner</b>	Lothbrok Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	General Residential Zone, Next generation neighborhood precinct
<b>Level of Assessment:</b>	Impact

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.

*ITEM 3.3 DA/2022/1637 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES AND HOME BASED BUSINESS THAT INCLUDES A VARIATION REQUEST TO VARY THE FLOOD HAZARD OVERLAY AND COASTAL HAZARD OVERLAY MAPS UNDER THE MORETON BAY REGIONAL COUNCIL PLANNING SCHE - 66689181 (Cont.)*

This application seeks a;

- (a) Material Change of Use - Preliminary Approval for Dwelling Houses and Home-Based Business that includes a Variation Request to vary the Flood Hazard Overlay and Coastal Hazard Overlay maps under the Moreton Bay Regional Council Planning Scheme; and
- (b) Reconfiguring a Lot - Development Permit for Subdivision (1 Into 36 Lots).

The Variation Request seeks to vary the effect of the Flood Hazard Overlay and Coastal Hazard Overlay maps in the MBRC Planning Scheme by having the maps reflect the Council's updated flood model for the Lower Pine Catchment that was adopted by the Council on 6 September 2016 (minute page 16/1888) and is now reflected in Council's Online Flood Check reports but not yet in the MBRC Planning Scheme Maps. The tables of assessment in the MBRC Planning Scheme are not proposed to change.

The subject site is located within the Urban Footprint under the *South East Queensland Regional Plan* and within the General Residential zone and Next Generation neighbourhood precinct of the Moreton Bay Regional Council (MBRC) Planning Scheme. The subject site adjoins White Ibis Drive Park and is improved by an existing Dwelling House that is proposed to be removed as part of the application.

The reconfiguring a lot component of the proposal is to deliver a variety of lot types within a community management scheme arrangement, being individual, freehold title lots with access provided by way of common property. The proposal has been designed such that the layout and density of the reconfiguration is commensurate with that of a medium density development that is in accordance with the requirements of the Reconfiguring a Lot Code for the Next Generation neighbourhood precinct.

The application was publicly advertised with one (1) submission received. The proposed land uses and variation are consistent with the intent of the MBRC Planning Scheme and therefore the proposal is recommended to be approved, subject to conditions.

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.

## RESOLUTION

Moved by Cr Yvonne Barlow

Seconded by Cr Adam Hain

CARRIED 12/0

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

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**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Preliminary Approval for Dwelling Houses and Home Based Business that includes a Variation Request to vary the Flood Hazard Overlay and Coastal Hazard Overlay maps under the Moreton Bay Regional Council Planning Scheme and Reconfiguring a Lot - Development Permit for Subdivision (1 Into 36 Lots) at 50 Goodrich Road East, Griffin, described as Lot 2 SP154322, subject to the following plans/documents and conditions:

Approved Plans and Documents

(i) **For the Variation Component**

Approved Plans and Documents - Variation			
Plan / Document Name	Reference Number	Prepared By	Dated
Developed Case Flood Hazard Risk (to be referred to as the Amended Flood Hazard Overlay Map) for Lot 2 SP154322	OM-59A FH	N/A	January 2023
Developed Case Flood Hazard Risk (to be referred to as the Amended Flood Hazard Overlay Map) for Lot 2 SP154322	OM-66A FH	N/A	January 2023
Developed Case Coastal Hazard (Storm Tide Inundation) Risk (to be referred to as the Amended Coastal Hazard (Storm Tide Inundation) Overlay Map) for Lot 2 SP154322	OM-59A CHST	N/A	January 2023
Developed Case Coastal Hazard (Storm Tide Inundation) Risk (to be referred to as the Amended Coastal Hazard (Storm Tide Inundation) Overlay Map) for Lot 2 SP154322	OM-66A CHST	N/A	January 2023

(ii) **For the Reconfiguring a Lot Component**

Approved Plans and Documents - Reconfiguring a Lot			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Reconfiguration	Drawing No. NSH-302 RAL 01, Issue No. F	Focus on Surveying	17/03/2023
Plan of Development	Drawing No. NSH-302 RAL 02, Issue No. A	Focus on Surveying	12/04/2023
Conceptual Earthworks Layout Plan	Project No. 301050306, Drawing No. E01, Rev No. E	Stantec	17/04/2023
Conceptual Earthworks Shading Plan	Project No. 301050306, Drawing No. E02, Rev No. E	Stantec	17/04/2023
Conceptual Earthworks Sections	Project No. 301050306, Drawing No. E03, Rev No. E	Stantec	17/04/2023
Conceptual Roadworks Layout Plan	Project No. 301050306, Drawing No. R01, Rev No. E	Stantec	17/04/2023



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Conceptual Services Coordination Plan	Project No. 301050306, Drawing No. S01, Rev No. E	Stantec	17/04/2023
Site Based Stormwater Management Plan	Project No. 301050306, Rev No. E	Stantec	17/04/2023
Noise Impact Assessment	Ref No. 301050306, Rev No. 5	Stantec	26/10/2022

**Approved Variations to the MBRC Planning Scheme**

<b>VARIATIONS</b>	
<b>A</b>	<b>VARIATION OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME</b>
	<p>The MBRC Planning Scheme, including any future amendments, is varied to the extent stated in this document. The variations are expressly limited to the development of land described as Lot 2 SP154322 and successive titles, and for the uses included in this development approval and are subject to the conditions stated in this development approval.</p> <p>Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) is to be assessed against the version of the MBRC Planning Scheme in effect when the development application is properly made, as varied by this variation. To remove any doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme.</p> <p>Any use proposed to commence operating under this Preliminary Approval as Accepted Development is to comply with the version of the planning scheme in effect on the date;</p> <ul style="list-style-type: none"> <li>(i) when the use commenced, or</li> <li>(ii) if a Development Permit for Building Works is required for the use to commence, when the Development Permit for Building Works was given, as and wherever varied by this variation. To remove any doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme.</li> </ul>
<b>B</b>	<b>VARIATION OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME - FLOOD HAZARD</b>
	The Flood Hazard Overlay Map OM-59 FH and OM-66 FH in Schedule 2.5 Overlay Maps in the MBRC Planning Scheme specific to Lot 2 SP154322 is varied to the Amended Flood Hazard Overlay Map in the Approved Plans and Documents - Variation Package.
<b>C</b>	<b>VARIATION OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME - COASTAL HAZARD</b>
	The Coastal Hazard (Storm Tide Inundation) Overlay Map OM-59 CHST and OM-66 CHST in Schedule 2.5 Overlay Maps in the MBRC Planning Scheme specific to Lot 2 SP154322 is varied to the Amended Coastal Hazard (Storm Tide Inundation) Overlay Map in the Approved Plans and Documents - Variation Package.
<b>D</b>	<b>REFERENCES</b>
	Any references in the MBRC Planning Scheme including to a Code, Table of Assessment or Planning Scheme Policy to a Flood Hazard Overlay Map and/or Coastal Hazard (Storm Tide Inundation) Overlay Map in respect to the development of Lot 2 SP154322 is to be taken as referring to the Amended Flood Hazard Overlay Map and Amended Coastal Hazard (Storm Tide Inundation) Overlay Map in the Approved Plans and Documents - Variation Package.

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**Approved Variation Conditions**

VARIATION CONDITIONS	
<b>V1</b>	In accordance with section 88(2) of the <i>Planning Act 2016</i> , the development is to be completed within ten (10) years of the date that the development approval takes effect.  <b>Note:</b> The above is not the Currency Period under section 85(1)(a) of the <i>Planning Act 2016</i> . Any future extension of this period will be contingent upon the development approval being changed by way of a change application.
<b>V2</b>	This variation is limited to the area of Lot 2 SP154322 and successive titles.
<b>V3</b>	This variation is limited to the approved land uses of Dwelling House and Home-Based Business.  To remove any doubt, any development application for a land use other than Dwelling House or Home-Based Business does not have the benefit of being able to rely on this variation approval and therefore is to be assessed against the version of the planning scheme in effect at the time the development application is made to the Council.
<b>V4</b>	Any development application seeking a Development Permit under this Preliminary Approval including a Variation Request is to be assessed against the version of the MBRC Planning Scheme in effect when the development application is properly made, as varied by this variation. To remove any doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme.

**Approved Material Change of Use Conditions**

MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL CONDITIONS		
CONDITION		TIMING
<b>1</b>	<b>Lapsing of approval for failing to complete development</b>	
	In accordance with section 88(1) of the <i>Planning Act 2016</i> , the development is to be completed within ten (10) years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> (as amended).	At all times.
<b>2</b>	<b>Uses</b>	
	Ensure any development application seeking a Development Permit for a Material Change of Use under this Preliminary Approval is limited to the land use of Dwelling House and/or Home-Based Business.	At all times.

**Approved Reconfiguring a Lot Conditions**

RECONFIGURING A LOT - DEVELOPMENT PERMIT CONDITIONS	
CONDITION	TIMING
DEVELOPMENT PLANNING	

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Minutes

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<b>1.</b>	<b>Approved Plans and/or Documents</b>	
A	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) for each respective stage and to be maintained at all times.
B	Ensure the subdivision of the land is done as a Community Title Scheme under the Body Corporate and Community Management Act.	
<b>2.</b>	<b>Transfer of Open Space</b>	
	Transfer proposed Lot 900 to the Council in fee simple on trust for Open Space purposes .  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to or concurrently with submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3.</b>	<b>Fencing of Open Space Boundaries</b>	
	Construct semi-transparent fencing on the common boundary of proposed Lot 900 and the proposed common property of the development to enable passive surveillance of the open space area. Unless otherwise agreed to in writing by Council, the fencing is to have a minimum height of 1.2 metres and a maximum height of 1.8 metres and a minimum 50% transparency spread evenly across the total surface area.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>4.</b>	<b>Community Management Statement</b>	
	Ensure that the Community Management Statement for the development reflects the following: (a) The driveway locations and built to boundary wall locations identified on the approved Plan of Development; and (b) Visitor car parking spaces as shown on the approved plan in the common property that are not permitted to be allocated to the exclusive use of any lot in the Community Title Scheme; and (c) Landscaping requirements of this development approval; (d) Communal Open Space and Recreation areas and any requirements in this development approval; (e) Bin storage requirements and collection locations; and (f) Stormwater Management requirements.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>5.</b>	<b>Plan of Development</b>	
	Development must comply with the approved Plan of Development unless otherwise approved in writing by Council.	At all times.
<b>6.</b>	<b>Advice to Purchasers Regarding Plan of Development</b>	
	Acknowledge in writing that potential purchasers will be advised of the approved Plan of Development and the requirement to comply with the approved Plan of Development.	Prior to submitting to the Council any request for approval of

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		a plan of subdivision (i.e. a survey plan).
<b>7.</b>	<b>Entry Statement</b>	
	<p>Establishment of any "Entry Statement" as a marketing strategy for the development must accord with the following, unless otherwise approved by Council:</p> <ul style="list-style-type: none"> <li>(a) Located within common property or on the boundary of a privately-owned allotment;</li> <li>(b) Limited to one (1) entry statement per development;</li> <li>(c) Constructed of durable, weather resistant materials;</li> <li>(d) Positively contributes to the character of the surrounding area; and</li> <li>(e) Does not contain the logo of any developer or other entity.</li> </ul>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>
<b>8.</b>	<b>Way Signage</b>	
	<p>Install Way Signage in a prominent location at the entrance into the site, clearly identifying the following;</p> <ul style="list-style-type: none"> <li>(a) Names of all private internal roads; and</li> <li>(b) Unit numbering and location direction for each unit.</li> </ul> <p><b>Note:</b> Naming of private internal roads is for identification purposes only and will not be included within any Council database of road names. Names of private internal roads must not be identified on any Survey Plan submitted to Council for endorsement.</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>
<b>9.</b>	<b>Materials and Finishes to Crossover and Internal Road Network</b>	
	<p>Construct the crossover and internal road network of materials and finishes to soften the visual impact of these areas. In order to achieve the above, one or a combination of the following is to be used:</p> <ul style="list-style-type: none"> <li>(a) coloured aggregate;</li> <li>(b) coloured asphalt;</li> <li>(c) brick pavers;</li> <li>(d) approved porous surfacing; and/or</li> <li>(e) banding patterns in the surface design.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>I. Council may approve other materials and finishes that are compatible with the objectives of this requirement.</li> <li>II. Driveways and parking areas must not be surfaced with the same material, unless different colours, textures or borders are used to differentiate between them.</li> <li>III. The use of a plain concrete finish for the crossover and internal road network is not acceptable, although some parts of the driveway may be left as plain concrete where integrated with the other surface treatments and is not the predominant treatment.</li> </ul>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan)</p>
<b>10.</b>	<b>Landscaping for Reconfiguring a Lot</b>	
	<p>A Carry out landscaping and associated earthworks, site preparation and other necessary works in accordance with approved plans,</p>	<p>Prior to submitting to the Council any</p>


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	details and technical specifications of any proposed planting or landscape work (both soft and hard works) where such works will be on land under the control of Council, whether as a park, reserve or road reserve. Landscaping is to accord with Planning scheme policy - Integrated design Appendix D - Landscaping.	request for approval of a plan of subdivision (i.e. a survey plan)
B	Before commencing the works obtain approval for the plans, details and technical specifications of any planting or landscape work from Council.	Prior to work commencing on site.
<b>11.</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for each stage of the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: (a) a reticulated water supply network connection is available to the land; (b) a sewerage network connection is available to the land; and (c) all the requirements of Unitywater have been satisfied.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>12.</b>	<b>Internal Fire System</b> <i>Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.</i>	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to Council's endorsement of any Community Management Statement and to be maintained at all times.
B	A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land: (a) An unobstructed width of no less than 3.5m; (b) An unobstructed height of no less than 4.8m; (c) Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance; (d) An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.	
C	On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	At all times.
D	For development that contains on-site fire hydrants external to buildings: (a) Those external hydrants can be seen from the vehicular entry point to the site; or (b) A sign identifying the following is provided at the vehicular entry to the site: (i) The overall layout of the development (to scale); (ii) Internal road names (where used); (iii) All communal facilities (where provided); (iv) The reception area and on-site manager's office (where provided); (v) External hydrants and hydrant booster points;	Prior to Council's endorsement of any Community Management Statement and to be maintained at all times.

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	(vi) Physical constraints within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and (vii) Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	
E	For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.	
<b>13.</b>	<b>New Telecommunications Infrastructure</b>	
A	Provide Fibre-Ready telecommunications infrastructure (pit and pipe) throughout the development in accordance with the Communication Alliance specifications contained within Industry Guideline G645:2011 Fibre Ready Pit and Pipe Specifications for Real Estate Development Projects or in accordance with the NBN Co. specifications contained within New Developments: Deployment of the NBN Co Conduit and Pit Network – Guidelines for Developers NBN-TE-CTO-194 and Creating Pit and Pipe Designs for New Developments (Job Aid for Developers) NBN-TE-CTO-586, as amended and current at the date of installation.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Provide certification from a RPEQ electrical engineer or other suitably qualified person that the works specified in (A) above have been installed.	
<b>14.</b>	<b>Existing Telecommunications Infrastructure</b>	
	Provide a 'Telecommunications Infrastructure Provisioning Confirmation' or a 'Telecommunications Network Infrastructure Notification' letter from a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> (e.g. Telstra) confirming that telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>15.</b>	<b>Electricity</b>	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has or will be constructed within all existing roads, internal driveways and along the frontage of each proposed lot.  To remove any doubt this condition requires; <ul style="list-style-type: none"> <li>underground power to be installed from Goodrich Road to service all lots; and</li> <li>No use of private property poles; and</li> <li>No new or upgraded pole mounted transformers.</li> </ul>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Provide underground electricity to each lot.	

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	<p>C Ensure any PAD Mount transformer servicing the development and visible from a public road, park or the like is painted or has a film applied to it with a mural on all sides that integrates the infrastructure into the location. Concepts for the mural are to be approved by the Council in writing and align with the use of the land or locality such as families, residential living, history of the area or the like. Examples are shown in the images below:</p> <div data-bbox="365 616 1125 866">  </div>	
	<p>D Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</p>	
<b>16.</b>	<b>Existing Service Connections</b>	
	<p>Submit certification from a suitably qualified person that:</p> <ul style="list-style-type: none"> <li>(a) All of the existing service connections (electricity, telecommunications, water) to an existing building is wholly contained in the lot it serves; and</li> <li>(b) Any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</li> </ul>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>
<b>17.</b>	<b>Acoustic Barrier</b>	
	<p>Ensure any portion of the acoustic barrier having a height greater than 2.0 metres in height is constructed of a transparent material unless otherwise agreed to in writing by the Council.</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>
<b>18.</b>	<b>No Net Loss of Fauna Habitat</b>	
	<p>Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree, development will provide replacement fauna nesting boxes at the rate one (1) nest box for every hollow removed; or where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m height, three (3) nest boxes are required for every habitat tree removed.</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).</p>
<b>19.</b>	<b>Management of Wildlife - Minor</b>	
	<p>Tag all trees to be removed and inspect for any signs of wildlife. Should any wildlife be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. Work must be suspended overnight if possible. If the animal does not move from the area of danger, the relevant State Government Agency must be notified, and a qualified handler employed at the</p>	<p>Prior to any clearing on the site.</p>

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	developer's cost to transport the animal to a safe place approved by the relevant State Government Agency.	
<b>20.</b>	<b>Extent of Vegetation Clearing</b>	
	Clearing of native vegetation must be limited to that which is necessary for the development.	Prior to and during site works and to be maintained.
<b>21.</b>	<b>Disposal of Cleared Vegetation</b>	
	Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility.  Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	At all times.
<b>22.</b>	<b>Stockpiles of Construction and Landscaping Materials</b>	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain, wetland or watercourse.	During site works.
<b>23.</b>	<b>Temporary Exclusion Fencing</b>	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling. Clearing is to be undertaken in accordance with AS 4970-2009 Protection of Trees on Development Sites.	During site works.
<b>ENVIRONMENTAL HEALTH</b>		
<b>24.</b>	<b>Waste Management</b>	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>25.</b>	<b>Acid Sulfate Soils</b>	
A	Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works.
B	Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan.  All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.	While site works are occurring
C	Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.  <b>Note:</b> Council will only accept a 'suitably qualified person' as being either a Registered Professional Engineer of Queensland (RPEQ) or Environmental/Soil Scientist with current professional	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).



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	membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) and has obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.	
<b>DEVELOPMENT ENGINEERING</b>		
<b>26.</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>27.</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>28.</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>29.</b>	<b>Stormwater Management</b>	
	A Submit and have approved by Council, a development application for operational works for stormwater infrastructure to service the development. This includes the external stormwater in the future park and stormwater in the internal roadway.  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.
	B Construct stormwater infrastructure to service the development in accordance with the approved plans and documents of development.  This condition has been imposed under section 145 of the Planning Act 2016.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>30.</b>	<b>Frontage and External Council Roads</b>	
	A Submit and have approved by Council, a development application for operational works for all frontage roads, external roads and associated works. The works are as follows:  (a) Widen Goodrich Road East to the north from the western road frontage (western extent of driveway) to the existing full width construction at the intersection of White Ibis Drive.	Prior to commencement of works associated with this condition.

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	<p>Construction to be a minimum sealed width of 7.0m and a minimum shoulder of 1.0m with full depth pavement.</p> <p>(b) Install Flood warning signs and Flood depth indicators on Goodrich Road on the section of road adjacent to the park (Lot 367 on SP169023).</p> <p>(c) Extend the footpath that currently ends approximately 89 metres to the north-east of the site along the southern side of Goodrich Road East to the subject site. The footpath is to have a minimum width of 2.0 metres.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.</p>	
B	<p>Construct, at no cost to Council and in accordance with the approved plans and documents of development all frontage and external roads and associated works.</p> <p>This condition has been imposed under section 145 of the Planning Act 2016.</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>
<b>31.</b>	<b>Internal Driveway</b>	
A	<p>Submit and have approved by Council a development application for operational works for the residential access driveway from Goodrich Road East for the full length of the internal loop driveway in accordance with the approved plans and documents of development.</p> <p>The following are the minimum requirements:</p> <p>(a) Design loading of <math>2.5 \times 10^3</math> Equivalent Standard Axles (ESA) for each lot entitled to use the driveway; and</p> <p>(b) The construction must be reinforced concrete slabs (to be designed in accordance with rigid road pavement design principles) or 25mm asphalt sealed gravel pavement.</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>
B	<p>Construct the driveway and associated works for the full length of the internal loop driveway in accordance with the approved plans and documents of development.</p>	
<b>32.</b>	<b>Pathways</b>	
A	<p>Construct, at no cost to Council, a 2.0 metre wide reinforced concrete pathway from the existing pathway at the north east boundary of the site in White Ibis Drive Park to the south west boundary;</p> <p>(a) Along proposed Lot 900 on generally the same alignment as exists in White Ibis Drive Park; and</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>

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	<p>(b) Connecting the internal driveway of the development to the footpath in (a) above as generally shown on the approved Conceptual Roadworks Layout Plan.</p> <p>This condition has been imposed under section 145 of the Planning Act 2016.</p>	
B	Submit and have approved by Council an Operational Works application to construct any pathway within proposed Lot 900 and connecting to the existing path located in White Ibis Park. Any works within proposed Lot 900 or White Ibis Park are to be in accordance with any approval for Operational Works.	
C	Construct a footpath along the internal driveway / common property as shown on the approved Conceptual Roadworks Layout Plan at the entrance into the development having a minimum width of 1.0 metre.	
<b>33.</b>	<b>Earthworks and Earth Retaining Structures</b>	
A	<p>Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current at the time of the operational works application and the following:</p> <p>(a) The minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678;</p> <p>(b) Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use;</p> <p>(c) Provide temporary safety fencing to all earth retaining structures over 1.0m in height.</p>	Prior to commencement of works associated with this condition.
B	<p>Submit and have approved by Council, a development application for operational works for all earth retaining structures.</p> <p>Design drawing are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application and they are to clearly show the location and overall configuration (fully dimensioned), design parameters and loads, materials and finishes of all earth retaining structures for the development.</p>	Prior to commencement of works associated with this condition.
C	Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

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	D Ensure any application for Operational Works demonstrates compliance with the recommended conditions of Energex at stated in its referral agency response dated 8 February 2023	At all times
<b>34.</b>	<b>Driveway Crossover</b>	
	Construct a driveway crossover to the proposed development in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>35.</b>	<b>Parking and Servicing Areas</b>	
	Design and construct sealed (concrete or bitumen) parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>36.</b>	<b>Concurrence Agency</b>	
	A Comply with; (a) the conditions of the SARA response dated 16 November 2022 (reference: 2205-29049 SRA) or as amended; and (b) the recommended conditions of Energex at stated in its referral agency response dated 8 February 2023.	At all times.
	B Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the SARA have been met.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
	C Provide certification to Council prepared by Energex that its requirements of the development as set out in its referral agency response dated 8 February 2023 have been met.	

#### ADVICES

<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander</a></p>

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	<a href="#">Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.
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- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the development approval be recorded as a Notation on the Moreton Bay Regional Council Planning Scheme due to the approval being a variation approval given under section 61 of the *Planning Act 2016*.
- D. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.
- E. That the following information be included in the Decision Notice.

**Decision Notice information**

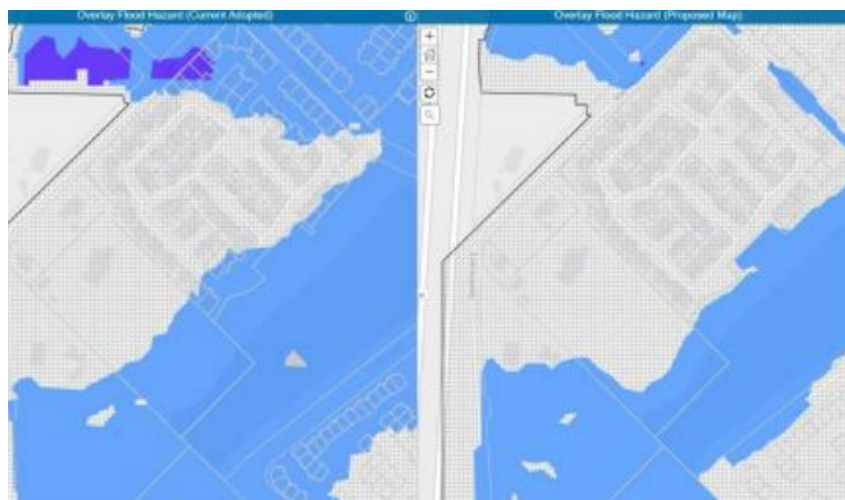
	Details to Insert
<b>Application Type</b>	Material Change of Use - Preliminary Approval for Dwelling Houses and Home-Based Business that includes a Variation Request to vary the Flood Hazard Overlay and Coastal Hazard Overlay maps under the Moreton Bay Regional Council Planning Scheme and Reconfiguring a Lot - Development Permit for Subdivision (1 Into 36 Lots).
<b>Relevant Period of Approval</b>	4 years from the date the development approval takes effect.
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	As per the recommendation of the report
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Operational Works – Development Permit (Roadworks)</li> <li>• Operational Works – Development Permit (Stormwater)</li> <li>• Operational Works – Development Permit (Earthworks)</li> <li>• Material Change of Use for House or Home-Based Business - Development Permit where not Accepted Development</li> <li>• Building Works - Development Permit (Building Act)</li> </ul>
<b>Codes for Accepted Development</b>	Dwelling House Code
<b>Referral Agencies</b>	<ul style="list-style-type: none"> <li>• Department of Infrastructure, Local Government and Planning (DILGP)</li> <li>• Energex</li> </ul>
<b>Submissions</b>	There was one (1) properly made submission about this application.

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## REPORT DETAIL

### 1. Background

At the time of adopting the MBRC Planning Scheme, Council was relying on its older Flood Modelling for the Lower Pine Catchment that not been updated for some time. Post the commencement of the MBRC Planning Scheme, on 6 September 2016 (minute page 16/1888), Council adopted an updated flood model for the Lower Pine Catchment that is now reflected in Council's Online Flood Check reports but is not yet reflected in the MBRC Planning Scheme Maps. As shown below in Figure 1, the updated modelling reduces the flood impact on the site when compared with the current adopted modelling.



**Figure 1 - Flooding - Existing (left) versus Proposed (right)**

The application is therefore by way of the Variation Request seeking to have the Council's updated flood model mapping apply to the site so that future applications for Dwelling Houses on the southern lots in the development do not unnecessarily trigger development applications being lodged with the Council for assessment due to the Flood Hazard Overlay. Relevantly however, updated Coastal Hazard - Storm Tide Inundation mapping has also been updated and has a greater impact over the rear portion of the site than currently reflected in the MBRC Planning Scheme where it is presently represented as Balance whereas the updated mapping identifies the rear of the site (aligning to the amended Flood Hazard Area Overlay Mapping) as now Medium Hazard as shown below in Figure 2;



**Figure 2 - Storm Tide (Coastal) - Existing (left) versus Proposed (right)**

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On 4 November 2021 a prelodgement meeting (DA/2021/4169) was held with respect to a Reconfiguring a Lot - Development Permit for Subdivision (1 Lot into 36 Lots). The meeting was primarily held to establish whether a standard lot subdivision or body corporate subdivision was the preferred application type. Council officers advised that as the site was unable to accommodate a new public road at the entrance (width too narrow), a standard freehold subdivision was unable to be achieved on this site, and therefore a body corporate subdivision was the only option.

On 11 February 2022 a prelodgement meeting (DA/2022/0265) was held with respect to the previously discussed RAL in addition to lodging a Variation Request. Council officers advised that a Variation Request would need to be lodged to the overlay maps to make future Dwelling Houses not triggering development applications due to the flood hazard overlay. The submitted application is generally consistent with the advice provided.

A Councillors' briefing was conducted on 9 February 2023 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:***

*Councillors noted the information presented and sought assistance in being provided with wording to explain the differing overlay mapping.*

## **2. Explanation of Item**

### **2.1 Description of the Site and Surrounds**

The site is located within the General residential zone - Next generation neighbourhood precinct and is currently improved by a Dwelling House with the site containing some minor landscaping and vegetation. Access to the site occurs via an access handle from Goodrich Road East. The site falls from the front to the rear of the site, being 8.00 metres AHD at the front property boundary and 3.00 metres AHD at the rear property boundary. The site is encumbered by Easement A on RP105054 at the rear of the property in favour of Energex for powerlines that traverse the land.

Within the street and immediate locality, similar developments have been approved/ constructed where the predominate land use is residential dwellings, both attached (as Multiple dwelling) and detached (as 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 that are additional or alternative to the Assessment Benchmarks contained in Council's Planning Scheme.

These Assessment Benchmarks are prescribed as being contained in:

State Planning Policy

- *State Planning Policy 2017*, Part E

Regional Plan

- *South East Queensland Regional Plan 2017 (ShapingSEQ)*

Schedule 10 of the *Planning Regulation 2017*;

- Part 10: Koala Habitat Area – refer to Schedule 11 of the *Planning Regulation 2017* for assessment benchmarks in relation to koala habitat in the SEQ region.
- Part 14: Reconfiguration of a Lot – refer to Schedule 12 of the *Planning Regulation 2017* and refer to Schedule 12A of the *Planning Regulation 2017* for the assessment benchmarks for the particular reconfiguring a lot.



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<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 – Schedule 11 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>

2.2.1 State Planning Policy (SPP)

The State Planning Policy came into effect on 3 July 2017 and is not currently integrated into the MBRC Planning Scheme. The following assessment benchmarks apply to the assessment of development applications until the State interests have been appropriately integrated into Council's planning scheme.

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied. (3) Fire hydrants are suitable identified so that fire services can locate them at all hours.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
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
No	None	Not applicable
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment



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Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(13)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>(e) coastal dependent development; or</p> <p>(f) temporary, readily relocatable or able to be abandoned development; or</p> <p>(g) essential community infrastructure; or</p> <p>(h) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(14)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>(15)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>(16)Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(17)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>(18)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>(19)The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p>
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	hazard are maintained or enhanced.	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.2.2 *Southeast Queensland Regional Plan 2017 (Shaping SEQ)*

The site is located in the Urban Footprint. 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*

The site is located in a Koala Priority Area and part of the site is within 50 metres of a mapped Koala Habitat Area. An assessment as to how the development satisfies the provisions in the Regulation has been undertaken, and the proposal is consistent as the area within 50 metres (external to the subject site i.e. across the road) has been lawfully cleared in the past year in accordance with an old development approval applying to that land as shown below.



Figure 1 - Map showing cleared Koala Habitat within 50m of the site

2.2.4 *Particular Reconfiguration of a Lot (Schedule 12A, Part 1 identifies when application of the schedule applies)*

Schedule 12A does not apply to the proposed Reconfiguration of a Lot as it is not associated with the construction or extension of a new road.

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.

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2.3.1 Strategic Framework

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework.

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 Next Generation Neighbourhood Place Types of the MBRC Planning Scheme, with the boundary between the two place types based fundamentally on the current Flood Hazard Overlay Mapping.

An assessment against section 13.4 has been made and is discussed as follows:

Strategic Outcome	Comply	Assessment
<b>Theme - MBRC Place Model</b>		
<b>3.14.9 Element - Next generation neighbourhood place type</b>		
<b>3.14.9.1 Specific Outcomes - Sustainability and resilience</b>  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;  2. Residential developments are designed to allow footpaths suitable for extensive native vegetation and appropriate shade trees;  3. Dwellings are to be designed and sited so as to minimise energy requirements and provide a high standard of residential amenity; and  4. Development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.	<b>Yes</b>	While any development proposal will need to be designed to avoid exposure to flood risk, this application and the variation request seeks to reduce the area of the site at an intolerable flood risk based on a detailed and technical flood assessment of the site that reflects the actual risk. Notably all created lots will be located outside of the amended Flood Hazard Overlay.
<b>3.14.9.2 Specific Outcomes - Natural environment and landscape</b>	<b>Yes</b>	The proposed subdivision component of the development application proposes to extend the

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> <li>Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;</li> <li>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;</li> <li>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</li> <li>Development is designed to incorporate natural features and respond to topography.</li> </ol>		<p>Green Infrastructure Network as mapped in the Council's Strategic Framework as shown below that aligns with the flood affected parts of the site. Revegetation of the area is however not possible due to the land being encumbered by powerline easements.</p> 
<p><b>3.14.9.3 Specific Outcomes - Strong communities</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>An extensive range of active and passive open space and recreation 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</li> <li>Informal recreation experiences are predominantly provided, with formal recreation opportunities provided in some circumstances.</li> </ol>	Yes	<p>The development proposes to dedicate Lot 900 (4,644m<sup>2</sup>) of land for the purposes of open space. This land will act as a continuation of the existing White Ibis Drive Park to the north-east. A recommended condition of approval is that the existing pathway in the adjoining park be extended across Lot 900 with potential that it will ultimately connect to Dohles Rock Road.</p>
<p><b>3.14.9.4 Specific Outcomes - Settlement pattern and urban form</b></p> <ol style="list-style-type: none"> <li>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;</li> </ol>	Yes	<p>The proposed development provides for a reconfiguration that achieves a site density of 22.87 lots per hectare. The development facilitates the ability to provide a mix of dwelling types on a variety of lots including small lots/zero lot line</p>

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Strategic Outcome	Comply	Assessment
<p>2. Development across a Next generation neighbourhood place type has a minimum site density of 15 dwellings per hectare or a minimum net residential density of 10 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 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> <p>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;</p> <p>b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node;</p> <p>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;</p>		<p>housing. New Houses will address the new internal road and the development is located within a 10 minute walk of the Murrumba Downs shopping centre Local Centre.</p>

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Strategic Outcome	Comply	Assessment
<p>d. a new local centre or neighbourhood hub is to service an unserviced catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood;</p> <p>e. they are appropriately designed to have high quality urban design outcomes.</p> <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>3.14.9.5 Specific Outcomes - Employment location</b></p> <p>1. Next generation neighbourhoods have appropriate local employment opportunities in the form of home-based businesses and opportunities within a local centre or neighbourhood hub.</p>	Yes	<p>The development proposal provides the opportunity for Home Based Business to operate from future Dwelling houses on the proposed lots. Additionally, the development is located within a 10 minute walk of the Murrumba Downs shopping centre Local Centre.</p>
<p><b>3.14.9.6 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 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 400 metres 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>	Yes	<p>Noting that the subdivision is a body corporate subdivision, the proposal provides for a grid like network of internal roads.</p> <p>A recommended condition of approval requires the development to provide a connection to the existing pathway located within White Ibis Drive Park and Goodrich Road. A school bus service (route 6831) passes the site on Goodrich Road with a bus stop 225m to the northeast.</p> <p>The development is located within a 10 minute walk of the Murrumba Downs shopping centre Local Centre.</p>

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Strategic Outcome	Comply	Assessment
<b>3.14.9.7 Specific Outcomes - Infrastructure</b> <ol style="list-style-type: none"> <li>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</li> <li>Next generation neighbourhood places include electricity, gas, telecommunications and high-speed broadband to support residential and business needs.</li> </ol>	Yes	The development will be conditioned to provide all necessary infrastructure to service the development.
<b>3.14.9.8 Specific Outcomes - Water management</b> <ol style="list-style-type: none"> <li>Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments; and</li> <li>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.</li> </ol>	Yes	<p>The development will be conditioned to provide all necessary infrastructure to service the development.</p> <p>The proposed development will provide for the retention of an open space area containing the planning scheme mapped riparian area. Rehabilitation of the area is however not possible as it is predominantly covered by powerline easement or water.</p>
<b>Element - Coast and riverlands place type</b>		
<b>3.14.14.1 Specific Outcomes - Sustainability and resilience</b> <ol style="list-style-type: none"> <li>Land within this place type is exposed to coastal hazards and is not suitable for urban development; and</li> <li>The area will be managed to allow the natural fluctuation of foreshore and associated ecosystems.</li> </ol>	Yes	The application material has demonstrated that any future urban development will be located outside of a Coastal Hazard area.
<b>3.14.14.2 Specific Outcomes - Natural environment and landscape</b> <ol style="list-style-type: none"> <li>The integrity, condition and function of biodiversity and ecological processes within these areas are protected in perpetuity from the adverse impacts of development and land use activities;</li> <li>The visual character of regionally significant scenic amenity areas including major landscape features, and the visual relief and separation between urban areas provided by the network of</li> </ol>	Yes	<p>The application material has demonstrated that any future urban development will be located outside of a medium or high Coastal Hazard area.</p> <p>Any area located within the medium or high Coastal Hazard Area is to be transferred to Council as open space, contributing also to the</p>

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Strategic Outcome	Comply	Assessment
<p>waterways and coastal areas, is retained. Vegetated buffers and open space along foreshores are maintained and restored;</p> <p>3. Existing natural areas, including the habitat of a range of threatened species, are enhanced and protected from the impacts of development;</p> <p>4. The Coast and riverlands place type forms part of the green infrastructure network that traverses across public and private land to link to the Mountains, forests and waterways place type;</p> <p>5. The nature, scale and intensity of coastal activities are appropriate to the low key, low intensity, recreational, educational and environmental character and function of this area;</p> <p>6. Activities in the Coast and riverlands place type are located, designed and managed to mitigate disturbance of acid sulfate soils and the mobilisation and release of nutrients of concern from nutrient hazard areas; and</p> <p>7. Sustainably managed land extensive or intensive rural uses are an integral component of the natural environment and landscape within this place type.</p>		protection of the Green Infrastructure Network.
<p><b>3.14.14.3 Specific Outcomes - Strong communities</b></p> <p>1. The place type provides a diverse range of active and passive outdoor sport and recreational opportunities for residents of the region and visitors</p> <p>2. The values of cultural heritage sites are maintained and enhanced;</p> <p>3. The important contribution of the Coast and riverlands place type to the sense of place and identity of the Moreton Bay Region is identified, and reflected in the management of coastal activities and development within and adjacent to the place type; and</p> <p>4. The parks and open space, sport and recreational facilities, boat ramps, jetties, board walks, bikeways, recreational trails and environmental centres and community facilities</p>	Yes	Any area located within the medium or high Coastal Hazard Area is to be transferred to Council as open space.



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Strategic Outcome	Comply	Assessment
within this area provide low key informal and safe meeting places for community interaction.		
<b>3.14.14.4 Specific Outcomes - Settlement pattern</b>  1. The existing pattern of development within the place type is not intensified and, in some locations, building and rebuilding will not be possible;  2. Dispersed dwellings and farm buildings are predominant within this place type, mostly on large rural allotments. Some small house lots also occur in this place type;  3. Coastal activities are of a scale and nature that maintain the low key, dispersed water based and waterfront recreational and open space uses;  4. Development and coastal activities are limited to uses that are allied to and compatible with the long-term protection of the areas environmental values and are not sensitive to hazard events; and  5. Land extensive or intensive rural uses are managed to maintain sustainable production from the land and to avoid degrading the significant conservation or scenic values or the integrity of the coast and waterways.	Yes	The part of the subject site proposed to be developed is located within the General Residential Zone, Next Generation Precinct where development is envisaged. There is no development proposed in the Coast and Riverlands Place Type, consistent with the Specific Outcome.  Any area located within the medium or high Coastal Hazard Area is to be transferred to Council as open space.
<b>3.14.14.5 Specific Outcomes - Employment location</b>  1. Employment opportunities in this place type include low key, low impact recreational and tourism activities that serve the needs of residents and visitors to the region; and  2. Opportunities for innovative co location of sustainable rural enterprises in peri – urban areas will be considered where meeting ecological, economic and social objectives, whilst maintaining a character consistent with the attributes of the area.	NA	Not relevant to this development application and the variation sought.
<b>3.14.14.6 Specific Outcomes - Natural resources</b>  1. Development sustainably manages and does not adversely impact on the natural resources of the area including wetlands and waterways of Moreton Bay Marine Park, declared fish habitat areas, sand dune deposits, Agricultural land classification (ALC) Class A and Class B land and plantation forests; and	Yes	Any area located within the medium or high Coastal Hazard Area is to be transferred to Council as open space with recommended conditions of approval requiring stormwater quality management outcomes

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Strategic Outcome	Comply	Assessment
2. The high levels of ecosystem services provided in this area are protected from development impacts.		consistent with the requirements of the State Planning Policy.
<b>3.14.14.7 Specific Outcomes - Integrated transport</b>  1. An adequate level of service for road access is maintained for visitors to the area to provide safe access in areas susceptible to flooding and for use in emergencies; and  2. Where appropriate, sealed roads to have adequate width to include line-marked shoulders to accommodate cyclists with particular attention to uphill sections.	<b>Yes</b>	Recommended conditions of approval require Goodrich Road East to be upgraded for traffic safety reasons. There exists a low spot in Goodrich Road to the east that can be flooded for short periods of time however trafficable access in flood is available to the south-west.
<b>3.14.14.8 Specific Outcomes - Infrastructure</b>  1. Limited infrastructure services are provided, and new infrastructure likely to be severely damaged in hazard events is avoided unless otherwise warranted; and  2. Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type.	<b>Yes</b>	No infrastructure other than a stormwater outfall is proposed to be located within the Coastal Hazard Area.
<b>3.14.14.9 Specific Outcomes - Water Management</b>  1. Waterways, wetlands and coastal areas are enhanced and protected from degradation or loss of biodiversity values;  2. Development retains the natural hydrological characteristics of waterways, wetlands and coastal areas including groundwater, and mitigates disturbance of acid sulfate soils and the mobilisation and release of nutrients of concern from nutrient hazard areas;  3. The risk of downstream or upstream shoreline, bed or bank erosion through altered hydrology, development or unnatural disturbance is not increased; and  4. Nutrient enrichment is avoided.	<b>Yes</b>	Any area located within the medium or high Coastal Hazard Area or Medium or High Flood Hazard Area is to be transferred to Council as open space.

The proposed Material Change of Use for Dwelling Houses and Home-Based Business, as a land use, is consistent with the intent for the Next Generation Place Type. In the General Residential Zone - Next Generation Neighbourhood Precinct, the land use is generally Code

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Assessable except when affected by the Medium or High Flood Risk on the Flood Risk Overlay Map where the Overlay escalates the level of assessment to impact to allow an assessment of the flood hazard.

For much of the land affected by the Coast and Riverlands Place Type, the underlying zone and precinct remains as the General Residential Zone - Next Generation Neighbourhood Precinct. The boundary of the Coast and Riverlands Place Type is aligned predominantly to the current Medium and High Flood Risk on the Flood Hazard Overlay. As it is known that a lesser in area part of the site is affected by the Medium Risk Flood Hazard, it is also reasonable that the boundary of the Coast and Riverlands Place Type should be treated as having been adjusted the same way.

On this basis, the development application and more specifically the Variation Request does not conflict with the Strategic Framework of the MBRC Planning Scheme.

**2.3.2 Assessment of Applicable Codes**

Code Compliance Summary

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

- (e) proposes an alternative 'Example' satisfying or not satisfying the corresponding Performance Outcome; and
- (f) 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>Development Code</b>		
General Residential Zone Code - Next Generation Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil. Complies with all.
<b>Overlay Codes</b>		
Flood Hazard	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO18
Coastal Hazard	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO22

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

**2.3.3 Performance Outcome Assessment**

Performance Outcome	Example
<b>Flood Hazard Overlay Code</b>	
<b>PO18</b>	No example provided.

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Performance Outcome	Example
<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> <ul style="list-style-type: none"> <li>a. in the High risk area, is only for the purposes of a Park or Permanent plantation unless: <ul style="list-style-type: none"> <li>i. in the Rural residential zone where; the minimum lot size for each rural residential lot is provided outside the High risk area; or</li> <li>ii. in the Rural zone where a development footprint (flood and coastal) is provided outside the High risk area; or</li> </ul> </li> <li>b. in the Medium risk area, is only for the purposes of a Park or Permanent plantation unless: <ul style="list-style-type: none"> <li>i. in the Rural zone where a development footprint (flood and coastal) is provided outside the Medium risk area; or</li> <li>ii. in the Rural residential zone, where the development footprint (flood and coastal) for each rural residential lot is provided outside the Medium risk area; or</li> <li>iii. 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</li> </ul> </li> <li>c. In the Balance flood planning area, is consistent with the overall outcomes of the applicable zone and precinct.</li> </ul>	
<b>Performance Outcome Assessment</b>	
<p>The applicant has submitted mapping consistent with the modelling undertaken by Council in 2017. The updated modelling and mapping demonstrates that the flood impact on the site is reduced to less than what is currently reflected in the scheme.</p> <p>The submitted plans identify that the proposed lots are located wholly outside the mapped flood hazard area (revised).</p>	

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Performance Outcome	Example
Accordingly, the proposed development complies with the Performance Outcome based on the revised mapping.	
Coastal Hazard Overlay Code	
<p><b>PO22</b></p> <p>Development is compatible with the intolerable or tolerable level of risk of the coastal hazard applicable to the premises such that reconfiguring a lot for creating lots by subdividing another lot:</p> <ul style="list-style-type: none"> <li>a. in the Erosion Prone Area, is only for the purpose of a Park or Permanent plantation unless all resultant lots provide the required minimum lot size outside the Erosion Prone Area;</li> <li>b. in the High risk storm tide inundation area, is only for the purposes of a Park or Permanent plantation unless: <ul style="list-style-type: none"> <li>i. in the Rural residential zone where the minimum lot size for each rural residential lot is provided outside the High risk storm tide inundation area; or</li> <li>ii. in the Rural zone where a development footprint (flood and coastal) is provided outside the High risk area; or</li> </ul> </li> <li>c. occurs in the Medium risk storm tide inundation area: <ul style="list-style-type: none"> <li>i. in the Centre zone, Industry zone, or Recreation and open space zone, where not for the purpose of a vulnerable use (flood and coastal); or</li> <li>ii. if in the Rural residential zone , where the minimum lot size for each rural residential lot is provided outside the Medium risk storm tide inundation area; or</li> <li>iii. in the Rural zone where a development footprint (flood and coastal) is provided outside the Medium risk area; or</li> <li>iv. in any other zone, where:</li> </ul> </li> </ul>	No example provided.

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Performance Outcome	Example
<p>A. all resultant lots are located outside the Medium risk storm tide inundation area area (or at the development planning level where filling is permitted) other than those for the purposes of a Park or Permanent plantation; or</p> <p>B. for a lot on a building format plan under the <i>Land Title Act 1994</i> which is subject to a community titles scheme under the <i>Body Corporate and Community Management Act 1997</i> and is associated with a material of use; or</p> <p>d. in the Balance coastal planning area, where consistent with the overall outcomes of the applicable zone and precinct.</p>	
<b>Performance Outcome Assessment</b>	
<p>The applicant has submitted mapping consistent with the outputs from the Council's modelling as shown in the Development Flood Check reports on the Council's website. The updated mapping demonstrates that the coastal hazard (storm tide inundation) impact on the site is greater than what is currently reflected in the scheme, however aligns to the modified Medium Risk Flood Hazard Area.</p> <p>The submitted plans identify that the proposed lots are located wholly outside the mapped coastal hazard area (storm tide inundation) (revised).</p> <p>Accordingly, the proposed development still complies with the Performance Outcome based on the revised mapping.</p>	

#### 2.4 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

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- (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 modify the Moreton Bay Regional Council Planning Scheme to give effect to an amended Overlay Maps as proposed has been undertaken and is discussed below.

*2.4.1 Result of Assessment of the other aspects of the Development Application*

This Development Application includes a Preliminary Approval for a Material change of use for Dwelling Houses and Home Based Business. As stated above, Dwelling House and Home Based Business, as land uses, are consistent with the intent for the Next Generation Place Type and General Residential Zone - Next Generation Neighbourhood Precinct, where the land use is generally Code Assessable except when affected by the Medium or High Flood Risk on the Flood Hazard Overlay or exceeding the maximum building height. The uses proposed are acceptable on the part of the site that are presently identified as being at a medium flood risk as those areas are, based on updated modelling, not in fact affected by a medium flood risk.

*2.4.2 Consistency with the rest of the MBRC Planning Scheme*

The proposed Variation Request does not seek to amend any MBRC Planning Scheme codes or level of assessment tables, but to only amend the Flood Hazard Overlay Map and Coastal Hazard (Storm Tide Inundation) Overlay Map. As a result of the refined mapping, the area extent of the overlays will be amended being based on updated modelling. A comparison of the current Flood Hazard and Coastal Hazard (Storm Tide Inundation) overlay mapping and the proposed refined mapping is shown above in Figures 1 and 2.

Council officers have assessed the submitted reporting, and have identified that the proposal more accurately identifies the extent of the balance and medium risk flood hazard area and coastal hazard (storm tide inundation) area affecting the subject site. Therefore, the proposal is consistent with the rest of the MBRC Planning Scheme.

*2.4.3 Effect of the variations on submission rights*

The effect of the Variation is that it reduces the extent of the Medium risk flood hazard in addition to the Balance coastal planning area over the subject site. The refined mapping does not remove the hazard entirely and as such, any future development application over the site will continue to have the same level of assessment as per the MBRC Planning Scheme. As such, there is no effect on the public to provide comments and no effect on submission rights.

*2.4.4 Any other matter prescribed by regulation*

There are no other matters prescribed by regulation relevant to this application.

*2.4.5 Variation Request Assessment Outcome*

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

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- (i) It is aligned with the proposed use contained in the Material Change of Use - Preliminary Approval component of the development application; and
- (ii) It is consistent with the rest of the MBRC Planning Scheme; and
- (iii) The effect of the variation on submitters rights is acceptable as submitters with concerns about flooding had the opportunity to make a submission about this development application and there is no need to preserve submission rights due to outdated flood mapping on the site; and
- (iv) There is no other matter prescribed in a regulation

Accordingly, the Variation Request has demonstrated it warrants favourable consideration.

**2.5 Trunk Infrastructure**

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 10 commencing on 5 October 2022 (CR).

**2.5.1 Levied Charge**

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated as \$671,328.00.

**2.5.2 Levied Charge Credit**

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

**(a) Payment of previous charges or contributions**

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

**(b) Lawful use of land**

An assessment of the existing and previous lawful use(s) of the land has determined that a credit amount of \$18,648.00 exists and has been calculated based on an existing 3 or more bedroom house being on the land.

**(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

**2.5.3 Levied Charge Offset or Refund**

The LGIP Amendment No.1 effective from 21 December 2021 removed the riparian corridor (proposed Lot 900) as a trunk item. Therefore, as the site is now not affected by a Trunk Infrastructure requirement there is no trunk offset or refund applicable to the development proposal.

**2.5.4 Additional Trunk Infrastructure Costs**

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

1

- (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



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(c) is for premises located completely or partly outside the Priority Infrastructure Area;

And

- 2 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.

2.6 Recording of particular approvals on the MBRC Planning Scheme

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

2.7 Referrals

2.7.1 *Council Referrals*

**2.7.1.1 Development Engineering**

**Roadworks**

Goodrich Road East is not currently of the required standard to cater for development traffic. As a consequence, the recommendations of this report include conditions detailing the necessary road upgrades.

**Stormwater / Flooding**

A Stormwater Management Report has been submitted in support of the application. The report has demonstrated general compliance with Council requirements and as a consequence the recommendations of this report include a condition requiring the works to be undertaken in accordance with the Approved Report.

Trafficable access in the major storm needs to be achieved for the development to the nearest major road. Review of the flood levels for the Major storm, 1% Annual Exceedance Probability (AEP), on Goodrich Road, has been completed both north and south of the development. The section of Goodrich Road just south of the intersection with White Ibis Drive is inundated to a depth of approximately 0.8m in a 1% AEP event. This section of White Ibis Dr is not trafficable, with the balance of this road and Silvereye Drive to Dohles Rocks Road trafficable in a major storm. Goodrich Road south of the development immediately adjoining Dohles Rocks Road is also subject to inundation in a major storm event. The flood level varies between 3.5m AHD to 3.6m AHD, from north to south. The corresponding road pavement levels are approximately 3.25m AHD to 3.35m AHD, with inundation of approximately 0.25m. Queensland Urban Design Manual (QUDM) allows roads with the depth of inundation to be up to 0.3m, with low velocity flows, to be considered as trafficable. The development therefore has sealed trafficable access in the major storm event to an arterial or sub-arterial road. Installation of flood warning signs are recommended on Goodrich Road directly south of White Ibis Drive.

Council has revised the Flood Hazard Mapping for this area, after the adoption of the current Planning Scheme. The revised mapping shows less impact on the development site and confirms the proposed development area is not within medium or high flood hazard areas.

ITEM 3.3 DA/2022/1637 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES AND HOME BASED BUSINESS THAT INCLUDES A VARIATION REQUEST TO VARY THE FLOOD HAZARD OVERLAY AND COASTAL HAZARD OVERLAY MAPS UNDER THE MORETON BAY REGIONAL COUNCIL PLANNING SCHE - 66689181 (Cont.)

### Earthworks

Earthworks and retaining walls are proposed as part of the development. As a consequence, the recommendations of this report include a condition regarding the design and construction of retaining walls.

#### 2.7.1.2 Environmental Health

### Acid Sulfate Soils (ASS)

The site is within the ASS overlay for land at or below 5m AHD. The planning report outlines that it is unknown whether there will be more than 500m<sup>3</sup> of fill at a depth of greater than 0.5m. It is appropriate that a condition be applied requiring an acid sulfate soil investigation and management plan be applied to any decision notice.

### Waste Management

Each dwelling will have 2 wheelie bins which require 2 metres of space at the kerbside of the new street and will be serviced by a 12.5m long left-side loading HRV. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with SC 6.20 Planning scheme policy - Waste.

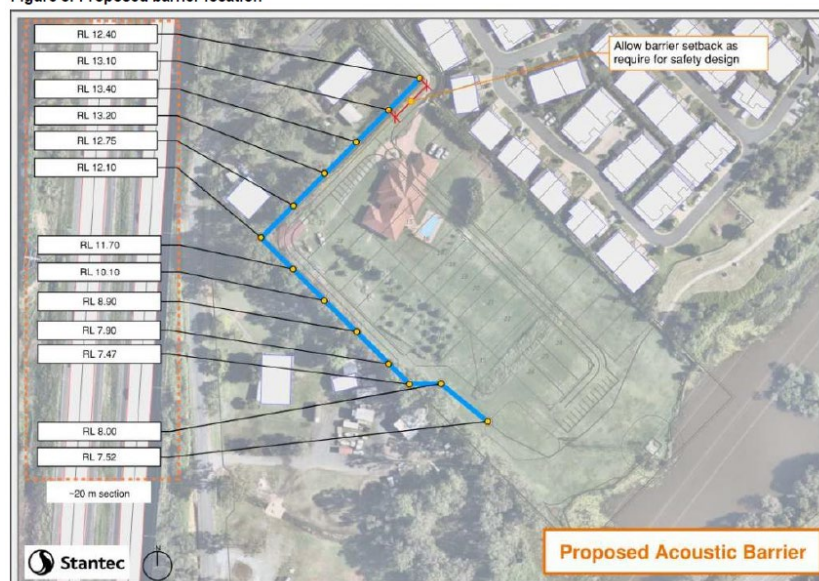
#### 2.7.2 Referral Agencies

##### 2.7.2.1 Concurrence Agencies - Department of Infrastructure, Local Government and Planning

The application was referred to the Department of Infrastructure, Local Government and Planning (DILGP) for the following:

- (b) Matters relating to Reconfiguring a lot near a State transport corridor, Material change of use of premises near a State transport corridor or that is a future State transport corridor and Development on designated premises. Council was advised on 16 November 2022 that DILGP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice. Relevantly, the conditions of approval for the concurrence agency require a 4.0 metre high acoustic fence around the western perimeter of the development as shown below;

Figure 8: Proposed barrier location



ITEM 3.3 DA/2022/1637 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES AND HOME BASED BUSINESS THAT INCLUDES A VARIATION REQUEST TO VARY THE FLOOD HAZARD OVERLAY AND COASTAL HAZARD OVERLAY MAPS UNDER THE MORETON BAY REGIONAL COUNCIL PLANNING SCHE - 66689181 (Cont.)

### 2.7.2.2 Advice Agencies

Energex

Council was advised on 8 February 2023 that the Advice Agency has no objection to the proposal. The advice agency has recommended a number of conditions be included in Council's decision. However, as those conditions are covered by the easement terms there is no need to duplicate those requirements as Council conditions. However, in this instance as Energex had a number of concerns with the proposal, it is recommended that a condition of approval require any application for Operational Works and survey plan endorsement to demonstrate compliance with those requirements.

### 2.7.2.3 Third Party Agencies

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

## 2.8 Public Consultation

### 2.8.1 Public Notification Requirements under the Development Assessment Rules

- (g) Public Notification was served on all adjoining landowners on 1 November 2022.
- (h) The development application was advertised in Quest News on 3 November 2022.
- (i) A notice in the prescribed form was posted on the relevant land on 3 November 2022 and maintained for a period of 30 business days until 16 December 2022.

### 2.8.2 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		1
	Petition	0	0
Not Properly Made	Letter, Email, Fax		0
	Petition	0	0
<b>Total</b>			1

The matters raised within the submission are outlined below:

Assessment of Submissions
<b>Issue - Privacy and Height</b>
<p><u>Discussion</u></p> <p>Concerns were raised that the material change of use will enable construction of two (2) storey Dwellings which would impact on privacy and wellbeing of adjoining neighbours.</p> <p>The property is located in an existing Overlay map - Building Height as a maximum building height of 12 metres and so are the adjoining properties. As the current MBRC Planning Scheme already allows for development up to 12m in height (subject to the appropriate approvals) this application is not changing any proposed building heights and the anticipated built form is consistent with expectations for this area.</p> <p>It is noted that this application does not permit the construction of any Dwellings which would be subject to demonstrating compliance with the Dwelling House Code under the Moreton Bay Regional Council Planning Scheme (or as amended).</p>

ITEM 3.3 DA/2022/1637 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES AND HOME BASED BUSINESS THAT INCLUDES A VARIATION REQUEST TO VARY THE FLOOD HAZARD OVERLAY AND COASTAL HAZARD OVERLAY MAPS UNDER THE MORETON BAY REGIONAL COUNCIL PLANNING SCHE - 66689181 (Cont.)

Assessment of Submissions
This is not sufficient grounds for refusal of the application.
Issue - Road Network
<p><b>Discussion</b></p> <p><i>Concerns were raised that the existing road network is insufficient in catering for additional development on the lot and surrounding area in addition to flooding.</i></p> <p>The existing formation of Goodrich Road East to the southwest of the site access is a rural construction with varied width, generally &lt;6.0m wide with sections that are &lt;5.0m wide sealed pavement. This sealed width is not suitable for two-way traffic at the anticipated future traffic volumes and is road safety concern.</p> <p>It is recommended that a condition of approval is included requiring that Goodrich Road East is upgraded from the western road frontage (western extent of driveway) to the existing full width construction near Blackall Road.</p> <p>It is noted that the development approval (DA/24729/2010/VCHG/3) at Lot 2 SP 145825 has been conditioned to undertake modifications to the intersection at Goodrich Road East and Dohles Rocks Road to restrict movements to left-in only. Additionally, the conditions required that Goodrich Road East is upgraded to an Urban Collector Standard (to the full extent of the sites frontage).</p> <p>The proposed development and adjoining development have necessitated upgrades to the local road network in accordance with Council's standards to cater for the development in the area and address any perceived issues with infrastructure.</p> <p>This is not sufficient grounds for refusal of the application.</p>

#### 2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 17 December 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.

#### 2.9 Other Matters

None identified.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

The applicant and submitter 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.

#### 3.3 Policy Implications

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

*ITEM 3.3 DA/2022/1637 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES AND HOME BASED BUSINESS THAT INCLUDES A VARIATION REQUEST TO VARY THE FLOOD HAZARD OVERLAY AND COASTAL HAZARD OVERLAY MAPS UNDER THE MORETON BAY REGIONAL COUNCIL PLANNING SCHE - 66689181 (Cont.)*

- 3.4 Risk Management Implications ☒ Nil identified
- 3.5 Delegated Authority Implications ☒ Nil identified
- 3.6 Financial Implications
- a) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
  - b) Permit conditions require infrastructure contributions to Council.
- 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 scheme 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 and 2.8.

## **ATTENDANCE**

Dan Staley left the meeting at 11.00am after Item 3.3.

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**4 WELL-CONNECTED PLACES SESSION****(Cr A Hain / Cr M Gillam)**

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**ITEM 4.1****TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM**

*Meeting / Session:* 4 WELL-CONNECTED PLACES  
*Reference:* 67067973 : 5 June 2023 - Refer **Confidential** Supporting Information  
67004906, 67004905 & 67004904  
*Responsible Officer:* SF, Roads Engineer (PAS Asset Maintenance)

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**Executive Summary**

Tenders were invited for the 'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383)' through open tender using eProcure. The tender comprises three separable portions based on the resurfacing type and location of works across the region.

Separable Portions 1 and 2 are primarily asphalt resurfacing works, divided by their locality (typically north and south). The program scope also includes some minor civil works including, but not limited to, gully pit and kerb and channel replacement where required.

Separable Portion 3 functions as a schedule of rates (preferred supplier arrangement) for spray-sealed surfacing treatments required region-wide with a selection of projects to be coordinated with pavement preparations undertaken by Council internal construction teams.

Tenders closed on 9 May 2023, with conforming offers received from six companies for one or more of the separable portions. This report seeks Council's approval to award the tenders as set out in the recommendations below as these tenders were 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 'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383)' will provide improved pavement surfacing, ride quality and serviceability within the region.

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 Matt Constance****Seconded by Cr Adam Hain****CARRIED 12/0**

1. That the tender for the 'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 1' be awarded to Fulton Hogan Industries Pty Ltd for the total sum of \$8,127,602 (excluding GST) for an initial period of two years (1 July 2023 to 30 June 2025) with the option to extend by a further three one-year periods, subject to satisfactory performance.
  - a) That Council acknowledges:
    - (i) the agreement will require capital funding for the 2024/25 financial year and potentially the 2025/26, 2026/2027 and 2027/28 financial years; and
    - (ii) the intention to account for this future expenditure as part of Council's budget for the 2024/25 financial year and potentially the 2025/26, 2026/2027 and 2027/28 financial years.
  - b) That the Council enters into an agreement with Fulton Hogan Industries Pty Ltd, as described in this report.

ITEM 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)

- c) 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 Fulton Hogan Industries Pty Ltd for the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 1'* and any required variations of the agreement on Council's behalf.
2. That the tender for the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 2'* be awarded to Suncoast Asphalt Pty Ltd for the total sum of \$10,025,258 (excluding GST) for an initial period of two years (1 July 2023 to 30 June 2025) with the option to extend by a further three one-year periods, subject to satisfactory performance.
  - a) That Council acknowledges:
    - (i) the agreement will require further capital funding for the 2024/25 financial year and potentially the 2025/26, 2026/2027 and 2027/28 financial years; and
    - (ii) the intention to account for this future expenditure as part of Council's budget for the 2024/25 financial year and potentially the 2025/26, 2026/2027 and 2027/28 financial years.
  - b) That the Council enters into an agreement with Suncoast Asphalt Pty Ltd, as described in this report.
  - c) 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 Suncoast Asphalt Pty Ltd for the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 2'* and any required variations of the agreement on Council's behalf.
3. That the following tenderers be appointed onto the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 3'* preferred supplier arrangement for spray seal surfacing works for an initial period of two years (1 July 2023 to 30 June 2025) with the option to extend by a further three one-year periods, subject to satisfactory performance:
  - Allen's Asphalt Pty Ltd
  - Austek Spray Seal Pty Ltd (including Alternate treatment option)
  - Colas Qld Pty Ltd
  - Colas Solutions Pty Ltd
  - Fulton Hogan Industries Pty Ltd
  - Suncoast Asphalt Pty Ltd
  - a) That the Council enters into an agreement with each of the above listed tenderers as described in this report.
  - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with each of the above listed tenderers for the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 3'* preferred supplier arrangement and any required variations of the agreement on Council's behalf.

ITEM 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 1'* be awarded to Fulton Hogan Industries Pty Ltd for the total sum of \$8,127,602 (excluding GST) for an initial period of two years (1 July 2023 to 30 June 2025) with the option to extend by a further three one-year periods, subject to satisfactory performance.
  - a) That Council acknowledges:
    - (i) the agreement will require capital funding for the 2024/25 financial year and potentially the 2025/26, 2026/2027 and 2027/28 financial years; and
    - (ii) the intention to account for this future expenditure as part of Council's budget for the 2024/25 financial year and potentially the 2025/26, 2026/2027 and 2027/28 financial years.
  - b) That the Council enters into an agreement with Fulton Hogan Industries Pty Ltd, as described in this report.
  - c) 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 Fulton Hogan Industries Pty Ltd for the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 1'* and any required variations of the agreement on Council's behalf.
2. That the tender for the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 2'* be awarded to Suncoast Asphalt Pty Ltd for the total sum of \$10,025,258 (excluding GST) for an initial period of two years (1 July 2023 to 30 June 2025) with the option to extend by a further three one-year periods, subject to satisfactory performance.
  - a) That Council acknowledges:
    - (i) the agreement will require further capital funding for the 2024/25 financial year and potentially the 2025/26, 2026/2027 and 2027/28 financial years; and
    - (ii) the intention to account for this future expenditure as part of Council's budget for the 2024/25 financial year and potentially the 2025/26, 2026/2027 and 2027/28 financial years.
  - b) That the Council enters into an agreement with Suncoast Asphalt Pty Ltd, as described in this report.
  - c) 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 Suncoast Asphalt Pty Ltd for the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 2'* and any required variations of the agreement on Council's behalf.
3. That the following tenderers be appointed onto the *'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 3'* preferred supplier arrangement for spray seal surfacing works for an initial period of two years (1 July 2023 to 30 June 2025) with the option to extend by a further three one-year periods, subject to satisfactory performance:
  - Allen's Asphalt Pty Ltd
  - Austek Spray Seal Pty Ltd (including Alternate treatment option)
  - Colas Qld Pty Ltd
  - Colas Solutions Pty Ltd
  - Fulton Hogan Industries Pty Ltd
  - Suncoast Asphalt Pty Ltd



ITEM 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)

- a) That the Council enters into an agreement with each of the above listed tenderers as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with each of the above listed tenderers for the 'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383) - Separable Portion 3' preferred supplier arrangement and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

The 'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383)' tender forms part of Moreton Bay Regional Council's (MBRC) multi-year road resurfacing program. The objective of this program is to provide a safer transport network for residents and increase the life expectancy of Council assets. This agreement will commence on 1 July 2023 and conclude on 30 June 2025, with the option to extend by a further three one-year periods, subject to satisfactory performance. This tender is for programmed capital resurfacing works identified for year one (2023/24 financial year) of this multi-year program.

This tender has been divided into three separable portions based on locality and treatment. Separable Portions 1 and 2 are primarily asphalt resurfacing works, divided by their locality (typically north and south). The program scope also includes some minor civil works including, but not limited to, gully pit and kerb and channel replacement where required.

Pursuant to section 233 of the *Local Government Regulation 2012*, Council is able to enter into a medium sized or large-sized contractual arrangement for goods and services, without first inviting written quotes or tenders, if the contract is entered into with a supplier under a preferred supplier arrangement or register of prequalified suppliers. The competitive rates from preferred suppliers approved through the tender process, are available to all staff to access should they require the services the preferred suppliers offer.

Separable Portion 3 functions as a schedule of rates (preferred supplier arrangement) for spray sealed surfacing treatments required region wide with a selection of projects to be coordinated with pavement preparations undertaken by the Council's internal construction teams.

A communication plan has been prepared for the road resurfacing program. Communication strategies include project notices issued at least three weeks prior to the commencement of works to impacted residents and the use of variable message signage displayed on critical sites prior to construction. The recommended tenderer's will be responsible for submitting further written advice to all affected stakeholders, including residents and neighbouring businesses, two days prior to projects being undertaken. The communications plan will include a weekly update to the Councillors via the Councillor Information Bulletin (CIB).

**2. Explanation of Item**

Tenders were invited for the 'MBRC - 2023/24 Road Resurfacing Program (MBRC-RFT383)' through open tender using eProcure. The tender comprises three separable portions based on the resurfacing type and location of works across the region. Tenders closed on 9 May 2023, with conforming offers received from six companies for one or more of the separable portions.

MBRC encourages the use of environmental mix designs and the use of recycled materials, with a view of reducing our carbon footprint. Allowances were made in the tender for tenderers to submit environmental offers, or alternate offers, that may be beneficial to MBRC. Details of environmental offers, or alternate offers, were to be included in the tenderer's submission in addition to their conforming tender.

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 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)

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

**Separable Portion 1 (SP1) - Road Resurfacing (North)**

RANK	TENDERER	EVALUATION SCORE (Pre LP)	EVALUATION SCORE (Post LP)
1	Suncoast Asphalt Pty Ltd - (ENVIRONMENTAL)	99.81	111.81
2	Suncoast Asphalt Pty Ltd	99.58	111.58
3	Fulton Hogan Industries Pty Ltd - (ALTERNATE)	98.43	98.43
4	Fulton Hogan Industries Pty Ltd - (ENVIRONMENTAL)	98.22	98.22
5	<b>Fulton Hogan Industries Pty Ltd</b>	<b>97.59</b>	<b>97.59</b>
6	Austek Asphalt Services Pty Ltd - (ALTERNATE)	92.23	92.23
7	Austek Asphalt Services Pty Ltd - (ENVIRONMENTAL)	91.19	91.19
8	Austek Asphalt Services Pty Ltd	89.75	89.75
9	Colas Qld Pty Ltd - (ENVIRONMENTAL)	87.30	87.30
10	Allen's Asphalt Pty Ltd - (ENVIRONMENTAL)	86.00	86.00
11	Colas Qld Pty Ltd	85.73	85.73
12	Allen's Asphalt Pty Ltd	85.16	85.16

**Suncoast Asphalt Pty Ltd ('Suncoast')** - provided a quality submission, clearly setting out their ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. Suncoast have delivered SP1 for the last four consecutive years to a high standard which was evident through their high Contractor Performance Report scores. Suncoast's submission contained provisional rates for environmental mixes which include high recycled asphalt content (RAP) and recycled HDPE plastics. Suncoast's standard mix submission for SP1 was the lowest priced offer and received the second highest evaluation score. Suncoast's environmental mix offer was the second lowest priced submission for this portion and received the highest evaluation score.

In accordance with the conditions of tender, in evaluating the tender responses, the evaluation committee considered its conclusions from its due diligence enquiries and investigations, including consideration to capacity and performance for one Contractor to fulfil the obligations of the contract, should Council award the entirety of the resurfacing program to only one Contractor.

The evaluation committee determined that to enhance the effectiveness and long-term viability of the contract, awarding individual separable portions across the highest ranked tenderers will maintain a favourable balance across:

- ongoing competition and best value for money;
- enhanced operational resilience for the life of the contract through the ability to alternate contractors where appropriate in circumstances such as a contractor ceasing to trade during the life of the arrangement, or diminished performance;
- flexibility to increase capacity if the nature of Council's works programs increase beyond current expectations during the forecast life of the contract; and

ITEM 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)

- enhanced resilience of the contract through having more than one Contractor in the event the South-East Queensland civil construction market tightens.

The assessment process has provided a robust, value for money based determination of each Tenderer's ability to meet the contract requirements of Council and in consideration to the above factors and experience with Council's prior contractual arrangements, it is recommended to award SP1 to Fulton Hogan Industries and SP2 to Suncoast Asphalt Pty Ltd.

**Fulton Hogan Industries Pty Ltd ('Fulton Hogan')** - provided a comprehensive submission, clearly setting out their ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. Fulton Hogan have delivered numerous resurfacing packages in the past to a high standard which was evident through their high Contractor Performance Report scores. Fulton Hogan's submission contained provisional rates for environmental mixes which include high recycled asphalt content (RAP) and Dense Graded Crumb Rubber Asphalt.

The options offered from Fulton Hogan were equal third lowest priced and received evaluation rankings from third to fifth highest. However, concerns were raised around the proposed environmental mix and risks associated with adopting an unfamiliar mix for the entirety of the portion of works.

The standard mix submission would thus be recommended with consideration to undertake future trials with the proposed environmental products offered. Given this and the risks identified above in awarding all separable portions to one supplier, the standard offer from Fulton Hogan for SP1 is deemed best value for Council and is the recommendation of this report for SP1.

**Austek Asphalt Services Pty Ltd ('Austek')** - provided a quality submission, clearly setting out their ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. Austek have delivered similar resurfacing works to a high standard which was evident through their high Contractor Performance Report scores. Austek's submission contained provisional rates for environmental mixes which include high recycled asphalt content (RAP) and the use of recycled tyres both in the asphalt mix (carbon char) and through the use of tyre derived fuel oil in the manufacturing of the asphalt mix.

Austek's alternate offer was the fourth lowest priced submission for this portion and received the sixth highest evaluation score, while their standard mix submission was the sixth lowest priced submission and received the eighth highest evaluation score, these offers was not deemed best value for Council.

**Separable Portion 2 (SP2) - Road Resurfacing (South)**

RANK	TENDERER	EVALUATION SCORE (Pre LP)	EVALUATION SCORE (Post LP)
1	Suncoast Asphalt Pty Ltd - (ENVIRONMENTAL)	99.58	111.58
2	Suncoast Asphalt Pty Ltd	99.38	111.38
3	Fulton Hogan Industries Pty Ltd - (ALTERNATE)	97.45	97.45
4	Fulton Hogan Industries Pty Ltd - (ENVIRONMENTAL)	97.24	97.24
5	Fulton Hogan Industries Pty Ltd	96.62	96.62
6	Austek Asphalt Services Pty Ltd - (ALTERNATE)	91.87	91.87
7	Austek Asphalt Services Pty Ltd - (ENVIRONMENTAL)	90.97	90.97
8	Austek Asphalt Services Pty Ltd	89.36	89.36

ITEM 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)

RANK	TENDERER	EVALUATION SCORE (Pre LP)	EVALUATION SCORE (Post LP)
9	Colas Qld Pty Ltd - (ENVIRONMENTAL)	87.45	87.45
10	Colas Qld Pty Ltd	85.76	85.76
11	Allen's Asphalt Pty Ltd - (ENVIRONMENTAL)	85.26	85.26
12	Allen's Asphalt Pty Ltd	84.43	84.43

**Suncoast Asphalt Pty Ltd ('Suncoast')** - provided a quality submission, clearly setting out their ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. Suncoast have delivered SP1 for the last four consecutive years to a high standard which was evident through their high Contractor Performance Report scores. Suncoast's submission contained provisional rates for environmental mixes which include high recycled asphalt content (RAP) and recycled HDPE plastics.

Suncoast's standard mix submission for SP2 was the lowest priced offer and received the second highest evaluation score, while their environmental mix offer was the second lowest priced submission for this portion and received the highest evaluation score. Based on this, the environmental offer from Suncoast for SP2 is deemed best value for Council and is the recommendation of this report for SP2.

**Fulton Hogan Industries Pty Ltd ('Fulton Hogan')** - provided a comprehensive submission, clearly setting out their ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. Fulton Hogan have delivered numerous resurfacing packages in the past to a high standard which was evident through their high Contractor Performance Report scores. Fulton Hogan's submission contained provisional rates for environmental mixes which include high recycled asphalt content (RAP) and Dense Graded Crumb Rubber Asphalt.

Fulton Hogan's standard mix submission was the third lowest priced submission and received the fifth highest evaluation score. Fulton Hogan's Alternate offer was also the third lowest priced submission for this portion and received the third highest evaluation score, and so this offer was not deemed best value for Council.

**Austek Asphalt Services Pty Ltd ('Austek')** - provided a quality submission, clearly setting out their ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. Austek have delivered similar resurfacing works to a high standard which was evident through their high Contractor Performance Report scores. Austek's submission contained provisional rates for environmental mixes which include high recycled asphalt content (RAP) and the use of recycled tyres both in the asphalt mix (carbon char) and through the use of tyre derived fuel oil in the manufacturing of the asphalt mix.

Austek's standard mix submission was the sixth lowest priced submission and received the eighth highest evaluation score. Austek's alternate offer was the fourth lowest priced submission for this portion and received the sixth highest evaluation score, and so this offer was not deemed best value for Council.

**Separable Portion 3 (SP3) - Preferred Supplier Arrangement - Spray Seal Surfacing Region Wide**

A total of 7 submissions were received, 6 of which were conforming/standard treatments and 1 being an alternate submission. All 7 submissions were recommended for appointment to the panel.

TENDERER
Allen's Asphalt Pty Ltd

ITEM 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)

TENDERER
Austek Spray Seal Pty Ltd
Colas Qld Pty Ltd
Colas Solutions Pty Ltd
Fulton Hogan Industries Pty Ltd
Suncoast Asphalt Pty Ltd

**Austek Spray Seal Pty Ltd** provided an alternate tender submission which comprised of additional items/banding allowances.

### 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: 08 Our communities have access to safe, affordable and diverse transport choices that make active travel easy.

#### 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.

#### 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 for all recommended tenderers. Their ratings are as follows:

- **Separable Portion 1** - Fulton Hogan Industries Pty Ltd - rated as '*strong*'
- **Separable Portion 2** - Suncoast Asphalt Pty Ltd - rated as '*satisfactory*'
- **Separable Portion 3** - Preferred Supplier Arrangement:
  - Allen's Asphalt Pty Ltd - rated as '*very strong*'
  - Austek Spray Seal Pty Ltd - rated as '*sound*'
  - Colas Qld Pty Ltd - rated as '*sound*'
  - Colas Solutions Pty Ltd - rated as '*sound*'
  - Fulton Hogan Industries Pty Ltd - rated as '*strong*'
  - Suncoast Asphalt Pty Ltd - rated as '*satisfactory*'

ITEM 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)

*Delivery Risk:*

The budget funding for this program is substantial year on year and there remains a risk to both the tender and MBRC in using one tenderer to deliver the entire annual road resurfacing program. To mitigate this risk Council officers are recommending a minimum of two tenderers be appointed to deliver these works on an annual basis.

*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 project is not impacted by any building and plumbing approvals.
- d. The project is not impacted by any internal or external Development Approvals.
- e. Impact on local traffic - The recommended tenderer will develop and present approved site-specific traffic management plans and approved traffic guidance schemes for each of the locations to be completed under the agreement. Traffic speeds will be reduced within the extent of the works to ensure safe passage for road users and construction activities.
- f. Impact on bus services - The recommended tenderer's traffic management methods will permit buses to maintain their normal routes. In addition to notifying affected residents, the recommended tenderer will notify relevant bus companies of the resurfacing works and the effect the works may have on services. Projects will be undertaken at night to avoid peak traffic times and minimise disruption during school pick up times and business operating hours.
- g. Impact on waste collection services - The recommended tenderer will be provided with bin collection days for each of the roads listed on the program. The recommended tenderer's programs will be developed cognisant of bin collection days.

3.5 Delegated Authority Implications

The cost of this project exceeds the CEO delegation budget limit and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$21,816,000 in the 2023/24 Capital Projects Program for road resurfacing works across the region. All financial information below is excluding GST.

Separable Portion 1 - Tender Price	\$	8,127,601
Separable Portion 2 - Tender Price	\$	10,025,257
Separable Portion 3 - Schedule of Rates*	\$	1,576,824
Contingency (10%)	\$	1,972,968
QLeave (0.575%)	\$	113,350
<b><u>Total Project Cost</u></b>	<b>\$</b>	<b><u>21,816,000</u></b>

The budget amount for this project is sufficient.

NB: "\*" denotes includes bituminous spray seal surfacing and internal construction team's costs

3.7 Economic Benefit Implications

The road resurfacing works will extend the life of the pavements and minimising economic costs associated with poorly surfaced and condition of roads.

*ITEM 4.1 TENDER - MBRC - 2023/24 ROAD RESURFACING PROGRAM - 67067973 (Cont.)*

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 improve vehicle safety and the roads' structural integrity and rideability.

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 parties:
  - Translink where bus routes are affected
  - Department of Transport and Main Roads, where required
  - Residents - notified through project notices and VMS boards where required
- Internal departments/sections:
  - Asset Maintenance
  - Procurement
  - Legal Services

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**5 PROGRESSIVE ECONOMY SESSION**

**(Cr K Winchester / Cr T Latter)**

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No items for consideration.

**ADJOURNMENT**

The meeting adjourned at 11.13am for luncheon.

The meeting resumed at 12.04pm.



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**6 ENGAGED COUNCIL SESSION****(Cr M Constance / Cr D Grimwade)**

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**ITEM 6.1****UNITYWATER - EXTENSION OF BOARD MEMBER APPOINTMENTS**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67252692 : 14 June 2023  
*Responsible Officer:* SW, Chief Executive Officer (CEO)

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**Executive Summary**

Under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Act)*, and the associated *Participation Agreement* between Unitywater and participating councils, all board members (including the Chairman) for Unitywater must be appointed by the "Special Majority of the Participants" - being the Moreton Bay Regional Council (Council), the Sunshine Coast Regional Council and the Noosa Shire Council. The *Participation Agreement* further provides that an appointment is made by that same Special Majority signing a document approving the appointment/s.

By correspondence dated 30 May 2023, the Unitywater Chairman seeks Council's approval to extend the appointment of Unitywater Board Directors Megan Corfield and Sarah Zeljko to the Unitywater Board for the period 1 October 2023 to 30 September 2026.

The mechanism to affect these appointments is a special majority of the Participants signing a resolution stating that they are in favour of the appointments (clause 7.2 of the Participation Agreement).

This matter is brought to the attention of Council under the **Engaged Council portfolio** as this matter relates to appropriate governance and decision-making arrangements by Council.

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**RESOLUTION**

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**Moved by Cr Yvonne Barlow****Seconded by Cr Mark Booth****CARRIED 12/0**

1. That Council agrees to the extension of office for Unitywater Board Directors Megan Corfield and Sarah Zeljko for the period 1 October 2023 to 30 September 2026.
2. That the Chief Executive Officer be authorised to execute the Resolution of Participants on behalf of Council to give effect to Recommendation 1.

*ITEM 6.1 UNITYWATER - EXTENSION OF BOARD MEMBER APPOINTMENTS - 67252692 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That Council agrees to the extension of office for Unitywater Board Directors Megan Corfield and Sarah Zeljko for the period 1 October 2023 to 30 September 2026.
2. That the Chief Executive Officer be authorised to execute the Resolution of Participants on behalf of Council to give effect to Recommendation 1.

## **REPORT DETAIL**

### **1. Background**

Under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the participating councils must appoint members to the board of Unitywater.

Under section 7.2 of the participation agreement between the Council, Sunshine Coast Regional Council and Noosa Shire Council and Unitywater, the appointment of board members is affected by the "Special Majority of the Participants" signing a document approving the appointment.

The Special Majority of the Participants are the Moreton Bay Regional Council, Sunshine Coast Regional Council and Noosa Shire Council acting jointly in their capacity as Participants.

### **2. Explanation of Item**

The term of office for Unitywater Board Directors Ms Megan Corfield and Ms Sarah Zeljko commenced on 1 October 2020 and is due to expire on 30 September 2023.

Unitywater have recommended that this appointment be extended for a further period of three years from 1 October 2023 to 30 September 2026. The engagement would continue on the usual terms and conditions of the appointment.

The mechanism to affect these appointments is a "special majority" of the Participants signing a resolution stating that they are in favour of the appointment pursuant to clause 7.2 of the Participation Agreement.

It is understood that the other Participants - Sunshine Coast Regional Council and Noosa Shire Council - are agreeable to this extension.

### **3. Strategic Implications**

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

Appointments of board members must be made in accordance with the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* and the Participation Agreement.

#### **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**

The extension of these terms of appointment will retain knowledge and continuity in Board membership. As a key partner in Council's role to facilitate appropriate development across the Moreton Bay region, Unitywater's approach to working with Council, the property development sector and our communities is critical to ensuring ongoing liveability in the region. It is considered that Ms Corfield and Ms Zeljko are well placed to continue to ensure that Unitywater works effectively with Council in this regard.

*ITEM 6.1 UNITYWATER - EXTENSION OF BOARD MEMBER APPOINTMENTS - 67252692 (Cont.)*

3.5 Delegated Authority Implications

The Mayor has been delegated the power to appoint members to the Board of Unitywater (including participation in any selection process for board members and to do all things necessary to effect appointments (Council-79). However, the scope of the existing delegation does not include the extension of tenure of a Board Member, therefore is provided to Council for consideration.

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

The Mayor and Chief Executive Officer were consulted in the preparation of this report.

## ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MAY 2023

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67231476: 13 June 2023 - **Refer Supporting Information 67265137**  
*Responsible Officer:* DC, Manager Accounting Service (FCS Accounting Services)

### Executive Summary

The purpose of this report is to present the Financial Reporting Package for the year-to-date period ending 31 May 2023. 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.

### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Tony Latter

CARRIED 12/0

**That the Financial Reporting Package for the year-to-date period ending 31 May 2023 be received.**

ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MAY 2023 - 67231476 (Cont.)

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year-to-date period ending 31 May 2023 be received.

**REPORT DETAIL**

**1. Background**

The Financial Reporting Package for the month ending 31 May 2023 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.

Council's budget was reviewed at the end of the first quarter which resulted in Council amending the budget at its final General Meeting in January 2023. The supporting information reflects the new amended budget. A further review of the budget occurred at the end of the second and third quarter which resulted in budget monies being re-allocated, amongst numerous capital projects, however as a whole, the Council's budget did not change and accordingly no formal budget amendment was required.

**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 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**

Compliance with Council's Investment Policy is confirmed.

*ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MAY 2023 - 67231476 (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 represent an amended budget to Council if required.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

As at the end of May 2023, 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 ☒ Nil identified

**ITEM 6.3**

**ADOPTION OF RNA SHOW HOLIDAY 2024 - MORETON BAY REGION**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66986720 : 30 May 2023  
*Responsible Officer:* LK, Executive Support Officer (CEOs Office)

**Executive Summary**

The Office of Industrial Relations has sought Moreton Bay Regional Council's request for the observance of special and show holidays for 2024.

This report recommends that the second Monday in August, being 12 August 2024, be nominated as the Royal National Show Holiday for the Moreton Bay Regional Council area.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it is a legislative requirement in accordance section 4 of the *Holidays Act 1983* (Qld) for Council to request that a holiday be appointed.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Cath Tonks

**CARRIED 12/0**

**That Monday 12 August 2024 be nominated as the 2024 Royal National Show Holiday for the Moreton Bay Regional Council area.**

*ITEM 6.3 ADOPTION OF RNA SHOW HOLIDAY 2024 - MORETON BAY REGION - 66986720 (Cont.)*

## OFFICER'S RECOMMENDATION

That Monday 12 August 2024 be nominated as the 2024 Royal National Show Holiday for the Moreton Bay Regional Council area.

## **REPORT DETAIL**

### **1. Background**

By correspondence dated 15 May 2023, the Assistant Director-General of the Office of Industrial Relations has sought Moreton Bay Regional Council's request for special and show holidays for 2024.

Under Section 4 of the *Holidays Act 1983* (Qld) (the Act), a holiday shall not be appointed in respect of a district unless the Minister has received by a specified date, a Notice signed by the Chief Executive Officer of the local government for the area in which the district is situated, requesting that the holiday be appointed.

### **2. Explanation of Item**

Under the Act, a public holiday can be granted in respect of an annual agricultural, horticultural or industrial show (show holiday).

Traditionally, the Moreton Bay Region's one show holiday is held on the Monday immediately prior to the "Ekka People's Day". In 2024, the "Ekka People's Day" will be on Wednesday 14 August 2024.

Accordingly, this report recommends that Monday 12 August 2024 be nominated as the Royal National Show Holiday for the Moreton Bay Regional Council area for 2024.

### **3. Strategic Implications**

#### 3.1 Legislative / Legal Implications

This request is in accordance with Section 4 of the *Holidays Act 1983* (Qld).

#### 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

☒ Nil identified

#### 3.5 Delegated Authority Implications

☒ Nil identified

#### 3.6 Financial Implications

☒ Nil identified

#### 3.7 Economic Benefit Implications

Special and show holidays can stimulate the local economy by way of the community taking the opportunity to visit local destinations and businesses. In this regard, locals will be encouraged to eat, shop and support local businesses over the long weekend.

#### 3.8 Environmental Implications

☒ Nil identified

#### 3.9 Social Implications

☒ Nil identified



*ITEM 6.3 ADOPTION OF RNA SHOW HOLIDAY 2024 - MORETON BAY REGION - 66986720 (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

- Executive Leadership Team
- Councillors

## ITEM 6.4 ADOPTION OF NON-CURRENT ASSETS POLICY

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67162682 : 1 June 2023 - **Refer Supporting Information 66938323**  
*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting 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 adopted Policy Framework.

The purpose of this report is to seek Council's support in adopting Policy 2150-045 Non-Current Assets, as appearing in the supporting information to this report:

This matter is brought to the attention of Council under the **Engaged Council portfolio** and ensures Council has a non-current asset policy that assists in compliance with the *Local Government Regulation 2012*.

### RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Mick Gillam

**CARRIED 12/0**

**That the Non-Current Assets Policy as appearing in the supporting information, be adopted.**

ITEM 6.4 ADOPTION OF NON-CURRENT ASSETS POLICY - 67162682 (Cont.)

**OFFICER'S RECOMMENDATION**

That the Non-Current Assets Policy as appearing in the supporting information, be adopted.

**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.

**2. Explanation of Item**

The Non-Current Asset Policy provides a framework for the financial management of Council's non-current assets.

It outlines the criteria for asset recognition, asset recognition thresholds, revaluation of assets, de-recognition of assets, asset impairment and accounting for certain assets under specific accounting standards that meet the criteria of investment properties, leases and non-current assets held for sale.

The non-current asset policy as presented in the supporting information had minor and inconsequential amendments made which consist of amending the layout of the key sections and typographical changes.

The overall objective, intent and operation of the policy has not been amended in any way.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The non-current asset policy provides guidance in complying with the *Local Government Regulation 2012* with regard to section 206 (valuation of non-current physical assets).

**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**

The Non-Current Assets Policy has been amended in accordance with Council's Policy Framework.

**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

*ITEM 6.4 ADOPTION OF NON-CURRENT ASSETS POLICY - 67162682 (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

- Councillors
- Executive Leadership Team

## ITEM 6.5 ANNUAL VALUATION FOR RATING PURPOSES

Meeting / Session: 6 ENGAGED COUNCIL  
Reference: 67240174 : 13 June 2023  
Responsible Officer: TM, Acting Manager (FCS Financial Operations)

### Executive Summary

In accordance with the *Land Valuation Act 2010*, the Department of Resources has written to Council seeking opinion on whether a valuation of the Moreton Bay local government area should be undertaken effective 30 June 2024.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as a resolution is required delegating authority to the CEO to respond to the Department of Resources.

### RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the Chief Executive Officer be authorised to write to the Department of Resources to request a valuation of the Moreton Bay Regional Council local government area to be undertaken effective 30 June 2024.
2. That the Council note the valuation fee of approximately \$1.5 million for the provision of valuation services by the Department of Resources will be charged to Council regardless of whether a new valuation is undertaken or not.

*ITEM 6.5 ANNUAL VALUATION FOR RATING PURPOSES - 67240174 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the Chief Executive Officer be authorised to write to the Department of Resources to request a valuation of the Moreton Bay Regional Council local government area to be undertaken effective 30 June 2024.
2. That the Council note the valuation fee of approximately \$1.5 million for the provision of valuation services by the Department of Resources will be charged to Council regardless of whether a new valuation is undertaken or not.

## **REPORT DETAIL**

### **1. Background**

The *Land Valuation Act* requires the Valuer-General to undertake an annual statutory valuation of all rateable land in Queensland except in unusual circumstances or after consideration of:

- a market survey report for the local government area which review sales and land and the probable impact of the sales on the value of land since the last valuation; and
- the results of consultation with the local government for the area and appropriate local and industry groups.

The last annual valuation of the Moreton Bay Regional Council local government area was effective from 30 June 2022.

The Local Government Regulation 2012 requires Council to calculate rates by using the rateable value of the property assessed in accordance with the *Land Valuation Act 2010*.

### **2. Explanation of Item**

In accordance with the *Land Valuation Act 2010*, the Department of Resources has written to Council seeking an opinion on whether a valuation of its local government area should be undertaken to be effective on 30 June 2024. A response is required by 13 July 2023.

The Valuer-General has advised:

*"The decision to value local government areas follows consultation with councils, local and industry stakeholder groups, and consideration of property market survey analysis. At this time, market surveys and consultation feedback are still being finalised and I am yet to form a view of whether Moreton Bay Regional Council will be included in the 2024 land valuation program."*

In response to a similar request last year, Council requested a valuation of the Moreton Bay Regional Council local government area be undertaken effective 30 June 2023. However, the Valuer-General advised that having considered detailed property market analysis, the timing since the last revaluation, and feedback provided, a revaluation would not be undertaken.

To ensure the valuations used for rating purposes remain as up to date as possible, minimising the risk of substantial increases in valuations, it is considered appropriate to request a new valuation effective from 30 June 2024.

It should be noted that the Department of Resources will charge Council each year, regardless of whether or not a revaluation is undertaken. The invoice for 2023/24 will not be received until July 2024 but is expected to be up to approximately \$1.5 million.

ITEM 6.5 ANNUAL VALUATION FOR RATING PURPOSES - 67240174 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Section 94 of the *Local Government Act 2009* states that Councils must levy general rates on all rateable land within the local government area.

In addition, the Local Government Regulation 2012 requires Council to calculate the rates by using the rateable value of the property assessed in accordance with the *Land Valuation Act 2010*.

#### 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

Rates are levied in accordance with Council's Revenue Policy 2150-82.

#### 3.4 Risk Management Implications

Council levies rates based on land valuations determined by the Department of Resources. Significant variability in land valuations is likely to result in movement in Council rates.

#### 3.5 Delegated Authority Implications

As per the recommendation.

#### 3.6 Financial Implications

The annual valuation fee of approximately \$1.5 million is included in the 2023/24 budget and will be payable by Council regardless of whether or not a valuation is undertaken.

#### 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

☒ Nil identified

## ITEM 6.6 COASTAL PROTECTION PORTFOLIO ASSET MANAGEMENT PLAN

Meeting / Session: 6 ENGAGED COUNCIL  
Reference: 66997077 : 8 June 2023 - Refer Supporting Information 62961695  
Responsible Officer: WF, Manager Asset Management (PAS Asset Management)

### Executive Summary

The purpose of this report is to present the Coastal Protection Portfolio Asset Management Plan (CPPAMP) to Council. The coastal protection portfolio comprises of 23.1 km of seawalls and breakwaters and 8 groynes. The portfolio has a total estimated replacement cost of \$355.4 million. To sustain the level of service provided by the coastal protection assets and ensure the asset base is maintained to an adequate condition, the CPPAMP proposes that Council should increase the capital and maintenance funding according to the recommendations below.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it supports organisational excellence through the delivery of cost-effective and sustainable services.

### RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Tony Latter

CARRIED 12/0

1. That the Coastal Protection Portfolio Asset Management Plan (CPPAMP) be adopted, as appearing in the supporting information.
2. That amendments be made in the next long-term financial forecast for the capital and maintenance funding for Council's coastal protection assets to meet the standards of service outlined in the CPPAMP. The budget allocation recommendations are:
  - a) For all capital projects, that is new assets, extensions, upgrades and renewals, the shared coastal protection and coastal facilities annual budget to be as follows:
    - a) 2023/24 - \$1.77M
    - b) 2024/25 - \$1.07M
    - c) 2025/26 - \$6.60M
    - d) 2026/27 - \$9.48M
    - e) 2027/28 - \$5.66M
    - f) 2028/29 - \$13.18M
    - g) 2029/30 through to 2032/33 - \$7.4M (per annum)
    - h) 2033/34 - \$12M
    - i) 2034/35 and onwards - \$7.4M (per annum), and
  - b) Annual maintenance budget shared between coastal protection and coastal facilities as follows:
    - j) \$160,000 for 2023/24
    - k) \$280,000 for 2024/25
    - l) \$400,000 for 2025/26 and onwards
3. That the proposed budget for the asset management class is to be considered in the context of, and subject to, Council's standard budget deliberations and processes.



ITEM 6.6 COASTAL PROTECTION PORTFOLIO ASSET MANAGEMENT PLAN - 66997077 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the Coastal Protection Portfolio Asset Management Plan (CPPAMP) be adopted, as appearing in the supporting information.
2. That amendments be made in the next long-term financial forecast for the capital and maintenance funding for Council's coastal protection assets to meet the standards of service outlined in the CPPAMP. The budget allocation recommendations are:
  - a) For all capital projects, that is new assets, extensions, upgrades and renewals, the shared coastal protection and coastal facilities annual budget to be as follows:
    - a) 2023/24 - \$1.77M
    - b) 2024/25 - \$1.07M
    - c) 2025/26 - \$6.60M
    - d) 2026/27 - \$9.48M
    - e) 2027/28 - \$5.66M
    - f) 2028/29 - \$13.18M
    - g) 2029/30 through to 2032/33 - \$7.4M (per annum)
    - h) 2033/34 - \$12M
    - i) 2034/35 and onwards - \$7.4M (per annum), and
  - b) Annual maintenance budget shared between coastal protection and coastal facilities as follows:
    - a) \$160,000 for 2023/24
    - b) \$280,000 for 2024/25
    - c) \$400,000 for 2025/26 and onwards

**REPORT DETAIL**

**1. Background**

A Councillors' briefing was conducted on 7 June 2023 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:***

*A report to be provided for consideration by Council at a future General Meeting to endorse Council's Coastal Protection Portfolio Asset Management Plan.*

**2. Explanation of Item**

As per Council's Strategic Asset Management Framework, it is imperative that Council adopts a proactive approach to managing assets including planned maintenance and condition monitoring. The proactive approach will extend the life of assets and minimise the risk of assets reaching a state beyond repair.

The CPPAMP has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of coastal protection assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a poor condition

ITEM 6.6 COASTAL PROTECTION PORTFOLIO ASSET MANAGEMENT PLAN - 66997077 (Cont.)

There are 223 coastal protection assets which have a total estimated replacement cost of \$355.4 million. The three asset types that make up the coastal protection asset portfolio are:

- Seawalls
- Groynes
- Breakwaters

Table 1 below summarises coastal protection asset types and their expected useful life, current age range and current replacement cost.

Asset Type Description	Number of Assets	Length (m)	Expected Useful Life (Years)	Current Age Range (Years)	Current Replacement Cost
Seawalls	214	22,909	20-65	1-80	\$352.3M
Groynes	8	N/A	25-100	2-34	\$1.4M
Breakwaters	1	218	80	8	\$1.7M
<b>Total</b>	<b>223</b>	<b>23,127</b>			<b>\$355.4M</b>

Table 1 - Asset Portfolio Summary

Figure 1 below shows the age profile for MBRC's coastal protection assets, which indicates the number of assets and their total current replacement cost within each age band.

Approximately 70% of coastal protection assets (154 assets) are aged between 25 and 55 years old indicating that a large proportion of the asset base is more than halfway through its expected useful life. There are 12 assets aged over 55 years totalling \$40.5 million that will also require replacement throughout the next decade.

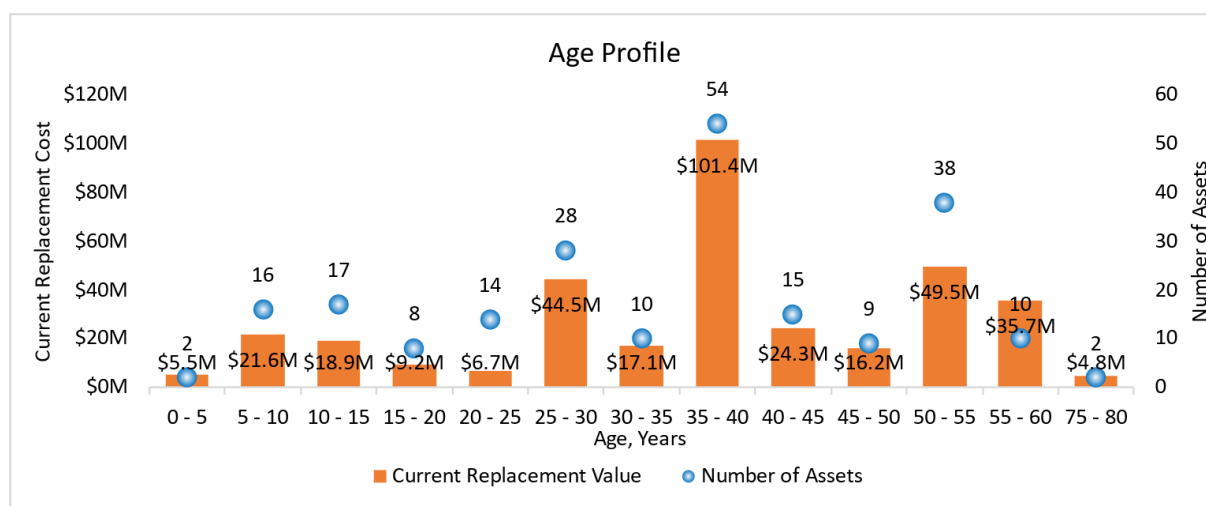


Figure 1 - Age Profile for Coastal Protection Assets

### Condition

Figure 2 shows the condition profile and illustrates that 62% of coastal protection assets by total value are currently in fair to very good condition, and 28% are in poor or very poor condition. Poor and very poor-condition assets do not necessarily demand immediate replacement but will need ongoing monitoring and will potentially attract higher maintenance costs.

ITEM 6.6 COASTAL PROTECTION PORTFOLIO ASSET MANAGEMENT PLAN - 66997077 (Cont.)

10% of the portfolio by total value is shown as having 'No Data' as these had not had a recent Level 2 detailed inspection at the time of writing the CPPAMP. Such assets are still subject to regular post weather event Level 1 inspections to check the overall integrity of the assets. Council will continue to carry out Level 2 detailed condition inspections to obtain data on the remaining assets to inform the next revision of the CPPAMP

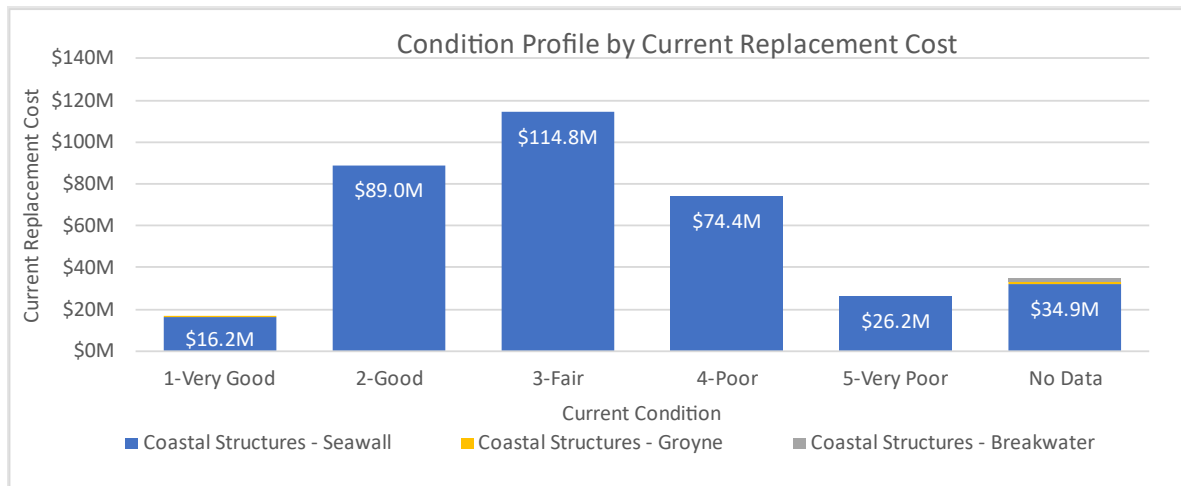


Figure 2: Condition Profile for Coastal Protection Assets

**Key Issues**

- Level 2 inspections need to be completed for all critical coastal protection assets and routine inspection processes amended so that condition scores are available for all assets.
- Coastal protection asset renewals peak around 2032/2033 when a significant outlay of capital will be required to address renewals for a large portion of the coastal protection assets portfolio. This anticipated renewal spend will be subject to ongoing assessment of condition data as coastal protection assets enter the final stages of their useful life.
- The asset lives were reviewed as part of developing this asset management plan and undertaking the lifecycle modelling. Ongoing review of the condition of MBRC's coastal protection assets and typical age at replacement is essential for optimising budget allocations as well as improving service life predictions for different coastal protection asset types.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- A local government must prepare and adopt a Long-Term Asset Management Plan.*
- The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.*
- The period stated in the plan must be 10 years or more.*

Additionally, Section 168 of the Local Government Regulation 2012 states that Council's Long-term Asset Management Plan must:

- provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and*
- state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and*
- be part of, and consistent with, the long-term financial forecast.*

ITEM 6.6 COASTAL PROTECTION PORTFOLIO ASSET MANAGEMENT PLAN - 66997077 (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

The Infrastructure Asset Management Policy (Policy No. 2150-043) was adopted by Council on 9 December 2020.

3.4 Risk Management Implications

Risk management associated with coastal protection assets is included in the plan.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

An analysis was carried out to determine the future condition of the coastal protection asset portfolio with the recommended budget and benchmarked to the current average annual renewal budget.

Figure 4 illustrates that with the currently scheduled funding the condition of the coastal protection assets will significantly decline to an unacceptable condition. The recommended funding will maintain the overall condition of the coastal protection asset portfolio to fair condition and well within the expected range.

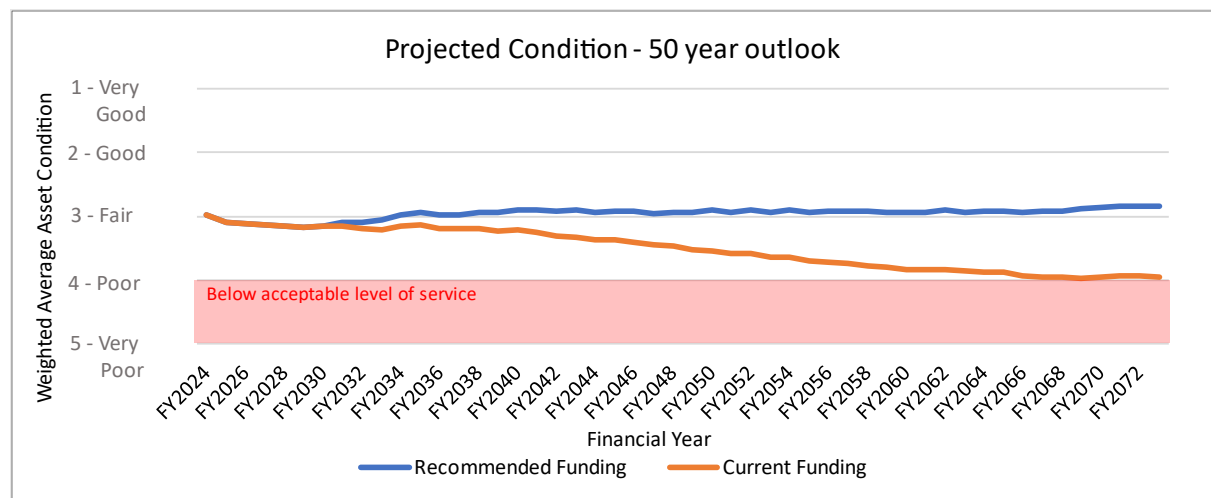


Figure 4 - Projected Asset Condition

The recommended total budget allocations are outlined below:

Cost Type	Current Budget	Recommended Budget
<b>Operating Costs:</b>		
Maintenance	\$160,000 per annum	2023/24 - No change 2024/25 - \$280,000 2025/26 and onwards - \$400,000
<b>Capital New/Upgrade/Renewal:</b>		
All capital projects (ie new assets, extensions, upgrades and renewals combined)	2023/24 - \$1.77M 2024/25 - \$1.07M 2025/26 - \$6.60M 2026/27 - \$9.48M 2027/28 - \$5.66M 2028/29 - \$13.18M 2029/30 - \$7.22M	2023/24 to 2028/29 - No change 2029/30 to 2032/33 - \$7.4M 2033/34 - No change 2034/35 onwards - \$7.4M

ITEM 6.6 COASTAL PROTECTION PORTFOLIO ASSET MANAGEMENT PLAN - 66997077 (Cont.)

	2030/31 - \$1.78M	
	2031/32 - \$3.04M	
	2032/33 - \$2.82M	
	2033/34 - \$12.00M	
	2034/35 - \$5.82M	
	2035/36 - \$4.10M	
	2036/37 - \$7.24M	
	2037/38 onwards - \$4.00M	

Table 2: Proposed budget changes

3.7 Economic Benefit Implications

Sustainable provision and management of Council's infrastructure assets supports economic growth across the region. Additionally, a well-managed coastal protection asset portfolio improves the overall amenity of the region, supports a sustainable and liveable community environment and is highly valued by the community.

3.8 Environmental Implications

The effective management of Council's infrastructure assets assists in improving environmental outcomes.

3.9 Social Implications

The timely and cost-effective management of Council's coastal protection assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

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

- Infrastructure Planning Directorate
- Projects & Asset Services Directorate
- Council

**ITEM 6.7**  
**PATHWAYS PORTFOLIO ASSET MANAGEMENT PLAN**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67220721 : 8 June 2023 - **Refer Supporting Information 66889122**  
*Responsible Officer:* WF, Manager Asset Management (PAS Asset Management)

**Executive Summary**

The purpose of this report is to present the Pathways Portfolio Asset Management Plan (PPAMP) to Council. The pathways network comprises of 2,045 km of pathways and 19,547 kerb ramps and has a total estimated replacement cost of \$431.4 million. To sustain the level of service provided by the pathways network and ensure the asset base is maintained to an adequate condition, the PPAMP proposes that Council should retain the capital funding and increase maintenance funding according to the recommendations below.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it supports organisational excellence through the delivery of cost effective and sustainable services.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

**CARRIED 12/0**

1. That the Pathways Portfolio Asset Management Plan be adopted, as appearing in the supporting information.
2. That amendments be made in the next long-term financial forecast for the capital and maintenance funding for Council's pathways assets to meet the standards of service outlined in the PPAMP. The budget allocation recommendations are:
  - a) Retain the annual current capital budget for renewals from 2023/24 (\$1.3M) through to 2040/41 (\$5.0 M).
  - b) Retain the current annual capital budget allocations for new assets and upgrades (Missing Link, Active Transport Network and Rural and Leisure Active Transport Network Programs), being a combined total of \$32M across 2023/24 through to 2032/33.
  - c) Increase the current maintenance contract services budget (\$1.135M) by 1.2% per annum from 2024/25 through to 2042/43 (\$1.364M).
3. That the proposed budget for the asset management class be considered in the context of, and subject to, Council's standard budget deliberations and processes.

ITEM 6.7 PATHWAYS PORTFOLIO ASSET MANAGEMENT PLAN - 67220721 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the Pathways Portfolio Asset Management Plan be adopted, as appearing in the supporting information.
2. That amendments be made in the next long-term financial forecast for the capital and maintenance funding for Council's pathways assets to meet the standards of service outlined in the PPAMP. The budget allocation recommendations are:
  - a) Retain the annual current capital budget for renewals from 2023/24 (\$1.3M) through to 2040/41 (\$5.0 M).
  - b) Retain the current annual capital budget allocations for new assets and upgrades (Missing Link, Active Transport Network and Rural and Leisure Active Transport Network Programs), being a combined total of \$32M across 2023/24 through to 2032/33.
  - c) Increase the current maintenance contract services budget (\$1.135M) by 1.2% per annum from 2024/25 through to 2042/43 (\$1.364M).

**REPORT DETAIL**

**1. Background**

A Councillors' briefing was conducted on 7 June 2023 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:***

*A report to be provided for consideration by Council at a future General Meeting to endorse Council's Pathways Portfolio Asset Management Plan.*

**2. Explanation of Item**

As per Council's Strategic Asset Management Framework, it is imperative that Council adopts a proactive approach to managing assets including planned maintenance and condition monitoring. The proactive approach will extend the life of assets and minimise the risk of assets reaching a state beyond repair.

The PPAMP has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of pathways assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a poor condition

There are 34,220 pathway assets which have a total estimated replacement cost of \$431.4 million. The three asset types that make up the pathways portfolio are:

- Pedestrian pathways
- Shared pathways
- Kerb ramps

ITEM 6.7 PATHWAYS PORTFOLIO ASSET MANAGEMENT PLAN - 67220721 (Cont.)

Table 1 below summarises pathway asset types and their expected useful life, current age range and current replacement cost.

Asset Type Description	Number of Assets	Length (km)	Expected Useful Life (Years)	Current Average Age (Years)	Current Replacement Cost
Pedestrian pathways	12,542	1,708	50-70	18	\$288.2M
Shared pathways	2,131	337	50-70	13	\$100.2M
Kerb ramps	19,547	-	70	16	\$43.0M
<b>Total</b>	<b>34,220</b>	<b>2,045</b>			<b>\$431.4M</b>

Table 1 - Asset Portfolio Summary

Figure 1 below shows the age profile for MBRC's pathways assets, which indicates the number of assets and their total current replacement cost within each age band.

The age profile illustrates that over 50% of the pathway network by asset value was constructed within the last 15 years. The asset base is also relatively young with only around 10% of the network more than 50% through their expected life.

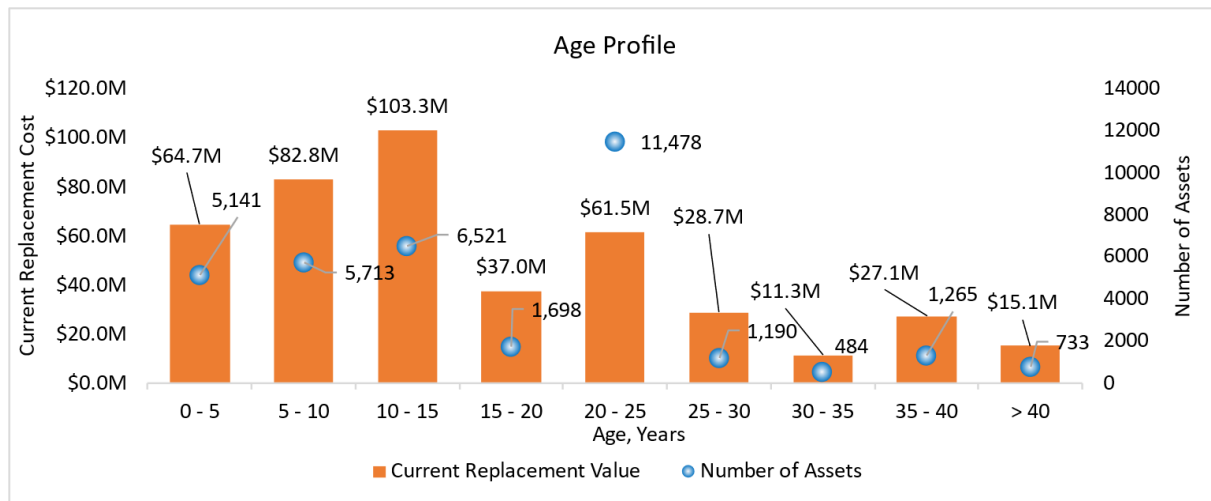


Figure 1 - Age Profile for Pathway Assets

### Condition

Figure 2 shows the condition profile and illustrates that 94% of pathway assets by total value are currently in fair to very good condition, while only 6% are in poor or very poor condition. Poor and very poor-condition assets do not necessarily demand immediate replacement but will need ongoing monitoring and will potentially attract higher maintenance costs.



ITEM 6.7 PATHWAYS PORTFOLIO ASSET MANAGEMENT PLAN - 67220721 (Cont.)

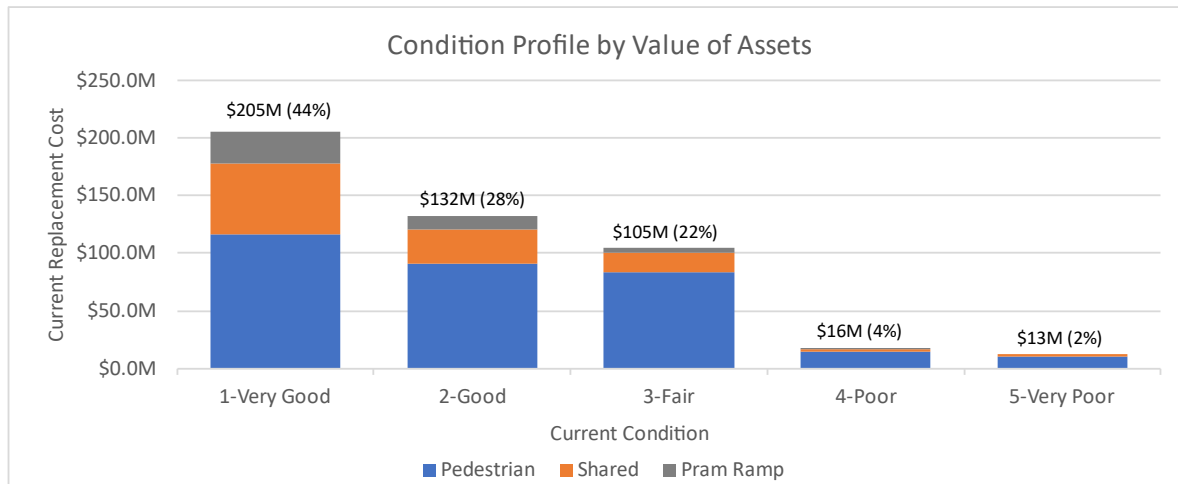


Figure 2: Condition Profile for Pathway Assets

**Key Issues**

- The current budget allows for significant increases in pathway renewal funding over the next 20 years. It is important that the level of funding, including the already scheduled increases, is preserved to provide sufficient funding for asset renewals into the future.
- The current capital renewal budget is sufficient to 2073/2074 after which it will need to increase by \$2.5 million to a total of \$7.5 million per annum from 2074/2075 onwards.
- The current maintenance funding needs a subtle increase to maintain current levels of service and to keep up with the pace of newly constructed and acquired assets. An annual increase of 1.2% per annum over the next 20 years is recommended.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 167 of the Local Government Regulation 2012 states that –

- A local government must prepare and adopt a Long-Term Asset Management Plan.*
- The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.*
- The period stated in the plan must be 10 years or more.*

Additionally, Section 168 of the Local Government Regulation 2012 states that Council's Long-term Asset Management Plan must:

- provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and*
- state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and*
- be part of, and consistent with, the long-term financial forecast.*

**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**

The Infrastructure Asset Management Policy (Policy No. 2150-043) was adopted by Council on 9 December 2020.

ITEM 6.7 PATHWAYS PORTFOLIO ASSET MANAGEMENT PLAN - 67220721 (Cont.)

3.4 Risk Management Implications

Risk management associated with pathways assets is included in the plan.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

An analysis was carried out to determine the future condition of the pathways asset portfolio with the recommended budget and benchmarked to the current average annual renewal budget.

Figure 4 illustrates that with the recommended and currently adopted funding schedule the condition of the assets will gradually decline. However, the pattern of decline is expected from a young asset base and the overall condition will be maintained well within the expected range.

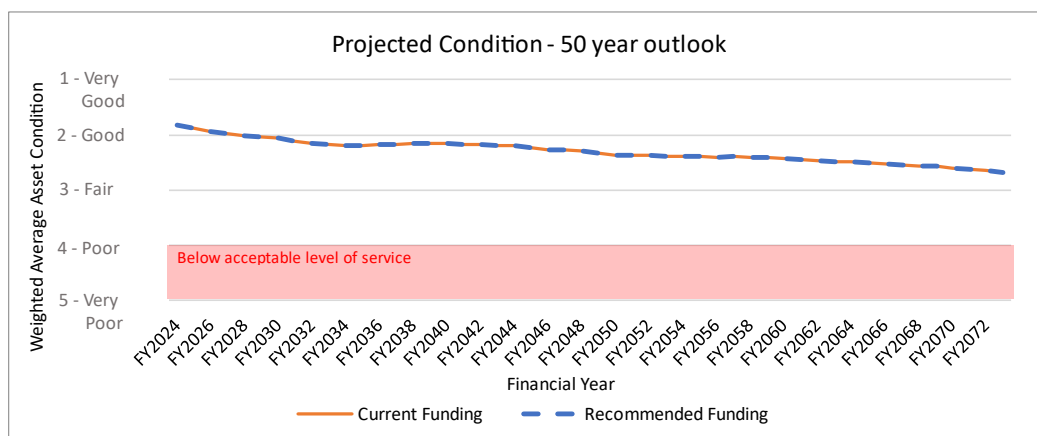


Figure 4 - Projected Asset Condition

The recommended total budget allocations are outlined below:

Cost Type	Current Budget	Recommended Budget
<b>Operating Costs:</b>		
Maintenance contract services, grinding and materials contracts	Combined cost of \$1.135M per annum	2023/24 - No change 2024/25 - \$1.146M 2025/26 - \$1.156M 2026/27 - \$1.167M 2027/28 - \$1.178M 2028/29 - \$1.189M 2029/30 - \$1.201M 2030/31 - \$1.212M 2031/32 - \$1.224M 2032/33 through to 2041/42 - \$1.235M pa 2042/43 - \$1.364M
<b>Capital New/Upgrade/Renewal:</b>		
New assets, extensions, and upgrades	\$32.3 million over the next 10 years	No change
Asset renewals	2023/24 - \$1.35M 2024/25 to 2030/31 - \$1.50M 2031/32 - \$3.0M 2032/33 to 2034/35 - \$3.5M 2035/36 to 2036/37 - \$4.0M 2037/38 to 2039/40 - \$4.5M 2040/2041 onwards - \$5.0M	No change

Table 2: Proposed budget changes

*ITEM 6.7 PATHWAYS PORTFOLIO ASSET MANAGEMENT PLAN - 67220721 (Cont.)*

3.7 Economic Benefit Implications

Sustainable provision and management of Council's infrastructure assets supports economic growth across the region. Additionally, a well-managed pathways asset portfolio improves the overall amenity of the region, provides active and economic transport choices, and is highly valued by the community.

3.8 Environmental Implications

The effective management of Council's infrastructure assets assists in improving environmental outcomes.

3.9 Social Implications

The timely and cost-effective management of Council's pathways assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

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

- Infrastructure Planning Directorate
- Projects & Asset Services Directorate
- Council

**ITEM 6.8**  
**PUBLIC SAFETY INFRASTRUCTURE PORTFOLIO ASSET MANAGEMENT PLAN**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66996167 : 8 June 2023 - **Refer Supporting Information 66998739**  
*Responsible Officer:* WF, Manager Asset Management (PAS Asset Management)

**Executive Summary**

The purpose of this report is to present the Public Safety Infrastructure Portfolio Asset Management Plan (PSIPAMP) to Council. The public safety infrastructure portfolio comprises of 2,866 assets and has a total estimated replacement cost of \$10.24 million. To sustain the level of service provided by the public safety infrastructure asset portfolio and ensure the asset base is maintained to an adequate condition, the PSIPAMP proposes that Council should increase maintenance and capital funding according to the recommendation below.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it supports organisational excellence through the delivery of cost effective and sustainable services.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Sandra Ruck

**CARRIED 12/0**

1. That the Public Safety Infrastructure Portfolio Asset Management Plan be adopted, as tabled.
2. That amendments be made in the next long-term financial forecast for the capital and maintenance funding for Council's public safety infrastructure assets to meet the standards of service outlined in the PSIPAMP. The budget allocation recommendations are:
  - a) Increase the annual CCTV Integration, Break Fix and Maintenance budget as follows:
    - (i) \$477K for 2024/25
    - (ii) \$505K for 2025/26
    - (iii) \$536K for 2026/27
    - (iv) \$568K for 2027/28
    - (v) \$602K for 2028/29
    - (vi) \$638K for 2029/30
    - (vii) \$677K for 2030/31
    - (viii) \$717K for 2031/32
    - (ix) \$760K for 2032/33
    - (x) \$806K from 2033/34 onwards
  - b) Retain the current \$900,000 average annual spend for new assets, extensions, and upgrades over the next 10 years
  - c) Allocate the annual asset renewal budget as follows:
    - (i) \$1.0M for 2023/24
    - (ii) \$1.1M for 2024/25
    - (iii) \$1.2M for both 2025/26 and 2026/27
    - (iv) \$1.3M for both 2027/28 and 2028/29
    - (v) \$1.4M for both 2029/30 and 2030/31
    - (vi) \$1.5M for the period 2031/32 through to 2038/39, and
    - (vii) \$1.8M from 2039/40 onwards
3. That that the proposed budget for the asset management class be considered in the context of, and subject to, Council's standard budget deliberations and processes.

ITEM 6.8 PUBLIC SAFETY INFRASTRUCTURE PORTFOLIO ASSET MANAGEMENT PLAN - 66996167 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the Public Safety Infrastructure Portfolio Asset Management Plan be adopted, as tabled.
2. That amendments be made in the next long-term financial forecast for the capital and maintenance funding for Council's public safety infrastructure assets to meet the standards of service outlined in the PSIPAMP. The budget allocation recommendations are:
  - a) Increase the annual CCTV Integration, Break Fix and Maintenance budget as follows:
    - (i) \$477K for 2024/25
    - (ii) \$505K for 2025/26
    - (iii) \$536K for 2026/27
    - (iv) \$568K for 2027/28
    - (v) \$602K for 2028/29
    - (vi) \$638K for 2029/30
    - (vii) \$677K for 2030/31
    - (viii) \$717K for 2031/32
    - (ix) \$760K for 2032/33
    - (x) \$806K from 2033/34 onwards
  - b) Retain the current \$900,000 average annual spend for new assets, extensions, and upgrades over the next 10 years
  - c) Allocate the annual asset renewal budget as follows:
    - (i) \$1.0M for 2023/24
    - (ii) \$1.1M for 2024/25
    - (iii) \$1.2M for both 2025/26 and 2026/27
    - (iv) \$1.3M for both 2027/28 and 2028/29
    - (v) \$1.4M for both 2029/30 and 2030/31
    - (vi) \$1.5M for the period 2031/32 through to 2038/39, and
    - (vii) \$1.8M from 2039/40 onwards

**REPORT DETAIL**

**1. Background**

A Councillors' briefing was conducted on 6 June 2023 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:

A report to be provided for consideration by Council at a future General Meeting to endorse Council's *Public Safety Infrastructure Portfolio Asset Management Plan*.

**2. Explanation of Item**

As per Council's Strategic Asset Management Framework, it is imperative that Council adopts a proactive approach to managing assets including planned maintenance and condition monitoring. The proactive approach will extend the life of assets and minimise the risk of assets reaching a state beyond repair.

The PSIPAMP has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively

ITEM 6.8 PUBLIC SAFETY INFRASTRUCTURE PORTFOLIO ASSET MANAGEMENT PLAN - 66996167 (Cont.)

- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of public safety assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a poor condition

There are 2,866 public safety infrastructure assets which have a collective estimated replacement cost of \$10.24 million. The three asset types that currently make up the public safety infrastructure portfolio are:

- Cameras
- Hardware
- Infrastructure

Table 1 below summarises public safety infrastructure asset types and their expected useful life, current age range and current replacement cost.

Asset Type Description	Number of Assets	Expected Useful Life (Years)	Current Age Range (Years)	Current Replacement Cost
Cameras	1,471	5	1 to 30.5	\$3.68M
Hardware	666	10	1 to 23.5	\$2.28M
Infrastructure (poles)	729	30	1 to 23.5	\$4.28M
<b>Total</b>	<b>2,866</b>			<b>\$10.24M</b>

Table 1 - Asset Portfolio Summary

Figure 1 below shows the age profile for MBRC's public safety infrastructure assets, which indicates the number of assets and their total current replacement cost within each age band. The last five years has seen by far the largest number of new and replacement public safety infrastructure assets. The amount of new and asset replacements has been increasing annually over the last 15 years. Assets that are under five years old currently equates to approximately 47% of the total replacement value of the public safety infrastructure portfolio.

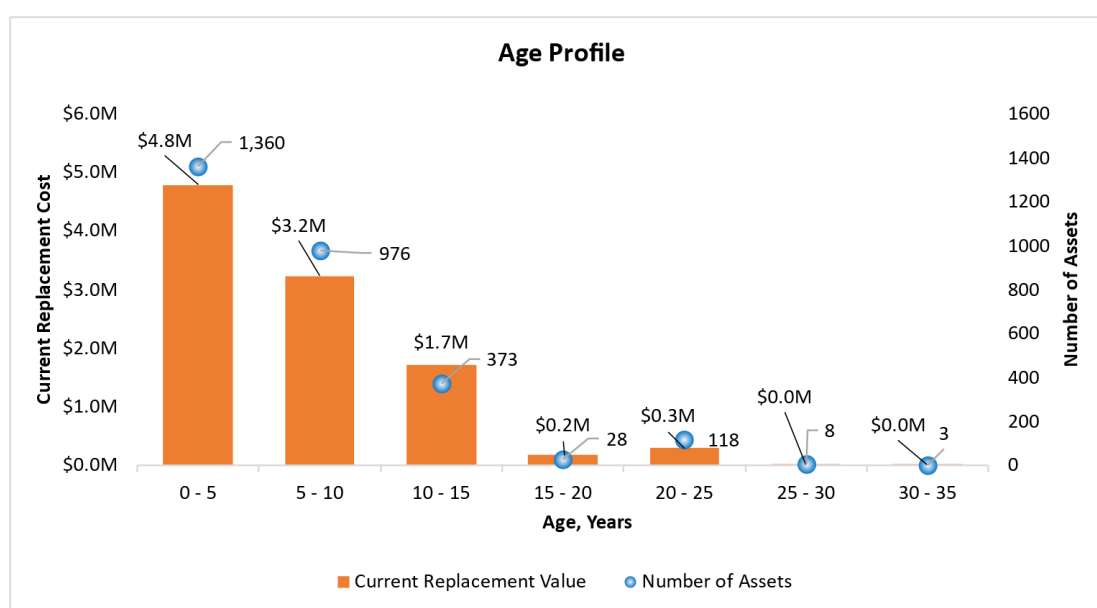


Figure 1 - Age profile public safety infrastructure assets

ITEM 6.8 PUBLIC SAFETY INFRASTRUCTURE PORTFOLIO ASSET MANAGEMENT PLAN - 66996167 (Cont.)

**Condition**

Figure 2 shows the condition profile and illustrates that 63% of public safety infrastructure assets by total value are currently in good to very good condition, while 24% are in poor condition. Poor-condition assets do not necessarily demand immediate replacement but will need ongoing monitoring and will potentially attract higher maintenance costs.

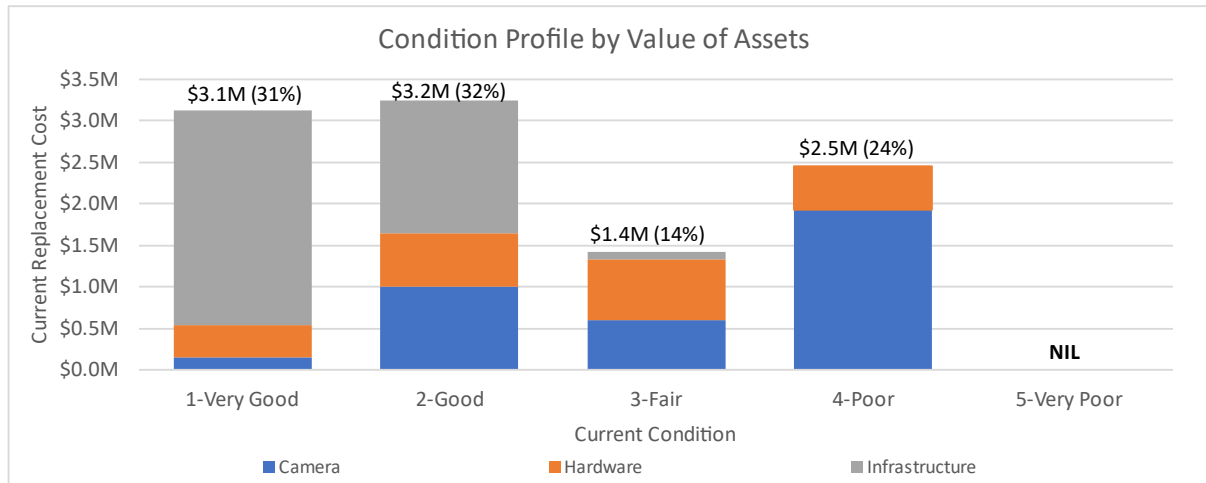


Figure 2: Condition Profile for Public Safety Infrastructure Assets

**Key Issues**

- The current capital budget is sufficient for the next 15 years. However, it is insufficient to sustain the portfolio beyond 2038/2039 due to expansion and aging of the asset base. An increase in capital investment is sought to maintain the desired level of service.
- Reactive and proactive maintenance will need to be system driven, to ensure optimised management of maintenance activities across the public safety infrastructure portfolio. Maintenance funding will need to be reviewed annually to ensure acquired assets are effectively maintained.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- A local government must prepare and adopt a Long-Term Asset Management Plan.
- The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.
- The period stated in the plan must be 10 years or more.

Additionally, Section 168 of the Local Government Regulation 2012 states that Council's Long-term Asset Management Plan must:

- provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and
- state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and
- be part of, and consistent with, the long-term financial forecast.

**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.

ITEM 6.8 PUBLIC SAFETY INFRASTRUCTURE PORTFOLIO ASSET MANAGEMENT PLAN - 66996167 (Cont.)

3.3 Policy Implications

The Infrastructure Asset Management Policy (Policy No. 2150-043) was adopted by Council on 9 December 2020.

3.4 Risk Management Implications

Risk management associated with public safety infrastructure assets is included in the plan.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

An analysis was carried out to determine the future condition of the public safety infrastructure asset portfolio with the recommended budget and benchmarked to the current average annual renewal budget.

Figure 4 illustrates that with the currently adopted funding schedule the condition of the assets will decline. The recommended funding will maintain the overall average condition between good and fair.

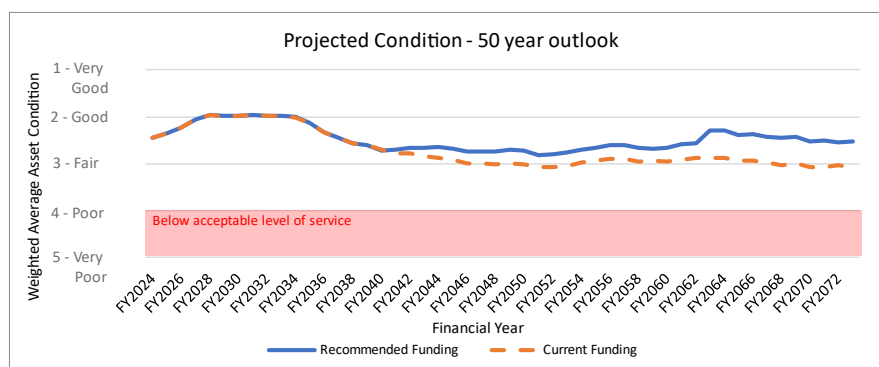


Figure 4 - Asset Projected Condition Outlook

The recommended total budget allocations are outlined below:

Cost Type	Current Budget	Recommended Budget
<b>Operating Costs:</b>		
Maintenance (CCTV Integration, break fix and maintenance)	\$450K per annum	2023/2024 - No change 2024/2025 - \$477K 2025/2026 - \$505K 2026/2027 - \$536K 2027/2028 - \$568K 2028/2029 - \$602K 2029/2030 - \$638K 2030/2031 - \$677K 2031/2032 - \$717K 2032/2033 - \$760K 2033/2034 onwards - \$806K
<b>Capital New/Upgrade/Renewal:</b>		
New assets, extensions, and upgrades	An average of budget of \$900K per annum over 10 years	No change
Asset renewals	2023/24 - \$1.0M 2024/25 - \$1.1M 2025/26 to 2026/27 - \$1.2M 2027/28 to 2028/29 - \$1.3M 2029/30 to 2030/31 - \$1.4M 2031/32 onwards - \$1.5M	2023/24 to 2038/39 - No change 2039/40 onwards - \$1.8M

Table 2: Proposed budget changes



*ITEM 6.8 PUBLIC SAFETY INFRASTRUCTURE PORTFOLIO ASSET MANAGEMENT PLAN - 66996167 (Cont.)*

3.7 Economic Benefit Implications

Sustainable provision and management of Council's infrastructure assets supports economic growth across the region. Additionally, a well-managed public safety infrastructure asset portfolio improves the overall amenity of the region and through providing safety and resilience and is highly valued by the community.

3.8 Environmental Implications

The effective management of Council's infrastructure assets assists in improving environmental outcomes.

3.9 Social Implications

The timely and cost-effective management of Council's public safety infrastructure assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

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

- Projects & Asset Services Directorate
- Council

## 12. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

Consideration of notified general business items (including reports on significant regional achievements) or responses to questions taken on notice.

### ITEM 12.1 REQUEST TO CONSIDER PURCHASE OF MOUNT MEE COMMUNITY CHURCH (67314369)

Cr Tony Latter has given notice that at the General Meeting to be held Wednesday 28 June 2023, he intends to move the following motion:

**That the Chief Executive Officer be authorised to investigate the purchase of Mount Mee Community Church, located at 1345 Mount Mee Road, Mount Mee.**

#### By way of explanation

There is current community concern about the future of Mount Mee Community Church as the current place of worship owners are indicating that they will sell the property. There have been many requests from community members for Council to consider the purchase of the church and land in order to protect a key element of the community.

The Mount Mee Community Church was opened on 16 December 1922 on donated land and with donated labour and material from a community led building fund. For many years the Church operated under an ecumenical covenant between the Anglican, Catholic, Lutheran and Uniting Churches, who each held services in the church building. The Church was transferred to the Uniting Church and currently sits with the Uniting Church of Queensland Land Trust.

It is requested that this site be considered for purchase by Council as the church is unique in way of age and location / views and could be used in a tourism place-making way.

The Mount Mee Historical Society has indicated interest in the site for a museum and have been working on this concept for many years and are of the belief that they could raise substantial money from the local community to maintain the building.

Council owns a carpark next to the Church and in the future, could look to relocate the memorial to this site and run events from this location. This would also help to work towards the activation centre of "town", with the school, hall, restaurant and the potential inclusion of museum, café and other tourism infrastructure.

Cr Latter believes that the land itself has strategic value to Council.

## RESOLUTION

**Moved by Cr Tony Latter**

**Seconded by Cr Adam Hain**

**CARRIED 7/5**

*Cr Brooke Savage, Cr Mark Booth, Cr Yvonne Barlow, Cr Matt Constance and Cr Darren Grimwade voted against the motion*

**That the Chief Executive Officer be authorised to investigate all options including the purchase of Mount Mee Community Church, located at 1345 Mount Mee Road, Mount Mee, and bring back to a future briefing with Councillors for discussion.**

## ITEM 12.2 COMMUNITY COUNCIL MEETING - KALLANGUR

Cr Yvonne Barlow thanked the community for their attendance at the community meeting, making special mention of the venue, Norths Leagues and Services Club for hosting.

The Mayor provided thanks to Council staff for organising the day and to the public in attendance for being a part of the proceedings.

### 13. 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.

**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.

### 14. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

No items for consideration.

### 15. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

### 16. CLOSURE

There being no further business the Chairperson closed the meeting at 12.40pm.

#### CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 23/1376 to 23/1596 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held Wednesday 28 June 2023.

\_\_\_\_\_  
Scott Waters  
Chief Executive Officer

#### CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 19 July 2023.

\_\_\_\_\_  
Scott Waters  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor