



MINUTES

GENERAL MEETING

Wednesday 19 July 2023
commencing at 9.47am

Strathpine Chambers
220 Gympie Road, Strathpine

ENDORSED GM20230802

Membership = 13
Mayor and all Councillors

Quorum = 7

General Meeting - 19 July 2023 (Pages 23/1597 to 23/1669)

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 11/0

That the minutes of the General Meeting held 19 July 2023, be confirmed.

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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.

1. ACKNOWLEDGEMENT OF COUNTRY

Cr Darren Grimwade provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

Cr Darren Grimwade provided the opening prayer / reflection for the meeting.

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Peter Flannery (Mayor) (Chairperson)
Cr Brooke Savige
Cr Mark Booth
Cr Adam Hain
Cr Jodie Shipway (Deputy Mayor)
Cr Sandra Ruck
Cr Karl Winchester
Cr Yvonne Barlow
Cr Mick Gillam
Cr Cath Tonks
Cr Matt Constance
Cr Darren Grimwade
Cr Tony Latter

Officers

| | |
|---|-----------------|
| Chief Executive Officer | (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 Legal Counsel | (Kate Draper) |

Meeting Support (Larissa Kerrisk)

Apologies:

Nil

4. MEMORIALS OR CONDOLENCES

Council observed a moment's silence in memory of residents who had passed away, noting Council's sympathy.

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 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.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

6.1. Petition - Neil Greaves re: Broads / Mount Samson Roads, Closeburn - Intersection Safety (67463914)

Cr Darren Grimwade tabled a petition containing 20 signatures, received from Neil Greaves, reading as follows:

"The residents of Broads Road, Closeburn and other affected persons who have affixed their names and signatures to this document, respectfully request that Council take urgent action to improve the safety of the Broads Road / Mount Samson Road intersection by planning, design and construction of a northbound slip lane and other relevant works on Mount Samson Road to rectify this dangerous and unsafe intersection."

Council received the petition, referring it to the Director Infrastructure Planning for investigation and report to Council, if required.

7. CORRESPONDENCE

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

7.1. Correspondence from the Department of Environment and Science - 2026-27 Waste Levy Package (67403074)

A copy of correspondence received from the Department of Environment and Science (DES) (dated 26 June 2023) regarding the 2026-27 Waste Levy Package was provided for Council's information.

7.2. Response to Petition - Michelle Hall re Construct Footpath - Southern end of Lilley Road, Cashmere (67302602)

At the General Meeting held 14 June 2023, Council received a petition from Michelle Hall regarding construction of a footpath at the southern end of Lilley Road, Cashmere. A copy of Council's response to the Chief Petitioner was provided for Council's information.

8. COMMUNITY COMMENT

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

8.1. Community Comment: Morgan Grant - Newport Marina (67396249)

As approved by the Chief Executive Officer, Morgan Grant has been invited to address the Council in respect of the history and significance of the Newport Marina to the Community.

The following points were made as part of the address:

- Developers have submitted an application to change the Marine Industry zoning of the marina for a multistorey hotel, bar, function facility and short-term accommodation.
- If approved this DA will change the usefulness of the marina and adversely affect local boat owners and Newport residents.
- Newport Marina was an integral part of boat ownership offering boat servicing facilities, including a hardstand, chandlery, travelift and refuelling.
- A working marina operates during working hours, unlike a hotel and bar.
- Newport Marina services have been removed over the years and it has become run down with limited marine services. It is sad to see so many essential services for boaties withdrawn.
- To change the zoning of Newport Marina to suit a developer's whims is a disaster. The marina would lose the ability to serve the Moreton Region boating community.
- We can't make any new marine industry land and cannot afford to lose the little that we have.
- Nobody wants to live next to a high-rise hotel, particularly if they weren't expecting it.
- Residents hope for an owner for Newport Marina to see the value in a fully functional enterprise offering services to boat owners and operators with skilled employment opportunities for locals.
- Boaties would like to see services restored including fuel services, onshore boat storage, maintenance and repair facilities and a chandlery.
- Don't let Newport Marina be lost to unexpected development in contradiction to its zone. It needs to be retained as a marina with services restored to our local boating community in keeping with the Marine Industry Precinct zoning that Council appropriately introduced in 2016 in the last Planning Scheme.

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

(s262 of the Local Government Regulation 2012)

There were no notices of motion.

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 Peter Flannery (Mayor) - Prescribed Conflict of Interest re DA/2023/2771 (67514846)

Pursuant to s150EL of the *Local Government Act 2009*, Cr Peter Flannery (Mayor) informed the meeting of a prescribed conflict of interest in matters relating to development application DA/2023/2771 located at 1030-1072 Bribie Island Road, Ningi. The applicant, Pacific Silica Pty Ltd (Will Harris who is one of the owners of Pacific Silica Pty Ltd), was a political donor to the Mayor's 2020 election campaign, totalling \$2,500 on 16 March 2020.

Cr Flannery has indicated he will not participate in decisions relating to DA/2023/2771 including discussion, debate and voting and will elect to 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 | |
|--------------------------------|-----------------------------|---------------|
| 1 Vibrant Communities | Cr Y Barlow | Cr S Ruck |
| 2 Healthy Environments | Cr C Tonks | Cr B Savige |
| 3 Well-planned Places | Cr J Shipway (Deputy Mayor) | Cr M Booth |
| 4 Well-connected Places | Cr A Hain | Cr M Gillam |
| 5 Progressive Economy | Cr K Winchester | Cr T Latter |
| 6 Engaged Council | Cr M Constance | Cr D Grimwade |

1 VIBRANT COMMUNITIES SESSION

(Cr Y Barlow / Cr S Ruck)

ITEM 1.1

DAYBORO - MCKENZIE STREET - PARK NAMING

Meeting / Session: 1 VIBRANT COMMUNITIES

Reference: 66910265 : 4 May 2023

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

Executive Summary

An application has been received requesting that an unnamed park on McKenzie Street, Dayboro be named in recognition of Bill Rowe.

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

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 86 McKenzie Street, Dayboro, on Lot 20 on SP182026 and identified in Figure 1, be named as "Bill Rowe Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate means, 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 as a result of public advertising; the matter be referred to Council in a subsequent report.

ITEM 1.1 DAYBORO - MCKENZIE STREET - PARK NAMING - 66910265 (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 86 McKenzie Street, Dayboro, on Lot 20 on SP182026 and identified in Figure 1, be named as "Bill Rowe Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate means, 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 as a result of 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 86 McKenzie Street, Dayboro, on Lot 20 on SP182026 (figure 1), be named in recognition of Bill Rowe.



Figure 1 parkland at 86 McKenzie Street, Dayboro

2. Explanation of Item

Under Policy No: 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, three letters of support have been provided. Upon the passing of Mr Rowe, the State member for Pine Rivers, Carolyn Male, addressed parliament regarding his contributions to the Dayboro community. Council's Senior Local History Officer has also provided information which supports the community involvement by Mr Rowe.

ITEM 1.1 DAYBORO - MCKENZIE STREET - PARK NAMING - 66910265 (Cont.)

Information received in the application notes the following in regard to Bill Rowe.

Bill contributed 45 years' service to the dairy industry and the dairy organisations - he was the deputy chair of the committee that made the hard decision to close the butter factory in 1965.

- 42 years' service to the Rural Fire Brigade
- 40 years' service to Dayboro War Memorial Association
- Dayboro State School P&C (while children attended)

He was an office bearer for all these organisations not just a committee member.

He was the recipient of the following awards.

- 2001 Dayboro Day Resident of the Year
- 2001 Centenary Medal - Contribution to Federation of Australia
- 2006 National Medal - Long and Diligent Service to Community
- 2007 Department of Emergency Service Australia Day Achievement Award
- 2008 QLD Fire & Rescue Diligent & Ethical Service Medal

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

- Names of pioneering families and long-term residents,
- Persons with a historical connection to the land or area, and
- Names of respected community members of considerable service who are, or were, resident or working within the region.

Council policy requires that any proposal to name a park, reserve or place be advertised in local newspapers for a period of 28 days during which time submissions can be received. This process allows Council to assess any possible objections to the proposed naming.

A history board is proposed to be installed in conjunction with the park signage to explain the connection Mr Rowe had with the Dayboro area.

The proposed wording received from the community is:

"Bill gave freely of his time to many community organisations, receiving numerous awards for his decades of tireless work in the Dayboro community."

The proposed wording from Council is:

"Bill Rowe was an active and tireless volunteer who, through decades of effort, contributed widely to the Dayboro 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: 2150-039, Naming of Council Owned or Administered Buildings, Structures and Other Assets (excluding roads).

3.4 Risk Management Implications ☒ Nil identified

ITEM 1.1 DAYBORO - MCKENZIE STREET - PARK NAMING - 66910265 (Cont.)

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 11 Councillor

ITEM 1.2**COMMUNITY LEASING POLICY AMENDMENT - SOCIAL, AFFORDABLE AND CRISIS HOUSING LAND LEASES**

Meeting / Session: 1 VIBRANT COMMUNITIES
Reference: 67406863 : 3 July 2023 - **Refer Supporting Information 67407005**
Responsible Officer: MM, Manager - Community Services, Sport and Recreation (CES Community Services, Sport & Recreation)

Executive Summary

In recent months, Council has undertaken extensive consultation with other levels of government and the housing and homelessness services sector regarding responses to the rapidly increasing rates of homelessness and housing instability throughout the region. This consultation has affirmed the importance of timely increases in the supply of social, affordable and crisis housing, and the challenges being experienced by agencies responsible for delivering such products. A key challenge identified through this process is the availability of appropriate and affordable land.

This report seeks Council's approval to amend its Community Leasing Policy (*refer Supporting Information #1*) to enable partnerships with Community Housing Providers (CHPs) and Specialist Homelessness Services (SHS) in the activation of Council land for social, affordable and crisis housing developments. Specifically, the report seeks to integrate a new lease type (*Social, Affordable and Crisis Housing Land Lease*) into the policy, providing the opportunity for eligible organisations to enter into extended lease arrangements at 'peppercorn' rates.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the establishment of a policy framework that will enable Council to partner with community organisations in the establishment of housing for people experiencing homelessness or housing instability, on Council land.

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Matt Constance

CARRIED 13/0

That the Community Leasing Policy 2150-079 be adopted, as contained in *Supporting Information #1*.

ITEM 1.2 COMMUNITY LEASING POLICY AMENDMENT - SOCIAL, AFFORDABLE AND CRISIS HOUSING LAND LEASES - 67406863 (Cont.)

OFFICER'S RECOMMENDATION

That the Community Leasing Policy 2150-079 be adopted, as contained in *Supporting Information #1*.

REPORT DETAIL

1. Background

As is the case in many areas across Queensland, over recent years the Moreton Bay Region has experienced a significant increase in homelessness. Exacerbated by the current housing crisis, the prevalence of people sleeping rough in Council's open spaces and in vehicles continues to grow, placing further pressures on the housing system, and challenging regulatory systems of government such as Council's Local Laws.

Council currently responds to homelessness in various ways, including through its *Response to People Experiencing Homelessness (Local Government Controlled Areas)* corporate directive. This directive guides officers in their engagement, support, and where necessary, regulation of people experiencing homelessness on Council land.

In the 2021/22 financial year, Council experienced a 70% increase in the number of people that Council officers engaged with in public spaces that were sleeping rough. In 2022/23, this increased by a further 120%, demonstrating the gravity of the issue in communities.

The Queensland Government Department of Communities, Housing and Digital Economy (DCHDE) are the government lead agency for responding to the current housing and homelessness crisis throughout Queensland. These responsibilities include the provision of suitable social, affordable and crisis housing, as well as housing and homelessness support services.

Council has recently undertaken significant consultation with DCHDE, Community Housing Providers (CHPs) and Specialist Homelessness Services (SHSs) to canvas strategies to support the increased timely provision of social, affordable and crisis housing in the Moreton Bay region. A key barrier identified through this process is the availability of appropriate and affordable land on which to develop these facilities.

Whilst various funding supports have been implemented by the Queensland and Commonwealth Governments in recent years to support increased supply of social, affordable and crisis housing, the viability of such developments is still often contingent upon land being made available at a cost lower than market value. Accordingly, it has become more common for local governments to make Council land available for this purpose.

In recent months, Council has expressed an interest in activating appropriate Council land holdings for social, affordable and/or crisis housing. Accordingly, officers have commenced an audit of Council owned vacant urban land holdings that may be suitable for this purpose. At the 24 May 2023 Councillors' Briefings, officers presented some preliminary findings of this audit, and are continuing to undertake due diligence investigations for potential properties.

2. Explanation of Item

Council's Community Leasing Policy (2150-079) is the primary mechanism through which Council supports community organisations with subsidised access to its land and / or facilities. Leases entered into under this policy provide a high-level of tenure subsidisation by Council. This subsidisation includes, but is not limited to, peppercorn rental fees.

Officers have considered the policy framework under which Council may seek to partner with CHPs and/or SHSs in the establishment of social, affordable and/or crisis housing on Council land. It is proposed that Council amend its Community Leasing Policy to establish a new lease type specifically for social, affordable and crisis housing land partnerships. This dedicated lease type will enable Council to administer its desired

ITEM 1.2 COMMUNITY LEASING POLICY AMENDMENT - SOCIAL, AFFORDABLE AND CRISIS HOUSING LAND LEASES - 67406863 (Cont.)

tenure provisions and level of subsidisation for *Social, Affordable and Crisis Housing Land Leases*, distinct from Standard community leases and Specialist Facility community leases.

Table 1 below provides an overview of the level of Council support proposed by officers for this lease type, in comparison to other community leases (Standard and Specialist Facility) provided for under the policy.

Table 1. Support level comparison for proposed Social, Affordable and Crisis Housing Land Leases

| Tenure provision | Standard Lease | Specialist Facility Lease | Social, Affordable and Crisis Housing Land Lease |
|---------------------------------------|----------------|---------------------------|--|
| Rental | \$1 p/a | \$1 p/a | \$1 p/a |
| Lease term | Up to 10yrs* | Up to 10yrs* | Up to 50yrs** |
| Building asset ownership | Council | Council | Lessee |
| Building maintenance – Structural | Council | Lessee | Lessee |
| Building maintenance – Non-structural | Lessee | Lessee | Lessee |
| Council general rates & charges | Council | Council | Lessee |
| Unitywater charges | Council | Council | Lessee |

* Longer tenure terms may be considered in exceptional circumstances.

** Longer tenure terms may be considered for Social, Affordable and Crisis Housing Land Leases where essential to the viability of the project.

The proposed new lease type provides for a significantly longer standard tenure term of up to 50 years. This is due to the fact that social and affordable housing developments often require private sector investment for capital costs. Accordingly, security of tenure for a greater term is required by proponents to leverage this investment, and for the projects to be viable under leasehold arrangements.

Further, unlike standard and specialist community leases, it is proposed that:

- the assets constructed on the land remain in the exclusive ownership of the lessee and that all relevant maintenance activities be the responsibility of the lessee; and
- Council general rates and charges and Unitywater charges remain the responsibility of the lessee and their tenants. This will ensure consistency with Council's Donations In-Lieu Rates and Charges Levied by Council and Unitywater Policy (2150-084), which precludes properties used for residential or accommodation purposes.

Officers have amended the Community Leasing Policy to incorporate the proposed new lease type. The amended policy is provided as *Supporting Information #1* of this report for Council's consideration and adoption.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council's Community Leasing Policy has been developed in accordance with relevant legislation, including:

- *Land Act 1994;*
- *Land Regulation 2009;*
- *Local Government Act 2009; and*
- *Local Government Regulation 2012.*

ITEM 1.2 COMMUNITY LEASING POLICY AMENDMENT - SOCIAL, AFFORDABLE AND CRISIS HOUSING LAND LEASES - 67406863 (Cont.)

3.2 Corporate Plan linkage

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

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

3.3 Policy Implications

This report proposes amendments to Council's Community Leasing Policy (2150-079) as summarised in section 2 of this report and as provided in *Supporting Information #1*.

3.4 Risk Management Implications

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered that the level of risk is acceptable. However, to mitigate the risk, tenure documents clearly outline the responsibilities and obligations of the parties and includes a requirement for the community organisation(s) to hold appropriate levels public liability insurance.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Whilst the policy amendment proposed by this report will not result in any financial implications for Council, it is noted that entering into community leasing arrangements under this policy will result in some direct and indirect costs to Council. These costs vary dependent upon the lease being entering into, and where relevant, will be included in associated reports to Council.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

The implementation of the revised Community Leasing Policy will enable Council to partner with CHPs and SHSs in the delivery of increased social, affordable and crisis housing in the Moreton Bay region, and further respond to the current housing and homelessness crisis.

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

- Various Community Housing Providers and Specialist Homelessness Services
- Relevant Council departments
- All Councillors - Council Briefing 24 May 2023

ITEM 1.3 - DEFERRED TO 16 August 2023 General Meeting OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - MORAYFIELD COMMUNITY COMPLEX STORAGE SHED, MORAYFIELD

Meeting / Session: 1 VIBRANT COMMUNITIES
Reference: 67222127 : 19 June 2023 - **Refer Supporting Information 67222514**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

Council called for expressions of interest (EOI) from not-for-profit community organisations to lease part of an available storage bay within a storage shed located at Morayfield Community Complex, 298B Morayfield Road, Morayfield (refer *Supporting Information #1*) under the provision of Council's Community Leasing Policy (No. 2150-079). Five applications were received and assessed through this process.

This report seeks Council's approval to grant a lease to the recommended applicants, Zonta Club of Caboolture Inc., and Special Olympics Australia (Moreton North), to support the delivery of their services and activities to the Moreton Bay community.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of leases to community organisations for the delivery of services to the community.

This matter is reported to Council as section 236(2) of the *Local Government Regulation 2012* requires Council resolution to apply the exception under section 236(1)(b)(ii) to dispose of land and buildings (via a lease to a community organisation) other than by tender or auction.

MOTION MOVED FOR THE PURPOSE OF DEBATE

Moved by Cr Tony Latter for the purposes of discussion

Seconded by Cr Adam Hain

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal (via lease) of the land referred to in this report.
2. That subject to recommendation 4, Zonta Club of Caboolture Inc. be granted a lease over part of a storage bay at 298B Morayfield Road, Morayfield (refer *Supporting Information #3*) for a period of ten (10) years.
3. That subject to recommendation 4, Special Olympics Australia (Moreton North), be granted a lease over part of a storage bay at 298B Morayfield Road, Morayfield (refer *Supporting Information #3*) for a period of ten (10) years.
4. That the terms and conditions of both leases be in accordance with Council's Community Leasing Policy, with annual rent commencing at \$1.00 per annum.
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 leases and any required variations of the leases on the Council's behalf, as described in this report.

ITEM 1.3 - DEFERRED TO 16 August 2023 General Meeting OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - MORAYFIELD COMMUNITY COMPLEX STORAGE SHED, MORAYFIELD - 67222127 (Cont.)

Procedural Motion

Moved by Cr Tony Latter

Seconded by Cr Adam Hain

CARRIED 11/2

Crs Matt Constance and Darren Grimwade voted against the motion

That discussion on Item 1.3 be deferred until the General Meeting scheduled for 16 August 2023 to enable further options to be investigated, and that the matter be the subject of a briefing with Councillors in the interim.

ITEM 1.3 - DEFERRED TO 16 August 2023 General Meeting OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - MORAYFIELD COMMUNITY COMPLEX STORAGE SHED, MORAYFIELD - 67222127 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the Council regarding the disposal (via lease) of the land referred to in this report.
2. That subject to recommendation 4, Zonta Club of Caboolture Inc. be granted a lease over part of a storage bay at 298B Morayfield Road, Morayfield (refer *Supporting Information #3*) for a period of ten (10) years.
3. That subject to recommendation 4, Special Olympics Australia (Moreton North), be granted a lease over part of a storage bay at 298B Morayfield Road, Morayfield (refer *Supporting Information #3*) for a period of ten (10) years.
4. That the terms and conditions of both leases be in accordance with Council's Community Leasing Policy, with annual rent commencing at \$1.00 per annum.
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 leases and any required variations of the leases on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 2016, the Lions Club of Morayfield & District Inc. (Lions Club) have held a lease with Council over part of a storage shed at Morayfield Community Complex, 298B Morayfield Road, Morayfield (refer *Supporting Information #1*) for the purpose of storing club equipment.

In 2022, the Lions Club completed the construction of a new storage shed adjacent to their primary leased facility at 1-17 Maitland Road, Burpengary East. Accordingly, the Lions Club surrendered their tenure arrangements at the Morayfield site, due to the facility being surplus to their requirements.

Upon review of Council's extensive wait list of community organisations seeking access to Council-owned facilities, officers identified an opportunity to modify the storage shed by splitting the available 6m x 6m bay in half to create two storage spaces for organisations (refer *Supporting Information #2*). The modification works were completed in March 2023.

In accordance with Council's Community Leasing Policy, Council may undertake an Expression of Interest (EOI) process to select the most appropriate community organisations to receive tenure over a Council-controlled facility. Accordingly, on 24 April 2023, Council called for EOIs from suitable not-for-profit community organisations to receive tenure under the provisions of Council's Community Leasing Policy, over the two (2) newly created storage areas.

2. Explanation of Item

Applications under the EOI process were received from the following community organisations:

- Zonta Club of Caboolture Inc.;
- Special Olympics Australia (Moreton North);
- Suncoast Spinners Wheelchair Basketball Inc.;
- Caboolture Orchid Society Inc.; and
- Brisbane Vintage Auto Club Inc.

All applications received were assessed by a panel consisting of senior Council officers. As an outcome of this process, Zonta Club of Caboolture Inc., and Special Olympics Australia (Moreton North) received the two highest assessment scores and are recommended as the successful applicants under the EOI process.

ITEM 1.3 - DEFERRED TO 16 August 2023 General Meeting OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - MORAYFIELD COMMUNITY COMPLEX STORAGE SHED, MORAYFIELD - 67222127 (Cont.)

Zonta Club of Caboolture Inc.

Established in 1994, the Zonta Club of Caboolture (Zonta) is a local community organisation servicing the Moreton Bay region. The organisation manages various projects in the community that promote the empowerment of women and girls to achieve their potential. Some recent projects include awarding bursaries for further studies, sponsoring participation in sport and recreational activities, providing breast cushions to cancer patients, supporting other local community organisations with food and care packages, and assisting with emergency housing.

Zonta currently hold tenure over part of the Morayfield Community Hall, 298 Morayfield Road, Morayfield for the storage of club equipment. Not only has the organisation outgrown the hall space, Zonta are also required to vacate the hall upon expiry of the current tenure arrangement (30 September 2023) to allow Council to install an air conditioning system at the hall. This project will require the space currently occupied by Zonta to accommodate the air conditioning system's control panel and associated infrastructure.

Zonta Club of Caboolture Inc. were considered by the assessment panel as one of the applicants most suitable to hold tenure over part of the storage bay due to the organisation's:

- delivery of activities that provide an ongoing significant benefit to the Moreton Bay community;
- demonstrated need for storage to support the ongoing delivery of activities; and
- demonstrated capacity to meet the requirements of tenure under the Community Leasing Policy.

Special Olympics Australia (Moreton North)

Established in 1976, Special Olympics Australia (Special Olympics) seeks to provide those with a disability the opportunity to play sport in an inclusive community. The Moreton North branch commenced in 1998 to provide this support to the residents of the Moreton Bay Region.

Special Olympics' aims to:

- provide year-round sports training and athletics competition in a variety of Olympic-type sports for children and adults with disabilities; and
- to promote increased community awareness and inclusion.

Special Olympics' run numerous programs across the region, and partner with various other local community organisations and schools to assist in their operations. These programs include training, come and try days and sporting events. To support the delivery of these activities, Special Olympics currently lease a commercial storage facility, as well as store equipment privately.

Special Olympics Australia (Moreton North) was considered by the assessment panel as one of the applicants most suitable to hold tenure over part of the storage bay due to the organisation's:

- ongoing delivery of programs and initiatives which provide a significant benefit to the Moreton Bay community;
- demonstrated need for storage to support the ongoing delivery of activities; and
- demonstrated capacity to meet the requirements of tenure under the Community Leasing Policy.

Accordingly, this report recommends that Council grants a new lease to Zonta Club of Caboolture Inc. and Special Olympics Australia (Moreton North) over part of the storage shed at Morayfield Community Complex, 298 Morayfield Road, Morayfield (refer *Supporting Information #3*) under the terms and conditions of Council's Community Leasing Policy (No. 2150-079). Further it is recommended that the term of each lease be for a period of ten (10) years.

ITEM 1.3 - DEFERRED TO 16 August 2023 General Meeting OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - MORAYFIELD COMMUNITY COMPLEX STORAGE SHED, MORAYFIELD - 67222127 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Resources in accordance with the *Land Act 1994*.

The Council must comply with the *Local Government Act 2009* and the *Local Government Regulation 2012* when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender of auction. The organisation identified in this report is via a community organisation for the purposes of the Regulation.

3.2 Corporate Plan linkage

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

3.3 Policy Implications

The terms and conditions of the proposed lease agreements will be in accordance with Council's Community Leasing Policy (No. 2150-079).

3.4 Risk Management Implications

It is recognised that permitting community organisations to occupy and manage Council controlled or owned land and assets presents an associated level of risk. As a core function of Council is the provision of community facilities, it is considered the level of risk is acceptable. However, to mitigate the risk, the lease documents clearly outline the responsibilities and obligations of the parties and include a requirement for the community organisations to hold appropriate levels public liability insurance.

3.5 Delegated Authority Implications

As per Officer's Recommendation 5 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing, and discharging the leases and any required variations of the leases on the Council's behalf, as described in this report.

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

The issuing of a lease to the Zonta Club of Caboolture Inc., and Special Olympics Australia (Moreton North) will provide each organisation with necessary storage facilities to support their operations, which include the delivery of programs and activities that support women and people with disability in the Moreton Bay region.

ITEM 1.3 - DEFERRED TO 16 August 2023 General Meeting OUTCOME OF COMMUNITY LEASING EXPRESSION OF INTEREST - MORAYFIELD COMMUNITY COMPLEX STORAGE SHED, MORAYFIELD - 67222127 (Cont.)

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Relevant Council departments.

ITEM 1.4

COMMUNITY FACILITIES INTEREST FREE LOAN APPLICATION - MORETON MEDIA GROUP INC

Meeting / Session: 1 VIBRANT COMMUNITIES
Reference: 67300259 : 5 July 2023
Responsible Officer: JB, Team Leader - Community Grants and Partnerships (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council approval of a Community Facilities Interest Free Loan of \$50,000 (excl-GST) over 10 years for Moreton Media Group Inc. to relocate the antenna and transmitter for 4RED Bridge FM. This application has been received outside of the normal application round and as such requires Council's consideration at a General Meeting.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to support for a community organisation to continue to provide their service within the Moreton Bay Region.

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Sandra Ruck

CARRIED 13/0

1. That, under the provisions of Council's Community Facilities Interest Free Loans Policy, Council provides a \$50,000 (excl-GST) Community Facilities Interest Free Loan to Moreton Media Group Inc towards the 4RED Bridge FM antenna and transmitter relocation project, to be repaid over a ten (10) year period.
2. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the interest free loan agreement on Council's behalf, as described in this report.

ITEM 1.4 COMMUNITY FACILITIES INTEREST FREE LOAN APPLICATION - MORETON MEDIA GROUP INC - 67222127 (Cont.)

OFFICER'S RECOMMENDATION

1. That, under the provisions of Council's Community Facilities Interest Free Loans Policy, Council provides a \$50,000 (excl-GST) Community Facilities Interest Free Loan to Moreton Media Group Inc towards the 4RED Bridge FM antenna and transmitter relocation project, to be repaid over a ten (10) period.
2. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the interest free loan agreement on Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Moreton Media Group Inc. antenna and transmitter relocation project

4RED Bridge FM is a community radio station run by Moreton Media Group Inc. which has been servicing the licenced area from north of the Brisbane River, up to Caboolture for 30 years. The radio station provides locally led programming, events, news, information, weather and traffic reports, as well as being the designated emergency broadcaster in times of disasters. The broadcasting services of the organisation also extend to the support of local businesses, community organisations, and community members by providing broadcast output of key messages and community event / activity promotions.

4RED Bridge FM's antenna is currently located on the Unitywater tower in Margate. In August 2022, Moreton Media Group Inc were advised by Unitywater that the tower is no longer available to house the antenna, and a new location needed to be secured. The Moreton Media Group Inc. identified that the Redcliffe Entertainment Centre offered the best alternate location for the antenna and transmitter and met the relevant licensing requirements.

Council officers have been working closely with Moreton Media Group Inc. to investigate the feasibility of the proposed antenna and transmitter relocation to the Redcliffe Entertainment Centre. As an outcome of these investigations, Council approval for the proposal was issued to the group on 28 April 2023 via Council's Community Leasing Improvement Works Application (IWA) process.

The antenna and transmitter relocation project is estimated to cost Moreton Media Group Inc. \$150,000. To assist with these costs, the organisation has lodged applications with the Community Broadcast Foundation and the Community Gambling Benefit Fund for funding assistance totalling approximately \$100,000. However, at the time of preparing this report, the outcome of these grant applications remains unknown.

Moreton Bay Regional Council Community Facilities Interest Free Loans Program

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

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

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

ITEM 1.4 COMMUNITY FACILITIES INTEREST FREE LOAN APPLICATION - MORETON MEDIA GROUP INC - 67222127 (Cont.)

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

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

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

2. Explanation of Item

Council has received a request from Moreton Media Group Inc. to provide an interest free loan under the provisions of Council's Community Facilities Interest Free Loans Policy to enable the relocation of the antenna and transmitter to Redcliffe Entertainment Centre. Specifically, Moreton Media Group Inc have requested a loan of \$50,000 (excl. GST) towards the total project costs of ~\$150,000, to be repaid over a 10-year period.

As the next scheduled application round for the Community Facility Interest Free Loans Program would not deliver outcomes until October 2023, the organisation has requested out of round consideration, which requires Council's consideration at a General Meeting.

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

- The applicant meets the eligibility criteria of Council's Community Facilities Interest Free Loans Policy and Guidelines
- The project (antenna and transmitter relocation) meets the eligibility criteria of Council's Community Facilities Interest Free Loans Policy and Guidelines and is considered meritorious with consideration to the key assessment criteria
- An Improvement Works Application (IWA) to undertake the works was approved by Council on 28 April 2023
- The applicant's financial health check has demonstrated that the Club is in a strong financial position and has the ability to repay the loan over the requested 10-year period, and meet the balance costs of the project (~\$100,000) regardless of their grant application outcomes; and
- The requested loan will not result in Council exceeding the maximum allowable value of outstanding interest free loans to community organisations under the General Approval provide to Council by the Queensland Government under Part 7 Sections 60A and 60B of the *Statutory Bodies Financial Arrangements Act (1982)*, being \$2,000,000.

Accordingly, it is recommended that the application from Moreton Media Group Inc. for a Community Facilities Interest Free Loan of \$50,000 (excl GST), to be repaid over a ten (10) year period, be approved by Council, as detailed in this report. Should Council approve this interest free loan, Moreton Media Group Inc. will be required to enter into a Community Facilities Interest Free Loan Agreement with Council, and meet all relevant requirements under that agreement.

ITEM 1.4 COMMUNITY FACILITIES INTEREST FREE LOAN APPLICATION - MORETON MEDIA GROUP INC - 67222127 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan linkage

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

Our Vibrant Communities Outcome 4: We have respectful, inclusive and engaged communities that value diversity and sustain connections to people and places.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

- Moreton Media Group Inc has a very low debt burden and holds significant current assets to service any liabilities
- Based on the relevant indicators, the financial position of Moreton Media Group Inc. appears to be currently strong; and
- The information provided demonstrates an ability to repay short term debt with relative ease.

3.5 Delegated Authority Implications

As per Officer's Recommendation 2 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the interest free loan agreement on Council's behalf, as described in this report.

3.6 Financial Implications

This report recommends the provision of an interest free loan of \$50,000 (excl GST) to be repaid over a maximum period of 10 years, to Moreton Media Group Inc. to support the relocation of their antenna and transmitter from the Unitywater tower in Margate, to the Redcliffe Entertainment Centre.

In accordance with the General Approval provide to Council by the Queensland Government under Part 7 Sections 60A and 60B of the *Statutory Bodies Financial Arrangements Act (1982)*, the total value of interest free loans provided by Council to community organisations must not exceed \$2,000,000. As at 27 June 2023, the total value of outstanding interest free loans provided by Council to community organisations is \$511,269.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

The proposed relocation of the antenna and transmitter from the Unitywater tower to the Redcliffe Entertainment Centre will allow Moreton Media Group Inc. to continue their radio broadcasting services to community.

ITEM 1.4 COMMUNITY FACILITIES INTEREST FREE LOAN APPLICATION - MORETON MEDIA GROUP INC - 67222127 (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

Moreton Media Group Inc
Relevant Council departments

2 HEALTHY ENVIRONMENTS SESSION

(Cr C Tonks / Cr B Savige)

No items for consideration.

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

ITEM 3.1**RESHAPING OUR REGION'S PLANNING - PROPOSED MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT NO.1 OF 2023 MORAYFIELD SOUTH EMERGING COMMUNITY AREA**

Meeting / Session: 3 WELL-PLANNED PLACES
Reference: 67107930 : 5 July 2023 - **Refer Supporting Information 66846640**
Responsible Officer: CT, Coordinator Growth Areas (PL Strategic Planning & Place Making)

Executive Summary

In order to provide ongoing certainty and transparency on development outcomes in the Morayfield South Emerging Community Area, Council officers consider there is an on-going urgent need for an interim policy response in the form of a 'Temporary Local Planning Instrument' (the Proposed TLPI) to guide development within the area. This will serve to effectively 'remake' the current Temporary Local Planning Instrument No.2 of 2021 - Morayfield South Emerging Community Area (the Current TLPI) which was adopted by Council on 10 November 2021 and will expire on 15 September 2023.

The Proposed TLPI will provide for an ongoing planning policy intervention by continuing the Interim Structure Plan and supporting provisions to guide development and present anticipated development outcomes more transparently to the community. It will also allow additional time for the preparation of policy, engagement with the community and State Government, and preparation of a planning scheme amendment in accordance with the *Planning Act 2016*.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as this pillar aims for the Moreton Bay Region to have a network of well-planned places and spaces, enhancing lifestyles, accessibility and employment choices by 2033. The Report helps to achieve well-planned neighbourhoods that support changing communities and enjoy a unique sense of place as outlined in the Growth Management Strategy.

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Mark Booth

CARRIED 13/0

1. That the Council decides to make a Temporary Local Planning Instrument (TLPI) in accordance with the statutory requirements under section 23 of the *Planning Act 2016* (Qld) and, in particular, chapter 3, part 2, section 7.1 of the Minister's Guidelines and Rules (Version 1.1) under the *Planning Act 2016* (Qld) (MGR).
2. That the Council notes the proposed TLPI is a reproduction of the current TLPI which will expire on 15 September 2023, with only minor administrative changes as presented in this report.
3. That the Council approves the proposed TLPI contained in Supporting Information 1 to this report (Proposed TLPI).
4. That the Chief Executive Officer is authorised to write to the Minister for State Development, Infrastructure, Local Government and Planning to:
 - (a) seek approval of the Proposed TLPI in accordance with Chapter 3, Part 2, Section 8.1 of the MGR;

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - PROPOSED MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT NO.1 OF 2023 MORAYFIELD SOUTH EMERGING COMMUNITY AREA - 67222127 (Cont.)

- (b) request, pursuant to section 9(4) of the *Planning Act 2016* (Qld) that 16 September 2023 be the effective date of the Proposed TLPI;
 - (c) provide any supporting material required by Schedule 3 of the MGR, in accordance with Chapter 3, Part 2, Section 8.1 of the MGR.
- 5. That the Chief Executive Officer is authorised to make any minor, administrative or editorial changes to the Proposed TLPI prior to submitting the document to the Minister for State Development, Infrastructure, Local Government and Planning in accordance with Item 4.
- 6. That, on the basis that the Minister for State Development, Infrastructure, Local Government and Planning gives Council a notice stating that the Minister approves the making of the Proposed TLPI, the Chief Executive Officer bring forward a Council Report to adopt the Proposed TLPI in accordance with Chapter 3, Part 2, Section 9 of the MGR.

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - PROPOSED MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT NO.1 OF 2023 MORAYFIELD SOUTH EMERGING COMMUNITY AREA - 67222127 (Cont.)

OFFICER'S RECOMMENDATION

1. That the Council decides to make a Temporary Local Planning Instrument (TLPI) in accordance with the statutory requirements under section 23 of the *Planning Act 2016* (Qld) and, in particular, chapter 3, part 2, section 7.1 of the Minister's Guidelines and Rules (Version 1.1) under the *Planning Act 2016* (Qld) (MGR).
2. That the Council notes the proposed TLPI is a reproduction of the current TLPI which will expire on 15 September 2023, with only minor administrative changes as presented in this report.
3. That the Council approves the proposed TLPI contained in Supporting Information 1 to this report (Proposed TLPI).
4. That the Chief Executive Officer is authorised to write to the Minister for State Development, Infrastructure, Local Government and Planning to:
 - a) seek approval of the Proposed TLPI in accordance with Chapter 3, Part 2, Section 8.1 of the MGR;
 - b) request, pursuant to section 9(4) of the *Planning Act 2016* (Qld) that 16 September 2023 be the effective date of the Proposed TLPI;
 - c) provide any supporting material required by Schedule 3 of the MGR, in accordance with Chapter 3, Part 2, Section 8.1 of the MGR.
5. That the Chief Executive Officer is authorised to make any minor, administrative or editorial changes to the Proposed TLPI prior to submitting the document to the Minister for State Development, Infrastructure, Local Government and Planning in accordance with Item 4.
6. That, on the basis that the Minister for State Development, Infrastructure, Local Government and Planning gives Council a notice stating that the Minister approves the making of the Proposed TLPI, the Chief Executive Officer bring forward a Council Report to adopt the Proposed TLPI in accordance with Chapter 3, Part 2, Section 9 of the MGR.

REPORT DETAIL

1. Background

The following resolution appears on minute page 21/1711 of the General Meeting held 10 November 2021:

RESOLUTION

1. That Council, in accordance with Chapter 3, Part 2, Section 9.1 of the Minister's Guidelines and Rules (Version 1.1) under the *Planning Act 2016* (MGR), adopt the Temporary Local Planning Instrument (TLPI) which is Confidential Supporting Information #2 of this report and note that the effective day of the TLPI is 15 September 2021.
2. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to follow the required post-adoption processes for the TLPI, in accordance with the *Planning Act 2016* and Chapter 3, Part 2, sections 9.2 and 9.3 of the MGR.
3. That the Chief Executive Officer be authorised to publish and make public a copy of the TLPI.

A Briefing Note was placed on the Councillor Portal on 15 June 2023 to seek feedback for plans for the remake of the Current TLPI. No feedback was received to the proposed process to make the Proposed TLPI.

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - PROPOSED MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT NO.1 OF 2023 MORAYFIELD SOUTH EMERGING COMMUNITY AREA - 67222127 (Cont.)

2. Explanation of Item

Morayfield South is the region's second largest growth area and it is estimated that 9,800 dwellings could be developed, with a resultant total population of approximately 26,000 people.

Temporary Local Planning Instrument 02/21 - Morayfield South Emerging Community Area (the Current TLPI) provides an interim statutory land use framework, including an Interim Structure Plan, to promote transparency for the community of anticipated development outcomes in the area. Specifically, the purpose of the Current TLPI is to:

- identify preferred land uses including schools, major parks, transport linkages, centres, residential forms and densities and environmental corridors;
- reduce potential character and amenity issues on bordering rural residential areas with the inclusion of specific provisions managing the interface of urban uses with these areas; and
- improve transparency on the land use structure, form and timing of development, which is beneficial to all affected stakeholders.

Under the *Planning Act 2016* section 23(6), a TLPI operates for a period up to two (2) years, meaning the Current TLPI expires on 15 September 2023.

Without a TLPI, the current planning controls in the MBRC Planning Scheme create a significant risk of serious adverse social conditions, as well as adverse economic and environmental implications, happening in the Morayfield South Emerging Community Area for the following reasons:

- The current planning controls lack transparency and certainty for the community who have limited visibility on the likely future development outcomes;
- The absence of a holistic statutory land use framework significantly risks the delivery of a well-planned, cohesive and complete urban community in Morayfield South. For example, there is no coordinated or detailed guidance on residential density outcomes, location of centres, parks, sporting grounds, schools, complete environmental corridors, road corridors and other transport infrastructure;
- There is a risk that the preferred location of land uses will not be realised, which will have significant adverse impacts on the social conditions of the major new community.

The Current TLPI provides an interim policy response to address these issues and risks. Since its commencement, Council officers have worked with internal stakeholders and a planning consultant to undertake additional land use, infrastructure and environmental planning investigations that will help inform refinements to the Interim Structure Plan into a form that can be incorporated into a comprehensive planning scheme amendment.

A planning scheme amendment, containing a refined structure plan, will not be in place prior to the Current TLPI's expiry on 15 September 2023. Therefore, there is an urgent need to make the Proposed TLPI for the Morayfield South Emerging Community Area to allow additional time for the preparation of policy, engagement with the community and State agencies, and to accommodate the statutory planning scheme amendment process, including formal community consultation.

This approach will ensure appropriate interim planning controls remain in place to provide continuity and certainty around the holistic planning framework for the area for the community and applicants to understand and appreciate the plan for the area, including its supporting infrastructure requirements.

The Proposed TLPI (refer SUPPINFO1) is a reproduction of the Current TLPI with only minor administrative changes made to dates, including an updated reference to the latest version of the Department of Education - New School Site Selection Guidelines, and changes to Figure A to identify the latest cadastre within the Morayfield South Emerging Community Area. SUPPINFO1 to this report contains the Current TLPI with the officers' proposed changes shown in tracking.

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - PROPOSED MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT NO.1 OF 2023 MORAYFIELD SOUTH EMERGING COMMUNITY AREA - 67222127 (Cont.)

Council officers recommend the Proposed TLPI apply for a duration of two years (the maximum duration of a TLPI). It is expected that the planning scheme amendment will be in place before the end of the 2 years, but sufficient time is sought to ensure appropriate community and stakeholder engagement can be undertaken and feedback responded to as part of statutory planning scheme amendment process.

3. Strategic Implications

3.1 Legislative / Legal Implications

The resolution proposes actions in the 'Minister's Guidelines and Rules' provided under 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: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

3.3 Policy Implications

The proposed TLPI would continue to suspend and affect various parts of the MBRC Planning Scheme for a further period of up to two years while a planning scheme amendment is prepared. Any longer-term changes to policy will be implemented through the planning scheme process.

3.4 Risk Management Implications

The TLPI seeks to avoid significant social, economic and operational/ financial risks and improve environmental outcomes.

3.5 Delegated Authority Implications

The proposal provides authority to the Chief Executive Officer to carry out certain actions, but there are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Sufficient budget exists to implement the TLPI. Future budget requests will be brought forward as required to support and complete the planning scheme amendment process.

3.7 Economic Benefit Implications

The proposal provides for certainty and transparency of development outcomes which will also improve certainty for investment in addition to seeking to avoid potential adverse and financial implications for Council and the community.

3.8 Environmental Implications

The proposal will result in improved environmental outcomes in relation to certain waterways and increased resilience of environmental corridors.

3.9 Social Implications

The proposal seeks to avoid significant negative social impacts.

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. Council officers consider that Council's decision in this circumstance will continue to potentially affect a person's property rights (for example, by impacting on existing development entitlements). However, Council officers consider that any impact on property rights as a result of this decision is considered a sound and reasonable improvement, and in the interest of the long-term land use planning and economic prosperity for the Moreton Bay Region

ITEM 3.1 RESHAPING OUR REGION'S PLANNING - PROPOSED MAKING OF TEMPORARY LOCAL PLANNING INSTRUMENT NO.1 OF 2023 MORAYFIELD SOUTH EMERGING COMMUNITY AREA - 67222127 (Cont.)

3.11 Consultation / Communication

The TLPI is an urgent and interim policy response and does not involve formal statutory consultation. With the making of the Proposed TLPI, Council officers will provide information to landowners, residents and the general community about the TLPI, including information on Council's website. Detailed consultation and engagement will also occur as part of the planning scheme amendment process - to finalise the land use plan and include it in the MBRC Planning Scheme 2016.

ITEM 3.2**RESHAPING OUR REGION'S PLANNING - TOWNSHIP AND COASTAL COMMUNITIES CHARACTER INVESTIGATION**

Meeting / Session: 3 WELL-PLANNED PLACES
Reference: 67060504 : 6 July 2023 - **Refer Supporting Information 67107837**
Responsible Officer: AG, Coordinator Urban Design and Heritage (PL Strategic Planning & Place Making)

Executive Summary

The purpose of the *Township and Coastal Communities Character Investigation* (TCCCI) is to identify and describe the current character of Moreton Bay's townships and coastal communities, to assist Council in recognising, managing and enhancing what makes these places special and unique. Locations investigated that were found to have a distinct or clear character have been included in the TCCCI.

Character is important because it contributes to what makes a place identifiable. It is often why people choose to live in a place and why tourists visit, and it's important to consider as Moreton Bay grows. Acknowledging character doesn't mean that everything will stay the same; a place can grow and evolve whilst considering the character that has made it unique.

The TCCCI includes profiles, a character statement, descriptions, images, sketches and details of built form character for each township and coastal community. *Deicke Richards Architects* assisted in the investigation and findings.

The TCCCI will be used as background material for future amendments to the *Planning Scheme Policy - Township Character*, Council's new planning scheme and future Neighbourhood Plans. It is anticipated that local architects and developers will draw inspiration from the TCCCI when designing development proposals in these areas.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the TCCCI records important elements of local character and as the region grows it is important for new development to reflect this character to create memorable and liveable places.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Darren Grimwade

CARRIED 13/0

1. That the Council endorses the *Township and Coastal Communities Character Investigation* (TCCCI) as the region's most contemporary investigation of the character values of the region's townships and coastal communities.
2. That Council notes officers will undertake further work as a result of the key findings and recommendations of the TCCCI report, to support implementation of the Growth Management Strategy 2042 and to inform preparations for a new planning scheme.
3. That Council notes officers are progressing work on an amendment to the Planning Scheme Policy - Township Character to include the findings of the TCCCI report.

ITEM 3.2 RESHAPING OUR REGION'S PLANNING - TOWNSHIP AND COASTAL COMMUNITIES CHARACTER INVESTIGATION - 67222127 (Cont.)

OFFICER'S RECOMMENDATION

1. That the Council endorses the *Township and Coastal Communities Character Investigation (TCCCI)* as the region's most contemporary investigation of the character values of the region's townships and coastal communities.
2. That Council notes officers will undertake further work as a result of the key findings and recommendations of the TCCCI report, to support implementation of the Growth Management Strategy 2042 and to inform preparations for a new planning scheme.
3. That Council notes officers are progressing work on an amendment to the Planning Scheme Policy - Township Character to include the findings of the TCCCI report.

REPORT DETAIL

1. Background

At a Councillors' briefing on 23 October 2020, it was agreed that a character investigation be undertaken for the region's rural township areas. Following this briefing, Council Officers engaged Deicke Richards Architects to assist officers in undertaking the investigation.

A Councillors' briefing was conducted on 22 February 2022 and Councillors noted the progress on the investigation and the expansion to include coastal community locations.

A Moreton Bay Pulse Survey #3 was undertaken from July to August 2022 and focused on what the community value about character. It garnered 3,200 responses, with 95% of respondents current residents and 61% having lived in the region for more than 10 years. The survey included neighbourhood specific questions that asked the community to identify where they live and what they value about the character. This information was analysed for the townships and coastal communities and forms part of the TCCCI.

A Briefing Note was placed on the Councillor Portal on 15 May 2023 to seek feedback on the draft TCCCI report. Minor feedback was received to correct a street name and this feedback has been actioned.

Completing the TCCCI is action 4.4 of the Growth Management Strategy 2042.

2. Explanation of Item

Council Officers have developed a definition of character as:

Character is a tangible, identifiable style and enduring aesthetic that is valued locally or regionally.

With this definition in mind, Council Officers concluded that there is character of merit in the following townships and coastal communities, which form part of the TCCCI. Each community profile has a character statement, summarised below.

Townships

| | |
|--|---|
| <i>Moreton Bay townships were built on former railway stations. Samford Village and Dayboro were part of Ferny Grove line, and D'Aguilar, Wamuran and Woodford were on the Kilcoy line. The traditional character seen in these townships is because of their connections to colonial settlement history and the materials and services made available by the railway.</i> | |
| 1. D'Aguilar | <i>A small township set in a rural landscape.</i> |
| 2. Dayboro | <i>A traditional township centred on a sloping main street, set within lush vegetation and framed by rural landscape.</i> |
| 3. Samford Village | <i>A quaint rural township centred on a compact main street and set within rolling hills and forested mountain surrounds.</i> |

ITEM 3.2 RESHAPING OUR REGION'S PLANNING - TOWNSHIP AND COASTAL COMMUNITIES CHARACTER INVESTIGATION - 67222127 (Cont.)

| | |
|-------------|---|
| 4. Wamuran | <i>A small township with connections to former railway, set within rural and hilly bushlands.</i> |
| 5. Woodford | <i>A distinct rural colonial township, centred on a long main street, set in a rural landscape.</i> |

Coastal Communities

| | |
|--|---|
| <i>The connection to the coastal waters of Pumicestone Passage and Moreton Bay plays an important part in the character of these communities. Many started as small fishing villages and holiday destinations, which has influenced the built form character of these communities.</i> | |
| 1. Beachmere | <i>Bayside place with decorative coastal holiday shacks overlooking tidal mudflats.</i> |
| 2. Bongaree | <i>Island seaside destination peppered with character buildings and extensive foreshore parks.</i> |
| 3. Clontarf | <i>Urban entry to the Redcliffe Peninsula coast from the Houghton Highway.</i> |
| 4. Donnybrook | <i>Coastal residential architectural character in the relaxed atmosphere of a fishing village.</i> |
| 5. Margate | <i>Seaside living overlooking a sandy esplanade and foreshore lined by Norfolk Pine trees.</i> |
| 6. Redcliffe Seaside Village | <i>Central vibrant seaside destination with character buildings and public foreshore parks.</i> |
| 7. Scarborough | <i>Coastal esplanade bound by awnings and mature trees overlooking a sloping foreshore parkland and ochre cliffs.</i> |
| 8. Toorbul | <i>Post-war coastal residential architectural character in the relaxed atmosphere of a seaside community.</i> |
| 9. Woody Point | <i>Urban coastal architecture set on a promontory overlooking the jetty and two bays.</i> |
| 10. Woorim | <i>Relaxed Island beachside living with a coastal architecture set within extensive bushland.</i> |

3. Strategic Implications

3.1 Legislative / Legal Implications

The TCCCI will help ensure Moreton Bay Regional Council (MBRC) continues to meet the objectives of the State Planning Policy and *ShapingSEQ*.

3.2 Corporate Plan linkage

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

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

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

Completing the TCCCI is action 4.4 of the Growth Management Strategy 2042.

ITEM 3.2 RESHAPING OUR REGION'S PLANNING - TOWNSHIP AND COASTAL COMMUNITIES CHARACTER INVESTIGATION - 67222127 (Cont.)

3.3 Policy Implications

The TCCCI is part of the Reshaping our Region's Planning Portfolio and is an investigation that will inform a planning scheme policy amendment, the new planning scheme and future Neighbourhood Plans.

Access to contemporary information is critical to inform robust planning policy decisions, and reduces risks associated with using dated or time-damaged information. Actions stemming from the TCCCI will help ensure that the valuable character of place informs the growth of Moreton Bay.

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

Character contributes to what makes a place identifiable and attractive to tourists. Great visitor destinations are places with identifiable, authentic character and give people a 'reason to visit' as per the MBRC *Tourism Opportunity Plan 2022-2027*. The TCCCI captures that authentic character to support future growth in continuing what makes these places attractive to tourists and thus supports the tourist economy.

3.8 Environmental Implications

The TCCCI includes information about the landform and landscape setting of each township and coastal community. This environmental setting is an important character consideration.

3.9 Social Implications

The community value the character of the region's townships and coastal communities and this has been evident through community surveys, in particular the Moreton Bay Pulse Survey #3 (July-August 2022). The TCCCI will assist by recognising what makes these places special and unique; and by informing future policy responses for the management and enhancement of these values.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Internal stakeholder consultation was carried out in the preparation of the TCCCI.

4 WELL-CONNECTED PLACES SESSION**(Cr A Hain / Cr M Gillam)**

ITEM 4.1**TENDER - ARANA HILLS - PLUCKS / CAESAR / HUTTON ROADS - INTERSECTION UPGRADE (MBRC-RFT345)**

Meeting / Session: 4 WELL-CONNECTED PLACES
Reference: 66854436 : 24 May 2023 - Refer **Confidential** Supporting Information
66815428
Responsible Officer: MH, Senior Project Manager (PAS Project Management)

Executive Summary

Tenders were invited for the 'Arana Hills - Plucks / Caesar / Hutton Roads - Intersection Upgrade - MBRC-RFT345' project. Tenders closed on 23 March 2023 with a total of six tender submissions received, all of which were conforming. The tender validity period expires on the 28 July 2023.

It is recommended that the tender for the 'Arana Hills - Plucks / Caesar / Hutton Roads - Intersection Upgrade - MBRC-RFT345' project be awarded to Ertech (Queensland) Pty Ltd, for the sum of \$2,305,919 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

The project has received \$1,205,000 in funding from the Federal Government's Blackspot program.

This matter is brought to the attention of Council under the **Well-connected Places portfolio** as the project will improve safety, capacity and operating efficiency of the upgraded intersection for all transport users to the local area.

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 Matt Constance**Seconded by Cr Mick Gillam****CARRIED 13/0**

1. That the tender for the 'Arana Hills - Plucks / Caesar / Hutton Roads - Intersection Upgrade - MBRC-RFT345' project be awarded to Ertech (Queensland) Pty Ltd, for the sum of \$2,305,919 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to:
 - (a) the provision of an additional \$1,763,619 (total of \$2,763,619) in funding for the project in the 2023/24 financial year;
 - (b) the removal of \$1,230,000 in funding for the project from the 2024/25 financial year; and
 - (c) that both the provision of, and removal of funds for the project as described above (recommendation 2a) and 2b) respectively) occurs during the 2023/24 financial year's quarter one financial process.
3. That the Council enters into an agreement with Ertech (Queensland) Pty Ltd, as described in this report.

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ITEM 4.1 TENDER - ARANA HILLS - PLUCKS / CAESAR / HUTTON ROADS - INTERSECTION UPGRADE (MBRC-RFT345) - 66854436 (Cont.)

4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Ertech (Queensland) Pty Ltd for the '*Arana Hills - Plucks Caesar Hutton Roads - Intersection Upgrade - MBRC-RFT345*' project and any required variations of the agreement on Council's behalf.

ITEM 4.1 TENDER - ARANA HILLS - PLUCKS / CAESAR / HUTTON ROADS - INTERSECTION UPGRADE (MBRC-RFT345) - 66854436 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the 'Arana Hills - Plucks / Caesar / Hutton Roads - Intersection Upgrade - MBRC-RFT345' project be awarded to Ertech (Queensland) Pty Ltd, for the sum of \$2,305,919 (excluding GST).
2. That to allow Council to enter into the agreement, Council commits to:
 - a) the provision of an additional \$1,763,619 (total of \$2,763,619) in funding for the project in the 2023/24 financial year;
 - b) the removal of \$1,230,000 in funding for the project from the 2024/25 financial year; and
 - c) that both the provision of, and removal of funds for the project as described above (recommendation 2a) and 2b) respectively) occurs during the 2023/24 financial year's quarter one financial process.
3. That the Council enters into an agreement with Ertech (Queensland) Pty Ltd, as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Ertech (Queensland) Pty Ltd for the 'Arana Hills - Plucks Caesar Hutton Roads - Intersection Upgrade - MBRC-RFT345' project and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located at the intersection of Plucks, Caesar and Hutton Roads at Arana Hills. The project scope involves the upgrading of a priority-controlled T-intersection to a signalised intersection with signalised pedestrian crossing facilities, on-road bicycle lanes, and an extended right turn pocket on Plucks Road. The project will improve traffic capacity (of the intersection) to cater for future growth projections at this intersection and along the corridor, improve road safety and improve pedestrian and cycling facilities to further encourage the take-up of these active transport modes.

The objective of the project is to improve safety for all road users and provide additional traffic carrying capacity at the intersection to cater to future traffic demands.

The project has already been deferred one year, following receipt of Black Spot funding advice for the project. It is unlikely that a further extension would be approved to undertake the project over the 2023/24 and 2024/25 financial years and retain the project Black Spot funding.

Construction will commence in late August/early September 2023 and is scheduled to take 26 weeks to complete, which includes an allowance for wet weather.

A communication plan has been prepared for this project. Communication strategies include notifications issued to residents within a 500m radius four weeks prior to the commencement of works and project signage erected on site four weeks prior to commencement. The stakeholders, including affected nearby residents and owners, have been advised of the project via targeted mailouts in June 2021 and August 2022. The design development considered the feedback from the consultation process. Monthly project updates will be provided to the Divisional Councillor.

A traffic management strategy has been developed for this project to ensure impacts to resident movements are mitigated during peak traffic hours. There will not be any lane closures between 6am to 9am and from 3pm to 6pm weekdays, and all-day on weekends. Additionally, night works will not be permitted, unless in the case of an unforeseen issue, such as, a failed water main which occurs outside of hours etc.

ITEM 4.1 TENDER - ARANA HILLS - PLUCKS / CAESAR / HUTTON ROADS - INTERSECTION UPGRADE (MBRC-RFT345) - 66854436 (Cont.)



Figure 1: Arana Hills - Plucks / Caesar / Hutton Roads - Intersection Upgrade - Locality Plan

2. Explanation of Item

Tenders were invited for the 'Arana Hills - Plucks / Caesar / Hutton Roads - Intersection Upgrade - MBRC-RFT345' project, which closed on 23 March 2023, with a total of six tenders received, all of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

| RANK | TENDERER | EVALUATION SCORE (Pre Local Preference) | EVALUATION SCORE (Post Local Preference) |
|------|---|--|---|
| 1 | Ertech (Queensland) Pty Ltd | 97.26 | 110.76 |
| 2 | AllenCon Pty Ltd | 97.03 | 110.53 |
| 3 | Silverstrand Developments | 93.64 | 101.14 |
| 4 | Civlec Pty Ltd, <i>trading as</i> GRC Civil | 89.61 | 92.61 |
| 5 | ALLROADS Pty Ltd | 91.40 | 91.40 |
| 6 | HEH Civil Pty Ltd | 67.54 | 67.54 |

Ertech (Queensland) Pty Ltd ('ER') - submitted a comprehensive tender. A tender clarification meeting was held on 4 April 2023, at which ER demonstrated their relevant experience, understanding of the project, methodology and capability in delivering the project. ER provided examples of relevant project experience, including M1 Exit Interchange Upgrade which was the upgrade of the southbound off-ramp at Exit 45 on the M1 Pacific Motorway in Ormeau involving stormwater, pavement and signals construction (valued at \$8,000,000) and Petrie Road, Anzac Avenue and Dayboro Road Intersection Upgrade which involved the upgrade of an existing roundabout intersection to a signalised T-intersection (valued at (\$6,300,000) both

ITEM 4.1 TENDER - ARANA HILLS - PLUCKS / CAESAR / HUTTON ROADS - INTERSECTION UPGRADE (MBRC-RFT345) - 66854436 (Cont.)

for the Department of Transport and Main Roads; and Newnham and Wecker Roads Intersection Upgrade involving new lanes, drainage, street lighting and pedestrian signals (valued at \$4,800,000) for Brisbane City Council;

ER provided a well-thought-out and detailed methodology that delivered the project with minimal impacts on road users during construction and also demonstrated a capacity to deliver quality outcomes on projects of this scale. The evaluation panel considers the tender from ER to represent the best overall value for Council.

The recommended tenderer operates in the Moreton Bay region and is utilising >50% of local supplier / goods and services in a local area commitment.

AllenCon Pty Ltd ('AL') - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the slightly higher price.

Silverstrand Developments ('SD') - submitted a tender, however, there was insufficient detail in their submission to demonstrate an adequate understanding of the project and the methodology they would utilise in construction.

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 Well-planned Places: 07 We have an efficient, connected and resilient transport network enabled by smart technologies and innovative design.

3.3 Policy Implications

This 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 and the recommended tenderer was rated 'very strong'.

Construction Risks:

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works, and their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.

ITEM 4.1 TENDER - ARANA HILLS - PLUCKS / CAESAR / HUTTON ROADS - INTERSECTION UPGRADE (MBRC-RFT345) - 66854436 (Cont.)

- c. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any impacts which would affect material supply chains and overall timely delivery of the project works.
- d. 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.
- e. There will be no lane closures outside of 9 am to 3 pm Monday to Friday.
- f. Weather delays have been considered by the recommended tenderer and an allowance is included in their program.
- g. Latent conditions such as unidentified services delaying the project. The recommended tenderer will undertake locations and testing as the first step in the project to ensure any impacts to the schedule are minimised.
- h. The project is not impacted by any internal Development Approvals.
- i. The project is not impacted by any external Development Applications or Approvals.
- j. Council's Cultural Heritage Officers have identified that the works associated with the 'Arana Hills - Plucks / Caesar / Hutton Roads - Intersection Upgrade' project are acceptable and that there are no obligations or concerns related to Native Title for this project.
- k. Council's Cultural Heritage Officers have identified that the works associated with the 'Arana Hills - Plucks / Caesar / Hutton Roads - Intersection Upgrade' project are acceptable and that there are no obligations or concerns related to Cultural Heritage for this project.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$2,230,000 for construction of this project, in the 2023/24 financial year's Capital Projects Program (CPP), with \$1M allocated in the 2023/24 financial year and \$1.23M allocated in the 2024/25 financial year. The project has received \$1.205M in funding from the Federal Government's Blackspot program. All financial information below is excluding GST.

| | | |
|--|----|-----------|
| Tender Price (Construction) | \$ | 2,305,919 |
| Contingency (10%) | \$ | 230,592 |
| Construction Certification Services (5%) | \$ | 115,296 |
| Project Management costs | \$ | 95,000 |
| QLeave (0.575%) | \$ | 16,812 |

| | | |
|----------------------------------|-----------|-------------------------|
| <u>Total Project Cost</u> | \$ | <u>2,763,619</u> |
|----------------------------------|-----------|-------------------------|

| | | |
|---------------------------|----|-----------|
| Project Budget Allocation | \$ | 2,230,000 |
| Project Shortfall | \$ | 533,619 |
| | \$ | |

| | | |
|---|--|-----------|
| <u>Less</u> Federal Blackspot funding program | | 1,205,000 |
|---|--|-----------|

| | | |
|-----------------------------------|-----------|-------------------------|
| <u>Net cost to Council</u> | \$ | <u>1,558,619</u> |
|-----------------------------------|-----------|-------------------------|

| | | | |
|---|----|--------|--------------------|
| Estimated ongoing operational/maintenance costs | \$ | 19,740 | per financial year |
|---|----|--------|--------------------|

The current budget allocation for this project is insufficient. To allow Council to enter into the agreement, Council commits to the provision of an additional \$1,763,619 (total of \$2,763,619) in funding for the project in the 2023/24 financial year; commits to the removal of \$1,230,000 in funding for the project from the 2024/25 financial year; and that both the provision of, and removal of funds for the project as described above, occurs during the 2023/24 financial year's quarter one financial review process.

ITEM 4.1 TENDER - ARANA HILLS - PLUCKS / CAESAR / HUTTON ROADS - INTERSECTION UPGRADE (MBRC-RFT345) - 66854436 (Cont.)

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications

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

3.9 Social Implications

The project will improve traffic capacity (of the intersection) to cater for future growth projections at this intersection and along the corridor, improve road safety and improve pedestrian and cycling facilities to further encourage the take-up of these active transport modes.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

External:

- Local residents (<500m radius of site)

Internal:

- Integrated Transport Planning and Design
- Asset Maintenance
- Procurement Services
- Divisional Councillor
- Community Engagement

ADJOURNMENT

The meeting adjourned at 10.40am for morning tea.

The meeting resumed at 11.11am.

5 PROGRESSIVE ECONOMY SESSION

(Cr K Winchester / Cr T Latter)

No items for consideration.

6 ENGAGED COUNCIL SESSION**(Cr M Constance / Cr D Grimwade)**

ITEM 6.1**COMMENCEMENT OF PROSECUTIONS - ANIMAL ATTACKS AND ANIMAL COMPLIANCE BREACHES**

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67360786 : 3 July 2023
Responsible Officer: JD, Brief Management and Prosecutions Coordinator (CES Customer Response)

Executive Summary

Council's approval is sought for the commencement of prosecution in the Magistrates Court comprising 24 prosecutions for alleged offences that have occurred contrary to the *Animal Management (Cats and Dogs) Act 2008* and Moreton Bay Regional Council's *Local Law No. 2 (Animal Management) 2011*.

The *Animal Management (Dogs and Cats) Act 2008* provides that it is an offence for a person to fail to take reasonable steps to ensure a dog does not attack.

Council is the responsible agency for enforcement and regulation under the Act and as such has a responsibility to take enforcement action when breaches are identified. To ensure public safety and mitigate the risk of dog attacks, Council has traditionally taken a firm position on prosecuting offenders for animal attacks.

Moreton Bay Regional Council's *Local Law No. 2 (Animal Management) 2011* is designed to regulate and manage the keeping and control of animals in the local government's area in a way that protects the community against risks to health and safety and protects the amenity of the local community and environment, amongst other purposes.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the enforcement of statutory offences, including the commencement of prosecutions, is a function required to support community safety and amenity.

RESOLUTION

Moved by Cr Mark Booth**Seconded by Cr Mick Gillam****CARRIED 13/0**

1. That Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve 24 prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* and Moreton Bay Regional Council's *Local Law No. 2 (Animal Management) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 6.1 COMMENCEMENT OF PROSECUTIONS - ANIMAL ATTACKS AND ANIMAL COMPLIANCE BREACHES - 67360786 (Cont.)

OFFICER'S RECOMMENDATION

1. The Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve 24 prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* and Moreton Bay Regional Council's *Local Law No. 2 (Animal Management) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

REPORT DETAIL

1. Background

The *Animal Management (Cats and Dogs) Act 2008* provides the legal and procedural framework for the administration, implementation and enforcement of animal ownership and management practices.

Section 194(1) of the Act provides that the relevant person(s) must ensure a dog does not attack or act in a way that causes fear to someone else or another animal.

Section 194(1) of the Act is a general offence and not contained within the State Penalties Enforcement Regulations, which means infringement notices are unable to be issued under the Act. As a result, prosecution is the only avenue that Council has available to address alleged offenders who fail in their duties as animal owners.

Local Law No. 2 (Animal Management) 2011 includes the ability to prescribe the minimum standards for keeping animals and prosecute for failing to comply. Additionally Local Law 2 includes penalty provisions if the owner or responsible person for an animal fails to ensure that the animal is under effective control; and if the owner or responsible person fails to maintain a proper enclosure to prevent the animal escaping from the person's land.

2. Explanation of Item

Investigations have been conducted in relation to 24 dog attacks resulting in serious injuries to other animals and people, or death of other animals. A summary of these attacks is provided in Table 1 below.

As a result of these investigations, the investigating officer has recommended prosecution as a means of enforcement. A summary of facts has been drafted in preparation, and the matters have been reviewed to ensure there is sufficient evidence to prove the offences and achieve a successful outcome for Council.

Table 1: Prosecutions for animal attacks - Animal Management (Cats and Dogs) Act 2008

| Matter | Date | Summary of charges | Prosecution reference number |
|--------|------------------|--|------------------------------|
| 1 | 23 November 2022 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person & dog) Relevant person must ensure dog does not wander at large | BP/2023/0141 |
| 2 | 23 February 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - dog) Fail to ensure an animal is under effective control in a public place | BP/2023/0124 |

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ITEM 6.1 COMMENCEMENT OF PROSECUTIONS - ANIMAL ATTACKS AND ANIMAL COMPLIANCE BREACHES - 67360786 (Cont.)

| Matter | Date | Summary of charges | Prosecution reference number |
|--------|---------------|--|------------------------------|
| 3 | 7 March 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - dog) | BP/2023/0152 |
| 4 | 11 March 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person) | BP/2023/0148 |
| 5 | 19 March 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - child) | BP/2023/0130 |
| 6 | 26 March 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - dog) | BP/2023/0143 |
| 7 | 26 March 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - cat) | BP/2023/0133 |
| 8 | 28 March 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person & dog) Relevant person must ensure dog does not wander at large Relevant person failed to meet obligations before period of registration expired | BP/2023/0147 |
| 9 | 3 April 2023 | Relevant person must ensure dog does not attack or cause fear (GBH - person) | BP/2023/0135 |
| 10 | 6 April 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - person) Fail to comply with permit condition | BP/2023/0136 |
| 11 | 6 April 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - dog & bodily harm - person) Relevant person must ensure dog does not wander at large Relevant person failed to meet obligations before period of registration expired | BP/2023/0153 |
| 12 | 15 April 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person & dog) | BP/2023/0149 |
| 13 | 19 April 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person & dog) | BP/2023/0150 |
| 14 | 23 April 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person) | BP/2023/0151 |

ITEM 6.1 COMMENCEMENT OF PROSECUTIONS - ANIMAL ATTACKS AND ANIMAL COMPLIANCE BREACHES - 67360786 (Cont.)

| Matter | Date | Summary of charges | Prosecution reference number |
|--------|-------------|---|------------------------------|
| 15 | 6 May 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - dog) | BP/2023/0154 |
| 16 | 7 May 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person) | BP/2023/0155 |
| 17 | 12 May 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person) | BP/2023/0156 |
| 18 | 14 May 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person) Relevant person encouraged a dog to attack or cause fear | BP/2023/0157 |
| 19 | 15 May 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - dog) Relevant person must ensure dog does not wander at large | BP/2023/0158 |
| 20 | 18 May 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - dog) | BP/2023/0146 |
| 21 | 21 May 2023 | Relevant person must ensure dog does not attack or cause fear (Bodily harm - person) Relevant person must ensure dog does not wander at large | BP/2023/0159 |
| 22 | 22 May 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - person) | BP/2023/0160 |
| 23 | 29 May 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - cat) | BP/2023/0162 |
| 24 | 31 May 2023 | Relevant person must ensure dog does not attack or cause fear (Grievous bodily harm - dog and Bodily harm - person) | BP/2023/0163 |

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against the individual who was, at the material time, the responsible person for each offence under the relevant laws.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition.

ITEM 6.1 COMMENCEMENT OF PROSECUTIONS - ANIMAL ATTACKS AND ANIMAL COMPLIANCE BREACHES - 67360786 (Cont.)

There are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:
Our Engaged Council: 04 We are responsive, trusted and provide great customer experiences.

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

The matters have been reviewed and assessed in preparation for court.

3.5 Delegated Authority Implications

This report recommends that the Chief Executive Officer be authorised to take steps to commence, conduct and resolve 24 prosecutions in the Magistrates Court.

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled at first instance by Council officers through to the Magistrates Court therefore no external fees will be applicable. Council will seek the awarding of court costs in instances where its matters are upheld.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Council's ability to effectively address offending.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

- Manager Customer Response
- Director Community and Environmental Service
- Chief Legal Counsel

ITEM 6.2

SUNDRY DEBTS WRITTEN OFF DURING 2022/23 FINANCIAL YEAR

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67151121 : 30 June 2023 - Refer **Confidential** Supporting Information
67151120
Responsible Officer: TM, A/Manager Financial Operations (FCS Financial Operations)

Executive Summary

The Chief Executive Officer has been delegated the authority to write-off bad sundry debts (Council-038) and interest accrued on overdue rates (Council-039).

The sundry debts as detailed in this report were written-off during the 2022/23 financial year.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as, in accordance with the delegations, Council is to be advised of any bad sundry debts greater than \$2,000 written-off, and the total rates interest written off during the period.

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

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Sandra Ruck

CARRIED 13/0

That the sundry debts written-off during the 2022/23 financial year be noted, as detailed in this report.

ITEM 6.2 SUNDRY DEBTS WRITTEN OFF DURING 2022/23 FINANCIAL YEAR - 67151121 (Cont.)

OFFICER'S RECOMMENDATION

That the sundry debts written-off during the 2022/23 financial year be noted, as detailed in this report.

REPORT DETAIL

1. Background

In line with the approved delegations, Council is to be advised of any bad sundry debts greater than \$2,000 written-off for the period as well as the total rates interest written-off for the period.

2. Explanation of Item

During the period 1 July 2022 to 30 June 2023 one sundry debt totalling \$17,914 (including GST) as detailed in Confidential Supporting Information #1 was written off.

No rates interest has been written off during the current financial year to 30 June 2023.

3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

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

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

3.3 Policy Implications ☒ Nil identified

3.4 Delegated Authority Implications

The bad debts were written off in accordance with the delegation provided under section 257 of the *Local Government Act 2009*.

3.5 Financial Implications

The sundry debts written off represent lost revenue/recovery of costs to Council. They are written off if they are unrecoverable or the costs of recovering the debt is considered uneconomical.

3.6 Economic Benefit Implications ☒ Nil identified

3.7 Environmental Implications ☒ Nil identified

3.8 Social Implications ☒ Nil identified

3.9 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.

3.10 Consultation / Communication

- Customer Response Department

ITEM 6.3

**AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA)
QUEENSLAND STATE CONFERENCE**

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67360007 : 27 June 2023
Responsible Officer: KR, Executive Support Officer (CEOs Office)

Executive Summary

The purpose of this report is to determine Councillor attendance to the Australian Local Government Women's Association (ALGWA) Queensland State Conference be held at the Brisbane Airport Conference Centre from 3 - 4 August 2023.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to an opportunity for Councillors to discuss a variety of topics with local government colleagues, industry experts and key government representatives. This conference is a valuable professional development and networking opportunity that will assist Councillors in their role as elected officials.

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That Cr Yvonne Barlow be authorised to attend the Australian Local Government Women's Association (ALGWA) Queensland State Conference to be held at the Brisbane Airport Conference Centre from 3 - 4 August 2023.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

ITEM 6.3 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) QUEENSLAND STATE CONFERENCE - 67360007 (Cont.)

OFFICER'S RECOMMENDATION

1. That Cr Yvonne Barlow be authorised to attend the Australian Local Government Women's Association (ALGWA) Queensland State Conference to be held at the Brisbane Airport Conference Centre from 3 - 4 August 2023.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

REPORT DETAIL

1. Background

The ALGWA Queensland State Conference will be held in Brisbane from 3 - 4 August 2023. Councillor Yvonne Barlow has expressed an interest in attending this conference.

2. Explanation of Item

The ALGWA Conference theme for the 2023 is *Perils and Possibilities (of Local Government)* designed to give delegates the inspiration and skills to recognise the potential in themselves, their workforce and the community they represent. The conference provides a program of guest speakers and workshops aimed at developing relevant skills and knowledge for local government leaders.

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 Engaged Council: 02 We actively plan for the future and advocate in the best interests of our communities.

3.3 Policy Implications

Arrangements relating to Councillor attendance will be made in accordance with Council's Councillor Attendance at Conferences and Training Policy 2150-127.

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Appropriate funds have been provided in the 2023/24 budget.

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

- Councillors
- Executive Leadership Team.

ITEM 6.4

DEADLY WOMEN IN LOCAL GOVERNMENT CONFERENCE - ATTENDANCE

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67382397: 29 June 2023
Responsible Officer: KR , Executive Support Officer (CEOs Office)

Executive Summary

The purpose of this report is to determine Councillor attendance at the Deadly Women in Local Government Conference to be held in Cairns from 2 - 3 August 2023.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it relates to an opportunity for Councillors to increase their leadership capabilities through a combination of mentoring, coaching, training and support networks. This conference is aimed at Indigenous females working in Local Government including Councillors and council employees.

RESOLUTION

Moved by Cr Yvonne Barlow

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That Cr Brooke Savige be authorised to attend the Deadly Women in Local Government Conference to be held in Cairns from 2-3 August 2023.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

ITEM 6.4 DEADLY WOMEN IN LOCAL GOVERNMENT CONFERENCE - ATTENDANCE - 67382397 (Cont.)

OFFICER'S RECOMMENDATION

1. That Cr Brooke Savige be authorised to attend the Deadly Women in Local Government Conference to be held in Cairns from 2-3 August 2023.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

REPORT DETAIL

1. Background

The Deadly Women in Local Government Conference will be held in Cairns from 2-3 August 2023. Councillor Brooke Savige has expressed an interest in attending this conference.

2. Explanation of Item

The Deadly Women in Local Government Conference is an initiative of the Queensland Government and sponsored by the Department of State Development, Infrastructure, Local Government and Planning with conference registration free to all attendees.

The theme of the conference is '*Growing Leaders for tomorrow*' with the two-day conference including a range of interactive, learning and development-based activities including workshops, keynote speakers, Q&A panels and mentoring opportunities. Following the conference, participants will be able to take part in a 3-month one-on-one mentoring program facilitated by some of Australia's top Indigenous Mentors.

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 Engaged Council: 06 Our teams are safe, inclusive, capable, and empowered to deliver their best.
- 3.3 Policy Implications
Arrangements relating to any Councillor attendance will be made in accordance with Council's Councillor Attendance at Conferences and Training Policy 2150-127.
- 3.4 Risk Management Implications ☒ Nil identified
- 3.5 Delegated Authority Implications ☒ Nil identified
- 3.6 Financial Implications
The conference is free, only travel and accommodation costs will be required. Appropriate funds have been provided in the 2023/24 budget.
- 3.7 Economic Benefit Implications ☒ Nil identified
- 3.8 Environmental Implications ☒ Nil identified
- 3.9 Social Implications ☒ Nil identified

ITEM 6.4 DEADLY WOMEN IN LOCAL GOVERNMENT CONFERENCE - ATTENDANCE - 67382397 (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

2023 ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CONFERENCE - ADDITIONAL ATTENDANCE

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67387567: 29 June 2023
Responsible Officer: KR , Executive Support Officer (CEOs Office)

Executive Summary

The purpose of this report is to seek Council endorsement for Councillor Sandra Ruck and Councillor Adam Hain to attend the 2023 Local Government Association of Queensland (LGAQ) Annual Conference, to be held at Gladstone Entertainment Convention Centre from 16 - 18 October 2023.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as this report relates to an opportunity for Councillors to discuss a variety of topics with local government colleagues, industry experts and key government representatives. This conference is a valuable professional development opportunity and the learnings from this event will assist Councillors in their role as elected officials.

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 13/0

1. That Councillor Sandra Ruck and Councillor Adam Hain be authorised to attend the 2023 Local Government Association of Queensland (LGAQ) Annual Conference.
2. That the Mayor and Chief Executive Officer be authorised to replace the appointed delegates with another delegate to the 2023 Local Government Association of Queensland Annual Conference, as and if required.

*ITEM 6.5 2023 ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CONFERENCE -
ADDITIONAL ATTENDANCE - 67387567 (Cont.)*

OFFICER'S RECOMMENDATION

1. That Councillor Sandra Ruck and Councillor Adam Hain be authorised to attend the 2023 Local Government Association of Queensland (LGAQ) Annual Conference.
2. That the Mayor and Chief Executive Officer be authorised to replace the appointed delegates with another delegate to the 2023 Local Government Association of Queensland Annual Conference, as and if required.

REPORT DETAIL

1. Background

The 2023 LGAQ Annual Conference will be held at the Gladstone Entertainment Convention Centre from 16 - 18 October 2023.

At the General Meeting held on 15 March 2023, Councillors Peter Flannery (Mayor), Jodie Shipway (Deputy Mayor), Brooke Savige, Mark Booth, Karl Winchester, Yvonne Barlow, Mick Gillam, Cath Tonks and Tony Latter were endorsed to attend the 2023 LGAQ Annual Conference.

Councillors Ruck and Hain have expressed an interest in also attending.

2. Explanation of Item

The LGAQ Annual Conference provides an important opportunity for Councillors to network, debate and vote on new policy. The conference consists of three days of full plenary, split plenary and workshop sessions where participants address the challenges facing local government and their communities. The event also serves as the Association's Annual General Meeting.

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

3.3 Policy Implications

Arrangements relating to any Councillor attendance will be made in accordance with Council's Councillor Attendance at Conferences and Training Policy 2150-127.

3.4 Risk Management Implications

3.5 Delegated Authority Implications

If due to unforeseen circumstances an appointed delegate is unable to attend the conference, Council is required to authorise the Mayor and/or Chief Executive Officer to replace the appointed delegates with another delegate who meets the eligibility criteria in accordance with rule 4.11(3) of the LGAQ constitution (namely, being either a Councillor or the Chief Executive Officer of your Council).

3.6 Financial Implications

Appropriate funds have been provided in the 2023/24 budget.

3.7 Economic Benefit Implications ☒ Nil identified

*ITEM 6.5 2023 ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CONFERENCE -
ADDITIONAL ATTENDANCE - 67387567 (Cont.)*

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Councillors
- Chief Executive Officer
- Executive Leadership Team

ITEM 6.6**CONSENT FOR UNITYWATER TO INCUR FINANCE DEBT**

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67414997 : 4 July 2023
Responsible Officer: DG, Director (FCS Directorate)

Executive Summary

Following receipt of consent from Council on 9 June 2021, Unitywater entered into a Building Acceleration Fund (BAF) Loan Agreement with the Minister for Economic Development Queensland to receive financial assistance to co-fund delivery of water and sewerage infrastructure to unlock development of the Caboolture West Neighbourhood Development Precinct 1.

Unitywater has advised that water and sewerage infrastructure projects costs have since increased significantly and to assist with the shortfall, the Minister for Economic Development Queensland has agreed to increase the existing borrowing agreement to \$25.55 million. To proceed, Unitywater requires consent from Council in accordance with the *Participating Local Government Loan Agreement (Subordinated Deed)*.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as compliance and good governance are important to ensure Council continues to sustainably manage its finances and assets.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 13/0

1. That Council, in accordance with clause 9.4(c) of the *Participating Local Government Loan Agreement (Subordinated Deed)*, provide consent for Unitywater to enter into an amended secured loan through the Queensland Government's Building Acceleration Fund (BAF), subject to Unitywater obtaining approval under the *Statutory Bodies Financial Arrangements Act 1982* from the Treasurer.
2. That Council note the consent is for increased *Finance Debt* in the form of:
 - (a) An additional loan of \$15 million, totalling \$25.55 million; and
 - (b) An additional Guarantee for the above of \$1.07 million, totalling \$1.83 million.
3. That Council's Chief Executive Officer be authorised to do all things necessary to give effect to the above.

ITEM 6.6 CONSENT FOR UNITYWATER TO INCUR FINANCE DEBT - 67414997 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council, in accordance with clause 9.4(c) of the *Participating Local Government Loan Agreement (Subordinated Deed)*, provide consent for Unitywater to enter into an amended secured loan through the Queensland Government's Building Acceleration Fund (BAF), subject to Unitywater obtaining approval under the *Statutory Bodies Financial Arrangements Act 1982* from the Treasurer.
2. That Council note the consent is for increased *Finance Debt* in the form of:
 - a) An additional loan of \$15 million, totalling \$25.55 million; and
 - b) An additional Guarantee for the above of \$1.07 million, totalling \$1.83 million.
3. That Council's Chief Executive Officer be authorised to do all things necessary to give effect to the above.

REPORT DETAIL

1. Background

On 9 June 2021, Council resolved to provide consent for Unitywater to enter into a secured loan through the Queensland's Building Acceleration Fund.

The following resolutions appear on minute page 21/835 of the General Meeting held 9 June 2021:

RESOLUTION:

1. That Council, in accordance with clause 9.4(c) of the *Participating Local Government Loan Agreement (Subordinated Deed)*, provide consent for Unitywater to enter into a secured loan through the Queensland Government's Building Acceleration Fund (BAF), subject to Unitywater obtaining approval under the *Statutory Bodies Financial Arrangements Act 1982*.
 - a) Note that consent is for *Finance Debt* in the form of:
 - b) A loan to the value of \$10.55M; and
 - c) A Guarantee for the above to the value of \$0.76M
2. That Council's Chief Executive Officer be authorised to do all things necessary to give effect to the above.

On 30 June 2021, Unitywater entered into a Building Acceleration Fund (BAF) Loan Agreement with the Minister for Economic Development to receive financial assistance to co-fund delivery of the water and sewerage infrastructure to unlock development of the Caboolture West Development Precinct 1.

By way of letter dated 3 July 2023, Unitywater have since advised that water and sewerage infrastructure project costs have increased significantly and that the Minister for Economic Development Queensland has agreed to amend the existing borrowing agreement to \$25.55 million to assist with the shortfall.

2. Explanation of Item

The loan funding will support Unitywater in collaboration with six developers to deliver the proposed water and sewerage infrastructure project which is estimated to cost \$55.7 million. Construction of the infrastructure project is expected to commence in August 2023 with drawdowns from the BAF facility to occur on satisfaction of agreed project milestones, after investments by Unitywater and the developers for their portion of the co-investment. Funding under the loan agreement is to be provided interest free with final repayment expected in February 2037. The loan will be primarily repaid by the developers via financial contributions with obligations outlined in an underpinning Water Infrastructure Agreement.

ITEM 6.6 CONSENT FOR UNITYWATER TO INCUR FINANCE DEBT - 67414997 (Cont.)

To progress the acceptance of the increased borrowing arrangement, Unitywater requires written consent from Council in accordance with clause 9.4(c) of the *Participating Local Government Loan Agreement (Subordinated Deed)*.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council, as a participant in Unitywater, must provide consent for Unitywater to enter into the BAF loan agreement in accordance with clause 9.4(c) of the *Participating Local Government Loan Agreement (Subordinated Deed)*.

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

Council as a participant in Unitywater receives significant financial returns on an annual basis. The most significant risk to Council is that Unitywater is unable to repay the debt and Council's investment, and the financial returns it receives, are significantly impacted. This is mitigated through appropriate governance and oversight of Unitywater.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

Funding under the BAF loan agreement is to be provided interest free with final payment expected by February 2037.

There is the potential that Unitywater's future returns to Council may be impacted due to this commitment.

3.7 Economic Benefit Implications

Delivery and operation of the proposed infrastructure will support the creation of new businesses as the Caboolture West NDP1 precinct progresses toward ultimate development. These new businesses will generate ongoing employment within the region.

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

☒ Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

- Planning
- Legal Services

ITEM 6.7 FEES AND CHARGES 2023/24 - AMENDMENTS

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67371886: 27 June 2023 - **Refer Supporting Information 67385714**
Responsible Officer: DC, Manager Accounting Services (FCS Accounting Services)

Executive Summary

The purpose of this report is to seek Council's approval to amend a number of fees and charges previously adopted at the General Meeting held on 31 May 2023.

The *Local Government Act 2009* requires Council to maintain a register of fees and charges and to fix cost-recovery fees by way of resolution (or local law).

This matter is brought to the attention of Council under the **Engaged Council portfolio** as prudent financial budgeting and compliance is important to ensure the financial sustainability of Council.

RESOLUTION

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Adam Hain

CARRIED 13/0

That the amended fees and charges for 2023/24 as provided in supporting information #1 be adopted and commence from 31 July 2023.

ITEM 6.7 FEES AND CHARGES 2023/24 - AMENDMENTS - 67371886 (Cont.)

OFFICER'S RECOMMENDATION

That the amended fees and charges for 2023/24 as provided in supporting information #1 be adopted and commence from 31 July 2023.

REPORT DETAIL

1. Background

Council adopted its 2023/24 schedule of fees and charges at the General Meeting held on 31 May 2023 (MP. 23/1110):

RESOLUTION:

1. That the 2023/24 Schedule of Fees and Charges as provided in Supporting Information #1 be adopted and commence from 1 July 2023.
2. That the explanatory notes included in Supporting Information #2 and #3 be noted.

Subsequent to that meeting a number of minor administrative errors have been identified in the 2023/24 schedule of fees and charges as adopted and a proposed change to the disposal of treated timber at Council's waste facilities require amendments to be made.

2. Explanation of Item

A comprehensive review has been undertaken to assess the quantum of the discrepancy and identified a number of fees requiring minor amendments (refer Supporting Information #1). The amendments relate to:

- wording changes to the fee name or the explanation of the fee;
- minor adjustments to the stated fee; and
- fees missed.

In addition, a change to the disposal of treated timber at our Waste Facilities is proposed requiring a change to the adopted fees and charges. It is proposed that the domestic disposal of treated timber be included in the current free disposal limits for residents. This change requires two current fees to be discontinued, and two existing fees amended to reflect the change proposed.

3. Strategic Implications

3.1 Legislative / Legal Implications

All cost recovery fees identified in the attached reports have been prepared in accordance with the *Local Government Act 2009*. The Act requires Council to adopt these fees by resolution or local law.

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 key strategic risk for Council in the setting of fees and charges is the projected revenue stream that they generate. Fees and charges revenue represent a sizeable portion of the Council's overall operating revenues and as such there is an element of risk associated with forecasting the expected revenue as many fees and charges are dependent on the level of economic activity and/or demand for Council services. To mitigate this risk, a conservative approach is taken as to the expected levels of revenue anticipated in the context of the fee and the current economic environment.

ITEM 6.7 FEES AND CHARGES 2023/24 - AMENDMENTS - 67371886 (Cont.)

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Fees and charges represent a significant component of Council's operational revenues and contributes toward funding various operational services provided. The amendments to the fees that have a price change are not considered material and no change to the Council's 2023/24 Budget is recommended.

3.7 Economic Benefit Implications

Whilst the fees and charges do not drive any direct economic benefit to the region they do act as a barometer in terms of the level of economic activity in the region as their charging can demonstrate the demand, or otherwise, for Council services.

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

- Executive leadership Team
- Relevant Council Departments

ITEM 6.8**FLOOD RESILIENT HOMES FUND - VOLUNTARY HOME BUY BACK PROGRAM**

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67252671 : 14 June 2023 - Refer **Confidential** Supporting Information 67323074 & 67356907
Responsible Officer: TO, Project Manager (Project Management) and RB, Property Transactions Coordinator (IP Property Services)

Executive Summary

In November 2022, as part of the Commonwealth and State governments' Resilient Homes Fund under the Voluntary Home Buy Back Program (**VHBB Program**), Council endorsed the acquisition of 33 residential properties (**Tranches 1 and 2**).

The purpose of this report is to advise Council of the proposed acquisition of an additional 35 residential properties (**Tranche 3**).

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it involves Council's participation in the Resilient Homes Fund, an initiative of State government to be delivered in collaboration with local government to respond to the needs of those affected by the 2021/22 flood events.

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 Mark Booth

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 13/0

1. That Council resolves to purchase the additional 35 properties listed in Confidential Supporting Information #1 for the purpose of the Queensland Reconstruction Authority (QRA) Voluntary Home Buy Back Program, where offers are made by QRA and accepted by property owners; and QRA has presented the property to Council for acquisition along with associated funding.
2. That Council delegates to the Chief Executive Officer the power to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 1 above, including without limitation to:
 - (a) negotiate, make, vary and discharge all documents relevant to affecting the decision; and
 - (b) all other things that are necessary to give effect to the purchase of the properties in accordance with the QRA offer.

ITEM 6.8 FLOOD RESILIENT HOMES FUND - VOLUNTARY HOME BUY BACK PROGRAM - 67252671 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolves to purchase the additional 35 properties listed in **Confidential Supporting Information #1** for the purpose of the Queensland Reconstruction Authority (QRA) Voluntary Home Buy Back Program, where offers are made by QRA and accepted by property owners; and QRA has presented the property to Council for acquisition along with associated funding.
2. That Council delegates to the Chief Executive Officer the power to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 1 above, including without limitation to:
 - a) negotiate, make, vary and discharge all documents relevant to affecting the decision; and
 - b) all other things that are necessary to give effect to the purchase of the properties in accordance with the QRA offer.

REPORT DETAIL

1. Background

As part of the Disaster Recovery Funding Arrangements (DRFA), the Commonwealth and Queensland governments have jointly funded \$741 million for the Resilient Homes Fund (RHF). The RHF comprises several programs including the Voluntary Home Buy Back Program (VHBB Program) and is administered by the Queensland Reconstruction Authority (QRA). Applications are invited from eligible homeowners to register their interest in the RHF. As part of this application process, homeowners can select their preferred RHF program, including the VHBB Program. Alternate RHF programs provide for repair work to improve flood resilience and works to raise eligible homes.

Voluntary home buybacks are considered on a case-by-case basis and take into consideration the risk to life and property experienced at that location either during the 2021-2022 disaster season or likely to be experienced in the future.

The VHBB Program provides funding to Local Government Authorities (LGAs) for the purchase of eligible properties, where it is determined that repairing, retrofitting or raising the property is not suitable to address the flood risk. Funding is provided to LGAs to facilitate the purchase of the house and land, its demolition/clearing/rehabilitation, and re-zoning to an appropriate and contextually suitable non-occupied use (i.e., such as open space/green corridors). If the LGA sells the land (which will only be permitted for non-occupied future users) or assets on the land (such as the home, to be relocated), the proceeds of such sale must be returned to the QRA.

Program prioritisation is based on the applicants' extent of damage in the 2021-2022 disaster season, flood risk exposure and socio-economic factors. Council officers provide QRA with a flood risk assessment for properties that have registered for the RHF to assist QRA in finalising eligible properties for the VHBB Program. Eligible properties must meet the following criteria:

- the property is located within one of the local government areas activated for DRFA;
- the property is a residence, whereby its primary use was not for business purposes at the time of inundation; and
- the property's residential building footprint was inundated by water during one or more of the 2021–2022 rainfall and flooding events listed below:
 - Central, Southern, and Western Queensland rainfall and flooding – 10 November to 3 December 2021;
 - Ex-tropical Cyclone Seth – 29 December 2021 to 10 January 2022;
 - South-east Queensland rainfall and flooding – 22 February to 5 April 2022; and
 - Southern Queensland flooding – 6 to 20 May 2022.

ITEM 6.8 FLOOD RESILIENT HOMES FUND - VOLUNTARY HOME BUY BACK PROGRAM - 67252671 (Cont.)

In November 2022, Council commenced the first round of residential property acquisitions (i.e., Tranches 1 and 2) following QRA approval of a list of eligible properties and Council endorsement of the purchase of these properties at the General Meeting on 16 November 2022 (Minute Page 22/1768):

RESOLUTION:

3. That Council resolve to purchase the properties listed in Confidential Supporting Information #1 & #2 for the purpose of the Queensland Reconstruction Authority (QRA) Voluntary Home Buy-Back Program, where offers are made by QRA and accepted by property owners; and QRA have presented the property to Council for acquisition along with associated funding.
4. That Council delegates to the Chief Executive Officer the power to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 1 above, including without limitation to:
 - a) negotiate, make, vary and discharge all documents relevant to effecting the decision; and
 - b) all other things that are necessary to give effect to the purchase of the properties in accordance with the QRA offer.

2. Explanation of Item

The QRA has commenced communicating with the registered owners of the Tranche 3 properties listed in **Confidential Supporting Information #1** to arrange independent property valuations. QRA will make offers to the property owners based on the independent valuation advice. Once an offer is accepted by a property owner, QRA will provide Council with a package of documentation including a draft REIQ contract which Council will progress to execute with the registered owner and transfer the property to Council.

Tranche 3 follows on from the 33 properties included in Tranches 1 and 2 and endorsed for acquisition by Council in its resolution of 16 November 2022. For Tranches 1 and 2, to date Council has received contract documents from the QRA for 28 properties, and it is likely that Council will acquire 28 of the original 33 properties.

Council has reviewed all Tranche 3 properties and determined these to be at sufficiently high flood risk (based on Council's existing flood information and/or a history of flooding) to align with the QRA determination that these properties are eligible for the VHBB Program. Where supported by the QRA's assessment and following the seller's acceptance of a letter of offer, Council will undertake the work to transfer those properties to Council. The funding for executed Tranche 3 purchases will be via additional QRA funding, currently being finalised.

Confidential Supporting Information #2 contains a map showing the locations of properties in the VHBB Program for Council.

Council officers will continue to update Council on progress in acquiring the properties in Tranche 3.

3. Strategic Implications

3.1 Legislative / Legal Implications

Council must comply with requirements of the *Local Government Act 2009*, *Local Government Regulation 2012*, *Property Law Act 1974* and *Land Title Act 1994* in relation to acquiring land.

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.

ITEM 6.8 FLOOD RESILIENT HOMES FUND - VOLUNTARY HOME BUY BACK PROGRAM - 67252671 (Cont.)

3.3 Policy Implications

Council Policy No: 2150-057 Resumptions and Acquisitions of Land sets out Council's position in relation to resumptions and acquisitions of land. The proposed acquisitions are not resumptions of land however are consistent with the policy in that they are acquisitions of land by agreement.

3.4 Risk Management Implications

QRA has provided a list of properties for Council's assessment. Council has reviewed all Tranche 3 properties and determined these to be at sufficiently high flood risk to support the QRA determination that these properties are eligible for the VHBB Program. Following the processing of Tranches 1 and 2 properties, Council has an established process in place for the property conveyance, executing contracts, responding to seller enquires, and the demolition and rehabilitation of acquired properties to manage associated risk.

3.5 Delegated Authority Implications

Council officers have recommended that the Chief Executive Officer be delegated the authority to do all things reasonable and necessary to acquire the properties as described in this report and in line with requirements of the QRA.

3.6 Financial Implications

The proposed acquisitions and associated additional project management costs will be funded by the Commonwealth and Queensland governments under the DRFA in the form of the RHF. The RHF is capped at \$350 million and allocated across 39 LGAs. It is not proposed that Council allocate any budget for these acquisitions. All costs associated with the remediation of properties after purchase are covered by the QRA.

On completion of the recovery of these sites, Council will become responsible for the ongoing maintenance and care of these sites. Each site will be incorporated into the Natural Areas maintenance programme funded through Operational Expenditure.

Due to the lateness of advice from QRA regarding the additional properties, the expenditure required to acquire these Tranche 3 properties has not been finalised and is not captured in Council's budget for 2023/2024 along with the revenue Council would receive from QRA to fund the acquisitions. While there is no impact to the budgeted net result, an adjustment will be required to the budget at the appropriate quarterly budget review.

3.7 Economic Benefit Implications

The proposed acquisition of residential properties in flood prone areas is expected to reduce costs for the community and all levels of government following future flood events.

3.8 Environmental Implications

The proposed acquisitions will form part of Council's property portfolio, enabling the acquired properties to be included in future planning of flood mitigation works to benefit the Region.

3.9 Social Implications

The VHBB Program will help the community become more resilient through the acquisition of properties by:

- a. reducing flood risk to residential properties by removing them from high-risk flood prone areas;
and
- b. reducing costs for the community and all levels of government following future flood events.

3.10 Human Rights Implications

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

ITEM 6.8 FLOOD RESILIENT HOMES FUND - VOLUNTARY HOME BUY BACK PROGRAM - 67252671 (Cont.)

3.11 Consultation / Communication

- Queensland Reconstruction Authority
- Emergency Management & Public Safety
- Drainage Waterways Coastal Planning
- Property Services
- Project Management
- Asset maintenance
- External Relations
- Legal Services

ITEM 6.9

ADOPTION OF GOVERNANCE MODEL - MILLOVATE PTY LTD

Meeting / Session: 6 ENGAGED COUNCIL
Reference: 67254160 : 14 June 2023
Responsible Officer: KD, Chief Legal Counsel (CEO Legal)

Executive Summary

As resolved by Council on 3 May 2023, the Chief Executive Officer conducted a review and audit of the governance documentation for Millovate Pty Ltd and recommends the changes incorporated within this Report.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as matters relating to beneficial enterprises are addressed under the *Local Government Act 2009* as a core governance arrangement for Council.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Karl Winchester

CARRIED 13/0

That Council resolves to appoint the Mayor (from time to time) as its representative pursuant to section 250D of the *Corporations Act 2001* (Cth) to exercise all or any of the powers of Council that it, as the member of Millovate Pty Ltd (the Company), may exercise at meetings of members of the Company, or relating to resolutions of that Company to be passed without meetings, except for the disposal of land pursuant to Clause 3.2 of the Statement of Corporate Intent of the Company or the annual budget pursuant to Clause 3.5 of the Statement of Corporate Intent.

ITEM 6.9 ADOPTION OF GOVERNANCE MODEL - MILLOVATE PTY LTD - 67252671 (Cont.)

OFFICER'S RECOMMENDATION

That Council resolves to appoint the Mayor (from time to time) as its representative pursuant to section 250D of the *Corporations Act 2001* (Cth) to exercise all or any of the powers of Council that it, as the member of Millovate Pty Ltd (the Company), may exercise at meetings of members of the Company, or relating to resolutions of that Company to be passed without meetings, except for the disposal of land pursuant to Clause 3.2 of the Statement of Corporate Intent of the Company or the annual budget pursuant to Clause 3.5 of the Statement of Corporate Intent.

REPORT DETAIL

1. Background

On 26 November 2019, Council resolved to establish a beneficial enterprise under the *Local Government Act 2009* to Council to ensure the optimal development of the Council-owned lots within the Priority Development Area (PDA) at The Mill at Moreton Bay. The registered name of the established company was Millovate Pty Ltd (Millovate).

Millovate was established to plan, deliver and activate The Mill at Moreton Bay, transforming the project site into a landmark destination for the Moreton Bay region, as well as South East Queensland. Millovate is focused on The Mill at Moreton Bay:

- Becoming a significant landmark destination in the heart of the Moreton Bay region
- Building capabilities in healthcare and wellbeing
- Delivering and supporting lifelong learning, innovation and research
- Providing world-class educational opportunities
- Delivering and supporting high-value employment opportunities, as well as talent creation, attraction and retention, that supports the region's continued economic development, and
- Elevating and delivering community aspirations and expectations.

2. Explanation of Item

As resolved by Council on 3 May 2023, the Chief Executive Officer conducted a review and audit of the governance documentation for Millovate Pty Ltd and recommends appointment of the Mayor to act as shareholder representative on behalf of Council as and when required, in accordance with the limitations noted in the recommendation above.

3. Strategic Implications

3.1 Legislative / Legal Implications

Under section 250D of the *Corporations Act 2001* (Cth), Council can appoint a shareholder representative to act on behalf of Council as and when required.

3.2 Corporate Plan linkage

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

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

Our Engaged Council: 02 We actively plan for the future and advocate in the best interests of our communities.

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

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ITEM 6.9 ADOPTION OF GOVERNANCE MODEL - MILLOVATE PTY LTD - 67252671 (Cont.)

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance is compatible with (and does not limit) a person's human rights.

3.11 Consultation / Communication

Millovate Pty Ltd
Mayor

ATTENDANCE

Cr Matt Constance retired from the meeting at 11.26am.

12. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

ITEM 12.1 QUEENSLAND DISK GOLF OPEN CHAMPIONSHIPS 2023

Cr Mick Gillam provided a short presentation highlighting the **Queensland Disk Golf Open Championships 2023** held at Pine Rivers Park on 7-9 July 2023. Cr Gillam said that the course is beautiful, noting that Council recently upgraded it from a 9-hole to an 18-hole course which opened in April 2023. The event had attracted 360 competitors, mainly from South East Queensland but also further afield, including one from America. Cr Gillam mentioned that the course is used regularly for other disk golf events and it is hoped the Australian Disk Golf Open will be held at the at Pine Rivers Park in two years' time.

Attachment #1 Presentation (67526794)

ITEM 12.2 REGIONAL EVENTS

Cr Adam Hain advised that Karen Weaver attended his office recently to thank the Council for its support provided since 2008, to her daughter through the softball club in Caboolture. **Melinda Weaver** was a member of the Australian Women's National Softball team and has recently been inducted into the Softball Australia Hall of Fame.

Cr Peter Flannery (Mayor) congratulated Melinda and noted the support provided to her through Council's grants program.

Cr Yvonne Barlow congratulated everyone connected with the very successful **Abbey Medieval Festival** held 8-9 July 2023 at the Abbey Museum. Cr Barlow said that the festival was a sell-out with massive crowds and that the jousting events were very popular with spectators.

Cr Yvonne Barlow referred to the **Pooches in the Park** event to be held this Sunday 23 July 2023 at Penson Park, Kallangur, saying that the event was very popular last year and encouraged everyone to bring a furry friend along for doggy treats and dog-friendly items that would be for sale.

13. CLOSED SESSION

(s254J of the Local Government Regulation 2012)

There were no confidential officers' reports as referred by the Chief Executive Officer nor confidential general business raised at the meeting.

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 11.32am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 23/1597 to 23/1669 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 19 July 2023.

Scott Waters
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 2 August 2023.

Paul Martins
Acting Chief Executive Officer

Councillor Peter Flannery
Mayor