



# AGENDA

## GENERAL MEETING

**Wednesday 9 December 2020**

commencing at 9.30am

Strathpine Chambers  
220 Gympie Road, Strathpine

Pursuant to section 277E of the Local Government Regulation 2012 it is considered not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19

**Accordingly, this meeting is physically closed to the public.**

However, will be live-streamed via a link on Council's website  
(access to the link will be available immediately prior to the meeting)

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### **COUNCILLOR:**

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 9 December 2020 commencing at 9.30am in Strathpine Chambers, 220 Gympie Road, Strathpine to give consideration to the matters listed on this agenda.

Greg Chemello  
Chief Executive Officer

3 December 2020

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Membership = 13  
Mayor and all Councillors

Quorum = 7

Agenda for public distribution

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**1. ACKNOWLEDGEMENT OF COUNTRY**

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

**2. OPENING PRAYER / REFLECTION**

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

**3. ATTENDANCE & APOLOGIES**

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**Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)

**Apologies:**

**4. MEMORIALS OR CONDOLENCES**

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

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

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**General Meeting - 25 November 2020 (Pages 20/1961 - 20/2036)**

**RESOLUTION** that the minutes of the General Meeting held 25 November 2020, be confirmed.

***Attachment #1 Unconfirmed Minutes - General Meeting 25 November 2020***

**6. PRESENTATION OF PETITIONS**

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

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

**7. CORRESPONDENCE**

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

## 8. COMMUNITY COMMENT

In accordance with Council's Policy 2150-062, the Community Comment session will not be conducted as this is the last General Meeting of Council for the calendar year.

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

*(s262 of the Local Government Regulation 2012)*

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

## 10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

### 10.1. Notice of Prescribed Conflict of Interest - Cr Cath Tonks

Cr Cath Tonks has notified the Chief Executive Officer of the following prescribed conflict of interest.

#### **Prescribed Conflict of Interest - Declaration - Cr Cath Tonks**

Pursuant to s150EL of the *Local Government Act 2009*, I declare a prescribed conflict of interest pertaining to requests from Council's commercial tenants seeking financial assistance as a result of the COVID-19 pandemic, as my sister Anne Stott, is an employee of one of the commercial tenants (the identification of which is confidential to the Council).

***Cr Tonks indicated she will not participate in decisions relating to this matter including discussion, debate and voting and will leave any 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 Councillor	Deputy Portfolio Councillor
1 Governance & Engagement	Cr P Flannery (Mayor)	Cr D Sims (Deputy Mayor)
2 Infrastructure Planning	Cr A Hain	C T Latter
3 Engineering, Construction & Maintenance	Cr B Savige	Cr C Tonks
4 Planning	Cr D Grimwade	Cr K Winchester / Cr M Booth
5 Community & Environmental Services	Cr M Gillam	Cr S Ruck
6 Finance & Corporate Services	Cr M Constance	Cr J Shipway



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**1 GOVERNANCE & ENGAGEMENT SESSION**

**(Cr P Flannery, Mayor)**

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**ITEM 1.1**

**DELEGATION - COUNCIL'S RECESS PERIOD - 10 DECEMBER 2020 TO 19 JANUARY 2021**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A20856856 : 23 November 2020  
*Responsible Officer:* DD (Manager Governance & Executive Services (FCS Exec Services))

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**Executive Summary**

Each year Council observes a recess period from the day following the last scheduled General Meeting of Council in December to the day before the resumption of Council meetings in January inclusive.

The purpose of this report is for Council to consider an amendment to Council Delegation Council-002 to give the Council's powers and duties under the *Local Government Act 2009* to the Chief Executive Officer in consultation with the Mayor, and as required during Council's recess period.

**OFFICER'S RECOMMENDATION**

1. That Council Delegation Council-002 be amended to read as follows:

"Pursuant to Section 257 of the *Local Government Act 2009*, the Council's powers and duties under the *Local Government Act 2009* be delegated to the Chief Executive Officer in consultation with the Mayor, and as required during the Council's recess period from 10 December 2020 to 19 January 2021 inclusive."

2. That the Chief Executive Officer report to Council about decisions made under the delegation in Recommendation 1.

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ITEM 1.1 DELEGATION - COUNCIL'S RECESS PERIOD - 10 DECEMBER 2020 TO 19 JANUARY 2021 - A20856856 (Cont.)

## REPORT DETAIL

### 1. Background

Each year Council observes a recess period from the day following the last scheduled General Meeting of Council in December to the day before the resumption of Council meetings in January inclusive.

### 2. Explanation of Item

Consequently, Council Delegation Council-002 should be amended to give the Chief Executive Officer Council's powers and duties under the *Local Government Act 2009* in consultation with the Mayor, and as required during the Council's recess period from 10 December 2020 to 19 January 2021 inclusive.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

Under section 257 of the *Local Government Act 2009*, Council may, by resolution, delegate a power under this Act or another Act to various parties including the Chief Executive Officer.

This delegation will be recorded in the Register of Delegations in accordance with s305 of the *Local Government Regulation 2012*.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

#### 3.5 Delegated Authority Implications

It is appropriate for this delegation of powers and duties during Council's recess period.

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

#### 3.11 Consultation / Communication

Should there be a need to exercise delegated powers/duties as a result of this report, the Chief Executive Officer will consult with the Mayor as required.

## ITEM 1.2

### ADOPTION OF COUNCIL POLICY - PROCUREMENT

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* A20886345 : 30 November 2020 - **Refer Supporting Information A20886289**  
*Responsible Officer:* JL, Financial Operations Manager (FCS Governance & Executive Services)

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#### **Executive Summary**

Council policies are reviewed for applicability, effectiveness, and consistency with relevant legislation, previous Council resolutions, and other Council documents.

The purpose of this report is to seek Council's consideration of the Procurement Policy. No changes are proposed at this time apart from minor updates to the Review Triggers to ensure the continued applicability and effectiveness of the policy in accordance with Council's Policy Framework.

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

1. That the Procurement Policy 2150-006 be adopted, as appearing in the supporting information to this report.
2. That the Local Preference Directive 2180-054 be reviewed by the Chief Executive Officer in consultation with Council by June 2021.

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ITEM 1.2 ADOPTION OF COUNCIL POLICY - PROCUREMENT - A20886345 (Cont.)

## REPORT DETAIL

### 1. Background

In accordance with Council's Policy Framework, policies are reviewed for applicability, effectiveness, and consistency with relevant legislation, previous Council resolutions, and other Council documents.

### 2. Explanation of Item

The Procurement Policy was previously considered by Council on 27 May 2020 adopting a Review Trigger for December 2020. At that time the substantive changes to the policy related to the inclusion of a 'Local Preference' objective to Council's procurement processes. The purpose of this objective is to proactively support local business and industry in the Moreton Bay Region.

A Local Preference Directive (2180-054) was also developed to assist Council officers in the implementation of the 'Local Preference' objective. Under Council's Policy Framework, operational directives are approved by the CEO as they support the implementation of Council policy.

Initially it was suggested that the implementation of this 'Local Preference' objective be reviewed in approximately six months (ie. December 2020) to assess its effectiveness.

In commencing this review officers considered the data from June-November 2020 which suggests the 'Local Preference' provisions in our procurement process has had a positive impact on the local economy with over \$59M being spent locally, which is an increase of 22.5% compared to the same period last year, with Council engaging over 620 local businesses.

Officers noted that additional data would enable a more comprehensive and meaningful review of the effectiveness of the 'Local Preference' objective to be undertaken and are therefore recommending no changes be made at this stage. It was also noted that any changes to the implementation of the 'Local Preference' objective would result in administrative changes to the Directive rather than the Policy. Therefore, it is suggested that:

- the Review Triggers for Procurement Policy (2150-006) be updated to reflect an annual review in accordance with the Local Government Regulation 2012 (see the supporting information to this report); and
- the Local Preference Directive (2180-054) be reviewed by the CEO in consultation with Council by June 2021.

Notwithstanding the information above, the Procurement Policy can be reviewed by Council at any time, should Council consider it beneficial to do so.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

This Policy has been developed in accordance with the *Local Government Act 2009* and the Local Government Regulation 2012.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

#### 3.3 Policy Implications

Council regularly reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents in accordance with the Policy Framework.

#### 3.4 Risk Management Implications

A risk for Council is that policies should be current and up-to-date. Section 198 of the Local Government Regulation 2012 requires that Council reviews its procurement policy annually.

# Moreton Bay Regional Council

*ITEM 1.2 ADOPTION OF COUNCIL POLICY - PROCUREMENT - A20886345 (Cont.)*

- 3.5 Delegated Authority Implications  Nil identified
- 3.6 Financial Implications  
Initial data to date shows that local suppliers' pricing is competitive, and that Council is not incurring large premiums associated with the 'Local Preference' objective.
- 3.7 Economic Benefit Implications  
The 'Local Preference' objective will grow jobs, support and develop local industry, and grow the local economy.
- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  Nil identified
- 3.10 Human Rights Implications  Nil identified
- 3.11 Consultation / Communication  
Director Finance & Corporate Services and Manager Governance & Executive Services have been consulted in the preparation of this report.

***SUPPORTING INFORMATION***

**Ref: [A20886289](#)**

The following list of supporting information is provided for:

**ITEM 1.2  
ADOPTION OF COUNCIL POLICY - PROCUREMENT**

***#1 Draft Procurement Policy - 2150-006***

**ITEM 1.3**  
**COMPLAINT MANAGEMENT POLICY**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* A20834202 : 27 November 2020 - **Refer Supporting Information A20359158**  
*Responsible Officer:* MP, Governance Manager (FCS Governance & Executive Services)

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**Executive Summary**

The purpose of this report is to present a revised Complaint Management Policy for Council's consideration.

**OFFICER'S RECOMMENDATION**

1. That the Complaints Process - Administrative Action Complaints Policy 11-2150-025 and Competitive Neutrality Complaints Policy 2150-032 be revoked.
2. That the Complaint Management Policy 2150-025 be adopted, as appearing in supporting information #1 to this report.

## ITEM 1.3 COMPLAINT MANAGEMENT POLICY - A20834202 (Cont.)

### REPORT DETAIL

#### 1. Background

On 24 June 2020 Council adopted a Governance and Integrity Program (GIP). The GIP provides an overarching framework for Council's governance and integrity initiatives and will assist officers to improve the coordination and reporting of Council's integrity systems.

Subsequently, officers have commenced/continued work on a range of projects to review and align Council's key governance and integrity frameworks and systems with the GIP. These projects have been prioritised in response to a range of recommendations made by the 2019 Organisational Review and by Council's Audit Committee.

The review of Council's approach to complaint management was completed in October 2020 and responds to recommendations made in the May 2019 Internal Audit Report - Complaints Management and advice from the Queensland Ombudsman.

The Audit Committee considered a proposed Complaint Management Framework on 12 November 2020 and approved the Complaint Management Policy to be submitted to Council for adoption.

#### 2. Explanation of Item

##### Complaint Management Framework Review Objectives

Council's Complaint Management Framework is a focus area under the GIP *Element 6: Innovation and Continuous Improvement*. The framework responds to a range of statutory obligations, and is currently made up of a number of policies, including:

- Administrative Action Complaints;
- Competitive Neutrality Complaints;
- Complaints about the Public Official;
- Investigations (focusing on inappropriate Councillor conduct);
- Public Interest Disclosures;
- Fraud and Corruption Control; and
- Unreasonable Complainant Conduct.

The purpose of the review of the existing Complaint Management Framework was to:

- **Simplify and modernise Council's existing complaint management framework** - by providing a comprehensive framework that enables visibility and oversight of all complaint types and formalises complaint recording and reporting practices.
- **Ensure alignment with industry best-practices** - including the Australian/New Zealand Standard for complaint management in organisations AS/NZS ISO 10002:2014 and guidance developed by the Queensland Ombudsman.
- **Meet a range of statutory obligations applying to Council** - including those under the *Local Government Act 2009*, the *Crime and Corruption Act 2001*, the *Public Interest Disclosure Act 2010*, the *Information Privacy Act 2009*, and the *Human Rights Act 2019* (e.g. public reporting of Council's performance in resolving administrative action complaints).
- **Enable the utilisation of complaints as a source of continuous improvement** - by ensuring the regular reporting of complaint data and trends to management; and monitoring the implementation of improvement actions as a specific role of the Governance team. The reporting and status monitoring of complaints will also become a governance requirement (such as a key performance indicator) within departments.



## ITEM 1.3 COMPLAINT MANAGEMENT POLICY - A20834202 (Cont.)

### **Revised Complaint Management Framework**

The revised Complaint Management Framework encompasses an integrated set of components (legislation, policies, best practices and other resources) that provide the foundations and organisational arrangements for managing complaints across the organisation. The key components of the Framework are:

- a new complaint management policy;
- a new complaint management procedure;
- customisation of roles and responsibilities within the Framework;
- upgraded and aligned complaint management recording and reporting system;
- provision of ongoing complaint management training and awareness; and
- simplified and aligned related policies and directives.

The Framework will reduce the number of existing complaint-related policies in line with Council's new Policy Framework.

### **Complaint Management Policy**

The Complaint Management Policy (supporting information #1) is intended to form the keystone of Council's revised Framework. It outlines Council's commitment to an efficient and effective complaints management system that:

- is customer focussed;
- is consistent, fair and equitable;
- values customer feedback; and
- focusses on continuous improvement.

The Policy defines customer complaints, articulates Council's complaint management principles, identifies how to make a customer complaint; and explains the complaint handling process at a high level. It also requires periodic reporting about complaints to Council's Audit Committee.

### **Next Steps**

Subject to adoption of the Policy, work will continue across the organisation to finalise the revised Complaint Management Procedure and design a new fit-for-purpose complaint management system within TechOne.

The Procedure will outline the process by which Council receives, records, assesses, investigates, resolves and reports on complaints as well as define the various complaint categories, types and management pathways. The Procedure will be approved by the CEO in accordance with Council's Policy Framework.

Targeted communications and training plans will then be developed and commence in the first quarter 2021 to train staff about the Complaint Management Framework along with their roles and responsibilities.

## **3. Strategic Implications**

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

Council has a range of statutory responsibilities in relation to complaint management under various Queensland Acts, including the *Local Government Act 2009*, the *Crime and Corruption Act 2001*, the *Public Interest Disclosure Act 2010*, the *Information Privacy Act 2009*, and the *Human Rights Act 2019*. The Complaint Management Framework will support Council to comply with these obligations.

### **3.2 Corporate Plan / Operational Plan**

Strengthening Communities: Strong local governance - strong leadership and governance.

*ITEM 1.3 COMPLAINT MANAGEMENT POLICY - A20834202 (Cont.)*

3.3 Policy Implications

The Complaint Management Policy will form the keystone of Council's Complaint Management Framework and has been developed in accordance with Council's Policy Framework. The Complaint Management Policy will replace the current Complaints Process - Administrative Action Complaints Policy (No: 11-2150-025) and Competitive Neutrality Complaints Policy (No: 2150-032) and additional operational directive and/or procedures developed where required.

3.4 Risk Management Implications

The Complaint Management Policy and broader framework will assist Council to positively identify and address risks.

3.5 Delegated Authority Implications

Delegated authority implications will be considered during implementation, and improvements will be recommended where they are identified.

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

The Complaint Management Policy and supporting Procedure will assist Council in its identification of, and response to, complaints about human rights matters.

3.11 Consultation / Communication

The Policy has been informed by internal consultation with the Legal Services Team, TechOne Project Team and Executive Management Team. It has been considered by the Audit Committee.

**SUPPORTING INFORMATION**

**Ref: [A20359158](#)**

The following list of supporting information is provided for:

**ITEM 1.3  
COMPLAINT MANAGEMENT POLICY**

***#1 Draft Complaint Management Policy - 2150-025***

**ITEM 1.4**  
**ENTERPRISE RISK MANAGEMENT POLICY**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* A20864074 : 27 November 2020 - **Refer Supporting Information A20099426 & A20883125**  
*Responsible Officer:* MP, Governance Manager (FCS Governance & Executive Services)

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**Executive Summary**

The purpose of this report is to present a revised Enterprise Risk Management (ERM) Policy for Council's consideration.

**OFFICER'S RECOMMENDATION**

That the revised Enterprise Risk Management Policy 2150-020 be adopted, as appearing in supporting information #1 to this report.

ITEM 1.4 ENTERPRISE RISK MANAGEMENT POLICY - A20864074 (Cont.)

## REPORT DETAIL

### 1. Background

On 24 June 2020 Council adopted the Governance and Integrity Program (GIP). The GIP provides an overarching framework for Council's governance and integrity initiatives and will assist officers improve the coordination and reporting of Council's integrity systems.

Subsequently, officers have commenced or continued to work on a range of projects to review and align Council's key governance and integrity frameworks and systems with the GIP. These projects have been prioritised in response to a range of recommendations made by the 2019 Organisational Review and by Council's Audit Committee.

Governance and Executive Services commenced a review of the ERM Framework in April 2020. O'Connor Marsden and Associates (OCM) were engaged as consultants to support the review and provide input to the development of a change management and training plan. The review responds to the recommendations in the November 2018 Internal Audit Report - Enterprise Risk Management Framework and industry best practice.

The Audit Committee considered the revised ERM Framework on 12 November 2020 and approved the ERM Policy to be submitted to Council for adoption.

### 2. Explanation of Item

#### ERM Review Objectives

Council's ERM Framework is a focus area under the GIP *Element 5: Proactive management of corporate risks and opportunities*. The current ERM Framework is outdated and aligned with the Australian/New Zealand Standard for Risk Management AS/NZS ISO 3100:2009.

In considering Council's ERM framework, the Executive Management Team set a goal for Council to achieve an 'integrated' level of maturity for the organisation's risk management practices consistent with the criteria as set out in the Queensland Audit Office (QAO) risk management maturity model.

The review of Council's ERM Framework is intended to:

- **Modernise Council's enterprise risk management framework** - by clearly defining Council's risk appetite statement and risk acceptance criteria, widening the scope of risk management to encompass both threats and opportunities, creating an integrated approach, providing consistent risk terminology, and improving risk recording and reporting practices.
- **Ensure alignment with industry best-practices** - including the new Australian/New Zealand Standard for Risk Management AS/NZS ISO 31000:2018 and guidance developed by the Queensland Audit Office including its risk management maturity model.
- **Meet the statutory obligations applying to Council** - including those under the *Local Government Act 2009*, *Work Health and Safety Act 2011* and related Regulations.
- **Embed risk management as core business enabling continuous improvement** - by embedding risk management as a shared responsibility of all officers across the organisation, and ensuring its integration into Council's strategic, operational and financial planning, budgeting and project prioritisation processes.

## *ITEM 1.4 ENTERPRISE RISK MANAGEMENT POLICY - A20864074 (Cont.)*

### **ERM Framework**

The revised ERM Framework encompasses an integrated set of components (legislation, policies, best practices and other resources) that provide the foundations and organisational arrangements for managing risk across the organisation. Key changes include:

- an updated ERM Policy;
- an updated ERM Procedure;
- an articulated risk and opportunities appetite statement;
- incorporation of the 'lines of defence' governance and assurance model;
- establishment of a Risk Management Group responsible for oversight and monitoring;
- review and customisation of roles and responsibilities within the ERM Framework;
- upgraded ERM recording and reporting systems;
- provision of ongoing risk management training and awareness; and
- integration of the risk management process with Council's planning and budget processes.

### **ERM Policy**

The revised ERM Policy is intended to form the keystone of Council's revised ERM Framework. It outlines Council's commitment to adopting a strategic, consistent and proactive enterprise-wide approach to risk management and embed a positive risk culture throughout the organisation.

In particular, the Policy provides for:

- commitment to manage both risks and opportunities;
- changes to the definition risk to include both threats and opportunities;
- changes to the levels of risk to include strategic, service delivery and project risks;
- changes to the categories of risk to include nine categories; and
- inclusion of risk management principles aligned to AS/NZS ISO 31000:2018.

It also requires regular reporting of risks and trends to the Audit Committee.

### **Council's Risk Appetite Statement**

Council's risk appetite is defined as the amount and type of risk it is willing to accept in the achievement of its strategic vision and objectives, and delivery of its services and projects.

The revised ERM Policy outlines at a high-level, Council's obligation to its stakeholders to ensure that it does not accept high levels of risk that might impact on community wellbeing, amenity or the ongoing sustainability and viability of Council.

The revised ERM Procedure further articulates Council's risk and opportunity appetite providing a baseline risk appetite for each of the nine risk categories along with examples of these as outlined in supporting documentation #2. It further defines three levels of opportunities that Council seeks to pursue.

The inclusion of an opportunity appetite statement is an important step in the maturity of Council's risk management practices. These appetite statements will be reviewed annually as part of the annual operational planning and budget process, or more frequently to adapt to changing conditions.

### **Next Steps**

Subject to adoption of the Policy, the revised ERM Procedure will be approved by the CEO in line with Council's Policy Framework. The Procedure outlines Council's risk and opportunities appetite statement, provides the detailed process for identifying, assessing and managing risks and opportunities, articulates key roles and responsibilities, and continuous monitoring and reporting requirements.

A targeted communications and training plan will then be developed and commence in the first quarter 2021 to empower and educate employees about the risk management process along with their roles and responsibilities, together with updating current risk registers.

ITEM 1.4 ENTERPRISE RISK MANAGEMENT POLICY - A20864074 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The ERM Policy will assist Council to positively manage its legislative obligations in relation to risk, including those under the *Local Government Act 2009* and the *Work Health and Safety Act 2011* and related Regulations.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

#### 3.3 Policy Implications

The revised ERM Policy will form the centrepiece of Council's revised ERM Framework. It has been developed in accordance with Council's Policy Framework and relevant legislation.

#### 3.4 Risk Management Implications

The ERM Policy will assist Council to positively manage its risks and opportunities and achieve an integrated level of risk management maturity. The management of opportunities or positive risk is an important step in this transition and supports the direction of Council's innovation investment.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications                                 Nil identified

3.7 Economic Benefit Implications                     Nil identified

3.8 Environmental Implications                         Nil identified

3.9 Social Implications                                     Nil identified

3.10 Human Rights Implications                         Nil identified

#### 3.11 Consultation / Communication

Targeted engagement and consultation with key management stakeholders across the organisation, the Executive Management Team, and the Audit Committee have informed the development of the revised ERM Policy.

**SUPPORTING INFORMATION**

**Ref: [A20099426](#) & [A20883125](#)**

The following list of supporting information is provided for:

**ITEM 1.4  
ENTERPRISE RISK MANAGEMENT POLICY**

***#1 Draft Enterprise Risk Management (ERM) Policy - 2150-020***

***#2 Extract from Council's Enterprise Risk Management Procedure***



**ITEM 1.5**  
**FRAUD AND CORRUPTION CONTROL POLICY**

*Meeting / Session:* 6 FINANCE AND CORPORATE SERVICES SESSION  
*Reference:* A20824195 : 16 November 2020 - **Refer Supporting Information A20193367**  
*Responsible Officer:* MP, Governance Manager (FCS Governance & Executive Services)

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**Executive Summary**

The purpose of this report is to present a revised Fraud and Corruption Control Policy for Council's consideration.

**OFFICER'S RECOMMENDATION**

That the Fraud and Corruption Control Policy 2150-031 be adopted, as appearing in the supporting information to this report.

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ITEM 1.5 FRAUD AND CORRUPTION CONTROL POLICY - A20824195 (Cont.)

## REPORT DETAIL

### 1. Background

On 24 June 2020 Council adopted the Governance and Integrity Program (GIP). The GIP provides an overarching framework for Council's governance and integrity initiatives and will assist officers to improve coordination and reporting of Council's integrity systems.

Subsequently, officers have commenced/continued work on a range of projects to review and align Council's key governance and integrity frameworks and systems with the GIP. These projects have been prioritised in response to a range of recommendations made by the 2019 Organisational Review and by Council's Audit Committee.

A review of the Fraud and Corruption Control Framework commenced in mid-2020. This included an independent review of Council's framework using the Queensland Audit Office (QAO) Fraud and Corruption Self-Assessment Tool to identify areas where Council can improve its fraud controls.

The Audit Committee considered the revised Fraud and Corruption Control Framework on 12 November 2020 and approved the Fraud and Corruption Control Policy to be submitted to Council for adoption.

### 2. Explanation of Item

#### Fraud and Corruption Control Framework Review Objectives

Council's Fraud and Corruption Control Framework is a focus area under the GIP *Element 5: Proactive management of corporate risks and opportunities*. The current Fraud and Corruption Policy and Plan are required to be reviewed at least once every two years.

The review of Council's Fraud and Corruption Control Framework is intended to:

- **Simplify and modernise Council's fraud and corruption control framework** - by reducing the number of fraud and corruption control documents and developing a single streamlined policy and plan, and improving fraud incident recording and reporting practices.
- **Ensure alignment with industry best-practices** - including the Australian Standard for Fraud and Corruption Control AS8001-2008, the QAO Fraud and Corruption Self-Assessment Tool and more recent guidance developed by the Crime and Corruption Commission in its *Fraud and Corruption Control: Guidelines for Best Practice 2018*.
- **Meet a range of statutory obligations applying to Council** - including those under the *Local Government Act 2009*, the *Crime and Corruption Act 2001*, and the *Public Interest Disclosure Act 2010* (e.g. the requirement to report material and reportable losses to the Auditor General and Minister for Local Government).

The Fraud and Corruption Control Framework is also an integral part of Council's Enterprise Risk Management (ERM) Framework.

#### Fraud and Corruption Control Framework

The revised Fraud and Corruption Control Framework encompasses an integrated set of components (legislation, policies, best practices and other resources) that provide the foundations and organisational arrangements for the management of fraud and corruption across the organisation. Key changes include:

- an updated Fraud and Corruption Control Policy; and
- an updated Fraud and Corruption Control Plan.
- updated fraud and corruption control strategies;
- upgraded fraud and corruption incident recording and reporting system;
- incorporation of the 'lines of defence' governance and assurance model;
- clarification of the role of the Fraud and Corruption Risk Control Group;
- review and customisation of roles and responsibilities within the Framework;
- confirmation of fraud reporting pathways including through Council's Whistleblower hotline; and
- provision of ongoing fraud awareness and training programs.

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ITEM 1.5 FRAUD AND CORRUPTION CONTROL POLICY - A20824195 (Cont.)

## Fraud and Corruption Control Policy

The revised Fraud and Corruption Control Policy is intended to form the keystone of Council's revised framework. It outlines Council's commitment to a holistic, robust and consistent approach to the prevention and management of fraud and corruption and embedding an ethical culture.

In particular, the Policy provides for:

- confirmation of Council's zero tolerance attitude for fraud and corruption;
- alignment with Council's enterprise risk management framework;
- confirmation of Councillor and employee obligations to report suspected fraud and corruption; and
- an outline of Council's statutory reporting obligations at the high level.

It also requires regular reporting of fraud risks and trends to the Audit Committee.

## Next Steps

Following adoption of the Policy, the revised Fraud and Corruption Control Plan will be approved by the CEO in accordance with Council's Policy Framework. The Plan outlines Council's fraud and corruption control strategies built around the principles of prevention, detection and response, articulates key roles and responsibilities, continuous monitoring, evaluation and reporting requirements.

A targeted communications and training plan will then be developed and commence in the first quarter 2021 to empower and educate employees about fraud risk awareness along with their roles and responsibilities with regard to fraud prevention and detection, and fraud reporting pathways.

## 3. Strategic Implications

### 3.1 Legislative / Legal Implications

Council has a range of statutory obligations in relation to the detection, management and reporting of suspected fraud and corruption under the *Local Government Act 2009*, the *Crime and Corruption Act 2001*, and the *Public Interest Disclosure Act 2010*. The revised Fraud and Corruption Control Framework has been developed to assist Council to continue meeting these obligations.

### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

### 3.3 Policy Implications

The revised Fraud and Corruption Control Policy will form the centrepiece of Council's revised Framework. It has been developed in accordance with Council's Policy Framework and relevant legislation.

### 3.4 Risk Management Implications

The revised Fraud and Corruption Control Framework will continue to assist Council to positively address fraud and corruption risks.

### 3.5 Delegated Authority Implications Nil identified

### 3.6 Financial Implications

Under the Fraud and Corruption Control Framework, the potential and actual costs to Council of fraud and corruption, are actively monitored and will be reported to the Audit Committee.

### 3.7 Economic Benefit Implications Nil identified

### 3.8 Environmental Implications Nil identified

### 3.9 Social Implications Nil identified

*ITEM 1.5 FRAUD AND CORRUPTION CONTROL POLICY - A20824195 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Targeted consultation with key management stakeholders, the Executive Management Team, and the Audit Committee have informed the development of the revised Fraud and Corruption Control Policy and Plan.

***SUPPORTING INFORMATION***

**Ref: [A20193367](#)**

The following list of supporting information is provided for:

**ITEM 1.5  
FRAUD AND CORRUPTION CONTROL POLICY**

***#1 Draft Fraud and Corruption Control Policy - 2150-031***

## ITEM 1.6 POLICY FRAMEWORK IMPLEMENTATION

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* A20184466 : 19 November 2020 - **Refer Supporting Information A20869282**  
*Responsible Officer:* MP, Governance Manager (FCS Governance & Executive Services)

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### **Executive Summary**

The purpose of this report is to make recommendations to Council about policies which may be replaced with operational directives in line with the revised Policy Framework adopted on 3 June 2020.

The proposed changes are intended to align Council's policies more closely with the roles of Council and the Chief Executive Officer (CEO) under the *Local Government Act 2009 (LGA)*.

### **OFFICER'S RECOMMENDATION**

1. That the policies contained in Table 1 of this report be replaced with operational directives, noting that each policy will continue to be in force until an operational directive approved by the Chief Executive Officer is in place.
2. That the Policies contained in Table 2 of this report be revoked as they are no longer required.

ITEM 1.6 POLICY FRAMEWORK IMPLEMENTATION - A20184466 (Cont.)

**REPORT DETAIL**

**1. Background**

Council commenced a review of its Policy Framework in September 2019. The review aimed to ensure Council's policies continue to meet all legislative requirements, be fit-for-purpose, and are consistent with contemporary practices across the sector.

Following this review, Council adopted a revised Policy Framework in June 2020. The revised Policy Framework provided for a number of changes to policy development and management across Council that will assist in maintaining a modern, best practice suite of policies. These include:

- the separation of Council policy which is strategic and public in nature from operational policy matters (e.g. usage of the corporate logo) in a revised policy hierarchy;
- providing for the CEO to adopt operational directives, in accordance with the responsibilities and delegations of the CEO under the LGA; and
- introducing standard four-year policy review periods and sunset clauses where appropriate.

A Council Briefing was conducted on 18 November 2020 to provide summary information about these proposed changes to Councillors. In line with Council's Decision-Making Framework an extract from the minutes of the briefing is provided below.

**The CEO noted the way forward:**

The categorisation of policies provided at today's briefing session be finalised for Council's consideration at its meeting on 9 December 2020 in accordance with the new policy framework.

Divisional Newsletters Policy

Officers to give further consideration to the transfer of this policy to an operational directive.

**2. Explanation of Item**

**Policies recommended to be replaced with operational directives**

In implementing the revised Policy Framework, policy owners across the organisation have reviewed each of Council's existing policies and considered whether it is necessary to retain a Council policy on the matter, or whether it may be more appropriate to replace it with an operational directive, where required.

Consequently, it is proposed the policies in Table 1 will be replaced with an operational directive which is approved by the CEO. These policies relate to largely administrative or operational matters that are the CEO's responsibility under the LGA (e.g. managing employees). Further details about each policy are summarised in supporting documentation #1.

**Table 1. Policies to be replaced by operational directives**

<b>Policies to be replaced by operational directives</b>
1. Use of the Moreton Bay Regional Council Corporate Identity
2. Corporate Social Media
3. Divisional Newsletters
4. Film Production on Council-controlled Land
5. Website Maintenance and Requests for Separate Websites
6. Related Parties
7. Gifts, Sponsored Hospitality Benefits, Awards and Prizes <u>(Employees)</u>
8. Outside Employment
9. Lone and Remote Worker
10. Special Natural Disaster Leave
11. Conflict of Interest <u>(Employees)</u>
12. Unauthorised Recording

ITEM 1.6 POLICY FRAMEWORK IMPLEMENTATION - A20184466 (Cont.)

<b>Policies to be replaced by operational directives</b>
13. Drug and Alcohol
14. Workplace Health and Safety
15. Volunteers of Council
16. Recording of Mayor and Councillor Correspondence
17. Information and Communication Technology Security

Subject to Council's approval, these policies will be replaced with operational directives. The policies will continue to be in force until an operational directive approved by the Chief Executive Officer is in place.

It is important to note that the Divisional Newsletters Policy was considered further by officers. It is suggested that it be replaced with an operational directive as these newsletters are predominately operational in nature as they are a key communications mechanism for Council.

It is also important to note that policies addressing any of these matters can be re-introduced by Council at any time, should Council consider it beneficial to do so.

**Policies recommended to be revoked**

The review of each of Council's policies also identified three policies which are recommended to be revoked at this time as their policy objectives have either been achieved, or are achieved via alternative and more appropriate means. These policies are detailed in Table 2 below, with additional detail summarised in supporting documentation #1.

**Table 2. Policies to be revoked**

<b>Policy</b>
1. Minor Operational Works Program
2. Release of Survey and Research Data
3. Dress Code – Councillor and Officer Attendance at General and Committee Meetings

Given these policies are no longer required to achieve their objectives, it is not envisaged that new policies/operational directives contemplating these matters would be required in the foreseeable future.

**3. Strategic Implications**

Together, these actions will significantly reduce the burden of policy review work that is required to be completed each year, thereby enabling Council to maintain a current, high quality suite of strategic policies.

3.1 Legislative / Legal Implications

The recommendations contained within this Report are made in accordance with the separate responsibilities of Councillors and the CEO defined under the *LGA*.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

The recommendations contained within this report are consistent with Council's adopted Policy Framework.

3.4 Risk Management Implications

The recommendations contained within this report will assist Council and the CEO to manage risks associated with their roles under the *Local Government Act 2009*.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  Nil identified



*ITEM 1.6 POLICY FRAMEWORK IMPLEMENTATION - A20184466 (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  Nil identified

3.11 Consultation / Communication

The Executive Management Team and relevant policy owners have been consulted and are supportive of these recommendations.

**SUPPORTING INFORMATION**

**Ref: [A20869282](#)**

The following list of supporting information is provided for:

**ITEM 1.6  
POLICY FRAMEWORK IMPLEMENTATION**

***#1 Policies to be replaced by operational directives***

***#2 Policies to be revoked***

**ITEM 1.7**  
**DISCRETIONARY FUNDS - GOLDEN VALLEY KEPERRA CLUB INC CHANGE OF PROJECT SCOPE**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* A20901528 : 2 December 2020  
*Responsible Officer:* LK, Executive Support Officer (FCS Governance & Executive Services)

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**Executive Summary**

The Council makes discretionary funds available each financial year to community organisations for community purposes in accordance with Council's Discretionary Funds Policy, Availability Notice and Guidelines.

At its General Meeting on 22 July 2020 Council considered an eligible application for discretionary funds from the Golden Valley Keperra Lions Club Inc in the amount of \$3,000 for the annual 'The Hills Community Carols' event. This matter was considered by Council as a perceived conflict of interest was declared by Cr Constance in relation to this application. At this meeting the Council resolved:

Ex. General Meeting held 22 July 2020 (Page 20/1330)

That the application by Golden Valley Keperra Lions Club Inc under Council's Discretionary Funds Policy, for the 'The Hills Community Carols', be approved in the amount of \$3,000 from the Division 10 allocation.

Council has received a change of scope request from the Golden Valley Lions Club Inc to conduct this event predominately online for a total cost of \$1,500. Golden Valley Lions Club Inc will return to Council the unspent \$1,500.

Given the perceived conflict of interest declared by Cr Constance, this report seeks Council's direction in accordance with Council's adopted procedure. Where a Councillor has a real or perceived conflict of interest in a discretionary funds application, the conflicted Councillor may decide to not deal with the application (including change of scope requests), and the application is to be considered at Council's General Meeting.

**OFFICER'S RECOMMENDATION**

Council direction is sought in relation to the change of scope request by Golden Valley Keperra Lions Club Inc for 'The Hills Community Carols', for the amount of \$1,500.

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*ITEM 1.7 DISCRETIONARY FUNDS - GOLDEN VALLEY KEPERRA CLUB INC CHANGE OF PROJECT SCOPE - A20901528 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Due to COVID-19 restrictions, it is proposed that the 'Hills Community Carols' be an online event streamed from Arana Hills Church of Christ from 5pm on Saturday 5 December (in lieu of the usual outdoor event in George Willmore Park, Ferny Hills).

### **2. Explanation of Item**

As mentioned above, in accordance with Council's adopted procedure, where a Councillor has a real or perceived conflict of interest in a discretionary funds application, the conflicted Councillor may decide to not deal with the application (including change of scope requests), and the application is to be considered at Council's General Meeting. Therefore, Council direction is sought in relation to the change of scope request by Golden Valley Keperra Lions Club Inc for 'The Hills Community Carols' event.

Small groups of people will be encouraged to gather and watch Christmas Carols being performed online in their homes. The live stream will also include a visit from Santa, possible live crosses to nearby streets and a 'Christmas chalk walk' (decorating footpaths with Christmas chalk art).

It is anticipated that the cost for this revised event will be \$1,500 and these funds will be used for:

- Hire of additional sound, lighting and equipment;
- Chalk packs to support Christmas chalk art competition;
- Advertising;
- Printing of materials; and
- Decorations.

Golden Valley Lions Club Inc have indicated that they will return to Council the unspent \$1,500 from the original Discretionary Funds request.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications  
Arrangements will be made in accordance with Council's Discretionary Funds Policy 2150-101.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
Funds have been allocated to the Golden Valley Keperra Lions Club Inc and the change of scope request is eligible under the 2020/21 Discretionary Funds guidelines. Golden Valley Lions Club Inc have indicated that they will return to Council the unspent \$1,500 from the original Discretionary Funds request.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

*ITEM 1.7 DISCRETIONARY FUNDS - GOLDEN VALLEY KEPERRA CLUB INC CHANGE OF PROJECT SCOPE - A20901528 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

The Manager Governance and Executive Services has been consulted in relation to the preparation of this report.

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## 2 INFRASTRUCTURE PLANNING SESSION

(Cr A Hain)

### **Conflict of Interest (previously notified) - Cr Sandra Ruck**

Cr Sandra Ruck, having previously declared a conflict of interest in this matter (General Meeting 28 October 2020), will retire from the meeting.

### **ITEM 2.1**

### **QUEENS BEACH NORTH TRIAL DOG OFF-LEASH AREA ARRANGEMENTS**

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* A20845953 : 30 November 2020  
*Responsible Officer:* WM, Parks and Recreation Planning Manager (IP Parks & Recreation Planning)

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#### **Executive Summary**

Council implemented trial arrangements to establish dog off-leash access to Queens Beach North, Scarborough, initially with restricted hours of use which was subsequently increased to 24-hour dog off-leash access. Dog off-leash access has been in effect under these trial arrangements for a considerable period and extensive feedback has been received on the matter, both in favour of, and against the trial arrangements.

There are no other dog off-leash areas on foreshores within the Redcliffe Peninsula, however it is acknowledged that there is continued demand for such facilities amongst the community.

There are numerous constraints that need to be addressed before any dog off-leash areas can be permitted to operate on a permanent basis on foreshores and beaches within the Redcliffe Peninsula, and it would be prudent to formally gauge community opinion to enable Council to make an informed decision on how to proceed.

As a consequence of the feedback received, it is proposed to continue the trial over a reduced area of the beach for a further period of approximately four months, during which time community consultation will be undertaken. The extent of the off-leash area is proposed to encompass the area from the Drury Point rock groyne in the north to a large stormwater outlet pipe at the end of Griffith Road in the south. (Refer Figure 1)

The outcomes of the trial and community feedback will subsequently be reported to Council to enable a final decision on the matter.

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

1. That amended trial arrangements for dog off-leash activities at Queens Beach North as detailed in recommendation 2 below, be endorsed.
2. That from 10 December 2020 Council designates the area of Queens Beach North identified in Figure 1 of this report, as an area where a dog is not required to be on a leash.
3. That a formal community consultation process be undertaken between 10 December 2020 and 19 February 2021 to inform Council as to whether the designated dog off-leash area referred to in Recommendation 2 should continue to operate, be amended or cease operation.
4. That a report be provided to Council on the outcome of the community consultation process to allow Council to make a formal decision on the future use of the trial area.
5. That Council officers review existing signage to ensure that the designated dog off-leash area is clearly identified and advises patrons that outside the designated off-leash area, dogs are not permitted to be off-leash.

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ITEM 2.1 QUEENS BEACH NORTH TRIAL DOG OFF-LEASH AREA ARRANGEMENTS - A20845953 (Cont.)

**REPORT DETAIL**

**1. Background**

Council has received numerous requests in the past several years to establish dog off-leash access to beaches and foreshores on the Redcliffe Peninsula. A restricted-hours trial arrangement was initially established at Drury Point which was subsequently relocated to Queens Beach North, firstly with limited hours and then altered to unrestricted hours of operation.

Queens Beach North is known to be a popular foreshore location which has historically been frequented by many user groups for recreation activities, and dogs have previously been permitted on the beach whilst "on leash".

Council has subsequently received considerable community feedback both in support of, and against the continuation of the trial arrangement. Council is in receipt of reports of inappropriate behaviours by dogs and their owners leading to conflict between beach and foreshore users, as well as nearby residents. Council has also received petitions regarding the matter, indicating the community remains strongly divided on the issue of unrestricted off-leash activities on well patronised beaches.

**2. Explanation of Item**

There are concerns within the local community that the manner in which Council implemented the trial arrangements did not include sufficient opportunity for engagement. Local residents, in particular, have advised that the implementation of the trial did not give them any structured opportunity to express views or provide feedback.

At times the use of the area as a dog off-leash area has resulted in conflict between dog owners and other beach users, including local residents. This may in part be due to a perception held by some dog owners that the arrangement granted them exclusive use rights to the beach, which is not the case. Council officers will review existing signage to ensure the designated trial dog off-leash area is clearly identified and advises patrons that outside the designated off-leash area, dogs are not permitted to be off-leash.

Further matters that require consideration before Council could permanently implement dog off-leash activities on beaches include:

- Establishing whether compliance with the requirements of Legislation and State Government guideline documents can be achieved;
- A requirement to comply with Council's draft Dog Off-leash Area Design Guideline;
- Any migratory shorebird activities as migratory shorebirds are recognised as a matter of national environmental significance under the *Environmental Protection and Biodiversity Conservation Act 1999* and are also protected under State legislation and international conventions.
- There are also some areas on the Redcliffe Peninsula known to support marine turtle nesting, however this is understood to be infrequent.

In order to progress the matter, it is proposed that Council undertakes a formal community consultation process prior to taking a final decision as to whether the designated dog off-leash trial area should continue to operate, be amended or cease operation.

It is proposed to continue the trial over a reduced area of the beach for a further period of approximately four months, during which time community consultation will be undertaken. The extent of the off-leash area is proposed to encompass the area from the Drury Point rock groyne in the north to a large stormwater outlet pipe at the end of Griffith Road in the south, providing a beach length of approximately 425m. (Refer Figure 1)

ITEM 2.1 QUEENS BEACH NORTH TRIAL DOG OFF-LEASH AREA ARRANGEMENTS - A20845953 (Cont.)



Figure 1 Extent of Dog Off-leash Area

It is proposed that a formal community consultation process will be undertaken between 10 December and 19 February 2021, to ensure the community is appropriately informed and engaged, and the opportunity for feedback is provided, with a report to Council to follow.

The report will consider whether the Queens Beach North trial dog off-leash area arrangements will become permanent, be amended or cease operation, having regard for the outcomes of the community consultation process, Council policy and guidelines, relevant legislation and associated State Government guidelines.



ITEM 2.1 QUEENS BEACH NORTH TRIAL DOG OFF-LEASH AREA ARRANGEMENTS - A20845953 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

*The Environment Protection and Biodiversity Conservation Act 1999, Nature Conservation Act 1992, Marine Parks Act 2004* and associated draft State Government Guidelines governing the Moreton Bay Marine Park will be considered as part of this trial.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - a council connected with its community.

#### 3.3 Policy Implications

Nil identified

#### 3.4 Risk Management Implications

Any environmental and community risks associated with dog off-leash arrangements on beaches will be further identified and managed as part of the trial.

#### 3.5 Delegated Authority Implications

Nil identified

#### 3.6 Financial Implications

Minor operational costs will be incurred related to changes to current signage.

#### 3.7 Economic Benefit Implications

Nil identified

#### 3.8 Environmental Implications

Monitoring will be undertaken to identify any environmental impacts associated with dog off-leash activities on beaches.

#### 3.9 Social Implications

Community opinion is currently strongly divided, and an appropriate engagement process will be implemented to inform and capture feedback from the community.

#### 3.10 Human Rights Implications

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

#### 3.11 Consultation / Communication

To ensure the community is appropriately informed and engaged, a community consultation process will be undertaken to obtain community feedback regarding the trial of dog off-leash activities on the beach.

**ITEM 2.2**

**ADOPTION OF COUNCIL POLICY - INFRASTRUCTURE ASSET MANAGEMENT**

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING

*Reference:* A20847880 : 18 November 2020 - **Refer Supporting Information A16478476**

*Responsible Officer:* JF, Asset Management Manager (IP Asset Management)

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**Executive Summary**

Council policies are reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents, as required, or at least once every four years, in accordance with Council's adopted Policy Framework.

The purpose of this report is to seek Council's consideration of the Infrastructure Asset Management Policy 2150-043, as appearing in the supporting information to this report.

**OFFICER'S RECOMMENDATION**

That the Infrastructure Asset Management Policy 2150-043 be adopted, as appearing in the supporting information to this report.

*ITEM 2.2 ADOPTION OF COUNCIL POLICY - INFRASTRUCTURE ASSET MANAGEMENT - A20847880 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Council policies are reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents, as required, or at least once every four years in accordance with Council's Policy Framework. The most recent version of Policy 2150-043 - Infrastructure Asset Management was adopted by Council on 18 April 2017.

In order to align with the internationally recognised asset management standards - ISO55000, Council is required to regularly review its infrastructure asset management policy.

The Asset Management Department is charged with the accountability of managing Council Assets in a strategic and sustainable manner. This involves the implementation and review of Asset Management practices and processes to ensure Council assets are managed in an integrated and effective way, and ensures optimum cost and utilisation across the entirety of an asset's lifecycle.

### **2. Explanation of Item**

An explanation of the objective, policy summary, and any amendments made to the identified policy is outlined below:

#### Policy 2150-043 - Infrastructure Asset Management

**Objective:** To ensure Council's infrastructure assets are managed and maintained efficiently and effectively over their lifecycle to maximise services for the Moreton Bay Region community in a safe, resilient and sustainable manner.

**Policy Summary:** Council makes significant investments in its infrastructure assets to support its core business of delivering services to the community. Council is committed to managing its infrastructure assets in a safe, holistic and sustainable manner, to enrich and enhance the community's quality of life for the present and the future.

To achieve this, Council will implement and maintain an infrastructure asset management system, consistent with the ISO55000 series of standards for infrastructure asset management and based on the lifecycle of each infrastructure asset.

Council's infrastructure asset management system will prioritise continuous improvement in the provision of services and infrastructure across the Moreton Bay Region and provide the following benefits:

- clarity and consistency concerning responsibilities of stakeholders for key asset groups and services;
- optimal levels of service to balance community expectations within resource constraints, both currently and in the future;
- compliance with relevant standards and obligations including technical, financial, risk, environmental, and legal requirements;
- awareness by Council staff of sound infrastructure asset management practices including strategic planning through to daily activities, integrating this awareness in Council's culture;
- financial, environmental and social sustainability for the provision of services and facilities to Council's community;
- a focus on innovation in the management of assets including alternative treatment methods, digital innovation and optimising interventions to extend asset lives and reduce operational costs;
- integration of infrastructure asset management with the corporate planning process including the Council's Corporate Plan and Long-Term Financial Forecast; and
- a focus on managing the security, integrity, quality and completeness of asset data.

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*ITEM 2.2 ADOPTION OF COUNCIL POLICY - INFRASTRUCTURE ASSET MANAGEMENT - A20847880 (Cont.)*

Council will implement its infrastructure asset management system through continuous review and improvement of its Strategic Asset Management Plan (SAMP), with the following features:

- individual infrastructure portfolio asset management plans
- process improvement recommendations;
- long-term financial projections for individual infrastructure asset portfolios; and
- direct linkages to Council's long-term financial forecast and Council's financial asset registers.

**Overview of amendments:** The policy has been refined to more clearly include contributed assets within the scope of the policy. Additionally, minor wording changes have been made to reflect that a strategic asset management framework is already in place and that this framework is being continually improved, rather than developed.

The new policy together with a track changes version of the policy, that was previously presented to EMT for review, are attached for reference.

### **3. Strategic Implications**

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

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- (1) A local government must prepare and adopt a Long-Term Asset Management Plan.*
- (2) The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.*
- (3) The period stated in the plan must be 10 years or more.*

Additionally, Section 168 of the Local Government Regulation 2012 states that Council's Long-term Asset Management Plan must:

- (a) provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and*
- (b) state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and*
- (c) be part of, and consistent with, the long-term financial forecast.*

#### **3.2 Corporate Plan / Operational Plan**

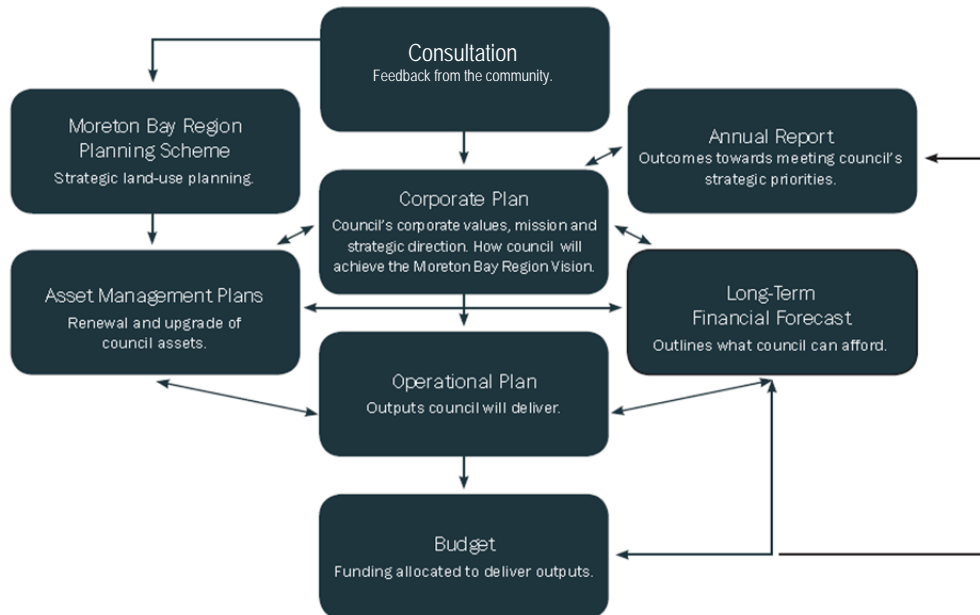
Strengthening Communities: Strong local governance - strong leadership and governance.

Council is committed to achieving the community's vision for the Moreton Bay Region. This vision represents a thriving region of opportunity where our communities enjoy a vibrant lifestyle and is structured upon three key elements; creating opportunities, strengthening communities and valuing lifestyle. These three tiers are underpinned by concepts such as local jobs for residents, strong local governance, and quality recreation and cultural opportunities.

The SAMP and supporting Asset Management Plans (AMPs) have direct linkages with other corporate documents as illustrated in the diagram below:

ITEM 2.2 ADOPTION OF COUNCIL POLICY - INFRASTRUCTURE ASSET MANAGEMENT - A20847880 (Cont.)

**Figure 1 - Asset Management within MBRC Statutory Planning Context**



As mentioned above, these plans inform Council's long term financial forecast in relation to costs associated with new, renewal and upgrade of assets. The plan also guides Council's Corporate Plan in relation to what Council intends to achieve, in relation to strategic asset management and informs Council's capital works program which forms part of the Operational Plan and Budget.

3.3 Policy Implications

This Policy has been developed in accordance with Council's adopted Policy Framework.

3.4 Risk Management Implications

This Policy supports the compliance with relevant risk standards and obligations.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

Council has responsibility for infrastructure assets valued in excess of \$5.5 billion. The Infrastructure Asset Management Policy forms the keystone for Council's strategic asset management framework and is an essential element for sustainable and cost-effective lifecycle management of the assets required to provide Council services to the community.

3.7 Economic Benefit Implications

Sustainable provision and management of MBRC's assets supports economic growth across the region. Additionally, a well-managed asset portfolio improves the overall amenity of the region and is highly valued by the community.

3.8 Environmental Implications

The effective management of MBRC's assets assists in improving environmental outcomes.

3.9 Social Implications

The timely and cost-effective management of MBRC's assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

# Moreton Bay Regional Council

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## *ITEM 2.2 ADOPTION OF COUNCIL POLICY - INFRASTRUCTURE ASSET MANAGEMENT - A20847880 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication  
Executive Management Team, in accordance with the Policy Framework.

**SUPPORTING INFORMATION**

**Ref: [A16478476](#)**

The following list of supporting information is provided for:

**ITEM 2.2**

**ADOPTION OF COUNCIL POLICY - INFRASTRUCTURE ASSET MANAGEMENT**

***#1 Infrastructure Asset Management Policy - 2150-043***

## ITEM 2.3 STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* A20798444 : 17 November 2020 - **Refer Supporting Information A20610586**  
*Responsible Officer:* JF, Asset Management Manager (IP Asset Management)

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### Executive Summary

The purpose of this report is to present the Stormwater Quality Asset Management Plan (AMP) to Council for adoption.

A Stormwater Quality Asset Management Plan (AMP) has been developed which includes the stormwater basins and stormwater quality improvement device (SQID) assets throughout the region. Council currently has 945 basins, with a replacement value of \$26M, and 2293 SQIDS, with a replacement value of \$19M.

The Stormwater Quality Asset Management Plan proposes that Council should implement a more planned maintenance program to complement the current maintenance program, and accordingly increase the total maintenance budget from the current level of \$1.5M p.a. to \$4.23M p.a. (progressive increase to FY2025 onwards). The AMP also proposes that Council increases the capital renewals allocations to \$500K p.a. commencing financial year 2022, with a progressive increase to \$1.4M p.a. from financial year 2039 onwards.

The combined operational and capital funding increases will return the existing asset base to an adequate condition that is consistently maintained appropriately over a longer term horizon. This will significantly improve the amenity and function of these assets. Additionally, the risk of health and safety issues will be minimised along with the risk of expensive and premature asset replacement expenditure.

### OFFICER'S RECOMMENDATION

1. That the Stormwater Quality Asset Management Plan be adopted, as tabled.
2. That provision be made in the next long term financial forecast for the capital and maintenance funding required to progressively improve and upgrade Council's stormwater quality asset network to meet the standards of service outlined in the Stormwater Quality Asset Management Plan. The recommended budget allocations are outlined below:
  - Increase the current budgets for planned and reactive maintenance from the current level of \$1.5M per annum to \$1.95M per annum in FY2022/23, \$2.70M in FY2023/24, \$3.45M in FY2024/25 and \$4.23M per annum from FY2025/26 onwards.
  - Continue to invest in new stormwater quality device acquisitions as per the current Local Government Infrastructure Plan (LGIP) program, or subsequent reviews of LGIP (currently forecast at \$131M over the next 20 years).
  - Adjust the stormwater quality portfolio capital works budget from the current project-based allocations to provide:
    - i. \$500,000 per annum for renewals from FY2022/23 to FY2030/31; then
    - ii. increasing by \$100,000 per annum up to an annual recurrent budget of \$1.4M per annum from FY2039 onwards.



ITEM 2.3 STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN - A20798444 (Cont.)

**REPORT DETAIL**

**1. Background**

A Council Briefing was conducted on 4 November 2020 for the purpose of sharing information and providing advice/views to Council on the matter, and to receive Councillor feedback and input.

Council Briefing outcomes were noted as follows:

- That regular condition and defect assessments of all stormwater quality assets and implementation of preventative maintenance schedules undertaken with recommendation for funding increases.
- That a further review of Indicative 25 Year Forward Capital Works program be undertaken and engagement with Planning to develop guidelines for design of Stormwater Basins / SQIPDs for new developments.
- That a Council report be submitted to the General Meeting for consideration of adoption of the Stormwater Quality Portfolio Asset Management Plan.

As part of the ongoing development of Council’s asset management planning, a Stormwater Quality Asset Management Plan has been developed including the basins and stormwater quality improvement device (SQID) assets throughout the region. The table and figures below summarise Council’s asset types and quantities, asset condition, financial value, age profile and expected useful life within this portfolio.

Basin Type	Description/sub-types	Qty	Expected Useful life (Years)	Current Age Range (Years)	Current Replacement Cost
<b>Lake</b>	Large artificial or naturally occurring permanent bodies of water having a water surface area greater than 2000m <sup>2</sup> .	113	40	0-50	N/A
<b>Pond</b>	Small artificial or naturally occurring permanent bodies of water having a water surface area less than 2000m <sup>2</sup> .	106	40	0-50	N/A
<b>Constructed Wetland</b>	Artificial vegetated bodies of water designed to treat stormwater runoff through mimicking processes performed by natural wetlands.	66	25	0-30	\$6.3M
<b>Sediment Basin</b>	Artificial bodies of water designed to capture and remove sediment from stormwater runoff.	52	70	0-30	\$3.2M
<b>Bioretention System</b>	Artificial stormwater systems designed to treat stormwater runoff by passing stormwater runoff through a vegetated filter media.	608	25	0-20	\$16.9M
<b>Total</b>		<b>945</b>			<b>\$26.4M</b>

**Table 1 - Stormwater Treatment Basins**

ITEM 2.3 STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN - A20798444 (Cont.)

SQID Type	Description/sub-types	Qty	Expected Useful life (Years)	Current Age Range (Years)	Current Replacement Cost
<b>Floating Booms</b>	Floating booms designed to collect and retain floating gross pollutants in open drainage channels.	4	15	0-12	\$0.2M
<b>Gross Pollutant Trap (GPT)</b>	Structures installed to capture gross pollutants that have entered the piped stormwater network.	328	70	0-40	\$16.5M
<b>Litter Basket</b>	Baskets installed in catchpits to capture and retain gross pollutants.	1178	15	0-15	\$0.4M
<b>Sediment Trap</b>	Structures (concrete forebays, weirs etc.) installed at pipe outlets to capture and retain sediment.	361	40	0-30	\$1.5M
<b>Trash Rack and Screens</b>	Structures (screens, nets etc.) installed at pipe outlets to capture and retain gross pollutants.	422	20-40	0-50	\$0.6M
<b>Total</b>		<b>2293</b>			<b>\$19.2M</b>

Table 2 - Stormwater Quality Improvement Devices (SQIDs)

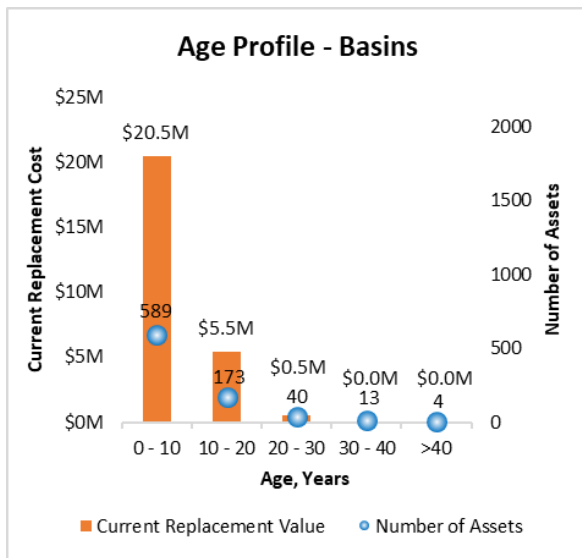


Figure 1 - Age Profile - Basins

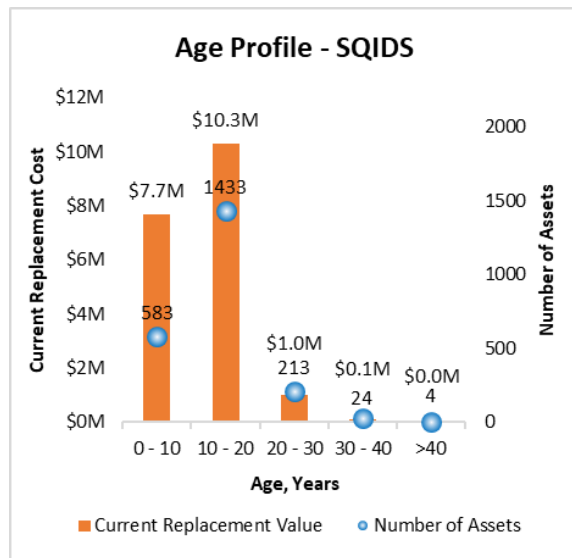


Figure 2 - Age Profile - SQIDS

ITEM 2.3 STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN - A20798444 (Cont.)

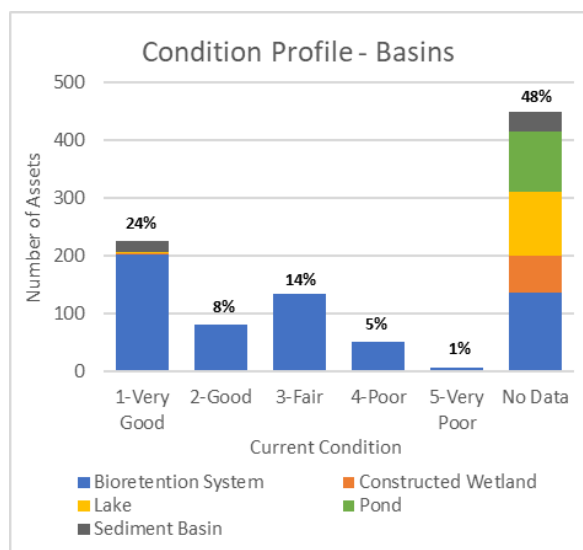


Figure 3 - Condition Profile - Basins

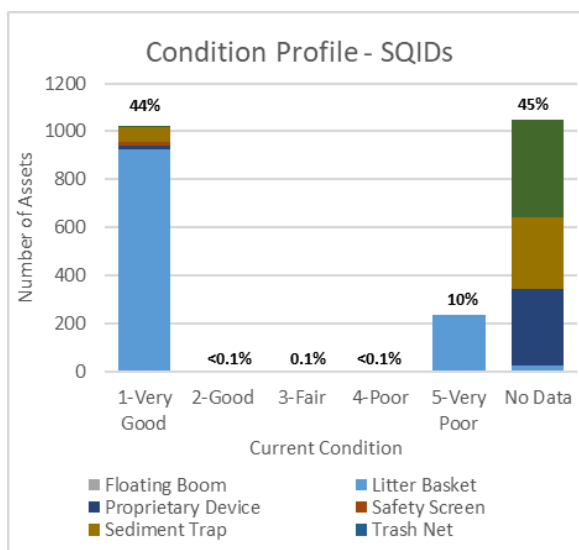


Figure 4 - Condition Profile - SQIDS

There are several assets within this portfolio that are in poor and very poor condition which require immediate attention.

The Stormwater Quality Asset Management Plan (AMP) and recommendations have been provided as supporting information to this Council report and outlines this information in further detail.

**2. Explanation of Item**

The Stormwater Quality Asset Management Plan has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of stormwater quality assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a condition state 5 (very poor)

**Condition**

Understanding the condition of the stormwater quality assets is important for their effective management. Moreton Bay Regional Council (MBRC) performed a condition assessment on these assets in 2017. Section 5 of the attached Stormwater Quality Portfolio Asset Management Plan lists the condition of these assets. The most recent condition information is yet to be reflected in Council’s Long Term Financial Forecast and budget.

It is noted that Condition 1 rating is very good with a Condition 5 rating meaning an asset is in a very poor condition. There are several assets within this portfolio that are in a poor or very poor condition. There are several assets that are yet to be condition assessed and once this information is collected, the attached asset management plan and financial forecasts will be updated and presented to Council for consideration.

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ITEM 2.3 STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN - A20798444 (Cont.)

## **Key Issues**

- Keeping the Moreton Bay Region's waterways free from pollution and debris relies on maintaining operability and functionality of the stormwater quality systems. Many of these systems require a high level of routine and programmed maintenance to ensure the assets are fit for purpose to function as intended.
- Several of the high value asset types have a relatively short expected life (25 years or less) compared to most local government infrastructure assets with typical lives of 70 years or more. Based on the current age profile, many of the bioretention basins and constructed wetlands are expected to start reaching the end of their expected life in the near future. There is already almost \$3.0M worth of assets in poor or very poor condition, the majority of that amount being attributed to poor condition bioretention basins
- Whilst most Stormwater Quality Improvement Devices (SQIDs) are 'built' hard assets and need little maintenance apart from regular cleaning, basins typically have vegetated components that require regular planned and routine maintenance i.e. they are "living" assets. Early in the life of the assets the maintenance regime can be relaxed, but as the assets age significantly more maintenance is required. Even though it is intended to increase the maintenance funding over the next 3 years, the AMP has identified that further increases will be required to maintain the stormwater quality assets to a functional level to provide the community and technical levels of service desired.
- Council is also receiving over 100 new stormwater quality assets from developers every year, and this is forecast to continue or increase as land development and population continues to increase across the region Council also constructs new devices as outlined in Council's Local Government Infrastructure Plan (LGIP) schedules.
- If budget allocations are not adjusted, there is an increased risk that the stormwater quality devices will not function as intended. This may result in substandard services being provided by the assets, ongoing customer complaints and pollution of our natural waterways.

## **Maintenance Strategy**

The recommended maintenance strategy should incorporate additional proactive maintenance with the aim of reducing reactive maintenance, preventing defects and prolonging the useful life of stormwater quality assets. The goal of proactive maintenance is to maintain stormwater quality assets in condition state 1 or 2 and prevent deterioration to an unacceptable state.

Stormwater quality assets will deteriorate over time due to accumulation of sediments and litter, pollution shocks and natural degradation, and they are expensive to repair. Therefore, it is most cost effective to proactively maintain the asset or to intervene and repair as soon as possible after defects have been identified to limit the impact on community and minimise the cost of repairs.

A stormwater quality defect repair program is proposed to ensure that adequate funding is set aside to maintain these assets to a high standard. Other routine maintenance that will be introduced and scheduled includes:

- Inlet/outlet cleaning
- Litter & debris removal
- Vegetation & weed management
- Minor erosion & scour repair
- SQID cleaning

## **3. Strategic Implications**

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

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- (1) *A local government must prepare and adopt a Long-Term Asset Management Plan.*
- (2) *The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.*
- (3) *The period stated in the plan must be 10 years or more.*

ITEM 2.3 STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN - A20798444 (Cont.)

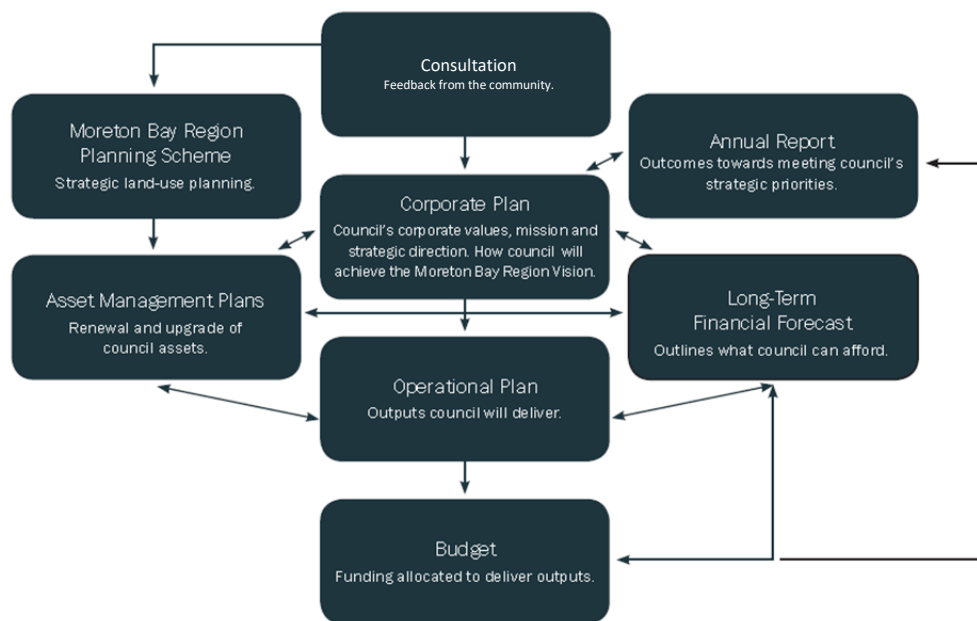
Additionally, Section 168 of the Local Government Regulation 2012 states that Council’s Long-term Asset Management Plan must:

- (a) provide for strategies to ensure the sustainable management of the assets mentioned in the local government’s asset register and the infrastructure of the local government; and
- (b) state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and
- (c) be part of, and consistent with, the long-term financial forecast.

3.2 Corporate Plan / Operational Plan

Council is committed to achieving the community’s vision for the Moreton Bay Region. This vision represents a thriving region of opportunity where our communities enjoy a vibrant lifestyle and is structured upon three key elements; creating opportunities, strengthening communities and valuing lifestyle. These three tiers are underpinned by concepts such as local jobs for residents, strong local governance, and quality recreation and cultural opportunities.

The SAMP and supporting AMPs have direct linkages with other corporate documents as illustrated in the diagram below (Figure 5):



**Figure 5 - Asset Management within MBRC Statutory Planning Context**

As mentioned above, these plans inform Council’s long term financial forecast in relation to costs associated with new, renewal and upgrade of assets. The plan also guides Council’s Corporate Plan in relation to what Council intends to achieve, in relation to strategic asset management and informs Council’s capital works program which forms part of the Operational Plan and Budget.

3.3 Policy Implications

The Infrastructure Asset Management Policy (Policy No. 12-2150-043) was adopted by Council on 18 April 2017.

3.4 Risk Management Implications

Risk management associated with stormwater quality assets are included in the plan.

ITEM 2.3 STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN - A20798444 (Cont.)

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

To date, there has been limited budget allocation assigned for the renewal, repair and proactive maintenance of stormwater quality assets. Should these budget allocations continue, the condition profile of this portfolio will deteriorate as follows (Figure 6):

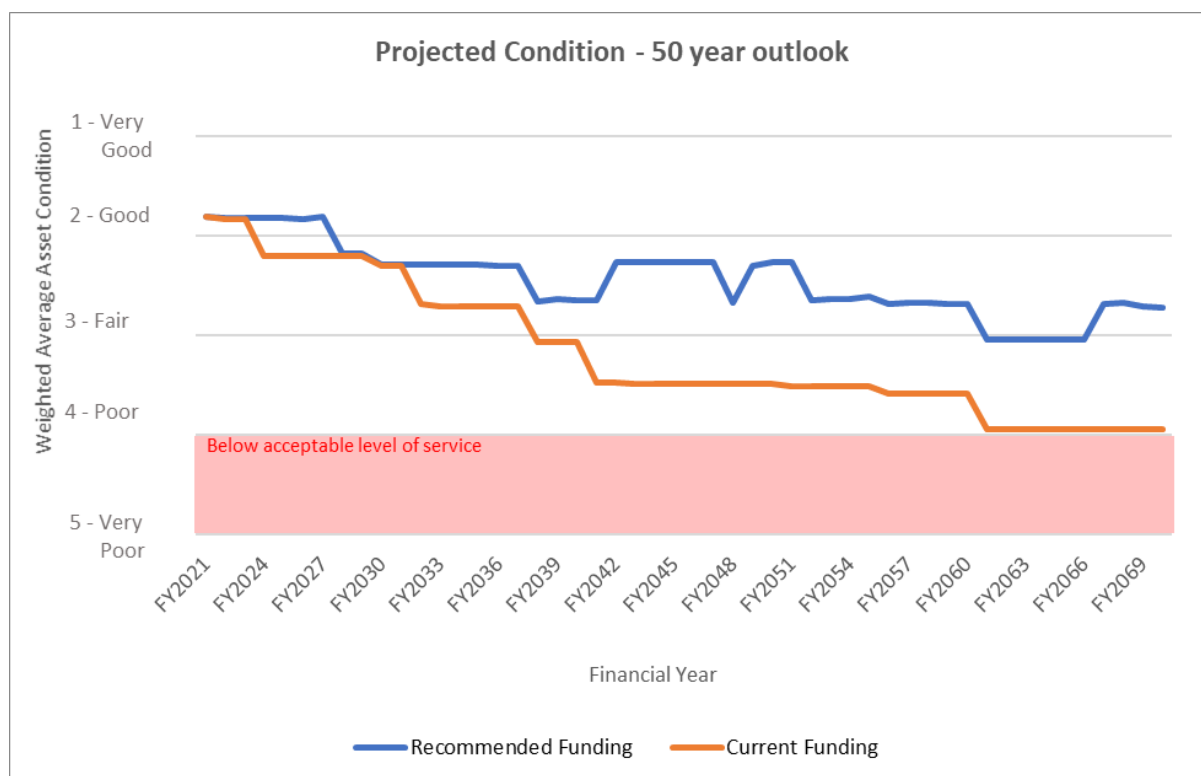


Figure 6 - Condition Profile Deterioration based on funding allocations

The recommended budget allocations are outlined below:

- Increase the current budgets for planned and reactive maintenance from the current level of \$1.5M p.a. to \$1.95M in FY2022/23, \$2.70M in FY2023/24, \$3.45M in FY2024/25 and \$4.23M per annum from FY2025/26 onwards.
- Continue to invest in new stormwater quality device acquisitions as per the current LGIP program, or subsequent reviews of LGIP (currently forecast at \$131M over the next 20 years).
- Adjust the stormwater quality portfolio capital works budget from the current project-based allocations to provide:
  - \$500,000 per annum for renewals from FY2022/23 to FY2030/31, then
  - increasing by \$100,000 per annum up to an annual recurrent budget of \$1.4M per annum from FY2039 onwards

Should these recommended budget allocations be adopted into the next long term financial forecast, the predicted condition profile of the stormwater quality asset portfolio will be in a much-improved position for the Council and will minimise the risk of future large lump sum replacement expenditure.

## ITEM 2.3 STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN - A20798444 (Cont.)

As per Council's strategic asset management framework, it is imperative that Council adopts a more proactive approach to managing stormwater quality assets with the inclusion of a preventative and routine maintenance budget as outlined above. The proactive approach will extend the life of assets and minimise the risk of assets reaching a state beyond repair, where expensive full replacement costs would otherwise be incurred.

The recommended funding increases, both for renewal / replacement and routine maintenance, will allow Council to achieve its strategic asset management objectives including:

- Organisational commitment to effective asset management
- Managing risk appropriately
- Delivery of services to agreed standards
- Optimise asset performance
- Minimize asset failure through earlier intervention

### 3.7 Economic Benefit Implications

Sustainable provision and management of MBRC's stormwater quality assets supports economic growth across the region. Additionally, a well-managed stormwater quality portfolio improves the overall amenity of the region and is highly valued by the community.

### 3.8 Environmental Implications

The effective management of MBRC's stormwater quality assets assists in improving environmental outcomes. Failure to adequately maintain these devices can lead to water quality impacts on the downstream receiving waters.

### 3.9 Social Implications

The timely and cost-effective management of MBRC's stormwater quality assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

### 3.10 Human Rights Implications

Nil identified

### 3.11 Consultation / Communication

MBRC officers and Councillors have been consulted in the preparation of this plan.

**SUPPORTING INFORMATION**

**Ref: [A20610586](#)**

The following list of supporting information is provided for:

**ITEM 2.3**

**STORMWATER QUALITY PORTFOLIO ASSET MANAGEMENT PLAN**

***#1 Stormwater Quality Portfolio Asset Management Plan***



## ITEM 2.4 ROAD BRIDGES PORTFOLIO ASSET MANAGEMENT PLAN

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* A20751284: 09 November 2020 - **Refer Supporting Information A20689496**  
*Responsible Officer:* JF, ASSET MANAGEMENT MANAGER (IP Asset Management)

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### Executive Summary

The purpose of this report is to present the Road Bridges Asset Management Plan (AMP) to Council for adoption.

A Road Bridges Asset Management Plan (AMP) has been developed to create a long term asset management strategy for Council's 83 road bridge assets, valued at around \$178m replacement cost. The Road Bridges Asset Management Plan proposes that Council implement a new preventative maintenance program to complement the current reactive maintenance program, and accordingly increase the total maintenance budget from the current level of \$466k pa to \$881k p.a. The AMP also proposes that Council increases the capital renewals allocations to \$125k p.a. commencing financial year 2022, with an increase to \$875k from financial year 2028 onwards.

The combined operational and capital funding increases will maintain the existing asset base to an adequate condition that is consistently maintained appropriately over a longer term horizon. This will increase the life of the assets, significantly reduce the risk of bridge closures, health and safety risks and will minimise the likelihood of expensive lump sum replacement expenditure in the future.

### OFFICER'S RECOMMENDATION

1. That the Road Bridges Asset Management Plan be adopted, as tabled.
2. That provision be made in the next long term financial forecast for the capital and maintenance funding required to progressively improve and upgrade Council's road bridge network to meet the standards of service outlined in the Road Bridges Asset Management Plan. The recommended budget allocations are outlined below:
  - a) Retain the current reactive maintenance budget of \$466,000 per annum;
  - b) Introduce a new "preventative maintenance" budget of \$415,000 per annum from FY2021/22 onwards; and
  - c) Adjust the road bridge capital works budget to provide \$125,000 in FY2022/23, increasing by \$125,000 per annum up to an annual recurrent budget of \$875,000 per annum from FY2028/29 onwards.

ITEM 2.4 ROAD BRIDGES PORTFOLIO ASSET MANAGEMENT PLAN - A20751284 (Cont.)

**REPORT DETAIL**

**1. Background**

A Council Briefing was conducted on 7 October 2020 for the purpose of sharing information and providing advice/views to Council on the matter, and to seek Councillor feedback and input.

Council Briefing outcomes were noted as follows:

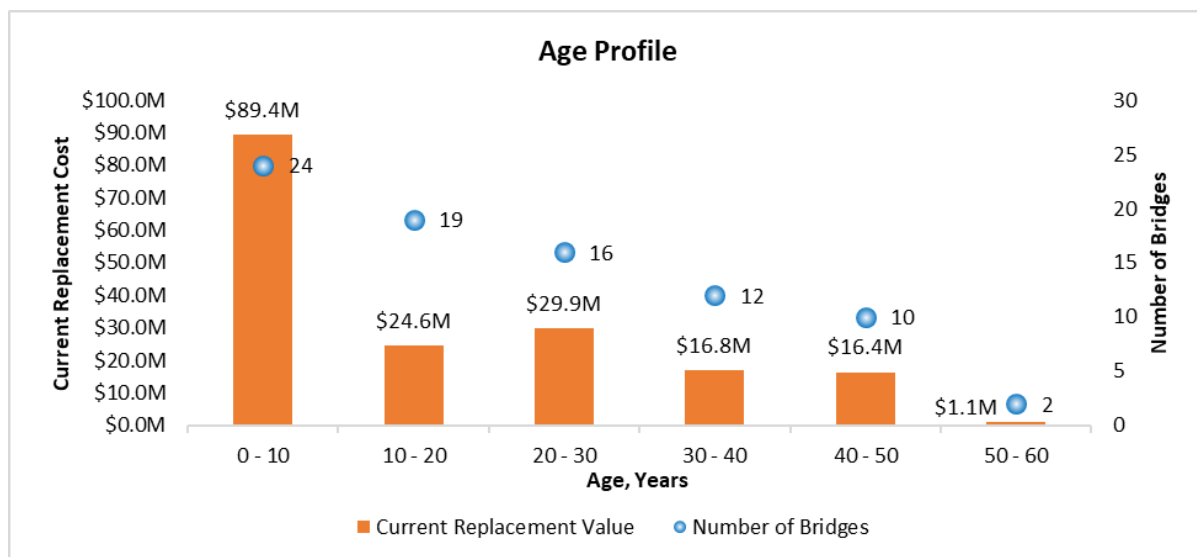
- Funding recommendations will be included as a line item as part of long term financial forecast (LTFF) discussions
- Coordination of associated works when undertaken bridge updates - e.g. footpaths off a bridge to be extended along complete street (if deemed appropriate)
- Future bridges to be handed over to Council as an asset
- Next iteration of Asset Management Plan will include those assets that will also necessitate re-modelling of funding recommendations to accommodate those assets
- Road Bridges Portfolio Asset Management Plan to be finalised and presented to Council for adoption.

As part of the ongoing development of Council's asset management planning, a Road Bridges Asset Management Plan has been developed including the 83 road bridge assets across the region. The table and graphs below summarise Council's asset base, material type, asset condition, financial value, age profile and expected useful life within this portfolio.

Construction Material	Qty	Expected Useful life (Years)	Age Range (Years)	Current Replacement Cost, \$ Million
Concrete	80	100	1 to 53	\$ 176.5
Steel	1	80	10	\$ 1.1
Timber	2*	50	8-10	\$ 0.6
<b>Total</b>	<b>83</b>			<b>\$ 178.2</b>

\*only one of the timber bridges is open to traffic

**Table 1 - Road Bridges Asset Information**



**Figure 1 - Road Bridges Age and Replacement Value Profile**

ITEM 2.4 ROAD BRIDGES PORTFOLIO ASSET MANAGEMENT PLAN - A20751284 (Cont.)

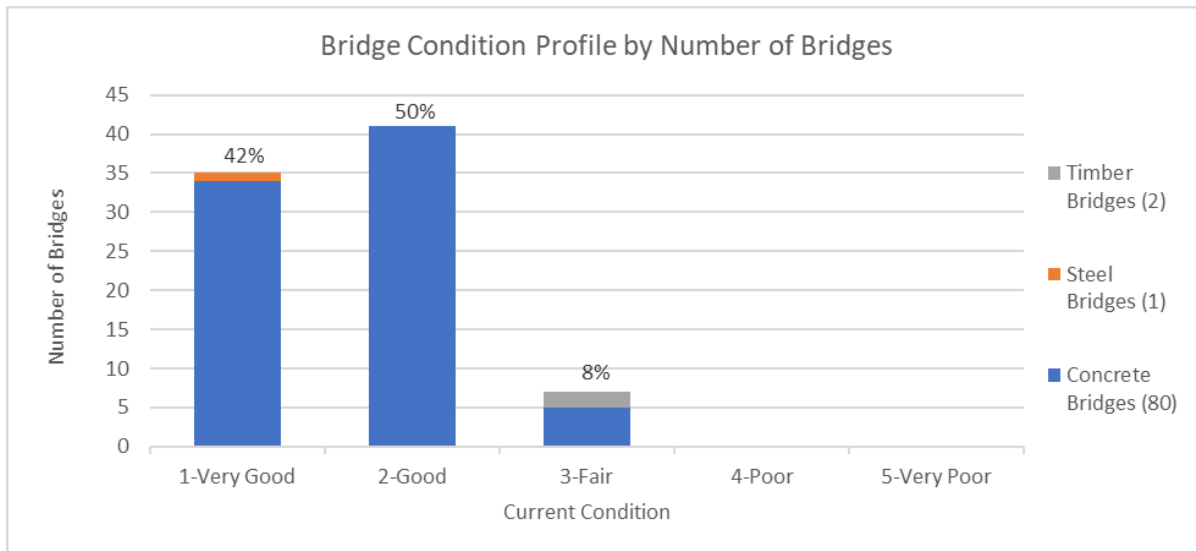


Figure 2 - Road Bridges Condition Profile

On average, the road bridge network is in good condition and this is to be expected given the relatively young age of these assets.

The Road Bridge Asset Management Plan has been provided as supporting information to this Council report and outlines this information and recommendations in further detail.

**2. Explanation of Item**

The Road Bridges Asset Management Plan has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of road bridge assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a condition state 4 (poor)

**Condition**

Understanding the condition of Council’s road bridges and their components is important for their effective management. Council engaged contractors during 2017/18 to capture information on these assets and their condition. The condition and defect information has been subsequently uploaded into Council’s asset management system. Section 5 of the attached Road Bridges Portfolio Asset Management Plan lists the condition of these assets. It is noted that Condition 1 rating is very good with a Condition 5 rating meaning an asset is in a very poor condition. There are no bridges that are in a poor or very poor condition.

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ITEM 2.4 ROAD BRIDGES PORTFOLIO ASSET MANAGEMENT PLAN - A20751284 (Cont.)

## **Key Issues**

- Bridges and their components pose a safety risk when they reach condition state 4, therefore Council will be intervening earlier in the asset lifecycle when compared to other civil assets that can typically deteriorate to condition state 5.
- Bridges have a longer lifespan than most other civil assets, however they have a higher cost of repair/replacement, emphasising the need for more proactive maintenance. Bridge repair and replacement work, and the impact of bridge failure, can also have significant impact on the transport network and community serviced by the bridge. This drives a strong need to maintain and manage all bridges effectively and sustainably to manage risk and maximise the life of the assets.
- Minimal preventative and routine maintenance has been undertaken to date. A lack of maintenance over a long-term period may result in assets falling short of achieving their expected useful life. Adopting a preventative maintenance strategy will reduce the risk of asset failure and prolong asset lifespan.
- Based upon the recent condition audit and detailed lifecycle analysis, current maintenance and renewal budget allocations are insufficient and need to increase, otherwise a larger portion of the asset base will reach a condition state beyond repair sooner than expected. Changes are also required to capital budgets including bringing some funding forward.
- If budget allocations are not adjusted, there is an increased future risk of bridge closures, safety risks, service delivery risks and political/reputational risk due to potential asset failures. Additionally, there is also a substantial financial risk due to significantly elevated maintenance and replacement costs.

## **Maintenance Strategy**

The recommended maintenance strategy should incorporate additional proactive maintenance with the aim of reducing reactive maintenance, preventing defects and prolonging the useful life of bridges along with their components. The goal of proactive maintenance is to maintain bridges in condition state 1 or 2 and prevent deterioration to an unacceptable state.

Bridges will deteriorate over time due to traffic loads and natural degradation factors, and they are very expensive to repair. Therefore, it is most cost effective to proactively maintain the bridge or to intervene and repair bridges as soon as possible after defects have been identified, to limit the impact on community and minimise the cost of repairs.

A road bridge defect repair program is proposed to ensure that adequate funding is set aside to maintain these bridges to a high standard. Other routine maintenance that will be introduced and scheduled include:

- Removal of vegetation
- Cleaning of joints
- Maintenance of bearings

## **Growth**

The AMP covers the bridges that Council already owns at this point in time. Council will receive a number of significant scale bridges in the next ten years either through contributed assets from land development or through Council delivery. The AMP will be updated through a five year review process to capture new assets and re-evaluate the bridge deterioration profiles, based on updated condition assessments.

### **3. Strategic Implications**

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

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- (1) *A local government must prepare and adopt a Long-Term Asset Management Plan.*
- (2) *The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.*
- (3) *The period stated in the plan must be 10 years or more.*

ITEM 2.4 ROAD BRIDGES PORTFOLIO ASSET MANAGEMENT PLAN - A20751284 (Cont.)

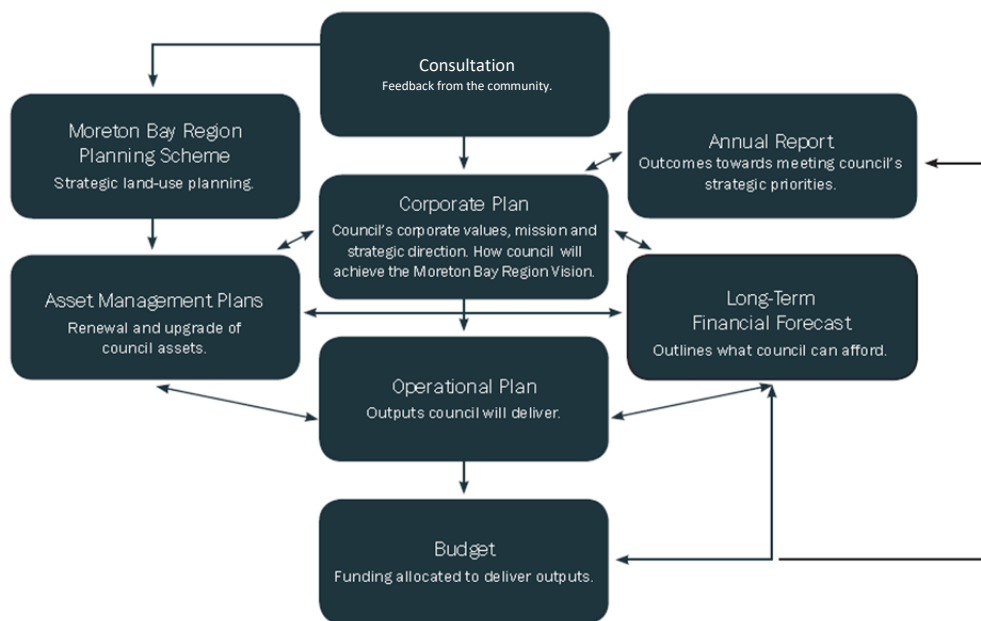
Additionally, Section 168 of the Local Government Regulation 2012 states that Council's Long-term Asset Management Plan must:

- (a) provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and
- (b) state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and
- (c) be part of, and consistent with, the long-term financial forecast.

3.2 Corporate Plan / Operational Plan

Council is committed to achieving the community's vision for the Moreton Bay Region. This vision represents a thriving region of opportunity where our communities enjoy a vibrant lifestyle and is structured upon three key elements; creating opportunities, strengthening communities and valuing lifestyle. These three tiers are underpinned by concepts such as local jobs for residents, strong local governance, and quality recreation and cultural opportunities.

The Strategic Asset Management Plan (SAMP) and supporting AMPs have direct linkages with other corporate documents as illustrated in the diagram below (Figure 3):



**Figure 3 - Asset Management within MBRC Statutory Planning Context**

As mentioned above, these plans inform Council's long term financial forecast in relation to costs associated with new, renewal and upgrade of assets. The plan also guides Council's Corporate Plan in relation to what Council intends to achieve, in relation to strategic asset management and informs Council's capital works program which forms part of the Operational Plan and Budget.

3.3 Policy Implications

The Infrastructure Asset Management Policy (Policy No. 12-2150-043) was adopted by Council on 18 April 2017.

3.4 Risk Management Implications

Risk management issues associated with road bridge assets are included in the plan.

ITEM 2.4 ROAD BRIDGES PORTFOLIO ASSET MANAGEMENT PLAN - A20751284 (Cont.)

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

To date, there has been limited budget allocation assigned for the renewal, repair and proactive maintenance of bridges. Should these budget allocations continue, the condition profile of the road bridges portfolio will deteriorate as follows (Figure 4):

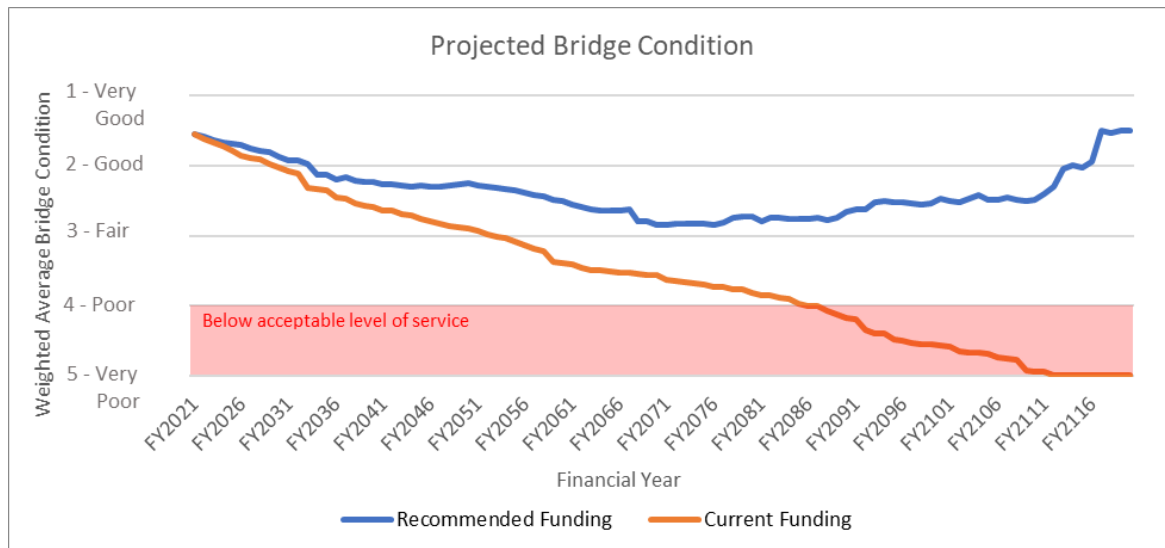


Figure 4 - Projected Bridge Condition based on funding allocations

The recommended budget allocations are outlined below:

- Retain the current reactive maintenance budget of **\$466,000 per annum**.
- Introduce a new “preventative maintenance” budget of **\$415,000 per annum from FY2021/22 onwards**
- Adjust the road bridge capital works budget to provide **\$125,000 in FY2022/23, increasing by \$125,000 per annum up to an annual recurrent budget of \$875,000 per annum from FY2028/29 onwards**.

Should these recommended budget allocations be adopted into the next long term financial forecast, the predicted condition profile of the road bridges asset portfolio will be in a much-improved position for the Council and will minimise the risk of future large lump sum replacement expenditure (Figure 2).

As per Council’s strategic asset management framework, it is imperative that Council adopts a more proactive approach to managing road bridge assets with the inclusion of a preventative and routine maintenance budget as outlined above. The proactive approach will extend the life of assets and minimise the risk of assets reaching a state beyond repair, where expensive full replacement costs would otherwise be incurred.

The recommended funding increases, both for renewal / replacement and routine maintenance, will allow Council to achieve its strategic asset management objectives including:

- Organisational commitment to effective asset management
- Managing risk appropriately
- Delivery of services to agreed standards
- Optimise asset performance
- Minimize asset failure through earlier intervention

*ITEM 2.4 ROAD BRIDGES PORTFOLIO ASSET MANAGEMENT PLAN - A20751284 (Cont.)*

3.7 Economic Benefit Implications

Sustainable provision and management of MBRC's road bridge assets supports economic growth across the region. Additionally, a well-managed road bridge portfolio improves the overall amenity of the region and is highly valued by the community.

3.8 Environmental Implications

The effective management of MBRC's road bridge assets assists in improving environmental outcomes.

3.9 Social Implications

The timely and cost-effective management of MBRC's road bridge assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

MBRC officers and Councillors have been consulted in the preparation of this plan.

**SUPPORTING INFORMATION**

**Ref: [A20689496](#)**

The following list of supporting information is provided for:

**ITEM 2.4  
ROAD BRIDGES PORTFOLIO ASSET MANAGEMENT PLAN**

***#1 Road Bridges Portfolio Asset Management Plan***



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**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION**

**(Cr B Savige)**

**ITEM 3.1**

**TENDER - EATONS HILL - ENVIRONMENTAL CENTRE ADMINISTRATION BUILDING AND COTTAGE RENEWAL**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20597602 : 20 November 2020 - Refer **Confidential Supporting Information A20708865**  
*Responsible Officer:* SC, Senior Project Manager (ECM Project Management)

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**Executive Summary**

Tenders were called for the 'Eatons Hill - Environmental Centre Administration Building and Cottage Renewal (MBRC010220)' project. The tender closed on 11 November 2020 with a total of one tender received, which was conforming.

It is recommended that the tender for the 'Eatons Hill - Environmental Centre Administration Building and Cottage Renewal (MBRC010220)' project be awarded to Triflex Projects Pty Ltd for the sum of \$393,900 (excluding GST) as this offer represents the best overall value to Council.

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Eatons Hill - Environmental Centre Administration Building and Cottage Renewal (MBRC010220)' project be awarded to Triflex Projects Pty Ltd for the sum of \$393,900 (excluding GST).
2. That the Council enters into an agreement with Triflex Projects Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Triflex Projects Pty Ltd for the 'Eatons Hill - Environmental Centre Administration Building and Cottage Renewal (MBRC010220)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with Triflex Projects Pty Ltd for the project, Council commits to the provision of an additional \$220,000 in the quarter three financial review process.

*ITEM 3.1 TENDER - EATONS HILL - ENVIRONMENTAL CENTRE ADMINISTRATION BUILDING AND COTTAGE RENEWAL - A20597602 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The project combines two projects at the facility due to the works being interrelated which has resulted in Eatons Hill - 15 Bunya Pine Court - Cottage Renewal (107897) project being brought forward from 2021-22 and incorporated with Eatons Hill - Environmental Centre - Administration Building - Building Renewal (107908) project.

In summary, the works include to structurally repair the sub-floor stumps to the cottage, replace a failing retaining wall and to install stormwater drainage systems to assist with managing overland flows attributable to rain events.

Through the detail design phase it was determined that the stormwater discharge point to the car park and roadway as noted in the original scope of works would not meet the approval requirements and may cause downstream flooding impacts. The design determined a more preferable stormwater discharge point to the existing dam. This design change from the original project intent required a greater distance and size of the proposed stormwater pipe, vacuum excavation pipe laying methodology around the existing tree protection zones and the mitigation of additional stormwater issues determined at the site.

#### 107908 Eatons Hill - Environmental Centre - Administration Building - Building Renewal

The project is located at the Environmental Centre administration building, 15 Pine Bunya Court, Eatons Hill. The project scope includes remedial works to the stormwater management system and retaining wall. The objective of the project is to increase the safety of the building for its current occupants. This project has originated as a result of an inspection of the storm water management system at the administration building. The existing deficiencies include an ineffective storm water management system and a failed timber sleeper retaining wall.

#### 107897 Eatons Hill - 15 Bunya Pine Court - Cottage Renewal

The project scope includes remedial works to the sub floor supports. The objective of the project is to increase the safety and functionality of the cottage. The following key change has been made to the project as the project is to be undertaken at the same time as ePID 107908 (Eatons Hill - Environmental Centre Administration Building - Building Renewal) which has been brought forward due to COVID-19 State Funding.

It is proposed that the construction will commence in January 2021 and be completed by May 2021 including an allowance for wet weather.



**Figure 1 - Location Plan**

ITEM 3.1 TENDER - EATONS HILL - ENVIRONMENTAL CENTRE ADMINISTRATION BUILDING AND COTTAGE RENEWAL - A20597602 (Cont.)

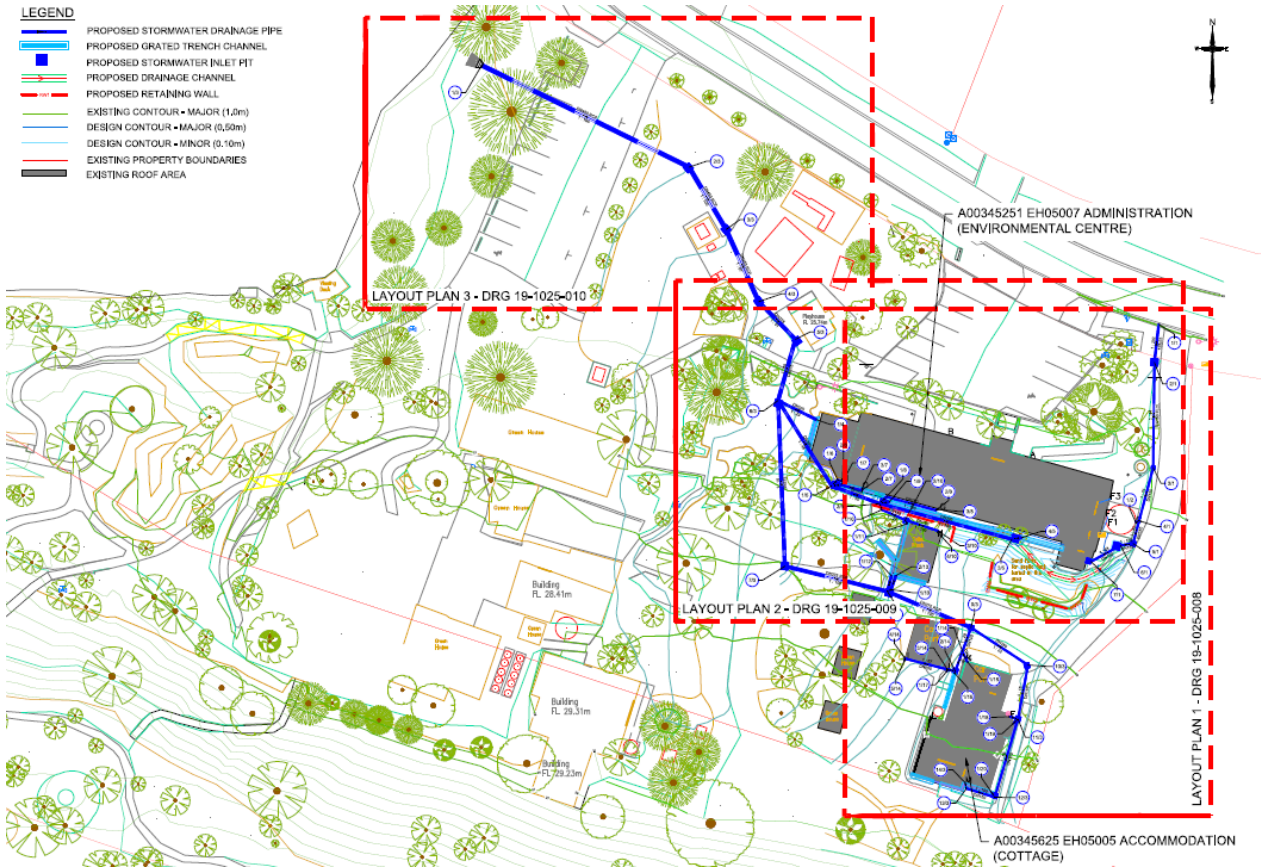


Figure 2 - Indicative Location of Works

2. Explanation of Item

Tenders for the 'Eatons Hill - Environmental Centre Administration Building and Cottage Renewal (MBRC010220)' project closed on 11 November 2020 with one tender received, which was conforming. The tender was assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderer 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	Triflex Projects Pty Ltd	100.00	100.00

Triflex Projects Pty Ltd ('TP') - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 19 November 2020, at which TP demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. TP provided examples of similar projects including The Lakes College GLA Building (valued at \$3.3M), Rivermount College upper primary precinct GLA Building (valued at \$1.7M), The Lakes College administration building (valued at \$3.8M), The Lakes College GLA building infrastructure (valued at \$400,000), River College roadworks and Flagstone Retail Centre infrastructure works (valued at \$325,000).

The TP submission was considered by the evaluation panel to provide value for money to Council.

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*ITEM 3.1 TENDER - EATONS HILL - ENVIRONMENTAL CENTRE ADMINISTRATION BUILDING AND COTTAGE RENEWAL - A20597602 (Cont.)*

The tender received was compared with the pre-tender Quantity Surveyor (QS) estimate for the project. The tender received is in line with the QS estimate and rates as follows:

- Project 107908 Eatons Hill - Environmental Centre - Administration Building - Building Renewal - QS estimate of cost - \$335,833 excl GST.
- Project 107892 Eatons Hill - 15 Bunya Pine Court - Cottage Renewal - QS estimate of cost - \$48,801 excl GST.
- QS estimate of cost - totalling \$384,634 excl GST.

The current building industry has been stimulated with a range of COVID-19 related Federal and State Government funding programs. Discussions with contractors within this industry is that there is sufficient work in the market that allows these contractors to selectively choose which contracts they wish to tender on and are extremely busy completing tenders so as not able to quote on some projects. These are the main reasons for receiving only one or low tender submissions on certain projects.

This project has building, and stormwater drainage elements requiring combined building and civil expertise. Contractors are selecting the projects that are more aligned to one asset class within the stimulated market.

### **3. Strategic Implications**

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

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

#### **3.2 Corporate Plan / Operational Plan**

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - places to discover, learn, play and imagine.

#### **3.3 Policy Implications**

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

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

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

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

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

##### *Financial Risks:*

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

##### *Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, tree 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.

*ITEM 3.1 TENDER - EATONS HILL - ENVIRONMENTAL CENTRE ADMINISTRATION BUILDING AND COTTAGE RENEWAL - A20597602 (Cont.)*

- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the playground and the on-site nursery operation to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The project has received an Operational Works approval to remove a small number of trees at the site to enable the stormwater works to proceed. An arborist report has been prepared for the site that identifies the protection measures to be incorporated during the works to protect site vegetation and this will be monitored on site during the works by the project arborist.
- e. 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.
- f. At the tender clarification meeting, the recommended tenderer advised that there were no foreseen COVID-19 related impacts with material supply chains and delivery of the project works.
- g. Dilapidation inspections will be conducted prior to works commencing on council's Bunya Pine Court Road carpark entrances, carparking to the site and the general site to record the existing condition of assets and again after construction to record any change.

**3.5 Delegated Authority Implications**

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

**3.6 Financial Implications**

Council has allocated a total of \$247,000 (\$205,000 for project 107908 and \$42,000 for project 107897) in the 20-21 FY Capital Projects Program for construction. External funding of \$91,500 has been obtained from the State Government W4Q COVID-19 program. All financial information provided below is excluding GST.

Design 20/21	\$ 22,527.00
Tree Removal - (preparatory work)	\$ 6,820.00
Tender Price (Construction)	\$ 393,900.00
Contingency (10%)	\$ 39,390.00
QLeave (0.575%)	\$ 2,264.93
Construction Phase Consultants	\$ 1,500.00
	-----
Total Project Cost	\$ 466,401.93
Revenue	\$ 91,500.00
	-----
Net Project Cost (to Council)	\$ 374,901.93
	=====

Estimated ongoing operational/maintenance costs - \$7,500 per F/Y.

The budget amount for this project is insufficient. For this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$220,000 in the quarter three financial review process.

**3.7 Economic Benefit Implications**

The proposed works will assist to provide employment to local contractors and subcontractors.

*ITEM 3.1 TENDER - EATONS HILL - ENVIRONMENTAL CENTRE ADMINISTRATION BUILDING AND COTTAGE RENEWAL - A20597602 (Cont.)*

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the successful tenderer, detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored during the construction phase. As part of the planning for the works, Council has worked collaboratively with tree specialists (arborist) and the consultant design team to develop a design that minimises, as best as possible, the impacts of the work to the vegetation and where required, supplementary planting will occur across the site.

3.9 Social Implications

Council will provide information about the works on social media, install alternative access signage and where possible, identify alternative locations to gather and play. Upon conclusion of the works, the new stormwater management system and subfloor structural repairs to the cottage will benefit the facility in the long term to provide a safe and attractive facility.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and project signs displayed on site four weeks prior to construction. Government funding signage will be installed four weeks before construction. Fortnightly email updates will be provided for the Divisional Councillor. The Divisional Councillor has been consulted and is supportive of the project.

**SUPPORTING INFORMATION**

**Ref: [A20708865](#)**

The following list of supporting information is provided for:

**ITEM 3.1**

**TENDER - EATONS HILL - ENVIRONMENTAL CENTRE ADMINISTRATION BUILDING AND  
COTTAGE RENEWAL**

***Confidential #1 Tender Evaluation***

**ITEM 3.2**  
**TENDER - ALBANY CREEK - ALBANY CREEK COMMUNITY CENTRE - BUILDING UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20833617 : 27 November 2020 - Refer **Confidential** Supporting Information **A20700157**  
*Responsible Officer:* PC, Project Engineer (ECM Project Management)

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**Executive Summary**

Tenders were called for the 'Albany Creek - Albany Creek Community Centre - Building Upgrade (MBRC010282)' project. The tender closed on 17 November 2020 with a total of four tenders received, all of which were conforming.

It is recommended that the tender for the 'Albany Creek - Albany Creek Community Centre - Building Upgrade (MBRC010282)' project be awarded to Kimini Constructions Pty Ltd for the sum of \$497,547.70 (excluding GST) as this tender represents the best overall value to Council.

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Albany Creek - Albany Creek Community Centre - Building Upgrade (MBRC010282)' project be awarded to Kimini Constructions Pty Ltd, for the sum of \$497,547.70 (excluding GST).
2. That the Council enters into an agreement with Kimini Constructions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Kimini Constructions Pty Ltd, for the 'Albany Creek - Albany Creek Community Centre - Building Upgrade (MBRC010282)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with Kimini Constructions Pty Ltd for the project, Council commits to the provision of an additional \$205,000 in the quarter three financial review process.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.



ITEM 3.2 TENDER - ALBANY CREEK - ALBANY CREEK COMMUNITY CENTRE - BUILDING UPGRADE - A20833617 (Cont.)

**REPORT DETAIL**

**1. Background**

The project is located at the Albany Creek Community Centre, Ernie Street, Albany Creek (Division 9).

The project scope includes include demolition of existing internal and external fixtures and services; the upgrade of the amenities and entrance area and inclusion of a small kitchenette to service user groups, awning structure and landscaping.

The objective of the project is to improve function of the community centre and DDA compliance.

This project has originated as a result of requests from the community centre managers, community groups and Divisional Councillor for a more functional and compliant facility to meet local community needs. The existing deficiencies include toilets in poor condition that do not meet DDA compliance. Inclusion of a small kitchenette will allow multiple users access kitchen facilities. The expected outcome of the project is to improve the functionality, accessibility and aesthetic appeal of the community facility which will lead to increased use.

It is proposed that the construction will commence in December 2020 and be completed by April 2021 including an allowance for wet weather.



Figure 1 - Locality Map

**2. Explanation of Item**

Tenders for the 'Albany Creek - Albany Creek Community Centre - Building Upgrade (MBRC010282)' project closed on 17 November 2020 with four 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.

*ITEM 3.2 TENDER - ALBANY CREEK - ALBANY CREEK COMMUNITY CENTRE - BUILDING UPGRADE - A20833617 (Cont.)*

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

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Kimini Constructions Pty Ltd	91.19	106.19
2	MAW Group (Aust) Pty Ltd, trading as Oasis Construction (Aust)	86.38	86.38
3	Premis Solutions Pty Ltd	86.34	86.34
4	Kane Constructions (QLD) Pty Ltd, trading as Arete Australia	81.09	81.09

**Kimini Constructions Pty Ltd ('Kimini')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 25 November 2020, at which Kimini demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. Kimini provided examples of similar projects including for MBRC - John Scott Park amenities construction MBRC (valued at \$246,000); and Bongaree Caravan Park cabin renewals (valued at \$370,000); and the Gladstone Electorate office fit out (valued at \$185,000) for the Queensland State Parliament.

**MAW Group (Aust) Pty Ltd, trading as Oasis Construction (Aust) ('Oasis')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

**Premis Solutions Pty Ltd ('PS')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

**Kane Constructions (QLD) Pty Ltd T/A Arete Australia ('Arete')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

### **3. Strategic Implications**

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

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

#### **3.2 Corporate Plan / Operational Plan**

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

#### **3.3 Policy Implications**

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

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

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

ITEM 3.2 TENDER - ALBANY CREEK - ALBANY CREEK COMMUNITY CENTRE - BUILDING UPGRADE - A20833617 (Cont.)

3.4 Risk Management Implications

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

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

*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 and the proximity of adjacent childcare centre and residential dwellings.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time and has considered measures that can be put in place to meet required reopening of centre.
- d. 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.
- e. At the tender clarification meeting, the recommended tenderer advised that there were no foreseen COVID-19 related impacts with material supply chains and delivery of the project works.
- f. Dilapidation inspections will be conducted prior to works commencing.
- g. There are no Development Approvals impacting on this project.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$390,000 in the 20-21 FY Capital Projects Program for the project. External funding of \$210,000 has been obtained from the State Government's W4Q COVID-19 program. All financial information provided below is excluding GST.

Design 20/21	\$	41,625.00
Tender Price (Construction)	\$	497,547.70
Contingency (10%)	\$	49,754.77
QLeave (0.575%)	\$	2,860.90
Construction Phase Consultants	\$	1,000.00
		-----
Total Project Cost	\$	592,788.37
Revenue	\$	210,000.00
		=====
Net Project Cost (to Council)	\$	382,788.37
		=====

Estimated ongoing operational/maintenance costs - \$11,700 per F/Y.

*ITEM 3.2 TENDER - ALBANY CREEK - ALBANY CREEK COMMUNITY CENTRE - BUILDING UPGRADE - A20833617 (Cont.)*

The budget amount for this project is insufficient. For this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$205,000 in the quarter three financial review process.

3.7 Economic Benefit Implications

The proposed works will assist to provide employment to local contractors and subcontractors. The improvements will increase the hire-ability of the venue, resulting in improved revenue for the hall manager and Council.

3.8 Environmental Implications

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

3.9 Social Implications

The improvements to the building via this project will increase the community engagement by providing improved functionality and accessibility of the centre for current users and address required levels of service for a district level community hall. The works will result in a well presented, quality facility for local organisations and the community.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and project signs displayed on site four weeks prior to construction. Government funding signage will be installed four weeks before construction. Fortnightly email updates will be provided for the Divisional Councillor. The Divisional Councillor has been consulted and is supportive of the project.

**SUPPORTING INFORMATION**

**Ref: A20700157**

The following list of supporting information is provided for:

**ITEM 3.2**

**TENDER - ALBANY CREEK - ALBANY CREEK COMMUNITY CENTRE - BUILDING UPGRADE**

***Confidential #1 Tender Evaluation***

### ITEM 3.3

#### TENDER - STRATHPINE - ROB AKERS RESERVE - BUILDING RENEWAL

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20748458 : 30 November 2020 - Refer **Confidential Supporting Information A20865956**  
*Responsible Officer:* RN, Project Manager, (ECM Project Management)

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#### Executive Summary

Tenders were called for the 'Strathpine - Rob Akers Reserve - Building Renewal (MBRC010212)' project. The tender closed on the 25 November 2020 with a total of one tender received, which was conforming.

It is recommended that Council award the tender for the 'Strathpine - Rob Akers Reserve - Building Renewal (MBRC010212)' project to J.Mac Constructions Pty Ltd for the sum of \$1,812,125.89 (excluding GST) as this tender was evaluated as representing value to Council.

#### OFFICER'S RECOMMENDATION

1. That the tender for 'Strathpine - Rob Akers Reserve - Building Renewal (MBRC010212)' be awarded to J.Mac Constructions Pty Ltd for the sum of \$1,812,125.89 (excluding GST).
2. That the Council enters into an agreement with J.Mac Constructions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with J.Mac Constructions Pty Ltd for 'Strathpine - Rob Akers Reserve - Building Renewal (MBRC010212)' and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with J.Mac Constructions Pty Ltd for the project, Council commits to the provision of an additional \$700,000 in the quarter three financial review process.

ITEM 3.3 TENDER - STRATHPINE - ROB AKERS RESERVE - BUILDING RENEWAL - A20748458 (Cont.)

**REPORT DETAIL**

**1. Background**

The project is located at Rob Akers Reserve, Bells Pocket Road, Strathpine.

The scope of works comprises the construction of new amenities and change facilities (Stage 1) for the resident AFL club on a challenging site (site conditions). The current clubhouse and amenities are in poor condition. The existing amenities will be demolished following the construction of the new amenities (this contract). The existing clubhouse will remain until the new clubhouse is constructed as part of the stage 2 project (future works), which is currently tentatively scheduled for design in 21-22 and construction in 23-24, subject to budget deliberations and available funding.

The works will commence in January 2021 and be completed in 32 weeks. The expenditure of the State W4Q (COVID-19) funds will be expended prior to 30 June 2021 in line with the funding agreement.



Figure 1 - Project Locality

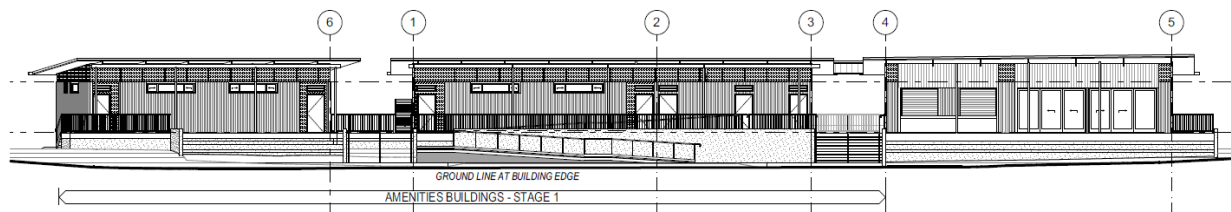
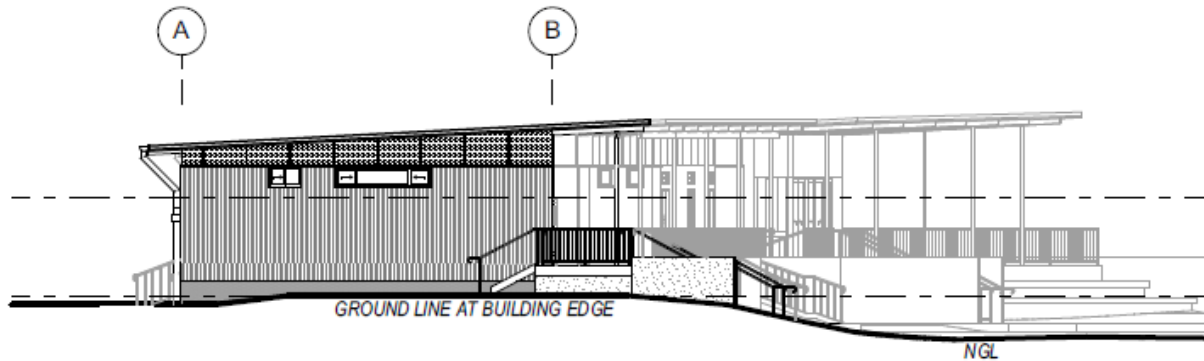


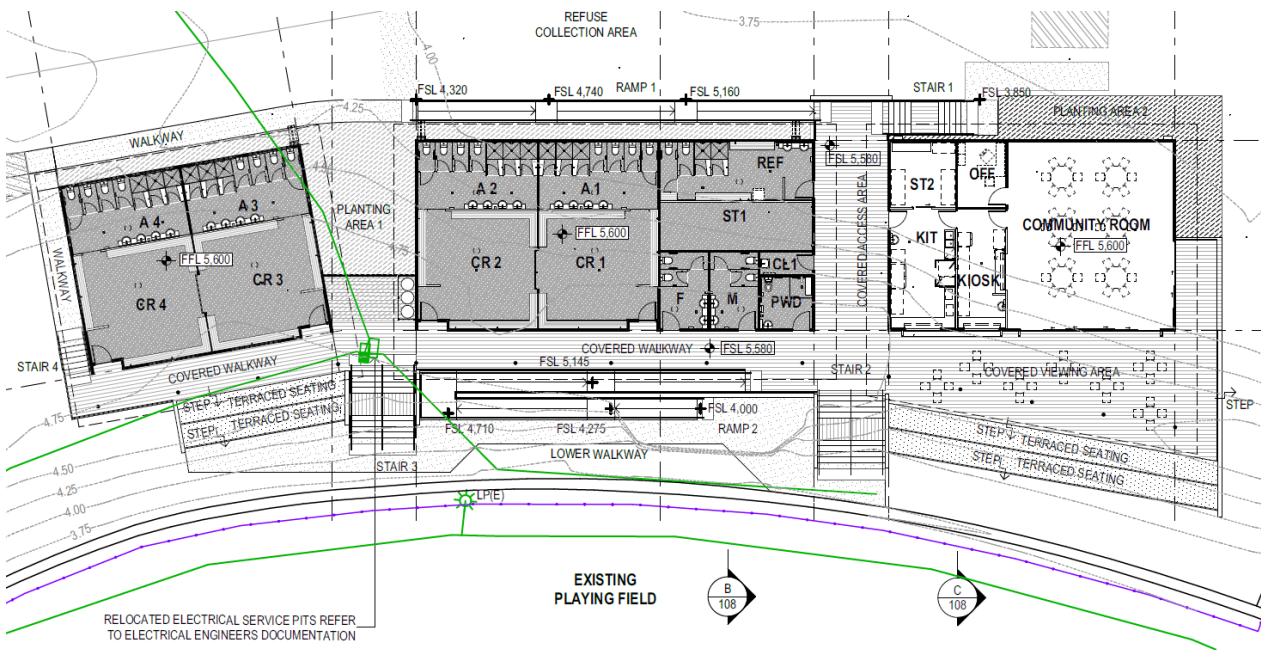
Figure 2 - East Elevation

ITEM 3.3 TENDER - STRATHPINE - ROB AKERS RESERVE - BUILDING RENEWAL - A20748458 (Cont.)



**E-2** KEY ELEVATION - SOUTH  
1:200

**Figure 3 - South Elevation**



**Figure 4 - Floor Plan:**  
**Amenities 2 building on left, Amenities 1 building centre, Stage 2 Community Room on right**

**2. Explanation of Item**

Tenders for the 'Strathpine - Rob Akers Reserve - Building Renewal (MBRC010212)' project closed on the 25<sup>th</sup> November 2020 with a total of one conforming tender received. The tender was assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents. Received tenders and evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	J.Mac Constructions Pty Ltd	100.00



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ITEM 3.3 TENDER - STRATHPINE - ROB AKERS RESERVE - BUILDING RENEWAL - A20748458 (Cont.)

**J.Mac Constructions Pty Ltd ('JMac')** - submitted a comprehensive tender and demonstrated their methodology and experience on projects of a similar scale and complexity. J.Mac have recently been awarded the Moreton Bay Regional Council (MBRC) Nolan Park construction project (valued at \$3.7M); Usher Park Rugby League Clubhouse and Change Rooms for Logan City Council (valued at \$1.21M), Yarrabilba Sports Complex for Logan City Council (valued at \$1.3M) and Karawatha Forest Discovery Centre for Brisbane City Council (valued at \$5.7M). A tender clarification meeting was held on the 30/11/20 where J.Mac Construction Pty Ltd demonstrated their experience and methodology in the delivery of similar projects. The J.Mac submission was considered by the evaluation panel to provide value for money to Council.

The tender received was compared with the pre-tender Quantity Surveyor (QS) estimate for the project and recently completed similar building projects. The tender received is in line with the QS estimate and rates as follows:

- **Griffin Sports Complex Clubhouse**  
Main building - Clubhouse and Amenities - \$2,591,857  
Main building area 855m<sup>2</sup> - under roof  
Rate \$3,031/m<sup>2</sup> (Building - slab on ground, excavated subgrade, painted block exterior walls)
- **MBCSC Complex Clubhouse**  
Main building - Clubhouse and Amenities - \$2,534,000  
Main building area 700m<sup>2</sup> - under roof  
Rate \$3,620/m<sup>2</sup> (Building - slab on ground raised compacted fill subgrade, rendered block exterior walls)
- **Rob Akers Clubhouse Amenities**  
JMac Tender - Amenities, change rooms, small car park and site works - \$1,812,125.89  
Main building area 530sqm<sup>2</sup> - under roof  
Rate - \$3,120/m<sup>2</sup> (Building - piles, elevated floor, grooved fibro cement sheet wall finish)
- QS estimate of cost - totalling \$1,735,701 excl GST. (Includes 12.5% contingency and Qleave).

This project site is a former landfill site and has stormwater overland flow requirements. The building is designed with screw piles founded to a solid foundation and a raised floor level to accommodate the required freeboard to mitigate the stormwater overland flow path, DDA compliance ramps and incorporates seating elements at the front of the building to the playing field. These elements carry a higher-level risk and complexity when compared with a standard building construction that is a slab on ground with normal building footings. The landfill site is an unknown and screw piles will need to be drilled until sufficient resistance to support the raised floor can be achieved.

The current building industry has been stimulated with a range of COVID-19 related Federal and State Government funding programs. Discussions with contractors within this industry is that there is currently sufficient work in the market that allows these contractors to selectively choose which contracts they wish to tender on and are extremely busy completing tenders so as not able to quote on some projects. These are the main reasons for receiving only one or low tender submissions on certain projects.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

*ITEM 3.3 TENDER - STRATHPINE - ROB AKERS RESERVE - BUILDING RENEWAL - A20748458 (Cont.)*

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks are minimised is detailed below.

*Financial Risks:*

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

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, 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 demonstrated their understanding of the project site and the need to manage the impact on the facility and to manage the site challenges in dealing with having a project in construction with critical timelines and the public having access to the facility for a part of the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- d. An allowance for wet weather (21 days) is included in the recommended tenderer's construction program.
- e. There are no development applications or approvals relating to or impacting this project.
- f. The procurement risks relating to this project are low given that there is sufficient lead time for the recommended tenderer to procure the relevant construction materials as to not delay the project.
- g. In the tender clarification meeting held on 30/11/20, there was no foreseen issues, including COVID-19 related matters which would adversely impact the project's delivery timeline.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project is greater than the budget allocation and is therefore reported to Council for consideration.*

# Moreton Bay Regional Council

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ITEM 3.3 TENDER - STRATHPINE - ROB AKERS RESERVE - BUILDING RENEWAL - A20748458 (Cont.)

3.6 Financial Implications

Council has allocated a total of \$1,526,197, with \$94,664 in the 19-20 FY Capital Projects Program for design and \$1,431,533 in the 20-21 FY Capital Projects Program for construction. External funding of \$500,000 has been obtained from the State Government W4Q COVID-19 program. All financial information provided below is excluding GST.

Design 19/20	\$ 63,131.00
Design 20/21	\$ 115,061.00
Tender Price (Construction)	\$ 1,812,125.89
Contingency (12.5%)	\$ 226,515.74
QLeave (0.575%)	\$ 10,419.72
	-----
Total Project Cost	\$ 2,227,253.35
Revenue	\$ 500,000.00
Net Project Cost	\$ 1,727,253.35
	=====

Estimated ongoing operational/maintenance costs \$5,400 per F/Y.

The budget amount for this project is insufficient. To allow this project to continue, and for Council to enter into the agreement with J.Mac Constructions Pty Ltd for the project, Council commits to the provision of an additional \$700,000 in the quarter three financial review process.

3.7 Economic Benefit Implications

The upgraded facilities will encourage increased player base and supporters for the AFL club and boost operational and sporting activities in the area.

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The construction of the new amenities and change facilities will provide an upgrade to the existing amenities building, which is in poor condition for the resident AFL and supporters and attract new members to the club.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

A detailed Communication Plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and project signs displayed on site four weeks prior to construction, including COVID-19 acknowledgement signage. Weekly email updates will be provided for the Divisional Councillor and fortnightly updates for the Council website, as well as regular drone footage. The Divisional Councillor has been consulted and is supportive of the project.

**SUPPORTING INFORMATION**

**Ref: [A20865956](#)**

The following list of supporting information is provided for:

**ITEM 3.3**

**TENDER - STRATHPINE - ROB AKERS RESERVE - BUILDING RENEWAL**

***Confidential #1 Tender Evaluation***

**ITEM 3.4**

**TENDERS - CABOOLTURE - CABOOLTURE HUB - MINOR IMPROVEMENTS**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20860386 : 20 November 2020 - Refer **Confidential Supporting Information A20837416**  
*Responsible Officer:* MH, Senior Manager Project Manager (ECM Project Management)

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**Executive Summary**

Tenders were invited for the 'Caboolture - Caboolture Hub - Minor Improvements (MBRC010340)' project. The tender closed on 12 November 2020, with a total of one tender received, which was conforming.

It is recommended that the tender for the 'Caboolture - Caboolture Hub - Minor Improvements (MBRC010340)' project be awarded to QUADRIC Pty Ltd for the sum of \$369,440 (excluding GST) as this offer represents the best overall value to Council.

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Caboolture - Caboolture Hub - Minor Improvements (MBRC010340)' be awarded to QUADRIC Pty Ltd for the sum of \$369,440 (excluding GST).
2. That the Council enters into an agreement with QUADRIC Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with QUADRIC Pty Ltd for 'Caboolture - Caboolture Hub - Minor Improvements (MBRC010340)' and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to allow Council to enter into an agreement with QUADRIC Pty Ltd for the project, Council commits to the provision of an additional \$110,000 in the quarter three financial review process.

ITEM 3.4 TENDERS - CABOOLTURE - CABOOLTURE HUB - MINOR IMPROVEMENTS - A20860386 (Cont.)

**REPORT DETAIL**

**1. Background**

This project is located at Caboolture Hub, Caboolture Regional Art Gallery and Caboolture Library, 4 Hasking Street, Caboolture.

The key driver is to improve security of the internal stairwell, restricting public access to the learning and business centre after hours; as well as, improving signage to the library, art gallery and learning and business centre from the multi storey car park on lower ground level. On this ground level, advertising light boxes will be repositioned to sit flat against the wall of the building and some minor lighting changes will be made to improve security at this entry. This project compliments the Caboolture town square precinct signage upgrade project. The Art Gallery works will include the relocation of the shop and visitor desk inside the gallery entrance. The venue supervisor's office will also be re-designed to provide staff with direct access to the shop and reception desk.

The outcome of the project is to create an inviting, welcoming and appropriate entrance to Council's Art Gallery. The existing shop space will be returned to the Library and used as an extension of the library workroom. The extensions work includes demolition of the wall between the workroom and shop. The objective of this project is to complete three upgrades within the Caboolture Hub to improve safety and security, relocation of the Art Gallery Shop and visitor desk, and the extension of the library workroom.

It is proposed that the construction will commence in December 2020 and be completed by the end of March 2021 including an allowance for wet weather.



Figure 1 - Location of Works

**2. Explanation of Item**

Tenders for the 'Caboolture - Caboolture Hub - Minor Improvements (MBRC010340)' project closed on 12 November 2020 with 1 tender received, which was conforming. The tender was assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

ITEM 3.4 TENDERS - CABOOLTURE - CABOOLTURE HUB - MINOR IMPROVEMENTS - A20860386 (Cont.)

The tenderer and their evaluation score is tabled below:

RANK	TENDERER	EVALUATION SCORE Pre-LP	EVALUATION SCORE Post-LP
1	QUADRIC Pty Ltd	100.00	107.50

**QUADRIC Pty Ltd ('QUADRIC')** - submitted a comprehensive tender and demonstrated their methodology and experience on projects of a similar nature and complexity. At a tender clarification meeting held on 20 November 2020, QUADRIC demonstrated their understanding and methodology to complete this project, including their understanding of the required accessibility requirements for the 'Caboolture Hub' operations during the works and a comprehensive understanding of the construction works.

QUADRIC has undertaken: a project for the State Government at the Queensland Museum, ANZAC Legacy Gallery which included alterations to ceilings and partitions, installation of joinery and glass displays, interactive audio-visual displays valued at \$675,000 and; a project for RT Health at the federation warehouses on Edward Street in Brisbane which included conversion to offices, dental services, future space creation and fit out valued at \$6 million; a project for Star Entertainment which included joinery and fit out for a restaurant valued at \$3 million; and the construction of a project for MBRC at the Beachmere Community Centre which included the construction of six separate leasable areas, a Disaster Management store room, Bowls Club shared office and shared amenities and cleaners store room and was valued at \$563,000.

The QUADRIC Pty Ltd submission was considered by the evaluation panel to provide value for money to Council and is the recommendation of the panel.

The tender received was compared with an independent Quantity Surveyor (QS) estimate for the project. The independent QS estimate for this project is \$408,865 excl GST.

Bookings for the Gallery have specifically excluded the period of time for construction from the 15 February 2021 to the 1 April 2021 to allow the physical works in the Gallery to be completed. Should these dates not be achieved then it may be another 12 months to re-program construction for the project.

The current building industry has been stimulated with a range of COVID-19 related Federal and State Government funding programs. Discussions with contractors within this industry is that there is sufficient work in the market that allows these contractors to selectively choose which contracts they wish to tender on and are extremely busy completing tenders so as not able to quote on some projects. These are the main reasons for receiving only one or low tender submissions on certain projects. This project has building elements requiring significant fit out and building expertise. Contractors are selecting the projects that are more aligned to one asset class within the stimulated market.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - celebrating local arts, culture and community.

#### 3.3 Policy Implications

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

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

ITEM 3.4 TENDERS - CABOOLTURE - CABOOLTURE HUB - MINOR IMPROVEMENTS - A20860386 (Cont.)

3.4 Risk Management Implications

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Financial Risks:

A third-party review of financial status has been carried out on QUADRIC Pty Ltd and the successful tenderer was rated 'very strong'.

Construction Risks:

- a. The recommended tenderer will provide a program of works, construction management plans, safety management plan, deliveries & contractor staff parking 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 demonstrated their understanding of the project site and the need to manage the impact on users of the facility and access requirements.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- d. An allowance for wet weather is included in the recommended tenderer's construction program for the minor external works.
- e. There are no development applications or approvals impacting or relating to this contract.
- f. The procurement risks relating to this project are low given the tenderer has confirmed that there is sufficient lead time for the recommended tenderer to procure the relevant construction materials as to not delay the project, and the recommended tenderer did not foresee any COVID-19 impacts which would adversely affect the scheduled delivery of the project.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project is greater than the budget allocation and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$341,000 for this project, with \$39,655 expended in the 2019-20 FY for design, and the remaining \$301,345 re-provided into the 2020-21 FY Capital Projects Program. All financial information below is excluding GST.

Design 19-20 FY	\$ 39,655.00
Design 20 -21 FY	\$ 2,577.50
Tender Price (Construction)	\$ 369,440.00
Contingency (10%)	\$ 36,944.00
QLeave (0.575%)	\$ 2,124.28
	-----
Total Project Cost	\$ 450,740.78
	=====

Estimated ongoing operational/maintenance costs \$2,250 per F/Y.

The budget amount for this project is insufficient. For this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$110,000 in the quarter three financial review process.



*ITEM 3.4 TENDERS - CABOOLTURE - CABOOLTURE HUB - MINOR IMPROVEMENTS - A20860386 (Cont.)*

3.7 Economic Benefit Implications

The stair security elements of the project will help reduce incidents of vandalism after hours in the upper levels of the facility, reducing costs to Council. The contractor has also advised that during construction, this project they will facilitate engagements for Moreton Bay area residents as individuals or subcontractors.

3.8 Environmental Implications

The recommended contractor will provide an environmental management plan associated with work activities that will be monitored and audited by project management during the construction duration.

3.9 Social Implications

This project will enhance the experience of users of the Caboolture Hub and improve the legibility of services available within the facility. The project will also lift the profile of the Regional Art Gallery and to create an inviting, welcoming and appropriate entrance to Council's A1 Category rated gallery.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

There has been extensive consultation with the Manager Cultural Services and team regarding the design of the elements of this project. Project signage and project notices will be distributed 4 weeks prior to the commencement of works. Weekly email updates will be provided to the councillors.

**SUPPORTING INFORMATION**

**Ref: [A20837416](#)**

The following list of supporting information is provided for:

**ITEM 3.4**

**TENDERS - CABOOLTURE - CABOOLTURE HUB - MINOR IMPROVEMENTS**

***Confidential #1 Tender Evaluation***

**ITEM 3.5**

**MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE (SERVICE RELOCATION - UNITYWATER SEWER RISING MAINS)**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20889595 : 30 November 2020  
*Responsible Officer:* RS, Senior Project Manager (ECM Project Management)

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**Executive Summary**

This report seeks Council approval to enter into an arrangement with Unitywater for the relocation of trunk sewer rising mains at the corner of Brays Road and McClintock Drive, Murrumba Downs, as part of the broader road widening and intersection upgrade project.

**OFFICER'S RECOMMENDATION**

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Unitywater is the only supplier who is reasonably available to undertake the relocation of the Unitywater trunk sewer rising mains at the corner of Brays Road and McClintock Drive, Murrumba Downs, as described in this report.
2. That the Council enters into an agreement with Unitywater as described in this report for the estimated sum of \$941,502 (excluding GST) as per the Unitywater Private Works quotation to engage Unitywater to complete these relocation works.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Unitywater for relocation of the Unitywater trunk sewer rising mains at the corner of Brays Road and McClintock Drive, Murrumba Downs, and any required variations of the agreement on Council's behalf.

*ITEM 3.5 MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE (SERVICE RELOCATION - UNITYWATER SEWER RISING MAINS) - A20889595 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The broader road improvement project is located over the section of Brays Road, between the recent Redcliffe Peninsula Rail Link (RPRL) construction north of Moreton Street, extending through to the bridge over the Bruce Highway, and along McClintock Drive from Brays Road to Black Duck Creek, Murrumba Downs (Division 7).

The overall project scope was outlined in the construction tender report considered by Council at the General Meeting of Council held 19 August 2020 (MP. 20/1531) including service relocations by APA Gas, Energex, Telstra, Unitywater and NBN. The matter was further considered by Council at the General Meeting of Council held 7 October 2020 (MP. 20/1766)

The Unitywater sewer relocation scope has been updated since the council report on 19 August 2020 and is the subject of this report. The Unitywater scope includes the relocation of the trunk sewer rising mains and associated Unitywater network control equipment:

- Construct 52.782m of 375mm and 500mm diameter diversions for sewer rising mains;
- Construct new sewer chambers and thrust restraints on mains;
- Construct new vent pole and odour filter system;
- Live connection works for relocated 500mm and 375mm rising sewer mains including vacuum trucks, traffic control, APA gas spotters, deep trench shoring, temporary restorations and Unitywater Planned Network Intervention (PNI) costs;
- All labour, materials and fittings.

The broader road construction project commenced on 19<sup>th</sup> October 2020 and is expected to take approximately 40 weeks to complete including 3 weeks allowance for wet weather.

The Unitywater works will be completed under the supervision of the principal project contractor.

ITEM 3.5 MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE (SERVICE RELOCATION - UNITYWATER SEWER RISING MAINS) - A20889595 (Cont.)



Figure 1: Project Locality Plan

**2. Explanation of Item**

Two Unitywater sewer rising mains are required to be relocated at the intersection of Brays Road and McClintock Drive as part of the 'Murrumba Downs, Brays Road / McClintock Drive - Intersections and Road Upgrade' project.

As Unitywater is the asset owner, it is preferred that Unitywater undertake these complex rising main relocations within its' trunk network. This relocation work is a necessary part of the Brays Road upgrade project.

Unitywater has now provided its estimate for the works; Council will be required to fund the cost of the works. The estimated cost of the Unitywater rising main relocations is \$941,502 (excluding GST).

ITEM 3.5 MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE (SERVICE RELOCATION - UNITYWATER SEWER RISING MAINS) - A20889595 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Under the Local Government Regulation 2012, Council cannot enter into a large sized contractual arrangement without first inviting written tenders for the contract, unless an exception is applicable. Under section 235(a) of the Local Government Regulation, Council can enter into a large sized contractual arrangement without first inviting tenders if it resolves that it is satisfied there is only one supplier who is reasonably available. Unitywater is the asset owner and only Unitywater is permitted to undertake the live relocation works within its network.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

3.3 Policy Implications

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

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

3.4 Risk Management Implications

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks are minimised is detailed below.

Construction Risks:

- a. Traffic Management - Unitywater will undertake its network relocations during the road upgrade project and under the principal contractor's traffic management plan.
- b. Delays in Unitywater mobilisation - the principal contractor for the road upgrade project has submitted a flexible construction program which allows for relocation works to be scheduled.
- c. Wet weather - sewage volumes in the Unitywater trunk sewer mains increase during wet weather due to infiltration. Unitywater Network Operations will have the final call on when the sewer rising mains can be cut into.
- d. There are no Development Assessment impacts related to this project.
- e. Unitywater have not identified any covid19 related impacts to this project.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

Council has allocated \$8,000,000 in the 20-21 FY. All financial information below is excluding GST.

Tender Price (Road Construction awarded 19 August 20)	\$ 5,620,191.00
Contingency (15%)	\$ 843,028.65
QLeave (0.575%)	\$ 32,316.00
<b>Unitywater Relocations (Unitywater sewer estimate)</b>	<b>\$ 941,502.00</b>
Telstra Relocations	\$ 99,031.56
NBN Relocations	\$ 378,374.58
Offset planting project (separate contract)	\$ 35,503.40
	-----
Total Project Cost	<b>\$ 7,949,947.19</b>
	=====

There are no ongoing operational/maintenance costs associated with these works. The asset is operated and maintained by Unitywater.

The 20/21 budget amount for this project is sufficient.

*ITEM 3.5 MURRUMBA DOWNS - BRAYS ROAD / MCCLINTOCK DRIVE - INTERSECTIONS AND ROAD UPGRADE (SERVICE RELOCATION - UNITYWATER SEWER RISING MAINS) - A20889595 (Cont.)*

3.7 Economic Benefit Implications

Relocation of the Unitywater sewer rising mains will allow completion of the broader road and intersections upgrade project. The upgrade project will improve safety for all users, reduce traffic congestion by providing additional capacity and future-proof transport demands. The project will extend the life of the road pavement and reduce recurrent maintenance costs.

3.8 Environmental Implications

An Environmental Management Plan has been submitted by the road works contractor detailing how the surrounding area will be protected during construction, and how sediment run-off will be managed. Unitywater will manage their own environmental requirements of which will be monitored by project management.

3.9 Social Implications

The upgrade of the intersection will introduce a safer and more efficient intersection with dedicated pedestrian facilities, providing particular benefit to the local school and adjacent community. Social and community benefits will also be derived in reducing the likelihood of crash occurrences and severity of injury.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

A detailed communication management plan has been prepared for the broader road works project. Communication strategies include project notices issued four weeks prior to the commencement of works, project signs displayed on site four weeks prior to construction, variable message boards (VMS Boards) deployed on site two weeks prior to construction and continuing for the duration of the project. Construction updates for affected residents to be provided two days in advance of relevant works commencing. Weekly e-mail updates to the Divisional Councillor, and twice weekly project updates on the Council website. The Divisional Councillor has been consulted and is supportive of the overall project as noted in the council report to award the road works construction tender dated 19 August 2020. The Divisional Councillor has been consulted in relation to these Unitywater relocation requirements and is supportive of the works.

**ITEM 3.6**

**TENDER - LANDFILL GAS MANAGEMENT WORKS - DAKABIN, BUNYA AND CABOOLTURE WASTE MANAGEMENT FACILITIES (MBRC010310)**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20790891 : 30 November 2020 - Refer **Confidential** Supporting Information  
**A20791338**  
*Responsible Officer:* BM, Coordinator Waste Operations (ECM Waste Services)

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**Executive Summary**

Tenders were called for Landfill Gas Management Works for Dakabin, Bunya and Caboolture Waste Management Facilities. The tender was advertised on 26 September 2020 and closed on 20 October 2020 with one tender response received, which was conforming.

It is recommended that the tender for the 'Landfill Gas Management Works for Dakabin, Bunya and Caboolture Waste Management Facilities (MBRC010310)' project be awarded to LGI Limited for the sum of \$1,243,800 (excluding GST) over a term of 2 years and 6 months, from date of signing to 30 June 2023, as this offer represents the best overall value to Council. There are also provisions to extend the contract with 2 x 2-year options at Council's discretion, using the schedule of rates in the tender.

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Landfill Gas Management Works for Dakabin, Bunya and Caboolture Waste Management Facilities (MBRC010310)' project be awarded to LGI Limited for the amount of \$1,243,800 (excluding GST) over a term of 2 years 6 months (from date of signing to 30 June 2023), with 2 x two-year contract extension options, at Council's discretion.
2. That the Council enters into an agreement with LGI Limited as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with LGI Limited for the 'Landfill Gas Management Works for Dakabin, Bunya and Caboolture Waste Management Facilities (MBRC010310)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with LGI Limited for the project, Council commits to the provision of \$325,332 in additional funding for the project, with the funding to be provided in the 2021/22 and 2022/23 Capital Projects Program.



*ITEM 3.6 TENDER - LANDFILL GAS MANAGEMENT WORKS - DAKABIN, BUNYA AND CABOOLTURE WASTE MANAGEMENT FACILITIES (MBRC010310) - A20790891 (Cont.)*

**REPORT DETAIL**

**1. Background**

Council currently has 3 operating landfill sites located at the Dakabin, Bunya and Caboolture Waste Management Facilities. Each landfill site is required to operate under the conditions of an Environmental Authority (EA) issued by the State Government. A condition of each EA is the requirement to capture and treat the landfill gas (methane) so it does not cause a detrimental effect on the environment and contribute to greenhouse gas emissions.

Council has a long standing (24 years, to 30 June 2038) agreement with LGI Limited to capture the landfill gas, via large gas-powered generators, and convert the gas into green energy (electricity), which is fed back into the electricity network. Council benefits from the sale of the electricity and also the retention of the Australian carbon credits by the federal government.

The tender for Landfill Gas Management Works for Dakabin, Bunya and Caboolture Waste Management Facilities provides for the installation and maintenance of the reticulation and collection system that is used in each of the landfill sites to capture the gas and feed it back to the gas-powered generators. This benefits Council by ensuring compliance with the conditions of the EA, reducing Council's carbon footprint and providing income from the sale of electricity and retention of the Australian carbon credits.

**2. Explanation of Item**

The tender for the 'Landfill Gas Management Works for Dakabin, Bunya and Caboolture Waste Management Facilities (MBRC009831)' was advertised on 26 September 2020 and closed on 20 October 2020, with one tender received, which was conforming. The tender was assessed by the evaluation panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

As part of the ongoing gas collection network at Dakabin, Bunya and Caboolture waste management facilities, tenderers were provided with plans of the current gas collection network layout and were required to provide a proposed design for extensions to the network layout and the proposed number of wells required in the areas requiring further gas extraction. Tenderer's were required to submit a schedule of rates based on the design, installation and commissioning of the gas well extensions at each landfill site.

One submission was received from:

- LGI Limited, Banyo Queensland

Ranking	Tenderer	Submission	Evaluation Score (Pre LP)	Evaluation Score (Post LP)
1	LGI Limited	Conforming	100.00	107.50

**LGI Limited ('LGI')** - submitted a conforming tender that contained the relevant information within the tender schedules to enable an adequate assessment. The company addressed the selection criteria satisfactorily by providing information on current and recent commitments with this and other councils. Details of plant and equipment, company profile, work health and safety management, copies of required insurances and workcover policies were supplied as requested. LGI installed the current gas collection network and wells at each of the landfill sites and its services are generally of a high standard. LGI received a high score based on the selection criteria.

To provide some consideration of the tender received, a review was undertaken of previous landfill gas management works tenders over the past 5 years. A comparative spreadsheet demonstrated consistency in charges for companies that have previously tendered for similar work.

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ITEM 3.6 TENDER - LANDFILL GAS MANAGEMENT WORKS - DAKABIN, BUNYA AND CABOOLTURE WASTE MANAGEMENT FACILITIES (MBRC010310) - A20790891 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council as the landfill operator is required to comply with the EA requirements determined by the state government. It is a legal requirement under the EA to collect and treat the landfill gas. The engagement of a suitable contractor, in line with this contract, will ensure Council complies with its obligations under the EA.

This tender has been prepared in accordance with the provisions of the Local Government Act 2009, Local Government Regulation 2012 and Council's Procurement and Disposals Policy, therefore all legal risks and implications have been minimised.

#### 3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Waste collection, reduction and recycling - the collection and disposal of waste, and programs and strategies to reduce and recycle waste.

#### 3.3 Policy Implications

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

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

#### 3.4 Risk Management Implications

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks are minimised is detailed below.

##### *Financial Risks:*

A third-party review of financial status has been carried out and the recommended tenderer was rated 'strong'. A security in the form of 5% retention of the Contract Sum will be sourced from the Contractor.

##### *Construction Risks:*

- a. The recommended tenderer will provide a program of works, 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 and the proximity of landfill operations to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. 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.

#### 3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project is greater than the budget allocation and is therefore reported to Council for consideration.*

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*ITEM 3.6 TENDER - LANDFILL GAS MANAGEMENT WORKS - DAKABIN, BUNYA AND CABOOLTURE WASTE MANAGEMENT FACILITIES (MBRC010310) - A20790891 (Cont.)*

3.6 Financial Implications

Council has allocated \$350,000 in the 20-21 FY Capital Project Program, \$350,000 and \$350,000 in the draft 21-22 and 22-23 FY Capital Projects Programs respectively, in total \$1,050,000 in total. All financial information is excluding GST.

Tender (over 3 FYs - 20-21, 21-22 and 22-23)	\$ 1,243,800.00
Contingency	\$124,380.00
Q Leave	\$7,151.85
Total Cost	\$1,375,331.85

(\$350k in 20-21; \$500k in 21-22; \$525k in 22-23)

The project allocation for the project over the course of the next 3 FYs is insufficient. To allow this project to continue, and for Council to enter into the agreement with LGI Limited for the project, Council commits to the provision of \$325,332 in additional funding for the project, with the funding to be provided in the draft 2021/22 FY (\$150,000) and draft 2022/23 FY (\$175,332) Capital Projects Program.

3.7 Economic Benefit Implications

By progressively extending the gas management systems, Council's carbon liability will be reduced. Increasing the amount of gas captured for beneficial re-use will generate an income to Council through revenue sharing of the sale of electricity and retention of Australian Carbon Credit Units and associated value.

3.8 Environmental Implications

Extensions to the existing gas management systems assist in the minimisation of any subsurface migration of landfill gas and the prevention of uncontrolled emissions. Capturing and reducing gas emissions meets the requirements of Council's Sustainability Policy in striving towards more sustainable environmental outcomes.

3.9 Social Implications

Extensions to the landfill gas management systems will assist in the ongoing reduction in uncontrolled gas emissions decreasing the volume in possible odours emanating from the landfill sites.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Consultation was held with Council's Procurement team to ensure compliance with Council's Procurement and Disposals Policy.

**SUPPORTING INFORMATION**

**Ref: [A20791338](#)**

The following list of supporting information is provided for:

**ITEM 3.6**

**TENDER - LANDFILL GAS MANAGEMENT WORKS - DAKABIN, BUNYA AND CABOOLTURE  
WASTE MANAGEMENT FACILITIES (MBRC010310)**

***Confidential #1 Tender Assessment***

**ITEM 3.7**

**TENDER - PETRIE MILL DEVELOPMENT - KOALA HABITAT REHABILITATION (MBRC010091)**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20873547 : 24 November 2020 Refer **Confidential Supporting Information A20873561**  
*Responsible Officer:* KP, Senior Environment Officer (ECM Major Projects)

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**Executive Summary**

Tenders were invited for the 'Petrie Mill Development Koala Habitat Rehabilitation (MBRC010091)' project, with tenders closing on the 25th September 2020 with four (4) tenders received all of which were conforming.

The tender comprises three separable portions (SP), being:

- SP1, with an area of 102,168m<sup>2</sup> (10ha), is now under MBRC control and ready to be planted.
- SP2, with an area of 107,411m<sup>2</sup> (11ha), is programmed to become available to MBRC in early 2021.
- SP3, with an area of 241,205m<sup>2</sup> (24ha), is programmed to become available to MBRC in 2022.

The tender requires 36 months of maintenance to be performed per separable portion, once the areas have been handed over to Council from Orora and following on from the required area planting.

That the tender for 'Petrie Mill Redevelopment - Koala Habitat Rehabilitation (MBRC010091)' project be awarded to Evolve Environmental Solutions Pty Ltd for the total sum of \$1,224,567.24 (excluding GST) as this tender was evaluated as providing the best overall value to Council. The total agreement period is for a period of up to five years. The agreement period will commence from date of entering into the agreement, through to handover of the final area for planting (SP3) planting being completed and a 36-month vegetation maintenance period of the planted area.

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Petrie Mill Redevelopment - Koala Habitat Rehabilitation (MBRC010091)' project be awarded to Evolve Environmental Solutions Pty Ltd for the total sum of \$1,224,567.24 (excluding GST). (Noting that the total agreement period is for a period of up to five years. The agreement period will commence from date of entering into the agreement, through to handover of the final area for planting (SP3) planting being completed and a 36-month vegetation maintenance period of the planted area).
2. That the Council enters into an agreement with Evolve Environmental Solutions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Evolve Environmental Solutions Pty Ltd for 'Petrie Mill Redevelopment - Koala Habitat Rehabilitation (MBRC010091)' project and any required variations of the agreement on Council's behalf.
4. That for the project to continue beyond 20-21 FY, and for Council to be able to enter into the agreement with the recommended tenderer (Evolve Environmental Solutions Pty Ltd), that Council commits to allocating \$967,884.27 in operational funds (as per above) across the 21-22, 22-23, 23-24 and 24-25 FYs in the 21-22 Operational Projects Program budget.

*ITEM 3.7 TENDER - PETRIE MILL DEVELOPMENT - KOALA HABITAT REHABILITATION (MBRC010091) - A20873547 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

This tender is an essential part of the Petrie Mill Development Project as the work is directly related to the Federal Government providing approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) for the establishment of the University of Sunshine Coast and other associated urban uses. The Federal Government approval is subject to a series of conditions.

As background, during the initial planning of the site, Council identified that redevelopment of the site may impact environmental values. Careful management of the site would be needed to ensure the protection of the local environment. One such consideration was koalas which are protected under the EPBC Act.

On 6 September 2017, the Federal Government provided approval (EPBC 2016/7839) for the development of the site subject to conditions which include management measures, offset outcomes, and administrative controls for and in consideration of koalas.

The conditions of EPBC 2016/7839 compensate for the loss of 22 hectares or critical habitat for the Koala within The Mill project site. These conditions require Council, as the Approval holder, must: (a) rehabilitate a minimum of 26 hectares of land with primary offset planting areas; and (b) dedicate a minimum of 74 hectares of land for rehabilitation within supplementary habitat restoration areas.

The conditions, include prescriptive timelines which Council must follow. These marked timelines include achieving set benchmarks such as (measured) tree growth height and canopy width of the revegetated areas.

In summary, this project is both a masterplan vision outcome and a regulatory requirement.

All EPBC Referrals can be viewed on the Australian Governments website of the Department of Agriculture, Water and the Environment (DAWE). Similarly, DAWE also post the outcome of all EPBC audits including compliance and enforcement actions.

### **2. Explanation of Item**

Tenders were invited for the *'Petrie Mill Redevelopment - Koala Habitat Rehabilitation (MBRC010091)'* project for the revegetation of a total of 450,784m<sup>2</sup> (45ha) of land. Given remediation processes are still ongoing by the previous land owner, the tendered contract accommodates the temporal scale through the delivery of three separable portions (SP) which are:

- SP1, with an area of 102,168m<sup>2</sup> (10ha), is now under MBRC control and ready to be planted.
- SP2, with an area of 107,411m<sup>2</sup> (11ha), is programmed to become available to MBRC in early 2021.
- SP3, with an area of 241,205m<sup>2</sup> (24ha), is programmed to become available to MBRC in 2022.

Additionally, each separable portion will incorporate a 36-month management and maintenance period to assist with the vegetation meeting benchmark compliance measurables associated to the EPBC Referral.

From a local preference perspective, none of the tenderers were listed as having a head-office within the Moreton Bay Regional Council Local Government Area (LGA). All three tenderers were found to be from an 'adjacent LGA'. As such, local preference weighting did not advantage one over another.

All tenders and their final evaluation scores are tabled below (ranked from high to lowest).

The tender panel included members from MBRC's Major Projects and Environmental Services divisions.

ITEM 3.7 TENDER - PETRIE MILL DEVELOPMENT - KOALA HABITAT REHABILITATION (MBRC010091) - A20873547 (Cont.)

RANK	TENDERER	Evaluation Score Pre-Local Preference	Evaluation Score Post-Local Preference
1	Evolve Environmental Solutions Pty Ltd	100	107.5
2	Australian Wetlands (Alternate Bid Saving)	91.21	91.21
3	Australian Wetlands	90.60	90.60
4	Jaru Services	77.10	77.10

**Evolve Environmental Solutions Pty Ltd ('EES')** - submitted a detailed tender and demonstrated their methodology and experience on projects of a similar scale and complexity. At the tender clarification meeting held on the 11<sup>th</sup> November 2020, EES provided further detail on their experience, methodology and staging, as well as their understanding of site specific contamination requirements which fall under *Environmental Protection Act 1994 (Qld)*. The EES tender was the lowest priced and was considered by the panel to provide the best overall value and is the recommended tenderer.

**Australian Wetlands, Alternate Bid Saving ('AW')** - submitted a detailed tender and demonstrated their methodology and experience on projects of a similar scale and complexity. Although AW submitted an alternate bid saving was provided and considered within the evaluation, the offer provided little additional benefit to offset the higher prices.

**Australian Wetlands ('AW')** - submitted a detailed tender and demonstrated their methodology and experience on projects of a similar scale and complexity. AW's tender price was higher than the preferred submission and provided little additional benefit to offset the higher prices.

**Jaru Services, trading as Corporate Landscape Services ('JS')** - submitted a detailed tender and demonstrated their methodology and experience on projects of a similar scale and complexity. JS tender price was significantly higher than the other submissions. There were no additional benefits provided with the offer to offset the higher prices.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

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

#### 3.4 Risk Management Implications

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks are minimised is detailed below.

##### *Environmental Implications*

The scope of works submission includes management plans for fauna, vegetation, contaminated land, and erosion and sediment control. The recommended tenderer will be required to implement an Environmental Management Plan incorporating relevant provisions of these plans.

ITEM 3.7 TENDER - PETRIE MILL DEVELOPMENT - KOALA HABITAT REHABILITATION (MBRC010091) - A20873547 (Cont.)

*Social Implications*

The project will provide significant positive social benefit through the enhancement of nature. More specifically, it will provide sustainable koala food and habitat trees that complement the intended Regional Ecosystems.

*Regulatory Implications*

The project is a regulatory requirement. That is, under the Federal Government EPBC Referral (2016/7839), MBRC as a listed Approval holder must revegetate the land. The Referral has several conditions and criteria that must be achieved within specified timeframes.

*Performance Outcomes*

The contract specifications require the contractor to achieve measured milestones and performance criteria that match the requirements of the EPBC referral held by MBRC. Separable Portions allow the progressive delivery of rehabilitation areas and handover to council.

*Weather*

The tender document requires the tenderers to include their own inclement weather allowances and assume wet weather risk.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project is greater than the budget allocation and is therefore reported to Council for consideration.*

3.6 Financial Implications

Tender Price (Construction) comprising:	\$ 1,224,567.24
1. FY2020/21	\$ 377,180.95
2. FY2021/22	\$ 85,500.00
3. FY2022/23	\$ 509,586.29
4. FY2023/24	\$ 168,900.00
5. FY2024/25	\$ 83,400.00
	<u>\$ 1,224,567.24</u>
Contingency (10%)	\$ 122,456.72
Qleave (0.575%)	\$ 7,041.26
	-----
Total Project Cost	\$ 1,345,065.22
	=====

The project budget for 20-21 is sufficient, with \$2.65M allocated for Koala habitat revegetation works, which soil placement and planting. For the project to continue beyond 20-21 FY, and for Council to be able to enter into the agreement with the recommended tenderer (Evolve Environmental Solutions Pty Ltd), that Council commits to allocating \$967,884.27 in operational funds (as per above) across the 21-22, 22-23, 23-24 and 24-25 FYs in the 21-22 Operational Projects Program budget.

3.7 Economic Benefit Implications

This development has significant regional economic benefits and is a catalyst for overall outcomes for the site as part of the broader 'The Mill at Moreton Bay' PDA.

3.8 Environmental Implications

The project will re-establish open space and regional ecosystems for local fauna and community.



*ITEM 3.7 TENDER - PETRIE MILL DEVELOPMENT - KOALA HABITAT REHABILITATION (MBRC010091) - A20873547 (Cont.)*

3.9 Social Implications

The overall Petrie Mill Development project will provide significant positive social benefit and will incorporate various open spaces along with other facilities for community use.

3.10 Human Rights Implications                       Nil identified

3.11 Consultation / Communication

The works will be managed by MBRC's Major Projects team in line with communication policies and protocols. Council's Major Projects team engaged with the EPBC Referral Authority to ensure performance criteria requirements were adequately addressed within the contract document.

**SUPPORTING INFORMATION**

**Ref: A20873561**

The following list of supporting information is provided for:

**ITEM 3.7**

**TENDER - PETRIE MILL DEVELOPMENT - KOALA HABITAT REHABILITATION (MBRC010091)**

***Confidential #1 Tender Evaluation***

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## 4 PLANNING SESSION

(Cr D Grimwade)

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### ITEM 4.1

#### **CABOOLTURE WEST LAND USE AND INFRASTRUCTURE PLANNING INVESTIGATIONS AND FORWARD PROGRAM FOR NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1**

*Meeting / Session:* 4 PLANNING  
*Reference:* A20710688: 25 November 2020 - **Refer Supporting Information A20864739**  
*Responsible Officer:* CT, Coordinator Caboolture West (PL Strategic Planning & Place Making)

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#### **Executive Summary**

On 3 September 2019, Council resolved to re-start land use and infrastructure planning for the Caboolture West growth area, including engagement with the State Government and relevant landowners, in parallel and independent of the development of a Regional Growth Management Strategy 2041 (RGMS2041).

In responding to this resolution, Council officers have given particular consideration to the level of planning undertaken to date for Caboolture West, and its established policy position both within the South East Queensland Regional Plan 2017 (*ShapingSEQ*) and the MBRC Planning Scheme 2016.

At a Council briefing held on 13 October 2020, the outcomes of the investigations undertaken into Caboolture West were discussed, including gateway issues that must be resolved for development to successfully proceed in Caboolture West. A key matter discussed was prioritising the preparation of a planning scheme amendment for Neighbourhood Development Plan 1 (NDP1), in addition to broader and more holistic consideration of issues affecting the growth area.

The purpose of this report is for Council officers to:

- a. provide to Council the 'Caboolture West Outline Plan' on the limited basis that the report provides some background information on the growth area; and
- b. recommend Council approve to proceed to make an amendment to the MBRC Planning Scheme under Section 18 of the *Planning Act 2016* for NDP1 of the Caboolture West Local Plan.

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

1. That Council note the document titled '*Scoping and Project Services for Re-start of Caboolture West Land Use and Infrastructure: Outline Plan*' (Caboolture West Outline Plan) dated November 2020 as providing some background information on the Caboolture West growth area.
2. That the Director of Planning prepare a summary document on the Caboolture West Outline Plan for external release (including on Council's website).
3. That Council make an amendment to the MBRC Planning Scheme under Section 18 of the *Planning Act 2016* for '*Neighbourhood Development Plan No. 1*' (NDP1) of the Caboolture West Local Plan.
4. That the Chief Executive Officer be authorised to write to the Minister initiating discussions about an amendment under Section 18 of the *Planning Act 2016*, and in doing so seek advice regarding relevant State interests and a tailored amendment process to support the efficient delivery of the amendment, and ultimately the start of development in the recognised priority regional growth area.

*ITEM 4.1 CABOOLTURE WEST LAND USE AND INFRASTRUCTURE PLANNING INVESTIGATIONS AND FORWARD PROGRAM FOR NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 - A20710688 (Cont.)*

**REPORT DETAIL**

**1. Background**

Caboolture West is the region's largest *Emerging/ New Neighbourhood* growth area projected to accommodate a population of approximately 69,000 residents and 27,000 dwellings over the next 40 years. Caboolture West is planned to reach this population on land that is currently rural/ non-urban in character and infrastructure provision.

The following resolution appears on Minute Page 19/1991 of the General Meeting of Council held 10 September 2019:

Ex. General Meeting held 3 September 2019 (MP. 19/1967):

RESOLUTION

2. That Council recognises that progressing of the Caboolture West growth area is an implementation action under the South East Queensland Regional Plan 2017 (ShapingSEQ) and is a significant priority for the region.
3. That Council approves the re-start of land use and infrastructure planning for the Caboolture West growth area, including engagement with the relevant landowners, in parallel and independent of the RGMS2041. Council notes this work will ultimately lead to the preparation of a planning scheme amendment.
4. That Council notes officers will continue to closely engage with the Department of State Development, Manufacturing, Infrastructure and Planning, the Department of Transport and Main Roads and Unitywater during the delivery of the RGMS2041 and works on the Caboolture West growth area.

At a Council Workshop held on 12 November 2019, Council were updated on preliminary investigations into the planning of Caboolture West. Ethos Urban and Strategic AM were then engaged to develop an Outline Plan which may assist Council officers in considering an appropriate path forward in relation to the re-start of Caboolture West land use and infrastructure planning with an immediate focus on the delivery of NDP1.

A Council Briefing was held on 13 October 2020 on the outcomes of the Caboolture West Outline Plan and the proposed delivery of a NDP1 planning scheme amendment. In line with Council's decision-making framework, an extract from the minutes of the briefing is provided below:

*BRIEFING 4 - UPDATE ON CABOOLTURE WEST LAND USE AND INFRASTRUCTURE PLANNING INVESTIGATIONS AND FORWARD PROGRAM FOR NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1*

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

*Council noted the findings from the Outline Plan and the next steps as presented. A report will be submitted to the General Meeting for consideration of adoption of the Outline Plan.*

*A further council briefing will be provided prior to the end of the year to discuss the NDP1 amendments pathway.*

**2. Explanation of Item**

The Caboolture West Outline Plan exists as a planning investigation undertaken at a point in time and provides some background information on the major growth area.

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*ITEM 4.1 CABOOLTURE WEST LAND USE AND INFRASTRUCTURE PLANNING INVESTIGATIONS AND FORWARD PROGRAM FOR NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 - A20710688 (Cont.)*

The outline plan has considered key matters such as land use and plan making, infrastructure delivery and funding, engagement, governance and resourcing to assist Council officers in considering the most appropriate way to progress development within the Caboolture West growth area. It has grouped issues and associated workstreams into two categories based on their level of importance across multiple stakeholder groups. 'Gateway Issues' were identified as matters that should be resolved as a first priority and 'Key Issues' identified as additional considerations to be addressed in the delivery of Caboolture West. The following provides a summary of these matters.

### Gateway Issues

- *Infrastructure cost and funding* – There is a gap between the costs to service the Caboolture West area and the ability to recover these costs through infrastructure charges under the current legislation.
- *State transport infrastructure planning* – There are on-going State transport planning projects that may have substantial impacts on Council's Caboolture West Transport Model assumptions, trunk infrastructure requirements and spatial land use planning.
- *Governance and delivery mechanism* – A delivery mechanism is required to progress land use and infrastructure planning for Caboolture West. In the short-term, it is recommended that Council allow for the delivery of NDP1 via a streamlined Planning Scheme amendment.

### Key Issues

- *Green Infrastructure Network (GIN)* – The GIN intends to resolve a myriad of challenges for Caboolture West, including mitigating flood impacts, improving water quantity and quality, protecting flora and fauna habitat, and supporting open space and active recreation infrastructure. The GIN will require further analysis to ensure that the concepts are fully understood, costs and risks are properly allocated.
- *Employment and retention* – The employment assumptions prepared as part of the former Major Planning Scheme Amendment 1 are outdated and need to be reviewed.
- *Infrastructure understanding and requirements* – The provision and capacity assumptions of the trunk infrastructure network (existing and proposed) prepared as part of the former Major Planning Scheme Amendment 1 need to be revisited to determine costs and inform any alternative funding mechanisms.
- *Vision and character* – Rebranding of Caboolture West has been identified as a way to support a holistic design direction for development across each landholding and the Structure Plan area.
- *Social infrastructure* – The proposed location and design of social infrastructure indicated in the Caboolture West Structure Plan area need to be revisited.
- *Landholder and developer expectations* – The highly fragmented nature of Caboolture West makes it difficult for Council to manage expectations and obtain commitment from landowners for infrastructure provision.

The Caboolture West Local Plan requires the preparation of Neighbourhood Development Plans by Council to support the efficient and holistic delivery of land use, design, infrastructure and community-based outcomes and the proper assessment of development applications. The development of these Neighbourhood Development Plans (and supporting planning scheme amendments) provides the framework for the orderly and efficient delivery of the growth area over its projected 40 year lifecycle.

There are several large development applications currently lodged over land within NDP1 which is identified as the first development area in the Local Plan. A number of development applications have also been lodged in NDP2.

The Caboolture West Outline Plan identifies the prioritisation of NDP1 whilst progressing further land use and infrastructure planning to address gateway issues and support the broader sequence of development set out in the Local Plan. This approach enables Council to respond to immediate development pressures in NDP1 more holistically through the preparation of a NDP1 planning scheme amendment, and ultimately the start of development in the recognised priority regional growth area.

*ITEM 4.1 CABOOLTURE WEST LAND USE AND INFRASTRUCTURE PLANNING INVESTIGATIONS AND FORWARD PROGRAM FOR NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 - A20710688 (Cont.)*

To support the proposed NDP1 planning scheme amendment, Council officers will continue to engage State Government agencies through the Caboolture West governance framework established under the leadership of the Queensland Treasury - Planning Group (and supported by the Department of Transport and Main Roads and Unitywater). Early engagement with State Government agencies, Unitywater and NDP1 landowners is necessary to:

- identify and address critical State interests and manage risks arising from State agency feedback;
- understand key issues that may influence the amendment arising from current development applications and NDP1 landowner expectations; and
- determine the most robust and streamlined plan making process under Section 18 of the *Planning Act 2016* for the delivery and adoption of the proposed NDP1 planning scheme amendment.

A further Council briefing will be scheduled to inform Council on the outcomes of this engagement and provide further details of the proposed plan making process proposed under Section 18 of the *Planning Act 2016* for the delivery of NDP1 amendments.

### **3. Strategic Implications**

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

The recommendations in this report reflect the guidance as provided in the Minister's Guidelines and Rules (MGR) for making or amending a planning scheme, and this report represents a first step under the MGR for the progression of a NDP1 planning scheme amendment.

#### **3.2 Corporate Plan / Operational Plan**

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

#### **3.3 Policy Implications**

The Caboolture West Local Plan requires the preparation of Neighbourhood Development Plans by Council to support the holistic and efficient delivery of land use, design, infrastructure and community-based outcomes and the proper assessment of development applications. The development of these Neighbourhood Development Plans (and supporting planning scheme amendments) provides the framework for the orderly and efficient delivery of the growth area over its projected 40 year lifecycle.

As part of the proposed NDP1 planning scheme amendment, Council will need to work closely with relevant state agencies to ensure that state interests are appropriately considered as part of the plan making process.

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

The Outline Plan identifies several risks that should be considered/ addressed when implementing the Local Plan. In addition, there remains a number of unresolved matters associated with the proposed NDP1 amendment (e.g. traffic, sports parks). These matters will be further considered/ addressed as part of ongoing consultation with relevant stakeholders.

#### **3.5 Delegated Authority Implications**

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

#### **3.6 Financial Implications**

A detailed resourcing and budget plan will be developed and additional funds requested in the future.

#### **3.7 Economic Benefit Implications**

Keeping the MBRC Planning Scheme up to date assists in attracting appropriate development into the Moreton Bay Region and boosts economic activity.

#### **3.8 Environmental Implications**

Well planned growth will better manage the environmental outcomes identified in Caboolture West.

*ITEM 4.1 CABOOLTURE WEST LAND USE AND INFRASTRUCTURE PLANNING INVESTIGATIONS AND FORWARD PROGRAM FOR NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1 - A20710688 (Cont.)*

3.9 Social Implications

Well planned growth supports positive social outcomes within Caboolture West and wider Moreton Bay Region.

3.10 Human Rights Implications

There are no known human rights implications arising as a result of this report. Public notification will be undertaken as part of the proposed NDP1 planning scheme amendment.

3.11 Consultation / Communication

The Outline Plan has been developed in consultation with multiple internal departments, Queensland Treasury - Planning Group, Unitywater and was informed by various landowners in NDP1 and NDP2.

**SUPPORTING INFORMATION**

**Ref: [A20864739](#)**

The following list of supporting information is provided for:

**ITEM 4.1**

**CABOOLTURE WEST LAND USE AND INFRASTRUCTURE PLANNING INVESTIGATIONS AND FORWARD PROGRAM FOR NEIGHBOURHOOD DEVELOPMENT PLAN (AREA) NO.1**

***#1 Ethos Urban Outline Plan - November 2020***



## ITEM 4.2 SECONDARY DWELLINGS DEFINITION AND FUNCTION

*Meeting / Session:* 4 PLANNING  
*Reference:* A20848861: 19 November 2020  
*Responsible Officer:* SC, Principal Strategic Planner (PL Strategic Planning & Place Making)

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### Executive Summary

Strong population growth, housing affordability pressures and changing demographic makeup have seen new forms of housing emerge across the region. While housing choice and diversity are important criteria underpinning long-term growth management in Moreton Bay, concerns have arisen about the quality and scale and intensity of Secondary Dwelling development.

On 29 October 2019, Council resolved to undertake 'a review of Secondary Dwellings and the outcomes being achieved'. At a Council briefing held on 17 November 2020 the outcomes of investigations undertaken were discussed. Two key issues were identified:

- Issue 1: Perceived misunderstanding of the 'Secondary Dwelling' definition and function.
- Issue 2: Design issues and amenity impacts that have arisen from 'Secondary Dwelling' development.

The primary purpose of this report is for Council to consider and address a response to Issue 1. Council officers recommend taking steps to appropriately inform the community, real estate and development industry stakeholders of the correct interpretation of the 'Secondary Dwelling' definition. A managed transition has been proposed to facilitate this, and to acknowledge existing living arrangements and lease agreements that might be in place.

The recommendations in this report position Council in line with other Queensland local governments and manage risks to Council and the community by supporting the effective implementation of the State planning requirements, and the MBRC Planning Scheme. This also assists in the effective management of neighbourhood amenity and achievement of liveability outcomes throughout the region.

This report also recommends officers prepare draft planning scheme amendments to address identified design issues and amenity impacts, along with commencing a Housing Study to identify the housing needs of the region and investigate the delivery of affordable living solutions.

### OFFICER'S RECOMMENDATION

1. That Council notes a 'Secondary Dwelling', as required by the definition set by the Queensland Government in the *Planning Regulation 2017* must operate 'in conjunction with and subordinate to' the primary 'Dwelling House'.
2. That action be taken to address a perceived misunderstanding of the 'Secondary Dwelling' definition and ensure the correct interpretation of the definition is applied. This will reaffirm that a 'Dwelling House and Secondary Dwelling' should not be used separately, independently or otherwise function as a 'Dual Occupancy'.
3. That Council officers appropriately inform community, real estate and development industry stakeholders of the correct interpretation of the 'Secondary Dwelling' definition via written correspondence, webpage updates and one-on-one or small group forums, where appropriate. This will include development of simple and concise communications to advise of the correct interpretation of the relevant definitions and include examples and information about what is a 'Secondary Dwelling' versus what is a 'Dual Occupancy'.

*ITEM 4.2 SECONDARY DWELLINGS DEFINITION AND FUNCTION - A20848861 (Cont.)*

4. That a managed transition occur to balance the need to correctly implement the definition whilst acknowledging existing living arrangements and lease agreements, such that:
  - a) Secondary Dwelling uses that commence after 26 February 2021 will be reviewed closely for compliance with the 'Secondary Dwelling' definition. Non-compliant development after this time may result in compliance action being taken under the *Planning Act* 2016.
  - b) That Council reserves its right on 'Secondary Dwelling' uses that have commenced on or before 26 February 2021 to investigate and undertake compliance action, on a case by case basis, where there is concern of adverse safety or neighbourhood amenity impacts.
5. That Council acknowledges that in some cases the Planning & Environment Court may give ultimate clarity as to whether a particular circumstance is a 'Dwelling House and Secondary Dwelling' or a 'Dual Occupancy'.
6. That Council officers prepare draft planning scheme amendments to address identified design issues and amenity impacts that have arisen from 'Secondary Dwelling' development in the region for Council's consideration in 2021.
7. That the Planning Division undertake a holistic Housing Study to better understand and gain up-to-date information on the housing needs of the region, including housing choice and diversity, and the delivery of affordable living solutions.

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ITEM 4.2 SECONDARY DWELLINGS DEFINITION AND FUNCTION - A20848861 (Cont.)

**REPORT DETAIL**

**1. Background**

The Secondary Dwelling review was initiated in response to submissions received through the public notification stage of the MBRC Planning Scheme Tailored Amendment No.1 and Council's subsequent resolution of 29 October 2019:

*"That in response to the community feedback received during this amendment process, Council will undertake the following further bodies of work, noting the outcomes of this work may inform future amendments to the planning scheme: a) A review of Secondary dwellings and the outcomes being achieved;"*

In responding to this resolution, it has been identified that while housing choice and diversity are important criteria underpinning long-term growth management in Moreton Bay, legitimate community concerns have arisen about the quality and scale and intensity of development relating to Secondary Dwellings throughout the region.

At a Council briefing held on 17 November 2020 the outcomes of recent investigations undertaken with respect to Secondary dwellings were discussed and the following key issues identified:

- **Issue 1: Perceived misunderstanding of the 'Secondary Dwelling' definition and function.**  
There has been confusion and an inherent lack of clarity with respect to the correct interpretation of the 'Secondary Dwelling' definition. In many cases it appears that development is being treated as a 'Dwelling House and Secondary Dwelling' that is correctly defined as a 'Dual Occupancy'.
- **Issue 2: Design issues and amenity impacts that have arisen from 'Secondary Dwelling' development.**  
There are design issues and amenity impacts occurring across the region in both an infill (existing area) and greenfield (new development) context. Whilst their degree or impact is influenced by Issue 1, these issues also exist independent to Issue 1 and are impacting neighbourhood amenity and liveability.

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

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

*A council report to be submitted to the General Meeting for consideration of the way forward to address the correct interpretation.*

*A council briefing will be brought to Council to discuss a draft planning scheme amendment package.*

**2. Explanation of Item**

The State planning legislation (*Planning Regulation 2017*) sets the definitions for all land use activities in Queensland, including a 'Dwelling House', 'Secondary Dwelling' and 'Dual Occupancy'. A 'Dwelling House' may include a 'Secondary Dwelling' that is used in conjunction with and is subordinate to the primary 'Dwelling House'.

There has been inherent confusion with the 'Secondary Dwelling' definition that has also caused difficulties for other Councils, with many taking considerable efforts to clarify the correct interpretation of the definition.

Challenges associated with 'Secondary Dwellings' have arisen from a complicated series of related land use definitions and a misunderstanding of these over a long period of time. Council took a position in 2016 that a 'Secondary Dwelling' could be separately leased from the primary 'Dwelling House', which may have influenced key tests in the definition being overlooked by applicants and/or those conducting the use.

In practice, separate leasing of a 'Dwelling House and Secondary Dwelling' appears to have occurred without consideration of the other requirements of the 'Secondary Dwelling' definition, primarily that the 'Secondary Dwelling' is to be used in conjunction with and subordinate to the primary 'Dwelling House'. In some cases this has resulted in development intensity akin to a 'Dual Occupancy' without appropriate assessment, design measures and infrastructure charges being applied.

## ITEM 4.2 SECONDARY DWELLINGS DEFINITION AND FUNCTION - A20848861 (Cont.)

To comply with the Secondary Dwelling definition, there must be a functional nexus (or clear relationship) between both the 'Dwelling House' and 'Secondary Dwelling'. If a 'Secondary Dwelling' is used in a separate, discrete or independent way it cannot be concluded that it is being used 'in conjunction with or subordinate to' the primary 'Dwelling House'. Investigations show some developments approved as a 'Dwelling House and Secondary Dwelling' in the Moreton Bay Region appear to be owned by non-resident investors with both dwellings rented separately and not operating with a functional nexus (or clear relationship).

Officers acknowledge that some cases involving separate leasing may present a 'grey area' as to whether they are a 'Dwelling House and Secondary Dwelling' or a 'Dual Occupancy', and the Planning and Environment Court would give the ultimate clarity.

Notwithstanding this, Council officers acknowledge the need for greater clarity to be provided to the community, real estate and development industry stakeholders in order to reaffirm the correct interpretation of the definition. Many other local governments in Queensland have already taken these similar steps and this provides Council with valuable resources to use as part of its communications.

A further Council briefing will be scheduled to inform Council of potential planning scheme amendments to address design issues and amenity impacts that have been identified with regard to 'Secondary Dwelling' development in the region.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The recommendations in this report reflect the definitions mandated in the *Planning Regulation 2017*. All local governments in Queensland are subject to these definitions. Council cannot change these definitions. The recommendations in this report reflect the measures required to ensure the correct interpretation of the Secondary Dwelling definition is advanced by Council.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

A range of actions are proposed to ensure the correct implementation of the 'Secondary Dwelling' definition occurs. Further investigations will be conducted into the design and amenity issues associated with this land use. In addition, further studies in relation to housing needs and the planning scheme requirements associated with 'Dual Occupancy' development will also be reviewed.

#### 3.4 Risk Management Implications

The recommendations in this report position Council in line with other Queensland local governments with respect to the correct interpretation of the 'Secondary Dwelling' definition. This manages risk to Council and the community to ensure the effective implementation of the State planning requirements, and the MBRC Planning Scheme. A managed transition has been proposed to facilitate the effective implementation of this, and to acknowledge existing living arrangements and lease agreements that might be in place.

#### 3.5 Delegated Authority Implications

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

#### 3.6 Financial Implications

There are potential impacts on housing cost, choice and diversity that are acknowledged and should be investigated and better understood through a proposed holistic Housing Study.

*ITEM 4.2 SECONDARY DWELLINGS DEFINITION AND FUNCTION - A20848861 (Cont.)*

3.7 Economic Benefit Implications

Ensuring that State planning legislation and the MBRC Planning Scheme is implemented effectively and appropriately assists in attracting appropriate development into the Moreton Bay Region and boosts economic activity.

3.8 Environmental Implications

Appropriate urban residential development will assist in the implementation of the environmental outcomes identified within the MBRC planning scheme.

3.9 Social Implications

Well planned growth and urban development supports positive social outcomes within the Moreton Bay Region.

3.10 Human Rights Implications

There are no known human rights implications arising as a result of this report.

3.11 Consultation / Communication

Communication materials will be prepared and delivered to appropriately inform the community, real estate and development industry stakeholders of the correct interpretation of the 'Secondary Dwelling' definition. Additionally, a supporting fact sheet package will clarify the interpretation of the relevant definitions, assist with ways current non-compliant development can be corrected, and provide additional material about the approval process and associated planning scheme requirements.

**ITEM 4.3**  
**2020 TEMPORARY DELEGATION OF AUTHORITY**

*Meeting / Session:* 4 PLANNING  
*Reference:* A20858681 : 24 November 2020  
*Responsible Officer:* CQ, Coordinator Specialist Assessment - Development Services

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**Executive Summary**

The Council currently delegates authority to the Chief Executive Officer (CEO) to decide development applications and associated administrative functions, under relevant planning legislation and the *Economic Development Act 2012*, pursuant to section 257 of the *Local Government Act 2009* (Council-025, Council-105, and Council-107).

However, in certain circumstances, impact assessable development applications with submissions, preliminary approvals and preliminary approvals including variation approvals, and certain Precinct and Sector Plans for North Lakes are required to be determined by Council.

As the Council is in recess from 10 December 2020 up to and including 19 January 2021, the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Economic Development Act 2012* require decisions to be made within specific periods, it is recommended the Council delegate authority to the CEO for those matters currently not delegated, during this period.

**OFFICER'S RECOMMENDATION**

1. That subject to recommendation 2, pursuant to section 257 of the *Local Government Act 2009*, Council delegate its powers under the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and *Economic Development Act 2012* to the Chief Executive Officer to decide:
  - (a) impact assessable development applications under the Moreton Bay Regional Council Planning Scheme for which submissions have been received;
  - (b) impact assessable development applications and/or Plan of Developments under The Mill at Moreton Bay Priority Development Area Development Scheme for which submissions have been received;
  - (c) development applications for preliminary approval;
  - (d) development applications for preliminary approval that include a variation approval; and
  - (e) precinct and Sector Plans for North Lakes.
2. That the delegation of powers made under recommendation 1 operate between 10 December 2020 up to and including 19 January 2021.
3. That the Divisional Councillor and the Planning Portfolio Councillor be advised prior to the Chief Executive Officer exercising his delegated authority.
4. That a report be presented to Council outlining any delegations exercised under this temporary delegation once the delegation ceases.

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ITEM 4.3 2020 TEMPORARY DELEGATION OF AUTHORITY - A20858681 (Cont.)

**REPORT DETAIL**

**1. Background**

The *Integrated Planning Act 1997* (IPA), the *Sustainable Planning Act 2009* (SPA), the *Planning Act 2016* (PA) and *Economic Development Act 2012* (EDA) require decisions to be made within specific periods. In the event applications are not decided within time, certain applications can be taken to be a deemed refusal and appeal rights apply. It is noted applications subject to the deemed approval provisions of SPA and PA (code assessable applications) are already covered under Council's existing delegations.

Current delegated authority extends to Development Applications and associated administrative functions whilst in some circumstances impact assessable applications with submissions, Preliminary Approvals and Precinct and Sector Plans for North Lakes require full Council consideration.

**2. Explanation of Item**

In order to comply with the timeframes specified in IPA, SPA, PA and EDA, it is suggested that delegated authority be granted for the Chief Executive Officer to decide those impact assessable applications with submissions, Preliminary Approvals and Preliminary Approvals including Variation Requests and Precinct and Sector Plans for North Lakes where a decision is required during the Council recess from 10 December 2020 up to and including 19 January 2021.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

In the event that applications are not decided within statutory timeframes, certain applications can be taken to be a deemed refusal and appeal rights apply.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

In the event that applications are not decided within statutory timeframes, certain applications can be taken to be a deemed refusal and appeal rights apply.

3.5 Delegated Authority Implications

In order for non-delegated applications to be approved within the specified time as per the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Economic Development Act 2012*, it is suggested that delegated authority be granted to the Chief Executive Officer during Council recess as outlined in the report detail.

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

Divisional Councillor and the Planning Portfolio Councillor will be advised prior to the Chief Executive Officer exercising his delegated authority.

## **ITEM 4.4 NATIVE WILDLIFE INFRASTRUCTURE INVESTMENT**

*Meeting / Session:* 4 PLANNING  
*Reference:* A20874086 : 25 November 2020  
*Responsible Officer:* BM, Coordinator Environment Planning and Policy (PL Directorate)

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### **Executive Summary**

On 19 August 2020 Council resolved (General Business Item 11.4: Native Wildlife Infrastructure Investment) that a review be undertaken into a number of wildlife infrastructure matters, including:

- A comparison of the spend on overhead fauna crossings compared with koala specific infrastructure.
- A speed reduction review on Council roads with a koala presence during breeding season.
- Examination of the need for a local native wildlife hospital/respice centre.

The results of the review include the following:

- Sixty-nine (69) percent of Council's Green Infrastructure portfolio comprises koala infrastructure assets.
- While Council can undertake speed limit reviews for its road network it is not the approving authority for speed limit changes. Previous work on reducing the risk of wildlife-vehicle collisions is being used to inform further discussions with the Department of Transport and Main Roads and to prioritise Council's environmental line marking program.
- A local koala triage and education centre (wildlife hospital) in the Moreton Bay Region has been recently advocated by the Mayor. The capital and operational costs of such a centre are considerable and would require further detailed analysis.

A Council briefing was held on 1 December for the purpose of providing Council with information on those matters. This report presents information to respond to Council's resolution of 19 August 2020.

### **OFFICER'S RECOMMENDATION**

That Council receive and note the report as a response to Council's resolution of 19 August 2020 regarding General Business Item 11.4: Native Wildlife Infrastructure Investment.



ITEM 4.4 NATIVE WILDLIFE INFRASTRUCTURE INVESTMENT - A20874086 (Cont.)

**REPORT DETAIL**

**1. Background**

The following resolution appears on Minute Page (20/1604) (General Business Item 11.4: Native Wildlife Infrastructure Investment) of the General Meeting of Council held 19 August 2020:

1. That the Chief Executive Officer conduct a review into Council's total native wildlife infrastructure investment specifically highlighting the spend on koala infrastructure, broken down by type of initiative, such as koala fencing, koala underpasses and koala lighting.
2. That the review outlined above include:
  - a) a comparison of the spend on overhead fauna crossings, compared with koala specific infrastructure;
  - b) a speed reduction review on Council-controlled roads that have a known koala presence during the annual breeding season; and
  - c) an examination of the need for a local native wildlife hospital/respice centre, in addition to the recently announced environmental buy-back program.
3. That the Chief Executive Officer report back to Council on these matters before the end on the year.

A Council briefing was conducted on 1 December 2020 for the purpose of sharing information and providing advice/views to Council on the matter.

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

*That a report be prepared for Council's consideration at its General Meeting on 9 December 2020 - providing response to Cr C Tonks' General Business item raised at the General Meeting of 19 August 2020, as outlined above.*

**2. Explanation of Item**

**Review of total native wildlife infrastructure investment & comparison of infrastructure spend**

Council's Green Infrastructure (New/Renewal/Upgrade) Program assists road safety for motorists and wildlife through the installation of wildlife movement infrastructure including fauna rope bridges, koala underpasses, exclusion fencing, refuge poles and escape poles.

These types of infrastructure work to reduce the risk of wildlife-vehicle collisions by providing safe and ongoing movement opportunities for wildlife and preventing them from entering the road corridor and crossing the road at pavement level.

An examination of Council's Financial Asset Register for the Green Infrastructure portfolio was undertaken in November 2020. The Financial Asset Register includes constructed fauna crossing assets maintained by Council with the current total asset cost for this portfolio being \$4,639,762.25.

A comparison of the value of Fauna Rope Bridge infrastructure assets with Koala Infrastructure assets is included in Table 1.

Table 1: Comparison - Green Infrastructure (November 2020)

Green Infrastructure Asset	% Split	Asset value
Fauna Rope Bridges	31	\$1,470,360.81
Koala Infrastructure*	69	\$3,169,401.44
	<b>TOTAL</b>	<b>\$ 4,639,762.25</b>

\*Includes Koala fencing, underpasses, escape and refuge poles.

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ITEM 4.4 NATIVE WILDLIFE INFRASTRUCTURE INVESTMENT - A20874086 (Cont.)

**Speed reduction review on Council-controlled roads with koala presence during breeding season.**

While Council can undertake speed limit reviews for its road network, it is not the approving authority for speed limit changes.

Requests for speed limit changes must undergo a rigorous assessment process and be evaluated by the regional Speed Management Committee. Representatives of this committee include the Queensland Transport and Main Roads Department (TMR) and the Queensland Police Service. Speed limit changes can be a lengthy process but, this is necessary to ensure the method of setting speed limits can be justified and is appropriate. It should be noted that the current Queensland Government approved speed limit review process outlined in TMRs Manual of Uniform Traffic Control Devices (MUTCD) does not include risk of 'wildlife on road' or 'wildlife-vehicle collision' as a purpose for speed reduction.

In 2002, the TMR published its *Fauna Sensitive Road Design Guideline* (FSRDG). This guideline recognises the importance of ameliorating the effects of road infrastructure on fauna and the environments they inhabit. Council officers are currently reviewing the guideline at the request of TMR and will be making representations to the Queensland Government in regard to improving the alignment of the FSRDG and MUTCD and inclusion of a process for considering speed reduction to address wildlife-vehicle-collision 'hot-spots'.

In response to ongoing concerns regarding wildlife-strike on the road network, between 2015/16 and 2017/18 Council engaged consultants to undertake two network integration studies. The purpose of the studies was to identify key locations along the Moreton Bay Region road network where the construction of wildlife crossing infrastructure could be prioritised and would contribute to reducing the risk of wildlife-vehicle collisions, improving network integration, function and connectivity. This work identified roads with frequent and ongoing wildlife-vehicle collisions and underpins the Council's Green Infrastructure Program.

The above-mentioned studies also identified local roads where speed limit revision may reduce the risk of wildlife-vehicle collisions. These roads are also prioritised in Council's environmental line-marking program. Council officers have provided this information to TMR and discussions are ongoing in relation to this matter.

**Examination of the need for a local native wildlife hospital/respice centre.**

This report does not present an in-depth needs analysis for a local wildlife hospital/respice centre. During the recent Queensland Government election, the Mayor commenced an advocacy campaign for a local koala triage and education centre to be established within the Moreton Bay Region.

This advocacy campaign has been based on Council's significant investment into koala conservation over the last 18+ years, the positive growth rate of the koala population at The Mill, feedback from local wildlife rescue groups and potential future tourism, research and education opportunities.

Feedback from wildlife carers has highlighted distance challenges in terms of getting injured koalas in the Region to specialised care. It is unclear whether similar challenges exist for other native species when they are injured and the scale/magnitude of this problem. Due to the capital and operational costs of establishing such a facility (a koala triage centre/wildlife hospital and respice centre) a more detailed analysis and feasibility assessment would be required. Following further review by Council officers, it is proposed that this initiative would be presented to Council for its consideration and feedback.

### 3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Valuing Lifestyle: Healthy Natural Environment - a clean and healthy environment.

*ITEM 4.4 NATIVE WILDLIFE INFRASTRUCTURE INVESTMENT - A20874086 (Cont.)*

3.3 Policy Implications

Installation of koala infrastructure assets and the Green Infrastructure Program is consistent with the objective of the Koala Conservation Policy 2150-0003 to 'develop and implement strategies that support the long-term viability of the koala population across the Moreton Bay Region'.

3.4 Risk Management Implications

Previous work on reviewing speed limits has identified opportunities to reduce the threat of wildlife-vehicle collisions and these are subject to ongoing discussions with State government. The risks and opportunities associated with establishment of a local native wildlife hospital/respice centre in the Moreton Bay Region are yet to be fully investigated.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

No direct financial implications arising from the recommendation of this report. Further investigation into a local native wildlife hospital/respice centre will have financial and resource implications.

3.7 Economic Benefit Implications                     Nil identified

3.8 Environmental Implications

Council currently implements its Green Infrastructure Program to reduce the risk of wildlife-vehicle collisions by providing safe and ongoing movement opportunities for wildlife.

3.9 Social Implications                                     Nil identified

3.10 Human Rights Implications                     Nil identified

3.11 Consultation / Communication

Staff in Council's Environmental Services, Green Infrastructure Unit, Environmental Planning and Policy Unit and the Executive Management Team have been consulted on this matter.

**ITEM 4.5**

**DA/40810/2020/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE AND HOME BASED BUSINESS AND VARIATION TO THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO AMEND THE RURAL RESIDENTIAL LOT SIZES OVERLAY MAP**

*Meeting / Session:* 4 PLANNING (CR D GRIMWADE)  
*Reference:* A20860982: 25 November 2020 – **Refer Supporting Information A20885608, A20870331, A20885610, A20888911 & A20888950**  
*Responsible Officer:* SG, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Mr Troy Gofton and Mrs Kim Gofton c/- Wolter Consulting Group Pty Ltd
<b>Lodgement Date:</b>	6 May 2020
<b>Properly Made Date:</b>	6 May 2020
<b>Confirmation Notice Date:</b>	19 May 2020
<b>Information Request Date:</b>	2 June 2020
<b>Info Response Received Date:</b>	1 September 2020 (Changed application)
<b>Public Notification Dates:</b>	11 September - 28 October 2020
<b>No. of Submissions:</b>	Properly Made: 86 Not Properly Made: 4
<b>Decision Due Date:</b>	21 December 2020
<b>Prelodgement Meeting Held:</b>	Yes PRE/5180

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 11
<b>Property Address:</b>	3, 6, 11, 12 and 16 Trentham Place, Samford Village
<b>RP Description</b>	Lots 1, 3, 9, 10 & 11 RP 855075
<b>Land Area:</b>	40,021m <sup>2</sup> (4.0021ha)
<b>Property Owner</b>	Mr Bernard L Clark and Mrs Jillian C Clark and Mr Troy A Gofton and Mrs Kim R Gofton and Mr Alan P Hewitt and Mrs Angela S Hewitt and Mrs Leanne K Loechel

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

This application seeks a Material Change of Use - Preliminary Approval for Dwelling House and Home Based Business and Variation to the Moreton Bay Regional Council Planning Scheme to amend the Rural Residential Lot Sizes Overlay Map, at the abovementioned properties. The development application originally included 2 Corbett Street, Samford Village however that parcel of land was removed from the development application on 17 November 2020.

The land is presently zoned Rural Residential and identified on the Council's Rural Lot Sizes Overlay Map as having a minimum lot size of 2ha. The application when it was originally lodged proposed to apply the Township Residential zone to the land to allow further development of the land to occur.

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In response to the Council’s Information Request raising issues, the application was amended to maintain the current Rural Residential zoning with the main variation being to instead change the Rural Residential Lot Sizes Overlay Map from the existing 2ha minimum lot size to 1000m<sup>2</sup>. This lot size is a unique category as the overlay currently only has a 3000m<sup>2</sup> minimum lot size. It was the applicant’s intent that the proposed future development of the land would be serviced by the Unitywater reticulated water and sewerage networks. The land already has water connections and sewerage is available immediately adjacent to the land. The subject land is however located outside of the Council’s Priority Infrastructure Area (PIA).

It is important to note that the type of Preliminary Approval and Variation applied for would not:

- authorise development to occur; or
- avoid the need for a follow up Development Permit for Reconfiguration of a Lot to occur.

The development application was publicly advertised with ninety (90) submissions received, with eighty-six (86) being properly made submissions. Sixty-two (62) submissions received in support (60 of those being a proforma with some having additional comments) and 28 submissions opposing.

On 27 November 2020, the development application was further amended by the applicant in response to feedback given to the applicant by Council officers that Council officers could not support or recommend approval of the application in its current format. The amendment was to increase the minimum lot size to 3000m<sup>2</sup> instead of 1000m<sup>2</sup> and not have future lots connected to sewerage. Other changes to the Rural Residential Zone Level of Assessment Table, Zone Code and Reconfiguring a Lot Code were also negated.

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

A Council briefing was conducted on 1 December 2020 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council’s decision-making framework, an extract from the minutes of the briefing, is provided below:

<i>BRIEFING 4 DA/40810/2020/V2L - 3, 6, 11, 12 and 16 Trentham Place, Samford Village</i>	
<b>The CEO noted the way forward:</b>	
That a report be prepared for Council’s consideration at its General Meeting of 9 December 2020 including the officers suggestion to support minimum lot sizes of 3000m <sup>2</sup> (not serviced by sewerage), and that the report include a clear rationale of why the minimum lot size is supported in this area contrary to the overlay.	

**OFFICER’S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approve the development application for a Preliminary Approval for a Material Change of Use for Dwelling Houses and Home Based Businesses at 3, 6, 11, 12 and 16 Trentham Place, Samford Village more accurately described as Lots 1, 3, 9, 10 & 11 RP 855075, subject to the following Conditions:

<b>MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL</b>	
<b>CONDITIONS</b>	
<b>1</b>	<b>Lapsing of approval for failing to complete development</b>
	In accordance with section 88(1) of the <i>Planning Act 2016</i> , the development is to be completed within ten (10) years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> (as amended).
	Note: The above is not the Currency Period under section 85(1)(a) of the <i>Planning Act 2016</i>

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MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL	
CONDITIONS	
<b>2</b>	<b>Currency Period</b>
	In accordance with section 85(1)(a)(i) of the <i>Planning Act 2016</i> , the development has a currency period of six (6) years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> (as amended).
<b>3</b>	<b>Uses</b>
	Ensure any development application seeking a Development Permit for a Material Change of Use under this Preliminary Approval for a Material Change of Use is limited to any or all of the following land uses; (i) Dwelling House, (ii) Home Based Business.

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

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	Material Change of Use - Preliminary Approval for Dwelling House and Home Based Business and Variation to the Moreton Bay Regional Council Planning Scheme to amend the Rural Residential Lot Sizes Overlay Map
<b>Relevant Period of Approval</b>	Material Change of Use and Variation Approval – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Subdivision resulting from this approval will be Code Assessable down to a minimum lot size of 3000m <sup>2</sup> and able to occur
<b>Other Necessary Permits</b>	Not applicable
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	Queensland Treasury - SARA
<b>Submissions</b>	There were eighty-six (86) properly made submissions about this application.

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## REPORT DETAIL

### 1. Background

#### Previous Applications

5 June 2009 - Number 12 Trentham Place was previously the subject of a development application to vary the Pine Rivers Plan from the Park Residential Zone to the Residential A Zone (DA/21989/2009/DA). Relevantly, 2 Corbett Street that was part of this development application until 17 November 2020 was a part of this earlier application. On 6 October 2011, the applicants appealed to the Planning and Environment Court on the basis of a deemed refusal due to the application not being decided in time. The Council defended the position of refusing the development application that had attracted 102 submissions. The Court supported the Council's position that the application be refused citing the following reasons:

- (a) *the proposed development is premature and will prejudice further planning for the Samford Village Locality;*
- (b) *the proposal will have adverse impacts upon the character and amenity of both the immediate surrounds and the Samford Village Locality;*
- (c) *the proposal conflicts with the provisions of Pine Rivers Plan (from the higher order provisions of the Desired Environmental Outcomes through to the more specific provisions in respect of the Samford Village Locality and this area of land in the Park Residential Zone; and*
- (d) *there are not sufficient grounds to justify approval of the Development Application despite its conflicts with the Pine Rivers Plan.*

2014 / 2015 Property owners within the subject area made submissions on the draft 2014 and 2015 planning scheme requesting the zone of the land be changed from Rural residential to Township zone - Township residential. Council's response acknowledged the 2009 development application which was appealed as a deemed refusal. During the preparation of the draft planning scheme; investigations into the residential demand and availability of infrastructure within the Samford Valley area resulted in the subject site not being included in the Priority Infrastructure Area. The response went on to acknowledge that further investigations are required into whether adequate infrastructure can be provided to allow for future residential development within Samford Village, and that it is unlikely that this issue will be resolved during the life of the planning scheme (i.e. 2016-2026).

16 Aug 2019 A Prelodgement Meeting was held to discuss a Material Change of Use - Preliminary Approval that includes a Variation Approval for Township Zone over 3, 6, 7, 11, 12, 16, 17, 23, 24, 25 Trentham Place & 2 Corbett Street, Samford Village. It was indicated at the meeting the proposal is unlikely to receive Council officer support in the absence of support by Unitywater.

11 Nov 2019 An application was lodged to vary the effect of the MBRC Planning Scheme to allow development of the site to occur however due to the Koala regulatory provisions in effect at the time a development application could not be lodged (DA/39782/2019/V2L). This 'prohibition' fell away in February 2020 when the state Koala mapping was amended by the state.

#### Current Application

6 May 2020 This development application was originally lodged as essentially seeking a Material Change of Use - Preliminary Approval for Dwelling House and Home Based Business and Variation to the planning scheme to include the land in the Township Residential Zone (Township Residential Precinct).

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An Information Request was issued to the applicant, requesting further information in relation to providing infrastructure capacity analysis of how a density of 11 lots per hectare (reconfiguring a lot density for Township residential precinct being akin to the Suburban Neighbourhood Precinct in the General Residential Zone) would impact on potential growth within the Council's existing Priority Infrastructure Area. In response to the Information Request the applicant changed the application from varying the zoning from the Rural Residential Zone to Township Zone to instead be a variation to change the Rural Residential Lot Sizes Overlay Map from a minimum 2ha to 1000m<sup>2</sup>.

- 17 Nov 2020 The application was modified (as a Minor Change) by the applicant to remove 2 Corbett Street from the application as the landowner made numerous ongoing representations to Council that they had not consented to the nature of the application lodged over their land. The landowner however had given a broad and non specific consent despite their intent.
- 27 Nov 2020 The application was modified (as a Minor Change) by the applicant to increase the proposed minimum lot size from 1000m<sup>2</sup> to 3000m<sup>2</sup> to better align with the current MBRC Planning Scheme Rural Residential Lot Size Overlay and not have the requirement for a Unity Water sewerage connection.
- 1 Dec 2020 A Council briefing was conducted to enable further explanation/clarification to be provided to the Council on the matter.

**2. Explanation of Item**

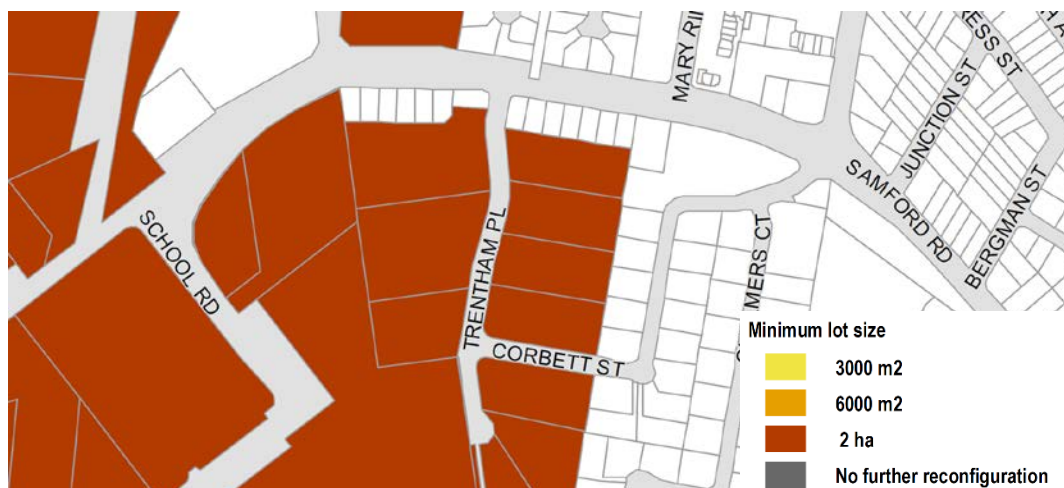
**2.1 Proposal Details**

This application lodged seeks from the Council a Preliminary Approval, including a variation request to the Planning Scheme, to carry out several uses on the Site and provide the necessary mechanism for further subdivision of the land in the future to occur to a smaller lot size than currently contemplated by the Planning Scheme.

The application seeks approval from the Council for the following land uses;

- Dwelling House;
- Home Based Business;

The application also seeks to vary the effect of the Planning Scheme by varying the minimum lot size category that applies to the land on the Council's Rural Residential Lot Size Overlay Map from a minimum of 2 hectares to 3000m<sup>2</sup> as shown in Figures 1 and 2 below.



**Figure 1: Existing Rural Residential Lot Size Overlay (Planning Scheme)**



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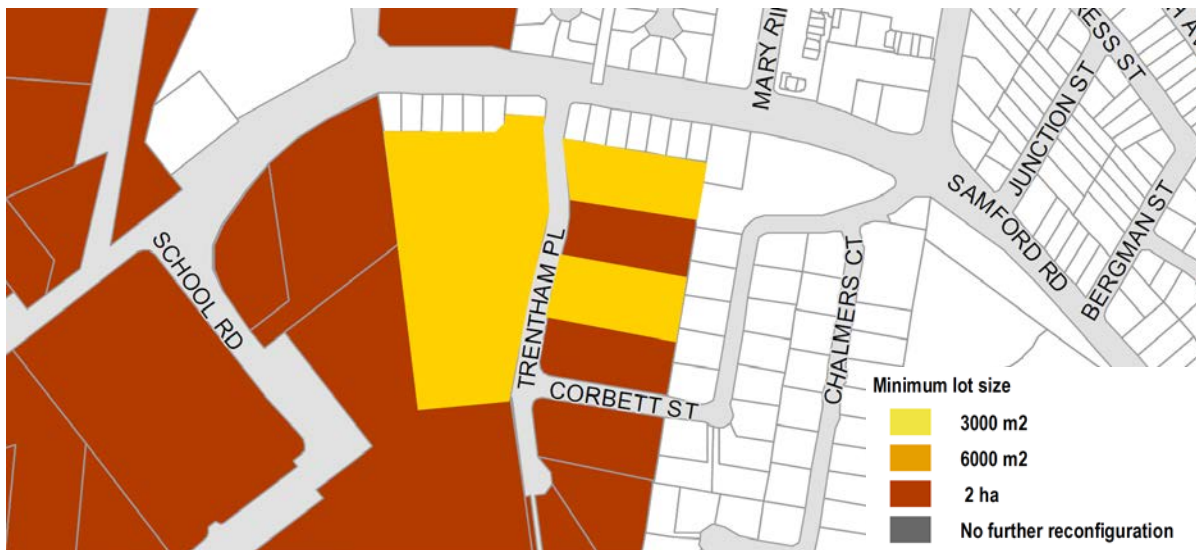


Figure 2: Proposed Rural Residential Lot Size Overlay (Planning Scheme)

The nature of the change if approved by the Council would be essentially to allow the existing 5 lots to increase to 12 lots, or 3 of the lots to be subdivided into half and the other 2 lots to be subdivided into 3 lots.

2.2 Description of the Site and Surrounds

The topography of the land is gently undulating with scattered native and non-native vegetation across each lot creating a strong Rural Residential character in the streetscape with each lot improved by a Dwelling House and ancillary domestic buildings.

The lots each have the following lot sizes;

Address	Lot Size
3 Trentham Place,	6,000m <sup>2</sup>
6 Trentham Place,	11,010m <sup>2</sup>
11 Trentham Place,	6002m <sup>2</sup>
12 Trentham Place,	11,010m <sup>2</sup>
16 Trentham Place,	6,000m <sup>2</sup>

Surrounding land uses are described below;

Directions	Planning Scheme Zone	Current Land Use
North	Township Zone - Township Residential Precinct	Dwelling Houses (Lots 597m <sup>2</sup> - 632m <sup>2</sup> )
South	Rural Residential Zone	Dwelling Houses (Lots 6000m <sup>2</sup> +) )
East	Recreation and Open Space Zone Township Zone - Township Residential Precinct	Kupidabin Park Dwelling Houses (Lots 1250m <sup>2</sup> - 1429m <sup>2</sup> )
West	Rural Residential Zone	Samford State School (Community Activity Overlay Map) and a Child Care Centre under construction

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2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <u>Regional Plan</u> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul> <u>From Schedule 10 of the Regulation:</u> <ul style="list-style-type: none"> <li>• Part 10: Koala Habitat Area – Schedule 11 of the <i>Planning Regulation 2017</i></li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>• Urban Footprint</li> </ul>
<b>Koala Habitat Designation:</b>	<ul style="list-style-type: none"> <li>• Koala Priority Area</li> </ul>

2.3.1 *State Planning Policy*

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable

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<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
Yes	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> <li>(a) altered stormwater quality and hydrology</li> <li>(b) waste water</li> <li>(c) the creation or expansion of non-tidal artificial waterways</li> <li>(d) the release and mobilization of nutrients and sediments.</li> </ul> <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	<p>The nature of the application in seeking a Preliminary Approval for land uses and a variation to the planning scheme cannot address this issue at this time that will instead be addressed where necessary with any future applicable application seeking a Development Permit for Reconfiguring a Lot.</p>
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <ul style="list-style-type: none"> <li>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is: <ul style="list-style-type: none"> <li>(a) coastal dependent development; or</li> <li>(b) temporary, readily relocatable or able to be abandoned development; or</li> <li>(c) essential community infrastructure; or</li> <li>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</li> </ul> </li> <li>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</li> </ul>	<p>The subject land is affected in the western portion by the Potential Impact Buffer. No variation to the Bushfire Hazard Overlay is proposed as part of this application. Future applications for material changes of use, reconfiguration of a lot and/or operational works will be required to assess components of the Bushfire Hazard Overlay against the performance outcome provisions of the relevant Planning Scheme codes and SPP requirements.</p>

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	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable.

**2.3.2 South East Queensland Regional Plan**

The site is located in the Urban Footprint.

The development proposal is to facilitate rural residential development in the Urban Footprint, and there are no requirements in the State Planning Regulatory Provisions applicable to the development proposal.

**2.3.3 Schedule 10, Part 10 of the Regulation – Koala Habitat Area**

The subject sites are wholly located within a Koala Priority Area (KPA) and contain a small area of mapped Koala Habitat Area (KHA) within Lot 11 on RP855075. Under Schedule 10, Part 10 of the Planning Regulations 2017 development is prohibited from interfering with a KHA in a KPA unless exempted development provisions apply.

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Where the subject site is within a KPA and contains areas of KHA, and the proposed development is not interfering with a KHA, Local Government is the assessment manager. In this instance, the proposed development is to be assessed against the assessment benchmarks under Schedule 11 of the *Planning Regulations 2017*.

The development application is for a preliminary approval only, which does not include nor authorise works to occur on site which may impact on koala habitat. A future development application seeking a development permit for reconfiguration of a lot would be required, and as part of that application, assessment of any impacts on the core koala habitat area and requirements under Schedule 11 of the *Planning Regulations 2017* would be necessary and properly addressed at that time.

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

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

**2.4.1 Strategic Framework**

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

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

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

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

The site is located in the Rural Townships Place Type where the Strategic Outcomes for the Place Type are stated in section 3.14.1.3 as;

1. *The Rural townships place type accommodates residential development, local shopping, commercial, industrial and community facilities appropriate to service the needs of the community; and*
2. *The townships provide employment, services and facilities to residents in the township and surrounding rural areas and visitors to the area.*

An assessment against section 3.14.4.1 specific to the Rural Townships Place Type has been made and is discussed as follows having regard to the themes in other sections of the Strategic Framework;

Strategic Outcome	Complies	Assessment
<b>Theme - Sustainability and Resilience</b>		
Development responds to local climate conditions by allowing solar access, ventilation, flow of breezes and provides open space and footpaths suitable for	<b>Not Applicable</b>	

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Strategic Outcome	Complies	Assessment
extensive native vegetation and appropriate shade trees; and		
Development is designed to mitigate exposure to riverine flood events, landslide and bushfire.	<b>Yes</b>	The land is not affected by flooding or landslip with the eastern part of the site affected by a Bushfire potential impact buffer that can be addressed and dealt with in future development applications for subdivision.
<b>Theme - Natural Environment and Landscape</b>		
The green infrastructure network within the rural townships incorporates core environmental areas and corridors, in addition to natural and semi-natural parklands, providing a strong visual connection to the character of the rural landscape;	<b>Not Applicable</b>	The proposal does not involve the creation of a green infrastructure network however the minimum lot size of 3000m <sup>2</sup> will allow areas of private open space and green connections to continue as they presently do.
High value vegetation is retained on land in public and private ownership to ensure ongoing provision of ecosystem services; and	<b>Yes</b>	There are no areas of high value vegetation on the site sought to be preserved.
Open space and natural environmental areas within the rural townships is complemented by the private 'greening' of yard space on private property and street trees.	<b>Yes</b>	The minimum lot size of 3000m <sup>2</sup> will allow areas of private open space and green connections to continue as they presently do and will continue to support the natural values of the area.
<b>Theme - Strong Communities</b>		
Development achieves a high standard of amenity for residents and visitors;	<b>Yes</b>	The minimum lot size of 3000m <sup>2</sup> is consistent with the amenity expected in the region for rural residential development in a location similar to the subject site, delivering the high standard expected.
Development within the main street of the rural townships will be sympathetic to and complement the rural community character and sense of place through the use of appropriate architectural style, design elements and scale of use;	<b>Not Applicable</b>	
Development maintains or enhances the low intensity and small scale rural character and contributes to the unique sense of place of the rural townships;	<b>Yes</b>	
Schools, pre-schools, child care centres, places of worship, community health services and other community activities are provided within the rural townships providing informal and safe meeting places for residents of the township and wider area whilst serving daily convenience needs; and	<b>Not Applicable</b>	
Active and passive local civic space, open space, sport and recreation areas and showgrounds are an integral part of the rural townships.	<b>Not Applicable</b>	

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Strategic Outcome	Complies	Assessment
<b>Theme - Settlement Pattern and Urban Form</b>		
The rural townships contain predominantly low-rise, detached housing on larger residential lots. Other housing types reflect the existing rural community character and are provided where they cater for the changing of resident needs;	<b>Yes</b>	The proposal will essentially allow an additional 7 Dwelling Houses to be accommodated in Trentham Place while maintaining lot sizes larger than most in the Rural Township Place Type. This change will maintain the character of the area but also facilitate an improvement to the variety of lot sizes available in the Samford Village area.
While the predominant form of housing is low density detached housing, the townships also provide a mix of housing types on a variety of lot sizes to cater for changing resident needs;	<b>Yes</b>	
The rural townships have an identifiable main street containing a diverse mix of commercial, retail and community activities forming a central place within the rural township. These activities are focused around the main street centre and do not encroach into the residential rural township areas; and	<b>Not Applicable</b>	
The rural townships maintain their unique sense of place through a clearly defined edge to the surrounding rural and rural residential areas and a distinct rural ambience that is dominated by traditional local building character.	<b>Yes</b>	The area represents a quasi infill between land located in the Township Residential zone to the north and east and the community uses of a child care centre and school to the west. The proposed minimum lot sizes of 3000m <sup>2</sup> will preserve their intent of being developed for that purpose and yield.
<b>Theme - Rural Futures</b>		
Rural townships contain a mix of uses that provide a range of services required by the rural sector and to service visitors and residential population within the township and adjacent areas including local shopping, commercial, and community and recreation facilities;	<b>Not Applicable</b>	
Home based businesses support the needs of the township and nearby rural and rural residential areas;	<b>Yes</b>	The proposal includes provision to allow Home Based Businesses to occur with any Dwelling House, strengthening and supporting the township and surrounding residential areas.
Small scale uses that service tourist/day tripper activities including short term visitor/tourist accommodation are provided in the townships;	<b>Not Applicable</b>	
Industrial uses, transport and farm machinery related services and service trades are located where their impact on the character of the area and other non-industrial uses are minimised; and	<b>Not Applicable</b>	

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Strategic Outcome	Complies	Assessment
Development consolidates and reinforces the township main street centre as the community and commercial service centre for the adjacent rural and rural residential areas.	<b>Not Applicable</b>	
<b>Theme - Integrated Transport</b>		
Rural townships have a well connected network of streets and pathways which is safe and easy to navigate for all vehicles, cyclists and pedestrians; and	<b>Yes</b>	The proposal will maintain the existing network of roads, pathways and corridors that provide safe and easy connections through the area for varying purposes and functions.
Interconnected open space corridors and roadways provide connectivity within and through the area for horse trails. Footpaths and cycle tracks provide a safe and efficient non vehicular circulation system within the rural township.	<b>Yes</b>	
<b>Theme - Infrastructure</b>		
Rural townships have the level of service of Infrastructure provision necessary to support growth, and adaptation to change over time and to create a safe and attractive public realm; and	<b>Yes</b>	The land is serviced by reticulated town water, electrical and broadband fixed line communications. Sewerage could be connected to the land however is not intended or proposed in this instance due to network capacity issues.
Rural townships have access to high speed broadband to support residential and business needs.	<b>Yes</b>	
<b>Theme - Water Management</b>		
Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments;	<b>Yes</b>	The land is serviced by reticulated town water and sewerage could be connected to the land however is not intended or proposed in this instance due to network capacity issues. Accordingly, the minimum lot size of 3000m <sup>2</sup> is sufficient to allow on site waste disposal using systems that will not have an impact on the environment.
Water sensitive urban design measures are incorporated into development to protect ecosystem health and enhance water quality in the region; and	<b>Not Applicable</b>	
The potable water supply catchments and storage areas are protected and maintained in a fit state for continued water quality and economically efficient potable water storage or water harvesting purposes.	<b>Yes</b>	The proposal is not located in a water supply catchment area.



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2.4.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
Rural Residential Zone Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The application is to simply vary the minimum lot size overlay from one category existing on the Overlay to another that already exists. The proposal is therefore consistent with the Code.

An assessment of the development proposal against the Performance Outcomes of the applicable code is not required.

2.5 Variation Request

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

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

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

An assessment of the variation request to modify the Moreton Bay Regional Council Planning Scheme to include the land into the 3000m<sup>2</sup> minimum lot size category instead of the 2ha minimum lot size category on the MBRC Planning Scheme Rural Residential Lot Sizes Overlay has been undertaken and is discussed below.

2.5.1 *Result of Assessment of the other aspects of the Development Application*

The other aspect of the development application is a Material Change of Use - Preliminary Approval for Dwelling House and Home Based Business. Both of these uses are consistent with the Rural Residential Zoning of the land and identified as Accepted Development in many instances, therefore not requiring any further approval from the Council.

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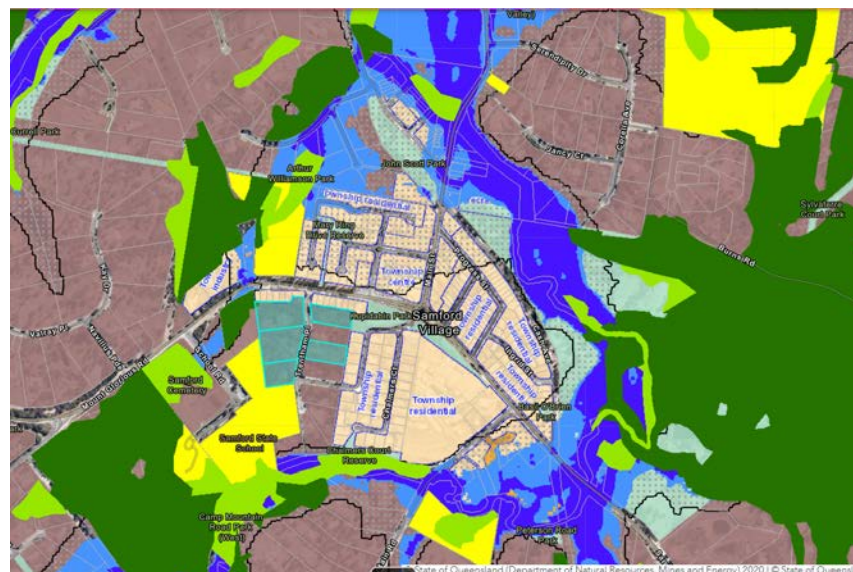
The only consequence of the approval is the potential increase in the number of Dwelling Houses and Home Based Businesses on the land. Being proportional to the number of lots, the consequence is a potential increase from a maximum of 5 Dwelling Houses to 12 Dwelling Houses (with the same proportion to Home Based Businesses). However, each would be on a lot having a minimum area of 3000m<sup>2</sup> that is not only consistent with the Rural Residential Zone in terms of density but will also ensure the character of the area remains and a reasonable separation between Dwelling Houses continues.

**2.5.2 Consistency with the rest of the MBRC Planning Scheme**

The 3000m<sup>2</sup> minimum lot size category exists in the MBRC Planning Scheme and therefore the proposal is not a unique outcome. Further, the current minimum lot size is nominated as 2ha when 3 of the 5 lots only have an area of 6000m<sup>2</sup> and the other 2 lots have an area of approximately 11,000m<sup>2</sup> - all 5 lots being already well below the nominated minimum lot size. Land to the immediate east is located in the Township Residential Precinct with lot sizes in the vicinity of 1250m<sup>2</sup> and land to the west is used for numerous community uses making the proposed 3000m<sup>2</sup> minimum lot size a reasonable outcome in the location.

It is recognised that the current Rural Residential Minimum Lot Size Overlay does not designate any land in the southern part of the MBRC region as being suited to a minimum lot size of 3000m<sup>2</sup>. However, the subject land as a part of a discrete pocket of land has the following attributes that distinguish it from other land with a current 2ha designation as shown below in Figure 3. The land is;

- (a) in close proximity (less than 400m) to Samford Village where services, shopping and other convenience needs are available to future residents on the subject land;
- (b) wedged between land zoned Township Residential to the north and east and the community activities of Samford State School and a child care centre to the west - isolating the land from other Rural Residential land uses beyond Trentham Place; and
- (c) predominantly free of physical constraints unlike other land zoned Rural Residential in proximity to Samford Village that is either affected by flooding or environmental (koala) constraints.



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There are unique reasons in support of the proposal that distinguish the land from other areas in the region included in the Rural Residential zone and for those reasons the proposal does not cause an inconsistency with the rest of the planning scheme. This is also in the knowledge and acceptance that there are several other lots in Trentham Place who themselves may in the future also seek to be included in the 3000m<sup>2</sup> minimum lot size overlay and if they did, it is not envisaged that there would be any significant concerns or impacts.

2.5.3 *Effect of the variations on submission rights*

The variation would not allow further submissions to be made on future applications anticipated to be simply reconfiguring a lot for additional lots to be created. The variation component of the development application has however been amended to address not only the issues raised in the Council's original information request but also in response to submissions received in opposition to the proposal. The consequence of the change to the variation since public notification is that from the existing 5 lots, with a minimum lot size of 1000m<sup>2</sup>, potentially 40 lots (or Dwelling Houses) could have occurred whereas with the 3000m<sup>2</sup> minimum lot size that has reduced to a maximum potential of 12 lots (or Dwelling Houses). The result of this reduction is that the amenity, character, sewerage and traffic impacts raised in the submissions have largely been addressed and mitigated.

2.5.4 *Any other matter prescribed by regulation*

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

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

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

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

With respect to clauses (b)-(d) above, refer to the assessment of those items in section 2.3 of this report.

In respect to clause (a) above, the common material is a defined term of the *Planning Regulation 2017*, meaning:

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

- (a) all the material about the application that the assessment manager receives before the application is decided, including—*
  - (i) any material relating to a proposed development application that is substantially similar to the development application as made; and*
  - (ii) any material attached to, or given with, the development application; and*
  - (iii) any material relating to the application given to the assessment manager after the application is made; and*
  - (iv) any referral agency's response, including any advice or comment given by a referral agency and any response given under section 57 of the Act; and*
  - (v) any properly made submissions about the application, other than a submission that is withdrawn; and*
  - (vi) any other submission about the application that the assessment manager has accepted; and*

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- (vii) any other advice or comment about the application that a person gives to the assessment manager; and
- (b) if a development approval for the development is in effect—the approval; and
- (c) an infrastructure agreement applying to the premises.

As part of the development application process, any material relating to, attached to, or given with or in response to the development application has been assessed and taken into consideration. A consideration of the submissions received (summarised in section 2.9 of this report), advice from Unitywater and conclusion of the supporting technical reports such as traffic led Council officers to inform the applicant that a 1000m<sup>2</sup> minimum lot size could not be supported whereas a 3000m<sup>2</sup> minimum lot size was more likely to receive Council officer support. The 3000m<sup>2</sup> minimum lot size;

- (i) Removes conflict with the MBRC Planning Scheme and the introduction of a new minimum lot size category that that does not presently exist;
- (ii) Removes sewerage capacity issues for Unitywater as future lots no longer need to be connected to sewerage;
- (iii) Reduces the traffic impact on 'downstream' existing development; and
- (iv) Maintains the Rural Residential character of the area

## 2.6 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is not located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 6 commencing on 3 July 2017 (CR).

### 2.6.1 *Levied Charge*

In accordance with section 10 of the CR, a Levied Charge is not applicable to the development proposal as it for a Material Change of Use - Preliminary Approval and a Variation Approval and does not authorise development to occur. For any development activity that would usually incur adopted charges to occur on the site, a subsequent development application needs to be lodged with Council for assessment and a Development Permit issued. At the time of issuing any Development Permits in the future an Infrastructure Charges Notice will be issued levying charges.

### 2.6.2 *Levied Charge Offset or Refund*

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

### 2.6.3 *Additional Trunk Infrastructure Costs*

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

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

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

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

2.7 Recording of particular approvals on the MBRC Planning Scheme

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

2.8 Referrals

2.8.1 *Council Referrals*

**2.8.1.1 Development Engineering**

As the development application is seeking only a preliminary approval for Dwelling Houses and Home Based Businesses and a variation to the Rural Residential Lot Sizes Overlay, traffic impacts are the only matter requiring consideration at this time with other engineering issues able to be dealt with future applications seeking Development Permits.

With the previous proposal to have lots as small as 1000m<sup>2</sup>, there was a risk of up to 40 lots being created with the addition of a proposed school drop off being formalised and enhanced. The TTM Traffic letter submitted in support of the development for lots as small as 1000m<sup>2</sup> did not demonstrate that the traffic impacts from the development were such that the development could proceed. Assumptions and inputs to the traffic assessment were incorrect and the letter did not provide an accurate assessment of the traffic impacts and an amended Traffic letter (report) would have been necessary to address the outstanding issues.

The amended proposal has however reduced the total maximum of lots to 12 instead of 40 by increasing the minimum lot size to 3000m<sup>2</sup>, representing a possible maximum increase of 7 lots instead of 35. The road carriageway of Corbett Street, being the road providing access to the development, is measured to have a width of 6 metres and currently services 26 lots (lots on Corbett Street and Trentham Place). The proposal would increase the number of lots serviced by Corbett Street up to a maximum of 33 lots. Chalmers Court immediately adjacent to Corbett Street and also with a 6 metre wide carriageway currently services 27 lots. In contrast however, Mary Ring Road to the north on the opposite side of Mount Glorious Road to the Site has 37 Dwelling Houses being accessed off a comparable 6 metres wide carriageway.

Council officers have given consideration to the amended proposal and on the basis of the amendment are satisfied that the concerns with the 1000m<sup>2</sup> lot size proposal no longer exist subject to abandonment of the notion of providing a new school pick-up / drop off zone. The existing construction of Corbett Street has sufficient capacity to accommodate the potential additional 7 Dwelling Houses proposed similar to Mary Ring Road to the north.

**2.8.1.2 Environmental Planning**

*Environmentally Significant Areas*

MSES Threatened (endangered or vulnerable) wildlife habitat and MSES Special least concern animals' wildlife habitat values are present within Lots 10 and 11 on RP855075. Identified matters of MSES have been appropriately integrated into the Planning Scheme under the Environmental Areas Overlay. No variation to the Environmental areas overlay mapping or associated performance outcomes are proposed as part of this application.

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The development application is for a preliminary approval only, which does not include nor authorise works to occur on site which may impact on MSES, MLES, Green infrastructure components and Priority species habitat onsite. A future development application seeking a development permit for reconfiguration of a lot would be required, and as part of that application, assessment of any impacts on MSES, High Value Areas, Green infrastructure components and Priority species habitat would occur.

*Koala Habitat*

The subject sites are wholly located within a Koala Priority Area (KPA) and contain a small area of mapped Koala Habitat Area (KHA) within Lot 11 on RP855075. Under Schedule 10, Part 10 of the *Planning Regulations 2017* development is prohibited from interfering with a KHA in a KPA unless exempted development provisions apply.

Where the subject site is within a KPA and contains areas of KHA, and the proposed development is not interfering with a KHA, Local Government is the assessment manager. In this instance, the proposed development is to be assessed against the assessment benchmarks under Schedule 11 of the *Planning Regulations 2017*.

As the development application is for a preliminary approval only, that does not include nor authorise works to occur on site which may impact on koala habitat, a future development application seeking a development permit for reconfiguration of a lot would be required. As part of that application, assessment of any impacts on the core koala habitat area and requirements under Schedule 11 of the *Planning Regulations 2017* would occur.

*Environmental offset receiving areas overlay*

The western portion of the subject land is included within the Environmental offset receiving areas. There are no planning scheme requirements associated with this overlay but, instead, it illustrates Council's preferred locations for offset planting where required. No variation to the overlay is proposed as part of this application.

*Bushfire hazard overlay*

The subject land is affected in the north-western portion by the Potential Impact Buffer and, minimally, by the Medium Potential Bushfire Intensity category within Lot 11 on RP855075. No variation to the overlay is proposed as part of this application. Future applications for material changes of use, reconfiguration of a lot and/or operational works will be required to be assessed against the components of the Bushfire Hazard Overlay and performance outcome provisions of the relevant Planning Scheme codes.

**2.8.1.3 Unitywater Previous Advice**

Unitywater has confirmed that at June 2019, its sewerage network only had capacity for an additional 160 Equivalent Persons (EP). Unitywater allocates 2.9EP per lot/house (therefore approximately 55 Houses). Unitywater planning to accommodate already planned growth in the sewerage connections area and future connections area from 2019 to 2051 is 535 EP.

If the application were approved as originally proposed with lots as small as 1000m<sup>2</sup>, each of those lots would require a sewerage connection. Unitywater could provide connections however the consequence is that it would divert the current capacity that is already exceeded by planned growth for Samford from the Village and surrounds to the subject land. This could therefore prevent growth of commercial uses in the village, the school if it ever wanted to expand, the subdivision of other land already able to be subdivided under the current MBRC scheme and the like.

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The amendment to 3000m<sup>2</sup> lot sizes however addresses the issue as any future lots will not need a sewerage connection.

**2.8.2 Referral Agencies**

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

The application was referred to the Queensland Treasury for Matters relating to Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) being a development application for a material change of use within 100m of a State-controlled road intersection. Council was advised on 23 September 2020 that Queensland Treasury has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.

**2.9 Public Consultation**

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

- (a) Public Notification was served on all adjoining landowners on Thursday 10<sup>th</sup> September (by registered post on Tuesday 8<sup>th</sup> September 2020).
- (b) The development application was advertised in the Courier Mail on Thursday 10<sup>th</sup> September 2020.
- (c) A notice in the prescribed form was posted on the relevant land on Thursday 10<sup>th</sup> September 2020 and maintained for a period of 30 business days until 28<sup>th</sup> October 2020.

**2.9.2 Submissions Received**

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		86 (60 proforma, 24 with additional comments)
	Petition		
Not Properly Made	Letter, Email, Fax		4
	Petition		
<b>Total</b>			<b>90</b>

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

<b>Assessment of Submissions</b>
<b><u>Issue - Lot Size, Rural living and impact on village</u></b>
<ul style="list-style-type: none"> <li>• <i>Unreasonable minimum block size (1000m<sup>2</sup>) seen as illogical and detracting from the 'country' and 'village feel' of Samford Village.</i></li> <li>• <i>Concerns raised that there are no blocks in Corbett Street, a 'Township Zoned' area, as small as 1000m<sup>2</sup>. To allow so many 'Rural Residential' blocks to be made so much smaller than the adjoining 'Township Zoned' street is seen as illogical. Smallest block in Corbett Street is 1250m<sup>2</sup>, with the largest being 1459m<sup>2</sup>. No logical reasoning seen for these Rural Residential blocks to be granted the ability to go smaller (25%) than any of the adjoining township zoned blocks in Corbett Street.</i></li> </ul>

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**Assessment of Submissions**

- *Submitters highlighted that Rural Residential zoning is intended by MBRC to exhibit “very low density residential development having a low intensity of built form and character” and be “larger properties generally ranging from 3,000m<sup>2</sup> to two hectares” while Township Residential zoning provides for a slightly higher urban density.*
- *Concern raised that proposed 1000m<sup>2</sup> lot size would mean they would benefit from aspects associated with township zoning, but not have to pay and resource the same level of road infrastructure expected in township zoning, as opposed to rural residential.*
- *For the Planning Scheme to make sense, Rural Residential land cannot be allowed to be subdivided to lots smaller or even identical in size to adjacent Township Residential land.*
- *Submitters raised concern that increasing density within the village will further impede the village lifestyle they chose to move to the area for.*
- *Negative impact on the area (such as traffic issues, increased noise)*
- *Submitters hoped that the rural community village feel is retained rather than drastic lot configuration changes that result in an extension of the city and urbanised/ suburban areas*
- *Concern raised that visitors come for the rural feel and village ambience of Samford and changing this could impact on visitors to the village.*

**Discussion**

The land is presently zoned Rural Residential and identified on the Council's Rural Residential Lot Sizes Overlay Map as having a minimum lot size of 2ha. The proposed variation as publicly advertised sought to change the Rural Residential Lot Sizes Overlay Map from the existing 2ha minimum lot size to 1000m<sup>2</sup>. This lot size is a unique category as the overlay currently only has a 3000m<sup>2</sup> minimum lot size. It was the applicant's intent that the proposed future development of the land would be serviced by the Unitywater reticulated water and sewerage networks. Lots sizes of 1000m<sup>2</sup> are not aligned to or consistent with the Rural Residential zone and character sought in this area and are instead reflective of land located in the Township Residential zone. The proposed minimum lot size was less than the size of existing lots to the east that would be passed to access the development (through Corbett Street).

The proposed variation as publicly notified was inconsistent with the purpose of the Rural Residential zone as sought by the MBRC Planning Scheme. The planning scheme intends a semi-rural or bushland amenity and character with a strong dominance of open area and scope for planting, with development that is characteristically low density (larger lots), low intensity built form and catering for a range of lifestyle choices, with the opportunity for rural uses to occur retained.

This would be sufficient grounds for refusal of the application. However, on 27 November 2020, in response to submissions received during the public notification period and in further response to the information request, the applicant changed the application. The application was changed **from** amending the Rural Residential Lot Sizes Overlay Map (from 2ha to 1000m<sup>2</sup>), Tables of Assessment as they apply to the Rural Residential Zone, Rural Residential Zone Code and Reconfiguring a Lot Code (Rural Residential zone) **to** instead be a change to the Rural Residential Lot Size Overlay Map from 2ha to 3000m<sup>2</sup>. The proposal for 3000m<sup>2</sup> lots is consistent with minimum lot sizes permitted elsewhere in the region when located within the Rural Residential lot sizes overlay. Of the 5 properties included in the development application, the lots range from 6000m<sup>2</sup> to 11010m<sup>2</sup>, resulting in an additional potential 7 lots. The proposal for 3000m<sup>2</sup> lots in this location, being bounded by the Township Residential Zone to the north and east, a Child Care Centre and Samford



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<p><b>Assessment of Submissions</b></p>
<p>State School to the west, results in a lot size that is able to maintain the rural amenity associated with larger allotments, whilst transitioning from the smaller more urbanised Township zoned lots.</p> <p>The amended proposal has responded to the submissions and is no longer sufficient grounds for refusal.</p>
<p><b><u>Issue - Inconsistency with Planning Scheme</u></b></p>
<p><i>Submitters raised the following concerns in relation to inconsistency with the Planning Scheme</i></p> <ul style="list-style-type: none"> <li>• <i>Approval of the application would offend the planning principles and processes as set out by Moreton Bay Regional Council.</i></li> <li>• <i>Inconsistent with legitimate expectations of the planning scheme</i></li> <li>• <i>When assessed against Council's planning documents the application appears to be unmeritorious with the appropriate decision of refusal.</i></li> <li>• <i>The former Pine Rivers Shire Council undertook and consulted extensively on recent and rigorous land use and infrastructure planning exercises. These exercises have specifically designated the subject land as Park Residential until the year 2026.</i></li> <li>• <i>The proposed development does not seem to consider the unique Samford Village characteristics that are acknowledged in South East Queensland's Regional Planning and intentions specific to Samford Village.</i></li> <li>• <i>Submitters highlighted that developers have previously tried to develop this land and met significant community objection previously. This resulted in the higher-level state court essentially throwing out their application on several grounds. Many of the same issues still apply regarding the conservation of the village streetscape and appeal.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>As identified above, since public notification, two minor changes to the application have occurred. On 17 November 2020, a minor change was made withdrawing 2 Corbett Street, Samford Village from the development application. On 27 November 2020, in response to submissions received during the public notification period and in further response to the information request, the applicant changed the application. The proposal for 3000m<sup>2</sup> lots is consistent with one of the minimum lot size types permitted elsewhere in the region when located within the Rural Residential lot sizes overlay. The change to the proposal results in a variation sought that is more aligned with expectations of the planning scheme that facilitate in certain areas for 3000m<sup>2</sup> Rural residential lot sizes to occur. The change sought by the applicant additionally changes the proposal from requiring a water and sewerage connection to instead allow enough land for on-site effluent disposal systems which is consistent with typical Rural residential lots that do not have a connection to the sewerage network.</p> <p>Based on the amended proposal, this is not sufficient grounds for refusal.</p>
<p><b><u>Issue - Infrastructure</u></b></p>
<ul style="list-style-type: none"> <li>• <i>The land is not provided with all essential infrastructure networks for further subdivision and it has not been demonstrated that there exists a lawful point of discharge for sewerage and stormwater networks.</i></li> <li>• <i>Approval of the application would necessitate Council intervention in providing stormwater and sewerage networks, resulting in significant amendment of Council's LGIP.</i></li> <li>• <i>Concern raised that information provided by consultants indicates the village's last remaining water and waste water infrastructure would be utilised and questioning if</i></li> </ul>

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**Assessment of Submissions**

*Council is bound to ensure the outcomes for blocks in the village centre and designated as Township or commercial is safeguarded for future development?*

- *Concern raised that the development would make community and council assets in the village more expensive*
- *Concern was raised on the impacts of development on existing water network that experiences water pressure issues*
- *Concern raised that neighbouring residents have not been consulted on water and waste infrastructure being developed through their land.*

**Discussion**

Water and Sewerage networks

The land already has water connections and sewerage is available immediately adjacent to the land (Township zoned lots in Corbett Street and Mount Glorious Road). The subject land is however located outside of the Council's Priority Infrastructure Area (PIA).

Unitywater has previously advised the planning assumptions for the land in Trentham Place is to provide for water supply only to low density residential development as permitted in the rural residential zone, and not include the subject land in the future sewerage connections area in view of the exclusion of the subject land from Council's PIA.

Unitywater has confirmed that at June 2019, its sewerage network only had capacity for an additional 160 Equivalent Persons (EP). Unitywater allocates 2.9EP per lot/house (therefore approximately 55 Houses). Unitywater planning to accommodate already planned growth in the sewerage connections area and future connections area from 2019 to 2051 is 535 EP.

If the application were approved as proposed during public notification with lots as small as 1000m<sup>2</sup>, each of those lots would require a sewerage connection. Unitywater could provide connections however the consequence is that it would divert the current capacity that is already exceeded by planned growth for Samford from the Village and surrounds to the subject land. This could therefore prevent growth of commercial uses in the village, the school if it ever wanted to expand, the subdivision of other land already able to be subdivided under the current MBRC scheme and the like.

The minor change made to the application on 27 November 2020 was to instead vary the minimum Rural residential lot size to be 3000m<sup>2</sup> lots. The proposed increase in minimum lot size removes the requirement for sewerage connections to be made as on-site effluent disposal can be provided on allotments of 3000m<sup>2</sup>. Whilst the proposed variation would still seek to have the lots connected to water, the proposal results in a potential additional yield of 7 lots between the Samford State School and township zoned land to the north and east. The small increase in potential future allotments does not have significant impacts on the water supply for the area as it results in a rural residential lot size reasonable for this particular location.

Stormwater

The change to the proposal reduces potential stormwater impacts for the area, with the larger lot sizes proposed accommodating a suitable area for future Dwelling houses and associated infrastructure without significant impact to the stormwater network. A detailed assessment would be undertaken in any future applications made.

This is not sufficient grounds for refusal.

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<b>Assessment of Submissions</b>
<p><b><u>Issue - Traffic</u></b></p> <ul style="list-style-type: none"> <li>• <i>Road traffic is already a major issue, so that additional vehicular flow would cause greater risk to schoolchildren, motorists and the general public, specifically the increase in traffic from the subdivided blocks, smaller frontages and additional driveways, given the existing school access issue.</i></li> <li>• <i>Traffic data provided by TTM Consulting in response to information request uses old data, provides inconsistencies and does not give consideration to specifics of site and surrounding area.</i></li> <li>• <i>Traffic data inaccuracies in report, such as traffic volumes being estimated from 2017 with data collected from Samford Rd/ Corbett St/ Mt Glorious Rd intersections estimating a total of 636 vehicles per day. Whilst MBRC traffic counting data device on Corbett St from Oct 23 2019 to Oct 31 2019 indicated 824 vehicles passing this point on October 24<sup>th</sup>.</i></li> <li>• <i>Existing speeding concerns on Corbett Street exacerbated</i></li> <li>• <i>Proposed development will increase traffic flow into a quiet street, making it busier to get out of the roundabout at the entrance to Corbett St.</i></li> <li>• <i>Concern that the amount of properties proposed will significantly increase traffic, with school pick up times already creating significant parking and access issues for local residents.</i></li> <li>• <i>Inadequate road capacity with the increase in local residences and growth of the school associated with this development as Corbett St is narrow and any parking car on the street effectively creates a one way street and bottle necks</i></li> <li>• <i>Increased traffic from homes and proposed school drop off point warrants re-opening of Trentham Place onto Mt Glorious Road</i></li> <li>• <i>Concern about Emergency Access with traffic blockages on Corbett St, Chalmers Court and Trentham Place.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>Council officers had concerns with the TTM traffic letter submitted in response to the information request as it did not demonstrate that impacts from the development are such that the development should proceed, for the proposed potential development yield (an additional 40 lots) and the proposed school drop off zone road.</p> <p>The development proposal when advertised was seeking for 1000m<sup>2</sup> minimum lot size overlay to apply to the Rural residential zoned land. Of the 6 properties included in the application this may have resulted in potentially up to 46 allotments based on the total land area included in the application (with road construction to reduce possible yield). Subsequent to public notification, a minor change was made on 17 November 2020 to remove 2 Corbett Street from the development application. Additionally, a minor change was made on 27 November 2020 to change the Variation sought from 1000m<sup>2</sup> lots, to instead be seeking a minimum Rural residential lot size of 3000m<sup>2</sup> and to remove the proposed school drop off road from the application. Whilst the variation is over 5 allotments, assessment of potential future traffic concerns should be undertaken based upon the potential for the remaining Rural residential allotments within the street to seek a similar lot size reduction.</p> <p>The changed proposal for 3000m<sup>2</sup> from the existing 6000-11010m<sup>2</sup> lots results in significantly less yield (potential for 7 additional lots as part of this variation). The existing street has been identified by submitters and previous resident concerns raised with Council over the traffic accessing Corbett Street. The proposal for minimum 3000m<sup>2</sup> lot sizes is unlikely to result in unreasonable additional traffic usage on the road, and detailed</p>

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<p><b>Assessment of Submissions</b></p>
<p>assessment of the road capacity and any potential upgrades would be undertaken as part of a future Reconfiguration application.</p> <p>This is not sufficient grounds for refusal.</p>
<p><b><u>Issue - School Drop Off Zone</u></b></p>
<ul style="list-style-type: none"> <li>• Submitters indicated P&amp;C of Samford State School not in support of proposed drop off</li> <li>• The developer proposals and diagrams have been exceptionally inconsistent in their disclosure, unclear how changing traffic flow with the access lane, encouraging further traffic into the area, and lack of curbside space will foster any improvement in school drop off zone.</li> <li>• Concern raised over the proposed school traffic pick up/drop off due location away from school, exacerbating existing traffic issues, significantly more traffic directed onto Corbett Street, congestion issues, child safety issues, insufficient traffic data in application</li> <li>• Why would we encourage additional traffic for drop off to school into Corbett Street when school road, a designation access road for the school, would appear to be a more appropriate solution to drop off zones. I understand State Government is currently reviewing opportunities for the improvement of school road access.</li> <li>• Concern raised over the development claiming a benefit to community in the form of the new school drop of zone, however no evidence to substantiate these claims</li> <li>• Concern that location for the proposed one-way single road lane isn't as accessible as claimed as the new Child Care Centre is only accessible from School Rd and the level differences in the land wouldn't support a back entrance.</li> <li>• Photos submitted of existing parking/ traffic concerns with school pick up/ drop off times</li> </ul> <p><b><u>Discussion</u></b></p> <p>As noted above, Council officers had some concerns with the lack of sufficient data provided for the proposed school drop off/ pick up zone. However, it is noted as part of the minor change made to the application on 27 November 2020, the proposed road was removed from the application.</p> <p>Submitters concerns highlight that there are existing issues for parents/ carers/ staff accessing the school via Corbett Street. As the main School entrance is located off School Road, the further review of school access arrangements may need to be undertaken separately to this development application with the State.</p> <p>This is not sufficient grounds for refusal.</p>
<p><b><u>Issue - Child and pedestrian safety</u></b></p>
<ul style="list-style-type: none"> <li>• <i>Submitters raised concerns over the development increasing child and pedestrian safety issues</i></li> <li>• <i>Submitters highlighted there has been multiple times that concerns have been raised with Council and the school over traffic issues in Corbett Street (which in fact prompted the traffic study to be completed by the council in 2019). Within this study taken over 1 week, during school days it can be seen that 29% of cars exceeded the speed limit. A total of 310 cars were in excess of 5km above the speed limit in a five-day period.</i></li> </ul>

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<p><b>Assessment of Submissions</b></p>
<ul style="list-style-type: none"> <li>• <i>Dangers increase to child safety with additional traffic and known speeding issue in the street</i></li> <li>• <i>Pedestrian safety concern by traffic report indicating 542 school children walk to School with additional crossings proposed with the new road</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>Similar to above, it is noted a minor change to the application was made on 27 November 2020, removing the proposed school drop off one way road from the application and increasing the minimum lot size sought from 1000m<sup>2</sup> to 3000m<sup>2</sup>. The changes made result in an improved situation for safety as the proposal seeks less potential additional allotments which will result in wider frontages, less driveways and less traffic than previously proposed. The proposal for 3000m<sup>2</sup> allotments maintains a rural residential character to the area with limited additional traffic impacts. Child and pedestrian safety remains a responsibility of individuals and road users at all times.</p> <p>This is not sufficient grounds for refusal.</p>
<p><b><u>Issue - Environmental</u></b></p>
<ul style="list-style-type: none"> <li>• <i>Environmental concerns and loss of wildlife associated with smaller allotments and increased traffic and development.</i></li> <li>• <i>Removal of mature trees, would result in loss of shade, increased silt run off, loss of weather protection and bird life.</i></li> <li>• <i>Concern raised by nearby properties for potential further water flow impacts with tree clearing and development.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>The minor change to the application results in a proposal sought for 3000m<sup>2</sup> minimum lot sizes and no additional school drop off zone road. The reduction in proposed development results in a proposal more in line with the existing rural residential, open character of the area that is supportive of larger blocks to allow for landscaping, retention of mature vegetation and provide for flora and fauna. As the existing lots are 6000m<sup>2</sup> - 11010m<sup>2</sup>, the proposed change to 3000m<sup>2</sup> still allows for environmental benefits of a rural residential sized allotment. The variation does not facilitate development occurring, with any future applications made to assess the potential on-site environmental impacts.</p> <p>This is not sufficient grounds.</p>
<p><b><u>Issue - Precedence</u></b></p>
<ul style="list-style-type: none"> <li>• <i>Setting a precedence for the neighbourhood, village and Local government authority with Rural Residential zoned land.</i></li> <li>• <i>Approval would signal an unexhibited intention to allow “rezoning” of all of the Rural Residential land in the precinct, Samford Village, Samford Valley and MBRC area, contrary to the stated intention of Council. May lead to rush of variation applications on Village boundaries.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>Each development application is assessed on its merits and against all applicable assessment material.</p> <p>This is not sufficient grounds for refusal.</p>

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<p><b>Assessment of Submissions</b></p>
<p><b><u>Issue - Application process</u></b></p>
<p><i>Concerns were raised over the application changing multiple times, diagrams of proposed changes being inconsistent, lack of consultation from the developers for those directly impacted.</i></p> <p><b><u>Discussion</u></b></p> <p>Noted. The application is able to change through the assessment process and has changed as a result of the response to Information Request and a further request to withdraw 2 Corbett Street from the application.</p> <p>This is not sufficient grounds for refusal.</p>
<p><b><u>Issue - General comment on submissions</u></b></p>
<p><i>Some submissions objection to the development noted that many of the submissions had been a carbon-copy of each other, with many people not living in the area, hoping that personalised submissions are given more weight than those presumably by developers.</i></p> <p><b><u>Discussion</u></b></p> <p>This is noted. All submissions received are taken into consideration of assessment of the development application.</p> <p>This is not sufficient grounds for refusal.</p>
<p><b><u>Issue - Compromised solution</u></b></p>
<ul style="list-style-type: none"> <li>• <i>Some submitters indicated they are not opposed entirely to development in Samford Village, however seek for it to be in keeping with the local village atmosphere, with expansive land parcels allowing preservation of vegetation and amenity.</i></li> <li>• <i>Suggestions were made that if Council is to entertain a reduction in the minimum block size for Rural residential lots, a minimum of 2000m<sup>2</sup> should be enforced to allow the rural feel of the area to be maintained, consideration of location and existing zone of the site. Additionally, submitters suggested foot paths be included, removal of the proposed school drop off zones, permanent traffic calming in Corbett Street and for lobbying to occur with the State for better access to School Road for school drop off/ pick up.</i></li> <li>• <i>Suggested lots should have a minimum width of 30m to maintain the rural/ spacious look and feel that is consistent with the current streetscape of the surrounding neighbourhood.</i></li> <li>• <i>Should the application be approved a condition should be applied ensuring that no further development for smaller lots or townhouses is allowed.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>In response to submissions raised and further to the information request, the applicant made a minor change to the application on 27 November 2020. The change involves increasing the minimum lot size sought to be 3000m<sup>2</sup>, consistent with the minimum Rural residential lot size allowed elsewhere in the region and additionally, removed the proposed school drop off road.</p>

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<b>Assessment of Submissions</b>
This is not sufficient grounds for refusal.
<b><u>Issue - Submissions in Support</u></b>
<ul style="list-style-type: none"> <li>• <i>Strategic location between Samford State School and the village centre</i></li> <li>• <i>Rural community character maintained by seeking minimum lot size of 1000m<sup>2</sup>.</i></li> <li>• <i>Acknowledging Council has discretion regarding approval of development outside the PIA it was requested Council allocate water and wastewater capacity to this development ahead of higher density development in the Samford Village township</i></li> <li>• <i>Existing traffic volumes on Trentham Place, mostly from the school are problematic for residents, parents and carers. The proposed inclusion of a formalised drop-off/pick up zone and designated street parking for the school is seen to improve the function of the street and provide relief from traffic issues.</i></li> <li>• <i>Seen as a positive option for retirees to downsize and live within proximity to village centre.</i></li> <li>• <i>Provision of more land/ housing options for people wishing to move to the area</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>It is noted that a considerable number of the submissions received, being 62 of the 90 in total were made in support of the application. The opinions for support are noted.</p> <p>This is not sufficient grounds for refusal.</p>

2.9.3 Notice of Compliance

The Notice of Compliance was received by Council on 11 November 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.10 Other Matters  
None identified.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications                       Nil identified

3.5 Delegated Authority Implications                       Nil identified

*ITEM 4.5 DA/40810/2020/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE AND HOME BASED BUSINESS AND VARIATION TO THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO AMEND THE RURAL RESIDENTIAL LOT SIZES OVERLAY MAP - (Cont.)*

3.6 Financial Implications

- a) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
- b) Permit conditions require infrastructure contributions to Council.

3.7 Economic Benefit Implications                     Nil identified

3.8 Environmental Implications                     Nil identified

3.9 Social Implications                                 Nil identified

3.10 Human Rights Implications                     Nil identified

3.11 Consultation / Communication  
Refer to clause 2.9.



**SUPPORTING INFORMATION**

**Ref: [A20885608](#), [A20870331](#), [A20885610](#), [A20888911](#) & [A20888950](#)**

The following list of supporting information is provided for:

**ITEM 4.5**

**DA/40810/2020/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE AND HOME BASED BUSINESS AND VARIATION TO THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO AMEND THE RURAL RESIDENTIAL LOT SIZES OVERLAY MAP**

***#1 Locality Plan***

***#2 Zoning Map***

***#3 Amended Overlay Map***

***#4 Submissions***

***#5 Concurrence Agency Response with conditions***

***#6 Annexure A - Variations Approval***

**ITEM 4.6  
PLUMBING FAST-TRACK DECLARATION**

*Meeting / Session:* 4 PLANNING  
*Reference:* A20721789 : 20 October 2020  
*Responsible Officer:* BH, Coordinator Plumbing Services (Development Services)

**Executive Summary**

The *Plumbing and Drainage Regulation 2019* permits a local government to issue a fast-track permit for one new class 1a building or one new class 10a building or both on a property provided the work is carried out in an area of a retail water and sewerage service area.

This legislation provides additional options for a local government to declare by resolution to either opt-out completely of fast-track permit work or alternatively to opt-in with other permit work of a stated type to be classified as fast-track permit work.

The inclusion of additional plumbing and drainage work as fast-track plumbing permits will provide efficiencies and benefits to the building industry.

**OFFICER'S RECOMMENDATION**

That Council, in accordance with the *Plumbing and Drainage Regulation 2019*, approves the inclusion of plumbing and drainage work as identified in table 1 below as fast-track plumbing permits:

**Table 1: Fast-track permit (generally domestic plumbing work)**

Ref.	Building Type
1	Only one Class 1a building with a secondary dwelling on a lot where a separate and direct connection to the water and sewage infrastructure is provided for the lot.
2	Only one Class 1a dual occupancy/duplex building on a lot where a separate and direct connection to the sewage infrastructure and a separate and direct water service connected to the water infrastructure for each building unit is provided for the lot.
3	Only one Class 1a dwelling unit as part of a community title scheme, multiple dwelling development, relocatable home park, residential care facility, retirement facility or tourist park where the community or premises water and sewer mains and water sub-meters have been approved and the water and premises mains are installed under a separate permit.
4	Only one Class 1a dual occupancy/duplex building as part of a community title scheme, multiple dwelling development, relocatable home park, residential care facility, retirement facility or tourist park where the community or premises water and sewer mains and water sub-meters have been approved and the water and premises mains are installed under a separate permit.
5	Temporary site office and site amenities buildings set up at building and construction sites that connect to the water and/or sewer infrastructure or that connects to the water infrastructure and a sewage holding tank.
6	Temporary sales office set up at new housing estates and multiple dwelling sites and the like.
7	Permit work that involves installing a fixture relating to trade waste or work involving building, installing or altering a greywater use facility or on-site sewage facility is not fast-track permit work.

ITEM 4.6 PLUMBING FAST-TRACK DECLARATION - (Cont.)

**REPORT DETAIL**

**1. Background**

The former *Plumbing and Drainage Act 2002* allowed a local government to decide by resolution that certain plumbing, and drainage work did not require a compliance permit. A compliance permit authorised for work to be carried out to the extent stated in the permit and subject to any conditions for achieving compliance.

Moreton Bay Regional Council (MBRC) on 1 July 2008, made a resolution that plumbing and drainage work for one single class 1a and/or one 10a building on a sewered allotment did not require a compliance permit, however, this work is assessed for compliance, by way of mandatory inspection during construction.

The *Plumbing and Drainage Regulation 2019* permits a local government to issue a fast-track permit for one new class 1a building or one new class 10a building or both on a property provided the work is carried out in an area of a retail water and sewerage service area. This legislation provides additional options for a local government to declare by resolution to either opt-out completely of fast-track permit work or alternatively to opt-in with other permit work of a stated type to be classified as fast-track permit work.

Pursuant to the requirements of the regulation, any work involving connecting to trade waste, an on-site sewerage facility or combined sanitary drain is excluded from the fast-track permit system.

A Council briefing was conducted on 13 October 2020 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

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

*That a report will be submitted to the General Meeting for consideration to declare low-risk, less complex plumbing work under the fast-track permit timeframes.*

**2. Explanation of Item**

Table 2 provides a comparison between the current plumbing application process and the proposed fast-track permit work application process. An assessment of the risk level has also been made.

Risk levels are derived from the complexity of the work with a low risk rating given to simple plumbing layouts associated with domestic structures and the high-risk level given to more complex plumbing layouts associated with commercial and industrial infrastructure within a property.

From the inception of the former notice to the approval process it was identified that plumbing contractors possess the competencies to design and construct plumbing and drainage work for less complex work negating the need for Council to assess a plan prior to commencement of the work.

**Table 2: Comparisons for plumbing applications (for sewerred lots only)**

Structure	Current Application Process	Proposed Application Process	Risk
	Permit type	Permit type	
One class 1a Dwelling with a secondary dwelling on single title.	Standard Permit	Fast-track	Low
One class 1a dual occupancy/duplex building on single title.	Standard Permit	Fast-track	Low
One dwelling unit or dual occupancy/duplex building in a community title scheme, multiple dwelling development, relocatable home park, residential care facility, retirement facility or tourist park where the community or premises water and sewer mains and water sub-meters have been approved.	Standard Permit	Fast-track	Low

ITEM 4.6 PLUMBING FAST-TRACK DECLARATION - (Cont.)

Structure	Current Application Process	Proposed Application Process	Risk
	Permit type	Permit type	
Temporary Site Office & Amenities Structures.	Standard permit	Fast-track	Low
Temporary Sales Office (Authorised under a DA).	Standard permit	Fast-track	Low
Class 2 to 9 buildings where plumbing and drainage is defined as permit work.	Standard Permit	Standard Permit	High

Fast-track (2 business days)

Standard Permit (10 business days)

Low risk = less complex structures      high risk = more complex structures

Importantly, under the Regulation, hydraulic plans are not required for applications declared as fast-track permit work, hence the assessment fee will not apply for these applications. Under the declaration, fast-track permit applications will be calculated by the inspection fee component only.

**3. Strategic Implications**

By declaring less complex plumbing and drainage work as fast-track, the proposed declaration meets the intention of the new legislation. Further, the proposed changes benefit the community by saving money, saving time and meeting community and industry expectation.

Due to the efficiencies and benefits to the community from the former process, the proposed expansion of work to be fast-track permit work for the additional scope of work should not have any additional or adverse effects on plumbing compliance in the built environment.

3.1 Legislative / Legal Implications                       Nil identified

3.2 Corporate Plan / Operational Plan  
Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications     Nil identified

3.4 Risk Management Implications                               Nil identified

3.5 Delegated Authority Implications                               Nil identified

3.6 Financial Implications     Nil identified

3.7 Economic Benefit Implications                               Nil identified

3.8 Environmental Implications                                       Nil identified

3.9 Social Implications     Nil identified

3.10 Human Rights Implications                                       Nil identified

3.11 Consultation / Communication  
Council and EMT were briefed on this matter.

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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

**(Cr M Gillam)**

**ITEM 5.1  
SPONSORSHIP POLICY**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20861288 : 13 November 2020 - **Refer Supporting Information A20861222**  
*Responsible Officer:* JB, Team Leader Community Grants and Partnerships (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's approval for the introduction of a Sponsorship Policy (refer Supporting Information #1) to guide the governance and administration of Council's existing outgoing sponsorship arrangements, as well as new sponsorships entered into by Council. Further, the report proposes that the Chief Executive Officer be delegated to approve sponsorship arrangements entered into in accordance with the policy up to the value of \$100,000 p/a for each event or activity, subject to funds being provided within Council's operational budget.

**OFFICER'S RECOMMENDATION**

1. That Council adopts the Sponsorship Policy as appearing in supporting information #1 to this report.
2. That in relation to the Sponsorship Policy, pursuant to section 257 of the *Local Government Act 2009* Council delegates to the Chief Executive Officer the power under section 9 of the *Local Government Act 2009* to:
  - a. determine whether Council is satisfied that entering into a sponsorship arrangement is in the public interest; and
  - b. enter into a sponsorship arrangement consistent with the Sponsorship Policy, up to the value of \$100,000 per year for each event or activity, subject to funds being available within Council's operational budget.

ITEM 5.1 SPONSORSHIP POLICY - A20861288 (Cont.)

## REPORT DETAIL

### 1. Background

Sponsorships are generally considered to be commercial business arrangement involving the *'right to associate the sponsor's name, products or services with the sponsored organisation's service, product or activity, in return for negotiated and specific benefits such as cash or in-kind support or promotional opportunities'* (Queensland Government Sponsorship Policy 2020).

As articulated in its Corporate Plan, Council is committed to the provision of quality recreation and cultural opportunities, creating strong and inclusive communities and delivering a range of activities that contribute towards the growth and prosperity of the Region's economy. Council recognises the role that Sponsorship arrangements for significant events and activities can play in the achievement of these strategic goals.

Council has historically entered into sponsorship arrangements with a number of community organisations for the delivery of community events and activities conducted across the Moreton Bay Region. An opportunity has been identified for Council to develop a Sponsorship Policy to provide an improved governance and administrative framework for these existing sponsorship arrangements, as well as the consideration of new sponsorship proposals received by Council.

A Council briefing was conducted on 18 November 2020 for the purpose of sharing information and providing advice/views to Council on the matter. The CEO noted the way forward; that a report be brought to the Council General Meeting on 9 December for consideration to adopt the proposed Sponsorship Policy

### 2. Explanation of Item

Council officers have developed a draft Sponsorship Policy (Refer Supporting Information #1) for Council's consideration. The core objective of the policy is to establish a framework through which Council can facilitate appropriate sponsorship arrangements (financial and in-kind) with organisations for the delivery of community and economic events and activities that support the achievement of Council's objectives. The policy sets out a series of guiding principles and eligibility criteria to which sponsorship arrangements entered into by Council must align.

To support the proposed implementation of Council's Sponsorship Policy, a series of new administrative processes and resources will also be implemented. These include, but may not be limited to:

- Establishment of a multidisciplinary Sponsorship Review Panel to undertake the assessment of new sponsorship proposals received by Council and to formulate recommendations for Council and/or its delegates;
- Development of Sponsorship Guidelines and a Sponsorship Application Form;
- Introduction of additional sponsorship applicant and recipient support services such as pre-lodgement style meetings and post-event debriefs with Council's Sponsorship Review Panel; and
- Case management support for major event organisers in receipt of Council sponsorship.

Should Council be supportive of the Sponsorship Policy as provided in Supporting Information #1 of this report, it is recommended that Council's Chief Executive Officer be delegated to approve sponsorship arrangements up to the value of \$100,000 per year for each event or activity, subject to funds being available within Council's operational budget. The provision of this delegation will enable Council to be responsive to sponsorship opportunities which may be presented to Council with limited notice.

ITEM 5.1 SPONSORSHIP POLICY - A20861288 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council has a power (the power to do anything necessary or convenient for the good rule and local government of its local government area) in section 9 of the *Local Government Act 2009* to enter into its general sponsorship arrangements.

Council will need to ensure its sponsorship arrangements are sponsorship in the strict sense in accordance with the Sponsorship Policy, rather than a grant or a contract for services.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

#### 3.3 Policy Implications

This report recommends that Council adopt a new policy (Refer Supporting Information #1) to govern the provision of outgoing sponsorship arrangements entered into by Council with third party event and activity organisers.

#### 3.4 Risk Management Implications Nil identified

#### 3.5 Delegated Authority Implications

This report recommends that the CEO be delegated to:

- a. determine whether Council is satisfied that entering into a sponsorship arrangement is in the public interest; and
- b. enter into sponsorship arrangements consistent with the Sponsorship Policy, up to the value of \$100,000 per year for each event or activity, subject to funds being available within Council's operational budget.

#### 3.6 Financial Implications

Budgetary allocations for sponsorship arrangements entered into by Council will generally be determined as part of Council's annual budget deliberations, or as required via resolution of Council.

As part of its Quarter 2 budget review process, Council will consider the allocation of funding to support new sponsorship arrangements entered into under the proposed new Sponsorship Policy for the remainder of the 2020/21 financial year.

#### 3.7 Economic Benefit Implications

Events and activities held within the region can make a significant contribution to the regional economy. The proposed Sponsorship Policy will provide a framework through which Council can enter into sponsorship arrangements that facilitate economic outcomes including, but not limited to:

- Injecting funds into the economy as a result of direct spending by the event organiser, participants, spectators, competitors and accompanying persons;
- Creating opportunities for visitors to the Region to stay longer, spend more, experience the region's tourism products and visit again;
- Stimulating visitation to the Region at particular times of the year (such as low-peak season) and/or in under-represented locations;
- Elevating the Moreton Bay Region brand as a premier event/sporting destination and/or building the profile and reputation of the region as a business/investment location; and
- Generating positive and measurable media coverage and promotional opportunities resulting in significant marketing or other outcomes for the Region in alignment with the Regional Economic Development Strategy (REDS).

*ITEM 5.1 SPONSORSHIP POLICY - A20861288 (Cont.)*

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Events and activities in receipt of sponsorship from Council may deliver community outcomes for the Moreton Bay Region including but are not limited to:

- Increasing community participation and connectedness;
- Celebrating the Region's cultural diversity;
- Improving social cohesion;
- Building a sense of identity and belonging;
- Raising awareness of community issues; and
- Activating and/or profiling the Region's assets and infrastructure.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Economic Development Department  
Strategy and Engagement Department  
Community Services, Sport and Recreation Department  
Council Briefing - 18 November 2020



**SUPPORTING INFORMATION**

**Ref: [A20861222](#)**

The following list of supporting information is provided for:

**ITEM 5.1  
SPONSORSHIP POLICY**

***#1 Draft Sponsorship Policy - 2150-119***

**ITEM 5.2**  
**REGIONAL ECONOMIC DEVELOPMENT GRANTS PROGRAM**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20818167 : 12 November 2020 - **Refer Supporting Information A20841703**  
*Responsible Officer:* JB, Team Leader - Community Grants and Partnerships (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council approval for the amendment of the Community Grants Policy (No. 2150-030), to include a new Regional Economic Development Grants Program.

**OFFICER'S RECOMMENDATION**

1. That pursuant to section 195 of the Local Government Regulation 2012, Council adopts the Community Grants Policy 2150-030 as amended and appearing in Supporting Information #1 to this report.
2. That in relation to the Regional Economic Development Grants Program included in the amended policy, pursuant to section 257 of the *Local Government Act 2009* Council delegates to the Chief Executive Officer the power under section 194 of the Local Government Regulation 2012 to:
  - a. determine whether Council is satisfied a grant will be used for a purpose that is in the public interest;
  - b. determine whether the community organisation meets the criteria stated in the amended Community Grants Policy; and
  - c. give a grant consistent with the amended Community Grants Policy.

*ITEM 5.2 REGIONAL ECONOMIC DEVELOPMENT GRANTS PROGRAM - A20818167 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Council currently offers a number of grant programs that support community organisations in the development and implementation of community, cultural, sporting and environmental initiatives that benefit the region. These programs include the:

- Community Activities Grant;
- Community Facilities Grant;
- Regional Arts Development Fund (RADF);
- Individual Achievement Grant (School Achievement Awards category);
- Local Community Support Grant;
- Annual Celebration Grants;
- Community Operational Support Grants; and
- Discretionary Funds.

At its 5 August 2020 General Meeting, Council resolved to commence community consultation on its draft Regional Economic Development Strategy (REDS) and is expected to adopt its final strategy in early 2021. This strategy will provide a 20-year vision and blueprint for sustainable economic growth in the Moreton Bay Region and the achievement of Council's *'Bigger, Bolder, Brighter'* strategic goals for the regional economy.

Key to achieving the strategic goals of the REDS will be enabling and empowering community organisations to contribute towards the implementation of the strategy through the delivery of economic development initiatives that align with the four REDS pillars:

- Leadership and Identity;
- Industry Advancement;
- Trade and Investment; and
- Innovation and Entrepreneurship.

In consultation with Council's Economic Development Department, it is proposed that Council establish a new Regional Economic Development Grants Program for commencement in the 2021 calendar year.

Information related to the proposed implementation of the Regional Economic Development Grants Program was provided to Councillors for feedback. The information consisted of:

- an overview of Council's existing community grants programs; and
- an overview of the proposed Regional Economic Development Grants Program, including:
  - Program objectives;
  - Applicant eligibility criteria;
  - Project eligibility criteria;
  - Funding limits (i.e. Grants of up \$10,000 can be provided under the program); and
  - grant round timing.

### **2. Explanation of Item**

The establishment of a Regional Economic Development Grants Program (REDGP) will support community organisations in the development and implementation of initiatives that advance the Moreton Bay regional economy and align with the strategic directions of Council's REDS.

Should Council be supportive of establishing a new Regional Economic Development Grants Program, an amendment to Council's Community Grants Policy (No. 2150-030) will be required to give effect to the new program. Accordingly, this report recommends that Council amend its Community Grants Policy as appearing in Supporting Information #1 of this report.

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*ITEM 5.2 REGIONAL ECONOMIC DEVELOPMENT GRANTS PROGRAM - A20818167 (Cont.)*

In relation to the Regional Economic Development Grants, the report further recommends that the Chief Executive Officer (CEO) be delegated to:

- a. determine whether Council is satisfied a grant will be used for a purpose that is in the public interest;
- b. determine whether the community organisation meets the criteria stated in the amended Community Grants Policy; and
- c. give a grant consistent with the amended Community Grants Policy.

The provision of this new delegation to the CEO will add to existing delegations (No. 142 and 155) approved by Council at its 24 September 2019, 25 March 2020 and 10 June 2020 General Meetings for the following grants which remain under the amended Policy:

- Community Activities Grant;
- Community Facilities Grant;
- Individual Achievement Grant;
- Regional Arts Development fund (RADF);
- COVID-19 Community Infrastructure Revitalisation Grant;
- COVID-19 Community Organisation Hardship and Assistance Grant;
- Local Community Support Grants;
- Community Operational Support Grants; and
- Annual Celebrations Grants.

### **3. Strategic Implications**

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

In accordance with Sections 194 and 195 of the Local Government Regulation 2012, in order to award community grants a local government must prepare and adopt a policy about local government grants to community organisations (a community grants policy), which includes the criteria for a community organisation to be eligible for a grant from the local government. The recommendations in this report will amend Council's existing Community Grants Policy (No. 2150-030).

#### **3.2 Corporate Plan / Operational Plan**

Strengthening Communities: Strong local governance - strong leadership and governance.

#### **3.3 Policy Implications**

Council regularly reviews its policies for applicability, effectiveness and consistency with relevant legislation, Council resolutions and other Council documents.

This report recommends that Council approve an amendment to its Community Grants Policy (2150-030) to include a new Regional Economic Development Grants Program.

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

Nil identified

#### **3.5 Delegated Authority Implications**

This report recommends that, in relation to the Regional Economic Development Grant, pursuant to section 257 of the *Local Government Act 2009* the CEO be delegated to:

- determine whether Council is satisfied that a grant will be used for a purpose that is in the public interest;
- determine whether the community organisation meets the criteria stated in the amended Community Grants Policy; and
- give a grant consistent with the amended Community Grants Policy.

*ITEM 5.2 REGIONAL ECONOMIC DEVELOPMENT GRANTS PROGRAM - A20818167 (Cont.)*

3.6 Financial Implications

Budgetary allocations to granting programs provided for under Council's Community Grants Policy (No. 2150-030) are generally determined as part of Council's annual budget deliberations. However, as the Economic Development Grant Program is proposed to be established mid-financial year (commencing 1 February 2021), Council allocated funds towards this program as part of its Quarter 1 budget review process.

3.7 Economic Benefit Implications

Council's Regional Economic Development Grants Program will support community organisations in the development and implementation of initiatives that advance the Moreton Bay regional economy and align with the strategic goals and aspirations of the Moreton Bay Regional Economic Development Strategy.

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 there are no human rights implications relevant to Council's decision.

3.11 Consultation / Communication

Economic Development Department  
Community Services, Sport and Recreation Department  
All MBRC Councillors - Briefing note for feedback (Councillor Portal)

***SUPPORTING INFORMATION***

**Ref: 20841703**

The following list of supporting information is provided for:

**ITEM 5.2  
REGIONAL ECONOMIC DEVELOPMENT GRANTS PROGRAM**

***#1 Community Grants Policy - 2150-030***

**ITEM 5.3**  
**VOLUNTARY CONSERVATION AGREEMENT - CLEAR MOUNTAIN**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20514950 : 24 November 2020 - Refer **Confidential Supporting Information**  
**A20743284**  
*Responsible Officer:* DA, Senior Environment Officer (CES Environmental Services)

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**Executive Summary**

A Voluntary Conservation Agreement (VCA) is a legally binding agreement between Moreton Bay Regional Council (Council) and a landowner to protect environmental values on private property in perpetuity. The agreement takes the form of an environmental covenant registered on the title of the subject property.

An application to enter the VCA program has been received from the landowners of a property in Clear Mountain (Division 9). The VCA will afford protection of flora and fauna on the property in perpetuity, with the landowners receiving support and incentives from Council to continue to enhance the environmental values across the property.

**OFFICER'S RECOMMENDATION**

1. That Council endorses, accepting the property as described in the confidential supporting information into the Voluntary Conservation Agreement program, which will result in:
  - a. A covenant being placed on the property, which is legally binding in perpetuity registered against the property title under the *Land Titles Act 1994 (QLD)*;
  - b. A signed Voluntary Conservation Agreement between Council and the landowner; and
  - c. Ongoing financial incentives to the landowner, including quarterly rate rebates.
  
2. That Council authorises the Chief Executive Officer to do all things necessary to implement Recommendation 1.

ITEM 5.3 VOLUNTARY CONSERVATION AGREEMENT - CLEAR MOUNTAIN - A20514950 (Cont.)

**REPORT DETAIL**

**1. Background**

A Voluntary Conservation Agreement (VCA) is a legally binding agreement between Council and a landowner to protect the environmental values on the landowner's property in perpetuity. The agreement takes the form of a covenant registered on the title of the subject property. This is a significant commitment by the landowner, with the covenant encumbering the property and remaining in effect despite any future changes in ownership.

Council currently has 14 properties under its VCA program which is protecting more than 185 hectares of important natural, cultural and landscape assets. In addition to protecting the land, the program supports landowners to enhance habitat for a wide variety of threatened species such as the Bahrs scrub croton, koala, greater glider, glossy black cockatoo, grey-headed flying fox, giant barred frog, powerful owl and marbled frogmouth.

**2. Explanation of Item**

The application submitted from the landowners meets the VCA program assessment criteria. The landowners have been part of Council's Land for Wildlife program since 2013 and have worked continuously to transform the property into an area of high value vegetation. The total property area is 9.07 hectares with a proposed covenant area of 6 hectares (refer Confidential Supporting Information #1 - Survey plan for proposed covenant and property details including ownership).

The covenant area will protect, in perpetuity, remnant Regional Ecosystem 12.11.3 Broad-leaved Ironbark (*Eucalyptus siderophloia*) open forest, providing essential habitat for:

Threatened Fauna	Threatened Flora
Tusked frog	Scrub turpentine
Glossy Black Cockatoo	Brush Sophora
Plumed frogmouth	Slender milkvine
Powerful Owl	Macadamia ( <i>Macadamia integrifolia and tetraphylla</i> )
Koala	Scrub turpentine
Southern Greater Glider	Brush Sophora
Long-nosed potoroo	
Grey-headed flying fox	
Short-beaked echidna	

The property also contains mapped core koala habitat (defined by the Queensland Government, Department of Environment and Science). Without a covenant in place there is potential for future clearing of native vegetation, specifically the thinning of the understory and mid-story vegetation for agricultural purposes.

The property has proximity to the Branch Creek habitat corridor and to the Clear Mountain Conservation Park Connection corridor. Subsequently, the covenant will provide secure fauna movement opportunities between areas of retained habitat.

As per previous VCAs, upon Council's endorsement, the landowners will be provided with support and incentives, including:

- a) \$1,000 start-up assistance for one (1) year following execution of the Agreement;
- b) \$750 per year (or equivalent in plants) for years two to five following execution of Agreement;
- c) Free attendance at environment related workshops hosted by Council;
- d) Eligibility for annual, merit-based grants of up to \$2,500; and
- e) An annual rate rebate of currently \$650 per annum (pro rata from the commencement of the Conservation Agreement).



ITEM 5.3 VOLUNTARY CONSERVATION AGREEMENT - CLEAR MOUNTAIN - A20514950 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

The VCA is a legally binding written agreement registered against the title of a property, administered under the *Land Titles Act 1994* (QLD). The VCA stipulates the obligations of the covenantor (the property owner) and the covenantee (Moreton Bay Regional Council).

As the VCA is in perpetuity, there is a legal implication for the landowner, and all future landowners, to adhere to the covenant terms.

Council's Legal Services department have reviewed the VCA and covenant terms.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Entering into the VCA is a significant commitment by the landowner and subsequently, the landowner has been afforded the opportunity to seek legal and financial advice.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

VCA members are entitled to an annual rate rebate. In this instance, the proposed covenant area is 6 hectares, accordingly the landowners are entitled to a rate rebate of \$650 per annum.

Incentive	Availability	Benefit
Rate rebate	Annual	<5ha: 50% General Rate to a max of \$100 per quarter
		5-10Ha: 50% General Rate to a max of \$162.50 per quarter
		10-20Ha: 50% General Rate to a max of \$250 per quarter
		>20Ha: 50% General Rate to a max of \$375 per quarter
		>50Ha: 75% General Rate to a max of \$500 per quarter

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Landowners entering into a VCA protect the environmental values on their properties in perpetuity, providing secure fauna movement opportunities between areas of retained habitat.

The VCA program complements Council's other conservation initiatives including the Bushcare program, Land for Wildlife program and the land buy-back program for environmental purposes.

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

- Property and Commercial Services department
- Development Services department
- Legal Services department
- Division 9 Councillor

**SUPPORTING INFORMATION**

**Ref: [A20743284](#)**

The following list of supporting information is provided for:

**ITEM 5.3**

**VOLUNTARY CONSERVATION AGREEMENT - CLEAR MOUNTAIN**

***Confidential #1 Property ownership details, location and proposed covenant area***

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**6 FINANCE & CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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**ITEM 6.1**

**MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2020**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* A20825505 : 13 November 2020 - **Refer Supporting Information A20820881**  
*Responsible Officer:* DC, Accounting Services Manager (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 31 October 2020.

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year to date period ending 31 October 2020 be received.

*ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2020 - A20825505 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The Financial Reporting Package for the month ending 31 October 2020 is contained within the supporting information to this report.

This package contains a number of financial documents to provide a breakdown of key financial data and includes:

- o Statement of Revenues and Expenses
- o Capital Expenditure by Portfolio Program
- o Balance Sheet and Cash Flows
- o Treasury Report

### **2. Explanation of Item**

The year to date Financial report as at the end of October is complete and the performance and position of Council is outlined below in the context of the attached report.

Council amended its 2020/21 Budget during the month of October and the budget amounts in the attached report reflect the amendments adopted.

#### Operating Result (page 1)

As at 31 October 2020 operating revenue was \$229.9 million compared to operating expenses of \$151.9 million thus representing an operating surplus of \$78 million, which is largely in line with expectations.

#### Operating Revenues (page 1)

The second quarter rates and utility charges were levied in late September and represent the bulk of the revenue recognised thus far being \$164.9 million. This equates to approximately 50% of the budgeted rate and utility charge revenue for the year.

The positive variance in Fees and Charges is a timing difference due to animal registrations being issued for the year with a significant portion of these fees having been received. In addition to this, building, plumbing and development application fees are all trending slightly above expectations.

Interest revenue is tracking as expected.

Operational grants and subsidies are tracking below budget, entirely due to the timing of when grants are received. The Financial Assistance Grant represents 75% of all the operational grants Council receives and is paid quarterly. The bulk of this grant will be paid in May/June 2021 and will represent an early payment of the 2021/22 grant allocation.

Other revenues are also tracking behind budget at this stage with a few timing differences impacting on budget performance. Tax Payments from Unitywater represent 65% of this budget item. Current payments received are provisional and are subject to variation at the end of the financial year once Unitywater's end of year tax position is known.

The Unitywater participation revenue is a conservative budget estimate and is a non-cash revenue stream. Revenue is accrued in line with the budget each month and adjusted at year end in accordance with Unitywater's end of financial year result.

#### Operational Expenses (page 1)

Employee benefits are tracking to budget.

Material and Services are trending below budget but, again, this is expected to be a timing difference with spend expected to increase over the coming months.

Depreciation expenses and finance costs are tracking to budget.

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*ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2020 - A20825505 (Cont.)*

Capital Revenue (page 1)

Infrastructure cash contributions from developers is tracking well above budget after the first four months. A conservative budget was estimated in recognition of potential economic impacts from COVID19, however the level of contributions received is currently trending above expectations. In excess of \$7 million was received in October alone.

All infrastructure asset contributions that have been received to date have been recognised. As these contributions tend to come in irregularly, a considerable quantum is still expected over the remainder of the financial year.

Capital grants and subsidies are above budget largely due to a timing difference. Grants payments are usually received once work has been completed however in some instances Council receives grant monies up front, which is what occurred in July when Council received 50% of the Working for Queensland COVID-19 stimulus funds from the State Government in the amount of \$3.96 million. In addition, \$2.75 million was received from the State Government's Unite and Recover Community Stimulus Fund, with a further \$2 million in September. In October the Federal Government paid approximately \$2.5 million of economic stimulus grant monies to Council to assist with funding various projects.

Operating Revenue and Operating Expenditure Graphs (page 2)

The purpose of these graphs is to track actual revenue and actual expenses to a linear monthly budget.

Given the majority of Council's operating revenue cycle is rate related (quarterly in advance), revenue will track to the right-hand side of the budgeted revenue line and slowly edge closer to the line as the quarters draw to a close. Conversely, operating expenses will generally track to the left of the budget line and trend that way, gradually drawing closer to the line as the end of the financial year approaches. The orange trend line is progressing as expected.

Capital Expenditure (page 3, 4 and 5)

Capital expenditure is \$57 million after the first four months of 2020/21 and represents 22.91% of the total program. The *total capital expenditure progress* graph summarises the percentage of all capital expenditure completed to date compared to a linear budget spend.

The *capital expenditure by portfolio program* table breaks down the capital spend into program categories. In addition to the actual spend to date of \$57 million, there are committed costs (orders placed for works) in the amount of \$92.7 million bringing the total cost to \$149.7 million which equates to 60% of the capital program being committed.

The associated *capital expenditure progress* graph tracks the percentage spend by portfolio program compared to the budget to date. The orange line represents the year to date budget at 33% highlighting the linear budget spend to October 2020. Variations across the programs are normal as capital project delivery is not linear in nature so timing differences are expected. These will decrease over time.

Balance Sheet and Cash Flow (page 6)

The Balance sheets list Council assets and liabilities and net community equity.

The Cash flow statement indicates a closing cash balance in the amount of \$389 million for October. The forecast for the end of June 2021 is currently \$251 million.

Treasury Report (page 7 and 8)

The Treasury Report outlines Council performance with respect to cash investments and borrowings.

Interest earned on investments was approximately \$1.19 million. Interest rates on offer are quite low in the current market with deposit terms of less than 2 years offering interest rates of less than 1% per annum. The weighted average return on all investments for Council is now sitting at 0.90%.

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*ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2020 - A20825505 (Cont.)*

The Investment graphs give an indication of the percentage of investments held with each financial institution and the maturity profile of Council's investments. Council currently has \$259 million of cash at call with the remaining \$130 million maturing over next 3 to 12 months.

The QTC Growth Fund continues to recover from the lows it experienced in April/May 2020 and has reached a balance of \$105 million as at the end of October.

Council's total debt position has decreased slightly (\$370m to \$361m) as a repayment was made in September. Council is expected to repay debt in the amount of \$37 million for the year and is budgeted to borrow \$40 million to fund capital works. Borrowings are expected to be drawn down in May/June 2021.

### **Coronavirus Pandemic Impacts**

Council included a number of support measures in its 2020/21 Budget and also took a conservative approach to some revenue streams (fees and charges, infrastructure cash contributions) in anticipation of a further deterioration in the economy over 2020/21. These measures and impacts will continue to be monitored over the coming months to assess if the Council's budget requires amending to reflect the changing circumstances.

### **3. Strategic Implications**

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

Part 9, section 204 of the Local Government Regulation 2012, (regulation) states the following:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
  - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
  - (b) otherwise—at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

#### **3.2 Corporate Plan / Operational Plan**

Strengthening Communities: Strong local governance - strong leadership and governance.

#### **3.3 Policy Implications**

Compliance to the Council's Investment Policy is confirmed.

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

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. The ongoing COVID-19 pandemic will continue to present new risks requiring Council to closely monitor its performance and position compared to budget and continually refine its long-term financial modelling projections to inform decision making.

#### **3.5 Delegated Authority Implications                    Nil identified**

#### **3.6 Financial Implications**

As at the end of October 2020, Council's operating surplus is \$78 million while capital expenditure amounted to \$57 million.

# Moreton Bay Regional Council

GENERAL MEETING - 521  
9 December 2020

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Agenda

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## *ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2020 - A20825505 (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  Nil identified
- 3.11 Consultation / Communication  
Director Finance and Corporate Services

**SUPPORTING INFORMATION**

**Ref: [A20820881](#)**

The following list of supporting information is provided for:

**ITEM 6.1**

**MONTHLY FINANCIAL REPORTING PACKAGE - 31 OCTOBER 2020**

***#1 Monthly Financial Reporting Package - 31 October 2020***



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

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Consideration of notified general business items (including reports on significant regional achievements) or responses to questions taken on notice.

**13. CLOSED SESSION**

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*(s254J of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

**RESOLUTION to move into closed session** to discuss confidential matters.

*Motions, other than procedural motions, cannot be moved in closed session.*

**RESOLUTION to reconvene in open session** to decide those matters discussed whilst in closed session.

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**14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**  
**PROPERTY ACQUISITION - CABOOLTURE**

**Meeting / Session:** **2 INFRASTRUCTURE PLANNING**

**Reference:** A20883273 : 27 November 2020

**Responsible Officer:** KT, Principal Transport Planner (IP Integrated Transport Planning)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council's approval to acquire land currently on the market for the purpose of facilitating a road and intersection upgrade in Caboolture (Division 3).

**ITEM C.2 – CONFIDENTIAL**  
**ACQUISITION OF LAND - ROAD PURPOSES**

**Meeting / Session:** **5 COMMUNITY & ENVIRONMENTAL SERVICES**  
**Reference:** A20847975 : 26 November 2020 - Refer **Confidential** Supporting  
**Information A20849995**  
**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

Council has been approached in relation to the acquisition of a property on the basis that a future road project may affect the site.

**ITEM C.3 – CONFIDENTIAL**

**PREFERRED SUPPLIER - AECOM AUSTRALIA PTY LTD**

**Meeting / Session:** 4 PLANNING

**Reference:** A20821042: 13 November 2020

**Responsible Officer:** SH, Principal Strategic Planner (PL Strategic Planning & Place Making)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

Council engaged AECOM Australia Pty Ltd (AECOM), a large multidisciplinary planning and engineering firm, via Local Buy (BUS265 Planning, Surveying, Design & Architecture) to undertake a confidential planning investigation as part of the Regional Growth Management Strategy 2041. Since this time AECOM and sub-consultants for this project have acquired extensive experience and knowledge about the subject matter, including an appreciation of the key issues and detailed information regarding risks and opportunities.

The on-going confidential nature of the services sought, and specialised experience and knowledge gained cannot be easily and practically duplicated by other consultancies within the timeframes required to suit the project schedule.

It is recommended that AECOM be engaged to provide ongoing support to Council in resolution of any identified outstanding issues and technical studies and preparation of any potential planning instrument(s) for Council consideration.

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**14b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.



# MINUTES

## GENERAL MEETING

**Wednesday 25 November 2020**  
commencing at 9.33am

Caboolture Chambers  
2 Hasking Street, Caboolture

Pursuant to section 277E of the Local Government Regulation 2012 it is considered practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.  
**Accordingly, was physically closed to the public.**  
However, was be live-streamed via a link on Council's website

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**Membership = 13**  
Mayor and all Councillors

**UNCONFIRMED**

LIST OF ITEMS

<b>1.</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	<b>1961</b>
<b>2.</b>	<b>OPENING PRAYER / REFLECTION</b>	<b>1961</b>
<b>3.</b>	<b>ATTENDANCE &amp; APOLOGIES</b>	<b>1961</b>
<b>4.</b>	<b>MEMORIALS OR CONDOLENCES</b>	<b>1961</b>
<b>5.</b>	<b>CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING</b>	<b>1962</b>
	General Meeting - 12 November 2020 (Pages 20/1862 - 20/1946)	1962
	<b>RESOLUTION</b>	
<b>6.</b>	<b>ADOPTION OF AUDIT COMMITTEE MEETING REPORT &amp; RECOMMENDATIONS</b>	<b>1962</b>
	Audit Committee Meeting - 12 November 2020 (Pages 20/1947 - 20/1960)	1962
	<b>RESOLUTION</b>	
6.1.	Appointment of Chairperson - Audit Committee	
	<b>RESOLUTION</b>	
<b>7.</b>	<b>PRESENTATION OF PETITIONS</b>	<b>1963</b>
	<i>(Addressed to the Council and tabled by Councillors)</i>	
7.1.	Petition: Dangerous 'no diversion' at entrance to Retirement Resort (A20875697)	
<b>8.</b>	<b>CORRESPONDENCE</b>	<b>1964</b>
8.1.	RESPONSE to Petition: Annette Savery - change duplicate street names in Caboolture (A20389647)	
8.2.	RESPONSE to Petition: John Rick - reconsider closing Sweeney Reserve Dog Park (A20804533)	
8.3.	RESPONSE to Petition: Carly Taylor - Say no to Andrew Petrie Drive (A20821826)	
<b>9.</b>	<b>COMMUNITY COMMENT</b>	<b>1964</b>
<b>10.</b>	<b>NOTICES OF MOTION (Repeal or amendment of resolutions)</b>	<b>1964</b>
	<i>(s262 of the Local Government Regulation 2012)</i>	
<b>11.</b>	<b>CONFLICTS OF INTEREST NOTIFIED TO THE CEO</b>	<b>1965</b>
11.1.	Notice of Declarable Conflict of Interest - Cr Mick Gillam	
	<i>Declarable Conflict of Interest - Cr Mick Gillam</i>	1965
	<i>Councillor seeking to participate in the decision - eligible Councillors must decide</i>	1965
	<b>RESOLUTION</b>	
11.2.	Notice of Declarable Conflict of Interest to the CEO - Cr Denise Sims	
	<b>RESOLUTION</b>	

<b>12. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)</b>	<b>1967</b>
<i>(as referred by the Chief Executive Officer)</i>	
<b>1 GOVERNANCE &amp; ENGAGEMENT SESSION (Cr P Flannery, Mayor)</b>	<b>1967</b>
<b>2 INFRASTRUCTURE PLANNING SESSION (Cr A Hain)</b>	<b>1967</b>
<b>3 ENGINEERING, CONSTRUCTION &amp; MAINTENANCE SESSION (Cr B Savage)</b>	<b>1968</b>
<b>ITEM 3.1 - DECLARATION OF INTEREST</b>	<b>1968</b>
<i>Declarable Conflict of Interest - Cr Darren Grimwade</i>	<i>1968</i>
<i>Councillor seeking to participate in the decision - eligible Councillors must decide</i>	<i>1968</i>
<b>RESOLUTION</b>	
<i>Declarable Conflict of Interest - Cr Matt Constance</i>	<i>1969</i>
<b>ITEM 3.1</b>	<b>1970</b>
DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.2</b>	<b>1975</b>
TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS)	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.3</b>	<b>1980</b>
PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX)	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.4</b>	<b>1985</b>
TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE)	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.5</b>	<b>1991</b>
KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX)	
<b>RESOLUTION</b>	
REPORT DETAIL	
<b>ITEM 3.6</b>	<b>1996</b>
SCHEDULE OF WASTE FEES AND CHARGES - APPLICATION OF WASTE LEVY INCREASE	
<b>RESOLUTION</b>	
REPORT DETAIL	



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<b>ITEM 3.7</b> TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION <b>RESOLUTION</b> REPORT DETAIL	1999
<b>ITEM 3.8</b> TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM <b>RESOLUTION</b> REPORT DETAIL	2004
<b>4 PLANNING SESSION (Cr D Grimwade)</b>	2010
<b>5 COMMUNITY &amp; ENVIRONMENTAL SERVICES SESSION (Cr M Gillam)</b>	2011
<b>ITEM 5.1</b> STATEMENT OF MANAGEMENT INTENT - FLYING FOX COLONIES <b>RESOLUTION</b> REPORT DETAIL	2011
<b>ITEM 5.2</b> LEASE RENEWAL - GUIDES QUEENSLAND <b>RESOLUTION</b> REPORT DETAIL	2014
<b>ITEM 5.3</b> NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED <b>RESOLUTION</b> REPORT DETAIL	2017
<b>ITEM 5.4</b> STATEMENT OF MANAGEMENT INTENT - MOSQUITO MANAGEMENT <b>RESOLUTION</b> REPORT DETAIL	2021
<b>ITEM 5.5 - DECLARATION OF INTEREST</b> <i>Declarable Conflict of Interest - Cr Matt Constance</i>	2024 2024
<b>ITEM 5.5</b> NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC <b>RESOLUTION</b> REPORT DETAIL	2024
<b>ITEM 5.6</b> TELECOMMUNICATIONS LEASE - CLONTARF <b>RESOLUTION</b> REPORT DETAIL	2028
<b>ITEM 5.7</b> COURT ELECTED INFRINGEMENTS <b>RESOLUTION</b> REPORT DETAIL	2031

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<b>6 FINANCE &amp; CORPORATE SERVICES SESSION (Cr M Constance)</b>	<b>2034</b>
<b>13. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE</b>	<b>2035</b>
<b>ITEM 13.1</b> PLANNING SCHEME AMENDMENTS - STUDENT ACCOMMODATION BUILDINGS <b>RESOLUTION</b>	<b>2035</b>
<b>ITEM 13.2</b> WASTE COLLECTION CONTRACTOR - INDUSTRIAL DISPUTE	<b>2035</b>
<b>14. CLOSED SESSION</b> <i>(s254J of the Local Government Regulation 2012)</i>	<b>2036</b>
<b>14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL</b>	<b>2036</b>
<b>14b. CONFIDENTIAL GENERAL BUSINESS</b>	<b>2036</b>
<b>15. CLOSURE</b>	<b>2036</b>

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## 1. ACKNOWLEDGEMENT OF COUNTRY

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Cr Matt Constance provided the Acknowledgement of Country.

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## 2. OPENING PRAYER / REFLECTION

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Cr Matt Constance recited the Opening Prayer for the meeting.

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## 3. ATTENDANCE & APOLOGIES

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### Attendance:

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

### Officers:

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning	(Mr David Corkill)
Manager Governance & Executive Services	(Darren Dallinger)
Manager Environmental Services	(Robyn Moffat)
Meeting Support	(Hayley Kenzler)

### Apologies:

Nil.

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## 4. MEMORIALS OR CONDOLENCES

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

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

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**General Meeting - 12 November 2020 (Pages 20/1862 - 20/1946)**

**RESOLUTION**

Moved by Cr Jodie Shipway

Seconded by Cr Denise Sims (Deputy Mayor)

CARRIED 13/0

That the minutes of the General Meeting held 12 November 2020, be confirmed.

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**6. ADOPTION OF AUDIT COMMITTEE MEETING REPORT & RECOMMENDATIONS**

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**Audit Committee Meeting - 12 November 2020 (Pages 20/1947 - 20/1960)**

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

That the report and recommendations of the Audit Committee Meeting held 12 November 2020, be adopted.

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### 6.1. Appointment of Chairperson - Audit Committee

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At its Post-election Meeting held 29 April 2020, Council determined the composition and appointed councillor members to the Audit Committee, including the appointment of Cr Matt Constance as interim Chairperson of the Audit Committee.

Council also adopted Terms of Reference for the Audit Committee, at that time.

Clause 6 Composition, states:

*To improve the level of independence and objectivity, at least two (2) suitably qualified independent external members will be appointed to the Committee under terms and conditions resolved by Council from time to time, with one (1) of them appointed as the Chairperson of the Committee.*

In this regard, and subsequent to the appointment of the three external members of the Audit Committee, it is appropriate to consider the appointment of the Chairperson of the Committee from one of the external members.

In accordance with Clause 7 Membership of the Terms of Reference, specifies that:

*The Chairperson shall be appointed by Council.*

**At the Audit Committee meeting of 12 November 2020 (Item 7.1 page 20/1959), the Committee recommends that Stephen Coates be appointed as Chairperson of the Audit Committee. In this regard, Council's resolution is sought together with the 'term of appointment'.**

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## RESOLUTION

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Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

**That Council resolve to appoint Stephen Coates as Chairperson of the Audit Committee until September 2023 (the term of his appointment).**

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## 7. PRESENTATION OF PETITIONS

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

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### 7.1. Petition: Dangerous 'no diversion' at entrance to Retirement Resort (A20875697)

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Cr Adam Hain tabled a petition containing 17 signatures, received from Fred Chappel, reading as follows:

*"We bring this URGENT notice to your attention with the urging from our MP. The Hon. Mark Ryan after we made representation to him very recently as we, the Residents are extremely frightened of being tailgated causing a crash and possible death from these unlawful incidents outside our village.*

*Most of the drivers along this part of WEIER Road are very careless and drive well over the speed limit and as we have no safety off road diversion with cars coming from the North there have been many near crashes up to this date.*

*We urge you to urgently come and inspect this area and see personally how dangerous it is.*

*We Resident [sic] are mainly elderly men and women mostly are very careful drivers and want to see out our days in safety without being afraid to come home after being out and about all being aware of the danger we face each and every time we leave our peaceful village.*

*7.1 Petition: Dangerous 'no diversion' at entrance to Retirement Resort (Cont'd)*

*As this is a notice it makes you aware of the urgency of our appeal/complaint/notice and we request that you take this as a matter of faith as our Representative for our local area and install the necessary safety off road diversion and any other safety products that may assist in our safety.*

*We have following as many signatures as possible, taking into account that there may be Residents unavailable or involved in other personal issues, that clearly show all our concern.*

*We, the undersigned, now look forward to your involvement and your swift reply.'*

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

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## **8. CORRESPONDENCE**

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### **8.1. RESPONSE to Petition: Annette Savery - change duplicate street names in Caboolture (A20389647)**

At the General Meeting held 5 August 2020, Council received a petition from Annette Savery regarding Kapyong Crescent and Long Tan Close, Caboolture duplicate streets names.

A copy of Council's response to the Chief Petitioner was provided for Council's information.

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### **8.2. RESPONSE to Petition: John Rick - reconsider closing Sweeney Reserve Dog Park (A20804533)**

At the General Meeting held 19 August 2020, Council received a petition from John Rick requesting Council to reconsider the closure of Sweeney Reserve dog park.

A copy of Council's response to the Chief Petitioner was provided for Council's information.

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### **8.3. RESPONSE to Petition: Carly Taylor - Say no to Andrew Petrie Drive (A20821826)**

At the General Meeting held 28 October 2020, Council received an e-petition initiated by the Option 1 Youngs Crossing Road Upgrade - Committee (Carly Taylor - Principal Petitioner), requesting Council to reject Option 2 for consideration as part of the Youngs Crossing Road upgrade.

A copy of Council's response to the Chief Petitioner was provided for Council's information.

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## **9. COMMUNITY COMMENT**

There were no participants in the Community Comment session for this meeting.

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

*(s262 of the Local Government Regulation 2012)*

There were no Notices of Motion for consideration.

**11. CONFLICTS OF INTEREST NOTIFIED TO THE CEO**

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

**11.1. Notice of Declarable Conflict of Interest - Cr Mick Gillam**

Cr Mick Gillam has notified the Chief Executive Officer of the following declarable conflict of interest.

**Declarable Conflict of Interest - Cr Mick Gillam**

Pursuant to s150EQ of the *Local Government Act 2009*, I have a declarable conflict of interest in matters relating to the Council project 101246 Planned Upgrade of the intersection of Sparkes Road / Ellis Street / Francis Road, Lawnton.

My conflict of interest arises as Jade Hut Enterprises Pty Ltd, of which I am the sole owner, owns a unit within the 29-unit block located at 40 Ellis Street, Lawnton. 40 Ellis Street is located at the intersection of Ellis Street and Francis Road, the intersection planned to be upgraded as part of the project. The project includes the four-laning of Francis Road from the railway overpass to Nightingale Drive, a distance of 624m. It also includes the straightening of the intersection with Ellis Street and Sparkes Road.

I believe my interest is no greater than that of other property owners in this locale and having considered my position am firmly of the opinion that I could participate in decisions relating to the planned upgrade Project in the public interest and seek Council's approval to continue to serve the constituents of Division 8 by participating in decisions including discussion, debate and voting.

**Councillor seeking to participate in the decision - eligible Councillors must decide**

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Karl Winchester

**CARRIED 12/0**

**That in accordance with s150ES of the *Local Government Act 2009*, and having considered the Councillor's conflict of interest as described, it is decided that Cr Mick Gillam may participate in the decision subject to the following conditions:**

Cr Gillam may participate in discussions (including debate) relating to Council project 101246 Planned Upgrade of the intersection of Sparkes Road / Ellis Street / Francis Road, Lawnton; however, must leave the meeting while the matter is voted on.

<p><b>FOR:</b> Cr Peter Flannery (Mayor) (Chairperson) Cr Brooke Savige Cr Mark Booth Cr Adam Hain Cr Jodie Shipway Cr Sandra Ruck Cr Karl Winchester Cr Denise Sims (Deputy Mayor) Cr Cath Tonks Cr Matt Constance Cr Darren Grimwade Cr Tony Latter</p>	<p><b>AGAINST:</b> Nil</p>
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*Cr Mick Gillam having declared a conflict of interest was not eligible to vote*

**11.2. Notice of Declarable Conflict of Interest to the CEO - Cr Denise Sims**

The Chief Executive Officer referred to Cr Denise Sims' notified Declarable Conflict of Interest (as appearing in the agenda and below) suggesting that as the benefit that could be derived from the "Friends of the Abbey" card was unlikely to reach the minimum threshold for a gift (being \$500) and for a reasonable person to think the Councillor could be biased, it is considered unnecessary for Cr Sims to make the declaration.

**Declarable Conflict of Interest - Cr Denise Sims (Deputy Mayor)**

*Pursuant to s150EQ of the Local Government Act 2009, I have a declarable conflict of interest in matters relating to any council sponsorships or grants to the Abbey Museum.*

*The declarable conflict of interest arises because the Abbey Museum gifted me a "Friends of the Abbey" card which, when activated, entitles the holder to discounts and benefits related to Abbey events and functions as well as printed material. Despite me not having activated the card, the ability to do so remains.*

*I have considered my position and am firmly of the opinion that I could participate in decisions relating to sponsorship and grants to the Abbey Museum and seek Council approval to participate in decisions on the matter including discussion, debate and voting.*

Cr Sims concurred with the Chief Executive Officer's suggestion and withdrew the declaration noting that the gift has been recorded in her Register of Interests.

**RESOLUTION**

**Moved by Cr Mick Gillam**

**Seconded by Cr Jodie Shipway**

**CARRIED 13/0**

**That Council notes a declarable conflict of interest is not required by Cr Denise Sims in this instance and that the benefit is recorded in the Councillor's Register of Interests.**



**12. 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 Councillor	Deputy Portfolio Councillor
<b>1 Governance &amp; Engagement</b>	Cr P Flannery (Mayor)	Cr D Sims (Deputy Mayor)
<b>2 Infrastructure Planning</b>	Cr A Hain	C T Latter
<b>3 Engineering, Construction &amp; Maintenance</b>	Cr B Savige	Cr C Tonks
<b>4 Planning</b>	Cr D Grimwade	Cr K Winchester / Cr M Booth
<b>5 Community &amp; Environmental Services</b>	Cr M Gillam	Cr S Ruck
<b>6 Finance &amp; Corporate Services</b>	Cr M Constance	Cr J Shipway

**1 GOVERNANCE & ENGAGEMENT SESSION**

**(Cr P Flannery, Mayor)**

No items for consideration.

**2 INFRASTRUCTURE PLANNING SESSION**

**(Cr A Hain)**

No items for consideration.

**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION**

**(Cr B Savige)**

**ITEM 3.1 - DECLARATION OF INTEREST**

**Declarable Conflict of Interest - Cr Darren Grimwade**

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a declarable conflict of interest in Item 3.1 as Telstra Corporation Limited who is the recommended supplier for the 'Dakabin - Old Gympie Road - Road Upgrade' project, has previously provided the Councillor with event tickets and hospitality to Telstra sponsored events as follows:

- 14<sup>th</sup> August 2018 with an estimated value of \$407.00
- 5<sup>th</sup> October 2018 with an estimated value of \$195.00
- 5<sup>th</sup> December 2018 with an estimated value of \$296.00
- 18<sup>th</sup> November 2020 with an estimated value of \$380.00

**Cr Grimwade has considered his position and is firmly of the opinion that he could participate in any decisions relating to Telstra including discussion, debate and voting on matters in the public interest.**

**Councillor seeking to participate in the decision - eligible Councillors must decide**

**RESOLUTION**

**Moved by Cr Denise Sims (Deputy Mayor)**

**Seconded by Cr Cath Tonks**

**CARRIED 11/0**

**That in accordance with s150ES of the *Local Government Act 2009*, and having considered the Councillor's conflict of interest as described, it is decided that Cr Darren Grimwade may participate in the decision including discussion, debate and voting on the matter as it is considered that this is in the public interest.**

<p><b>FOR:</b> Cr Peter Flannery (Mayor) (Chairperson) Cr Brooke Savige Cr Mark Booth Cr Adam Hain Cr Jodie Shipway Cr Sandra Ruck Cr Karl Winchester Cr Denise Sims (Deputy Mayor) Cr Mick Gillam Cr Cath Tonks Cr Tony Latter</p>	<p><b>AGAINST:</b> Nil</p>
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*Cr Darren Grimwade having declared a conflict of interest was not eligible to vote*

*Cr Matt Constance having a possible declarable conflict of interest in this matter was not eligible to vote.  
\*Cr Constance's declaration of a possible declarable conflict of interest was not made prior to Council's determination on Cr Grimwade's declaration.*

**Cr Darren Grimwade remained in the meeting.**

**Declarable Conflict of Interest - Cr Matt Constance**

Although not legislatively required pursuant to s150EQ of the *Local Government Act 2009*, Cr Matt Constance informed the meeting of a possible declarable conflict of interest in Item 3.1 as Telstra Corporation Limited, the recommended supplier for the *Dakabin - Old Gympie Road - Road Upgrade* project, provided the Councillor with an event ticket on 18 November 2020 with an estimated value of \$380.

Cr Constance has considered his position and is firmly of the opinion that he could participate in any decisions relating to Telstra including discussion, debate and voting on matters in the public interest.

**As part of an ensuing discussion, Council determined that Cr Constance was not required to make a declaration at this time as the value of the hospitality was below the minimum threshold for a gift (being \$500).**

Cr Constance concurred with Council's determination and withdrew the declaration.

UNCONFIRMED

**ITEM 3.1**  
**DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20804700 : 10 November 2020  
*Responsible Officer:* SAM, Principal Engineer (ECM Project Management)

**Executive Summary**

A quotation was sought from Telstra Corporation Limited (Telstra) for the relocation of power poles and associated street lighting as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project.

It is recommended that Council proceed with works as per the quotation contained in the Letter of Offer (QW300967) from Telstra Corporation Limited for the sum of \$526,032.64 (excluding GST).

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Sandra Ruck

CARRIED 13/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Telstra Corporation Limited is the only supplier who is reasonably available to undertake the relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project.
2. That the Letter of Offer (QW300967) from Telstra Corporation Limited for relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project, for the sum of \$526,032.64 (excluding GST) be accepted.
3. That the Council enters into an agreement with Telstra Corporation Limited 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 Telstra Corporation Limited for works described in Letter of Offer (QW300967) and any required variations of the agreement on Council's behalf.

ITEM 3.1 DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION - A20804700 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Telstra Corporation Limited is the only supplier who is reasonably available to undertake the relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project.
2. That the Letter of Offer (QW300967) from Telstra Corporation Limited for relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project, for the sum of \$526,032.64 (excluding GST) be accepted.
3. That the Council enters into an agreement with Telstra Corporation Limited 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 Telstra Corporation Limited for works described in Letter of Offer (QW300967) and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

The broader project is located at Old Gympie Road, between Alma Road and Goodwin Road, Dakabin. The scope of the work includes signalisation of two intersections of Old Gympie Road:

1. Hughes Road East and the access to Dakabin Waste Management facility; and
2. Goodwin Road and the access to the Seventh Day Adventist grounds.

The broader project involves the construction of a 4-lane dual carriageway with raised and landscaped median, longitudinal and cross drainage improvements to Old Gympie Road, wide concrete pathway on the western side, cycle lanes on both sides, identification and provision for current and future public transport needs and high-quality landscaped road sides.

The project aims to improve safety for all transport users, improve road capacity to cater for current demands and accommodate expected traffic growth, improve travel times, reduce congestion, improve safety for access to properties along the road corridor and improve facilities for pedestrian, cyclists and public transport users.

Telstra's Letter of Offer (QW300967) covers the relocation of telecommunication infrastructure. The commencement of works is dependent on Telstra formally programming the works upon receipt of approval from Council. Telstra has indicated that the relocations would commence in early 2021 and the construction duration would be approximately twelve weeks.

The broader road construction project works are expected to be tendered and then awarded in late January 2021 with construction works to commence in June 2021.

ITEM 3.1 DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION - A20804700 (Cont.)



Figure 1 - Project Locality Plan - Extent of Telstra Relocation Works

**2. Explanation of Item**

A quotation was sought from Telstra for the relocation of telecommunication infrastructure as part of the 'Dakabin - Old Gympie Road - Road Upgrade' project.

Telstra provided a Letter of Offer (QW300967) for the construction of the required works for the sum of \$526,032.64 (excluding GST).

Only Telstra can undertake these works required to relocate their telecommunication network assets.

ITEM 3.1 DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION - A20804700 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Due to the value of work being greater than \$200,000, an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006. Works or modifications to existing Telstra assets are required to be done by Telstra.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

3.3 Policy Implications

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

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

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk relating to the Telstra telecommunication relocation works has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Construction Risks:

- Risk of design and construction non-compliances is lowered by having the asset owner complete the relocation works.
- These telecommunication asset relocation works will be undertaken ahead of the civil works construction stage to ensure no conflicts during the road construction works.
- There are no Development Applications or Development Approvals (DA's) impacting these works.
- The current covid19 issues may impact the delivery and provision of materials for the Telstra works.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council's annual budget.

*As an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006 and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$15,000,000 for this project with \$2,500,000 in the 20-21 FY Capital Projects Program, \$12,500,000 in the draft 21-22 FY Capital Projects Program. All financials below are excluding GST.

Telecommunication Relocation Letter of Offer (Energex)	\$ 526,032.64
Contingency (10%)	\$ 52,603.26
	-----
Total project cost	\$ 578,635.90
	=====
Remaining allocated budget	\$ 14,421,364.10

ITEM 3.1 DAKABIN - OLD GYMPIE ROAD - ROAD UPGRADE - TELSTRA RELOCATION - A20804700 (Cont.)

The civil works (not part of this contract) are currently being designed.

There are no ongoing operational/maintenance costs for the power pole relocation works as the assets are transferred to Energex to maintain.

The budget amount for this project at this time is sufficient.

3.7 Economic Benefit Implications

The broader project will supplement capacity improvements to accommodate future traffic volumes and provide pedestrian/cyclist connectivity.

3.8 Environmental Implications

Telstra are required to comply with State Government environmental policies.

3.9 Social Implications

The broader Old Gympie Road upgrade project will provide a safe link for road users (motorists and cyclists) travelling this section of roadway.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communications plan has been prepared. Variable message boards will be in place and project notices will be distributed two weeks prior to commencement of works and project signs placed four weeks prior to the commencement of works. Weekly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.



**ITEM 3.2****TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS)**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20675023 : 12 October 2020 - Refer **Confidential** Supporting Information A20671265  
*Responsible Officer:* HM, Senior Project Manager (ECM Project Management)

**Executive Summary**

Tenders were invited from Council's Prequalified Landscape Construction Panel for the 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works) (MBRC008454/VP206705)' project. The tender closed on the 23 October 2020 with a total of four tenders received, all of which were conforming.

It is recommended that the tender for 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works) (MBRC008454/VP206705)' project be awarded to The Landscape Construction Company Pty Ltd for the sum of \$365,020.25 (excl. GST) as this offer represents the best value to Council.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Adam Hain

CARRIED 13/0

1. That the tender for 'Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works)' project be awarded to The Landscape Construction Pty Ltd for the sum of \$365,020.25 (excluding GST).
2. That the Council enters into an agreement with The Landscape Construction Company Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with The Landscape Construction Company Pty Ltd for the 'Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3) Landscape Portion of Works' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with The Landscape Construction Company Pty Ltd for the project, Council commits to the provision of \$120,000 in additional funding for the project, with the funding to be provided at the quarter two financial review process.

*ITEM 3.2 TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS) - A20675023 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for 'Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works)' project be awarded to The Landscape Construction Pty Ltd for the sum of \$365,020.25 (excluding GST).
2. That the Council enters into an agreement with The Landscape Construction Company Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with The Landscape Construction Company Pty Ltd for the 'Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3) Landscape Portion of Works' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with The Landscape Construction Company Pty Ltd for the project, Council commits to the provision of \$120,000 in additional funding for the project, with the funding to be provided at the quarter two financial review process.

## **REPORT DETAIL**

### **1. Background**

The 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction and Drainage Upgrade' project (overall project) is located along the disused rail corridor from Beerburrum Road, Caboolture to Atwood Street, Wamuran. The project involves the construction of approximately 10.5 kilometres of 3 to 3.5-metre-wide shared constructed asphalt pathway and entry statements at the Caboolture and Wamuran trail heads.

The overall project is scheduled to be delivered in three stages over multiple financial years commencing in 2017/18 and concluding in 2020/21.

- Stage 1 - Beerburrum Road, Caboolture to Bluebell Park, Caboolture 2017/18 (completed)
- Stage 2 - County Drive, Wamuran to Atwood Street, Wamuran 2018/19 - 2019/20 (completed)
- **Stage 3 - Bluebell Park, Caboolture to County Drive, Wamuran 2019/20 - 2020/21**

The 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works)' project scope includes: seating nodes, drinking fountain, pavement surface treatments, signage, drainage, fencing, offset tree planting and associated landscape works.

The landscape works will commence in December 2020 and be completed by the end of February 2021.



**Figure 1: Location of works**

ITEM 3.2 TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS) - A20675023 (Cont.)

**2. Explanation of Item**

Tenders for the 'Caboolture - Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 3 - Landscape Portion of Works (MBRC008454/VP206705)' project closed on 23 October 2020 with four 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):

RANKING	TENDERER	EVALUATION SCORE
1	The Landscape Construction Company Pty Ltd	100.00
2	S.C.L Services, trading as Disc Landscapes	94.82
3	Penfold Projects Pty Ltd	88.61
4	Trelville Pty Ltd, trading as Aspect Contractors	85.47

**The Landscape Construction Company Pty Ltd ('TLCC')** - submitted a comprehensive tender that demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. TLCC has recently undertaken construction work for Moreton Bay Regional Council at Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 1) Landscape portion of works (valued at \$1.8m); Caboolture to Wamuran Rail Trail - Shared Pathway Construction (Stage 2) Landscape portion of works (valued at \$770k); and Woody Point, Endeavour Park refurbishment of existing park (valued at \$685k).

It is recommended by the evaluation panel this project be awarded to TLCC as TLCC's tender represents the best overall value offer to Council.

**S.C.L Services, trading as Disc Landscapes Pty Ltd ('SCL')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

**Penfold Projects Pty Ltd ('PP')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

**Trelville Pty Ltd Pty Ltd, trading as Aspect Contractors ('Trelville')** - submitted a comprehensive and well-presented tender, demonstrating their project experience; however, there were no additional benefits for the higher price.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Due to the nature of the work, Council offered the tender for the work through the Vendor Panel system to a Pre-Qualified Landscape Construction Panel Arrangement (MBRC008454) in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

*ITEM 3.2 TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS) - A20675023 (Cont.)*

### 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.

The Local Preference Policy was not applied, as the project was procured via a council Landscape Construction panel arrangement in line with Council's Procurement policy.

### 3.4 Risk Management Implications

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

#### *Financial Risks:*

The project has been procured via Council's Prequalified Landscape Construction Panel (MBRC008454).

#### *Construction Risks:*

- a. The recommended tenderer will provide a program of works, traffic management plan, safety management plan and environmental plan as part of the contract to identify and detail how it will manage and mitigate project construction risks, this information will be assessed for appropriateness and audited by Council's Project Manager
- b. The recommended tenderer has demonstrated their understanding of the project and the need to manage the impact of the works on pedestrians and vehicles. The contractor has programmed the works and allowed for appropriate resources to be available to complete the works in the required timeframe.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- d. There were no foreseen impacts currently identified by the recommended tenderer associated with COVID-19 that would adversely affect delivery of the project.
- e. There are no development assessments impacting with this project.

### 3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project is greater than the budget allocation and is therefore reported to Council for consideration.*

### 3.6 Financial Implications

Council has allocated a total of \$787,687 in the 20-21 Capital Projects Program for the final stage of this project. There have been additional works requested in stage 1 by the Department of Main Roads (DTMR) and finalisation of stage 2 works in the current 20-21 FY. All financials below are excluding GST.

#### Additional works Stage 1:

- Works requested by TMR based on their post construction audit (tree replacements to provide increased clearance from edge of pathway + reflective taping of counter bollards adjacent to the path); and
- Trail head in ground up lighting rectifications to address ongoing water ingress fault

ITEM 3.2 TENDER - CABOOLTURE - CABOOLTURE TO WAMURAN RAIL TRAIL - SHARED PATHWAY CONSTRUCTION (STAGE 3 - LANDSCAPE PORTION OF WORKS) - A20675023 (Cont.)

Finalisation of Stage 2 works:

- Wamuran Timbers shared property boundary retaining wall, fencing and landscaping has been on hold pending a revised lease agreement being signed between Wamuran Timbers and MBRC, being arranged by Property Services.

Council Internal Construction Crews (ICC) works	\$ 271,741.10
Design 20/21	\$ 38,089.05
Contractor additional works stage 1 & stage 2 works in progress	\$ 116,167.66
King St pedestrian refuge lighting (TMR RoadTeK) works stage 3	\$ 57,277.60
Unity water relocation	\$ 19,159.00

Sub Total \$ 502,434.41

Tender Price (Construction this tender)	\$ 365,020.25
Contingency (10%)	\$ 36,502.03
Q Leave (0.575%)	\$ 2,098.87

Total Project Cost (2020/21) \$ 906,055.56

Estimated ongoing operational/maintenance costs \$ 2,567.00 per F/Y.

The budget amount for this project is insufficient. That to allow this project to continue, and for Council to enter into the agreement with The Landscape Construction Company Pty Ltd for the project, Council commits to the provision of \$120,000 in additional funding for the project, with the funding to be provided at the quarter two financial review process.

3.7 Economic Benefit Implications

This project will create a shared pathway of regional significance that will promote active travel and provide opportunities to develop cycle tourism.

3.8 Environmental Implications

The contractor is required to submit an Environmental Management Plan and comply with relevant State Government Environmental Policies. The contractor will be required to manage sediment and erosion controls during construction and these measures will also be monitored by Council.

3.9 Social Implications

The project will provide a transport commuter pathway that integrates with adjacent assets and facilities including local parks, schools and links to the existing pathway network.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for the project. Project notices were distributed to residents 4 weeks prior to commencement of Stage 3 works, including the placement of project signage. Weekly project updates via email will continue to be provided to the Divisional Councillor. Monthly project website updates will continue to be provided. The Divisional Councillors (3 and 12) have been consulted and are supportive of this project.

**ITEM 3.3**

**PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX)**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20815543 : 16 November 2020  
*Responsible Officer:* AM, Project Engineer (ECM Project Management)

**Executive Summary**

A quotation was sought from Energex Limited (Energex) for the relocation of overhead power poles and associated street lighting as part of the 'Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade' project.

It is recommended that Council proceed with works as per the quotation contained in the Letter of Offer (WR7375729) from Energex for the sum of \$444,852.82 (excluding GST).

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Tony Latter

CARRIED 13/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of power poles and associated street lighting as part of the 'Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade' project.
2. That the Letter of Offer (WR7375729) from Energex Limited for relocation of power poles and associated street lighting as part of the 'Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade' project, for the sum of \$444,852.82 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited 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 Energex Limited for works described in Letter of Offer (WR7375729) and any required variations of the agreement on Council's behalf.

*ITEM 3.3 PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX) - A20815543 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of power poles and associated street lighting as part of the '*Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade*' project.
2. That the Letter of Offer (WR7375729) from Energex Limited for relocation of power poles and associated street lighting as part of the '*Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade*' project, for the sum of \$444,852.82 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited 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 Energex Limited for works described in Letter of Offer (WR7375729) and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The project is located on Beeville Road, from Dayboro Road to the entry road to the Mick Hanfling Park, Torrens Road, Petrie. The project scope includes the rehabilitation of the subject section of road over a length of 1500 metres and the reconfiguration of the existing 4-way priority-controlled intersection at Frenchs Road to traffic signals. The project includes signalised pedestrian crossing facilities, pathway renewal and widening, shoulder widening, on-road bicycle lanes and additional traffic (turn) lanes to all approaches, raised medians renewal of the existing surface and landscaping to medians and road verges.

The project objective is to renew the pavement and achieve the required level of service and to improve safety for all transport users, reduce traffic congestion and delays caused by sustained and future traffic demand, improve safety for access to properties along the road corridor and improve facilities for pedestrian, cyclists and public transport patrons.

Energex's Letter of Offer (WR7375729) covers the relocation of Energex LV poles and overhead wiring with their associated street lighting, as well as undergrounding the network at the intersection. The commencement of works is dependent on Energex formally programming the works upon receipt of approval from Council. Energex has indicated that the relocations would commence in March 2021 and the construction duration would be approximately four weeks.

The broader road construction project works are expected to be tendered and awarded in late January 2021 with construction works to commence in June 2021.

ITEM 3.3 PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX) - A20815543 (Cont.)

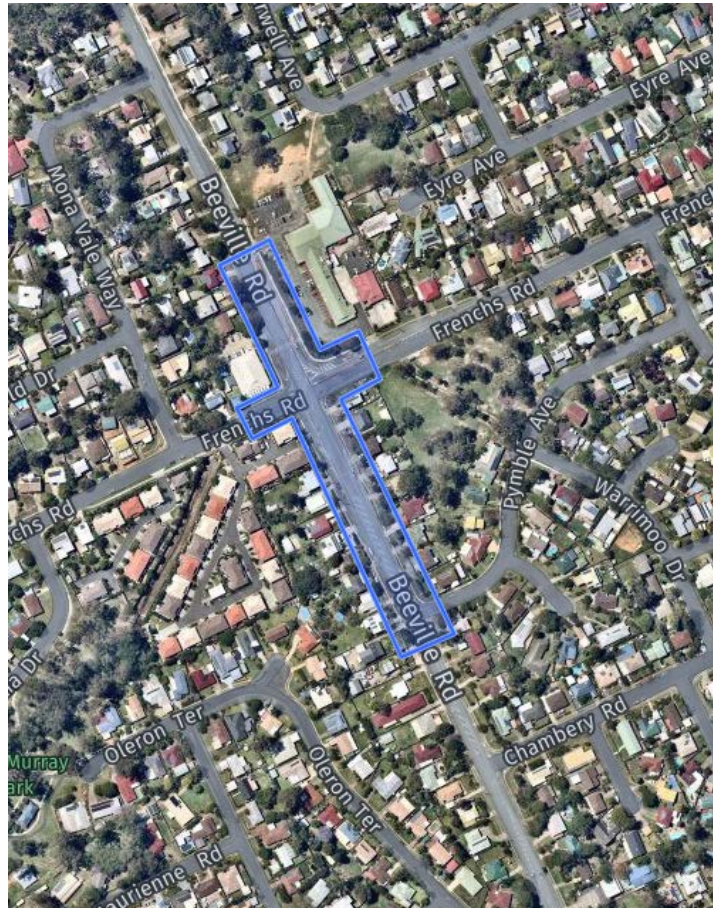


Figure 1 - Project Locality Plan - Extent of Energex Relocation Works

**2. Explanation of Item**

A quotation was sought from Energex for the relocation of power poles and associated street lighting as part of the 'Petrie - Beeville Road - Road Rehabilitation and Intersection Upgrade' project.

Energex provided a Letter of Offer (WR7375729) for the design and construction of the required works for the sum of \$444,852.82 (excluding GST).

Only Energex can undertake these works required to relocate their power network assets.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Due to the value of work being greater than \$200,000, an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006. Works or modifications to existing Energex assets are required to be done by Energex.

**3.2 Corporate Plan / Operational Plan**

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.



ITEM 3.3 PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX) - A20815543 (Cont.)

3.3 Policy Implications

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

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

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk relating to the Energex pole relocation works has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Construction Risks:

- Risk of design and construction non-compliances is lowered by having the asset owner complete the relocation works.
- These pole relocation works will be undertaken ahead of the civil works construction stage to ensure no conflicts during the road construction works.
- There are no Development Applications or Development Approvals (DA’s) impacting these works.
- COVID-19 issues may impact the delivery and provision of materials for the Energex works.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council’s net rate and utility charges as stated in Council’s audited financial statements included in Council’s most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council’s annual budget.

*As an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that ‘the local government resolves it is satisfied that there is only 1 supplier who is reasonably available’, as outlined in Council’s Procurement Policy 2150-006 and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$6,400,000 for this project with \$1,500,000 in the 20-21 FY Capital Projects Program and a further \$4,900,000 in the draft 21-22 FY Capital Projects Program. All financials below are excluding GST.

Letter of Offer (Energex)	\$ 444,852.82
Contingency (10%)	\$ 44,485.28
	-----
Total project cost	\$ 489,338.10
	=====

There are no ongoing operational/maintenance costs for the power pole relocation works as the assets are transferred to Energex to maintain.

The budget amount for this project is sufficient to undertake the relocation of Energex LV poles and overhead wiring with their associated street lighting component of the works.

The civil works (not part of this contract) have not yet been tendered. Tenders will be called shortly for the broader project works, with the outcome known in February 2021.

*ITEM 3.3 PETRIE - BEEVILLE ROAD - ROAD REHABILITATION AND INTERSECTION UPGRADE (SERVICE RELOCATION - ENERGEX) - A20815543 (Cont.)*

3.7 Economic Benefit Implications

The project will reduce existing delays on for traffic on Frenchs Road and improve pedestrian connectivity.

3.8 Environmental Implications

Energex is required to comply with State Government environmental policies.

3.9 Social Implications

The intersection upgrade will improve safety for both pedestrians and motorists.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communications plan has been prepared. Variable message boards will be in place and project notices will be distributed to the adjacent residents and shop traders two weeks prior to commencement of works and project signs placed four weeks prior to the commencement of works. Weekly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.

**ITEM 3.4  
TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE)**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20710557 : 13 November 2020 - Refer **Confidential Supporting Information A20672637**  
*Responsible Officer:* ML, Project Engineer, (ECM Project Management)

**Executive Summary**

Tenders were invited from Council's Prequalified Civil Construction Panel for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' project. The tender closed on 8 October 2020 with a total of two tenders received, both of which were conforming.

It is recommended that the tender for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' project be awarded to Auzcon Pty Ltd for the sum of \$235,341 (excluding GST) as this offer represents the best overall value to Council.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Adam Hain

CARRIED 13/0

1. That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' project be awarded to Auzcon Pty Ltd for the sum of \$235,341 (excluding GST).
2. That the Council enters into an agreement with Auzcon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Auzcon Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to allow Council to enter into an agreement with the recommended tenderer, Council commits to the additional funds of \$280,000 being provided at the quarter two budget review process.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' project be awarded to Auzcon Pty Ltd for the sum of \$235,341 (excluding GST).
2. That the Council enters into an agreement with Auzcon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Auzcon Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/ VP196634)' and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to allow Council to enter into an agreement with the recommended tenderer, Council commits to the additional funds of \$280,000 being provided at the quarter two budget review process.

**REPORT DETAIL**

**1. Background**

The project is located at Beachmere Lake, Biggs Avenue (Kunde Street to Second Avenue), Beachmere. The project scope of works involves the construction of a new tidal exchange system at Beachmere Lake. The current tidal exchange system provides regular inflows of sea water at high tides to gradually recycle the lake water and promote mixing. Despite this, the lake tends to be poorly mixed, leading to reduced dissolved oxygen and salinity concentrations. Recent investigations have identified some necessary modifications to the stormwater system required to enable the flushing system to be operated as intended and allow for improved maintenance access.

Construction of the tidal exchange project is scheduled to commence in early December 2020 and will be constructed over a 4-week period, which includes an allowance for wet weather.

The overall project scope was outlined in the construction tender report considered by Council on 25 February 2020 for the Beachmere Lake Wall Renewal.

The following resolution appears on Minute Page 20/620 of the General Meeting of Council held 13 May 2020:

Ex. General Meeting held 25 February 2020 (MP. 20/572):

**RESOLUTION**

1. That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' be awarded to AUZCON PTY LTD for the sum of \$595,524 (excluding GST).
2. That the Council enters into an agreement with Auzcon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Auzcon Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits the required \$720,000 in the draft 2020/21 Financial Year Capital Projects Program budget towards the project 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)'.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)



**2. Explanation of Item**

Tenders for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (Tidal Exchange) (MBRC008453/VP196634)' project closed on 8<sup>th</sup> October 2020 with two tenders received, of which both were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Auzcon Pty Ltd	92.49
2	Allencon Pty Ltd	91.63

**Auzcon Pty Ltd ('Auzcon')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 2 November 2020 at which Auzcon demonstrated their relevant experience, detailed methodology which included suitable construction methodology (work from the lake) and environmental management. Auzcon have completed projects for Moreton Bay Regional Council including Nathan Road Bulk Earthworks and Drainage Works (\$6.3M), Pine Rivers Park Flow Control Chambers (\$320k); and Marcoola Levee Bank Construction (\$2.3M) for Sunshine Coast Council. Auzcon are currently contracted to complete the Lake Wall Renewal works at the Beachmere Lake.

*ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)*

The evaluation panel recommend that the tender from Auzcon Pty Ltd provides the best overall value offer to Council.

**Allencon Pty Ltd ('Allencon')** - submitted a comprehensive and well-presented tender that demonstrated the contractor's relevant experience and was the lowest priced submission. However, the proposed method of vacuum excavation for the required sub aquatic pipe trenches did not adequately address potential environmental impacts from sediment disturbance. The proposed method of installation from the lake edge (as opposed to from the water) is considered greater intrusive work method to the adjacent lake residents.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council sought quotations via Council's Prequalified Civil Construction Panel (MBRC008453) for the work through Vendor Panel in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

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

The Local Preference Policy was not applied, as the project was procured via Council's Prequalified Civil Construction panel arrangement in line with Council's Procurement Policy.

#### 3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk will be related to the Beachmere Wall Renewal project. The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks are minimised is detailed below.

##### *Financial Risks:*

The Project has been procured via Council's Prequalified Civil Construction Panel (MBRC008453).

##### Construction Risks:

- There are no procurement issues identified with this project. The lead time to procure materials is considered suitable.
- The recommended tenderer has advised that there are no foreseen COVID-19 related issues which will adversely impact the delivery of this project.
- The recommended tenderer has demonstrated their understanding of the project site and the need to manage the environmental land safety impacts for vehicles, pedestrians and adjacent private properties.
- The recommended tenderer will provide a program of works, traffic management plan, safety management plan and environmental management plan as part of the contract to identify and detail how they will manage and mitigate project construction risks. This information will be assessed for appropriateness and monitored by Project Management.
- There are no Development Approvals impacting this project.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$1,020,000 for this project with \$300,000 in the 19-20 FY Capital Projects Budget and \$720,000 in the 20-21 FY Capital Projects Budget. All figures below are exclusive of GST.

**Beachmere Lake - Lake Wall**

Beachmere Lake Wall Renewal Project (awarded 25/2/20)	\$ 595,524.00
Contingency (20%)	\$ 119,104.80
QLeave (0.475%)	\$ 2,828.74

**Sub-total 1**

**\$ 717,457.54**

Concrete Cap for Lake Wall (Variation)*	\$ 98,000.00
Sheet Pile Design Change (Variation)**	\$ 129,817.50
Tree Preservation Design Change (Variation)***	\$ 61,600.00
ADAC As Constructed Surveyor	\$ 2,515.00

**Sub-total 2**

**\$ 291,932.50**

**Beachmere Lake - Tidal Exchange**

Tidal Exchange Upgrade Design	\$ 7,000.00
Tender Price	\$ 235,341.00
Contingency (20%)	\$ 47,068.20
QLeave (0.575%)	\$ 1,353.21

**Sub-total 3**

**\$ 290,762.41**

**Total Project Cost (1+2+3)**

**\$1,300,152.45**

\*As part of the Beachmere Lake Wall Renewal contract awarded in February 2020, through the design phase a variation was approved for the contractor to supply and install a concrete cap to the new lake wall. The concrete cap will help to provide increased longevity and protection for the new lake wall.

\*\*During the design review phase Council requested the contractor to omit the stabilised concrete toe that was proposed by contractor at the tender and contract award stage for the Beachmere Lake Wall Renewal. The final design will include thicker, deeper sheet piles (4 m deep TKV 9.5 mm). Thicker, deeper sheet piles are required in place of the concrete stabilised toe.

\*\*\*In order to keep the existing trees around the lake wall the design alignment of the new wall was amended to move approximately 135 metres of lake wall 1 metre inwards, resulting in additional design and construction costs.

Estimated ongoing operational/maintenance costs \$720 per F/Y.

ITEM 3.4 TENDER - BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL (TIDAL EXCHANGE) - A20710557 (Cont.)

The budget amount for this project is insufficient. To allow this project to continue, and to allow Council to enter into an agreement with the recommended tenderer, Council commits to the additional funds of \$280,000 being provided at the quarter two budget review process.

3.7 Economic Benefit Implications

The upgrade / improvement of the tidal exchange system will improve the function of the system and help decrease costs associated with the set up for survey / CCTV inspections of the exchange system. The upgrade will reduce the costs associated with reactional maintenance due to blockages of the system and related fish kill implications.

3.8 Environmental Implications

The upgrade / improvement of the tidal exchange system will improve / increase the tidal flushing within the system and improve the overall water quality of the system.

3.9 Social Implications

The upgrade / improvement of the tidal exchange system will improve / increase the tidal flushing within the system and improve the overall water quality within the lake system and provide improved amenity for the local community.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared. The location of the tidal exchange works is at the northern section of the lake as per figure 1. Project signage will be displayed in accordance with the current Beachmere Lake Wall Renewal project. Updated project notices will be hand delivered prior to commencement on tidal exchange project site to the residents adjacent to the work site as a further update to the Beachmere Lake Wall Renewal project. Weekly email updates will be provided to the Divisional Councillor as part of the Beachmere Lake Renewal Project. The Divisional Councillor has been consulted and is supportive of the tidal exchange project.



**ITEM 3.5  
KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE -  
SERVICE RELOCATION (ENERGEX)**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20797501 : 9 November 2020  
*Responsible Officer:* SAM, Principal Engineer (ECM Project Management)

**Executive Summary**

A quotation was sought from Energex Limited (Energex) for the relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project.

It is recommended that Council proceed with works as per the quotation contained in the Letter of Offer (WR7401157) from Energex for the sum of \$306,351.65 (excluding GST).

**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Tony Latter

CARRIED 13/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project.
2. That the Letter of Offer (WR7401157) from Energex Limited for relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project, for the sum of \$306,351.65 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited 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 Energex Limited for works described in Letter of Offer (WR7401157) and any required variations of the agreement on Council's behalf.

*ITEM 3.5 KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX) - A20797501 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Energex Limited is the only supplier who is reasonably available to undertake the relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project.
2. That the Letter of Offer (WR7401157) from Energex Limited for relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project, for the sum of \$306,351.65 (excluding GST) be accepted.
3. That the Council enters into an agreement with Energex Limited 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 Energex Limited for works described in Letter of Offer (WR7401157) and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

This project is located at the intersection of Klingner and Boardman Roads, Kippa-Ring. The broad project scope of works includes upgrading the existing roundabout to a signalised intersection, road widening to intersection approaches including additional lanes, construction of a raised and landscaped median and verges on intersection approaches, longitudinal drainage improvements, concrete pathways on both sides, cycle lanes on both sides and identification and provision of current and future public transport needs.

Energex's Letter of Offer (WR7401157) covers the relocation of Energex LV poles and overhead wiring with their associated street lighting. The commencement of works is dependent on Energex formally programming the works upon receipt of approval from Council. Energex has indicated that the relocations would commence in February 2021 and the construction duration would be approximately four weeks.

The objective of the broader project is to increase capacity and reduce delays at this key intersection to improve the efficiency of the trunk network.

The broader road construction project works are expected to be tendered and awarded in February 2021 with construction works to commence in June 2021.

ITEM 3.5 KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX) - A20797501 (Cont.)

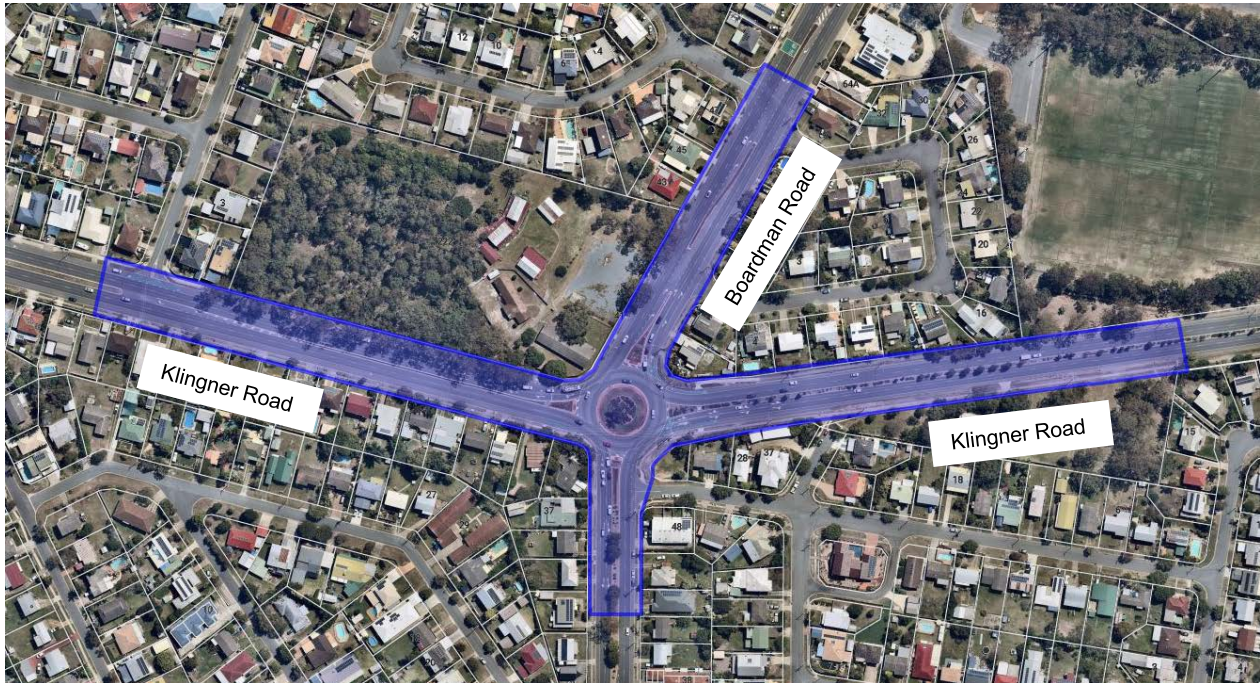


Figure 1 - Project Locality Plan - Extent of Energex Relocation Works

**2. Explanation of Item**

A quotation was sought from Energex for the relocation of power poles and associated street lighting as part of the 'Kippa-Ring - Klingner Road / Boardman Road - Intersection Upgrade' project.

Energex provided a Letter of Offer (WR7401157) for the design and construction of the required works for the sum of \$306,351.65 (excluding GST).

Only Energex can undertake these works required to relocate their power network assets.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Due to the value of work being greater than \$200,000, an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006. Works or modifications to existing Energex assets are required to be done by Energex.

**3.2 Corporate Plan / Operational Plan**

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

**3.3 Policy Implications**

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

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

ITEM 3.5 KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX) - A20797501 (Cont.)

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk relating to the Energex pole relocation works has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Construction Risks:

- The pole relocation works will be undertaken ahead of the civil works construction stage to ensure no conflicts during the road construction works.
- There are no Development Applications or Development Approvals (DA's) impacting these works.
- The current COVID-19 issues may impact the delivery and provision of materials for the Energex works.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council's annual budget.

*As an exception is required in accordance with section 235(a) of the Local Government Regulation 2012 that 'the local government resolves it is satisfied that there is only 1 supplier who is reasonably available', as outlined in Council's Procurement Policy 2150-006 and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$5,400,000 for the construction phase of this project, with \$500,000 in the 20-21 FY Capital Projects Program and \$4,900,000 in the draft 21-22 FY Capital Projects Program. The project has received Federal Government funding of \$4,000,000 towards the project (May 2019 commitment). All financials below are excluding GST.

Service Relocation (Letter of Offer - Energex)	\$ 306,351.65
Contingency (10%)	\$ 30,635.16
	-----
Service Relocation cost	\$ 336,986.81
	=====

There are no ongoing operational/maintenance costs for the power pole relocation works as the assets are transferred to Energex to maintain.

The budget amount for the service relocation (Energex) is sufficient to undertake the relocation of Energex LV poles and overhead wiring with their associated street lighting component of the works. The broader project civil works (not part of this contract) are currently being tendered, with the outcome known in February 2021.

3.7 Economic Benefit Implications

The broader project will provide capacity improvements to accommodate future traffic volumes and provide pedestrian/cyclist connectivity.

3.8 Environmental Implications

Energex are required to comply with State Government environmental policies.

3.9 Social Implications

The road intersection upgrade will provide a safer link for road users (motorists and cyclists) travelling this section of roadway.

*ITEM 3.5 KIPPA-RING - KLINGNER ROAD/BOARDMAN ROAD - INTERSECTION UPGRADE - SERVICE RELOCATION (ENERGEX) - A20797501 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

A detailed communications plan has been prepared. Variable message boards will be in place and project notices will be distributed two weeks to adjacent residents prior to commencement of works and project signs placed four weeks prior to the commencement of works. Weekly project updates via email will be provided to the Divisional Councillors who have been consulted and are supportive of the project.

UNCONFIRMED

**ITEM 3.6  
SCHEDULE OF WASTE FEES AND CHARGES - APPLICATION OF WASTE LEVY  
INCREASE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20772425: 3 November 2020 - Refer Supporting Information A20772435  
*Responsible Officer:* AH, Manager Waste Services (ECM Waste Services)

**Executive Summary**

The Queensland Government's ('State') waste levy for all waste classifications is proposed to increase by \$5 on 1 July each year. To assist businesses in dealing with the financial impacts of COVID-19, in 2020 the State deferred the increase of waste levy rates from 1 July 2020 to 1 January 2021.

An amended schedule of waste fees and charges for Commercial and Industrial (C&I) and Construction and Demolition (C&D) waste are proposed to reflect the State's waste levy increase of \$5/t, from \$75/t to \$80/t, applicable from 1 January 2021.

The waste fees and charges remain unchanged for household waste (Municipal Solid Waste) for which Council receives a waste levy abatement payment from the State.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway

CARRIED 13/0

1. That the Waste Services Schedule of Fees and Charges for Commercial and Industrial and Construction and Demolition waste, for the period 1 January 2021 to 30 June 2021, be amended to reflect waste levy increases be adopted as per the attached schedule.
2. That the adopted 2020/21 Waste Services Schedule of Fees and Charges remain unchanged should the State decide not to increase waste levy from 1 January 2021.

ITEM 3.6 SCHEDULE OF WASTE FEES AND CHARGES - APPLICATION OF WASTE LEVY INCREASE - A20772425 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the Waste Services Schedule of Fees and Charges for Commercial and Industrial and Construction and Demolition waste, for the period 1 January 2021 to 30 June 2021, be amended to reflect waste levy increases be adopted as per the attached schedule.
2. That the adopted 2020/21 Waste Services Schedule of Fees and Charges remain unchanged should the State decide not to increase waste levy from 1 January 2021.

**REPORT DETAIL**

**1. Background**

The State's waste levy was introduced on 1 July 2019, commencing at \$75/t for general waste, \$155/t for regulated waste category 1, and \$105/t for regulated waste category 2, with a forecast increase of \$5/t from 1 July each year for all waste classifications.

To assist businesses in dealing with the financial impacts of COVID-19, in 2020 the State deferred the increase of waste levy rates from 1 July 2020 to 1 January 2021. The waste schedule of rates has been amended to reflect the waste levy increase for Commercial and Industrial (C&I) and Construction and Demolition (C&D) waste. The waste fees and charges remain unchanged for household waste (Municipal Solid Waste) for which Council received a waste levy abatement payment from the State.

GST is not applied to the waste levy when a landfill operator pays the waste levy to the State. GST is applied to the waste levy when a landfill operator charges their customers a fee to cover their levy liability.

The State's current advice regarding waste levy rates, published at:

<https://www.qld.gov.au/environment/pollution/management/waste/recovery/disposal-levy/about/levy-rates> is as follows:

The following information is from the above webpage (Department of Environment and Science - Waste Levy Rates)

Type of waste	Levy rate (per tonne) in 2020-2021 financial year
Treated timber sawdust and shavings	\$75 (1 July – 31 Dec)
	\$80 (1 Jan – 30 June)
Earth contaminated with a hazardous contaminant from land recorded on the environmental management register or contaminated land register	\$75 (1 July – 31 Dec)
	\$80 (1 Jan – 30 June)
Regulated waste: <u>Category 1</u>	\$155 (1 July – 31 Dec)
	\$160 (1 Jan – 30 June)
Regulated waste: <u>Category 2</u>	\$105 (1 July – 31 Dec)
	\$110 (1 Jan – 30 June)
Other levyable waste	\$75 (1 July – 31 Dec)
	\$80 (1 Jan – 30 June)

The waste levy for all classifications is proposed to increase by \$5 on 1 July each year. To assist businesses in dealing with the financial impacts of COVID-19, in 2020 the Queensland Government deferred the increase of waste levy rates from 1 July 2020 to 1 January 2021.

ITEM 3.6 SCHEDULE OF WASTE FEES AND CHARGES - APPLICATION OF WASTE LEVY INCREASE - A20772425 (Cont.)

**2. Explanation of Item**

It is prudent for Council to adopt the amended Schedule of Fees and Charges (Waste Services) for C&I and C&D waste as early as possible prior to the increase in waste levy on 1 January 2021 to enable communication to relevant stakeholders and to allow time for relevant corporate systems to be updated prior to the commencement of the new waste levy in the new year.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

All Other Fees identified in the attached schedule have been prepared in accordance with the *Local Government Act 2009* and relevant waste levy legislation coming into force from 1 July 2019, including *Waste Reduction and Recycling (Waste Levy) Amendment Act 2019*, *Waste Reduction and Recycling Act 2011* and *Waste Reduction and Recycling Regulation 2011*.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

No policy implications arising as a direct result of this report. Landfill waste disposal arrangements for Moreton Bay residents and eligible organisations and community groups are detailed in Council's waste disposal policy.

3.4 Risk Management Implications  Nil identified

It is prudent to advise customers of the waste levy rate change as soon as practical to maximise time to communicate and prepare for change with customers.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The introduction of the waste levy by the State Government has been incorporated into Council's Waste Services fees and charges for all non-recyclable waste from commercial sources. The Waste Levy has not been applied to Municipal Solid Waste (MSW) fees and charges for which Council receives an annual payment from the state government to off-set the Waste Levy cost incurred for the disposal of the waste generated by households and eligible Council waste (such as public litter bins).

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Consultation has been undertaken with Director Engineering Construction and Maintenance, Accounting Services Manager and Financial Operations Manager.



**ITEM 3.7**

**TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20641886 : 2 October 2020 - Refer **Confidential Supporting Information A20780132**  
*Responsible Officer:* TT, Project Engineer, Project Management (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' project. The tender closed on 3 November 2020 with a total of four conforming tenders received.

It is recommended that the tender for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' project be awarded to J. Mac Constructions Pty Ltd for the sum of \$3,713,502.98 (excluding GST) as this offer represents the best overall value to Council.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That the tender for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' be awarded to J. Mac Constructions Pty Ltd for the sum of \$3,713,502.98 (excluding GST).
2. That the Council enters into an agreement with J. Mac Constructions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with J. Mac Constructions Pty Ltd for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$420,000 in the 21-22 FY budget process, if required.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

*ITEM 3.7 TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION - A20641886 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' be awarded to J. Mac Constructions Pty Ltd for the sum of \$3,713,502.98 (excluding GST).
2. That the Council enters into an agreement with J. Mac Constructions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with J. Mac Constructions Pty Ltd for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010110)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$420,000 in the 21-22 FY budget process, if required.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

## **REPORT DETAIL**

### **1. Background**

The project is located at Nolan Park, Kenworth Place, Brendale. The project involves the construction of a BMX facility, to enable the relocation of the Pine Rivers BMX Club from England Park, Brendale. The project scope includes site earthworks to establish a base pad for BMX track development (track construction by club), stormwater management, irrigation and track lighting, fencing, car parking and access road, club house, spectator seating, pathways and landscaping. Lighting is to be provided to the internal roadway, pathways and carpark.

The objective of the project is to provide a regional BMX facility which will meet the long-term needs of the club to host national standard competitions.

It is proposed that the construction will commence in January 2021 and be completed by December 2021 including an allowance for wet weather (46 days).



**Figure 1. Artist Impression of Clubhouse**

### **2. Explanation of Item**

Tenders for the 'Brendale - Nolan Park - BMX Precinct Construction (MBRC010349)' project closed on the 3 November 2020, with a total of four conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

ITEM 3.7 TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION - A20641886 (Cont.)

The tenders and their evaluation score are table below (ranked from highest to lowest).

RANK	TENDERER	EVALUATION SCORE (Pre-LP)	EVALUATION SCORE (Post-LP)
1	J. Mac Constructions Pty Ltd	97.41	104.91
2	Intrec Management (QLD) Pty Ltd	100.00	100.00
3	Wac & Co Pty Ltd	87.85	95.35
4	SBP Australia Pty Ltd	86.51	86.51

**J. Mac Construction Pty Ltd ('JMac')** submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 12 November 2020, at which JMac demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. JMac provided examples of similar projects including The Petrie Mill Oval (valued at \$10.5M) for the construction of the first large green space at The Mill including bulk earthworks, road construction, stormwater installation, site lighting and amenities facilities and construction; the Karawatha Forest Discovery Centre (valued at \$5.7M) encompassing three new buildings, shelters, playgrounds, carparks and service installation.

JMac's submission was the highest scoring tender in accordance with the selection criteria and with regard to the Competitive Local Business and Industry (local preference) initiative and is the evaluation panel's recommendation as providing overall best value offer to the Council.

**Intrec Management (QLD) Pty Ltd ('Intrec')** - submitted a comprehensive and well-presented tender, was the lowest priced submission, however, scored lower with the application of the Competitive Local Business and Industry (local preference) initiative.

**Wac & Co Pty Ltd ('Wac')** - submitted an acceptable tender, however, scored lower the Competitive Local Business and Industry (local preference) initiative.

**SBP Australia Pty Ltd ('SBP')** - submitted a well-presented tender, however, there were no additional benefits for the higher price.

### 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 the LG Tender System in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

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

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

ITEM 3.7 TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION - A20641886 (Cont.)

3.4 Risk Management Implications

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

*Financial Risks:*

A third-party review of financial status has been carried out and the recommended tenderer was rated 'strong'.

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, 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, manage and monitor project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their program of works takes into consideration potential wet weather and the provision of appropriate resources to be able to complete the project within the required timeframe.
- c. Council approved a Negotiated Decision for a Material Change of Use - Development Permit for Outdoor Sport and Recreation (DA38554/2019/V2Q) for the project generally comprising of an access road, BMX track, carpark, clubhouse building.
- d. There are no Development Approvals affecting this project.
- e. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant construction materials.
- f. At the tender clarification meeting, the recommended tenderer advised that there were no foreseen COVID-19 related impacts to material supply chains and delivery of the project works.
- g. Dilapidation inspections will be conducted prior to works commencing around the entrance ways to record the existing condition of assets and again after construction to record any change.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project exceeds the delegated limit and also 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 \$3,945,000 for this project, with \$280,000 in the 19-20 FY Capital Projects Program, \$1,465,000 in the 20-21 FY Capital Projects Program and identified a further \$2,200,000 in the 21-22 FY draft Capital Projects Program. The project also has State Government COVID funding of \$1,500,000. All financials are excluding GST.

Design	\$ 258,572.00
Tender Price (Construction)	\$ 3,713,502.98
Contingency 10%	\$ 371,350.30
Qleave 0.575%	\$ 21,352.64
	-----
Total Project Cost	\$ 4,364,777.92
Revenue	\$ 1,500,000.00
Net Project Cost (to Council)	\$ 2,864,777.92
Estimated ongoing operational/maintenance costs	\$ 40,500 per F/Y.

ITEM 3.7 TENDER - BRENDALE - NOLAN PARK - BMX PRECINCT CONSTRUCTION - A20641886 (Cont.)

The budget amount for this project is insufficient. For this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$420,000 in the 21-22 FY budget process, if required.

3.7 Economic Benefit Implications

The new BMX facility at Nolan Park Brendale will be a facility capable of hosting international, national and state championships. The site has abundant space around the track for parking, marshalling of riders and accommodation of spectators; this, coupled with a new clubhouse which affords superior views of the track, will prove a popular venue. This popularity will attract competitors and spectators who will boost the local economy directly by spending on hotels, restaurants, and entertainment venues.

3.8 Environmental Implications

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

3.9 Social Implications

The development of the BMX Precinct will provide a modern, accessible competition level facility that will support BMX activities in the Moreton Bay region.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed Communication Plan has been prepared for this project. Communication strategies include project notices issued 4 weeks prior to the commencement of works and project signage displayed on site 4 weeks prior to construction. Government funding signage has already been installed. Weekly email updates during construction will be provided for the Divisional Councillor who has been consulted and is supportive of the project. A project webpage will be created with weekly updates will be published.

**ITEM 3.8**

**TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
Reference: A20844701 : 18 November 2020 - Refer **Confidential Supporting Information A20800667**  
Responsible Officer: JY, Senior Project Manager, Project Management (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project with tenders closing on the 5 November 2020 with a total of ten tenders received, nine of which were conforming.

It is recommended that the tender for 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project be awarded to SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the sum of \$1,332,125.90 (excluding GST) as this tender represents the best overall value to Council.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 13/0

1. That the tender for 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' be awarded to SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the sum of \$1,332,125.90 (excluding GST).
2. That the Council enters into an agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions for the project, Council commits to the provision of an additional \$300,000 in the quarter three budget review process.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

*ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' be awarded to SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the sum of \$1,332,125.90 (excluding GST).
2. That the Council enters into an agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions, for the 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project and any required variations of the agreement on Council's behalf.
4. That to allow this project to continue, and for Council to enter into the agreement with SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions for the project, Council commits to the provision of an additional \$300,000 in the quarter three budget review process.
5. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative and the successful tenderer is a local company.

## **REPORT DETAIL**

### **1. Background**

The project is located at tenancies 4a and 8 of 199 Gympie Road, Strathpine, and tenancy 1a of 130 Gympie Road Strathpine. The project includes the fitout of offices for Community Services, Sport and Recreation section of Moreton Bay Regional Council (MBRC) at enancies 4a and 8 of 199 Gympie Road, Strathpine, and the fitout of the new Pine Rivers Art Gallery at tenancy 1a of 130 Gympie Road Strathpine.

The objective of the project is to provide new accommodation for the Pine Rivers Art Gallery, and accommodation for the Community Services and Recreation section of Council.

Construction on both sites is proposed to commence in December 2020 concurrently over a 12 week period to complete which includes allowances for wet weather and the Christmas break, the Pine Rivers Art Gallery site will be completed by 18 February 2021 and the Council office space is currently programmed to be completed by 4 March 2021.

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)



Figure 1 - Locality Plan

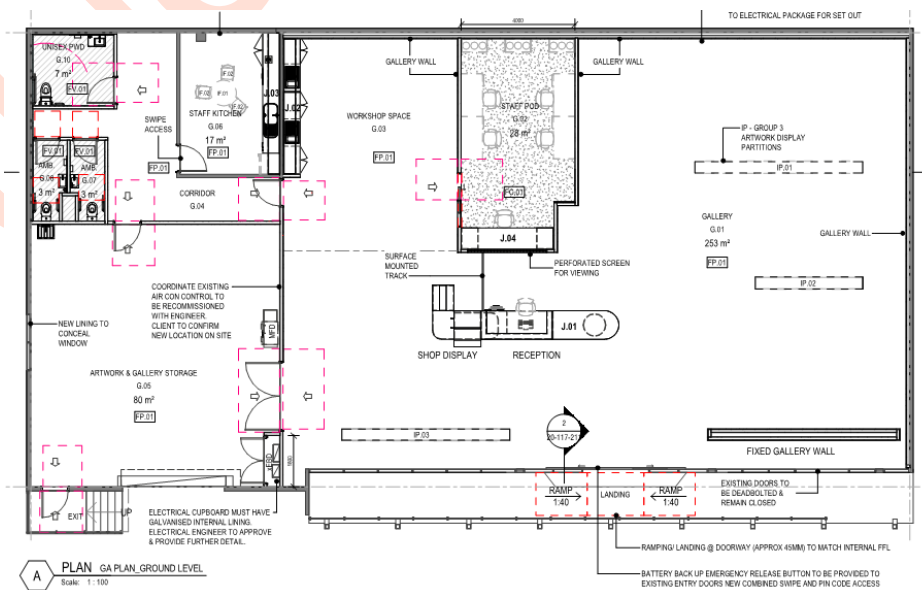


Figure 2 - Pine Rivers Art Gallery Layout - Tenancy 1a of 130 Gympie Road Strathpine



ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)



Figure 3 - MBRC Office Layout - Tenancies 4a & 8 of 199 Gympie Road, Strathpine

2. Explanation of Item

Tenders for the 'Strathpine - Strathpine Office Accommodation - Delivery Program (MBRC010343)' project closed on the 5 November 2020, with a total of ten tenders received of which nine were conforming and one was non-conforming.

The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE (PRE LP)	EVALUATION SCORE (POST LP)
1	SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions	94.45	109.45
2	Premis Solutions Pty Ltd	98.17	105.67
3	Renascent Queensland Pty Ltd	94.39	105.64
4	Focus Fitout Specialist Pty Ltd	91.48	98.98
5	Kane Constructions (QLD) Pty Ltd, trading as arete Australia	90.62	90.62
6	Future Fitouts Qld Pty Ltd	87.96	87.96
7	Prekaro Projects Pty Ltd	87.79	87.79
8	Better Build Constructions PTY LTD	84.95	84.95
9	Nairn Constructions Pty Ltd	77.19	77.19

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)

RANK	TENDERER	EVALUATION SCORE (PRE LP)	EVALUATION SCORE (POST LP)
10	Officeworks	Non-conforming	Non-conforming

**SPENCER CONSTRUCTIONS (QLD) PTY LTD, trading as Spencer Constructions ('SC')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience. A tender clarification meeting was held on 16 November 2020, at which SC demonstrated their relevant experience, methodology, understanding of the project and capability in delivering the project. SC provided examples of relevant project experience including The Sheds, Brendale (valued at \$2.2M), Edge Early Learning Childcare, Cordelia Street (valued at \$13.2M) and Edge Early Learning Childcare Centre (valued at \$3.2M).

The tender from SC was the second lowest priced offer and achieved the second highest evaluation score pre local preference application. The tender from SC achieved the highest evaluation score post local preference application. The evaluation panel recommends that the tender from SC represents the best overall value offer to Council.

**Premis Solutions Pty Ltd ('Premis')** - submitted a comprehensive and well-presented tender demonstrating relevant similar project experience and achieved the highest evaluation score pre local preference application, however, Premis achieved the second highest evaluation score post local preference and there were no additional benefits for the higher cost.

**Renasant Queensland Pty Ltd 'RQ')** - submitted a comprehensive and well-presented tender, however there were no additional benefits for the higher price.

The non-conforming tenderers did not submit the mandatory tender documentation (e.g. financial details or completed form of tender/bill of quantities)

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

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

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Strong local governance - a council connected with its community.

**3.3 Policy Implications**

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

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

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

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)

3.4 Risk Management Implications

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

*Financial Risks:*

A third-party review of financial status has been carried out and the recommended tenderer was rated 'strong'.

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the surrounding business and tenancies to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The project is not impacted by any Development Approvals.
- e. 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.
- f. At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- g. Dilapidation inspections will be conducted prior to works commencing on tenancy areas, adjacent tenancy and carparks areas to record the existing condition of assets and again after construction to record any change

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.1M, providing the expenditure has been provided for in Council's annual budget.

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

3.6 Financial Implications

Council has allocated a total of \$1,250,000 for this project in 20-21 FY Capital Projects Program. All financial information provided below is excluding GST.

Design 20/21	\$ 129,943.00
Tender Price (Construction)	\$ 1,332,125.90
Contingency (5%)	\$ 66,606.30
Qleave 0.575%	\$ 7,659.72
Consultants RFI during construction	\$ 10,000.00
	-----
Total Project Cost	\$ 1,546,334.92
	=====
Estimated ongoing operational/maintenance costs	\$ 9,500.00 per F/Y.

ITEM 3.8 TENDER - STRATHPINE OFFICE ACCOMMODATION - DELIVERY PROGRAM - A20844701 (Cont.)

The budget amount for this project is insufficient. For this project to continue, and to enable Council to enter into the agreement, Council commits to the provision of an additional \$300,000 in the quarter three budget review process.

3.7 Economic Benefit Implications

The completion of this project will provide a community facility to be used by the local community to host a diverse program of art exhibitions, large collaborative art events, beginner's art workshops and art masterclasses, and highlight emerging and mid-career artists, in the Pine Rivers Art Gallery.

3.8 Environmental Implications

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

3.9 Social Implications

The development of the Pine Rivers Art Gallery will provide modern, accessible and universal facilities that support community art for local Moreton Bay residents.

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued two weeks prior to the commencement of works and project signs displayed on site two weeks prior to construction. Weekly email updates will be provided to the Divisional Councillor and weekly updates with photographs will be provided about the project's progress on Council's website.

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**4 PLANNING SESSION**

**(Cr D Grimwade)**

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No items for consideration.

**ADJOURNMENT**

The meeting adjourned at 10.34am for morning tea.

The meeting resumed at 10.54am.

**ATTENDANCE**

Ms Robyn Moffat attended the meeting at 10.59am for discussion on Items 5.1 and 5.4.

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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

**(Cr M Gillam)**

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**ITEM 5.1**

**STATEMENT OF MANAGEMENT INTENT - FLYING FOX COLONIES**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20372770 : 25 October 2020 - **Refer Supporting Information A19599912**  
*Responsible Officer:* GM, Coordinator Environment & Conservation (CES Environmental Services)

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**Executive Summary**

Council has taken an active role in flying fox management since 2013 and implements a range of actions to mitigate the impact of flying fox colonies in urban areas.

Council's ongoing commitment to managing flying fox colonies will be communicated through the *Moreton Bay Regional Council Statement of Management Intent - Flying Fox Colonies (SoMI)* (refer Supporting Information #1).

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**RESOLUTION**

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Moved by Cr Matt Constance

Seconded by Cr Adam Hain

**CARRIED 13/0**

That the *Moreton Bay Regional Council Statement of Management Intent - Flying Fox Colonies* to guide the management of flying fox colonies throughout the Moreton Bay Region be endorsed.

ITEM 5.1 STATEMENT OF MANAGEMENT INTENT - FLYING FOX COLONIES - A20372770 (Cont.)

## OFFICER'S RECOMMENDATION

That the *Moreton Bay Regional Council Statement of Management Intent - Flying Fox Colonies* to guide the management of flying fox colonies throughout the Moreton Bay Region be endorsed.

## **REPORT DETAIL**

### **1. Background**

All flying fox species (Grey-headed, Black and Little red flying foxes) are protected under the State Government's *Nature Conservation Act 1992* (NCA). In addition, the Grey-headed flying fox is listed as Vulnerable under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC).

The NCA was amended in November 2013, giving Queensland local governments an *as of right* authority to manage flying foxes within designated Urban Flying Fox Management Areas without the need to apply for a Flying Fox Roost Management Permit (FFRMP), provided Council adheres to the Queensland Government's Code of Practice: Ecologically sustainable management of flying fox roosts.

The NCA does not compel local governments to manage flying foxes. However, in response to on-going community concerns, Council undertakes a range of management actions to mitigate the impact of flying fox colonies in urban areas. Council's approach to flying fox colony management includes:

#### *On public land:*

- Vegetation modification to create buffer zones between flying fox colonies and private property via trimming or removing weed trees and to reduce the availability of roosting habitat; and
- Education about the value of flying foxes to the region's ecosystem via Council's Environment Team, workshops and Council's environmental education centres.

#### *On private land:*

- Advice to residents and landowners regarding weed tree identification and associated environmental/overlay obligations for their property, and
- Assistance to residents and landowners to apply to the State Government for Flying Fox Roost Management Permits (FFRMP), for asset protection purposes. Residents with an approved FFRMP can undertake a variety of flying fox management actions on their properties.

### **2. Explanation of Item**

Flying fox colonies present significant challenges and can cause considerable angst within the community, particularly when in proximity to residential areas.

The SoMI articulates Council's approach to mitigate the impact of flying foxes regionally, balanced with legislative and conservation outcomes. It will be utilised to respond to community concerns regarding flying foxes and the implementation of management actions appropriate to each unique colony location.

The staged approach to flying fox colony management recognises that increasing management intervention increases costs, commitment and uncertainty. Council's current management approach does not include colony dispersal (e.g. use of light, smoke and noise to drive away flying foxes). This decision is based on direct experience with an unsuccessful dispersal of the Burpengary colony in 2013 and available research.

ITEM 5.1 STATEMENT OF MANAGEMENT INTENT - FLYING FOX COLONIES - A20372770 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council's management of flying fox colonies is carried out under the State Government's *Nature Conservation Act 1992* (NCA) and the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC). However, the legislation does not compel local governments to manage flying foxes.

#### 3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

#### 3.6 Financial Implications

Council's has an approved budget allocation to manage flying fox colonies, funds are utilised to implement management actions appropriate to each unique colony location

3.7 Economic Benefit Implications  Nil identified

#### 3.8 Environmental Implications

Flying foxes can travel up to 50km in a night foraging for food. Their fast digestive systems makes them critical long-distance pollinators for many native bushland trees, including eucalyptus species.

3.9 Social Implications  Nil identified

#### 3.10 Human Rights Implications

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

#### 3.11 Consultation / Communication

Mayor and Councillors  
Legal Services

**ITEM 5.2**  
**LEASE RENEWAL - GUIDES QUEENSLAND**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A20672441 : 12 October 2020 - **Refer Supporting Information A20672440**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the renewal of a trustee lease (lease) to Guides Queensland at Wahminda Park, 19 Baden Lane, Ferny Hills (Division 10) (refer Supporting Information #1). The proposed renewal includes a lease area amendment to incorporate an adjoining awning constructed by the group in 2018.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Guides Queensland be granted a lease over an area at 19 Baden Lane, Ferny Hills (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.



*ITEM 5.2 LEASE RENEWAL - GUIDES QUEENSLAND - A20672441 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Guides Queensland be granted a lease over an area at 19 Baden Lane, Ferny Hills (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

## **REPORT DETAIL**

### **1. Background**

Since 1999, Guides Queensland (the Organisation) has held a lease with Council over an area including a clubhouse at Wahminda Park, 19 Baden Lane, Ferny Hills (refer Supporting Information #1) for the purpose of operating Girl Guides activities. The lease expired 31 August 2020 with the Organisation continuing to occupy the site on holding over terms.

In 2018, the Organisation extended the building footprint of the clubhouse by constructing an awning directly adjoining the existing clubhouse (refer Supporting Information #1), however, this area of occupation was never formalised under a lease agreement.

In accordance with Council's Community Lease Renewals Policy Directive (2160-024), where the proposed renewal of a lease includes a lease area increase greater than 20% of the original lease area or 250m<sup>2</sup>, consideration by Council at a General Meeting is required.

### **2. Explanation of Item**

Guides Queensland has made application to Council seeking renewal of its lease at Wahminda Park, 19 Baden Lane, Ferny Hills under Council's Community Leasing Policy (2150-079). Following discussions with the Organisation regarding its requested lease renewal, the Organisation has confirmed its desire to be granted a lease over a revised area inclusive of the clubhouse and awning area. The inclusion of the awning area will see the Organisation's lease area increase by approximately 50m<sup>2</sup>, representing an increase of 35% in comparison to their existing lease.

In accordance with Council's Community Lease Renewals Policy Directive (2160-024), lease renewals incorporating a lease area increase of greater than 20% require approval by Council at a General Meeting. Accordingly, this report recommends that Council approves the granting of a new lease to Guides Queensland over the areas identified in Supporting Information #1 under the terms and conditions of Council's Community Leasing Policy (2150-079). Further, it is recommended that this lease be for a period of five years.

ITEM 5.2 LEASE RENEWAL - GUIDES QUEENSLAND - A20672441 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications  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 Guides Queensland will provide the Organisation with facilities to support its operations.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cr Constance - Division 10  
Relevant Council Departments  
Guides Queensland

**ITEM 5.3  
NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A20525736 : 6 November 2019 - **Refer Supporting Information A20525737**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

Council is currently constructing new tennis facilities at Harris Avenue Sports Complex (164 Young Road, Narangba - Division 11) which are due for completion in June 2021. Given the absence of an existing resident club to manage the new facilities, Council officers have been liaising with the Royal Queensland Lawn Tennis Association Limited (trading as Tennis Queensland) regarding the preferred management and tenure arrangements for the site.

Following consideration of the available options, it is recommended that Tennis Queensland be provided with a trustee lease (lease) over the soon to be constructed tennis clubhouse and courts, as well as a storage area within the existing amenities and storage facility (Refer Supporting Information #1) for an interim period of three years. During this period, Tennis Queensland will work closely with Council in the establishment of a resident tennis club to assume the future management of the facilities and the associated tenure.

The Board of Tennis Queensland have confirmed their support for this approach and their willingness to hold tenure over the facilities for this interim period.

**RESOLUTION**

Moved by Cr Darren Grimwade

Seconded by Cr Mark Booth

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Royal Queensland Lawn Tennis Association Ltd be granted a lease over an area at 164 Young Road, Narangba (refer Supporting Information #1) for a period of three years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

*ITEM 5.3 NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED - A20525736 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Royal Queensland Lawn Tennis Association Ltd be granted a lease over an area at 164 Young Road, Narangba (refer Supporting Information #1) for a period of three years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

## **REPORT DETAIL**

### **1. Background**

As part of the Narangba Sports Reserve Master Plan 2006 (now Harris Avenue Sports Complex), Council identified a need for new tennis facilities (consisting of a clubhouse and six tennis courts) and a shared use amenities and storage facility to support the operations of both the resident football club (Narangba Eagles Football Club) and a future tennis centre.

In early 2019, Council completed construction of the shared use amenities and storage facility and provided tenure over the relevant components to the football club. The next stage of the project, being the construction of the tennis courts, clubhouse and car parking, has now commenced, with works scheduled for completion in June 2021. Accordingly, the management and tenure arrangements for these tennis facilities now need to be determined.

Tennis facilities management is unique in comparison to many sporting facilities, in that the facilities typically have a resident club who engages the services of a tennis coach to undertake coaching services and manage the centre's day to day operations. Given that the Harris Avenue Sports Complex tennis facilities are a greenfield site, a resident club does not currently exist.

### **2. Explanation of Item**

Council officers have undertaken research in relation to the various contemporary management models utilised for tennis facilities. This research included consultation with Tennis Queensland, Tennis New South Wales, Tennis Victoria and eight local governments.

As a result of the research undertaken, the preferred long-term management and tenure model for the Harris Avenue Sports Complex tennis facilities would see a new resident tennis club established as the head-lessee for the facility, and a tennis coach appointed by the club for the delivery of coaching services and day to day operations management. However, given that a resident club does not currently exist, an interim management and tenure model is required.

Following consultation with Tennis Queensland (in their capacity as the State Sporting Organisation for tennis), it is proposed that Tennis Queensland assume the management and tenure responsibilities for the Harris Avenue Sports Complex tennis facilities for an interim period of three (3) years. Tennis Queensland would then, in consultation with Council, appoint a tennis coach to support the day to day operations of the centre.

During this interim period, Council officers would work with Tennis Queensland to establish a new incorporated tennis club and transition the tenure and management responsibilities to the new club at the conclusion of the three (3) year period, or earlier should the opportunity present.

ITEM 5.3 NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED - A20525736 (Cont.)

The proposed approach would utilise Tennis Queensland's resources and experience in establishing the centre's operations and enable the appointed coach to establish within the community. Further, it would allow the necessary time to identify skilled people to form an incorporated tennis club and build a club-coach relationship.

To implement the proposed interim tenure and management arrangements for the Harris Avenue Sports Complex tennis facilities, Council would be required to provide Tennis Queensland with:

- a three (3) year lease over the soon to be constructed tennis clubhouse and courts, as well as the designated storage area within the existing amenities and storage facility (refer Supporting Information #1); and
- a three (3) year shared-use permit over the amenities within the amenities and storage facility (refer Supporting Information #1).

The Board of Tennis Queensland has approved the holding of the above tenure arrangement with Council for a maximum period of three (3) years.

Accordingly, this report recommends that Council approves the granting of a new lease to Tennis Queensland over the areas identified in Supporting Information #1 under the terms and conditions of Council's Community Leasing Policy (No. 2150-079). Further, it is recommended that the term of this lease be for three (3) years, commencing at the completion of works associated with the construction of the new tennis facilities. Council approval is not required for the establishment of the proposed shared-use permit over the amenities due to the non-exclusive nature of this tenure.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

#### 3.4 Risk Management Implications Nil identified

#### 3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

#### 3.6 Financial Implications Nil identified

#### 3.7 Economic Benefit Implications Nil identified

#### 3.8 Environmental Implications Nil identified

ITEM 5.3 NEW LEASE - ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION LIMITED - A20525736 (Cont.)

3.9 Social Implications

The provision of a lease to Tennis Queensland will enable the implementation of an interim tenure model that will support the immediate activation of the tennis facilities at Harris Avenue Sport Complex post-construction, as well as support the future establishment of a community tennis club.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Tennis Queensland  
Councillor Grimwade (Division 11)

UNCONFIRMED

**ITEM 5.4**  
**STATEMENT OF MANAGEMENT INTENT - MOSQUITO MANAGEMENT**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20372732 : 16 November 2020 - **Refer Supporting Information A20733564**  
*Responsible Officer:* CD, Program Leader Pest Management (CES Environmental Services)

**Executive Summary**

As a coastal local government, Council has over 3,000 hectares of mosquito breeding sites across the region, which are affected by rainfall and/or high tides. These inundation events can trigger the hatching of significant numbers of mosquito larvae.

Council's Vector Control team mitigates the adverse impacts of mosquitoes through the implementation of an integrated mosquito management program, which utilises multiple techniques to address mosquito larvae and adult mosquitoes.

Council's ongoing commitment to managing mosquitoes will be articulated through the *Moreton Bay Regional Council Statement of Management Intent - Mosquito Management (SoMI)* (refer supporting information #1).

**RESOLUTION**

Moved by Cr Jodie Shipway  
Seconded by Cr Mark Booth

CARRIED 13/0

That the *Moreton Bay Regional Council Statement of Management Intent - Mosquito Management* to guide the management of mosquitoes throughout the Moreton Bay Region be endorsed.

ITEM 5.4 STATEMENT OF MANAGEMENT INTENT - MOSQUITO MANAGEMENT - A20372732 (Cont.)

## OFFICER'S RECOMMENDATION

That the *Moreton Bay Regional Council Statement of Management Intent - Mosquito Management* to guide the management of mosquitoes throughout the Moreton Bay Region be endorsed.

## **REPORT DETAIL**

### **1. Background**

There are over 350 species of mosquitoes present in Australia, however only about 15 species adversely impact residents. The mosquitoes most commonly found across the Moreton Bay region include the saltmarsh mosquito, the freshwater mosquito and the container breeding mosquito.

The *Public Health Act 2005* (the Act) provides local governments with the statutory support to undertake mosquito management activities in an effort to reduce mosquito-borne disease transmission and nuisance related to mosquitoes.

Council's mosquito management program is required to comply with the provisions of the *Environmental Protection Act 1994* (Section 319 - General environmental duty) and is undertaken in accordance with the Local Government Association of Queensland's Mosquito Management Code of Practice. As Council's mosquito management program is conducted across areas of significant environmental value, Council also maintains a Marine Park Permit (QS2018/CVL1497) for its mosquito management operations.

Council's mosquito management program utilises a number of techniques to manage mosquito larvae and adult mosquitoes, including biological control agents, chemical treatments, and habitat modification.

A Council briefing was conducted on 4 November 2020 for the purpose of sharing information and providing advice to Council on the matter. The CEO noted the way forward:

*'That a Council report be submitted for consideration of adoption of the Statement of Management Intent - Mosquito Management.'*

### **2. Explanation of Item**

Mosquitoes can spread a range of diseases that adversely impact human health. While advances in mosquito management programs has occurred in the last decade, is not possible to eradicate mosquito nuisance and there are no available vaccines for mosquito-borne diseases. The majority of complaints to Council are in regards biting nuisance and a loss of amenity rather than public health concerns.

The SoMI articulates Council's approach to managing the impact of mosquitoes regionally, with a focus on explaining the types of mosquitoes most commonly found throughout the region, Council's legislative requirements, treatment products and treatment limitations.

The treatment products used in Council's mosquito management program have been approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA) and target either the larvae or adult life stages of mosquitoes.

Mosquito management is not the sole responsibility of local governments. Under the *Public Health Act 2005* all landowners have a responsibility to ensure that accumulations of water on their properties do not become a breeding site for mosquitoes. The SoMI includes information regarding the range of measures that residents can implement to mitigate the impact of mosquitoes and ensure that their amenity and health is protected. While Council provides advice to residents regarding the management of mosquitoes on their property, it does not undertake targeted ground treatments for mosquitoes on private property.

The SoMI also includes information regarding biting midge. Midge are smaller in size than mosquitoes and develop in the mud around canals and tidal river systems. Midge are known to cause nuisance to residents at various times throughout the year however, unlike mosquitoes, they do not transmit human diseases.



ITEM 5.4 STATEMENT OF MANAGEMENT INTENT - MOSQUITO MANAGEMENT - A20372732 (Cont.)

At this time, there are no chemicals registered in Australia to control midge larvae that are safe and approved for use in marine parks and sensitive ecosystems. Information has been included in the SoMI outlining recommended strategies to reduce the nuisance caused by midge.

The development of this SoMI, and subsequent Council endorsement, provides the community with detailed information regarding mosquitoes found across the Moreton Bay region and Council's approach to mosquito management.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council's mosquito management program is undertaken in accordance with the *Environmental Protection Act 1994* and Marine Park Permit (QS2018/CVL1497).

All mosquito treatment products utilised in the program have been approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

#### 3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

#### 3.3 Policy Implications Nil identified

#### 3.4 Risk Management Implications Nil identified

#### 3.5 Delegated Authority Implications Nil identified

#### 3.6 Financial Implications

Council has an approved budget allocation to manage mosquitoes; funds are utilised to implement a range of management actions appropriate to each specific type of mosquito and its breeding habitat.

#### 3.7 Economic Benefit Implications Nil identified

#### 3.8 Environmental Implications

Mosquitoes are part of the natural ecosystem with mosquito larvae eating microscopic organic matter in the water, helping to recycle it. Mosquito larvae are also a valuable food source for fish and other species such as dragonflies.

#### 3.9 Social Implications

Mosquito and midge can cause nuisance and loss of amenity. Mosquitoes are also known to spread a range of diseases that adversely impact human health. To decrease the risk of disease transmission, local governments undertake mosquito management programs aimed at reducing the number of adult mosquitoes impacting residents.

#### 3.10 Human Rights Implications

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

#### 3.11 Consultation / Communication

Mayor and Councillors

## **ATTENDANCE**

Ms Robyn Moffat left the meeting at 11.15am after Item 5.4.

**ITEM 5.5 - DECLARATION OF INTEREST****Declarable Conflict of Interest - Cr Matt Constance**

Although not a legislatively required declaration pursuant to s150EQ of the *Local Government Act 2009*, Cr Matt Constance informed the meeting of a possible declarable conflict of interest in Item 5.5 as Cr Constance is a member of the Golden Valley Keperra Lions Club Inc (recommended lessee).

Cr Constance has considered his position and is firmly of the opinion that he could participate in any decisions relating to the Golden Valley Keperra Lions Club Inc including discussion, debate and voting on matters in the public interest.

**As part of an ensuing discussion, Council determined that Cr Constance was not required to declare a Conflict of Interest if the interest includes being a non-executive member of a non-profit organisation or club.**

Cr Constance concurred with Council's determination and withdrew the declaration.

**ITEM 5.5****NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A19527725 : 12 November 2020 - **Refer Supporting Information A19527724**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the provision of a lease to Golden Valley Keperra Lions Club Inc at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (Division 10) (refer Supporting Information #1). The proposed lease would take effect once the construction of a new community purpose facility is completed at the site.

**RESOLUTION**

**Moved by Cr Matt Constance**

**Seconded by Cr Darren Grimwade**

**CARRIED 13/0**

1. That the exception contained in Section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, the Golden Valley Keperra Lions Club Inc be granted a lease over an area at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (Refer Supporting Information #1) for a period of five years commencing at the completion of construction activities associated with the new community facility.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of the lease be subject to Golden Valley Keperra Lions Club Inc surrendering its existing lease at Harry Evans Park, 51 Dinterra Avenue, Ferny Hills (refer Supporting Information #2).
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 lease and any required variations of the lease on the Council's behalf, as described in this report.

*ITEM 5.5 NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC - A19527725 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the exception contained in Section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, the Golden Valley Keperra Lions Club Inc be granted a lease over an area at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (Refer Supporting Information #1) for a period of five years commencing at the completion of construction activities associated with the new community facility.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of the lease be subject to Golden Valley Keperra Lions Club Inc surrendering its existing lease at Harry Evans Park, 51 Dinterra Avenue, Ferny Hills (refer Supporting Information #2).
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 lease and any required variations of the lease on the Council's behalf, as described in this report.

## **REPORT DETAIL**

### **1. Background**

Since 1 December 2004, Golden Valley Keperra Lions Club Inc. (GVK Lions) has held a lease with Council over an area, including a clubhouse and storage sheds at Harry Evans Park, 51 Dinterra Avenue, Ferny Hills (refer Supporting Information #2) for the purpose of operating a Lions club. This lease is due to expire 30 November 2021.

The clubhouse is a former scout facility and consists of a downstairs storage and work area as well as a main meeting room upstairs accessible via an external staircase fitted with a chair lift. While the sheds are in good condition, it is considered that the club house would require significant funding to upgrade the facility to meet acceptable standards for a community use building.

Additionally, a review of the active transport network within the area identified a missing link between Ferny Hills and the Kedron Brook Bikeway. Accordingly, Council plans to construct a new shared pathway through Harry Evans Park (refer Supporting Information #3). This project is currently scheduled for construction in 2021/22, with preliminary works commencing 2020/21. The alignment of the new shared pathway has been identified as critically impacting on the GVK Lions' current tenancy at Harry Evans Park, both with respect to safe access to the facility and vehicle parking.

Separate to the above project, in late 2020 Council will commence the construction of a new community facility at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (refer Supporting Information #1). This building will provide a community hub suitable for use by multiple community user groups and will consist of:

- Two large multi-purpose meeting rooms, including a kitchenette, with a dividing operable wall to create one larger space;
- Two small meetings rooms;
- Separate amenities each servicing one large and one small meeting room;
- A coffee / servery area;
- Deck and verandah spaces providing breakout areas from internal meeting rooms, as well as a gathering point for cyclists and other active recreation site users; and
- Storage areas.

*ITEM 5.5 NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC - A19527725 (Cont.)*

Adjacent to the new community building exists a large storage shed (refer Supporting Information #1) which is currently utilised, in-part, by Wrestling Queensland Inc. (Wrestling Qld). Following construction of a new storage facility at James Drysdale Reserve (estimated completion September 2021), Wrestling Qld will relocate from the large storage shed, enabling the shed to be utilised as supporting storage for the new community facility. This large storage shed will also be subject to a minor upgrade to install a loading / service area as part of the community facility construction works.

The proposed tenure model for the new facility and adjacent large storage shed would see a head lease issued to a community organisation under the provisions of Council's Community Leasing Policy. This lessee would take on the responsibility of managing and activating the facility through hire for a variety of community and recreational programs and activities.

## **2. Explanation of Item**

Given that Council is about to commence work in preparation for the construction of a new shared pathway through Harry Evans Park, Council Officers have been in discussions with the GVK Lions in relation to potential construction impacts. From these discussions, it is evident that the project will significantly impact on the operations of the club, rendering the site unsuitable for their future occupation. Impacts include:

- access to the facilities during and post construction;
- club parking arrangements; and
- the high volume of pedestrian and cyclist traffic through the site and along the pathway.

Further to this, given the age of the clubhouse building (constructed 1976) and the extent of future upgrades required for it to meet desired and acceptable community use standards, officers consider that relocation of the GVK Lions to an alternate community facility would be the most beneficial option for both Council and the club.

In late 2020, Council will commence the construction of the above-mentioned new community facility located at James Drysdale Reserve. In accordance with the desired tenure model for this facility, Council will be required to identify an appropriate community organisation to take on the role of head lessee and manage both the building and large storage shed. With consideration to the future tenancy issues for GVK Lions at Harry Evans Park, officers have identified an opportunity for the club to assume the role of head lessee for the new community facility (once complete) and large storage shed, and relocate their operations from Harry Evans Park. Consultation undertaken with the GVK Lions has confirmed their in-principle support for this approach.

To enable this relocation, Council will need to provide the group with a lease over the area where the new facility is being constructed, along with the adjacent large storage shed (refer Supporting Information #1). Additionally, GVK Lions will be required to provide access over part of the storage shed to Wrestling Qld until Wrestling Qld's relocation to a new storage facility being constructed at James Drysdale Reserve (approximately September 2021).

Accordingly, this report recommends that Council approves the granting of a lease to Golden Valley Keperra Lions Club Inc, under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1. Further, it is recommended that the term of this lease be for a period of five (5) years commencing at the conclusion of the building's construction, and be subject to Golden Valley Keperra Lions Club Inc surrendering their existing lease (expiry 30 November 2021) over Harry Evans Park, 51 Dinterra Avenue, Ferny Hills.

ITEM 5.5 NEW LEASE - GOLDEN VALLEY KEPERRA LIONS CLUB INC - A19527725 (Cont.)

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

#### 3.4 Risk Management Implications Nil identified

#### 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 to execute the new lease.

#### 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 Golden Valley Keperra Lions Club Inc will provide the club with the facilities to support its operations for the benefit of the local community.

#### 3.10 Human Rights Implications

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

#### 3.11 Consultation / Communication

Councillor Matt Constance (Division 10)  
Golden Valley Keperra Lions Club Inc.  
Lions Club of Brisbane Bunya Inc.  
Wrestling Queensland Inc.  
Relevant Council stakeholders

**ITEM 5.6**  
**TELECOMMUNICATIONS LEASE - CLONTARF**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20740925 : 16 November 2020 - Refer **Confidential Supporting Information A20835743 and Supporting Information A19578853**  
*Responsible Officer:* AS, Manager Property Services (CES Property Services)

**Executive Summary**

This report seeks Council's approval for the provision of a lease to Axicom Pty Ltd for its existing telecommunications facility on the core terms outlined in the confidential attachment to this report (refer *Confidential Supporting Information #1*).

**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Sandra Ruck

CARRIED 13/0

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of the property referred to in this report.
2. That Axicom Pty Ltd be granted a new lease for the existing telecommunications facility located on part of 261 Duffield Road, Clontarf (being Lot 19 on SP231102) on the core terms outlined in the confidential attachment to this report (refer *Confidential Supporting Information #1*).
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.6 TELECOMMUNICATIONS LEASE - CLONTARF - A20740925 (Cont.)

## OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(c)(vi) of the *Local Government Regulation 2012* applies to the Council regarding the disposal of the property referred to in this report.
2. That Axicom Pty Ltd be granted a new lease for the existing telecommunications facility located on part of 261 Duffield Road, Clontarf (being Lot 19 on SP231102) on the core terms outlined in the confidential attachment to this report (*refer Confidential Supporting Information #1*).
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

## **REPORT DETAIL**

### **1. Background**

261 Duffield Road Clontarf (Lot 19 on SP231102) - Division 6 - is Council freehold land and is the location of the Redcliffe Waste Management Facility.

Axicom Pty Ltd hold two (2) adjoining leases over part of the Land, being Lease B in SP163019 (*refer Supporting Information #2*), and Lease T in SP307979 (*refer Supporting Information #3*). Both Lease B and Lease T expired on 13 September 2020.

Axicom Pty Ltd has requested a new lease which is proposed to incorporate part of the area currently held under Lease B and Lease T into one (1) new lease area, being Lease F, which has contracted slightly to the west (*refer Supporting Information #4*). The location of the existing lease areas (B&T) and the new lease area (F) is indicated in Supporting Information #5.

The proposed new lease terms have been negotiated and agreed by Axicom. The core commercial terms of the proposed new lease are outlined in the confidential attachment to this report (*refer Confidential Supporting Information #1*).

### **2. Explanation of Item**

A Council resolution is required to grant a new lease to Axicom (based on the core commercial terms outlined in Confidential Supporting Information #1) to comply with the *Local Government Act 2009* and the *Local Government Regulation 2012*. Section 236(1)(c)(vi) of the Regulation allows Council to dispose of a valuable non-current asset if the grant of a lease is for the purpose of a telecommunications tower. Council may only rely on that exception if, before granting a lease, it resolves that the exception applies.

An independent valuer has determined that the rental amount reflects a fair and reasonable market rate.

### **3. Strategic Implications**

- 3.1 Legislative / Legal Implications  Nil identified
- 3.2 Corporate Plan / Operational Plan  
Creating Opportunities: Digital literacy and commerce - a digital region.
- 3.3 Policy Implications  Nil identified
- 3.4 Risk Management Implications  Nil identified

ITEM 5.6 TELECOMMUNICATIONS LEASE - CLONTARF - A20740925 (Cont.)

3.5 Delegated Authority Implications

As per recommendation 3 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

Council will receive an annual rental income as per the core terms of the lease.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Legal Services

Director Community & Environmental Services



**ITEM 5.7**  
**COURT ELECTED INFRINGEMENTS**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20779673 : 4 November 2020  
*Responsible Officer:* SK, Manager Customer Response (CES Customer Response)

**Executive Summary**

The *State Penalties Enforcement Act 1999* allows for a person who has been issued with a penalty infringement notice to elect to have the matter of the offence decided in a Magistrates court instead of paying the infringement.

Council has received seven (7) Court Elect requests from members of the community who have received a penalty infringement notice that are considered appropriate to proceed with to the Magistrates Court. In order to progress to the Magistrates Court, a resolution of Council is sought authorising officers to proceed with these matters.

**RESOLUTION**

Moved by Cr Sandra Ruck

Seconded by Cr Matt Constance

CARRIED 13/0

That Council authorise the Chief Executive Officer to take all action necessary to progress the seven (7) Court Elect requests to the Magistrates Court for the matters to be heard.

ITEM 5.7 COURT ELECTED INFRINGEMENTS - A20779673 (Cont.)

**OFFICER'S RECOMMENDATION**

That Council authorise the Chief Executive Officer to take all action necessary to progress the seven (7) Court Elect requests to the Magistrates Court for the matters to be heard.

**REPORT DETAIL**

**1. Background**

Council's Local Laws provide a legal and procedural framework for their administration, implementation and enforcement.

The purpose of the Local Laws is to:

- maintain community expectations and standards
- protect the environment, public health and safety and
- maintain the amenity of the community through the administration and regulation of activities such as:
  - prescribed activities (local law approvals)
  - prohibited and restricted activities
  - the keeping of animals
  - the regulation of parking.

Council officers are authorised by the Chief Executive Officer, in accordance with their delegations, to issue Penalty Infringement Notices for offences that relate to Council's Local Laws and State legislation which includes but is not limited to:

- *Local Government Act 2009*
- *Animal Management (Cats and Dogs) Act 2008*
- *Transport Operations (Road Use Management) Act 1995 (TORUM)*
- *Transport Operations (Road Use Management-Road Rules) Regulation 2009*
- *Environmental Protection Act 1994*
- *Public Health Act 2005*
- *Waste Reduction and Recycling Act 2011*

When a Penalty Infringement Notice is issued to a person for an offence, the *State Penalties Enforcement Act 1999* states that the alleged offender must, within 28 days after the date of the infringement notice, elect one of the following options:

- (a) court.
- (b) pay the fine in full; or
- (c) pay the fine in instalments (penalty amounts over \$200); or
- (d) make an election to the administering authority to have the matter of the offence decided in a Magistrates

In addition to the abovementioned options, Council provides the alleged offender with the opportunity to request a review of the issuing of the penalty infringement notice. Whilst there is no legislative requirement for this review, Council will undertake a review of the facts and circumstances relating to the infringement notice issue and consider any reasonable or compassionate grounds offered by the alleged offender. A review decision is provided to the requestor in writing.

If an alleged offender elects to have the matter heard and determined by a Magistrates Court, officers conduct the same review process to ensure that the infringement notice has been correctly and lawfully issued before progressing the matter to the Magistrates Court.

ITEM 5.7 COURT ELECTED INFRINGEMENTS - A20779673 (Cont.)

In order to progress to the Magistrates Court, the action to proceed must occur within 1 year of the Penalty Infringement Notice issue date.

A Council briefing was conducted on 4 November 2020 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

*That a Council report be submitted to the General Meeting for consideration of authorisation for officers to progress Court Elect requests.*

**2. Explanation of Item**

Council has received seven (7) requests from community members who were issued with a penalty infringement notice and who have elected for the matter to be heard by Magistrates Court instead of paying the infringement that are considered appropriate to proceed with to the Magistrates Court.

The infringements have been reviewed and assessed to ensure the penalty infringement notice has been correctly and lawfully issued in preparation for progressing to court. Officers propose to proceed with the seven (7) requests to the Magistrates Court.

The table below outlines the offences for which the alleged offenders have elected to proceed to court.

**Table 1 - Court elect infringements**

Infringement number	Offence	Date	Infringement amount
Animal 214505	Animal wandering at large	14/05/2020	\$266.00
Animal 214521	Fail to maintain proper enclosure to prevent wander / escape	27/06/2020	\$266.00
Animal 220847	Allow animal to cause nuisance	13/08/2020	\$266.00
Parking 144502	Stop on path or nature strip	7/08/2020	\$ 93.00
Parking 144506	Stop on path or nature strip	11/08/2020	\$ 93.00
Parking 144330	Stop on path or nature strip	19/08/2020	\$ 93.00
Parking 136642	Stop on path or nature strip	24/08/2020	\$ 93.00

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The *State Penalties Enforcement Act 1999* provides the option for a person to elect to have the matter of the offence decided in a Magistrates court instead of paying the infringement.

ITEM 5.7 COURT ELECTED INFRINGEMENTS - A20779673 (Cont.)

- 3.2 Corporate Plan / Operational Plan  
Strengthening Communities: Strong local governance - strong leadership and governance.
- 3.3 Policy Implications  Nil identified
- 3.4 Risk Management Implications  
Progressing Court Elect requests through to the Magistrates Court will mitigate potential risks and ensure Council:
- builds reputation and community perception of equity, consistency and transparency when handling infringements
  - enhances voluntary compliance by the community and confidence in Council's education and enforcement activities
  - provides fairness to other members of the community who pay their infringements.
- 3.5 Delegated Authority Implications  Nil identified
- 3.6 Financial Implications  Nil identified
- 3.7 Economic Benefit Implications  Nil identified
- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  
Council's commitment to transparent and effective decision making in the public interest continues to build positive reputational benefits of fairness and equity within the community.
- 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 the following human right could be relevant to Council's decision: a person must not be tried or punished more than once for an offence in relation to which the person has already been convicted or acquitted. Officers consider that Council's decision in this circumstance will be compatible with this Human Right because none of the persons who have elected to have their matter heard in the Magistrates Court have previously been convicted or acquitted of an offence in relation to those same matters.
- 3.11 Consultation / Communication  
Legal Services  
Council briefing - 4 November

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## 6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

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

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**ITEM 13.1  
PLANNING SCHEME AMENDMENTS - STUDENT ACCOMMODATION BUILDINGS  
(DS)**

Cr Denise Sims (Deputy Mayor) referred to the large student accommodation building located in Kallangur which was the subject of significant community concern in regard to density, lack of internal living areas, outdoor space allotted (including lack of verandahs), as well as parking rates and overflow of parking in surrounding streets most likely to occur due to distance to public transport.

Cr Sims' requested that these concerns be addressed when considering a proposed planning scheme amendment.

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**RESOLUTION**

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**Moved by Cr Denise Sims (Deputy Mayor)**

**Seconded by Cr Mick Gillam**

**CARRIED 13/0**

**That the Chief Executive Officer ensure the issues of car parking requirements and design quality being addressed by Council planning officers in a proposed planning scheme amendment in relation to Next Generation and Secondary Dwellings, also deal with student accommodation buildings.**

**ITEM 13.2  
WASTE COLLECTION CONTRACTOR - INDUSTRIAL DISPUTE**

The Chief Executive Officer, Greg Chemello referred to the current industrial dispute by Council's Waste Collection contractor, Cleanaway.

The CEO advised that Council was enforcing the provisions of its contract with Cleanaway, and reiterated that the dispute is between Cleanaway and its employees. The CEO further advised that residents must report the non-collection of waste bins to ensure that arrangements are made with Cleanaway to collect those bins as soon as possible.

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**14. CLOSED SESSION**

*(s254J of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

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**14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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No items for consideration.

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**14b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

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**15. CLOSURE**

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There being no further business the Chairperson closed the meeting at 11.31am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/1961 to 20/2036 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 25 November 2020.

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Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 9 December 2020.

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Greg Chemello  
Chief Executive Officer

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Councillor Peter Flannery  
Mayor